

TOWN BOARD MEETING

September 8, 1950

Town Clerk's Office

7:30 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Welchman moved that the reading of the minutes of the last regular Town Board meeting be dispensed with.

Seconded by Mr. Schmersahl.

Carried.

Mr. E. Alfred Festa, Attorney for a group of residents on Hughes St. in Congers, came before the Board and presented a petition for street improvement for Hughes St. Mr. Festa informed the Board that the required number of residents and non-residents had signed the petition and that the right of way was free of any encumbrances.

The petition was referred to Edward G. Roepe, Town Attorney, who was instructed to check the matter with Mr. Festa and report back at the next meeting.

Mrs. Elsie Monneret, Rec. of Taxes, came before the Board and introduced a salesman from the Pitney-Bowes Co. Mrs. Monneret informed the Board that she would like the Board to consider purchasing a metered mail machine for her office in order that the stamping and sealing of the tax bills could be speeded up. The salesman then demonstrated the machine and explained the various ways in which it would save the Town time and money.

Since there were not sufficient funds in the budget for such an expenditure, no action was taken on this matter.

Mr. Robert Knapp came before the Board and presented the deed for the roads in the Knapp Colony.

The Town Attorney was instructed to check the deed.

Mr. Victor Smith of New City came before the Board as spokesman for the New City Fire Dept. Mr. Smith informed the Board that a Nursing Home was being maintained on Congers Rd. in New City, which housed 12 elderly people, and that there was no record of a permit having been issued for such an establishment. He also stated that the Fire Dept. had requested Mr. John M. Jeffrey, Building Inspector, to make an inspection of the Nursing Home on Main St. in New City and send them a report of his findings, but that no report had been received. Mr. Smith went on to say that no crash door facilities had been installed in the Main St. Nursing Home for the evacuation of Patients in case of an emergency.

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Mr. Fred Frey, Attorney for the owners of the Nursing Home, came before the Board and said that the crash doors had been ordered but had not arrived as yet. Mr. Frey also stated that although the building on Congers Rd. was occupied by 12 elderly people, it was considered a Boarding House since none of the people housed there were incapacitated. Mr. Frey said that both buildings were open to inspection at all times.

Mrs. Kaplan, owner of the Nursing Home, came before the Board and said that the Commissioner of Public Welfare had inspected the building on Congers Rd. and had found it satisfactory.

Mr. Fred Stegmayer, New City, came before the Board and said that Havermill and woodbine Rds. were ready for oiling. He asked if these roads would be taken over by the Town after it was done.

Mr. Stegmayer was informed by the Board that the roads would be taken over by the Town if they were found to be in a satisfactory condition.

The next matter to come before the Board was the proposed Dog Ordinance. Councilman Welchman stated that the Ordinance had been revised so that the penalty was now \$10.00 instead of \$25.00, since this had been one of the chief points in the opposition to the Ordinance.

Mr. Welchman moved the following resolution:-

WHEREAS, by resolution of this Board dated May 12, 1950, a public hearing upon a proposed ordinance renumbering Articles 19 and 20 of the Town Ordinances and adding a new Article 19 with respect to Dogs running at large, was held on the 9th day of June, 1950, after due publication thereof.

NOW THEREFORE, be it resolved that the said proposed ordinance be and the same is hereby adopted and enacted effective upon publication and posting as required by law, as follows:

ARTICLES XIX and XX of the Town Ordinances adopted December 18, 1945, are hereby renumbered as Articles XX and XXI respectively, and a new Article XIX is hereby added to said ordinances as follows:

ARTICLE XIX - DOGS

Section 1. - No person owning or harboring a dog shall permit such dog to run at large within the unincorporated portions of the Town.

Section 2. - Any peace officer may seize and confine at Town expense any dog running at large in violation of this Article. Such dog may be claimed by the owner thereof upon payment of the expense of confinement. If within five days from such seizure the owner of such dog does not claim such dog, or does not pay the expense of confinement to the town, such peace officer may kill or have killed at town expense such dog, and in such event shall immediately dispose of the carcass at town expense.

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Section 3. - Any person violating this Article shall be subject to a penalty of ten dollars for each such violation to be recovered in a civil action in the name of the Town.

This ordinance shall become effective upon publishing and posting as required by law.

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 report from Emil Klein, Supt. of Highways, on Fenner Lane in Namuet. Mr. Klein stated in his report that the road needed more tar and $\frac{1}{4}$ inch stone before it would meet specifications.

Mr. Klein also reported on the roads in Denis Acres in Namuet. He stated that these roads were acceptable in their present condition.

The deed for these roads was turned over to the Town Attorney to check on before the roads were officially accepted.

Mr. Klein requested the Board's permission to attend a convention of Highway Superintendents at Syracuse, New York.

