

## PUBLIC HEARING

July 7, 1950

Town Clerk's Office

8:30 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the hearing to order, explaining that it was being held to consider the application of Gustav and Leonora Polter for a change of zoning of their property in Nanuet, New York.

Mr. Dillon stated that the Board would listen first to those in favor of the change, and then to those opposed to it.

Mr. Samuel Gunn, Attorney for the Petitioner's, came before the Board to speak in favor of the change. Mr. Gunn stated that the Polter property had been used for business purposes under a variance for a number of years, and that the business had grown to such proportions that the Polter's decided to ask for a change of zoning so that more accomadations could be added to the hotel.

Mrs. Edna Jones, a neighbor of the Polters, came before the Board and spoke very highly of the Polters and the work they were doing. Mrs. Jones urged the Board to grant the change of zoning, and also added that Clarkstown would be a better place to live in if there were more people like the Polters.

Mr. Thomas Cunningham, also a neighbor of the Polters, came before the Board and recommended that this change be granted.

No one appeared before the Board in opposition to the proposed change.

Mr. Welchman moved the hearing be closed.

Seconded by Mr. Fibble.

Carried.

Hearing closed.

*August H. Hansen*  
 Town Clerk of Clarkstown

## TOWN BOARD MEETING

July 7, 1950

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.

Mr. Schmersahl moved that the reading of the minutes of the last regular meeting be dispensed with.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon read a letter from Supt. of Schools, John F. Hopf. Mr. Hopf requested that Mrs. George Morgan of Nanuet, supersede Mr. George Morgan as School Attendance Officer for the Nanuet School.

Mr. Dillon informed the Board that the Town Board does not appoint the School Attendance Officers for Union Free Schools.

The Board then adjourned to a public hearing for the purpose of considering the application of Gustav and Leonora Polter for a change of zoning.

The Board heard both those in favor and those opposed to the change.

Mr. Welchman moved the Board reserve decision in this matter.

Seconded by Mr. Fibble.

Carried.

Mr. Welchman moved the Board return to a Town Board meeting.

Seconded by Mr. Schmersahl.

Carried.

Mr. Charles Dittrich of Centenary came before the Board and requested information on the re-opening of Scratch Up Road. Mr. Dittrich informed the Board that the New York Traprock Co. was agreeable to having the road re-opened.

The Board instructed Supt. of Highways, Emil Klein, to contact the Traprock Co. and report to the Board at the next meeting.

Mr. Robert Knapp came before the Board and asked if any action had been taken concerning the roads in the Knapp settlement in Centenary.

The Supt. of Highways informed the Town Board that he had inspected the roads, and that they did not have the proper width in some places and also that the road bed was not satisfactory.

Mr. Knapp stated that he would have the road bed widened to the specified 20 foot width and the proper base would be put in.

Mr. Dillon told Mr. Knapp that if the specifications were conformed with, the Town would consider taking them over.

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Mr. Dillon presented to the Board a petition which he had recieved from Mr. Louis Heydeman of Nanuet. The Petition was signed by a number of property owners along Church and Smith Streets in Nanuet, and requested the Board to take some action on the traffic problem which exists on these streets. The petition stated that these streets are very heavily traveled at certain times of the day, and that the vehicles often travel at excessive speeds, endangering the lives of children and pededtrians.

Mr. Dillon informed the Board that the same condition exists on Highview Ave. in Nanuet and on Moutain View Ave. in Central Nyack.

The Board asked Chief of Police Ernest Wiebecke if it would not be possible to patrol these streets more frequently.

Chief Wiebecke replied that the Police Dept. was not at full strength due to the death of Chief Liebert, but that he would do his best to improve this situation.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown requests the State Traffic Commission, pursuant to Article 7 of the Vehicle and Traffic Law, to restrict the speed at which vehicles may proceed on the following roads:-

- Smith Street-----Nanuet, New York
- Church Street----- " " "
- Highview Ave.----- " " "
- Mountain View Ave.-----Central Nyack, New York

Seconded by Mr. Schmersahl.

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

- AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.
- NOES: None

The Town Clerk was instructed to send a copy of the resolution to the State Traffic Commission.

Mr. Dillon read a letter from Mr. Felix Festa, Supervising Principal of the Central School District No. 1. Mr. Festa informed the Board that under centralization, all School Attendance Officers were appointed by the Board of Education.

Mr. Dillon presented to the Board the monthly reports of the following Town Officers and Depts.:

- Supervisor
- Town Clerk
- Building Inspector
- Welfare Officer
- Police Dept.

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Mr. Fibble moved these reports be accepted.

Seconded by Mr. Schmersahl.

Carried.

The Board approved three applications for street opening permits.

