

PUBLIC HEARING

1/13/64

Town Hall

9:00 P.M.

Present: Messrs. Holbrook, Frohling, Welchman, Mundt.
Town Attorney J. Martin Cornell
Deputy Town Attorney Murray N. Jacobson
Town Clerk Anne E. O'Connor

RE: ESTABLISHMENT OF SPEED LIMITS ON COUNTY & TOWN HIGHWAYS WITHIN TOWN OF CLARKSTOWN OUTSIDE OF INCORPORATED VILLAGES.

Supervisor Mundt called Public Hearing to order at 9:00 P.M.

Town Clerk read Notice of Public Hearing.

J. Martin Cornell, Town Attorney, explained purpose of Public Hearing to Assembly.

No one appeared to speak as being in favor or opposed to proposed establishment of said speed limits.

On resolution by Mr. Welchman, seconded by Mr. Frohling and unanimously adopted, Public Hearing was adjourned.

Signed

Anne E. O'Connor
Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

January 13, 1964

8:00 P.M.

Present: Messrs. Holbrook, Frohling, Welchman, Mundt.
Town Attorney J. Martin Cornell
Deputy Town Atty Murray N. Jacobson
Town Clerk Anne E. O'Connor

Supervisor Mundt called Town Board Meeting to order at 8:00 P.M.

On Resolution by Mr. Welchman, seconded by Mr. Frohling and unanimously adopted, minutes of Special Town Board Meeting held 12/19/63; regular Town Board meeting held 12/23/63; and Public Hearing held on 12/30/63 were accepted and approved as submitted by Town Clerk, Mr. Holbrook abstaining because of non-attendance at said meetings.

Mr. Welchman moved the following resolution:

RESOLVED, that Public Hearing on zone change application made by Clesie Everette (RA-1 to C-1) for property located on w/side of Pascaek Rd., Spring Valley, N.Y. scheduled for 1/13/64 at 8:15 P.M. be adjourned due to inclement weather, and be it

FURTHER RESOLVED, that above-mentioned hearing be rescheduled for 1/29/64 at 8:15 P.M.

Seconded by Mr. Frohling.

All voted yes.

Mr. Frohling moved the following resolution:

WHEREAS, we have had extraordinary snowfall, the Town Board of the Town of Clarkstown has invoked emergency measures in the Town. The danger of fire, sickness, lack of food and medical supplies as well as a number of expectant mothers on non-plowed streets has motivated the Town Board to take this step in the interest of public safety, now therefore be it

RESOLVED, pursuant to the authority granted under the General Municipal Law Sec. 209-0, the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to use any and all facilities, equipment, supplies, personnel and other resources of the Town of Clarkstown in such manner as may be necessary or appropriate to cope with the natural emergency created by the recent extraordinary fall of snow on hard-surfaced roads, for a period of 24 hours, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby given the power and authority to declare a 24-hour emergency at any time when he deems it necessary.

Seconded by Mr. Holbrook.

All voted yes.

Mr. Welchman moved the following resolution:

RESOLVED, that public hearing on zone change application made by Robert Insley (R-1 to C-2) for property located on E/side of Old Middletown Road, Mamet, N.Y. scheduled for 1/13/64 at 8:30 P.M. be adjourned due to inclement weather, and be it

FURTHER RESOLVED, that above-mentioned hearing be rescheduled for 1/27/64 at 9:15 P.M.

Seconded by Mr. Frohling.

All voted yes.

Mr. Holbrook moved the following resolution:

RESOLVED, that date for Public Hearing on Zone Change application of Richard J. Foley and Edith J. Foley (R-1 to C-1) be set for 1/27/64 at 8:15 P.M.

Seconded by Mr. Welchman.

All voted yes.

Mr. Frohling moved the following resolution:

RESOLVED, that date for public hearing on Zone Change application of Harry A. Peterson be set for 1/27/64 at 8:30 P.M. (RA-1(X) to C-2)

Seconded by Mr. Welchman.

All voted yes.

