

TOWN BOARD MEETING

March 12, 1954

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. Burleigh.

Carried.

Mr. Dillon requested a resolution authorizing the Building Inspector to attend a Building Code Conference at New York City on Feb. 10 and 11, so that his claim for expenses could be audited.

Mr. Burleigh moved the following resolution:

RESOLVED, that Lincoln Waldron, Building Inspector, be authorized to attend a Building Code Conference at New York City on Feb. 10 and 11th, at the expense of the Town.

Seconded by Mr. Schmersahl.

Carried.

Mr. Ernest Sirest of Congers came before the Board. Mr. Sirest stated that he lived on the continuation of Medway Ave. and the road was unpaved and in very poor condition and at times it was almost unpassable. Mr. Sirest asked if this was a Town Road, and if so, requested that the Town pave it and maintain it.

Mr. Dillon said that the continuation of Medway Ave. was not a Town road. He informed Mr. Sirest that the property owners could pave the road at their own expense and then request the Town to accept it, or they could form an improvement district to pave the road, in which case each property owner would be assessed for the cost.

Mr. Sirest stated that the property owners could not afford to improve the road.

Mr. Rudolph Palestro asked the Board what the advantage would be in having the road paved.

Mr. Welchman explained that if the road were paved in accordance with Town specifications, it would be accepted and maintained as a town road.

Mr. Dillon said that the only alternative was for the property owners to have the road built at their own expense or else form an improvement district.

Mr. H. Grant Warner, Attorney came before the Board. Mr. Warner said that he represented property owners on the extension of Grace St. at Nanuet.

Mr. Warner said that the Building Inspector had refused to issue permits to the property owners on the extension of Grace St. because it was not an improved road. He asked what requirements would have to be met so that the permits could be issued.

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Mr. Dillon said that the road would have to be paved in accordance with Town specifications and accepted by the Town before a building permit could be issued for the houses. He said that the paving could be done by the property owners or an improvement district could be formed.

Mr. Warner said that C. U. Smith had already built a house on the unimproved portion of the street and he asked how the improvement district would affect him.

Mr. N. A. McGill of Nanuet, said that Mr. Smith's Deed requires him to share cost of the road with the other property owners.

Mr. Warner asked if a Bond for the cost of the road would be sufficient so that a permit could be issued to build.

Town Attorney Edward G. Roepe said that it would be satisfactory only if the Town Board approved it.

Mr. Warner said that the situation was very critical since the people who wish to build are now living at Shanks Village and must be out by June.

Mr. Roepe said that if a Bond is submitted it must contain an accurate description of the work to be done. He asked Mr. Warner if the road was described on a filed map.

Mr. Warner said that it was not but that he would furnish a proper description.

Mr. Warner said that he also had a client living on Pierce St. who had been refused a permit to build. He stated that there were a number of houses on the street and a map has been on file since 1923. Mr. Warner said that it was definitely a hardship case and he requested the Board to authorize the issuance of a permit.

Mr. Roepe informed Mr. Warner that he should apply to the Zoning Board of Appeals for relief.

Mr. Dillon said that the Town Board, Planning Board and the Zoning Board of Appeals were going to hold a joint meeting next week to discuss the matter and try to reach a solution.

Mr. Dillon presented the following bids for a Caterpillar Tractor to be used on the Town Dump:

H. O. Penn Machinery Co.	\$20,750
Frantz Tractor Co. -	18,890

Supt. of Highways inspected the bids and reported that the bid of the Frantz Machinery Co. varied from the specifications which had been advertised.

Councilman Welchman stated that in view of the difference in the two bids, the lowest bid should be accepted.

Mr. Klein said that Supervisor Dillon, Councilman Burleigh and he had inspected the machinery and equipment at the Town of Poughkeepsie Dump recently and the Poughkeepsie officials had recommended the H. O. Penn Tractor since they had used it very successfully in their operations.

Mr. Louis Sisler, representative of the Frantz Tractor Co. then came before the Board and stated that he wished to withdraw his Company's bid since it did not meet the specifications. He said that he realized there was a time element involved and rather than hold the Board up, he would withdraw the bid.

The Board agreed to permit the bid to be withdrawn and thanked Mr. Sisler for his courtesy.

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Mr. Welchman then moved the following resolution:

RESOLVED, that the Bid of H. O. Penn Machinery Company, Inc., in the amount of \$20,750.00 and the same is hereby accepted for the following described equipment:

1 - new Caterpillar #6 Hydraulic Shovel with 6 cylinder, 4 stroke cycle, water cooled diesel engine, independant 15 H.P. 2 cylinder four stroke cycle, horizontal gasoline engine, equipped with high tension magneto and impulse coupling down draft carburetor and flyball governor. Starting engine cranked by a 6 Volt motor controlled from seat. Non-oscillating wide gauge seven roller track frame, large front idlers, 18" flat center tracks, heavy duty radiator guards, track roller guards, electric starter on starting engine, heavy side doors and blower fan, rain traps, hydraulic control, 2 cubic yard 8 foot bucket, crankcase guard and Hyster D6N Towing Winch.

