

TOWN BOARD MEETING

March 9, 1951

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

Seconded by Mr. Schmersahl.

Carried.

Mr. Nelson W. Hall came before the Board and submitted estimates for the surfacing of Strawberry Hill Lane in West Nyack. The estimate was in the amount of \$3,752. The members of the Town Board asked Mr. Hall if it was at all possible for the work to be done for \$2,900, which was the original estimate in the petition. Mr. Hall said that if the work was done properly and according to Town specifications, it would cost far in excess of \$2,900.

Edward G. Roepe, Town Attorney, informed the Board that they could not, according to law, let out a contract in excess of the amount given in the petition. Mr. Roepe suggested that the estimate and specifications be filed with the Town Clerk and that he be given permission to contact the attorney for the petitioners to see if they wish to submit a new petition.

The members of the Board were in agreement with Mr. Roepe's suggestion and instructed him to proceed with the matter.

Mr. Reeve J. Terwilliger of West Nyack came before the Board and asked if any action would be taken on Park Lane in West Nyack.

The Board asked Mr. Klein, Supt. of Highways, for his opinion on the condition of Park Lane.

Mr. Klein informed the Board that Park Lane had a good base and if given a coat of oil, would meet Town specifications.

Mr. Terwilliger assured the Board that the road would be oiled as soon as possible.

Mr. Eberling moved the following resolution:-

RESOLVED, that the Deed of Harriet B. Ewell to the Town of Clarkstown dedicating Park Lane in West Nyack as a public highway, be, and the same is hereby accepted, and the said road be included in the Town highway system.

Seconded by Mr. Fibble

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. Julius Breier, spokesman for a group of residents from the Knapp Colony in Centenary, came before the Board to register a protest to the reservoir which the Spring Valley Water Co. proposed constructing in Clarkstown.

Mr. Dillon informed Mr. Breier that the Town Board had filed their objections with the Water Power and Control Commission in Albany and that a public hearing would be held on March 16, 1951, at 10:00 A.M. in the Rockland County Court House.

Mr. Eberling moved the following resolution:-

RESOLVED, that Supervisor Irvin F. Dillon is hereby authorized to verify the objections of the Town Board of Clarkstown to the Spring Valley Water Works & Supply Company at a public hearing to be held on March 16, 1951, at the Rockland County Court House.

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 letters of protest to the reservoir from the following organizations:-

Nanuet Civic Association

Federation of Sportsmens Clubs

Valley Cottage Fire District

Mr. Dillon read a letter from the State Comptroller informing the Board of a Federal proposal to remove tax exemption on future issues of Federal, State and Municipal securities. The State Comptroller said in his letter that to remove this exemption would increase interest rates by at least 1%.

Mr. Dillon said that the passage of such a proposal would only serve to increase the tax burden of the taxpayers. He also read copies of telegrams he had sent to Senators Lehman, Irving Ives and Congresswoman Katherine St. George, in protest to the passage of the bill.

Mr. Dillon informed the Board that he had received the report for 1949-1950 from the Department of Audit and Control, and that except for a few minor items, the affairs of the Town were in good condition. He said that a copy of the report was filed with the Town Clerk and was available for inspection by any interested persons.

Mr. Dillon said that the State Auditors had recommended that the surplus monies in the West Nyack Lighting District Account and the Nanuet Sidewalk Account be transferred to the General Account.

Mr. Eberling moved the following resolution

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RESOLVED, that the West Nyack Lighting District Account be closed and Supervisor Irvin F. Dillon be authorized to transfer the balance of \$87.19 from the West Nyack Lighting District Account to the Current Surplus Account. 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 the Nanuet Sidewalk District Account be closed and Supervisor Irvin F. Dillon be authorized to transfer the balance of \$298.23 from the Nanuet Sidewalk Account to the Current Surplus Account.

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 presented to the Board the Annual report of the Supervisor and the monthly reports of the following Town Officers:-

Receiver of Taxes	Building Inspector
Supervisor	Town Clerk
Welfare Officer	Police Department

Mr. Schmersahl moved the reports be accepted.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon read a letter from the Department of Agriculture and Markets. The letter stated that a list of Dog Owners in the Town had not been filed with the Department and asked the Supervisor to contact the Dog Enumerator and instruct him to turn the list in to the Town Clerk as soon as possible. Mr. Dillon said that he had sent a letter to Charles Draudt, Dog Enumerator, asking him to do so.

