

TOWN BOARD MEETING

March 12, 1948

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

Richard Cordwell and Robert Knapp appeared on behalf of the New City Business Mens Assoc. to request that the Board put some teeth in the law, so that people will not dump garbage along the highways of the Town. Mr. Knapp, who acted as spokesman, told the Board that bags of garbage have been found along South Mt. Rd., Zukor Rd. and between New City and Congers. He recommended that the fines for dumping garbage on public highways be increased to a minimum of \$100.00 for the first offense or 100 days in jail, or both. For the second offense, he recommended a fine of \$250.00 or 250 days in jail, or both. He recommended that a bounty, similar to the one paid by the Town of Ramapo, be paid to anyone who leads to the conviction of any person dumping garbage along the roads or on private property. He recommended the amount of the bounty be set at \$50.00. Mr. Knapp further told the Board that Chief Liebert has been consulted about this matter, and he feels it would be a good idea to raise the fines and give a bounty in order to stop the dumping of garbage in the township.

Mr. Dillon then told the Board that there has been some garbage dumped in West Nyack also, and in some places people didn't even put it in bags. He told Mr. Knapp that the Board would refer the matter to the Town Attorney, and that the law would be checked to see if the penalties can be raised.

Mr. Dillon then read a letter from the Planning Board advising that before they can study and investigate the request to take over and maintain DeSimone Road as a Town road, they require additional information. They ask that a survey and map be presented, and that the petitioners be advised of requirements and specifications for future town roads.

The Board then requested the Town Clerk to send a copy of the resolution setting forth the minimum requirements for town roads and a copy of the Planning Board's letter to each of the petitioners.

Mr. Roope, Town Attorney then reported that the Town Board would have to hold another Public Hearing on the proposed amendment to the Zoning Ordinance which would require that the frontage of lots in Residence A be not less than 100 feet and that the total square area of any lot be not less than 15,000 square feet. He stated that even though this section was set up for Public Hearing, and the Public Hearing was duly held, this Board has no power to pass the section without a new hearing.

Mr. Eberling moved the following resolution:-

WHEREAS, the Zoning Board of Appeals in the Town of Clarkstown, has requested that the Building Zone Ordinance under said Town be amended to add a new section to be known as Section 12-A, as follows:

SECTION 12-A

The frontage of any lot in a "Residence A" use district shall not be less than 100 feet and the total square foot area of any lot in said district shall be not less than 15,000 square feet,

BE IT RESOLVED, that a public hearing pursuant to Sections 265 and 264 of the Town Law be had at the Office of the Town Clerk, Main Street, New City, New York, on the 9th day of April, 1948 at 8:00 P.M. relative to such proposed amendment, and it is,

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be posted and shall be published in the Journal-News at Nyack, New York, in the manner provided by law, and it is,

FURTHER RESOLVED, that the Town Attorney prepare notices of such statutory hearing and that the Town Clerk cause the same to be posted and published as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Schmersahl

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Schmersahl moved the meeting be adjourned to go into Board of Health Meeting.

Seconded by Mr. Eberling

Carried

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

Mr. Roope then presented to the Town Board a judgment and bill of costs in the amount of \$133.80 in connection with the certiorari proceedings of the

Village of Spring Valley against the Town of Clarkstown.

The Town Board directed the Town Clerk to file the papers.

Mr. Roope then informed the Board that he had checked the Congers Lighting District to see if Mr. Boecher, who requested the three street lights on Old Hav. Rd. was in the district. He told the Board that if he is on the east side of the road, he is in the district, but the west side is not within the district.

The Board then checked the matter and learned that Mr. Boecher, being on the east side of Old Hav. Rd., is in the Congers Lighting Dist. and that the lights could be installed.

Mr. Welchman moved the following resolution:-

RESOLVED, that the Rockland Light & Power Company be authorized to install 3 street lights on the East side of Old Haverstraw Road, Congers, to include pole No. 364.

Secended by Mr. Fibble

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon then presented a letter from Mrs. Mildred Wilson, requesting a street light on Rockland Ave., Congers.

Mr. Fibble moved the following resolution:-

RESOLVED, that 1 street light be installed on pole No. 3 on Rockland Ave., Congers, and

FURTHER RESOLVED, that the Rockland Light & Power Co. be authorized to make the necessary installation.

Secended by Mr. Welchman

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

In regard to the Town Board charging a fee for a change in the Zoning Ordinance, Mr. Roope told the Board he had checked the law, but had not been able to find anything definite. He asked for further time to check it.

Mr. Dillon then presented a petition to create a water protection district in West Nyack.

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When consulted on this matter, Mr. Reepe reported that the petition was insufficient and would have to be redrawn before action can be taken.

