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WHEREAS, the ASSESSOR of the Town of Clarkstown did prepare and file the latest, completed Assessment Roll on September 25th, 1958, showing all the properties and valuations listed in the PASCACK PARK SEWER DISTRICT, NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown adopt, as the Assessment Roll for the PASCACK PARK SEWER DISTRICT, the Assessment Roll of the Town of Clarkstown filed on September 25th, 1958, in the Town Clerk's Office, showing each of the lots and assessments thereof, in the PASCACK PARK SEWER DISTRICT.

Dated: November 13, 1958.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Board signed Assessment Roll for Unpaid Assessment for the Improvement of First Street Nanuet, payable in annual installments for the years 1959, 1960, 1961 and 1962, pursuant to Section 243 of the Town Law.

All business at hand having been disposed of, on motion made by Mr. Danko, seconded by Mr. Jeffrey and carried, the meeting was adjourned.

Signed,

Mildred F. Magai,
Town Clerk.

TOWN BOARD MEETING

Nov. 26th, 1958

Town Clerk's Office

3:00 P.M.

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

Supervisor Coyle called the meeting to order.

Action on the minutes of the Nov. 13, 1958 Board meeting was ordered held for the next meeting.

The Supervisor read a letter dated Nov. 19, 1958 from Burnweit Motors, Inc. calling attention to the good service rendered to the Town in the past and asking consideration of this fact in awarding bid for 1959 Police Patrol Cars. A letter from the Town Attorney dated Nov. 17, 1958 was read, which stated that if the low bidder, Central Motor Company, was found to be a responsible bidder on furnishing of Police Patrol Cars, in accordance with Section 103 of General Municipal Law, they should be awarded the bid.

Mr. Renken moved the following resolution:

RESOLVED that the Clarkstown Police Department be authorized to purchase from Central Motor Company of 46-60 So. Central Avenue, Spring Valley, New York, three (3) 1959 Ford Custom 300 Fordor Sedans and one (1)

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1959 Fordor Ranch Wagon, pursuant to terms of bid dated Nov. 12, 1958, for the total sum of \$4,949.00 including trade-in allowances.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Coyle.

NAYES: None.

Mr. Renken moved the following resolution:

RESOLVED that application of Zira S. Bauman for a Zoning Change from a C-2 and an RO to an M-1 district for property on the E/S of Route 304, Nanuet, be referred to the Planning Board pursuant to Sections 8.51, 8.52 and 8.522 of the Zoning Ordinance.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Coyle.

NAYES: None.

Mr. Renken moved the following resolution:

RESOLVED that application of Flozir Realty Corp. for a Change of Zoning from an RO and R-1 to an M-1 district, for property on the S/S of Route 59 and E/S of Smith Street, Nanuet, be referred to the Planning Board pursuant to provisions of Sections 8.51, 8.52 and 8.522 of the Zoning Ordinance.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Welchman, Coyle.

NAYES: None.

The Town Attorney reported that action by the New York Trap Rock Corp. had been disposed of in favor of the Town and that the Trap Rock Corp. was ready for termination if the Board desired.

Mr. Jeffrey moved the following resolution

WHEREAS, in the Zoning action entitled "NEW YORK TRAP ROCK CORPORATION vs THE TOWN OF CLARKSTOWN", decided in favor of the TOWN OF CLARKSTOWN, the Town has entered a counterclaim for Nuisance, which is still pending in said action, and

WHEREAS, it is the Town Board's desire of withdrawing said counterclaim and terminating said litigation without prejudice to renew at any future time, and

WHEREAS, the TOWN OF CLARKSTOWN has obtained a Judgment in said action against the NEW YORK TRAP ROCK CORPORATION for costs and disbursements in the sum of \$2,645.39, entered in the Rockland County Clerk's Office on April 2, 1956, and

WHEREAS, the TOWN OF CLARKSTOWN is entitled to interest on that sum from April 2, 1956 to December 2, 1958, amounting to the sum of \$423.20, and

WHEREAS, the TOWN OF CLARKSTOWN is further entitled to costs and dis-

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bursements upon the entering of final Judgment in the Rockland County Clerk's Office on the action of the Court of Appeals in the sum of \$320.90,

NOW THEREFORE, be it

RESOLVED, that the Town Attorney be and he hereby is authorized to enter into a stipulation, upon which an Order of the Rockland County Supreme Court will be entered, dismissing the counterclaim of the TOWN OF CLARKSTOWN for Nuisance against the NEW YORK TRAP ROCK CORPORATION without prejudice, not on the merits, and without costs, and

BE IT FURTHER RESOLVED, that the Town Attorney enter final Judgment in said action, and prepare a Satisfaction of Judgment for costs and disbursements and interest therein to be delivered to the NEW YORK TRAP ROCK CORPORATION against receipt of a check in the sum of \$3,389.49, payable to the TOWN OF CLARKSTOWN, and

BE IT FURTHER RESOLVED, that JOHN W. COYLE, Supervisor of the Town of Clarkstown be and he hereby is authorized to execute said Satisfaction of Judgment on behalf of the TOWN OF CLARKSTOWN.