Mr. Welchman moved the following resolution:

RESOLVED, that Emil Klein, Town Superintendent of Highways, be granted permission to attend a Supt. of Highways convention at Syracuse, New York, on Sept. 20, 21, 22, 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. Dillon presented to the Town Board the Snow Removal Agreement between the Town of Clarkstown and the County of Rockland.

Mr. Eberling moved the following resolution:

RESOLVED, that the agreement by and between this town and the County of Rockland dated November 4, 1948, providing among other things for the rental by the town to the county of town highway machinery, tools and equipment as may be required by the county for the performance by the county of control of snow and ice on state highways, be further renewed for a term of one year, and the supervisor be and he hereby is authorized and directed to execute such renewal on behalf of the town, and the Town Clerk be and he is hereby authorized and directed to attest the same and affix the seal of the town thereto, and be it further

RESOLVED, that said renewal be approved by the Town Superintendent of Highways.

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Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Dillon read a copy of a letter sent to Mr. Charles Roth, Custodian of Voting Machines, from the Automatic Voting Machine Co. The letter stated that a serviceman from the Company would call on Mr. Roth on or about Oct. 14, for the purpose of checking the machines in the Town for repairs.

Mr. Dillon presented to the Board applications for changes of zoning from Arthur Goebel of New City and the Monterey Day Camp of Bardonia.

After examining the applications, the Board decided to have the Town Attorney check the descriptions before setting public hearing dates.

Mr. Dillon presented applications for Road Opening Permits from Sam Goldberg of Spring Valley and Joseph Quick of Nyack.

The applications were approved by the Board and the Town Clerk was instructed to send them to the County Supt. of Highways for his approval.

Mr. Dillon presented a report from the Civil Service Commission concerning the appointment of three Highway Dept. employees that had passed the examination for Motor Equipment Operator.

Mr. Eberling moved the following resolution:-

RESOLVED, that Frank Conklin, New City, be appointed as Motor Equipment Operator, Highway Dept., Town of Clarkstown, at the rate of \$1.25 per hour. This appointment to become effective as of September 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. Eberling moved the following resolution:-

RESOLVED, that Thomas D. Marsico, West Nyack, be appointed as Motor Equipment Operator, Highway Dept., Town of Clarkstown, at the rate of \$1.25 per hour. This appointment to become effective as of September 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. Eberling moved the following resolution:-

RESOLVED, that Edward H. Klass, New City, be appointed as Motor Equipment Operator, Highway Dept., Town of Clarkstown, at the rate of \$1.25 per hour. This appointment to become effective as of September 8, 1950.

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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 which had been sent to Mr. Klein, Supt. of Highways, by a group of residents along South Conger Ave. in Congers. The letter requested that speed limit signs be erected along that road.

The Board instructed Mr. Klein to investigate the matter.

Mr. Dillon read a letter from a group of residents on Friend St. in Congers. The residents requested that a "Dead End" street sign at the corner of Lake Rd. and Friend St. be moved to the corner of Fisher Rd. and Friend St.

The matter was referred to the Supt. of Highways.

Mr. John Kearney came before the Board as spokesman for a group of Oakbrook residents. Mr. Kearney asked the Board to have speed limit signs erected along North Middletown Rd. and Smith Rd. He said that the children in Oakbrook were endangered by vehicles which traveled at excessive speeds along these roads.

Since one of the roads in question was a county highway, the matter was referred to the County Supt. of Highways.

Mr. Kearney also informed the Board that an eight foot wire fence had been erected on Town property on Cooper Drive in Oakbrook.

The Board instructed the Supt. of Highways to investigate the matter.

Mr. Dillon read a letter from W. Reginald Herdman, Chairman of the Zoning Board of Appeals, in which Mr. Herdman stated that Glen Wilcox of Nanuet was still using his property as a dump for garbage and refuse. He stated that this situation was contrary to the Town Ordinances and suggested that steps be taken to have this practice discontinued.

The Board instructed the Town Clerk to send a copy of the letter to Dr. Hopper, the Town Health Officer, and request her to report to the Board at the next meeting any action which she had taken on it.

The Board instructed the Town Clerk to write to the State Traffic Commission in Albany for information as to what requirements must be met in order to post Town roads for minimum speed zones. The idea which the Board had in mind was as follows:

1. To erect one sign at the beginning of a speed zone reading "Entering Populated Area, Speed Limit ___ Miles per hour.
2. One sign in center of speed zone designating speed limit.
3. One sign at end of speed zone reading "Leaving Populated Area, End of Speed zone.

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Due to the many requests that the Board had received for speed limit signs throughout the Town, it was decided by the Board that this would be the least expensive and most efficient method of posting roads .