Kindly make arrangements for delivery with Emil Klein, Supt. of Highways.

Seconded by Mr. Burleigh.

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

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

NOES: None.

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Mr. Roepe presented a Bond Resolution for the purchase of machinery and equipment for the Dump.

Mr. Burleigh moved the following resolution:

BE IT RESOLVED this 12th day of March, 1954, by the Town Board of the Town of Clarkstown, Rockland County, New York as follows:-

FIRST: For the object or purpose of purchasing certain machinery and equipment consisting of a shovel loader with a two-yard bucket, hydraulic control; a 120 gallon per minute minimum capacity centrifugal pump and rat cafeterias, such machinery and equipment to be used in the connection with the operation of a town dump, and to provide funds to defray the cost thereof, \$20,000 of general obligation serial bonds of the Town of Clarkstown, Rockland County, New York, to be of the terms, form and contents hereinafter provided for, shall be issued pursuant to the provisions of the Local Finance Law of the State of New York.

SECOND: \$22,500 is estimated as the maximum cost of the object or purpose for which such serial bonds are to be issued, to wit, the purchasing of certain machinery and equipment consisting of a shovel loader with a two-yard bucket, hydraulic control; a 120 gallon per minute minimum capacity centrifugal pump and rat cafeterias, such machinery and equipment to be used in the connection with the operation of a town dump.

THIRD: The plan for the financing of such object or purpose consists of the issuance of the serial bonds of the said Town of Clarkstown in the principal sum of \$20,000, thereby providing such sum toward the maximum estimated cost of such object or purpose, and the balance of such cost, to wit, \$2,500, shall be provided by the issuance and sale of a capital note in said sum.

FOURTH: It is hereby determined that the object or purpose for which such serial bonds are to be issued falls within sub-paragraph 32 of Subdivision (a) of Section 11.00 of the Local Finance Law, and that the periods of probable usefulness of such object or purpose is five years.

FIFTH: The proposed maturity of the serial bonds hereby authorized will not be in excess of five years.

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Mr. Welchman moved the following resolution:

BE IT RESOLVED this 12th day of March, 1954, by the Town Board of the Town of Clarkstown, Rockland County, New York, as follows:-

FIRST: The object and purpose for which the obligations herein authorized to be issued consists of the purchase of certain machinery and equipment consisting of a shovel loader with a two-yard bucket, hydraulic control; a 120 gallon per minute minimum capacity centrifugal pump and rat cafeterias, such machinery and equipment to be used in connection with the operation of a Town dump, at an estimated maximum cost of \$22,500.

SECOND: The plan for financing such object or purpose consists of the issuance of \$20,000 serial bonds of the Town of Clarkstown, Rockland County, New York and the issuance of a capital note of said Town in the principal amount of \$2,500 which capital note is hereby authorized for such purpose.

THIRD: The period of probable usefulness of such object or purpose is hereby determined to be five years. The note hereby authorized will be issued and sold prior to the issuance of any such bonds or bond anticipation notes to provide the so-called down-payment required by Section 107 of the Local Finance Law.

FOURTH: Said note shall be sold by the Supervisor of the Town of Clarkstown for not less than par and accrued interest at private sale, and may be sold either separately or with other capital notes as a single capital note issue. Such note will bear interest at a rate not exceeding five per centum per annum payable at maturity, will be payable as to both principal and interest in lawful money of the United States at the office of the Supervisor of the Town of Clarkstown, Main Street, New City, Rockland County, New York, and will bear such date and be in such form and of such terms and contents, consistent herewith and with the Local Finance Law of this state, as the Supervisor shall determine. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such note, and an amount sufficient to pay such note and the interest thereon shall be included in the next annual budget of said Town of Clarkstown and such capital note shall not be renewed.

FIFTH: This resolution will take effect immediately.

Seconded by Mr. Schmersahl.

On roll call, the Board voted as follows:

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

NOES: None.

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SIXTH: There will be provided prior to the issuance of such bonds the sum of \$2,500 toward such object or purpose by the issuance and sale of a capital note in said sum.

SEVENTH: The said \$20,000 in serial bonds shall be of the following denominations: One at \$2,000 and four at \$4,500 each, the bond in the principal amount of \$2,000 to mature first, numbered 1 to 5 inclusive maturing in numerical order, 1, 2, 3, 4, and 5 years respectively from their date of issuance and shall bear interest at a rate not exceeding five per centum per annum payable annually. Said bonds shall be executed in the name of the Town of Clarkstown by the Supervisor of said Town and sealed with the corporate seal of the Town of Clarkstown and attested by the Town Clerk of the Town of Clarkstown; and both principal of and interest on said bonds shall be payable in lawful money of the United States of America at the office of the Supervisor of the Town of Clarkstown, Main Street, New City, Rockland County, New York.

EIGHTH: Except as herein expressly provided, the said bonds 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.

NINTH: The Supervisor of the Town of Clarkstown not more than 15 days nor less than 3 days before the sale of said bonds shall file with the Comptroller of the State of New York a supplemental debt statement and file a duplicate thereof with the Town Clerk of the Town of Clarkstown and with the County Clerk of the County of Rockland in compliance with Section 109.00 of the Local Finance Law.