Dated: November 26, 1958.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Town Attorney explained that the counterclaim of the Town for Nuisance against the New York Trap Rock Corporation was dismissed without prejudice and not on the merits, so if it was felt necessary, a new action could be started at any time.

Town Attorney Johns reported that Mr. Nemeroff of The Dells, Inc. had submitted a Stipulation of Discontinuance of two actions, one against the County of Rockland and Town of Clarkstown involving the Tax Map and the other against the Zoning Board of Appeals, discontinued without cost to either party.

The Board signed Special Assessment Roll with respect to Unpaid Assessment for the Improvement of Sherwood Drive, Nanuet, Payable in Annual Installments for the years 1959, 1960, 1961 and 1962.

The Town Attorney reported to the Board that he had received the necessary information with respect to Silver Birch Sewer District from the Engineer and would forward same to the State Department of Audit & Control.

Supervisor Coyle told the Board that the Town Attorney had prepared a proposed Bingo Ordinance for study and consideration.

The Town Attorney reported that all papers in connection with proposed dedication of New Haven Ave., Nanuet, in the Maple Grove Estates subdivision were in proper form. The Supervisor read a letter from the Highway Superin-

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tendent, recommending acceptance of New Haven Avenue.

Mr. Renken moved the following resolution:

RESOLVED that, upon recommendation of the Highway Superintendent, deed from S & K Land Corp. to the Town of Clarkstown, conveying New Haven Avenue, Nanuet, as shown on map of "Maple Grove Estates" subdivision, together with drainage easement from Arthur E. Stafford and Seedy Stafford, his wife, to the Town of Clarkstown, be accepted, and be it

FURTHER RESOLVED that the said road be included in the Town Highway System and that the Town Attorney be directed to record the deed and easement. Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Board approved as to form and sufficiency the following:

Maintenance Bond #207860
S & K Land Corp.
(New Haven Ave., Nanuet - Maple Grove Estates)

Mr. Jeffrey moved the following resolution:

RESOLVED that, upon recommendation of the Superintendent of Highways, deed from Badcliff New City Corp. and Little Tor Estates, Inc. to the Town of Clarkstown, conveying Badcliff Drive, Surrey Court, James Street and stub, Roslyn Lane and Gregory Street and stub, as shown on map entitled "Laural Park" dated Sept. 22, 1956, be accepted, and be it

FURTHER RESOLVED that said roads be included in the Town Highway System and that the Town Attorney be directed to record the said deed.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

The Board approved as to form and sufficiency the following:

Maintenance Bond #211801
Badcliff New City Corp.
(Badcliff Drive, Surrey Court, Roslyn Lane, James
(St. & stub, Gregory St., & stub - Laural Park)

Mr. Jeffrey Moved the following resolution:

RESOLVED that, upon recommendation of the Highway Superintendent, deed from Broadman Electric Construction Co., Inc. to the Town of Clarkstown, conveying Hall Avenue, New City, as shown on map entitled "Rochelle Homes - East Section", be accepted, and be it

FURTHER RESOLVED that the road be included in the Town Highway System and that the Town Attorney be directed to record the deed.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

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The Town Attorney reported that all papers in connection with the dedication of roads in Little Tor Estates were in proper form. The Highway Superintendent told the Board there was some shoulder work to be done. The matter was ordered held.

Mr. James Moody appeared before the Board stating it was in connection with an unhappy situation in the Assessor's Office. He said there seemed to have been an awful lot of difficulty with Assessors over the past several years. Mr. Moody told the Board he took it upon himself to do some checking as to why the School District was receiving various figures on which they were expecting to set a tax rate. He added that he had first received the information that the School District had asked for an estimated valuation. He then checked with the School District and found out this was not correct but that they had asked for a total assessed valuation of the Town.

