

## Public Hearing

Town Hall

3/15/67

3:15 P.M.

Present: Councilmen Holbrook, Brenner, Damiani, Frohling, Supervisor Mundt  
 Town Attorney Donald S. Tracy  
 First Deputy Town Attorney Murrin N. Jacobson  
 Deputy Town Attorney Neal M. Hirshfeld  
 Town Clerk Anne E. O'Connor

RE: LOCAL LAW TO INSURE HOME OWNERS LOSS OF DEPOSITS - PROPOSED:

Supervisor Mundt called public hearing to order. Town Clerk read Notice of Public Hearing.

Town Attorney states that proposed local law provides for acceptable evidence of financial security, such as a bond, insurance policy, an attorney's letter, (indicating money is being held in escrow), or any other evidence of financial responsibility which would be approved by the Town Board for a deposit placed on a home by a prospective buyer.

Beneficiary of security would be contract purchaser of the premises.

Security would be released upon title passing.

Intent: To prevent loss of contractual deposits on homes built in the Town.

Town would not be agency or party to contract.

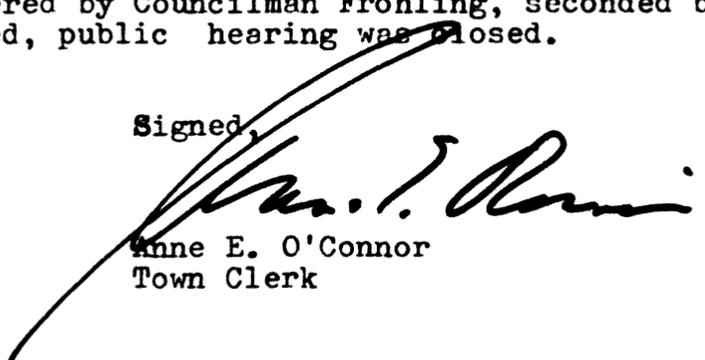
Council commended this action. It was brought out that this could not be done before because there was no enabling legislation.

IN FAVOR: No one appeared

OPPOSED: No one appeared

On resolution offered by Councilman Frohling, seconded by Councilman Brenner and unanimously adopted, public hearing was closed.

Signed,

  
 Anne E. O'Connor  
 Town Clerk

PUBLIC HEARING

Town Hall

3/15/67

8:30 P.M.

Present: Councilmen Holbrook, Brenner, Damiani, Fröhling, Supervisor Mundt  
Town Clerk Anne E. O'Connor  
Town Attorney Donald S. Tracy  
First Deputy Town Attorney Murray N. Jacobson  
Deputy Town Attorney Neal M. Hirshfeld

RE: PROPOSED EXT. OF NEW CITY-WEST NYACK WATER SUPPLY DISTRICT TO INCLUDE THORWOOD HILLS SUBDIVISION.

Supervisor Mundt called public hearing to order. Town Clerk read Notice of Public Hearing.

On questioning by First Deputy Town Attorney Murray N. Jacobson, George Berger testified that proposed extension will benefit all property owners with the proposed district; all property owners who will benefit being with limits of the proposed extension.

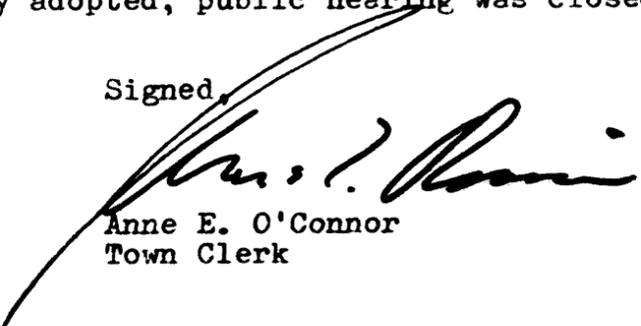
Would be in public interest to grant proposed extension by providing fire protection for the safety and well-being of property and lives and would bring about reduction in fire insurance rates.

IN FAVOR: No one appeared.

OPPOSED; No one appeared.

On resolution offered by Councilman Brenner, seconded by Councilman Holbrook and unanimously adopted, public hearing was closed.

