

FURTHER PUBLIC HEARING

Town Clerk's Office

Aug. 28, 1957

8:00 P.M.

Present: Messrs. Renken,
Jeffrey,
Welchman,
Dillon.

Absent: Mr. Schmersahl.

Mr. Dillon opened the hearing.

The Clerk read notice of Order for Further Hearing on petition for the improvement of Sherwood Drive, Nanuet.

Robert Kassels, Esq. appeared as attorney for petitioners and introduced Donald Frick of Sherwood Drive, Nanuet, as one of his witnesses.

Upon being sworn by Supervisor Dillon, Mr. Frick testified as follows to questions asked by Attorney Kassels:

Q: Will you please tell this Board what the present condition of the road is?

A: Its present condition is deplorable. It is full of holes, deep ruts and the road is broken up by freeze. It has been in this condition for the past two years that I know of and before that and before I was in the street. The street is barely passable. There are a number of places where you cannot get by without the car scraping.

Q: Have there been any breakdowns of automobiles on the street?

A: At least two people I know of have broken springs. One other I know of scraped the car bottom and the gas tank was ripped.

Q: Do you think it would be beneficial to residents of Sherwood Drive to have this improvement made?

A: Absolutely.

Q: In your opinion would it be in the public interest to make this improvement?

A: Yes. There was one case of a man suffering a heart attack about a year or so ago and it was not possible to get an ambulance in at the time.

Town Attorney Edward G. Roepe questioned Mr. Frick and he replied as follows:

Q: You are familiar with the fact that this Town Board is aware, as a result of the last public hearing, that it is in the public interest to make this improvement?

A: Yes.

Q: Are you one of the original signers of this petition?

A: Yes, I am.

Q: Are you aware of the fact now that the cost of this improvement is estimated to be considerably in excess of the original amount and that the Engineer's estimate is along with the \$22,500.00.

A: Most fully aware.

Q: And based on your knowledge of the increase in the estimate of the Engineer, you are still of the opinion that the expenditure of that sum of money by this Board is warranted in respect to public interest as you testified before?

A: Knowing full well that the cost is \$22,500.00 it is still in the public interest and worthwhile. Yes.

Supervisor Dillon inquired whether there were any other witnesses.

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Mr. Andrew Palko of Sherwood Drive, Nanuet appeared and was sworn in by Supervisor Dillon. On being questioned by the Town Attorney, Mr. Palko testified as follows:

Q: You have heard the testimony offered by Mr. Frick?

A: Yes.

Q: If asked the same questions, would you make the same answers Mr. Frick made?

A: Yes, I would.

Mr. Dillon inquired whether anyone present wished to testify in opposition.

Mr. Lawrence Moser of Nelson Place and Sherwood Drive, Nanuet, appeared and stated he wished to offer testimony in opposition. After being sworn by Supervisor Dillon he testified as follows:

"I wish to corroborate the testimony already given regarding the need for the improvement of the road. However, I am opposed to the cost of the road plus drainage. About two years ago this road was acceptable to Mr. Klein, who was the Highway Superintendent at the time, based on certain things, putting in a turnaround and clearing of debris and lumber from the end. There were no objections regarding drainage. Now I understand there is a drainage problem that will benefit only one party, that is, Mrs. Freedman. I understood from Mr. Klein that \$2,000.00 would be sufficient to fix up the road. Therefore, I would like an explanation regarding drainage."

Supervisor Dillon gave a detailed report on what had transpired since the developer Mr. Lesko, had first proposed to dedicate the road to the Town up to the present, for Mr. Moser's benefit.

Mr. Moser requested that his name, Lawrence Moser, and footage of 180' be removed or withdrawn from the petition.

Mr. Hans Hefti of Sherwood Drive, Nanuet, was then sworn by Mr. Dillon and testified as follows:

"The reason why I think we should have the road is we have children who go to school and at the present time, in bad weather, children use shortcuts through other people's property because they have practically no dry road to walk on to the Old Nyack Turnpike where they have to meet the school bus. This is a hardship for the children. There will be more children in future years. I have two children going to school now and another will be going in a couple of years. I wouldn't want children walking through the lawn. We have bad weather in the Wintertime and the road doesn't get plowed. Also, I have to leave for work at 3:00 or 4:00 in the morning and it is hard to get out. I had to junk my old car because of breaking a spring."

Mr. Dillon asked if he had any objections to the price of the improvement. He replied he was taxed as much as anybody on a good street but he had no objections and that for people living on the street it is a must.

Mr. Sam Basson of Sherwood Drive, Nanuet, was sworn by Mr. Dillon and testified as follows:

"I agree with everybody that they need the street. The street is draining off water from Nelson Place, which is undermining the road. However, I object to the fact of the tremendous increase in the cost of the road because of drainage. When the road

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matter first came up the cost of fixing up the road was not be to over \$4,000.00 and there was no talk of drainage."

Supervisor Dillon asked if he had signed the petition. He advised he had. Mr. Dillon then asked how he could sign the petition and then object to it. Attorney Kassels interposed with the remark that Mr. Basson had signed the original petition in which he did not object to the road but to the price.

Nelson W. Hall, Engineer appointed in connection with the improvement of Sherwood Drive, was then called. After being sworn by Supervisor Dillon, upon being questioned by the Town Attorney, Mr. Hall testified as follows:

Q: Mr. Hall, you are a professional licensed engineer, licensed by the State of New York?

A: Yes. I am.

Q: Were you appointed by this Town Board by an appropriate resolution some months back to make a study of the matter of building a road in Sherwood Drive?

A: I was.