TENTH: The Supervisor of the Town of Clarkstown is hereby authorized and directed to sell such bonds at public sale in the manner required by law and shall give notice thereof as prescribed by law and rule or order of the Comptroller of the State of New York.

ELEVENTH: When said bonds shall have been duly sold, the same shall be delivered by the Town Supervisor to the purchaser upon payment to him of the purchase price including accrued interest, and the receipt of the Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

TWELFTH: The faith and credit of said Town of Clarkstown are hereby pledged to the payment of the principal of said bonds and interest thereon when due. An amount sufficient to pay the principal and interest on said bonds as the same becomes due each year shall be included in the annual budget of such Town for such year, and the said bonds shall not be renewed.

THIRTEENTH: 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, Burleigh, Dillon

NOES: None.

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Mr. A. D. McLeod came before the Board and asked if any action would be taken on his request for the rezoning of his property at Central Nyack.

Mr. Dillon informed the Board that the Joint application of Mr. McLeod and Robert L. Schwartz was still pending. He said that at the hearing, all the objections had been against rezoning the Schwartz property and there had been none regarding the McLeod parcel. He suggested that the Board grant a change to Mr. McLeod and hold the Schwartz application in abeyance.

Mr. Burleigh moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by Resolution duly adopted on the 21st day of December, 1953, provided for a public hearing on the 8th day of January, 1954, at the office of the Town Clerk, Main Street, New City, New York, at 8:30 P.M., Eastern Standard Time, to consider the application of ROBERT L. SCHWARTZ, to amend the Building Zone Ordinance for the said Town by redistricting the property of Albert E. Yerg and others, from "Residence A" and "Residence B" 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 being a portion of said premises at Central Nyack in said Town from "Residence B" to "Business B".

BEGINNING at a point in the westerly line of lands conveyed by Andrew Sidoli and Teresa Sidoli to Charles Westcott and Margaret Westcott, by deed dated October 13, 1944 and recorded in the Rockland County Clerk's Office on October 17, 1944 in Liber 423 of Deeds at page 438 said point being distant, the following two courses, from a concrete post at the intersection of the northerly line of Nyack Turnpike and the westerly line of Ingalls Street as shown on map entitled "Land of Andrew Sidoli at Central Nyack, N. Y." dated March 18, 1924, revised on September 30, 1925, made by E. W. Christie, Surveyor and filed in the Rockland County Clerk's Office on November 28, 1928 as Map No. 871: (1) South $83^{\circ} 22'$ West. 56.25 feet and (2) North $10^{\circ} 28'$ West 100 feet; thence from said point of beginning along said lands so conveyed to Westcott and lands conveyed by Andrew Sidoli and Teresa Sidoli to Rudolph H. Ceike and Mary Ceike by deed dated May 29, 1926 and recorded in the Rockland County Clerk's Office on September 24, 1926 in Liber 307 of Deeds at page 489 North $10^{\circ} 28'$ West 150 feet to a point; thence South $83^{\circ} 22'$ West 128 feet more or less to a point, thence South $5^{\circ} 18'$ East, part of the way along lands of the Rural Cemetery 150 feet to a point, thence North $83^{\circ} 22'$ East, 142 feet, more or less to the point or place of beginning. Dated: March 24th, 1954.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Dillon presented a survey made by Rockland Light & Power Co. for the revision of street lighting on Lake Rd. at Congers, and the installation of lights

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along Kings Highway at Congers. He said that the increased cost would amount to \$1,066.00 per year for the lighting district.

Mr. Fibble moved that the lights be installed on Kings Highway and also that the street lighting be revised on Lake Rd. in accordance with the Survey submitted by Rockland Light & Power Co.

Seconded by Mr. Welchman.

Carried.

Mr. Fibble also presented a petition signed by a number of Congers residents for the revision of the lighting at the Railroad Plaza. The petition requested that the lights on the poles located in the park strip between Burnside Ave. and the Railroad Plaza be replaced with 44,000 Lumen Lamps mounted on 10 foot extension arms facing the plaza, and the light on the pole on Lake road east of the West Shore Railroad tracks be replaced with a 4,000 Lumen Lamp.

Mr. Fibble moved that the lights be replaced with 4,000 Lumen Lamps mounted on 10 feet extension arms to provide better lighting for the Railroad Plaza.

Seconded by Mr. Welchman.

Carried.

Mr. Dillon read a letter from Lincoln Waldron, Building Inspector, requesting permission to purchase 4 three drawer filing cabinets for use by the Planning Board and Zoning Board of Appeals.

Mr. Welchman moved the following resolution:

RESOLVED, that Building Inspector Lincoln Waldron be authorized to purchase 4 three drawer Filing Cabinets from Bouton's for use by the Planning Board and the Zoning Board of Appeals, at an estimated cost of \$225.00.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from the Building Inspector requesting permission to purchase a cash record and accounting ledger for use in his office.