Mr. Moody stated that on Aug. 20, 1958 the Central School District No. 1 had received a letter from the Assessor stating the total assessed valuation of the District was \$26,350,628.00 and on that basis they had set a School Tax rate of \$5.53. On August 25th, after the School Tax Rate was set, another letter was received from the Assessor asking them to amend the total, showing a reduction in assessed valuation of \$287,729.00. Mr. Moody stated he considered that a sizeable reduction. He stated this was because of errors, duplication and so forth. On Sept. 19th another letter was received by the School District from the Assessor stating there were omitted assessed valuations of \$368,650.00 for 1958 and \$87,016.00 for 1957. Mr. Moody said that on the last two items alone, total tax dollars involved approximated \$27,000.00, and he thought it an alarming situation that the Town had something like this continuing. He also stated that he realized the Board caught a lot of abuse, but that when these things are going on they should not be handled privately, that they should be brought out and the Board should protect itself. He said he would hardly call it an efficient operation.

Mr. Moody then told the Board he wished to call attention to another situation which he stated would come under the category of "conflict of interests." He said that at the time the Assessor was put in the job everyone had high hopes for him but that now, he was sorry to say, he was disillusioned. He had found the Assessor had installed in his office his own phone, although it was the Tax Assessor's office, and that this was morally reprehensible. He asked the Board to look into the matter because of public criticism.

Councilman Renken told Mr. Moody that the matter of the private telephone had been brought to the attention of the Supervisor and himself and that it was in the process of being taken out.

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Mr. Moody made the recommendation that the answer might be to go back to the old system of a Board of Assessors, inasmuch as the Town has had so many problems since the office was covered by Civil Service. He stated that this was not an area in which politics should be played, that taxpayers should be protected.

Councilman Welchman asked Mr. Moody if there was a reason for his checking with the Assessor on assessments. Mr. Moody stated he had not checked with the Assessor but with the Superintendent of Schools in District No. 1, because the first information he received was that the School had asked for an estimate and the School said no. He added that this did not make sense, as no School Board asks for estimated valuation to set a tax rate. They have to have firm figures. He also said that today we are all wandering around not knowing what our valuation is.

Harry Waitzman, Esq. addressed the Board saying that he did not know what Mr. Moody was bucking but assumed he was talking about Leonard Schwall. He stated there were several points made by Mr. Moody worth considering, and that so far as he knew the Town Board was not getting abuse with respect to the situation. The Board had inherited a legacy of perhaps incompetence or inability of former Assessors. The Town has been faced with a tremendous population growth which of necessity caused errors, confusion and so forth, had picked a man of qualification and given him a mess. He said fixing up the Assessor's Office was not like painting a house. He stated the situation in that office would take fixing but would not be by partisan advantage, or perhaps in the case of certain individuals, personal advantage in getting names in public or bucking for something. He added it was a serious problem and the situation involving C. Elsie Monneret should be forgotten. Mr. Waitzman told the Board it should consider it had selected a man for the job and back him up. He said the general tenor of Mr. Moody's talk was such that he didn't know what he was talking about, and when the manner in which past Assessors worked was taken into consideration it could be understood why mistakes are being made. He stated that it should be realized that efforts were being made to correct the situation.

Councilman Renken told Mr. Waitzman that the Assessor was appointed by the Town Board and the Board felt at that time that he was the best qualified man to pick from - had backed him in every way possible. He added that as far as the statement that the Board had turned over to him a mess was concerned, the Assessor was free, white and twenty-one and understood the problems of that office as they were explained to him and he accepted the job. Mr. Renken stated he was of the opinion the Assessor was trying to do a good job, that the Board had backed him up, but that when criticism such as this came to the Board it was a duty and incumbent on the Board to find out why things happen and then make a

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decision. He said the assessor was fully aware of the job and what it entailed and did not accept the post under duress.

Mr. Waitzman stated the Assessor is trying to do a good job and he felt he can do a good job without it becoming a political issue. He stated that in reading the newspaper recently it seemed the Assessor's office, the Tax Receiver's office and even the Town Attorney situation had become a political football and did not think they should, as the men were trying to do a good job. Mr. Waitzman said that some this criticism might better be tempered by consideration of the overall problem.

Mr. Victor Smith addressed the Board as a former Assessor and assured them that there had never been such mistakes before as in the present tax roll. He stated there was no explanation that Mr. Schwall could give for the private phone, 3100, in the Tax Assessor's Office, which was listed as Leonard Schwall, Attorney, Rockland County Mortgage Company and he thought an insurance company. He addressed Supervisor Coyle and stated that knowing him, he did not think he had given Mr. Schwall permission to transfer his private phone into the taxpayer's office that the people were paying rent for. He felt there was no explanation for that kind of trickery.

Mr. Kurt Greenbaum appeared before the Board stating he was a new resident in Garden Hill Estates development, New City, and wanted to call attention to a situation that existed and was a hazard to health and life. He stated there were pits dug three weeks ago, mounds of earth which might collapse and sewage running the basements in his area and that complaints had been to no avail. He said the Board of Health and Building Inspector's office had been contacted but nothing has been done. He added that there was a swimming pool with 8' of water with no fence around it.