The Board then considered the Tax Refund Petition of Walter P. Nichols of Nanuet. Mr. Nichols petitioned the Board to refund to him taxes which he claimed were erroneously assessed in the Nanuet Water District.

The Board studied an up to date map of the Water District which had been obtained from the Spring Valley Water Company and found the Nichols property to be within the boundaries of the Water District.

The Town Clerk was instructed to write to Mr. Nichols and inform him that his petition had been disapproved by the Board.

Mr. Roeppe, Town Attorney, informed the Board that he had received a letter from the Welfare Officer in regard to the burial of Bartholomew Singleton which had been charged to the Town.

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Mr. Roepe said that there were assets in the case of approximately \$100 and the amount due the Town was \$95. Mr. Roepe asked the Board if they wished him to start action to recover the amount still due the Town.

Mr. Welchman moved the following resolution:-

RESOLVED, that Edward G. Roepe, Town Attorney, be authorized to take necessary action to recover \$95.00 due the Town of Clarkstown for the burial of Bartholomew Singleton.

Seconded by Mr. Eberling.

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. W. Reginald Herdman, Chairman of the Zoning Board of Appeals. Mr. Herdman asked the Town Board to instruct the Town Attorney to take the necessary steps to enforce the Town Ordinances in regard to the Wilcox property in Nanuet. Mr. Wilcox was a local garbage collector and had been using his property as a dump.

The Town Clerk was instructed to write to the Zoning Board and inform them that Mr. Wilcox was no longer in business and that the situation had been corrected.

Mr. Dillon read a letter from the Spring Valley Water Company informing the Board that the existing four inch hydrant on Palmer Ave. in Nanuet would be replaced with a six inch hydrant as soon as possible.

Mr. Dillon read a letter from the Department of Public Works in regard to the traffic condition at the intersection of North Greenbush Road and Route 303. The letter stated that an investigation had been made and signs erected by the Department.

The application of Helen and Phillip Frohling of Nanuet for a change of zoning of their property from "Res. B." to "Bus. B." was presented to the Board.

The Board referred the matter to Mr. Roepe so that the survey and description could be checked before setting a public hearing date.

Two reports from the Zoning Board of Appeals granting Variances to Louis Ferretti of Nanuet and Adelina Brunjes of New City were presented to the Board.

Mr. Dillon informed the Board that the Zoning Map should be brought up to date and copies of the revised map ordered.

Mr. Eberling moved the following resolution:-

RESOLVED, that the Town Clerk request the Rockland County Planning Board to amend the Building Zone Map of the Town of Clarkstown, and,

FURTHER RESOLVED, that copies of the revised map be ordered by the Town Clerk as soon as possible.

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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, Dillon.

NOES: None.

Mr. Roepe, Town Attorney, then called the Board's attention to a notice of suit brought against the Town by Mildred and Russell Golde in the amount of \$55,000.00. Mrs. Golde claimed that she had fallen into a hole on Sebring St. a Town road in Spring Valley, and suffered severe injuries. Mr. Roepe said that the case had been called for New York County but that he was going to ask for a change of venue so that it would be tried in Rockland County.

Mr. Roepe reported to the Board that Hughes St. in Congers could be improved by letting the work out on a private contract or else the Town Superintendent of Highways could do the work and the Town would then assess the property owners for the amount of the improvement.

Mr. Klein, Superintendent of Highways, asked the Board's permission to solicit bids for the work so that he could determine what the average cost of the job would be if it were let out on a private contract.

The Town Board authorized the Superintendent of Highways to solicit bids for the work on Hughes St. and Asked that he report back at the next meeting.

Councilman Eberling informed the Board that a hydrant was needed on Nelson Place just off Grandview Ave. in Nanuet.

Mr. Eberling moved the following resolution:-

RESOLVED, that a hydrant be installed on the corner of Nelson Place and Grandview Ave., Nanuet, and,

FURTHER RESOLVED, that the Spring Valley Water Works and Supply Company be requested to make the necessary installation as soon as possible.

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 also requested that a street light be erected on Pole #7 on Palmer Ave. in Nanuet.

Mr. Welchman moved the following resolution:-

RESOLVED, that a street light be erected on Pole #7 on Palmer Ave. in Nanuet, and,

FURTHER RESOLVED, that the Rockland Light & Power Company be requested to make the necessary installation as soon as possible.

