

ADJOURNED HEARING

February 1, 1957

Town Clerks Office

4:00 P.M.

Present: Messrs. Renken
Jeffrey
Welchman
Dillon

Absent: Mr. Schmersahl

Supervisor Dillon reopened hearing on petition to Annex to the Village of Nyack, N. Y., Territory Adjoining said Village, in the Town of Clarkstown, Rockland County, New York, which was adjourned on Jan. 23, 1957.

The Town Attorney made a report to the Town Board of his study and findings in the matter.

The Town Board reviewed the file, as a result of which the following decision was arrived at:

WHEREAS, a petition on the application of Jacqueline D. Meyers and others for the annexation of certain territory to the incorporated Village of Nyack, as more fully appears in the petition, was filed with Irvin F. Dillon, Esq., the Supervisor of the Town of Clarkstown, on the 28th day of December, 1956, and

WHEREAS, the Supervisor, pursuant to statute, did on the 7th day of January, 1957, execute and cause to be duly posted a notice of hearing in the matter to be held at the Central Nyack Congregational Church, Route 59, Central Nyack, New York, in said territory proposed to be annexed, said meeting to be held on January 23rd, 1957, at 8:00 o'clock, P. M., and

WHEREAS, proof of the posting of said notice has been duly filed, and

WHEREAS, MR. DILLON, MR. WELCHMAN, MR. RENKEN AND MR. JEFFREY, four of the qualified members of the Town Board of the Town of Clarkstown, did attend in a body at the Central Nyack Congregational Church at the time specified in said notice for the purpose of holding a public hearing, as required by statute, and

WHEREAS, there appeared before said Town Board DANIEL T. BRUCKER, ESQ., as attorney for the petitioners in favor of the petition, and JOHN E. BOEGGEMAN, ESQ., attorney appearing on behalf of objecting resident taxpayers, and

WHEREAS, the Town Board has examined said petition, as required by law,

NOW THEREFORE, the undersigned, being a majority of the members of the Town Board of the Town of Clarkstown, qualified to act in this proceeding, do hereby determine and decide that the consent to the annexation of the territory described in the petition to the Village of Nyack should be and the same hereby is refused, on the ground and for the reason that said petition does not substantially comply in form or content with the provisions of Section 348 of the Village Law of the State of New York in the following particulars:

2/1/57

1. That the persons signing such petition, by reason of the withdrawal in writing of some of said signatures appearing in the original petition at or prior to the hearing and before the determination of the Town Board, do not constitute a majority of the persons residing within such territory qualified to vote for town officers, nor do they represent the owners of a majority in value of the property within such territory assessed upon the last preceding Town Assessment Roll.

Dated: New City, New York
February 1, 1957

S/ Irvin F. Dillon, Supervisor

S/ Joseph Walchman

S/ John R. Renken Jr.

S/ Alastair D. Jeffrey

The Board directed that the Clerk serve copies of the decision on Daniel T. Brucker, Esq., petitioners' attorney, and on John E. Boeggeman, objecting resident taxpayers' attorney.

On motion made by Mr. Jeffrey, seconded by Mr. Renken and carried, the hearing was closed.

Respectfully submitted,

William F. Murphy
Town Clerk of Clarkstown

DAA 657