

## SPECIAL TOWN BOARD MEETING

Sept. 15, 1958

Town Clerk's Office

8:00 P.M.

Present: Messrs. Coyle, Renken, Danko, Jeffrey.

Absent: Mr. Welchman

Supervisor Coyle called the meeting to order.

Mr. Renken moved the following resolution:

RESOLVED, that the period for collection of 1958 school taxes without penalty be extended through October 8, 1958, and be it

FURTHER RESOLVED, that the Clerk so advise the Receiver of Taxes.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Coyle, Renken, Danko, Jeffrey.

NAYES: None.

The Supervisor read a letter from Louis H. Heydeman, Clarkstown Civil Defense Director, dated September 10, 1958, advising of his resignation effective as of October 1, 1958. The Clerk was requested to write to Mr. Heydeman thanking him for his service to the Town.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to transfer from Current Surplus account to Assessor's Office Expense account the sum of \$1500.00.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Coyle, Renken, Danko, Jeffrey.

NAYES: None.

Mr. Jeffrey moved the following resolution:

RESOLVED, that the Supervisor be authorized to transfer from Current Surplus account to Town Clerk's Office Expense account the sum of \$200.00.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Coyle, Renken, Danko, Jeffrey.

NAYES: None.

Supervisor Coyle read notice of Zoning Ordinance Violation by Sarah Martinez at premises on the east side of Susan Drive, New City, premises occupied without a Certificate of Occupancy. The matter was referred to the Town Attorney.

Mr. Jeffrey moved the following resolution:

RESOLVED, that Minnie Stern, First Avenue, Spring Valley, and Evelyn Rudman, Lafayette Street, Spring Valley, be appointed Democratic Inspectors of Election for Election District No. 10, Town of Clarkstown.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Coyle, Renken, Danko, Jeffrey.

NAYES: None.

Mr. Jeffrey moved the following resolution:

RESOLVED, that Helen Blauvelt, Washington Street, Spring Valley, and Harold Raup, 40 Lafayette St., Spring Valley, be appointed Democratic Inspectors of Election for Election District No. 21, Town of Clarkstown.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Coyle, Renken, Danko, Jeffrey.

NAYES: None

9/15/58

249

Supervisor Coyle read a letter from Charita M. Collins, dated September 15, 1958, resigning from position as stenographer in the office of the Town Clerk, effective as of Sept. 15th, 1958.

Mr. Danko moved the following resolution:

RESOLVED, that resignation of Charita Collins as stenographer in the Town Clerk's office effective as of September 15, 1958 be accepted.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Coyle, Renken, Danko, Jeffrey.

NAYES: None

The Supervisor read a letter dated Sept. 9th, 1958 from the Veterans Memorial Association of Congers, requesting permission to operate Bingo Games at their building and that the Board take action to place matter before the electorate at the November 1958 election. The Town Attorney explained to the Board the necessary statutory procedure to adopt a Bingo Ordinance and that approval from the State Lottery Commission would have to be obtained prior to submission to permissive referendum. Mr. Johns stated it was unfortunate the request had not been made sooner as there was insufficient time to put it to vote at this election. The Clerk was requested to advise the Association that there was insufficient time to complete required statutory procedure with respect to a Bingo ordinance and have the proposition included on the ballot at the 1958 Election but that the matter would be taken under consideration for 1959.

Supervisor Coyle inquired of the Clerk if any petition for permissive referendum with respect to the proposed construction of a Town Hall had been filed with her prior to the hour of closing the office. He was advised that none had been filed.