Mr. Welchman moved the following resolution:

RESOLVED, that date for Public Hearing on Zone Change application of Chelton Manor, Inc. be set for 1/27/64 at 8:45 P.M. (R-22 to R-2)

Seconded by Mr. Holbrook

All voted yes.

Mr. Holbrook moved the following resolution:

RESOLVED, that date of Public Hearing on Zone Change application of Pascaek Dev. Corp. be set for 1/27/64 at 9:00 P.M.

Seconded by Mr. Welchman.

All voted yes.

Mr. Frohling moved the following resolution:

RESOLVED, that resolution adopted by Town Board at its meeting held on 12/23/63 appointing Harry Coyle appraiser of Clarkstown property in West Nyack between Western Highway and West Shore RR tracks is hereby rescinded.

Seconded by Mr. Frohling.

All voted yes.

TBM - 1/13/64

WHEREAS, there has heretofore been established, by an Order of the Town Board of the Town of Clarkstown made Sept. 11, 1961, THE NEW CITY SEWER DIST. #10, now, therefore, be it

RESOLVED, that Scovill & Boswell be and they hereby are authorized to prepare definite plans and specifications for the improvement consisting of the laying of the necessary sewer mains and laterals within the said district, and to connect the same to a trunk sewer line of the Rockland County Sewer Agency, and the acquisition of the necessary lands or easements for those purposes, to prepare a careful estimate of the expense, and with the assistance of Edward G. Roope, Attorney, heretofore appointed for the said sewer district, to prepare a proposed contract or contracts for the execution of the work; to file the said plans and specifications, estimate and proposed contract or contracts on or before the 1st day of September, 1964, with the Town Clerk of the Town of Clarkstown, and

BE IT FURTHER RESOLVED, that prior resolutions of this Town Board of 9/25/61 and 9/25/63 relating to plans and specifications are hereby amended and modified by this resolution and to the extent necessary and inconsistencies in said resolutions contained are hereby superseded by the provisions of this resolution.

Seconded by Mr. Welchman.

All voted yes.

Mr. Holbrook moved the following resolution:

WHEREAS, the Town of Clarkstown is creating lateral sewer districts; now therefore be it

RESOLVED, that Nussbaumer, Clarke & Velsy be continued as consulting engineers for the Town of Clarkstown in connection with the lateral sewer districts and that they be directed to submit a proposal incorporating a schedule of fees for the engineering work in connection with the Town lateral sewer districts.

Seconded by Mr. Welchman.

All voted yes.

Mr. Frohling moved the following resolution:

WHEREAS, the Town of Clarkstown is creating lateral sewer districts;

NOW, THEREFORE, BE IT

RESOLVED, that George F. Hall be designated to appraise all land acquisitions, rights of way and easements in connection with the Town lateral sewer districts; and that George F. Hall be directed to submit a written proposal incorporating a fee schedule for review by the Town Board of the Town of Clarkstown.

Seconded by Mr. Welchman.

All voted yes.

Mr. Frohling moved the following resolution:

WHEREAS, the activities and business of the Supervisor's Office of the Town of Clarkstown exceeds that of any other such office in the County of Rockland as a result of the large population of the township and the rapid rate of growth; and

WHEREAS, JAMES ANDERSON, The Personnel Director of the County of Rockland, has recommended the creation of an Administrative Assistant to the Supervisor of the Town of Clarkstown to assist in the handling of affairs of the Town; and

WHEREAS, the firm of Nussbaumer, Clarke & Velsy, consulting engineers for the

Town of Clarkstown, has recommended that an administrator be appointed in order to administer and coordinate the Clarkstown Sewer Program which is the largest undertaking that the Town has ever embarked upon,

NOW, THEREFORE, BE IT

RESOLVED, that the position of Administrative Assistant to the Supervisor of the Town of Clarkstown is hereby created, effective as of February 1, 1964, at an annual salary of Seven Thousand (\$7,000) Dollars to be paid out of Surplus or Contingent Funds of the Town of Clarkstown, the Town to be reimbursed for the payment of said salary from the sewer districts to be created; and be it further

RESOLVED, that George S. Gerber of Valley Cottage, New York, is hereby appointed to fill the position of Administrative Assistant, effective 2/1/64 to serve at the pleasure of the Town Board, said appointment being subject to the completion of competitive Civil Service examination.