Mr. Schmersahl moved the following resolution:

RESOLVED, that Building Inspector Lincoln Waldron be authorized to purchase one Cash Record and Accounting Ledger from Bouton's at a cost of \$19.60.

Seconded by Mr. Burleigh.

Carried.

Mr. Dillon read a letter from the Civil Service Comm. advising the Board that June 5 was the next examination date for Police Promotion Examinations and requesting that the Commission be notified if any vacancies exist so that examinations may be scheduled for the positions.

Chief Wiebecke stated that there were no vacancies in his department.

Mr. Dillon presented a petition requesting the installation of a hydrant on Grace St., Nanuet, 500 feet east of College Ave.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Spring Valley Water Works & Supply Co. be requested to install a hydrant on Grace St., Nanuet, 500 feet east of College Ave.

Seconded by Mr. Burleigh.

Carried.

Mr. Dillon presented the Deed, Certificate or Title and Survey for Cardinal Court at West Nyack.

Mr. Roepe said that he had inspected the papers and found them to be in order.

Mr. Klein reported that the street met Town Specifications.

Mr. Welchman moved the following resolution:

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RESOLVED, that the Deed of James H. Martin to the Town of Clarkstown, dedicating Cardinal Court at West Nyack as a Town highway, be and the same is hereby accepted, and the said street be included in the Town highway system.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon presented the annual Snow Removal Agreement between the County and the Town.

Mr. Fibble moved the following resolution:

RESOLVED that the agreement by and between this town and the County of Rockland dated November 7, 1946, providing among other things for the rental by the town to the County of Rockland 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 hereby is 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.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Dillon presented a petition requesting the installation of a hydrant on Germonds Rd. 500 feet west of Route 304 in NewCity.

Mr. Welchman moved the following resolution:

RESOLVED, that the Spring Valley Water Works & Supply Co. be requested to install a hydrant on Germonds Rd, 500 feet west of Route 304 at New City.

Seconded by Mr. Burleigh.

Carried.

The Board approved the Bond of Lincoln Waldron as Building Inspector.

The Board approved the lease for the Rec. of Taxes office and authorized Supervisor Dillon to execute both copies and return one to Hutton-Johnson.

Mr. Dillon read a letter from Morley Tanney of NewCity, requesting the installation of a Caution light on Zukor Rd. at the intersection of the Dullwood Country Club driveway.

Mr. Burleigh moved that the light be installed.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon presented the monthly reports of the following Town Officials:

Town Clerk	Police Dept.
Supervisor	Building Inspector
Welfare Officer	

Mr. Welchman moved that the reports be accepted.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon presented the application of Joseph Quick for a Street Opening Permit.

The Board approved and signed the application and instructed the Town Clerk to forward the application to the County Engineer for his approval.

The Board approved and signed the annual Agreement for the Expenditure of

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Highway Moneys pursuant to Section 284 of the Highway Law.

Mr. Schmersahl informed the Board that he had received a request for a stop sign on Third St. at its intersection with Brewery Rd. and also slow signs on Brewery Rd. north and south of the intersection of Third St.

Mr. Schmersahl moved that the Supt. of Highways be directed to install the necessary signs.

Seconded by Mr. Welchman.

Carried.

Mr. Roepe presented a draft of the proposed swine Ordinance.

Mr. Burleigh moved the following resolution:

WHEREAS, it appears desirable that Articles XXI and XXII of the Town Ordinances adopted December 18th, 1945, and as amended, be renumbered as Articles XXII and XXIII respectively, and that the following ordinance be adopted.

NOW THEREFORE, be it resolved that a public hearing to consider the renumbering of said Articles and the adoption of the following ordinance be held at the office of the Town Clerk, Main Street, New City, New York, on the 9th day of April, 1954 at 8:30 o'clock, in the evening, Eastern Standard Time, and that notice of such hearing be given by the Town Clerk by publication thereof as provided by law.

The proposed ordinance to be adopted is as follows:

ARTICLE XXI - SWINE

SECTION 1: Title. This ordinance shall be known and may be cited as the "Ordinance Controlling, Regulating, Restricting and Prohibiting the raising or keeping of swine in the Town of Clarkstown without the limits of any incorporated village, Rockland County, New York."

SECTION 2: Purpose. The rules, regulations and provisions hereinafter set forth controlling, regulating, restricting and prohibiting the raising or keeping of swine within the Town of Clarkstown, outside the limits of any incorporated village, have been adopted for the purpose of promoting the health and general welfare of the residents of the Town of Clarkstown.

SECTION 3: Definitions.

- a. Swine - The term "swine" as used in this ordinance shall be defined as pigs or hogs in excess of eight weeks of age.
- b. Swine farm - The term "Swine farm" as used in this ordinance shall be defined as any establishment that raises or keeps more than two hogs or raises or keeps any number of hogs for the purpose of sale, barter or exchange.
- c. Highway - The term "highway" as used in this ordinance shall be defined as any existing Town, County or State highway, road or street.
- d. Dwelling House - The term "dwelling House" as used in this ordinance shall be defined as any building or structure established or maintained as temporary or permanent living quarters for human beings.
- e. Garbage - The term "garbage" as used in this ordinance shall be defined as waste animal or vegetable matter from homes, institutions, restaurants, hotel kitchens and vegetable markets or fruit markets, and offal from abattoirs and packing houses.
- f. Premises - The term "premises" as used in this ordinance shall mean land with or without buildings on which swine are housed, stabled or quartered.