Mr. Jeffrey moved the following resolution:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 14, 1958, AUTHORIZING THE CONSTRUCTION OF A NEW TOWN HALL ON LAND NOW OWNED BY SAID TOWN, AT THE SOUTHEAST CORNER OF NEW CITY-CONGERS ROAD AND MAPLE AVENUE, NEW CITY, IN SAID TOWN, AT THE ESTIMATED MAXIMUM COST OF \$175,000, APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$10,000 CAPITAL NOTES TO PROVIDE THE DOWN PAYMENT AND \$165,000 SERIAL BONDS OF THE TOWN, TO FINANCE THE REMAINDER OF THE APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (By the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:-

Section 1. The Town of Clarkstown, in the County of Rockland, State of New York, is hereby authorized to construct a new Town Hall on land heretofore acquired and now owned by said Town, situate at the southeast corner of the intersection of New City-Congers Road and Maple Avenue, New City, in said Town, and to grade and improve the site and purchase the necessary original furnishings, equipment, machinery and apparatus required for the purpose for which such Town Hall is to be used. The estimate of the maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$175,000. and the said amount is hereby appropriated therefor. The plan of financing includes the issuance of capital notes in the principal amount of \$10,000 to provide the down payment required by Law and the issuance of \$165,000 serial bonds of the Town to finance the remainder of the appropriation and the levy of a tax upon all the taxable real property in the Town to pay the interest on said bonds and notes and the principal thereof at maturity.

Section 2. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended, capital notes of the Town in the principal amount of \$10,000, and serial bonds of the Town in the principal amount of \$165,000, are hereby authorized to be issued to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:-

(a) The period of probable usefulness of the specific object or purpose for which the bonds herein authorized are to be issued within the limitations of Section 11.00a. 11(b) of said Local Finance Law, is twenty (20) years.

(b) Current funds are required by said Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be provided from the proceeds of the capital notes herein authorized to be issued and the Supervisor is hereby authorized and directed to set aside said proceeds and apply the same solely to the said specific object or purpose described in Section 1 hereof.

(c) The proposed maturity of the bonds authorized by this resolution may exceed five (5) years.

(d) No part of the cost of said specific object or purpose authorized by this resolution has been or shall be specially assessed on property specially benefited thereby.

415

9/15/58

Section 4. Each of the bonds and notes authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of said Law and said bonds and notes and any bond anticipation notes issued in anticipation of said bonds, shall be general obligations of the Town of Clarkstown, and the Town hereby irrevocably pledges its faith and credit to the punctual payment of the principal thereof and interest thereon and there shall be raised annually by taxon all the taxable real property in the Town a sum sufficient to pay the principal of and interest on said bonds and notes as the same shall become due.

Section 5. Subject to the provisions of this resolution and of said Local Finance Law, and pursuant to the provisions of Sec. 30.00 relative to the authorization of the issuance of bond anticipation notes and of Sec. 50.00 to 60.00 of said Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the bond and notes and any bond anticipation notes issued in anticipation of said bonds, are hereby delegated to the Supervisor as the chief fiscal officer of the Town.

Section 6. The validity of the bonds and notes authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:-

- (a) such obligations are wuthorized for an object or purpose for which the Town is not authorized to expend money, or.
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect ~~thirty~~ thirty days (30) days after its adoption, unless within thrity (30) days after its adoption there shall be filed with the Town Clerk, in accordance with Article 7 of the Town Law, a petition signed and acknowledged by electors of the Town of the number required by Law, qualified to vote upon a proposition to raise and expend money, protesting against this resolution and requesting that it be submitted to the electors of the Town voting on a proposition for its approval at a referendum or election held in accordance with said Town Law.

The adoption of the foregoing resolution was seconded by Councilman John H. Renken, Jr. and duly put to a vote on roll call, which resulted as follows:-

AYES: Councilman John H. Renken, Jr.  
 " Stephen Danko  
 " Alastair Jeffrey  
 " Joseph Welchman  
 Supervisor John W. Coyle

NOYES: None.

The resolution was declared unanimously adopted.

Mr. Jeffrey moved the following resolution:

RESOLUTION OF THE TOWN BOARD TOWN OF CLARKSTOWN ADOPTING PLANS AND SPECIFICATIONS FOR TOWN HALL, IN SAID TOWN AND INVITING SEALED PROPOSALS FOR CONTRACT.

WHEREAS, KARL SCHUMACHER, Architect, has prepared estimates, plans and specifications for the construction of the proposed Town Hall at Congers and Maple Avenues, New City, Town of Clarkstown, Rockland County, New York.

