

PUBLIC HEARING

AUG. 4, 1948

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Dillon

Absent: Mr. Eberling

Mr. Dillon called the hearing to order, explaining that it was being held to consider the proposed taxi ordinance.

The Town Clerk then read the Notice of the Hearing and presented the Affidavit of Publication.

Mr. Lawrence of New City inquired as to when the ordinance would become effective.

Mr. Dillon advised him that the Board would determine whether or not the ordinance if adopted would become effective at once or at a later date to be fixed by the board.

Mr. Luroy Rhodes of Manuct appeared and suggested that the taxi fee be for six months, and then have the license run for one year from July 1st. He said that his reason for suggesting this was that car plates must be purchased in January of each year, and that paying an additional fee for taxicabs might work a hardship on the taxi operators.

Mr. Rhodes also asked if the proposed ordinance required that replacement drivers, who operate only when regular drivers are ill, must be licensed.

Mr. Koepe then advised Mr. Rhodes that all spare drivers would have to be licensed. The idea of the ordinance originally was to give the police department the power to check the taxi drivers, as they want to know who the taxi cab drivers and operators are.

No one else appeared either for or against the proposed ordinance.

Mr. Schmersahl moved the hearing be closed.

Seconded by Mr. Fibble

Carried

Hearing closed.

Carroll M. Forrester
Town Clerk of Clarkstown

TOWN BOARD MEETING

AUG. 4TH, 1948

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmiersahl

Mr. Fibble

Mr. Welchman

Mr. Dillon

Absent: Mr. Eberling

Mr. Dillon called the meeting to order.

Mr. Welchman moved that the reading of the minutes for the last regular meeting held on July 9th be dispensed with.

Seconded by Mr. Schmiersahl

Carried

The Board then discussed the proposed taxi ordinance and decided at first to adopt it effective as of Sept. 1st, 1948. After further discussion, the Board decided to make it effective January 1st, since time will be needed to publish it and have the necessary license books printed.

Mr. Schmiersahl moved the following resolution:-

BE IT RESOLVED, that the following proposed ordinance be and the same is hereby adopted and enacted:

Articles 16 and 17 of the Town Ordinance adopted December 13th, 1945 are hereby renumbered as Articles 17 and 18 respectively, and a new article 16 added to said ordinance as follows:-

ARTICLE XVI.- REGULATION AND LICENSING OF TAXICABS AND TAXICAB DRIVERS.

Section 1.- No person shall operate or permit to be operated in the Town of Clarkstown a taxicab which is not licensed under the provisions of this article.

Section 2. - No person shall operate a taxicab in the Town of Clarkstown without first securing a license under the provisions of this article.

Section 3. - Taxicab licenses and taxicab drivers' licenses shall be issued by the Town Clerk upon receipt of the license fee as hereinafter provided, upon written application in the form required by the Town Board, and which said application shall have annexed thereto a photograph and fingerprints of the applicant. Each application for a taxicab license shall have endorsed thereon a certificate of the Chief of Police, that the vehicle sought to be licensed is in good mechanical condition and that the applicant for such license is a person of good moral character and in the opinion of the said Chief of Police capable of rendering efficient service. Every vehicle so licensed shall have prominently displayed thereon a metal tag, certificate or medallion or other device as may be determined by the Town Board. Each application for a taxicab driver's license shall have endorsed thereon a certificate of the Chief of Police

of the Town of Clarkstown that such applicant is a person of good moral character and in the opinion of such Chief of Police a competent driver.

Section 4. - Any license issued shall expire on the first day of January next succeeding its issuance.

Section 5. - No application for a taxicab license shall be issued unless proof of financial responsibility as provided by Article 6-A of the Vehicle and Traffic Law is first given. No taxicab license or taxicab driver's license shall be issued to a person who has been convicted of a felony.

Section 6.- Every taxicab licensed hereunder shall be inspected by the Chief of Police of the Town of Clarkstown, or by a member of the Town Police designated by the said Chief of Police for that purpose at least once in each six months' period and a certificate or a notation of such inspection shall be endorsed on the license.