Signed,



Anne E. O'Connor  
Town Clerk

CCJ301

## Town Board Meeting

Town Hall

3/15/67

8:00 P.M.

Present: Councilmen Holbrook, Brenner, Damiani, Frohling, Supervisor Mundt  
Town Clerk Anne E. O'Connor  
Town Attorney Donald S. Tracy  
First Deputy Town Attorney Murray N. Jacobson  
Deputy Town Attorney Neal M. Hirschfeld

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

(156) Councilman Frohling offered the following resolution:

RESOLVED that minutes of regular Town Board meetings held on 2/15/67 and 2/28/67 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Brenner.

All voted Aye.

Town Board signed Order setting date of public hearing to extend New City-West Nyack Water Supply District to include THE DELLS, INC. - Bernard G. Nemeroff and Frances Nemeroff for 4/5/67 - 8:05 P.M. (See following page)

Re request for road improvement (Carla Lane); Highway Superintendent will handle, together with Town Engineer, They will contact Mrs. Stone re same.

(157) Councilman Holbrook offered the following resolution:

RESOLVED that time for receiving bids for furnishing of one (1) New 2 Cu. Yd. Rubber-Tire Loader for the Clarkstown Highway Department is hereby closed, and be it

FURTHER RESOLVED that any and all bids received up to and including this time are hereby ordered to be opened.

Seconded by Councilman Damiani.

All voted Aye.

The following bids were received:

- |   |   |
|---|---|
| (1) LEROY EQUIPMENT CO.<br>Elmhurst, LI., N.Y. ....               | (2 bids) \$15,480.00 and<br>\$16,750.00 |
| (2) KEN SMITH MACHINERY<br>Albany, New York .....                 | \$14,950.00                             |
| (3) CLARK EQUIPMENT<br>Carlstadt, N.J. ....                       | \$14,950.00                             |
| (4) BELL EASTERN CORP.<br>Yonkers, N.Y. ....                      | \$16,004.00                             |
| (5) EMPIRE TRACTOR & EQUIPMENT CORP. .<br>Yonkers, New York ..... | \$12,490.00                             |
| (6) H.O. PENN<br>Poughkeepsie, N.Y. ....                          | \$15,213.00                             |
| (7) H.O. PENN<br>Poughkeepsie, N.Y. ....                          | \$14,500.00                             |
| (8) DALE & RENKIN<br>Paramus, N.J. (2 Bids) .....                 | \$13,375.00<br>13,982.50                |

All bids turned over to Highway Superintendent who will make recommendation in a few days.

Mr. B. Strauss appeared before Board re School Bus Safety. Requested that town enact ordinance with following changes:

- (1) 2 in seat only
- (2) No standees permitted in moving busses.
- (3) New buses be equipped with adequate padding on back of seats, and that busses now in service be similarly equipped as soon as possible.

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Ave., New City, in said Town of Clarkstown on the \_\_\_\_\_ day of \_\_\_\_\_ 1967.

PRESENT:

- |                         |            |
|-------------------------|------------|
| PAUL F. MUNDT,          | SUPERVISOR |
| PHILIP J. FROHLING, JR. | COUNCILMAN |
| MARTIN E. HOLBROOK      | COUNCILMAN |
| JAMES V. DAMIANI,       | COUNCILMAN |
| WILLIAM BRENNER,        | COUNCILMAN |

IN THE MATTER OF

PETITION for the Extension of the New City-West Nyack Water Supply District

to include "THE BELLS", INC. (Bernard G. Nemeroff & Frances Nemeroff) in the Town of Clarkstown, Rockland County, New York.