WHEREAS, said estimates, plans and specifications have been filed with the Town Clerk's Office, Town of Clarkstown, and have been examined by this Town Board,

NOW THEREFORE, be it

RESOLVED, that the said estimates, plans and specifications be, and each and everyone of the same is hereby approved and adopted, and

IT IS FURTHER RESOLVED, that this Board invite sealed proposals to be submitted to it at 8:30 PM Eastern Daylight Saving Time on the 16th day of October, 1958, at the office of the Town Clerk, 16 South Main Street, New City, in said Town, for the construction of the proposed Town Hall as described above, at New City, New York, in accordance with the aforesaid plans and specifications, and that the Town Clerk of the Town of Clarkstown by and she is hereby directed to prepare, with the assistance of the Town Attorney, and Carl Schumacher, Architect, proper notices, calling for special proposals in detail and cause the same to be published at Nyack, New York, the official paper of this Town, in accordance with the provisions of Section 103 of the General Municipal Law, and

9/15/58

251

BE IT FURTHER RESOLVED, that a deposit of \$10.00 be required for a set of plans, which deposit shall be returnable after bids are received in reasonable condition, and a deposit of \$10.00 for each additional copy of any bidder, which deposit shall not be returnable.

Dated: September 15, 1958

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Coyle, Renken, Danko, Jeffrey.

NAYES: None.

Town Attorney Everett Johns reported to the Board that there were two actions pending against the Town of Clarkstown; the first a suit brought by The Dells, Inc. against the County and Town, to challenge the validity of the tax roll, on which notice of Appeal to the Appellate Division had been served; the other a suit instituted by the filing of a Summons & Complaint in the United States Southern District Court and service on the Town Clerk on Sept. 15, 1958 by J. L. Jacobs, Thomas L. Jacobs, M. B. Miller, C. F. Lutz, doing business under the firm name of J. L. Jacobs & Co., against the Town of Clarkstown, for breach of contract. Mr. Johns explained that the action was in connection with a supplemental contract with J. L. Jacobs & Company dated October 27, 1955 in the amount of \$16,924.75.

The Town Attorney stated he had contacted Lester D. Stickles, Esq. of New York City about the matter. Mr. Johns discussed with the Board the possible retention of Mr. Stickles to defend this action inasmuch as there might be claims and counter-claims, Councilman Renken inquired what Mr. Stickles would require in the way of fees for defense of the action and the Town Attorney stated it would be hard for any attorney to determine the entire cost as it would be based on the work involved and there might be claims and counter-claims. He added that a retainer fee of \$5,000.00 would be required by Mr. Stickles and suggested that provisions be made to budget this for the coming year. Mr. Johns stated that it could be arranged to have Mr. Stickles bill the Town as each legal step proceeded.

Mr. Renken moved the following resolution:

WHEREAS, J. L. Jacobs, Thomas L. Jacobs, M. D. Miller and C. F. Lutz, doing business under the firm name and style of J. L. Jacobs & Company, have commenced an action against the Town of Clarkstown, in the United States District Court, for the Southern District of New York for breach of two (2) written contracts totalling in the sum of \$16,924.75 each dated October 27, 1955, involving appraisal, preparation and furnishing of Tax Maps of lands situate in the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown has a proper, legal and meritorious defense and counter-claim against the said J. L. Jacobs, M. D. Miller and C. F. Lutz, doing business under the firm name and style of J. L. Jacobs & Company, and

WHEREAS, the Town Board has determined that the best interests of the Town of Clarkstown would be served by authorizing and directing the Town Attorney to appear and defend and set forth any proper counter-claim, legal or otherwise, and

WHEREAS, this Board deems it necessary that Special Counsel be retained to assist the Town Attorney in this action,

NOW THEREFORE, be it

RESOLVED, that LESTER D. STICKLES, ESQ., of 36 West 44th Street, New York City, New York, be and he hereby is authorized and directed to appear and defend and enter any proper counter-claim, legal or equitable on behalf of the Town of Clarkstown.

Dated: September 15, 1958

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Coyle, Renken, Danko, Jeffrey.

NAYES: None.

On motion made by Mr. Jeffrey, seconded by Mr. Danko and unanimously carried, the meeting was adjourned.

S/ Mildred F. Magai,  
Town Clerk.

HAA 918