

## TOWN BOARD MEETING

Nov. 27, 1956

Town Clerk's Office

3:00 P.M.

Present: Messrs. Renken  
Welchman  
Schmersahl  
Dillon

Chairman Dillon opened the meeting.

On motion made by Mr. Renken, seconded by Mr. Schmersahl and carried, the minutes of the previous meeting were approved.

Mr. Roepe, Town Attorney, presented certificate of title, survey and deed from Edward Locke and Dorothy Locke and Tillie Fulle to the Town of Clarkstown, covering proposed street known as Brookway Ave., Valley Cottage. At Attorney Roepe's suggestion, Mr. Klein was instructed to check and report his findings to the Board.

Mr. Dillon made a report on a meeting between a representative of the contractor for the paving of Oak Road, Adam Place and Birch Lane, New City, stating that the contractor had agreed to pave the additional portion of the roads. Mr. Klein suggested procuring easements for drainage in connection with these roads.

Attorney Roepe reported to the Board that Mr. Kessels, attorney for the petitioners for the improvement of Sherwood Drive, Nanuet, had not as yet furnished him with an Assessor's affidavit in connection with the street improvement. Mr. Roepe stated he did not want to submit resolution for Board's signatures until statute had been made.

The matter of the New York Trap Rock Corporation access road was brought up. The Town Attorney stated he would need a resolution by the Town Board to start condemnation proceedings for the acquisition of the property needed for the new road. The Board requested Mr. Roepe to prepare a resolution and bring it to the next Board meeting.

In connection with the Lankau drainage matter, a report was made to the Board on the investigation. Mr. Klein stated that the Board suggested obtaining an easement for drainage from Lederle Laboratories. Mr. Klein was requested to procure a map covering suggested location from Nanuet Avenue westerly to the Erie Railroad and Lederle properties.

Mr. Roepe called the Board's attention to the fact that when an engineer is appointed for the improvement of Sherwood Drive, strict attention should be paid to procuring easements for drainage.

Mr. Renken moved the following resolution:

RESOLVED that Nelson W. Hall be appointed Consulting Engineer to the Town of Clarkstown, subject to compensation being determined and fixed by the Town Board.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Renken moved the following resolution:

RESOLVED, that members of the local Boards of Election and Ballot Clerks in the Election Districts in the Town of Clarkstown be paid at the rate of \$20.00 per diem

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in pursuing their duties after January 1st, 1957.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYS: None.

Mr. Dillon read letter from Chester Mills resigning as Dog Enumerator of the Town of Clarkstown for the year 1957.

Seconded by Mr. Welchman.

Carried.

Mr. Dillon called attention to a request from the New City Business Men's Association for an additional street light on Main Street, New City, opposite the Clerk's office. The Clerk was requested to advise the Business Men's Association that there was no pole on which to place a light at this location.

Mrs. Leon Freedman of 20 Fairview Avenue, Nanuet, appeared before the Board and presented a letter explaining that she is the owner of developed lots in the vicinity of Sherwood Drive. Mrs. Freedman stated she would be glad to give easements for drainage of Sherwood Drive, if and when the Board agrees to accept and improve said street. The Clerk was asked to file Mrs. Freedman's letter with the papers on Sherwood Drive. Mr. Dillon further advised Mrs. Freedman that the engineer for the street improvement would contact her at a later date.

It was motioned by Mr. Schmersahl, seconded by Mr. Renken and carried, that the members go into the Board of Health.

Mr. Dillon read a letter from the Planning Board transmitting performance bond covering Dogwood Lane as shown on subdivision map of Dogwood Acres subdivision.

Mr. Dillon read a letter from the Spring Valley Water Works and Supply Company suggesting the placement of a hydrant on Eberling Drive, New City.

Mr. Schmersahl moved the following resolution:

RESOLVED that the Clerk be requested to refer the matter of the location of a hydrant on Eberling Drive, New City, to Chief William Gessel of the New City Fire Company.

Seconded by Mr. Renken.

Carried.

The Supervisor read a letter from the Public Service Commission acknowledging receipt of Resolution adopted by the Town Board under date of Nov. 8, 1956, with respect to the Convent Road railroad crossing.

Letter from New York State Thruway Authority acknowledging receipt of complaint made by Mr. Winston C. Perry about embankment and fence along New York State Thruway and stating matter would be investigated and we would be advised further, was read to the Board.

Mr. Dillon read letter from the New York State Department of Works acknowledging receipt of resolution of Town Board opposing re-routing of Route 59 from West Nyack railroad crossing easterly to cloverleaf at Route 303, stating matter was being given consideration.

Chairman Dillon read a letter from the County Superintendent of Highways stating he had received a bond in the amount of \$2500 covering installation by the S. G. H.