The Town Attorney stated a permit had been granted for the swimming pool with the proviso that a fence be constructed.

The Building Inspector was asked to report on the matter and stated the builder had advised that the fence would be constructed on Nov. 28, 1958. He added that as to the septic problem, the builder is attempting to correct the condition. The Building Inspector reported that the subdivision was approved under the old State Board of Health about three and a half years ago and some of the requirements placed on it at that time are requirements that would not meet requirements today. In other words there has been a tightening up on the design of the septic field itself and where a problem has occurred it has been followed up when notice has been followed up when notice has been given of the condition.

The Town Attorney advised Mr. Greenbaum that the violations of the restrictions as to open foundations was not a violation of the Building Code and

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was perhaps a health matter to be taken up with the Board of Health. He told Mr. Greenbaum that children in the area should not be allowed to play in such areas. Mr. Schumacher was requested by the Board to follow up on the matter.

Councilman Welchman reported to the Board that he had reviewed insurance limits of Town insurance and had prepared a lengthy report. He felt there was insufficient coverage on liability and property damage. Mr. Welchman had also prepared a report on Town equipment coverage. Because of their length, Mr. Welchman suggested the reports be gone over at a special meeting.

With respect to application of Louis Ferretti for a 280-a building permit, the Building Inspector made a report to the Board and he was asked to have Mr. Ferretti submit a road plan so the Town Engineer could determine if any drainage was required.

Robert Granik, Esq. appeared before the Board in connection with the dedication of Rennert Lane, Bardonia. The matter was referred to the Town Attorney to give notice that if the road was not dedicated at the next Board meeting the bond would be declared in default.

Mr. Renken moved the following resolution:

RESOLVED that the following persons be appointed Dog Enumerators for the Town of Clarkstown for the year 1959:

Dayton D. Bennett, Old Mountain Road, Upper Nyack, New York

George Brownsell, Sr., North Main St., New City, N. Y.

William Furno, Germonds Road, West Nyack, N. Y.

The Highway Superintendent reported to the Board that the matter of acquiring land for the widening of Kings Highway in Valley Cottage was in the hands of the County Superintendent of Highways and that Mr. Hall had contacted Mr. Miller and Mr. Carlson.

Town Attorney Johns stated he had examined application for Special Permit for proposed Chestnut Knolls subdivision and found that the Planning Board had not set forth full findings as required by the Zoning Ordinance. He asked that it be returned to the Planning Board with a request for a full report on findings under paragraph 2B and 3 as set forth under Section 4.32 F of the Zoning Ordinance.

Mr. Welchman moved the following resolution:

RESOLVED that the Town Clerk be authorized to advertise for bids for the purchase of two voting machines, bids to be received by and opened on Jan. 5, 1959.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Application of The Dells, Inc. for a Zoning Change from an RA-1 and RA to an R-1, R0 and LS district on Parcel #1 and from an RA-1 to an RA district on Parcel #2, was presented to the Board.

Mr. Bernard Nemeroff of The Dells, Inc. addressed the Board and requested

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that his application for a Zoning Change be referred to the County Planning Board to determine if it is a good plan, because of its complexity. The Town Attorney suggested that the application be referred to him to check and take up with the appropriate departments before being referred under the Zoning Ordinance to the Board.

Mr. Renken moved the following resolution:

RESOLVED that application of The Dells, Inc. for a Change of Zoning be referred to the Town Attorney for examination and report to the Town Board.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

A letter dated November 10, 1958 from the State Traffic Commission, with respect to signs in connection with the extension of the 30 MPH area speed restrictions to include the whole Town of Clarkstown, was referred to the Town Attorney to report on at the next Board meeting.

Mr. Welchman moved the following resolution:

RESOLVED that the second regular monthly meeting for the month of December and the Annual Meeting be on December 29, 1958 at 3:00 P.M., and be it

FURTHER RESOLVED that the first meeting of the year 1959 be held on January 5, 1959 at 8:00 P.M. o'clock.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

Petition for the extension of New City-West Nyack Water Supply District to include Tudor Gate, West Nyack was ordered held.

Supervisor Coyle told the Board he had canvassed the Civil Service list for vacancy of Police Patrolman and had received replies indicating that all persons on the list were interested. The Chief was asked to make a recommendation and he recommended Raymond K. Masters of New City.