WHEREAS, a written Petition dated March 1st, 1967 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York, for the Extension of the New City-West Nyack Water Supply Dist. in the said Town, to be bounded and described as follows:

(Attach description)

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 5th day of April 1967, at 8:15 P.M. EDT time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Dated: March 15, 1967

Paul F. Mundt, Supervisor  
Philip J. Frohling, Councilman

James V. Damiani, Councilman  
Martin E. Holbrook, Councilman  
William Brenner, Councilman

STATE OF NEW YORK  
COUNTY OF ROCKLAND ss:  
TOWN OF CLARKSTOWN

I, ANNE EO'CONNOR, Town Clerk of said Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy of an ORDER setting hearing RE: \_\_\_\_\_ with the original now on file in said office, and find same to be a true and correct transcript therefrom and of the whole of such original. IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Town of Clarkstown, this 16th day of March 1967.

(Seal)

Anne E. O'Connor  
Town Clerk

CCJ301

ALL these parcels of land in the Town of Clarkstown, County of Rockland and State of New York, bounded and described as follows:

PARCELS

BEGINNING at a point on the westerly side of Zukor Road where the same is intersected by the northerly line of land now or formerly of Jacob Siegel;

thence running along said lastmentioned land, south 81° 56' 58" west 339.60 feet to the westerly line of said land now or formerly of Jacob Siegel;

thence running along same, south 90° 38' 00" west 200 feet to land formerly of Zukor now or formerly of The Dells, Inc.;

thence running along said last mentioned land, south 5° 29' 48" east 1213.40 feet to a stone wall and other land formerly of Zukor, now or formerly of The Dells, Inc.;

thence running along said last mentioned land and most of the way along a stone wall, north 85° 01' 10" west 1521.05 feet;

thence continuing along said last mentioned land, north 83° 56' 45" west 206.90 feet to land now or formerly of Roberts;

thence running along said last mentioned land, the following courses and distances:

north 15° 30' 46" east 108.38 feet  
 north 3° 33' 46" east 178.50 feet  
 north 6° 55' 14" west 65.50 feet  
 north 3° 56' 14" west 113.05 feet  
 north 5° 50' 46" east 162.20 feet  
 north 2° 38' 46" east 100.20 feet  
 north 1° 36' 14" west 16.85 feet  
 north 6° 32' 14" west 105.45 feet  
 north 14° 15' 14" west 58.05 feet  
 north 3° 01' 38" east 56.05 feet  
 north 1° 56' 46" east 119.70 feet  
 north 61° 23' 46" east 23.70 feet  
 north 77° 50' 46" east 70 feet  
 north 57° 00' 46" east 53.50 feet and  
 north 13° 19' 14" west 15 feet to the southerly shore of Lake Lucille;

thence running along said southerly shore of Lake Lucille, the following courses and distances:

north 63° 39' 32" east 20.60 feet  
 north 56° 18' 35" east 36.06 feet  
 north 40° 43' 56" east 47.51 feet  
 north 53° 07' 48" east 15 feet  
 north 75° 27' 56" east 27.89 feet

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north 61° 11' 21" east 22.83 feet  
 north 7° 07' 30" east 32.5 feet  
 north 7° 16' 30" east 47.8 feet  
 north 70° 42' 36" east 34.76 feet  
 north 56° 18' 35" east 36.06 feet  
 north 54° 27' 44" east 36.02 feet  
 north 67° 22' 48" east 35 feet  
 north 78° 41' 24" east 31.19 feet  
 south 74° 21' 28" east 31.92 feet  
 south 58° 06' 33" east 32 feet  
 north 56° 18' 35" east 34.08 feet  
 due east 50 feet  
 south 66° 58' 28" east 31.46 feet  
 south 88° 21' 48" east 15.01 feet  
 north 52° 31' 26" east 37.80 feet  
 north 26° 33' 54" east 36.54 feet  
 north 45° 00' 00" east 20.28 feet  
 north 56° 39' 33" east 43.49 feet and  
 north 45° 47' 16" east 20.75 feet to the northerly side of  
 Rockland Avenue;

thence running along said northerly side of Rockland Avenue,  
 south 88° 47' 07" east 957.98 feet to the westerly side of  
 Zukor Road;

thence running along said westerly side of Zukor Road,  
 south 10° 31' 52" east 2.30 feet and thence running along  
 said westerly side of Zukor Road,  
 south 50° 17' 52" east 287.82 feet to the point of beginning.