Section 7. No vehicle licensed as a taxicab shall be parked upon any street or highway in the Town, except in such areas as may be previously designated by the Chief of Police for that purpose.

Section 8.- No soliciting for taxicab passengers shall be conducted within ten feet from any bus, train or other means of public conveyance.

Section 9.- The fee for a taxicab license shall be Ten Dollars for each taxicab and the fee for a taxicab driver's license shall be Five Dollars except that if such licenses are for a period less than a year's duration, the fee shall be one-tenth of the license fee for each month or fraction of a month from the date of the issuance of the said license to the 31st of December.

Section 10.- The Town Board may by resolution limit the number of taxicab licenses and taxicab drivers' licenses to be issued by the Town Clerk and also may by resolution provide that the holders of licenses shall be preferred or have priority in the issuing of licenses.

Section 11.- Any taxicab license or taxicab driver's license may be suspended or revoked at any time for cause by the Town Board. Upon any such suspension or revocation the holder of such license shall immediately surrender the same to the Town Clerk. The suspension or revocation of such licenses for cause shall include but shall not be limited to the use of any licensed vehicle for immoral or illegal purposes, the violation of any ordinance or State law governing the operation of a motor vehicle and the conviction of any licensee of a felony. No order of suspension or revocation shall be made by the Town Board except upon at least ten days notice in writing delivered either personally to the licensee or by registered mail addressed to the licensee at the address designated by the licensee in his application, which said notice shall provide for a public hearing at which the said licensee shall be entitled to be present and to be represented by counsel.

Section 12. - No taxicab license may be transferred.

Section 13. - This article shall not apply to taxicabs and drivers of such taxicabs actually engaged in transporting a passenger or passengers for hire within or through the Town of Clarkstown provided such transportation originated outside the territorial limits of the Town of Clarkstown, nor upon returning from such trips; nor shall this article apply to any taxicab or the driver of any such taxicab entering the territorial limits of the Town of Clarkstown for the purpose of transporting a passenger or passengers provided transportation of such passengers or passengers is not wholly confined to the territorial limits of the Town of Clarkstown.

BE IT FURTHER RESOLVED, that this ordinance shall become effective January 1st, 1949 and that the Town Clerk and the Town Attorney publish and post this ordinance as required by law.

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. Dillon	Yes

A group of taxpayers from Manuet appeared before the Board to protest the odor which emanates from the Lederle Laboratories at Pearl River. Acting as spokesman, Mrs. Otto Stepbach stated that she had not come to present the case to the board, but that Mr. C. A. Lankau, whom she introduced, would do so.

Mr. Lankau then told the Board that obnoxious smell from the Lederle plant has become a serious matter indeed to the people of Manuet. He stated that the people have individually and collectively written to Lederle Laboratories and have been advised that everything possible was being done to correct the condition. About a year ago, he stated, the people in Pearl River held a meeting about the odor which was very bad at that time, and were advised that everything was being done to eliminate it. He stated that the Manuet Civic Association also wrote and were advised by letter that it would be taken care of. Mr. Lankau told the Board that the condition was better during the past winter but with the high humidity this summer it has been very bad. Some people who have trouble being awakened are now awakened by the smell. The people also cannot open their windows at night. Those who live in the hollows suffer the most. Mr. Lankau said the people were not present to criticize the Board but rather to ask that some action be taken at this time, and he further stated that any action taken by the Board will be supported by the people of Manuet, even to the point of securing petitions.

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Mr. Ackroyd-Kelly then told the Board that the odor is very bad, that in fact it is almost impossible to hang childrens clothing outside without the clothing being permeated with the smell. It is almost impossible to entertain guests because it is too embarrassing. He stated that he had called Lederle about the odor a number of times, and sometimes did not receive a pleasant answer. Also threats have been made that the plant would be moved. He told the Board he felt something should be done about the odor which is so offensive.

Dr. Weisberg then told the Board that he felt the conditions demanded vigorous action and not just letter writing.