Mr. Renken moved the following resolution:

RESOLVED that, upon recommendation of Chief Ernest Wiebicke, Raymond K. Masters of Orchard Avenue, New City, be appointed Police Patrolman in the Clarkstown Police Department at an annual salary of \$4800.00, effective December 15, 1958.

The Supervisor reported he had received a request for a probationary report by Dec. 3rd, 1958 on William B. King, whose probationary period of service ends on December 16, 1958. Chief Wiebicke reported his work as

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satisfactory and the Supervisor stated he would so report to the Civil Service Department.

Supervisor Coyle read a letter from Nelson W. Hall, County Highway Superintendent, advising that "Yield" signs had been erected in accordance with his letter dated August 12, 1958. The letter was ordered filed.

Mr. Coyle read a letter from Mr. S. B. Flemming, Safety Director of the New York Trap Rock Corporation, West Nyack, requesting a blinking caution light at the intersection of Old Mill Road and Snake Hill Road because of the traffic hazard involved. The matter was referred to Chief Wiebicke to investigate and the Clerk was requested to so advise Mr. Flemming.

A special meeting was scheduled for December 3rd, 1958 at 8:00 P.M. in the Supervisor's office to review zoning reports, and also on December 4th, 1958 at 8:00 P.M. in the Town Clerk's office to discuss routes with scavengers.

The Highway Superintendent reported that brush obstructing motorists visibility at the Fulle property on the corner of Old Mill Road and Kings Highway, Valley Cottage, had been cut back about 15 feet. The Clerk was requested to advise Mr. Garrett Miller that the condition had been corrected.

Mr. Renken moved the following resolution:

RESOLVED that the Supervisor be authorized to transfer from Current Surplus to Supervisor-Employees' Compensation Account the sum of \$1300.00.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Town Attorney apprised the Board that a Notice of Claim had been filed on November 20, 1958 by Edna Pritz and Louis Pritz for \$50,000.00 for an accident in front of 17 Grandview Avenue, Nanuet, which took place on October 23, 1958.

Councilman Jeffrey told the Board he had received a complaint about a road called Jeffrey Court in West Nyack, there being a big drop off in his front yard. The Highway Superintendent stated the subdivision had been approved about five years ago and the road was in conformity.

Mr. Welchman moved the following resolution:

RESOLVED that light presently installed on Pole No. 18, Prospect St., Nanuet, in the Nanuet Lighting District, be transferred to Pole No. 16.

Councilman Welchman reported to the Board that the owners of the building in which the Police Headquarters are located had contacted him, asking if the Town desired to renew the lease or desired to rent on a month to month basis. He advised if it were rented on a month to month basis there would be a slight increase. The matter was referred to Mr. Welchman to advise Mr. Maier that the Town would rent on a month to month basis.

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There being no further business, on motion made by Mr. Renken, seconded by Mr. Welchman and unanimously carried, the meeting was adjourned.

Signed,

Mildred F. Magai,
Town Clerk.

PUBLIC HEARING

December 11, 1958

Town Clerk's Office

8:30 P.M.

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

Absent: Mr. Welchman.

Supervisor Coyle opened the hearing.

The Clerk read notice of hearing to consider the application of Nathan Wyman for a Change of Zoning from an RA-1X to an R-1 district on property located near Red Hill Road, New City.

Robert Granik, Esq. appeared on behalf of the petitioner and described the property sought to be rezoned as being off Red Hill Road and that it was an area of 20 or more acres. He added that the property was surrounded on three sides by subdivision developments, i. e. Hempstead Heights, Colonial Acres-East Section and Red Hill Acres, all in R-1. Mr. Granik stated that it was the westerly portion of the property consisting of about 15.60 acres that they were asking to have rezoned, that the easterly portion was in an R-1 zone, comprising approximately 11 acres.

Mr. Granik told the Board he had checked on public utilities in the area and had been assured they would be available.

The Supervisor inquired whether anyone present desired to be heard in favor of or opposition to the granting of the zoning change.

Mr. E. Tyson Matlack stated he thought the application should be denied because it was not in the best interests of citizens of Clarkstown to continually grant zoning change applications. He added that the public utilities available did not cost the taxpayer anything but that furnishing school facilities did. Mr. Matlack said that if granted, it should be for 26 homes on this acreage and that it should be for a Special Permit and not a change of the Zoning Ordinance. He asked that the interests of the people of Clarkstown be considered and not the benefits that would accrue to the owner of land.

Councilman Renken asked Mr. Matlack if he spoke on the basis of a lack of schools and whether he spoke as an individual or as a member of the School Board. Mr. Matlack advised that the thoughts expressed were individual but that many people were of the same mind.

The Supervisor inquired whether anyone else wished to be heard in favor