

## TOWN BOARD MEETING

February 15, 1952

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Burleigh

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.

The Bond of Frank W. Kemmer, Welfare Officer, was approved and signed by the Board.

A Street Opening Permit for Walter Dahm was approved and signed by the Board.

Mr. Victor Smith of New City came before the Board in regard to the roads in the Knapp Colony. Mr. Smith informed the Board that he had obtained a certified copy of the minutes dealing with the acceptance of the roads. He said that the minutes contained a statement by Mr. Knapp that the roads had been constructed in accordance with State specifications. Mr. Smith then asked Councilman Fibble what he had based his motion on to accept the roads when the Supt. of Highways had reported to the Board that the roads did not meet Town Specifications. He asked if Mr. Fibble or any other member of the Board had inspected the roads before accepting them.

Mr. Fibble stated that he and Mr. Welchman had inspected the roads.

Mr. Dillon informed Mr. Smith that the minutes speak for themselves and that the Board had accepted the roads in good faith and considered the matter closed.

Mr. Smith said that the group he represents felt that if the Board would take no further action on the matter, the only other course would be litigation.

Mr. Dillon stated that the Board would take no further action.

Mr. Welchman then moved the following resolution:-

RESOLVED, that Irvin F. Dillon, Supervisor, be authorized to execute a lease with the Nanuet National Bank for the rental of Police Headquarters for a period of two (2) years beginning on Jan. 1, 1952 and ending on Dec. 31, 1953.

Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Irvin F. Dillon, Supervisor, be authorized to execute a lease with Hutton\*Johnson Co, Inc. for the rental of the Reciever of Taxes office for a period of one (1) year.

Seconded by Mr. Welchman.

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

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

NOES: None.

Mr. Dillon read a letter from the State Building Code Commission in regard to a conference which would be held at the Hotel Statler in New York City on February 21, 1952.

Mr. Schmersahl moved the following resolution:-

RESOLVED, That all Town Officials be granted permission to attend a conference of the State Building Code Commission to be held at the Hotel Statler in New York City on February 21, 1952, the expense to be paid by the Town.

Seconded by Mr. Burleigh.

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

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

NOES: None.

Mr. Dillon read a letter from the New City Businessmens Association recommending the appointment of Melvin Knapp of New City to the Planning Board to fill the vacancy created by the death of John Elliott.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Melvin Knapp, New City, be appointed to the Clarkstown Planning Board to fill the vacancy created by the death of John Elliott, and, BE IT FURTHER RESOLVED, that the appointment become effective on February 15, 1952, and the term will expire on January 12, 1953. Seconded by Mr. Burleigh.

AYES: Messrs. Schmersahl, Fibble, Welchman, Burleigh, Dillon.  
Mr. Dillon said that the Town Board should meet with the Planning Board

to discuss the regulations in regard to Subdivision control.

The Board decided to hold a joint meeting with the Planning Board on Feb. 26, 1952, at 8:30 P.M. in the Supervisor's office. The Town Clerk was instructed to notify the Planning Board of the meeting.

Attorney Jerome Trachtenberg came before the Board and presented the application of D'Agostino Construction Co. for a change of zoning of their property in Nanuet from "Res. A" to "Res. B".

Mr. Schmersahl moved the following resolution:-

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WHEREAS, D'AGOSTINO CONSTRUCTION CO., INC., has 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 petitioner and in said petition described from "Residence A" to "Residence 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 14th day of March, 1952, at 9:00 P.M. (Eastern Standard Time) relative to such proposed amendment, and it is,

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

Seconded by Mr. Welchman.

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

AYES: MESSRS. Schmersahl, Fibble, Welchman, Burleigh, Dillon.

NOES: None.

Mr. Dillon informed the Board that a request was pending for the installation of a street light on Capral Lane in New City.

Town Attorney Edward G. Roepe checked the original petition of the Lighting District and informed the Board that in his opinion, the street in question was not in the district.

The Town Clerk was instructed to notify Mr. Lombardi that the street was not in the district and suggest that he contact his Attorney and petition the Board for the extension of the District.

A group of residents of Johnson Lane in New City came before the Board. The spokesman for the group informed the Board that the estimated cost of the construction of Johnson Lane was prohibitive and if the people were assessed on the basis of the cost it would create a hardship. The spokesman asked if the Town could construct a cheaper road.

Mr. Welchman informed the group that the Town had only one set of specifications for roads. He said that there were no specifications for secondary roads.

Mr. Burleigh said that he had spoken to engineers about the specifications and he had been told that the specifications were at an absolute minimum and should be raised. He also said that the Board must adhere to the specifications in accepting or constructing roads.

The spokesman asked if the road could be constructed in part instead of being completely paved for its entire length.

Mr. Dillon said that it would be impossible to construct only a part of the road since only those people whose property fronted on the improved portion could be assessed for the cost of construction, while everyone living on Johnson Lane would receive the benefit of it.

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The spokesman asked if the Board would give some consideration to the property owners on Johnson Lane.

Mr. Dillon stated that the Board could not accept the road unless if met with specifications.

