

PUBLIC HEARING

December 29, 1955

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Burlcigh

Mr. Dillon

Mr. Dillon called the hearing to order, explaining that it had been called to consider the adoption of a proposed Explosive Ordinance. Mr. Dillon asked if there was anyone present who wished to address the Board.

Mr. Louis Heydeman of Menust came before the Board in opposition. He stated that the Ordinance was composed of catch all provisions and should be further clarified. He said that the Ordinance dealt with a matter that was already regulated by the Labor Law of the State and it would only serve to penalize individuals such as himself who sold gunpowder under a State license obtained from the Town Clerk and the State. He stated that it would also penalize the private citizen who was permitted by law to keep up to 5 lbs. of gunpowder in his home for use in reloading ammunition. Mr. Heydeman also said that the Town Clerk was by no means qualified to examine the site of blasting activities to determine if they would be a public hazard, and this duty should be delegated to the Building Inspector. Mr. Heydeman also objected to the manner in which a license would have to be obtained, claiming that if the Town Clerk refused to issue a license the matter would be referred to the Town Board and delays up to 5 or 6 weeks could result.

Mr. George Gerlach of Germonds came before the Board in opposition. Mr. Gerlach said that he was employed by Beckerle and Brown of Paerl River and he did all the blasting for the farm. He stated that blasting is already regulated by the State and the proposed ordinance would serve no useful purpose.

Mr. Burlcigh stated that a great deal of work had gone into the preparation of the ordinance and he would like to have it adopted in its present form. He said that it would prevent a recurrence of the dangerous blasting activities that had been experienced during the construction of the Thruway and new Route 59.

After considerable discussion it was decided to exempt Sporting Store Owners, Farmers, and private citizens who were duly licensed by the State to store and purchase powder from the Ordinance.

Mr. Burlcigh moved the hearing be closed.

Seconded by Mr. Welchman.

Carried.

Hearing closed.

Town Clerk of Clarkstown

ANNUAL MEETING

December 29, 1955

Town Clerk's Office

8:30 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Mr. Dillon called the meeting to order.

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

Town Clerk	Justices of the Peace
Building Inspector	Supt. of Highways
Police Dept.	Welfare Officer
Planning Board	Health Officer
Rec. of Taxes	Assessor
Zoning Board of Appeals	

Mr. Schmersahl moved that the reports be accepted and the Officials be commended for their fine work during 1955.

Seconded by Mr. Burleigh.

Carried.

Mr. Fibble moved that the Dockets of the Justices of the Peace be approved.

Seconded by Mr. Welchman.

Carried.

Mr. Heydeman informed the Board that the citizens of Clarkstown appreciated the good work done by the Town Officials during the past year and he wished them success for the coming year.

Mr. Welchman moved that the Organization Meeting for 1956 be held on January 6, 1956, at 8:00 P.M. in the office of the Town Clerk.

Seconded by Mr. Fibble.

Carried.

Chief Wiebecke informed the Board that he had located a private house in Nanuet on the corner of Routes 304 and 59 that was available for Police Headquarters. He said that the rent was \$150 per month plus heat and light, and the building had more than enough room for the Department. He said that the present quarters were much too small and until such time as a Town Hall is built, he could not expect the Department to operate efficiently under such crowded conditions.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Supervisor be authorized to execute a one (1) year lease for the new Police Headquarters and the Nanuet Bank be notified that the Police will vacate their present headquarters on or before February 1st, 1956.

Seconded by Mr. Fibble.

Carried.

Mr. Fibble moved that the Supervisors Bonds be set as follows:-

Supervisor- \$150,000

Highway- 200,000

Seconded by Mr. Burleigh.

Carried.

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Mr. Dillon stated that three members of the Board would be leaving at the end of the year, and he mentioned the names of Councilmen Fibble and Burleigh and Town Clerk August Hansen. He said that he had enjoyed working with these men over the years and he would miss them. Mr. Dillon informed the three individuals personally that he appreciated their efforts for the people of the Town of Clarkstown and he commended them for their fine work during their terms of office.

The other members of the Board concurred with Mr. Dillon remarks and extended their appreciation to the three men.

Mr. Schmerschl moved the following resolution:

RESOLVED, that this Annual Meeting of the Town Board of Clarkstown be adjourned in honor of Councilmen Joseph Fibble and Richard Burleigh and Town Clerk August Hansen who were leaving the employ of the Town.

Seconded by Mr. Welchman.

