

TOWN BOARD MEETING

NOV. 14TH, 1947

Town Clerk's Office

3:00 P.M.

Present: Mr. Schmersahl

Mr. McIntyre

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Welchman moved that Dr. Gilchrest be authorized to have a History of World War II printed at a cost not to exceed \$400.00.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Welchman moved that the reading of the minutes be dispensed with.

Seconded by Mr. Eberling

Carried

Miss Ward of Congers then appeared before the Board and stated that there are no signs on Mass. Ave. to control the cars driving on this road. She told the Board that as a matter of fact last evening a car crashed into the woods and had to be towed away. She said that they are only one block from 9-W and that since Halloween there is no sign there, and the cars drive in the road.

The Board requested Chief Liebert to have a sign put on Mass. Ave. to indicate that it is a dead end road.

Mr. and Mrs. Rossi then appeared before the Board regarding the ditch on their property on College Ave., Nanuet. Mr. Rossi stated that the sewerage condition has now been cleared up, and he wanted to know when the ditch would be moved. He said he wanted to know what the Town intended to do before they go into court.

Mr. Trachtenberg, Town Attorney, then told Mr. Rossi that he didn't think the Town could do anything until Mr. Partridge, their attorney, got in touch with him, since an action is now pending against Mr. Klein, Supt.

of Highways in the courts for trespassing. Mr. Trachtenberg stated that their attorney said if they got an injunction, they would drop the case against the Town. They got an injunction against Mr. McGill, but the case is still pending against Mr. Klein. Mr. Trachtenberg further added that he even assisted Mr. Partridge in getting the injunction.

In commenting on this matter, Mr. Dillon told Mr. Rossi that the first part of the action in the courts was an injunction to get the sewerage cleaned up, and the second was against Mr. Klein for trespassing on their property. He advised Mr. Rossi to get in touch with his attorney, Mr. Partridge and have him communicate with Mr. Trachtenberg. He further added that the Board might prejudice their rights in the case that is pending if they were to take any action now.

Mr. Welchman moved that the Board adjourn and go into Board of Health Meeting.

Seconded by Mr. Schmersahl

Carried

After discussing matters pertaining to health in Board of Health Meeting, on motion of Mr. Schmersahl, seconded by Mr. Eberling the Board reconvened into regular Town Board meeting.

In reporting on the Hantmann case, Mr. Trachtenberg stated that this case is on the official referee's calendar, and that he is anxious to push it.

With regard to the roads in Oakbrook, Mr. Dillon told the Board that he has an appointment with Mr. Trachtenberg, the committee and the owner of the water plant to see if he will go along with them.

Mr. Welchman then told the Board that he has heard a rumor that the owner will continue the service, but that the people will have to pay an additional \$50.00 per year.

In regard to the proposed bus shelter, Mr. Dillon asked Chief Liebert for his report.

Chief Liebert then told the Board that the fire company in Nanuet is against the busses being on the side street in case of fire. He said that the general public does not approve of it, and he as Chief does not approve of it, as he feels it would create a traffic hazard with the local busses on the side street and the other busses on the Main St.

Mr. Schmersahl moved that the petition of Luroy Rhodes to change the present stop in Nanuet from Main Street and Prospect Ave. to the corner of Main Street and Orchard St. be denied.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon then told Mr. Rhodes that it was the feeling of the Board that the change in the bus stop be denied at this time. He further added that the Board feels a shelter is a good thing, but that the spot is a bad one. It is not a question of personalities.

Mr. Rhodes then asked the Board to adopt an Ordinance to eliminate the soliciting of passengers at the present bus stop.

Mr. Dillon then requested Mr. Trachtenberg to check the local ordinance in Haverstraw and report back at the next meeting.

Mr. Rhodes then filed a petition signed by eighteen people requesting that their names be removed from the Morris petition and added to the Rhodes petition.

Mr. Dillon then informed the Board that under a section of the Town Law there is a vacancy in the office of Justice of Peace, as Mr. Roepe's term expired on Election Day, and Mr. Doig's term does not begin until January 1st.

Mr. Welchman then stated that he felt there should be two acting Justices in Clarkstown since it is one of the biggest towns in the state, and further that since the people had voted to elect Mr. Doig, thus expressing their preference, that he would like to nominate him.

Mr. Welchman moved that Stephen G. Doig, Jr. be appointed to fill the vacancy created by the expiration of the term of office of Edward G. Roepe, said appointment to terminate on Dec. 31st, 1947.