Mr. Dillon read a letter from the Spring Valley Water Co. informing the Board that two (2) hydrants would be installed on the South side of Route 59 in Nanuet as soon as possible.

Mr. Dillon read a letter from the State Traffic Commission in regard to the Area Speed Restrictions for the Town. The Traffic Commission requested any changes or recommendations that the Chief of Police might have in regard to the sign tabulation.

The Town Clerk was instructed to notify the Traffic Commission that no further changes were contemplated.

Mr. Dillon read a letter from the State Traffic Commission in regard to the installation of a traffic light at the intersection of Lake Rd. and Rt. 9W at the southern end of Rockland Lake. The letter stated that the usual investigation had been made and the volume of traffic did not necessitate the installation of a traffic light at this point.

Mr. Dillon read a letter from the Traffic Commission in regard to the installation of a traffic light at the intersection of Lake Rd. and Rt. 9W at the northern end of Rockland Lake. The letter stated that an investigation of the condition did not substantiate the request for the installation of a traffic light at the intersection, however, the Commission had conferred with the Chief of Police who had indicated that the prohibiting of parking on the south side of Lake Rd. for a distance of 50 feet would improve the situation.

Mr. Dillon read a letter from the Traffic Commission informing the Board that the State Dept. of Public Works had been instructed to erect auxiliary signs on Main St. in Nanuet indicating the one (1) hour parking limit between the hours of 8:00 A.M. and 6:00 P.M.

Mr. Dillon read another letter from the State Traffic Commission in regard to the Board's request for permission to use portable school signs on Rt. 304 in the Bardonia School zone. The letter stated that the road is not wide enough to permit the use of the signs and the only solution to the problem would be to construct a sidewalk on one side of Route 304.

The Board then held a public hearing for the purpose of considering an application for street improvement submitted by the residents of Parker Ave. in New City.

The Following residents of Parker Ave. came before the Board and testified in favor of the improvement:-

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John Mahalik

Rose Simpson

Cyrus Lau

Fred Fair

Nettie Brown

Pat Zicciardi

David Brown

William Laas

No one appeared in opposition to the petition.

After returning to a Town Board meeting, Mr. Welchman moved the following resolution:-

WHEREAS, a written petition, dated November 8, 1951, was duly filed with this Board requesting the improvement of Parker Ave. at New City, in said Town, between its intersection with Red Hill Road and Birch Lane, by paving the entire length thereof in accordance with Town specifications as contained in the Resolution of the Town Board of May 13, 1951, and whereas, said petition was duly signed by owners of real estate woning real estate to the extent of at least one-half of the entire frontage or bounds on both sides of said portion of Parker Avenue and also by resident owners owning not less than one-half of the frontage owned by resident owners residing in or along Parker Avenue between the points aforesaid, and whereas, the said petition was duly acknowledged or proved as to each signer in the same manner as required of a deed to be recorded, and whereas, at a meeting of said Town Board duly called and held on December 28, 1951, an order was duly adopted by it and entered in its minutes, reciting the filing of such petition, the improvement proposed and the maximum amount proposed to be expended for the improvement as stated in said petition, to wit, the sum of \$8,000.00, and specifying that said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same, at the Town Clerk's Office at Main Street, New City, in the said Town of Clarkstown on the 15th day of February, 1952, at 9:30 o'clock in the evening Eastern Standard Time, and whereas, the said order, duly certified by the Town Clerk, was duly published and posted as required by law, to wit, a duly certified copy thereof was published in the "Journal News", the official paper of this Town, on the 2nd day of February, 1952, and copies of such order posted on the 2nd day of February, 1952, conspicuously in five public places within the district, to wit, along Parker Ave. on New York Telephone Poles numbered 1,2, 4,5, and 6, and whereas, a hearing was duly held by this Town Board at the place and on the date and time hereinbefore mentioned, and at such place and time, the said Town Board did duly consider the said petition and hear all persons interested,

NOW, THEREFORE, after such hearing and upon the evidence given thereat and pursuant to the provisions of Section 200 of the Town Law of the State of New York, it is hereby,

RESOLVED, that this Board does hereby determine that it is in the public interest to make the improvement petitioned for,

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to wit, by paving in accordance with the Town specifications as contained in Resolution of the Town Board of May 13, 1951, and it is further,

RESOLVED, that Nelson W. Hall, a civil engineer who is hereby employed for that purpose, shall prepare definite plans and specifications and make a careful estimate of the expense, and with the assistance of Edward G. Roepe, Esq., the Town Attorney, shall prepare a proposed contract for the execution of the work; and that such plans and specifications, estimate and proposed contract shall be presented to this Board as soon as reasonably possible, and it is further,

RESOLVED, that Nelson W. Hall, a civil engineer who is hereby employed for that purpose, shall survey the portion of the said highway to be improved, and establish lines and grades thereof, marking out upon the ground the side lines of the lands owned or held by this Town for highway purposes; and that he shall place such survey and a profile of the grade of such highway upon blueprints; that there shall be at least three complete sets of blueprints prepared showing such survey and a profile of the grade, one of which shall be filed in the Town Clerk's Office, and the remaining two of which shall be delivered to this Board.

