

ADJOURNED HEARING

May 3, 1957

Town Clerk's Office

4:00 P.M.

Present: Messrs. Dillon
Renken
Welchman

Absent: Messrs. Jeffrey
Schmersahl

Supervisor Dillon reopened hearing on petition for the Annexation to the Village of Nyack, N. Y. of Territory Adjoining Said Village in the Town of Clarkstown, Rockland County, New York, adjourned on April 24th, 1957.

After a careful review of the file and due deliberation, Mr. Renken moved the following resolution:

RESOLVED, that, in the opinion of the Town Board, after very careful consideration, the petition is denied for the reason that it has not been shown to the satisfaction of this Town Board that it complies with Section 348 of the Village Law in that the persons signing such petition do not represent the owners of a majority in value of the property within such territory, sought to be annexed, assessed upon the last preceding Town Assessment Roll.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Dillon.

NAYES: None.

The Clerk was directed by the Board to serve copies of the decision on Daniel T. Brucker, Esq., Petitioner's Attorney, and on John E. Boeggeman, Objecting Resident Taxpayers' Attorney, which read as follows:

DECISION OF THE TOWN BOARD REFUSING CONSENT TO
EXTENSION OF BOUNDARIES OF VILLAGE.

WHEREAS, a petition on the application of Angeline Leival 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 2nd day of April, 1957, and

WHEREAS, the Supervisor, pursuant to statute, did on the 12th day of April, 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 April 24th, 1957, at 8:00 O'clock, P.M., and

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

WHEREAS, MR. IRVIN F. DILLON, MR. JOHN R. RENKEN, MR. JOSEPH WELCHMAN and MR. ALASTAIR JEFFREY, four of the five 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.,

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as attorney for the petitioners in favor of the petition, and JOHN E. BOGGELMAN, ESQ., attorney appearing on behalf of objecting resident taxpayers of the Town of Clarkstown, and

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

NOW THEREFORE, the undersigned, being three 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:

That the persons signing such petition do not represent the owners of a majority in value of the property within such territory, sought to be annexed, assessed upon the last preceding Town Assessment Roll.

Dated: New City, New York
May 3rd, 1957.

S/ Irvin F. Dillon, Supervisor
S/ John H. Renken, Councilman
S/ Joseph Welchman, Councilman

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

Respectfully submitted,

Mildred F. Maguire
Town Clerk of Clarkstown