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g. Distance - Whenever the linear distance of a structure or area from a lake, pond, stream, swamp, spring area, highway or dwelling, is mentioned, it is intended to mean the shortest horizontal distance from the nearest point of the structure or area to the high-water mark of the lake, pond, stream, swamp or spring area, or to the highway line or to the nearest point of the dwelling.

h. Manure - The term "manure" as used in this ordinance shall mean excrement from swine.

SECTION 4: Permit. No person, firm or corporation, being the owner or occupant of any land or premises within the Town of Clarkstown, shall use or permit the use of said land or premises for the raising or keeping of swine, without obtaining a permit therefor, as hereinafter provided.

SECTION 5: Issuance of Permit.

a. Application for Permit - The application for each permit to raise or keep swine shall be in writing and signed by the applicant, and shall state (1) the name and address of the applicant; (2) The name and address of each partner, if the applicant be a partnership; (3) the name and address of each officer and director if the applicant be a corporation; (4) a statement of the total acreage of farm or premises; (5) the name and address of the owner or owners of such premises.

Each application shall be accompanied by a complete plan satisfactorily showing the layout of the farm, the location, size and arrangement of all brood and shelter houses, structures or buildings used for farrowing purposes, feeding areas, feeding platforms, and pens and the location of any lakes, ponds, streams, swamps or spring areas, upon the premises or within 2,000 feet from the nearest boundary of said premises. The application shall state the type of construction of the brood and shelter houses, structures or buildings used for farrowing purposes and of the feeding platforms. The plan shall show the linear distance to the closest highway or road and to the closest dwelling house other than that occupied by the applicant, or by such applicant's employees, if any, residing on the premises.

b. Filing of application and submission of same to the Health Officer - Each application shall be filed with the Town Clerk, who shall thereupon transmit the same to the Health Officer to approve or disapprove. All such applications shall, after investigation, be approved or rejected by the Health Officer in writing, after which the application and approval or disapproval shall be filed with the Town Clerk, and the applicant notified in writing by the Town Clerk of the action taken thereon.

c. Issuance of Permit - The Town Clerk upon the approval of the application by the Health Officer shall issue a permit to become effective from the date thereof and to continue in force through the 31st day of December next succeeding, for the use of the premises therein specified for the raising and keeping of swine. Such permit shall specify the maximum number of swine to be raised or kept in said premises at any one time which number shall be based upon the acreage. Such permit shall not be transferable or assignable.

SECTION 6: Regulations for the raising or keeping of Swine.

a. Density of swine population - The density of swine population shall not exceed thirty (30) per acre based upon the total acreage of the

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premises and in no case shall the total number of swine housed, stabled, quartered or herded exceed five hundred (500) on any one premises.

b. Distance from Highways and Dwellings - All shelter houses, structures or buildings used for farrowing purposes and feeding areas shall be at least two hundred (200) feet from the nearest highway, and two hundred (200) feet from the nearest existing dwelling house other than the dwelling house occupied by the person raising or keeping the swine or by any of his employees. Shelter houses, structures or buildings used for farrowing purposes and feeding areas shall not be deemed to include barns usef for farrowing purposes.

c. Location of brood and shelter houses and structures or buildings used for farrowing purposes - All brood and shelter houses, structures, or buildings used for farrowing purposes together with the feeding area, shall be located on high ground that is well drained and which does not become subject to flooding from nearby streams or by accumulated rain or survace water. In no case shall any brooding house, shelter house, structures or buildings used for farrowing purposes, or feeding area be located so that manure or garbage from any brooding house, shelter house, structures or buildings used for farrowing purposes or feeding area, may be washed over the surface of the ground to any lake, stream, swamp or spring area.

d. Pens - Individual pens shall be provided for each brood sow at farrowing time. The minimum size of the farrowing pens shall be forty-nine square feet.

e. Construction of brood and shelter houses and structures or buildings used for farrowing purposes - All brood and shelter houses and structures or buildings used for farrowing purposes shall be so constructed that all parts thereof ar accessible for cleaning.

f. Feeding Areas - All feeding areas shall be properly fenced in in order to permit swine to be excluded from such areas so that the areas can be effectively cleaned.

g. Feeding Platforms - Whenever garbage is fed to swine, water-tight feeding platforms shall be provided in such feeding areas. The feeding platforms when made of lumber shall be on skids and have a rail 6" to 8" high to prevent the garbage from being shoved off the platform. Concrete plafforms can be provided with curbs 6" to 8" high. The total area of the feeding platforms shall not be less than three square feet per swine based upon the maximum number of swine to be maintained. Each platform shall be sloped to permit drainage to one point so that liquids from the platform can be disposed of by means of a leaching bed. An adequate water supply shall be provided for washing and cleansing of the feeding platfoms and such washing shall be disposed of beneath the surface of the ground through suitable leaching pits or subsurface absorption pits. After each daily feeding period all refuse remaining on the platform together with that spilled on the surface of the ground shall be removed and shall be disposed of by the following method: Placing in a trench or pit in the ground with at least four inches of soil immediately thrown over the refuse. The feeding platforms shall be cleaned immediately. Refuse from feeding pens or feeding platforms shall not be placed in piles or remain unburied or uncovered for periods exceeding twelve hours.