Mr. Samuel Gunn then told the Board that he has the smell with him twenty-four hours a day, as he gets it during the day in his office and when he arrives home he gets it for supper. He told the Board that he believed Section 1530 of the Penal Law covers in this particular case, and that bigger companies than Lederle have been stopped from polluting the air.

Mrs. Stepbach then told the Board that about a year ago the people of Nanuet were rebuked by an editorial in the Journal-News for not being good neighbors. She said that the people had endured the odor patiently a long time, and that they were now asking that Lederle be a good neighbor.

Mr. Dillon then told the group that he was aware of the odor in Nanuet, as he first encountered it at the Firemens Carnival. He said he felt the people of Nanuet really had reason to complain about it. However, he suggested to the group that they appoint a committee to represent the people, who will work with the Town Board, Town Attorney and Health Officer, to see what can be done to correct the conditions of which they complain.

The group then appointed Mr. Samuel Gunn, Miss Edith Haerle, Mrs. Otto Stepbach, Dr. Weisberg, Mr. Ackroyd-Kelly and Mr. Chas. Lankau on this committee.

Mr. A. C. Lankau then appeared regarding the completion of sidewalks in the Nanuet Sidewalk Dist. on behalf of Louis Heydemann, who is away on duty with the Navy. Mr. Lankau read a detailed report to the Board in which an estimate was given for an 3" bed of cinders and 4" of concrete, to a total depth of 12", 4' wide of approximately 66¢ to 70¢ per square foot. This would be exclusive of extra grading, digging at embankments or tree removal. He told the Board that it will cost approximately \$9,000. which is not a very large amount for the improvement they desire.

Mr. Dillon then told Mr. Lankau that the Board had asked Mr. Heydemann to get the opinion of the people in the district regarding the sidewalks.

Mr. Lankau then told the Board that the consent of the people was given in 1929 when the district was formed, and he asked if it would again be necessary to get their consent, inasmuch as the district is in existence.

Mr. Dillon then told Mr. Lankau that technically it might not be necessary to get their consent, but that the Board felt the people who have to pay for the improvement should be approached to see how they feel about it.

In regard to the ownership of rights-of-way, Mr. Dillon advised Mr. Lankau that he had requested this information from both Mr. Hall, Co. Supt. of Highways, and Mr. Ronan, Asst. Engineer for the State in Rockland County, but that so far he has not heard from either of them.

Mrs. Benson of Rockland Lake appeared to protest the noise at the bungalow colony owned by Mr. Sterngast in Rockland Lake. She told the Board that there are 30 bungalows, and that the noise starts on Friday night and does not stop until Sunday. She said that a loud speaker goes almost the whole of the night, as it starts after 1 o'clock in the morning and goes until almost 5 o'clock. She said she understood that people came to Rockland County for a vacation, and did not object to noise within reason, but that she felt something should be done to protect the people who live here the year round. She also told the Board that the people occupying her bungalows have served notice they will not return next year, and that the noise is a constant aggravation to her sick mother. She stated that she had called both the State police and the Town police and that nothing was done.

Chief Liebert then told Mrs. Benson that he resented her remarks that his department did nothing about her complaints, as he had himself gone over there only last Sunday with one of his officers and stopped the loud speaker and the noise at 1 in the morning.

To this Mrs. Benson stated that she had called on Friday of last week, and that nothing was done. Also that the noise starts at 2 and 3 in the morning and goes up to 5 o'clock.

When Chief Liebert checked the police headquarters, he learned that a call was received on Friday night from Mrs. Benson and that an officer went to answer the call.

Mr. Dillon then advised Mrs. Benson that the Board would take the matter into consideration and see what can be done about it.

A complaint was then presented on behalf of Mrs. Nicholas Kitsiris of Valley Cottage, who told the Board that one of her neighbors has about six geese, and that she is kept awake all night long from the honking of the geese. She said that the geese are not kept in an enclosure, which probably is the reason they are so easily frightened, thus causing them to honk at the slightest sound or movement. She said that she had approached the neighbor about it, but instead of having less geese, there are more there now.

