

5/26/59

PUBLIC HEARING

J. Valerio's Bldg.,  
Rt. 59, Spring Valley N Y

May 26, 1959

8:00 P.M.

Present: Messrs. Coyle, Supervisor  
Welchman, Councilman,  
Jeffrey, Councilman  
Everett J. Johns, Esq., Town Attorney

Absent: Messrs. Danko, Renken

Supervisor Coyle called the hearing to order.

The Deputy Clerk read notice of hearing to consider proposition to annex territory to the Village of Spring Valley, New York.

Town Attorney Everett J. Johns turned over to the Deputy Clerk the following, to mark as exhibits:

Exhibit A: Copy of Notice of Hearing  
Exhibit B: Petition and Map  
Exhibit C: Certification of Tax Assessor

Mr. Coyle stated that objections must be made in writing.

Mr. Johns then asked who represented the objectors. Mr. J. Tobias, 25 Route 59, Nanuet; (Home Address: 19 Poplar St., Nanuet), answered he was, and that he also signed the petition as taxpayer resident and presented his written objections.

Names of Objectors: Joseph W. Judge; Jerome B. Tobias; Harold Rasinowitz (Pascack Road); and Frances & Herman R. Lazaroth (Route 59, Spring Valley).

Mr. Tobias said he also represented the Eagle Council in the area, a Mr. Frank T. Hurley, and a Mr. George Armston who were not residents of the area to be annexed. Mr. Johns then asked Mr. Judge if he was a resident taxpayer. Mr. Judge replied that he had living quarters in the Town of Clarkstown.

Mr. Tobias then stated his objections:

He said that he had conducted a search of tax rolls, and nowhere in the area of Map 6A-6B and 6C, could he find the names of Newman and Mintz who appear on the petition, and that upon examination of the petition itself, there are only three signatures. Since this does not constitute the required 50%, he stated, under Sec. B, 348 of the Village Law, the petition fails to qualify.

Mr. Tobias stated that since two property owners were not listed in areas in the Tax Assessor's Office, the petition fails under Sec. C and that there were errors in the amount of assessed valuation of property. He also stated that the names of 72 inhabitants appear on the petition, and only 3 signers stated that they were residents and taxpayers.

Mr. Tobias added that Mayor Balogh signed for the Village of Spring Valley and it should be set forth where the power lies. He also said that the map as set forth is not in accordance with the tax assessment maps in the Tax Assessor's Office, thereby creating a greater difficulty in determining what properties are involved. He said that Area 6 consists of three different maps; 6A-B-C, in the Tax Assessor's Office, thereby creating confusion as to who the majority owners are. It is incorrect and impossible to check. Mr. Tobias also stated that on Map 6A-B-C some of the properties should have been included, but were left out.

Mr. Johns stated that there could be errors on the tax map, but the

certification from the Tax Assessor proves that there was a 50% majority.

Mr. Tobias then objected to the form of the petition itself. He said that no signatures appear next to the names on the petition. He also stated that no signatures appear next to the names on the petition. He also stated that there was no Corporate Seal on the Mendelson-Kaufman Motors, Inc. signature, which voids petition as to form as well as to property values and as to residence in the area.

Mr. Coyle then asked if anyone else had any objections to offer to this petition. There were none.

Mr. Coyle then asked if anyone wished to appear in favor of the petition.

There appeared a Moe Mendelsohn, Esq., 5 North Main St., Spring Valley, N. Y. as Attorney for the Petitioners, who stated the following:

That signature of Joseph W. Judge is not the signature of a resident taxpayer, that having a room over an establishment does not make him a resident of the Town of Clarkstown. This signature was requested to be stricken from the objection. Mr. Mendelsohn stated that as to Messrs. Newman and Mintz, they are listed under lot 20 Map 6B with an assessment value of \$9475.

He stated that re the 72 signatures mentioned, this is a petition for land-owners only, and is the original one dated 3/24/59.

Re errors in assessed valuation: Mr. Mendelsohn said that it has been determined that every assessed valuation marked in the petition is accurate and correct.

As to majority, he further stated this is not required in a petition - that it is not a petition by residents, but only of land-owners.

As to the signature of Mayor Belogh, Mr. Mendelsohn said authority is stated which is adequate under the law.

Re the tax map, he stated it is correct in that it shows and describes the property to be annexed. There is nothing in the law that says it has to take specific form.

Re owners as signers, he said there is a certification as to signers being the owners of the property and that the assessed valuation shown on the petition is at least 1/2 of the assessed valuation of property within the petition.

As to there not being a Corporate Seal, Mr. Mendelsohn stated that a signature of an officer of a corporation is valid merely upon the signing of his name as such officer and that no seal is actually needed or necessary to make the signature legal. He also stated that the petition is accurate and correct, and that it conforms with the law.

Mr. Tobias then made his rebuttal: He stated that the intent of someone stating that this is his residence is the only factor.

Mr. Coyle then asked Mr. Judge if he established his residence. Mr. Judge replied that he votes in Orangetown and resides in Clarkstown.

Mr. Tobias stated in conclusion that in regard to this petition, it has to adhere strictly with Sec. 348, and that any variance would make it invalid. He then said that he closed his rebuttal.

Mr. Coyle asked if anyone wished to add anything. There were no further remarks.

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

  
C. R. Adams, Jr.  
Deputy Town Clerk