Mr. Joseph Nagle of Nanuet, came before the Board and stated that the builders of a home on the adjoining property to his had cut away part of a dirt bank on the edge of his property allowing water to flow across his property and creating danger of a cave-in.

The Board informed Mr. Nagle that the Building Inspector would be asked to make an investigation to determine if any violation exists.

Mr. Eberling moved the following resolution:-

RESOLVED, that Irvin F. Dillon, Supervisor, be authorized to transfer \$455.39 from the Current Surplus Account to the Insurance Account.

Seconded by Mr. Fibble.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon read a letter from Dr. Hopper, Health Officer, informing the Board that she was leaving on her vacation and would be unable to attend the meeting. She stated that Dr. Knight of Piermont would act in her capacity while she was away.

Mr. Dillon read a letter from Mathew J. Torre of New City. Mr. Torre requested that the Board take some action to have the shacks removed from the Haushalter property on Burda Ave. in New City. This property had been the subject of a Health violation recently and Mr. Torre did not feel that the Boards action in this matter was adequate.

Mr. Dillon informed the Board that no further action was possible since the actual violation had been removed.

The Bond of Chief of Police Ernest Wiebecke was presented to the Board and approved.

Mr. Dillon read a letter from Mr. George R. Murdock, who at one time had been the Building Inspector for the Town of Clarkstown. In his letter Mr. Murdock asked the Board to return to him the camera which he had purchased with Town funds while he had been Building Inspector.. Mr. Murdock explained that he had been investigating a reported violation on the Fishgold property when Mr. Fishgold snatched the camera from his hand and smashed it, and for this reason Mr. Murdock had purchased a new one with Town funds.

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Mr. Edward G. Roepe, Town Attorney, informed the Board that the camera could not be returned to Mr. Murdock since it had been purchased with Town funds and therefore became the property of the Town, and that Mr. Murdock should have taken action against Mr. Fishgold to have the camera replaced.

Mr. Dillon read a letter from Mr. John W. Coyle, Chairman of the Clarkstown Republican Committee. Mr. Coyle requested that Mrs. Mary E. Amar and Neal Garrison be appointed Republican Inspectors of Elections to fill the vacancies which exists.

Mr. Welchman moved that the following Republican Inspectors of Elections be appointed for a period of one (1) year beginning July 19, 1950:-

District No. 1	Marjorie R. Lanning Fred Seegar
District No. 2	Joseph Skvasik Mary E. Amar
District No. 3	Elizabeth Sherman Ludlow Garrabrant
District No. 4	Otis Gregory Neal Garrison
District No. 5	Marian Herchneroder John H. Mehrstens
District No. 6	Elmer C. DeFlaun Leota H. Jansen
District No. 7	William Woltjen Robert Southward
District No. 8	David Edwards George Hamblin
District No. 9	Alice Hopper Helen Arbeider
District No; 10	Gustave Knauth Harry Sergeant
District No. 11	Margaret Meyer Frances Warner
District No. 12	Clarence Brown Grace Arwe
District No. 13	Dorothy Baker George F. Stuhmer, Jr.
District No. 14	Virginia Streit Gustaf Olson

Seconded by Mr. Fibble.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Welchman moved that Supt. of Highways, Emil Klein be granted permission to attend a school for Highway Supts. at Ithaca, N. Y. on July 24,25,26, 1950 at Town expense.

Seconded by Mr. Fibble.

Carried.

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The Board then discussed the application of John P. Marsi and John P. Beckerle for a change of zoning. This application had been discussed at a public hearing at a recent meeting, but the decision had been reserved by the Board.

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 12th of May, 1950, provided for a public hearing on the 22nd day of June, 1950, at the office of the Town Clerk, Main Street, New City, New York, at 8:00 P.M. in the evening Daylight Saving Time, to consider the application of John P. Marsi and John P. Beckerle, to amend the Building Zone Ordinance for the said Town by redistricting the property of said Petitioners from "Business A." to "Business B." and,

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice.

NOW THEREFORE, be it resolved, that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the following described property from "Business A." to "Business B."

ALL that certain lot, piece or parcel of land, situate, lying and being at Nanuet, in the Town of Clarkstown, County of Rockland, and the State of New York and more particularly bounded and described as follows:-

BEGINNING at a point in the southerly side of Route 59 as widened, it being the northwesterly corner of the premises herein conveyed; thence along the said southerly side of Route 59 South 56 degrees 35 feet East a distance of 174.1 feet to an angle point; thence continuing on the southerly side of Route 59 South 52 degrees 12 feet East a distance of 11.5 feet to a stake; thence South 28 degrees 58 feet West a distance of 322.4 feet to an iron pipe in the center of a stone wall; thence thru the remains of the stone wall North 0 degrees 16 feet East a distance of 385.0 feet to the point or place of beginning.