Mr. Dillon told Mrs. Kitsiris that he did not know of any action the Board can take, inasmuch as there is no violation of the Zoning Ordinance. He said that it may be necessary to go into the courts on a civil action on a nuisance

charge.

Mr. Dillon said that the Board would check it and advise her what can be done in the matter.

Mrs. Olive Goetschius then told the Board that she would like to suggest that a copy of the Town Ordinances be sent to all residents of the township, so that they will know what the Town Ordinances are. In this regard, she told the Board that after learning about the Town Ordinances, she had been able to have the barking of dogs stopped on a nuisance charge. She told the Board that she would be glad to deliver them free of charge.

In regard to the polling place for Dist. #14, Congers, Mr. Fibble told the Board that the Methodist Church is available.

Mr. Fibble moved that the Methodist Church be designated as the polling Place for Dist. #14, Congers.

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. Dillon	Yes

Mr. Fibble then told the Board that he had received a request for the installation of a street light at the corner of Lake Rd. and Sheridan Ave. in Congers.

Mr. Schmersahl then told the Board that the people in Danquet want street lights on Englewood Ave.

The Town Board then directed the Town Clerk to write the Rockland Light & Power Co. and request them to make an investigation on the light requested for Lake Rd. and Sheridan Ave. in Congers and submit their recommendations for the next meeting.

Mr. Fibble then advised the Board that he had gone to see Mr. Reylea of the New York Central Railroad, and that Mr. Reylea told him they were going to start on the paving at the Congers and Valley Cottage Station. Mr. Reylea also stated that the only reason the railroad was itself fixing Congers was because they couldn't get a roller only for West Nyack and Valley Cottage.

Mr. Klein, Supt. of Highways, then told Mr. Fibble that this was not true, and that there must be a misunderstanding somewhere, as he and Mr. Dillon had consulted with Mr. Wilson, a representative of the railroad, and that the agreement was that the railroad would furnish the material and labor for Congers, and that they would furnish the material for Valley Cottage and West Nyack, and the Town would lay it. Mr. Klein further added that he

told Mr. Wilson that just filling in the holes at the Congers Station would not be sufficient, as a top of emulsion was needed to bind it.

Mr. Dillon also stated that the railroad had advised them they had ordered the material for Valley Cottage and West Nyack, the understanding being that the Town would lay the material. They, however, advised that they would take care of Congers themselves.

Mr. Fibble then told the Board that he intended to go back and have another interview with Mr. Relyea, and find out what the railroad intended to do about the Congers Station.

Mr. Welchman moved that George Snyder be appointed Custodian of Elections for Election Dist. #13, New City.

Seconded by Mr. Fibble

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

Mr. Schmorsahl	Yes
Mr. Fibble	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Klein, Supt. of Highways, reported that an investigation had been made of Hughes St. in Congers, and that the street at present does not meet the necessary requirements for a town road.

The Board then directed the Town Clerk to advise Mr. Minkelman that an inspection of the road disclosed that it does not at present conform to the requirements for Town roads, and to advise that even though the Board would like to take it over, they cannot do so. If, however, the road is finished in accordance with road specifications, the Board will be glad to consider its acceptance.

Mr. Dillon read a letter from the Spring Valley Water Works & Supply Co. in which they advise that a field survey will be made in connection with the installation of a hydrant on Church St., Nanuet.

Mr. Dillon read a letter from the New York Central System in which they advise that they propose to install flashing light signals with short arm electrically operated gates at the Congers crossing and discontinue the second track crossing watchman. However, they will retain the first track crossing watchman because of the large number of school children using this crossing.

The Board then discussed the matter at length, and were of the opinion that they disliked the removal of the watchman from the second track, but that if that is the intention of the railroad, the Board feels the automatic gates are better than having the railroad unprotected. The Town Clerk was advised to notify the railroad how the Board feels in this matter.

Mr. Dillon then read a letter from Florence Blauvelt, resigning her position as Secretary to both the Zoning Board of Appeals and the Planning Board.