DEED

ALL that parcel of land in the Town of Clarkstown, County of Rockland, State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of Zukor Road where the same is intersected by the northerly line of land now or formerly of Jacob Siegel, being the southeasterly corner of lands now or formerly of Bernard G. and Frances Nemeroff;

thence running along the lands of Nemeroff south  $81^{\circ} 56' 58''$  west 339.60 feet to the westerly line of said land now or formerly of Siegel;

thence running along same south  $90^{\circ} 38' 00''$  west 200 feet to land now or formerly of The Dells, Inc.;

thence running along said last mentioned land south  $50^{\circ} 29' 48''$  east 1,213.40 feet to a stone wall and other land now or formerly of The Dells, Inc.;

thence along lands now or formerly of Nemeroff north  $85^{\circ} 01' 10''$  west a distance of 65' to the point or place of beginning of the herein intended to be described parcel of land;

thence running through lands now or formerly of The Dells, Inc. the following courses and distances:

south  $00^{\circ} 6' 00''$  west a distance of 102.10 feet  
 south  $48^{\circ} 33' 40''$  west a distance of 400.28 feet  
 south  $81^{\circ} 00' 40''$  west a distance of 354.45 feet  
 north  $84^{\circ} 14' 10''$  west a distance of 597.92 feet  
 south  $50^{\circ} 32' 10''$  east a distance of 152.74 feet  
 south  $80^{\circ} 10' 20''$  east a distance of 35.51 feet  
 south  $24^{\circ} 22' 00''$  east a distance of 153.93 feet  
 south  $30^{\circ} 53' 10''$  east a distance of 229.48 feet  
 south  $160^{\circ} 40' 13''$  west a distance of 60.00 feet to lands now or formerly of Rockland County;

thence along a curve to the right having a radius of 184.30 feet a distance of 218.07 feet;

thence north  $50^{\circ} 32' 10''$  west a distance of 170.00 feet;

thence north  $84^{\circ} 27' 00''$  west a distance of 580.50 feet to a point in the center line of Crum Creek and running thence along said Crum Creek the following courses and distances:

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PARCERIES (Cont'd)

North 8° 05' 10" west a distance of 90 feet  
north 2° 24' 50" east a distance of 72 feet

north 15° 30' 35" east a distance of 153.29 feet  
north 16° 7' 30" west a distance of 85.00 feet  
north 4° 11' 30" east a distance of 294.00 feet  
north 57° 51' 10" east a distance of 73.15 feet

thence south 83° 56' 45" east a distance of 318.86 feet;

thence along lands now or formerly of Nemeroff south 85°  
01' 10" east a distance of 1456.05 feet to the point or  
place of beginning.

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(4) bus drivers required to take driver's education and possibly have special licenses before being allowed to drive school busses.

Supervisor requested that Mr. Strauss submit request in formal letter and same will be look into by Town Attorney.

(158) Councilman Brenner offered the following resolution:

**TOWN OF CLARKSTOWN**

**LOCAL LAW NO. 1967**

**LOCAL LAW TO ENSURE THAT HOMEBUYERS  
SHALL BE PROTECTED FROM LOSS OF  
THEIR CONTRACT DEPOSITS BECAUSE OF  
THE FINANCIAL FAILURE OF A BUILDER**

Be it enacted by the Town Board of the Town of Clarkstown,  
State of New York, as follows:

**Section 1. LEGISLATIVE INTENT**

The Town Board of the Town of Clarkstown, taking cognizance of the exposure to loss, because of a builder's financial failure, of contract deposits placed with a builder for the purchase of a home in the Town of Clarkstown and further taking cognizance of the desire on the part of all responsible businessmen in the building and construction industry in the Town of Clarkstown to preserve their reputations from the adverse effect of possible losses of homebuyer deposits as above described, hereby determines that the enactment of this local law pursuant to the General Powers granted by Section 10 of the Municipal Home Rule Law, will contribute to the public welfare and safety, to the orderly development of the Town of Clarkstown, and will reinforce public confidence in the financially responsible builders and contractors in the Town of Clarkstown.