Q: Did you make a physical study of the physical terrain and all those other matters which enter into making a Town road up to Town specifications?

A: Yes. I did.

Q: Did you subsequently file your plans, profile specifications and your estimate of that expense with this Town Board as that resolution directed you to do?

A: Not completely. The estimate of the cost of building this road to meet Town specifications was presented to the Board. There has been a rough study plan made available but the finished product, as far as a finished map and specifications, were held up pending the approval by the people on the road before I went ahead and did the final job. There was some feeling it would not go through and all that work would be wasted.

Q: But somewhere in your consideration of this problem and in your study of the engineering factors involved, you did say to this Town Board that in your opinion a reasonable estimate of the cost of this would be \$22,500.00. Is that correct?

A: That was the last estimate given to the Board.

Q: Included in that estimate there is a substantial amount of that \$22,500.00 which represents the necessary work of drainage?

A: That is correct.

Q: Will you tell this Board how you came to the conclusion that drainage was necessary to protect this Town road, which increased the price over what the residents of this area expected it would be?

A: Yes. With this map of study I made prior to making up final plans and specifications I will try to clarify the problems involved.

He explained in detail the present flow of water and the fact that at the upper end for 200 or 300 feet is practically level and that water does not drain

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anywhere at present but just lies there and breaks the road up. He added that if this condition is not taken care of there is no use building the road.

Q: As Engineer appointed by the Town Board, is it your opinion that the drainage you suggested is drainage necessary and important to Sherwood Drive?

A: Without the drainage proposed, it would be a waste of the peoples' money to build the road.

Councilman Renken asked the following questions, which were answered in turn by Mr. Hall.

Q: Does the land naturally slope to the West? Where does the water go after it is taken off Sherwood Drive?

A: It goes underneath Freedman Avenue into a large ditch, underneath a couple of other Town roads and eventually to Pascack Creek. Someone mentioned that the drainage would benefit someone else but I had nothing of this sort in mind and was just concerned with drainage of Sherwood Drive and the only way it would be handled. Ditches are out of the question because they would have to be too deep and that is the reason for piping.

The Town Attorney then resumed his questioning of Mr. Hall, who answered as follows:

Q: You discussed this with these owners?

A: I did.

Q: With a view to reducing the estimate you had made to this Board sometime previously?

A: Yes. I came in with the original estimate, then revised it and talked to this Town Board.

Q: Your estimate now, of \$22,500.00 is reduced somewhat from your original estimate in which you included porous pipe?

A: That is right. We have cut it down to a minimum.

Q: And that was at the suggestion of the attorney for the petitioner?

A: That is right.

Mr. Lawrence Moser then requested permission to ask Mr. Hall a question, as follows:

Q: We have a portion here cut off by Nelson Place on Sherwood Drive. Will this be paved?

A: No. That is one of the parts that will be left out to save money.

Supervisor Dillon then addressed the petitioners' counsel asking if he had more than 50% of the residents on Sherwood Drive represented, to which Mr. Kassels answered in the affirmative.

The Town Attorney reported that the Clerk had advised that all of the persons represented on the petition signed in 1956 had received notice of the hearing in writing according to law.

Mr. Lawrence Moser, residing at the corner of Nelson Place and Sherwood Drive, requested that his name be withdrawn from the petition.

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Mr. Albert Nelsen requested that his name be withdrawn from the petition. Upon checking, Supervisor Dillon advised that his name did not appear on the petition but that of Mary Nelsen. He thereupon advised Mr. Nelsen that if his wife wished to withdraw, inasmuch as she was not present, she should file a written withdrawal.

Mr. Dillon inquired whether anyone else had any objection to voice. No one appeared.

The Board then advised the attorney for the petitioners that it would be necessary for him to determine whether there was a representation of over 50% of assessed valuation on Sherwood Drive after withdrawal of the two names from the original petition.

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

Signed,

Mildred F. Magai
Mildred F. Magai
Town Clerk.

SPECIAL TOWN BOARD MEETING

Aug. 28th, 1957

Town Clerk's Office

8:00 P.M.

Present: Messrs. Renken,
Jeffrey,
Welchman,
Dillon.

Absent: Mr. Schmersahl.

Supervisor Dillon opened the meeting.

Mr. Welchman moved that decision on the Improvement of Sherwood Drive, Nannet, be reserved.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

A letter from The Service Bureau Corporation a subsidiary of IBM, dated Aug. 16th, 1957, submitting contract or Agreement No. SJ 26405417 covering processing of Name and Address and Tax Cards for Section I and II and Number I Value Cards for Section III, was read to the Board.

Mr. Welchman moved the following resolution:

RESOLVED, that the Supervisor be authorized to execute contracts with I.B.M. for Section I, II and III.

Seconded by Mr. Jeffrey.

Mr. Renken inquired whether the contract covered only 1957. Upon questioning, the Assessor advised it was for the current period 1957-1958.

Mr. Welchman then requested that his motion be withdrawn.

Mr. J. L. Jacobs of J. L. Jacobs & Company appeared in company with Paul Girardi, Esq. of the office of Marshall Rooney, Esq. for the purpose of discussing the Tax Map prepared by that company. The Board called attention to errors found and complained of even after corrections had been made and inquired what his company proposed to do. Mr. Jacobs advised that he would have representatives of his company go over complaints registered with the Assessor and advise the Board what decision had been reached shortly thereafter.

Bill No. 793 on Warrant No. 8-A was presented to the Board, audited and ordered paid.

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

Signed,

Mildred F. Magai
Mildred F. Magai,
Town Clerk.