Chief of Police Ernest Wiebecke, came before the Board and requested that the Board adopt some method of controlling door to door salesmen in the Town. He stated that only recently, Nanuet residents had had several unpleasant experiences with magazine salesmen and that under the present ordinance the Police were finding it very difficult to cope with the situation.

The Board instructed the Town Attorney to check on this matter and report back at the next meeting.

Mr. Dillon informed the Board that it would be necessary to transfer \$793.19 from Current Surplus to the Insurance Account.

Mr. Fibble moved the following resolution:-

RESOLVED, that Irvin F. Dillon, Supervisor, be authorized to transfer \$793.19 from Current Surplus to the Insurance Account.

Seconded by Mr. Schmersahl.

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

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

NOES: None

Chief Wiebecke informed the Board that he had received a request for a "Stop Street" sign at the intersection of Clinton Ave. and First St. in Spring Valley. Chief Wiebecke said that he had investigated the intersection and in his opinion a "Stop Street" sign was needed there.

Mr. Eberling moved the following resolution:-

RESOLVED, that a "Stop Street" sign be erected at the intersection of Clinton Ave. and First St. in Spring Valley, and,

FURTHER RESOLVED, that the Supt. of Highways, Town of Clarkstown, be requested to erect the sign as soon as possible.

Seconded by Mr. Fibble.

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

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

NOES: None

Chief Wiebecke also informed the Board that he had received a request from Daniel Wakely, School Traffic Attendance Officer at the Congers School, for a cap and a badge.

Mr. Eberling moved that this request be granted.

Seconded by Mr. Schmersahl.

Carried.

O.T. Keyser, Chairman of the Board of Assessors, came before the Board and said that he had employed two women to total the tax roll.

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He also requested that a sum of \$500.00 be included in the Budget so that a clerk could be hired to make the necessary corrections on the Adressograph plates for the Tax Books. He stated that the Receiver of Taxes and her assistants did not have the time to make these corrections.

After a long discussion on the matter the members of the Board decided to have the Rec. of Taxes present at the next meeting so that it could be cleared up.

The Town Clerk was instructed to write to the Receiver of Taxes and request that she attend the next Town Board meeting.

The next matter to come before the Board was the application of Garrett Miller for a change of zoning of his property in West Nyack. The Board decided to grant this change in view of the fact that Mr. Miller had submitted to the Board a declaration to the effect that neither he nor his heirs or assigns would use the property for a commercial airport.

Mr. Welchman moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 2nd day of June, 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 8:15 P.M. in the evening to consider the application of Garrett E. Miller, to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner from "Residence 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 "Residence A" to "Business B".

ALL that certain tract of land, situate at West Nyack, in the Town of Clarkstown, County of Rockland, and State of New York, bounded and described as follows:-

BEGINNING at a point in the westerly line of Route 303, which point is the zoning boundary between "Residence A" District and "Business B" District; running thence along the westerly line of Route 303 northwardly about 460 feet to the boundary between the lands of Miller on the south and the lands of Winter on the north; turning and running thence along the boundary between the lands of Miller and Winter in a westwardly direction North 88 degrees 00 minutes west 2350 feet to the easterly line of Cemetary Lane; turning and running thence along the easterly line of Cemetary Lane southward 400 feet to the zoning boundary between "Residence A" District and "Business B" District; turning and running thence along the boundary between "Residence A" District and "Business B" District eastwardly along its various courses to the west side or line of Route 303 and the point of beginning.

Seconded by Mr. Schmersahl.

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

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

NOES: None

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Mr. Dillon presented to the Board a claim against the Town which had been filed by Mrs. Mildred Gold. Mrs. Gold's claim was in the amount of \$25,000 due to injuries which she allegedly received when she stepped into a hole in the road on Sebring St. in Spring Valley. Her husband, Russell Gold also filed a claim against the Town in the amount of \$5,000 for loss of consortium.

Mr. Schmersahl moved that the notice of claim and the insurance policy be sent to the Town Attorney so that a copy of the claim could be sent to the Insurance Carrier.

Seconded by Mr. Eberling.

Carried.

Mr. Welchman moved the following resolution:-

RESOLVED, that the Planning Board, Town of Clarkstown, be requested to make a study of the Zoning Map of the Town, with the idea of making uniform changes throughout the Town, due to the many applications for changes of zoning which have been received by the Town Board, and,

FURTHER RESOLVED, that the Planning Board make a report of its findings to the Town Board at the next regular meeting which will be held on October 10, 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

Bills Nos. 677 to 765 in the amount of \$13,754.67 were audited by the Board and ordered paid.

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

Seconded by Mr. Eberling.

Meeting adjourned.

August H. Harrison
Town Clerk of Clarkstown