Seconded by Mr. Holbrook

On roll call the vote was as follows:

AYES: Messrs. Holbrook, Frohling, Mundt.
NOES: Mr. Welchman.

On resolution by Mr. Welchman, seconded by Mr. Frohling and unanimously adopted, regular Town Board Meeting was adjourned for scheduled Public Hearing at 9:00 P.M.

On resolution by Mr. Holbrook, seconded by Mr. Frohling and unanimously adopted, regular Town Board meeting was resumed.

Mr. Holbrook moved the following resolution:

WHEREAS, authority to establish speed limits on county roads and town highways in suburban towns rests solely within suburban towns pursuant to Section 1662(a) of the Vehicle and Traffic Law and

WHEREAS, the Town of Clarkstown will become a suburban town effective January 1, 1964, on which date existing speed limits fixed by Traffic Commission Order on County roads and Town highways in said Town will become void;

NOW, THEREFORE, BE IT

RESOLVED, effective January 1, 1964, that the maximum speed limits at which vehicles may proceed on or along all county roads and town highways lying within the boundaries of the Town of Clarkstown exclusive of the county roads and town highways within the boundaries of the Villages of Spring Valley and Upper Nyack are established at thirty (30) miles per hour, and be it

FURTHER RESOLVED, that said maximum speed limits be posted according to law and in conformance with the Manual of Uniform Traffic Control Devices of the State Traffic Commission, and be it

FURTHER RESOLVED, that the name of the Traffic Commission be deleted from any existing signs showing the maximum speed limit on such county roads and town highways lying within the boundaries of the Town of Clarkstown exclusive of said roads and highways within the boundaries of the Villages of Spring Valley and Upper Nyack in the event any existing signs are retained for the posting of town speed limits.

Seconded by Mr. Frohling.

All voted yes.

TBM - 1/13/64

Matter of return of \$300 Guaranty Deposit - Chelton Manor, Inc. - held for 1/27/64 Town Board Meeting.

Mr. Welchman moved the following resolution:

RESOLVED, that Highway Superintendent be authorized to advertise for bids for three (3) Snow Plows; three (3) Salt and Sand Spreaders; and two (2) 1964 Pick-up Trucks, trading in 1959 Suburban Station Wagon.

Seconded by Mr. Frohling.

All voted yes.

Town Board signed Public Officials' Bond for William E. Vines, Justice of the Peace, approving as to form and sufficiency.

Mr. Holbrook moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the Public Interest that a Local Law relating to Conflicts of Interest and Ethics for Officers and Employees of the Town of Clarkstown be adopted as follows:

ARTICLE I

CONFLICTS OF INTEREST PROHIBITED

- (A) No officer or employee of the Town of Clarkstown, whether paid or unpaid, shall
1. Be or become interested directly or indirectly in any manner whatsoever, except by operation of law, in any business or professional dealings with the Town of Clarkstown, or any agency thereof.
 2. Act as attorney, agent, broker, director, representative or employee for any person, firm or corporation interested directly or indirectly in any manner whatsoever in business or professional dealings with the Town or any agency thereof unless full disclosure is made as to such employment to the Town Board in writing and such officer or employee disqualifies himself from acting in his official capacity in matters affecting such person, firm or corporation.
 3. Accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his official duties.
- (B) Notwithstanding the provisions hereinbefore set forth, any person serving the the Town or any agency thereof without compensation shall not be prohibited from so serving by reason of financial, professional or business interests unless such interest is in conflict with the proper discharge of his official duties.

ARTICLE II

GIFTS AND FAVORS

No officer or employee of the Town of Clarkstown, whether paid or unpaid, shall accept any valuable gift, whether in the form of services, loan, thing or promise or any other form, from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business or any case, proceeding or application or professional dealings with the Town or any agency thereof.