Seconded by Mr. Fibble.

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

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

NOES: None.

Councilman Welchman informed the Board that he had been told of a Dr. Pogh of Suffern, who was an expert on reserviors and waterways. Mr. Welchman said that Dr. Pogh might be of some help to the Town Attorney at the public hearing to be held on the Spring Valley Water Company's proposed reservior.

Mr. Welchman moved the following resolution:-

RESOLVED, that the Town Attorney be authorized to contact Dr. Pogh of Suffern for the purpose of retaining him as a witness for the Town in the matter of the Spring Valley Water Company's application for the construction of a reservior in the Town of Clarkstown, and,

FURTHER RESOLVED, that Dr. Pogh be paid a fee of \$75.00 for him testimony. Seconded by Mr. Eberling.

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

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

NOES: None.

Mr. Jerome Trachtenberg, Attorney for Anna Weinberg, came before the Board and submitted a petition for a change of zoning from "Bus. A." to "Bus. B.", for the Weinberg property in Spring Valley. Since Mr. Trachtenberg did not have a survey or description of the property, the Board instructed him to have the papers submitted to the Town Attorney as soon as possible so that they could be checked.

Mr. Dillon informed the Board that he had received the list of eligibles for the position of Police Sergeant from the Civil Service Commission. Mr. Dillon said that he had contacted the men on the list and they were all interested in the appointment.

Mr. Welchman moved the following resolution:-

RESOLVED, that the position of a third Police Sergeant be created in the Clarkstown Police Department.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Before the Board went into the matter of the appointments, Mr. Dillon informed them that he had received the following letter signed by seven members of the Police Department:-

We, the undersigned members of the Clarkstown Police Department, protest any consideration which may be given to the appointment of Raymond Lindemann as police sergeant, by the Town Board of Clarkstown.

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Due to past experiences we feel that he is lacking in ability to hold such a position and we do not have sufficient confidence in this man to operate efficiently as a department.

John Jackomin
William Zielich
John Westervelt
Fred Brunjes

Frank Hochreiter
John Courtney
Norman Gardner

After hearing the letter read, Mr. Welchman said that he thought it was a shame that the men of the Police Department would sign their names to such a letter and send it to the Board. He said that to publicly condemn one of their members in such a manner was putting a black mark on the name of the man that he would find hard to live down.

Mr. Schmersahl then moved the following resolution:-

RESOLVED, that William Zielich, New City, New York, be permanently appointed Police Sergeant to the Clarkstown Police Department at an annual salary of \$3,800, the appointment to become effective as of March 9, 1951.

Seconded by Mr. Eberling.

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

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

NOES: None.

Mr. Welchman moved the following resolution:-

RESOLVED, that Raymond Lindemann, West Nyack, New York, be appointed permanently as Police Sergeant to the Clarkstown Police Department at an annual salary of \$3,800, the appointment to become effective as of March 9, 1951.

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. Fibble moved the following resolution:-

RESOLVED, that Frank Hochreiter, Congers, New York, be permanently appointed as Police Sergeant to the Clarkstown Police Department at an annual salary of \$3,800, the appointment to become effective as of March 9, 1951.

Seconded by Mr. Welchman.

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

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

NOES: None.

Chief of Police Ernest Wiebecke then came before the Board and said that he had no knowledge of the letter which had been sent to the Town Board by the members of the Police Department.

Superintendent of Highways, Emil Klein, came before the Board and recommended that the Specifications for Town roads be revised. He said that many of the new roads which the Town had taken over had been constructed according to Town specifications and they had broken up very badly during the winter.

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Mr. Klein estimated that it would cost \$9,400 to repair these roads properly.

The members of the Board asked Mr. Klein if it would be possible to repair the roads this year.

Mr. Klein said that he did not have sufficient funds in his budget to repair these roads and in order to do the job he would have to neglect the other Town roads. He asked if it would not be possible to borrow the money for this work since he did not have the funds in his budget. Mr. Klein also presented to the Board the new specifications which he had drawn up.

The Board instructed Mr. Klein to get together with the Town Attorney and discuss the matter in the hope that a solution could be found.

Bills Nos. 221 to 328 in the amount of \$7,651.45 were audited by the Board and ordered paid.

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

Seconded by Mr. Fibble.

Carried.

Meeting adjourned.

August W. Hansen
Town Clerk of Clarkstown