FURTHER RESOLVED, That notice of said amendment be given by publishing and posting as required by law.

Seconded by Mr. Fibble.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Eberling then moved the following resolution:-

RESOLVED, this 7th day of July, 1950, by the Town Board of the Town of Clarkstown, Rockland County, New York as follows:

Section 1. The purchase by the Town of Clarkstown of one (1) Austin-Western 99H Power Grader, Standard equipped IHC UD-14A Diesel engine, 14.00 x 20 single tires with regular tubes, 13' blade with R.H. & L.H. straight 6" boots, approximate weight 21,960 lbs., including lights, enclosed cab, windshield, electric deforster, rear drawbar, heavy duty generator, heater, hood sides for engine, 11 tooth scarifier, radiator shutters, windshield wipers, and Bulldozer attachment, is hereby authorized.

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Section 1. cont'd. For the purpose of providing funds to pay the cost thereof, capital notes of the said Town of Clarkstown in the amount of \$5500.00 to be of the terms, form and contents hereinafter specified shall be issued by the Town of Clarkstown, pursuant to the provisions of the Local Finance Law of the State of New York.

Section 2. The maximum cost of the Austin- Western Power Grader to provide funds for which the said capital notes shall be issued is estimated to be the sum of \$12,833.50; and the plan for financing such cost consists of the issuance and the sale of the said notes in the amount of \$5,500.00, with the balance of such cost to be paid from current budget appropriations and charged to item three of the budget for the current fiscal year, in which item there is now an unexpended balance of \$9,571.28, and by the trade-in allowance of one Caterpillar No. 10 Motor Grader for the sum of \$2100.00.

Section 3. It is hereby determined that the purpose for which such notes are to be issued, to wit, the purchase of an Austin- Western Power Grader, falls within sub-paragraphs 28 and 29 of subdivision A of Section 11.00 of the said Local Finance Law, and that the period of probable usefulness of such purpose is five years.

Section 4. The proposed maturity of the capital notes hereby authorized will not be in excess of five years.

Section 5. The said notes will bear a date not earlier than July 7, 1950, to be fixed by the Supervisor of the Town of Clarkstown, and shall each be designated and known as "Capital Notes of 1950 of the Town of Clarkstown, Rockland County, New York". The said notes shall bear interest at a rate not exceeding five per centum per annum, and the principal and interest thereof shall be payable in lawful money of the United States of America, as follows: One of said notes to be in the amount of \$2750.00 and designated as No. 1 shall mature and be payable June 1st, 1951, with interest from date, and the other of such notes to be in the amount of \$2750.00 and designated as No. 2 shall mature and be payable June 1st, 1952 with interest from date.

Section 6. Except as herein expressly provided, the said notes shall be of the terms, form and contents as the Supervisor of the Town of Clarkstown shall determine and execute, consistent, however, with the provisions of the Local Finance Law.

Section 7. Each of the said notes shall be executed in the name of the Town of Clarkstown by the Supervisor of the said Town, and sealed with the corporate seal of the Town of Clarkstown and attested by the Town Clerk.

Section 8. The notes shall be sold at private sale by the Supervisor of the Town of Clarkstown, within three months after date of said notes at a price of not less than the par value of, and accrued interest if any, and the proceeds of sale shall be applied solely for the purpose aforesaid.

Section 9. Upon due execution and sale of said notes, the same shall be delivered to the purchaser upon payment by him of the purchase price in cash to the Supervisor of the Town of Clarkstown; and receipt of such Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

Section 10. The full faith and credit of the Town of Clarkstown, Rockland County, New York are hereby pledged to the punctual payment of the principal of and the interest on said notes. An amount sufficient to apply the principal of and interest on such capital notes shall be included in the annual budget and levied as a part of the taxes for the fiscal year to pay the principal and interest of said notes becoming due and payable in such fiscal year.

Section 11. This resolution shall take effect immediately.

Seconded by Mr. Fibble.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None.

Mr. Dillon read a letter from Lexow and Jenkins, Counselors at Law, enclosing the deed to Park Ave. in Nanuet, to the Town of Clarkstown. The deed was from John E. Loeffler to the Town.

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The Board referred the matter to Mr. Klein, Supt. of Highways, Mr. Klein was instructed to inspect the road and to report back to the Town Board at the next regular meeting.

Mr. Dillon read a letter from the Clarkstown Zoning Board of Appeals, recommending the reappointment of W. Reginald Herdman as Chairman, and Ferdinand Horn as a member, of the Zoning Board of Appeals.