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h. Handling of garbage collected for purpose of feeding swine - All containers used for transporting garbage through the Town must be immediately cleaned after use thereof and the cleaning water, together with the refuse therefrom, shall be disposed of as provided in Section 6, (g) above. Garbage delivered to premises for the feeding of swine shall be forthwith placed upon the feeding platform or stored in air-tight containers until it is fed to the swine as above provided. Garbage shall not be piled or stored upon the premises except as above provided for a period of more than one hour after delivery.

i. Disposal of Manure - Manure including animal droppings and bedding from all brood and shelter houses and structures or buildings used for farrowing purposes shall be removed at least weekly and shall be properly and promptly disposed of as follows: - It shall be placed in pits and trenches and immediately covered with not less than four inches of earth .

SECTION 7: Inspection. The Health Officer of the Town of Clarkstown shall have the right at any reasonable time to enter upon premises on which swine are raised or kept, and shall have the right at all times to inspect all parts of said premises.

SECTION 8: Revocation of Permit. If the Health Officer of the Town of Clarkstown finds that any premises upon which swine are raised or kept are not being maintained in a clean and sanitary condition and in accordance with the provisions of this ordinance, such facts shall thereupon be reported to the Town Board and the Town Board shall direct the Town Clerk to serve an order in writing upon the holder of the permit or the person in charge of said premises directing that the conditions therein specified be remedied within five (5) days after the date of service of such order. If such conditions are not corrected after the expiration of such five day period, the Town Board may cause a notice in writing to be served upon the holder of said permit or the person in charge of such premises, requiring the holder of the permit to appear before the Town Board of the Town of Clarkstown at a time to be specified in such notice, and show cause why such permit should not be revoked. The Town Board may, after a hearing at which testimony of witnesses may be taken and the holder of the permit shall be heard, revoke such permit if such Town Board shall find that said premises are not being maintained in a clean and sanitary condition or if the Town Board finds that any provision of this ordinance has been violated. Upon the revocation of such permit the premises shall forthwith cease to be used for the raising or keeping of swine and all swine shall forthwith be removed therefrom.

SECTION 9: Renewal of Permit. Application for the renewal of any permit pursuant to this ordinance must be filed with the Town Clerk on or before the 1st day of December next preceding the expiration of said permit. Upon the approval of said application for a renewal of the permit by the Health Officer the Town Clerk shall issue a renewal permit which shall become effective upon the expiration of the prior permit and continue in force for an additional term of one year expiring on the 31st day of December. Such renewal permit shall not be transferred or assigned.

SECTION 10: Application to Premises now used for raising or keeping

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of swine. This ordinance shall apply to all premises located in the Town of Clarkstown upon which swine are being raised or kept on the date of its adoption. The owner or operator of any such premises shall have sixty (60) days after this ordinance becomes effective, to comply with this ordinance.

SECTION 11: Prohibition of Use of Premises for the Raising or Keeping of Swine. No permit shall be issued to any person, corporation or firm to raise or keep swine within the limits of the Town of Clarkstown, outside the limits of any incorporated village, Rockland County, New York, except upon premises being used for the raising or keeping of swine at the time of the adoption of this ordinance. 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. Schmersahl moved the following resolution:

RESOLVED, that Supervisor Irvin F. Dillon be authorized to purchase the following furniture for the Town Clerk's Office:

7 #2301 Guhlocke Chairs, Walnut, Brown Leather	\$490.00
1 1940 Guhlocke Chair, genuine walnut	46.65
1 PT 1796 Jasper table, walnut	176.25
1 #F1959 Jasper walnut desk	<u>142.00</u>
	\$854.90

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. Klein informed the Board that the County Engineer had prepared new specifications for roads and some of the Towns had already adopted them. He said that the new specifications would require developers to construct better roads.

Mr. Roepe stated that the new specifications should not apply to any subdivisions for which plans have already been filed with the Planning Board for approval.

Mr. Burleigh moved the following resolution:

RESOLVED, that the following specifications for roads be adopted by the Town Board of Clarkstown as the official specifications for all future new roads and sub-divisions:

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STREET SPECIFICATIONS FOR TOWN OF CLARKSTOWN - It is the purpose of these specifications to establish minimum acceptable methods of street construction including widths and development of right-of-way, paved roadway, storm drainage and other utilities in the Town of Clarkstown. Dedication of the right-of-way will not be accepted until the developer's professional engineer or licensed land surveyor and the Town Superintendent of Highways shall have certified to the Town Board that the development of the street has been completed in accordance with the approved plans which shall conform with the following specifications.