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Development Corp. of 350 feet of 15" culvert pipe and two catch basins on Collyer Avenue between Hall Avenue and Birkin Drive, New City. He explained that the bond satisfied the requirements of the County Highway Department, as far as the proposed work affected its highway.

Mr. Klein, Town Highway Superintendent, stated that there was some shoulder work to be done before he would approve acceptance of streets in the Rochelle Homes development. Mr. Klein was requested by the Board to ask that the necessary work be done by the developer.

A letter from the State Traffic Commission acknowledging receipt of request for permission to have "No Parking" signs installed on Route 304 for a distance of 75 feet south of Collyer Avenue, New City, on the west side, was read to the Board. It stated that a study of the matter was being made and decision would be forthcoming.

Mr. Welchman moved the following resolution:

RESOLVED, that the Annual Audit meeting be scheduled for December 28, 1956 at 3:00 P.M.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from Frank L. Foley of Upper Nyack asking consideration for the post of Assistant Assessor of the Town of Clarkstown.

Mr. Welchman moved the following resolution:

RESOLVED, that Frank W. Foley be appointed as Assistant Assessor in the Town of Clarkstown on a provisional basis at an annual salary of \$4200.00, effective Dec. 1st, 1956.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Eugene Blumenthal of Quaspeck Park Homes, Inc. appeared before the Board asking reimbursement for the operation of the Valley Cottage Sewer District No. 1 for a ten month period. The matter was referred to the Town Attorney to report his findings at the next Board meeting.

Richard Narducci, Esq. of 173 So. Main St., Nanuet appeared before the Board in connection with the many accidents at the various railroad crossings in Nanuet. He produced several photos showing obstructed visibility. Mr. Dillon advised Mr. Narducci that the Board had petitioned the State Traffic Commission to hold a hearing to eliminate some of these railroad crossing hazards and that when the hearing is set, the Clerk would so notify him so that he might appear.

Mr. Dillon read a letter from Town Superintendent of Highways stating that he had inspected Ralph's Avenue and Ann Street in Section 2 of the Selah Homes, Inc. subdivision and that the roads were in good condition and that maintenance bond in the amount of \$2,334 may be released.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to return to Selah Homes Builders, Inc., New City, the amount of money deposited under Maintenance Bond in the

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amount of \$2334.00, on report of the Superintendent of Highways that the maintenance period has expired and the road is in satisfactory condition.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from Kennedy, Teale and Kennedy, attorneys representing residents of High Tor Road, New City, inquiring what could be done about maintenance of their road. Supervisor Dillon advised the Board a representative would be invited to the December 28th, 1956 meeting of the Board.

A letter from the Valley Cottage Engine Co. No. 1 stating that parking on both sides of Lake Road, Valley Cottage, at St. Theresa's Church was a hazard and asking that hazard be eliminated, was read to the Board.

Mr. Welchman moved the following resolution:

RESOLVED, that "No Parking" signs be installed on the north side of Lake Road, Valley Cottage, 200 feet from the entrance to St. Theresa's Church in either direction, in accordance with the recommendations of the Chief of Police.

Seconded by Mr. Schmersahl.

Carried.

Chairman Dillon read a letter from John W. Cumming of Cerworth Farms, Inc. expressing desire to establish a fire protection district. The Clerk was asked to write to Mr. Cumming asking that he have his attorney, E. Alfred Festa, appear before the Board.

Chief Ernest Wiebicke presented to the Board a letter of resignation addressed to him by Patrolman Donald E. Secor.

Supervisor Dillon brought up the matter of a mailing machine and postage meter for the Town of Clarkstown.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Supervisor be authorized to enter into contract with Pitney-Bowes, Inc. for the purchase of one Model 4200 Mailing Machine with Model RT Postage Meter and two plates, one "New City, N. Y." and one "Nanuet, N. Y.", provided delivery is made before January 1st, 1957, at the price of \$740.44, plus the cost of the extra plate.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Dillon informed the Board members that the tax rate for State, County and Town Taxes for 1957 would be \$3.00 per hundred, equalization rate being set at 30%.

Mr. Schmersahl moved the following resolution:

WHEREAS, at the close of business of the fiscal year 1956 of the Town of Clarkstown certain funds will be available and in the account of Current Surplus to adequately care for such additional appropriations as are necessary, and

WHEREAS, Section 107 of the Town Law provides that Surplus Funds of the Town may be used for its legal procedure, be it

RESOLVED, that the Supervisor be authorized to pay to the County Treasurer the sum of \$92,028.22 in order to maintain the State and County Tax Rate at \$3.00 per \$100.00 valuation.