ARTICLE III

DISCLOSURE OF INTEREST

(A) Any officer or employee of the Town of Clarkstown, whether paid or unpaid, who has a direct or indirect financial or other private interest in any matter being considered by the Town Board or by any other official board, agency, officer or employee of the Town of Clarkstown, and who participates in discussions before or gives opinions to such board, agency or individuals, shall publicly disclose on the official record the nature and extent of such interest.

(B) Any officer or employee of the Town of Clarkstown, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency or officer or employee of the Town of Clarkstown in which he has any direct or indirect financial or other private interest, shall be required to disclose in writing his interest to such board, agency, officer or employee and the nature and extent thereof.

ARTICLE IV

DISCLOSURE OF CONFIDENTIAL INFORMATION

No officer or employee of the Town of Clarkstown, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the Town except when permitted or required by law, nor shall he use such information to advance the financial or other private interests of himself or others.

ARTICLE V

FUTURE EMPLOYMENT

No person who has served as an officer or employee of the Town of Clarkstown shall within a period of two years after the termination of such service or employment, appear before any board or agency of the Town or receive compensation for any services rendered on behalf of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned or in which he personally participated during the period of his service or employment or which was under his active consideration, unless prior to such appearance or receipt of compensation such person shall publicly disclose on the official record the nature and extent of his interest and participation in said case, proceeding or application during his period of employment.

ARTICLE VI

PENALTIES

(A) A violation of any of the provisions of this code shall constitute cause for fine, suspension or removal from office or employment in the form and manner as provided by law.

(B) Any person who shall knowingly and intentionally violate any of the provisions of Articles I and II of this code shall, upon conviction thereof, forfeit his office and be punished as and for a misdemeanor.

ARTICLE VII

BOARD OF ETHICS

(A) There is hereby created and established a Board of Ethics consisting of five members to be appointed by the Town Board, all of whom shall reside in the Town of Clarkstown and who shall serve without compensation.

Of the members first appointed to the Board, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, from and after his appointment.

Their successors shall be appointed for a term of five years from and after the expiration of the term of their predecessors in office. The members of the Board shall select a chairman.

(B) The Board shall render advisory opinions to the officers and employees with respect to this code, such opinions to be rendered only pursuant to a written request by the officer or employee concerned, or pursuant to a written request by the Town Board.

The opinions of the Board shall be advisory and confidential and in no event shall the identity of the officer or employees be disclosed except to authorized persons and agencies.

(C) Such Board upon its formation shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

ARTICLE VIII

STATEMENT OF INTENTION

It is not the intention of this local law to relax the common law rules, statutory provisions and judicial decisions concerning (a) conflict of interest, (b) duties of officers and employees and (c) enforcement and penalty provisions, therefore, all such common law rules, statutory provisions and judicial decisions shall remain in full force and effect, provided the said common law rules, statutory provisions and judicial decisions be of greater severity in their application than the provisions of the local law herein.

ARTICLE IX

SEVERABILITY CLAUSE

If any clause, sentence paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE X

This local law shall take effect immediately.

BE IT RESOLVED, that a Public Hearing pursuant to Sec. 20 of the Municipal Home Rule Law be had at the Board Room in the Town Hall, 10 Maple Ave., New City, N.Y. on the 29th day of January, 1964, at 8:45 P.M. o'clock in the evening, Eastern

Standard Time, relative to such proposed Local Law; and it is

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal-News, New York, in the manner provided by law; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published as aforesaid and file proof thereof in the office of the said Town Clerk.

Seconded by Mr. Frohling.

All voted yes.

Mr. Welchman moved the following resolution:

RESOLVED, that regular Town Board meeting scheduled to be held on 2/10/64 be rescheduled for 2/17/64 to allow attendance at Annual Association of Towns meeting to be held in New York City on February 10, 11 and 12th, 1964.

Seconded by Mr. Frohling.

All voted yes.

Mr. Welchman moved the following resolution:

RESOLVED, that Town Engineer be authorized to advertise for bids for Sewer Rodder and Pump, said bids to be returnable February 17, 1964.

Seconded by Mr. Frohling.

All voted yes.