Seconded by Mr. McIntyre

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved that Emil Klein, Supt. of Highways, be authorized to fix the piece of road between the railroad tracks at Nanuet Station.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon read a letter from Samuel Kushner complaining of a water condition which affects his property on Highview Ave., Nanuet.

Mr. Klein, Supt. of Highways, then reported that he has investigated this complaint and that the ditch on the Kushner property is still blocked up. As far as he is concerned, Mr. Klein stated there is no surface water running on Mr. Kushner's property. Mr. Klein recommended that Mr. Kushner reopen the ditch which he closed up, and this will take care of the surface water.

Mr. Dillon then read a notice from the Interstate Commerce Commission advising the extension of bus service on Queen Anne Road and Grand Avenue in Bergenfield, N.J.

Mr. Dillon then read a letter from the State Traffic Commission in which they advise that signs limiting the parking on Route 30 $\frac{1}{4}$, Main St., New City, will be erected at an early date. They also advise that since Clarkstown is a first class town, they have no control of parking on Congers Rd., a County Road, and Demarest Ave., a Town Highway. In regard to these two roads, Mr. Dillon told the Board that the County Supt. of Highways will put up the necessary signs on Congers Road, and the Town Supt. of Highways will take care of Demarest Ave.

Mr. Dillon then read a letter from the State Traffic Commission, advising that they are investigating the necessity for a bus stop in Nanuet, and will advise the Board as to the decision they reach.

Mr. Dillon read a letter from the Central Nyack Welfare Association in which they request that a stop sign be placed on First St. in Central Nyack, which will require cars driving onto Mountain View Ave. from First St. to come to a stop.

The Board requested Chief Liebert to investigate the complaint and to have the necessary stop sign installed on First Street. The Town Clerk was requested to notify Mr. DeFlaun of the Board's action.

Mr. Dillon read a letter from Fred C. Schiebelhuth declining his office of Custodian for Election Dist. #9, Centenary, and recommending the appointment of Charles Lenhart.

Mr. Welchman moved that Charles Lenhart be appointed Custodian of Voting Booths for Election Dist. #9, Centenary.

Seconded by Mr. McIntyre

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved that the resolution adopted on September 19th, 1947 authorizing the Supt. of Highways to purchase a 3-4 ton dump truck, Model H.R. at a price of \$8,388.00 be rescinded.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Superintendent of Highways did on the 19th day of September, 1947, duly recommend the purchase of certain machinery and equipment pursuant to the provisions of Section 142 of the Highway Law, and a notice of such recommendation has been duly published as provided in such action,

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 142 of the Highway Law the Town Superintendent of Highways is hereby authorized to purchase from JOHN J. KING of Monroe, N.Y. with the approval of the County Superintendent of Highways:

1 - F.W.D. Model "HR" truck more specifically described as follows:-

- Flares, reflectors, directional signals, marker lights,
- pintle hook,
- spotlight,
- heater with defroster tubes,
- headlamp brackets on cab,
- flasher light,

ABH 103

3 cu.yd. steel dump body,
hydraulic hoist,
body and hoist mounting,
freight, painting, lettering
delivery preparation,

Frink Model 25 SB one-way blade type snow plow with 10' right hand wing and double wing brace hoist, full power hydraulic operation, mounted on above chassis.

for a total price of \$8,388.75 Dollars, delivered at New City, N.Y. and to be delivered on or about December 15th, 1947.

The terms of payment will be as follows:-

Check drawn on Machinery Fund	\$4,000. on Delivery
Check drawn on Machinery Fund	<u>4,388.75</u> on Jan. 31, 1948
TOTAL	\$8,388.75

A contract of purchase for the items purchased shall be duly executed between the Town Superintendent of Highways and such vendor, and when duly approved by the County Superintendent of Highways, it shall become effective. When such contract has been duly executed and approved, the Supervisor is authorized to complete such purchase upon delivery of the items purchased in accordance with the terms of such resolution and such contract, and to pay the above amounts specified to be paid by check or checks.

(1) By a check drawn on the Machinery Fund (Item#3) for \$4,000.00 on delivery and \$4,388.75 on January 31st, 1948.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon then told the Board that the resolution adopted at the Oct. 10th meeting permitting the police department to come under the provisions of 68-b of the Civil Service Law was not complete, and that the proper form of resolution recommended by the State would have to be adopted.