Mr. Welchman moved the following resolution:-

RESOLVED, that the appointment of W. Reginald Herdman as Chairman of the Zoning Board of Appeals, which was made by the Town Board of Clarkstown at a Special Meeting held on June 22, 1950, be ratified by said Town Board at the regular Town Board Meeting held on this 7th day of July, 1950.

Seconded by Mr. Schmersahl.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon read a letter from Mr. Ferdinand Horn in which Mr. Horn stated that he no longer considered himself a member of the Zoning Board of Appeals since he had not been reappointed at the expiration of his term of office.

Mr. Fibble moved the following resolution:-

RESOLVED, that Frank H. Johnson, Nanuet, New York, be appointed as a member of the Zoning Board of Appeals, Town of Clarkstown, for a period of five (5) years, the appointment to become effective immediately.

Seconded by Mr. Welchman.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon read a letter from Gene Elish commending the Police Dept. on their fine work in handling the traffic and protecting the clothing and furs at the Cancer Show on June 16, 1950.

Mr. Herbert Dahm came before the Board and requested the Board's permission to use Snake Hill Rd. for his trucks. Mr. Dahm stated that his company, the West Nyack Traprock, would furnish the materials to widen the road if he were allowed to use it.

The matter was referred to Mr. Klein, Supt. of Highways, Mr. Klein was requested to investigate the situation and report back to the Board at the next regular meeting.

Mr. Welchman moved the following resolution:-

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RESOLVED, that Henry Renke, Valley Cottage, New York, be appointed maintenance man for the Valley Cottage Station Square at a salary of \$1.00 per hour, to be paid by the Town of Clarkstown. This appointment is to become effective on July 8, 1950.

Seconded by Mr. Schmersahl.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Welchman then moved the following resolution:-

RESOLVED, that the "Slow" sign at the intersection of Walburg Ave. and South Conger Ave. be removed, and a "Stop" sign be erected in place of it.

Seconded by Mr. Fibble.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon read a letter from Mr. John M. Jeffrey, Building Inspector for the Town. Mr. Jeffrey stated in his letter that the illegal structure which had been built by Mr. Bloomfield on his property had been removed and that there was no further cause for action.

Chief of Police Ernest Wiebecke came before the Board and asked if any action had been taken to appoint a Patrolman to the Police Dept.

The Board adjourned to Executive Session.

After a short Executive Session, the Board again took up the matter of an appointment to the Police Dept.

Mr. Dillon informed the Board that a Sergeant would first have to be appointed so that a vacancy could be created for a Patrolman.

Mr. Eberling moved the following resolution:-

RESOLVED, that John Jackomin be provisionally appointed Sergeant of the Clarkstown Police Department at a salary of \$3500.00 per year. This appointment is to become effective on July 8, 1950.

Seconded by Mr. Welchman.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

The Board then discussed Chief Wiebecke's suggestion that a senior officer be placed in charge of each tour of duty.

Mr. Fibble moved the following resolution:-

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WHEREAS, it is deemed necessary and advisable by the Chief of Police that a senior officer be placed in charge of each tour of duty,

NOW THEREFORE, be it resolved, that an additional position of Sergeant be created on the Clarkstown Police Department.

Seconded by Mr. Welchman.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Schmersahl moved the following resolution:-

RESOLVED, that William Zielich be provisionally appointed Sergeant on the Clarkstown Police Department at a salary of \$3500.00 per year. This appointment is to become effective on July 8, 1950.

Seconded by Mr. Welchman.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Fibble moved the following resolution:-

RESOLVED, that John Westervelt be appointed Patrolman on the Clarkstown Police Department at a salary of \$2500.00 per year. This appointment is to become effective on July 8, 1950.

Seconded by Mr. Eberling.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Chief Wiebecke came before the Board and requested permission to attend the annual conferance of Chiefs of Police at Rochester.

Mr. Welchman moved the following resolution:-

RESOLVED, that Chief of Police Ernest Wiebecke be granted permission to attend the annual conferance of Chiefs of Police at Rochester, New York on the 25th, 26th, and 27th of July, 1950, the expense to be paid by the Town.

Seconded by Mr. Schmersahl.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Welchman moved that the next regular meeting of the Town Board be held on August 4, 1950, at 8:00 P.M..

Seconded by Mr. Schmersahl.

Ca rried.

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Bills Nos. 503 to 593 in the amount of \$12,768.18 were audited by the Board and ordered paid.

There being no further business to come before the Board, Mr. Eberling moved the meeting adjourn.

Seconded by Mr. Schmersahl.

Carried.

Meeting adjourned.

*August H. Hansen*  
Town Clerk of Clarkstown

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