Letter from Planning Board re elimination of requirements of sidewalks held.

Re application for Building Permit - Sec. 280-A - Joseph & Margaret Maurer, Town Attorney stated that new specifications ready for adoption subject to approval of Highway Supt. Will require public hearing. Town Attorney will expedite.

Annual Report - year 1963 - received from Assessor's Office. Noted by Town Board.

Signing of agreement between Landau Bldg. Corp. and Town of Clarkstown re extension of Sewer Dist. #7 along Pascack Road; and signing of Order extending Sewer Dist. #7 in connection with, above held for 1/27/64 Town Board Meeting.

Mr. Valentine Swarthout, Congers Fire Dist. did not appear as scheduled. Town Clerk will contact him and notify him to be present on 1/27/64.

Mr. Welchman moved the following resolution:

RESOLVED, that the salary of Frank W. Foley, Assessor's Asst., be changed from \$6,200.00 to \$6,700.00, effective January 1, 1964, and be it

FURTHER RESOLVED, that the Supervisor be and he is hereby authorized to transfer from Current Surplus-General to Assessor-Employees' Compensation the amount \$500.00.

Seconded by Mr. Holbrook.

All voted yes.

Mr. Frohling moved the following resolution:

RESOLVED, that Elwood Ward, 176 Congers Rd., New City, N.Y., be appointed to the position of Sewage Treatment Plant Operator-Trainee at a salary of \$4500 per annum effective 1/1/64.

Seconded by Mr. Welchman.

All voted yes.

Letter from County Attorney read advising that there is no provision of law which places the responsibility for the maintenance and repair of sidewalks constructed within bounds of highway upon the County Supt. of Highways. Copies of letter will be relayed to each Board member.

TBM - 1/13/64

Mr. Frohling moved the following resolution:

RESOLVED, that the period for payment of State, County and Town Taxes be and is hereby set from January 17th through February 17th, 1964.

Seconded by Mr. Frohling.

All voted yes.

Mr. Frohling moved the following resolution:

RESOLVED, that the Supervisor be and he is hereby authorized to transfer from Current Surplus-General to Youth Recreation Account the amount \$2,100.00.

Seconded by Mr. Welchman.

All voted yes.

Letter from Raymond W. Sheridan, Parade Chairman of Ancient Order of Hibernians received by Supervisor re St. Patrick's Day Parade. Forwarded to Chief of Police Ernest F. Wiebicke.

Town Attorney was requested to look into new law under Suburban Town Law to ascertain whether Board can do away with structures that have fallen into disrepair.

Annual Reports for year 1963 received from Bldg. Insp. Office; Zoning Board of Appeals; and Planning Board. Zoning Board of Appeals Report for Dec. 1963 and Clarkstown Dump Monthly Maintenance Report for month of Dec. 1963 also received. Filed in Town Clerk's Office.

Mr. Frohling moved the following resolution:

RESOLVED, that public hearing on zone change application made by Maisonette Developing Corp. (IO to R-2) scheduled for 1/13/64 - at 8:45 P.M. be adjourned due to inclement weather, and be it

FURTHER RESOLVED, that above-mentioned hearing be rescheduled for 1/29/64 at 9:00 P.M.

Seconded by Mr. Holbrook.

All voted yes.

Mr. Frohling moved the following resolution:

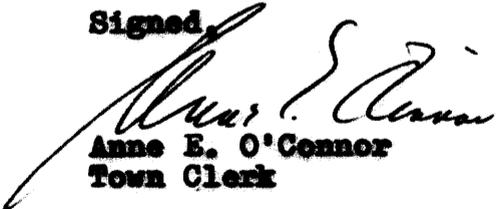
RESOLVED, that the Town Attorney be authorized to re-advertise Notice of Public Hearing re Maisonette Dev. Corp. Zone Change application with corrections.

Seconded by Mr. Holbrook.

All voted yes.

On resolution by Mr. Frohling, seconded by Mr. Welchman and unanimously adopted, Town Board meeting was adjourned.

Signed,


Anne E. O'Connor
Town Clerk