PREPARATION OF AND SUBMISSION OF STREET PLAN - Plan of the proposed street shall be prepared by a qualified engineer properly licensed by the State of New York.

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The plan shall clearly define the limits of the proposed right-of-way and shall include the location, profile and grades of proposed roadways, storm drainage including culverts and other drainage structures, and the location of easements and utilities. Plan shall first be submitted to the Town Superintendent of Highways and/or Town Engineer, and then to the County Superintendent of Highways when any street drains toward a County Highway, and then to the Town Planning Board for review and approval, under the applicable sub-division regulations of the Town. Such plans so submitted shall not be altered or amended after having been approved by the Planning Board, except after amended plans have been resubmitted and approved as above. However the developer shall at his own expense provide additional storm drainage facilities as may be ordered by the Town Superintendent of Highways/if, during the progress of the work, in the opinion of the Town Superintendent of Highways, the Town Engineer and/or the County Superintendent of Highways such additional structures or facilities are necessary to assure the durability of pavement and future maintenance of right-of-way.

✓ BONDS - Prior to the acceptance by the Town Board of any improved street, the developer shall deposit with the Town Clerk a Bond of acceptable surety, or shall deposit with the Chief Fiscal Officer of the Town, acceptable negotiable government bonds, cash or certified check drawn upon a National or State Bank payable at sight to the Town Board, guaranteeing:

(A) That within two years the developer shall complete the construction within the right-of-way of roadway, shoulders, curbs, gutters, storm drainage, and all utilities including hydrants and house connections for each lot in accordance with the approved plan and these specifications.

(B) The developer shall pay the full cost of such construction and shall deliver to the Town Board release from all contractors participating in the construction of such completed right-of way.

(C) That the developer shall maintain to the satisfaction of the Town Superintendent of Highways such improvements for a period of one year from the official date of completion of such construction.

(D) The developer shall at the expiration of the maintenance period, dedicate such completed right-of-way to the Town for use as public highways free and clear of all liens and encumbrances.

Surety Bond, negotiable Government Bond or cash or certified check deposited as such guarantee shall total not less than \$8.00 per lineal foot of roadway and \$5.00 per lineal foot of storm sewers, as shown on the approved street plan.

Upon certification by the Town Superintendent of Highways that the construction of the right-of-way has been completed by the developer in accordance with the plan and the Town specifications, and after the Town Board has been satisfied that the stipulated guarantees A and B above have been complied with, the Town Board may release the Bond, Surety cash or certified check to the developer or his assigns except that the Town Board shall retain a sum of not less than \$2.00 per lineal foot of completed right-of-way for a period of one year from date of such official completion as guarantee that the developer shall maintain such completed right-of-way

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as stipulated in C above. At the expiration of the one year maintenance period stipulated in C above and upon certification by the Town Superintendent of Highways that the right-of-way has been maintained in a satisfactory condition, the Town Board shall release such maintenance guarantee to the developer or his assigns provided that, prior to such final release of guarantee, the Town Board may deduct from such deposit all just charges for any maintenance, exclusive of charges for plowing of snow which the Town may have incurred for work on such right-of-way during the one year period.

Where sanitary sewers are to be constructed within the right-of-way, the Town Planning Board may require suitable bond to guarantee the construction, maintenance and the dedication of such sanitary sewage system free and clear of all liens and encumbrances.

DEVELOPMENT OF RIGHT-OF-WAY - Right-of-way shall be at least 50' in width and shall extend a minimum of 25' from the center line of the proposed roadway. Proper sight distance, acceptable to the Town Planning Board, shall be provided at all intersections. Developer shall establish and clearly mark on the site the limits of the right-of-way, the center line and grades of roadway, and location and elevation of drainage structures. Such markers shall be maintained at developer's expense until construction of roadway, drainage, curbs, and shoulders have been completed and accepted by the Town Superintendent of Highways.

The entire width of the right-of-way shall be cleared and shaped to the grades and elevations established by the approved plan as approved by the Town Superintendent of Highways. Trees of aesthetic value located at least 5' from the paved roadway, may with the approval of the Town Superintendent of Highways, be allowed to remain. All rock and boulders larger than 6" diameter shall be excavated 6" below finished subgrade of roadway. All top soil or otherwise soft or unstable materials shall be excavated from within the road area and shall be replaced with suitable borrow. Fill required to complete the approved grades shall be acceptable to the Town Superintendent of Highways and unsatisfactory materials shall be removed from the site by the developer.

Unless otherwise directed in writing by the Town Superintendent of Highways, final grading of right-of-way and construction of road pavement shall be delayed until all heavy trucking contemplated for current building construction purposes has been completed and until all utilities including house connections have been installed and backfill in trenches shall have been thoroughly compacted. Earth shoulders and flow lines of gutters shall be maintained at all times at developer's expense during the course of such construction and until such time as the Town Board has accepted dedication of the right-of-way.

Construction of road pavement, and development of shoulders and drainage as herein specified shall be under the direction of the developer's engineer and the Town Superintendent of Highways.