Mr. Dillon told the Board that Central Nyack had been trying to get a hydrant for a number of years, and that when the hydrant was provided there was no question of insurance. However, one of the home owners secured an insurance reduction, and now all the rest want the same. The Fire Underwriters will not recognize one hydrant, and cannot understand how the one rate reduction got through. However, if a hydrant is placed on Old 59, they will accept it and reduce the rates in the surrounding area.

Mr. Eberling moved the following resolution:-

RESOLVED, that the Supervisor be authorized to enter into a contract for another hydrant on Old 59 in Central Nyack.

Seconded by Mr. Schmersahl

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon reported to the Board that he received a complaint from Mr. Groeschel of Valley Cottage that water was coming down Storms Road.

The matter was referred to Mr. Klein for investigation and report at the next meeting.

Chief Liebert then submitted three bids for a new police car as follows:-

Mercury	\$456.75
Chevrolet Stylemaster	450.00
Ford	440.00

The above include trade in allowance on the 1946 Chevrolet Police car. Chief Liebert told the Board that he felt the Mercury was the best offer, and that he would recommend its purchase.

Mr. Eberling moved that Chief Liebert be authorized to purchase a 1948 Mercury at a cost of \$456.75.

Seconded by Mr. Fibble

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Chief Liebert then presented to the Board a copy of the taxi cab ordinance now effective in Spring Valley. Chief Liebert told the Board that he has had

considerable trouble with the taxi drivers, and that he has arrested one and the case is now pending. He said it is a sad state of affairs, as he expects to have 30 taxi drivers by April 1st.

The matter was referred to Mr. Roope, with the request that he check the law and report back at the next meeting.

Mr. Dillon reported that he attended the Public Hearing at the Court House on the increase in the gas rates, and that while the Gas Company submitted some proof as to why they raised the rates, there were very few people present to protest the increase. All of the towns, he said, had representation present and most of the villages. The hearing was adjourned until April 8th at New York City.

Mr. Roope reported that he filed his brief on March 2nd on the Hantmann case, but that he received no brief from Mr. Dempsey. The 9th of March came, which was the final day for filing briefs, and nothing was submitted by Mr. Dempsey. Mr. Roope stated that he contacted Judge Young and reported that he had not received a brief. He said that he had nothing further to report.

Mr. Welchman then reported on the Association of Towns Convention. He said that there was a fair division as to those for and against the 4-year term, but that a resolution was adopted to take no action on the recommendation of the resolutions committee. He said that they plan to raise the annual membership fee, and there is a possibility they may change the place for the convention next year to Syracuse instead of Albany.

Mr. Dillon then read letters from Assemblyman Walmsley, Senator Desmond and Seth Cole, acknowledging receipt of the resolution adopted by the Town Board regarding firemanic legislation.

Mr. Dillon read a letter from N. F. Renan, County Asst. Engineer, acknowledging resolution adopted by the Board regarding the repair of Route 304 in Nanuet, resurfacing 303 and the sanding of icy roads.

In connection with Route 303, Mr. Dillon read a letter from J.S. Bixby, Dist. Engineer, in which he stated that Route 303 has been placed on the State's schedule for resurfacing, but whether or not this can be accomplished this year will depend on pavement conditions in general and the amount of money appropriated by the Legislature for resurfacing.

Mr. Dillon read a letter from the Civil Service Commission, advising that the date of the Examination for Town Welfare Officer has been set for April 17th, 1948.

Mr. Dillon read a letter from the State Insurance Fund, advising that a recent inspection of town operations, indicates that in addition to the classifications shown on the policy, the town is also engaged in park

maintenance work, and that a manual rate of \$2.98 per \$100. will be charged for this type of work.

The Town Clerk was requested to write and ask for more information regarding this new classification.

Mr. Dillon then read a letter from E. C. DeFlaun, Sec. of Central Nyack Welfare Association, regarding the bad bus service between Nyack & Suffern and Nyack & Camp Shanks.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Town Board recommends to the Central Nyack Welfare Association that they contact the Public Service Commission if bus schedules are not properly kept.

Seconded by Mr. Welchman

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved the following resolution:-

RESOLVED, that Olaf T. Keyser, Chairman of the Board of Assessors, be authorized to award the bid for two Tax Assessment Books and three Field Books to Excelsior Press at a cost of \$783.00.

Seconded by Mr. Schmersahl

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon read a letter from George R. Murdock, Building Inspector, in which he asked if it was necessary that he bonded since he handled Town funds.

The matter was referred to Mr. Reepe, Town Attorney, for checking.

Mr. Dillon then read a letter from W. Reginald Herdman, Chairman of the Board of Appeals, advising that they will be glad to meet in joint session with the Town Board on April 12th, 1948 at 8:00 P.M.