Mr. Schmersahl moved that the resolution adopted Oct. 10th, 1947 to permit the police department to come under Section 68-b of the Civil Service Law be rescinded.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Town of Clarkstown hereby agrees to pay on account of any member of its police department who has duly elected, or shall hereafter duly elect, to contribute the additional amount required for the purpose of retiring after twenty-five years of service as provided by Subdivision 1 of Section 68-b of the Civil Service Law, or any subsequent amendments thereto, the entire additional cost on account of the police service rendered by such officer or member of the police department prior to the date of the adoption of this resolution, and further agrees to pay one-half of the additional cost on account of police service rendered by such officer or member of the police department after the date of the adoption of this resolution.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Donald Seeley, a representative of Addressograph, then presented to the Board a contract for the purchase of an addressograph to be used for tax purposes.

The Board then referred the contract to the Town Attorney for checking before taking final action.

Mr. Dillon then read a letter from the Dept. of Agriculture and Markets, advising that due to a change in the law the dog census must be taken in December of each year, and that therefore the Dog Enumerator should be appointed at the November meeting. In the letter, it was brought out that since the census lists are sometimes used as the basis of a court action, they should be accurate, and that the list should be taken in December and a copy given to the Clerk immediately.

In commenting on this matter, Mr. Dillon told the Board that it had been brought to his attention that in the past the dog census has not always been accurate, thus causing embarrassment to the Justices and the Town Clerk, and further that it is not filed on time.

When asked about this matter, Miss Martling told the Board that there were some instances last year where people were summoned into court who did not own a dog although they were listed, and this was embarrassing. Also, for the past two years, the dog list was not filed in the Town Clerk's office until May, although the law required that the Town Clerk submit a list of Delinquent Dog Owners in February.

Mr. Welchman moved that Charles Draudt be appointed Dog Enumerator for a period of one year.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

The Town Board then instructed Miss Martling to speak to Mr. Draudt and request him to make every effort to see that the list is an accurate one and that it is filed earlier next year.

Mr. Dillon then presented a petition, signed by 36 residents of Congers, petitioning the Town Board to seek to have the Nyack-Haverstraw bus run a bus in the morning in time to take their children to the Congers School and one in the afternoon to take their children home from school.

The Board then requested the Town Clerk to advise the bus company of the filing of the above petition and to ask what action they can take to comply with the request for additional bus service.

Mr. Dillon presented an application from Beckerle & Wright, Inc. for a permit under Section 149 of the Highway Law to install a water main on Greenbush Rd. The Board approved the application.

Mr. Dillon then presented the reports of the following Town officials:-

Supervisor's Report and Trial Balance
 Town Clerk's Report
 Report of Chief of Police
 Welfare Officer's Report
 Veterans Welfare Officer's Report
 Building Inspector's Report

Mr. Dillon then told the Board that the Building Inspector has been taking the fee before he issues a permit, and in many cases, the application is never returned. He further told the Board that the law requires that he is not to take the money until the permit is issued. Mr. Dillon suggested that the report be rejected and returned to the Building Inspector, with the request that he submit a new check.

Mr. Welchman moved that the Building Inspector's report be returned to him, and that he be requested to submit a corrected report and make a proper remittance.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon then presented a report from the Dept. of Audit and Control advising that Justices fines and fees for the three month period ending Sept. 30th, 1947 amounted to \$2,017.50.

Mr. Dillon then told the Board that the classification of the area in which the property recently purchased for a Town Hall is located should be changed from a Residence to a Business area. The matter was referred to the Town Attorney for checking.

Mr. Welchman moved that the reports of the various Town officers be approved and accepted.

Seconded by Mr. Eberling

Carried

Mr. Welchman suggested that the Supt. of Highways erect two speed signs in Valley Cottage on Kings Highway. The matter was referred to Mr. Klein for his attention.

The Board decided to meet with the Zoning Board of Appeals early in December.

Chief Liebert then told the Board that he would like permission to have his police headquarters painted, and he said that he had already obtained bids.

Mr. Schmersahl moved that the Chief of Police be authorized to get his police headquarters painted, the amount not to exceed \$145.00.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Bills Nos. 822 to 1014 on Warrant #11 amounting to \$11,762.37 were audited and ordered paid.

Mr. Eberling moved the meeting be adjourned.

Seconded by Mr. Schmersahl Carried

Meeting adjourned.

Cora M. Martling
Town Clerk of Clarkstown