CONSTRUCTION OF STORM DRAINAGE, ROAD PAVEMENT AND EARTH SHOULDERS -

The 50' right-of-way shall have been cleared and graded as approved by Town Superintendent of Highways. Roadway shall be constructed at least 30' in width

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and shall generally extend a minimum of 15' from center line of right-of-way. Grades shall be in accordance with the approved plans. Crown of road pavement shall be at least 4" higher at center line than at the outside edge of pavement. Drainage system shall be installed in accordance with approved plan and profile. Six inch asphaltic concrete curbs and/or appropriate gutters shall be constructed as directed by the Town Superintendent of Highways.

Shoulders and slopes to complete the balance of the right-of-way shall be at least 10 feet wide and shall be graded to meet the finished elevation of curbs or gutters on a slope of 1 inch per foot for a distance of 5 feet from edge of curb or gutter and thence on a slope of not more than 1 foot on 2 feet to the limits of the right-of-way, both in cut and fill. Exceptions to these requirements where rock or other conditions exist may be approved by the Town Superintendent of Highways. On any fill section where the elevation of the shoulder is five feet or more above that of the top of slope, the developer shall provide guide railing on the shoulder as approved by the Town Superintendent of Highways. Shoulders and slopes shall be dressed and seeded by the developer.

Rough subgrade of roadway, after having been approved by the Town Superintendent of Highways, shall be fine graded by hand or by mechanical grader and rolled with a three-wheel roller weighing not less than 10 tons. Rolling shall continue until sub-base is thoroughly compacted and no movement of sub-base materials is observed under passage of the roller. Any soft or unstable portion of the sub-base shall be removed and replaced with suitable borrow. Compacted sub-base shall be shaped and brought to proper grade. Five inch penetration macadam and asphaltic concrete road pavement shall be constructed as follows.

PENETRATION MACADAM BASE COURSE - Stone base course shall consist of a uniform layer of clean, dry 1-1/2 inch crushed stone placed by hand or approved spreading device. After the proper thickness of crushed stone has been placed and graded, the stone shall be rolled with a three-wheel roller weighing not less than 10 tons, rolling to continue until the stone is compacted and firm. Compacted thickness of this stone course shall be not less than 3 inches. Hot liquid asphalt (Item 64 or 64P, New York State Highway Specifications) shall be applied to the stone base at the rate of 1-1/2 to 2 gallons per square yard. This bituminous material shall be applied by means of an approved pressure distributor, by hand spray bar, or by truck spray bar not over 11 feet in length, as directed by the Town Superintendent of Highways. Immediately following the application of this hot liquid, the entire surface of the roadway shall be covered with a course of clean, dry 5/8 inch crushed stone and rolled with a three-wheel or tandem roller weighing not less than 10 tons. Additional stone shall be applied and broomed about the surface during rolling, until all voids in the stone course are completely filled. Rolling shall continue until the stone is thoroughly keyed into the bitumen. Surplus stone then shall be removed from the pavement.

Liquid asphalt used in the construction of the penetration macadam base course shall not be applied from November 1st to May 15th or when the prevailing temperature is below 50 degrees Fahrenheit, except with written permission of the

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Town Superintendent of Highways. Stone and sub-base shall be thoroughly dry when the bituminous material is applied.

ASPHALTIC CONCRETE WEARING COURSE - After the penetration macadam base course has been completed and cured, and after the surface has been thoroughly cleaned of all foreign material, a premixed asphaltic concrete wearing course shall be constructed. This wearing course shall consist of a uniform layer of asphaltic concrete and shall have a compacted thickness of not less than 2 inches. Pavement construction shall conform to Item 50M, New York State Highway Specifications. Material shall be placed by mechanical paving and finishing machine of approved design. After proper thickness of wearing course has been placed, pavement shall be thoroughly rolled with a tandem roller weighing not less than 8 tons.

Asphaltic concrete curbs and/or gutters shall be constructed as directed by the Town Superintendent of Highways. Curbs shall be shaped by hand and shall be hand tamped until thoroughly compacted. Curbs shall be approximately 6 inches high and 8 inches wide at the road pavement. Curb shall have a firm bond with the asphaltic concrete road wearing surface. Gutters where specified shall be concave and shall consist of penetration macadam base course and asphaltic concrete wearing course as specified for road pavement, except that such gutters may be hand tamped or rolled, as appropriate. /

Seconded by Mr. Schmersahl.

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

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

NOES: None.

✓ Mr. Dillon informed the Board that the petition from the Village of Spring Valley for the annexation of a portion of the Town at West Clarkstown had been received by his office. He said that the Board would hold a public hearing on the proposed annexation at Sauerbach's Hotel at Spring Valley on March 31, 1954 at 8:30 P.M.

Mr. Dillon also said that the Town Board would meet jointly with the Planning Board and the Zoning Board of Appeals on March 26, at 8:30 P.M. in his office.

Bills nos. 238 to 347 on Warrant #3 in the amount of \$7,790.58 were audited and ordered paid by the Board.

There being no further business to come before the Board, the meeting was adjourned.

August A. Hansen
Town Clerk of Clarkstown