The Town Board all were agreeable to meet on this date, and the Town Clerk was requested to advise the Councilman of the day and time.

Mr. Schmersahl moved the following resolution:

ABH 103

RESOLVED, that the Supervisor be authorized to pay a tax refund of \$22.36 to the New York Telephone Company for taxes erroneously assessed.

Seconded by Mr. Fibble

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon presented the reports of the following town officials for the month of February, 1948.

Supervisor's Report and Trial Bal. for Jan. 1948
 Town Clerk's Report
 Building Inspector's Report
 Police Report
 Welfare Officer's Report
 Veterans Welfare Officer's Report

Mr. Eberling moved the reports be approved and accepted.

Seconded by Mr. Schmersahl Carried

Mr. Dillon presented a letter regarding a certificate of voucher for the use of the Welfare Officer. The matter was referred to the Town Attorney for checking.

Mr. Reepe advised the Board that he had checked the law regarding the bonding of the Building Inspector, and that in his opinion it is optional with the Board whether the Building Inspector is bonded or not.

Mr. Eberling moved the following resolution:-

RESOLVED, that the Town Building Inspector be bonded in the amount of \$500.00.

Seconded by Mr. Welchman

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved that the Supervisor be authorized to transfer \$871.00 from Current Surplus account, General Fund, to Employees Retirement Fund account, General Fund.

Seconded by Mr. Schmersahl

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillen	Yes

Mr. Dillen presented a new petition from Albert and Clara Lamborn, requesting that their property in Congers be changed from Res. A. to Bus. B. Dist.

Mr. Welchman moved the following resolution:-

WHEREAS, ALBERT G. LAMBORN and CLARA N. LAMBORN, have petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said town be amended by redistricting property of the said petitioners and in said petition described from "Residence A" to "Business B",

BE IT RESOLVED, that a public hearing pursuant to Sections 265 and 264 of the Town Law be had at the Office of the Town Clerk, Main Street, New City, New York, on the 9th day of April, 1948 at 8:00 P.M. relative to such proposed amendment, and it is

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be posted and shall be published in the Journal-News at Nyack, New York, in the manner provided by law, and it is,

FURTHER RESOLVED, that the Town Attorney prepare notices of such statutory hearing and that the Town Clerk cause the same to be posted and published as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Schmersahl

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillen	Yes

Mr. Dillen reported that nothing definitely has happened on the Central Nyack Sewer matter. The matter has been before the Village of Nyack, and they are willing to permit the dumping of the sewerage into the system at Nyack.

The matter of lights for First Ave. in Nanuet was again brought to the Board's attention. Mr. Dillen told the Board that Mrs. Fischer-Williams, who owns on both sides of First Ave. has refused to give her permission for the installation of the poles on her property.

After discussing the matter at length, the Board requested the Town Clerk to write the Rockland Light & Power Co. and ask that one of their representatives attend the next meeting of the Board to discuss how street

lights can be installed on First Ave., Nanuet.

Mr. Dillon then informed the Board that an acknowledgment has been received from the Kemmer Family, expressing their thanks for the flowers sent at the time of Mrs. Kemmer's death.

Mr. Dillon then told the Board that his office needed painting.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Supervisor be authorized to get bids for the painting of the Supervisor's office.

Seconded by Mr. Eberling

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Klein, Supt. of Highways, then told the Board that one of his men was criticized by one of the Town Board - Mr. Fibble - and that he would like him to repeat his criticism at this meeting.

Mr. Fibble then stated that his son had his car parked on the road, and one of the highway drivers told him to move it, which he did. Mr. Fibble stated that he had told the driver of one of the new trucks that he was driving too fast, as he saw him going down the road very fast, that he hit a hole in the road and damaged the truck. Mr. Fibble told the Board that he felt he had a right to criticize, since the highway equipment is town property.

Mr. Klein then informed Mr. Fibble that he appreciated his saying the truck was new, but in fact it is 12 years old. He said that Mr. Fibble never contacted him direct about this matter, but he did call him about plowing out a neighbor's driveway. Mr. Klein further stated that in spite of the severity of this winter, he has had very little damage done to his equipment, and that all the damage done on the truck Mr. Fibble complained about was 60% for bolts. Mr. Klein said he felt Mr. Fibble should come to him with any complaints he had and not tell all the people in Congers about it.

Bills Nos. 186 to 273 on Warrant #3 were audited and ordered paid, amounting to \$18,708.37.

There being no further business, Mr. Schmersahl moved the meeting be adjourned.

Seconded by Mr. Eberling

Meeting adjourned.

Gene M. Mantling

 Town Clerk of Clarkstown