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Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Schmersahl moved the following resolution:

WHEREAS, at the close of business of the Fiscal Year of 1956 of the Town of Clarkstown, certain additional appropriations are required to be made in order that none of the accounts shall be overdrawn, and

WHEREAS, there is a sufficient balance available in the account of Current Surplus to adequately care for such additional appropriations that are necessary, and

WHEREAS, Section 107 of the Town Law provides that Surplus Funds of the Town may be used for its legal procedure, be it

RESOLVED, that the Supervisor be authorized to transfer in addition to transfers already sanctioned by this Board certain sums necessary to effectively close the accounts of the Town of the year 1956, and the Supervisor is hereby authorized to make such intra account transfers as may be desirable in order to maintain sufficient credit balances within the several accounts of the Town so that none may be overdrawn including such exchange transfers within the several bank accounts as will best facilitate the proper closing out of said accounts.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Chief Wiebicke of the Clarkstown Police requested that he be permitted to advertise for bids for the purchase of a Police Car for 1957 to be used primarily for Detective Bureau.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Chief of Police of Clarkstown be authorized to procure bids for the purchase of a police car for 1957.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Highway Superintendent Klein advised the Board that there was need for the purchase of a back hoe.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Town Highway Superintendent be authorized to procure bids for the purchase of a back hoe for the Highway Department.

Seconded by Mr. Welchman.

Carried.

Mr. Renken brought up the matter of a Town Hall. The Board decided to discuss the matter at a special meeting which was set for Dec. 11th, 1956 at 8:30 P.M. in the Supervisor's office. Town Hall Committee's recommendation, architects and requirements of the various Town Departments were to be taken up at that time.

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Mr. Renken inquired about the progress being made by J. I. Jacobs & Company. Mr. Dillon advised that the work was going along well, that the company had their engineer pulling deeds, checking maps of subdivisions, etcetera.

Mr. Renken suggested looking over the Zoning Map for recommendations of changes, stating that the Zoning Board of Appeals and Planning Board had made recommendations. The Board decided to take the matter up at the special meeting scheduled for Dec. 11, 1956.

The subject of school crossing guards was brought up by Mr. Renken and discussed with Chief Wiebicke.

Mr. Welchman moved the following resolution:

RESOLVED, that a street light be installed on Pole No. 36, Edsall Avenue, Nanuet, and be it

FURTHER RESOLVED, that the Rockland Light and Power Company be authorized to make installation of the said light.

Seconded by Mr. Schmersahl.

Carried.

Mr. Welchman called attention to the fact that the Dumpmaster had assigned someone to operate the Clarkstown Sanitary Fill while on vacation without proper notification to a Board Member or the Supervisor. The Clerk was instructed to request Mr. Eberling to attend the next Board meeting.

Town Attorney Roepe called attention to the fact that the New York Trap Rock Corporation case was being appealed.

Mr. Welchman moved the following resolution:

RESOLVED, that Lester D. Stickles, Esquire, be retained to appear for and defend the current appeal in the matter of the New York Trap Rock Corporation versus the Town of Clarkstown, now pending before the Court of Appeals of the State of New York, and that his compensation be fixed at the sum of \$2500.00 plus reasonable and necessary disbursements including printing costs, and be it

FURTHER RESOLVED, that the Town Clerk be requested to advise Mr. Stickles accordingly.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYS: None.

Mr. Roepe read a letter addressed to him from the Town Highway Superintendent forwarding an easement from Edward W. Felton and Lois K. Felton, his wife to the Town of Clarkstown for the corner of Goebel Road and New City-Congers Road, for which the Hackensack Water Company had paid Mr. Felton the sum of \$300.00.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Attorney is instructed and directed to accept and record conveyance from Edward W. Felton and Lois K. Felton to the Town of Clarkstown, for the purpose of providing greater visibility for people using the New City-Congers Road and also Goebel Road.

Seconded by Mr. Schmersahl.

Carried.

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Mr. Dillon read a letter from Mr. Sternngass regarding his septic problem. The matter was referred by the board to the building Inspector, for a report at the next Board meeting.

It was brought to light that the hydrant in front of Dr. Hefter's Nursing Home on North Middletown Road, Nantuet, was not in an established water district.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Clerk direct the Spring Valley Water Works and Supply Company to take out the water hydrant on North Middletown Road, Nantuet, located approximately 500 feet south of Smith Road near Dr. Hefter's Nursing Home, since it is not in the established Water District, and be it

FURTHER RESOLVED, that the Spring Valley Water Works and Supply Company refrain from billing the Town of Clarkstown for the said hydrant in the future..

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

There being no further business to come before the Board, on motion made by Mr. Schmersahl, seconded by Mr. Welchman and carried, the meeting was adjourned.

Respectfully submitted,

*Mildred F. Magai*  
Town Clerk of Clarkstown

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