Carried.

Mr. Burleigh moved the following resolution:

WHEREAS, by resolution of this Board dated December 9, 1955 a public hearing upon a proposed ordinance renumbering Articles 23 and 24 of the Town Ordinances and adding a new Article 23 with respect to Explosives, was held on the 29th day of December, 1955 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:

ARTICLE XXIII - EXPLOSIVES

SECTION I - The definition of "explosives" shall be the same as its definition in Section 451 of the Labor Law of the State of New York.

SECTION II - PERMITS - No person shall store, transport or use any explosives without first obtaining a permit in written form from the Town Clerk. The fee for each permit shall be (\$5.00) five dollars. Each permit granted by the Town Clerk shall expire on the first day of January next succeeding its issuance. Where in the opinion of the Town Clerk blasting operations are liable to involve a hazard to life and property he may require an examination of proposed blasting activities by a qualified blasting engineer to be selected by the Town Board. Said engineer shall then submit a report in writing to the Town Board. The fees of such engineer shall be paid by the owner or operator, who shall deposit the amount of such fee as estimated by the Town Board with the Supervisor of the Town, immediately after the selection of such engineer.

This article shall not apply to manufacturing, dealing in, giving or disposing of explosives by a dealer as defined in Section 451 of the Labor Law of the State of New York, or shall it apply to the storage at any one time, by farmers of 200 lbs or less, of blasting explosives for agricultural purposes as set forth in Section 458, Subdivision 3 of the Labor Law of the State of New York, nor shall it apply to the storage of such limited amount of sporting or smokless powders permitted by Section 453 of the Labor Law of the State of New York.

SECTION III - STORAGE AND TRANSPORTATION - All of the applicable provisions of the Labor Law of the State of New York and regulations made thereunder affecting the storage and transportation of explosives are incorporated in this ordinance.

SECTION IV - USE - All blasting operations shall be so conducted as not to endanger the health, safety and welfare of persons and the safety of property. Such operations shall be under the direct control and supervision of competent and responsible persons and shall be carried on in accordance with the provisions of the New York State Laws and Regulations and with the provisions of this ordinance. No person shall be permitted to handle and use explosives except a competent blaster who shall have had experience with the type of blasting being conducted. The Superintendent or other person in charge of every blasting operation shall post in a conspicuous place in proximity to the operation the name or names of persons whom he has designated as blasters, having satisfied himself as to their previous blasting experience and competency, and shall promptly notify the Town Clerk in writing the persons so designated. It shall be unlawful to use in any blasting operation a quantity of explosives greater than is necessary to produce a well designed, efficient blast. It shall be the duty of every person or corporation conducting any blasting operation in the Town to make and keep a record for a period of two years with respect to each individual blast which records shall show, (a) the amount of explosive used,

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(b) the calculated quantity and type of material removed, and (c) the time the blast was set off. The short interval delay firing of blasts shall be practiced wherever necessary to prevent vibration damage to nearby structures. The practice of "mud capping" or similar practices involving the unconfined use of explosives is specifically prohibited. Where blasting is being conducted in the vicinity of structures which may be subject to damage from flying material, all blasts shall be adequately matted. Before any blast is fired, the owner or blaster shall make certain that all roads or other modes of access to the blast area are adequately guarded for the safety of the public and employees. It shall be the responsibility of the owner or operator to remove promptly from public highways all stone or other debris resulting from blasting operations. Blasting operations may be conducted only during daylight and between the hours of 8:00 a.m. and 6:00 p.m.

SECTION V - ENFORCEMENT - The Building Inspector, Chief of the Fire Department in the district in which such blasting operation is conducted, and the Chief of Police of the Town of Clarkstown, are hereby designated by the Town Board, individually and jointly, for the purpose of enforcing this ordinance, for which purpose the said officials, jointly and severally, are authorized to make such inspection or inspections as may reasonably be necessary in the enforcement of this ordinance, and any of such officials charged with the duty of enforcement may be authorized by the Town Board to prosecute any violation of this ordinance.

SECTION VI - SEPARABILITY - If any section, paragraph, subdivision or provision of this ordinance shall be invalid, such invalidity shall apply only to the section, paragraph, subdivision or provisions adjudged invalid and the rest of this ordinance shall remain valid and effective.

Seconded by Mr. Fibble.

Upon Roll Call, the vote of the Board was as follows:

AYES: Messrs. Burleigh, Fibble,

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

Town Clerk of Clarkstown