Seconded by Mr. Burleigh.

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

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

NOES: None.

Mr. Dillon read a letter from the Rockland Light & Power Co. informing the Board that the Survey of the Congers Lighting District would be finished in the near future.

Mr. Dillon presented a copy of a resolution adopted by the Zoning Board of Appeals granting a Variance to Ethel M. Dike of West Nyack.

The monthly reports of the following Town Officials were accepted and approved by the Board:

Supervisor	Police Dept.
Town Clerk	Welfare Officer
Building Inspector	

Mr. Dillon presented a letter from Doyle Brannon, Real Estate Agent, containing an appraisal on the Sharman property in New City. Mr. Brannon estimated the value of the property at \$4,000.

Welfare Officer Frank W. Kemmer was instructed to contact the adjoining property owner and obtain a bid in the event that he was interested in purchasing the property.

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A letter was presented from the State Defense Council requesting the appointment of Local Scrap Mobilization Committees to press the campaign for the collection of heavy scrap metals.

Mr. Dillon presented the Civil Service list of eligibles for the permanent position of Patrolman to the Clarkstown Police Dept. He informed the Board that the list contained the names of Richard Lyons and Andrew Thompson of Nanuet. He added that Mr. Thompson holds the position at the present time on a provisional basis.

Mr. Welchman moved the following resolution:-

RESOLVED, that Andrew Thompson, Town Line Road, Nanuet, be permanently appointed as Patrolman to the Clarkstown Police Dept. at an annual salary of \$3,200, and,

FURTHER RESOLVED, that the appointment become effective immediately.  
Seconded by Mr. Fibble.

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

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

NOES: None

The Town Clerk presented a request from Charles Roth, Custodian of the Voting Machines, to have two (2) new voting Booths constructed for use in Election District #12, Nanuet. The Town Clerk explained that the present booths were in very poor condition and could not be used any longer.

Mr. Welchman moved that the request be granted.

Seconded by Mr. Fibble. Carried.

Councilman Welchman informed the Board that he had received a number of complaints from taxpayers regarding the hours of the Rec. of Taxes office. Mr. Welchman said that the people had been unable to pay their taxes after 3:00 P.M. during the tax collection period, and he asked if there was any action that the Board could take on the matter.

Mr. Dillon said that the law had been checked last year when the Board had received complaints about the same condition, and it states that the office must be open at reasonable hours of the day, but does not specify the hours.

Bills Nos. 72 to 242 on Warrant #2 in the amount of \$17,728.75 were audited by the Board and ordered paid.

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

Seconded by Mr. Fibble. Carried.

Meeting adjourned.

*Robert W. Hansen*  
Town Clerk of Clarkstown

## PUBLIC HEARING

February 15, 1952

Town Clerk's Office

9:30 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Mr. Dillon called the hearing to order, explaining that it was being held to consider a petition for street improvement which had been submitted by the residents of Parker Ave. in New City.

Mr. Dillon said that the Board would listen first to those in favor of the petition and then to those in opposition.

E. Alfred Festa, Attorney for the Petitioners, called Mr. John Mahalik before the Board.

Mr. Mahalik was sworn in by Mr. Dillon and upon being questioned by Mr. Festa, testified as follows:-

Q. Where do you live?

A. On Parker Ave.

Q. How long have you lived there?

A. I have lived there since July. Before that I lived there during the summer.

Q. What is the condition of the road at the present time?

A. The road is impassable. It is very muddy and full of ruts.

Q. How deep are the ruts?

A. From six inches to about  $1\frac{1}{2}$  feet.

Q. Has anyone on Parker Ave. ever needed to call a Doctor?

A. Yes. The Doctor had to walk in from Red Hill Road.

Q. Has anyone ever needed an Ambulance?

A. No.

Q. Has there ever been occasion to call the Fire Dept.?

A. No. Although, if they were called, the trucks would not be able to get into the road.

Q. How many people are affected by this condition?

A. About 10 familys. At least 30 or 40 people.

Q. Is there any other way out?

A. No.

Q. You are requesting the Town Board, as one of the Petitioners, to improve and maintain the road?

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A. Yes.

Q. How long is the road?

A. About 1865 feet long.

Mr. Festa then presented the petition and Survey to the Board.

Mr. Cyrus Lau came before the Board and was sworn in by Supervisor Dillon.

The Town Attorney questioned Mr. Lau who testified as follows:-

Q. What is your full name?

A. Cyrus Lau.

Q. Where do you live?

A. Parker Avenue.

Q. How long have you lived there?

A. Since 1949.

Q. You heard Mr. Mahaliks testimony?

A. Yes.

Q. Do you agree with Mr. Mahalik?

A. Yes, I do;

Q. How many houses are on the street?

A. 12 or 14 houses.

The following residents of Parker Ave. came before the Board and spoke in favor of the petition:-

Rose Simpson

Fred Fair

David Brown

Pat Zicciardi

Nettie Brown

William Laas

There being no further testimony, Mr. Schmersahl moved the hearing be closed.

Seconded by Mr. Fibble.

Carried.

Hearing closed.

*August W. Hansen*

Town Clerk of Clarkstown