Mr. Dillon told the Board that he had advised both Boards to make a recommendation to the Town Board for the appointment.

Mr. Dillon then presented the reports of the following Town Officers for the month of July, 1948:-

Police Chief's Report
Welfare Officer's Report
Veterans Welfare Officer's Report
Building Inspector's Report

Mr. Welchman moved the reports be approved and accepted.

Seconded by Mr. Schmersahl

Carried

The Board approved a permit to open a highway under Section 149 of the Highway Law on application of B. J. Solem.

Mr. Dillon read a letter from Mr. Murdock, Building Inspector in which he advised that he inspected the Hartmann property and found that the large apartment building was being occupied by only one family.

Mr. Dillon read another letter from Mr. Murdock, Building Inspector, requesting that copies of all zoning changes be forwarded to him.

Mr. Dillon presented a deed for streets of the New City Operating Corp. which they wish to have taken over and maintained by the Town.

When consulted about the roads - Evergreen East and Evergreen West - Mr. Klein advised the Board that they do not at present meet the qualifications of town roads.

The Town Clerk was requested to notify Mr. Solomon that the roads cannot be taken over until certain work, recommended by Mr. Klein to put them in acceptable condition, is done.

Mr. Dillon read a letter from Chris Olsen of West Hyack requesting that the Town take over and maintain a road in West Hyack running from Hillside Ave. to Maple Ave. a distance of approximately 208 feet.

The matter was referred to Mr. Klein, Supt. of Highways, who said that he would inspect the road and advise the Board at the next meeting whether or not it is acceptable.

Chief Liebert told the Board that he needs a new police car and that he has sufficient money in his budget to take care of it. He said it would cost about \$300. plus the old car.

Mr. Schmersahl moved that the Chief of Police be authorized to purchase a new police car.

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. Dillon	Yes

Mr. Welchman then read a letter from F. Wesley Gordon complaining of a water condition which affects his property on Brookside Ave., Valley Cottage, due to the overflow of the brook which flows along the western border of his property washing away the ground. He claimed that this was brought about by the construction of Brookside Ave. some thirty years ago at which time the brook was moved and a stone wall some 30 feet built along his land. He asked that the wall be continued in an effort to remedy the condition.

Mr. Klein, Supt. of Highways, told the Board that to extend the wall would mean going on private property, and that he did not believe the Town could do this. Also that the cost would run from \$1800. to \$2000. He said that since the wall was built about 30 years ago, he did not see how the Town could be responsible after so long a time.

The Board decided to check the matter and see if anything can be done.

The Board decided to hold the Nanuet Sidewalk Dist. matter over until the next meeting.

Mr. Schmersahl moved that two street lights be installed on Englewood Ave. in Nanuet, one light on Pole No. 3 and one light on Pole No. 5, and that the Rockland Light & Power Co. be authorized to make the necessary installation.

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. Dillon	Yes

Mr. Roope told the Board that he had checked the deeds for Edsall Ave. and Prospect Ave. in Nanuet, and that while one deed is all right, the other is not satisfactory.

The Board then discussed the matter, and Mr. Klein, Supt. of Highways, was given the deeds and asked to consult with Mr. Jenkins and report back at the next meeting.

Mr. Dillon then advised the Board that Dr. Gilchrist has completed his work as a Committee for the preparation of a history showing Clarkstown's part in World War II. He presented a copy of the history to each of the Councilmen, and stated that Dr. Gilchrist had done a very fine job.

Mr. Schmersahl moved that the Town Board convey to Dr. Gilchrest its thanks for the splendid work he did in preparing the history of Clarkstown's part in World War II.

Seconded by Mr. Welchman

Carried

Bills Nos. 584 to 655 on Warrant #8 amounting to \$5950.19 were audited and ordered paid.

There being no further business, Mr. Welchman moved adjournment.

Seconded by Mr. Schmersahl

Carried

Meeting adjourned.

Corra J. Martling
Town Clerk of Clarkstown