**Section 2. REQUIREMENT OF ASSURANCE**

Prior to requesting the first field inspection of a

Seconded by Councilman Frohling.

All voted Aye.

(4) bus drivers required to take driver's education and possibly have special licenses before being allowed to drive school busses.

Supervisor requested that Mr. Strauss submit request in formal letter and same will be look into by Town Attorney.

(158) Councilman Brenner offered the following resolution:

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Be it enacted by the Town Board of the Town of Clarkstown,  
State of New York, as follows:

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**Section 2. REQUIREMENT OF ASSURANCE**

Prior to requesting the first field inspection of a

Seconded by Councilman Frohling.

All voted Aye.

single family dwelling for which a permit shall have been issued, the applicant shall provide the building department with evidence of financial security in an amount sufficient to guarantee against the loss of the contract deposit of the purchaser.

### Section 3. NATURE OF THE ASSURANCE

Acceptable evidence of the required financial security may be:

- a. A bond - acceptable in form and content to the Town Attorney.
- b. An insurance policy - acceptable in form and content to the Town Attorney.
- c. A letter from an attorney, on his letterhead, setting forth the terms of an escrow agreement relating to the subject premises in which agreement the attorney is the escrow agent holding an escrow deposit equal to the amount required under Section 4 or an amount satisfactory to the beneficiary.
- d. Any other uniform evidence of financial responsibility as may be approved by the Town Board as an acceptable undertaking.

### Section 4. AMOUNT OF SECURITY.

- a. The security deposit shall be equal to the amount paid upon the contract.

### Section 5. BENEFICIARIES

The beneficiary of the security undertaking shall be the contract purchaser of the premises.

### Section 6. LIMITATION OF APPLICATION

- a. Where a contract of sale is terminated, for any

reason, before title passes under that contract, the seller may withdraw or cancel the security undertaking until such time as a new contract for the sale of the premises shall be executed.

#### Section 7. RELEASE OF SECURITY

a. Where title to premises under construction passes from the depositor of the existing security deposit to another, the existing security deposit shall be released to the depositor thereof upon the delivery of an appropriate substitute by the new owner.

b. Acceptance of title to premises shall be presumptive evidence of release, by the purchaser, of the builder, from any further financial obligation as to those premises under this local law, and the security undertaking shall be released automatically.

#### Section 8. APPLICABILITY

a. This local law is intended to prevent loss of contract deposits on homes being built in the Town of Clarkstown. It shall not be construed to make the Town or any agency or department of the Town, a party to a contract of sale of real property nor an arbiter or guarantor of the terms of such a contract.

b. This local law shall apply in that portion of the Town of Clarkstown outside the limits of any incorporated village.

#### Section 9. REPEAL

All ordinances and local laws or parts of ordinances and local laws inconsistent herewith are hereby repealed.

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**Section 10. SEPARABILITY**

If any part or provision of this local law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this local law even without any such part, provision or application.

**Section 11. EFFECTIVE DATE**

This local law shall take effect immediately.

(159) Councilman Damiani offered the following resolution:

RESOLVED, that Town Board meeting is hereby adjourned in order to hold regularly scheduled public hearings.

Seconded by Councilman Frohling.

All voted Aye.

(160) Councilman Brenner offered the following resolution:

RESOLVED that regular Town Board meeting be resumed, regularly scheduled public hearings having been held.

Seconded by Councilman Holbrook.

All voted Aye.

Town Board signed Order extending New City-West Nyack Water Supply District to include THORNWOOD HILLS SUBDIVISION. (See following page)

(161) Councilman Frohling offered the following resolution :

WHEREAS, a proposed Local Law entitled AMENDMENT TO LOCAL LAW NO. 3/1964 ENTITLED "LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERSE AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF CLARKSTOWN COUNTY OF ROCKLAND, STATE OF NEW YORK", was introduced by Mr. James V. Damiani, a member of the Town Board of the Town of Clarkstown at a Town Board meeting on January 4, 1967, and

WHEREAS, The Town Board of the Town of Clarkstown, by resolution duly adopted on the 4th day of January, 1967, directed that a public hearing be held on the 1st day of February, 1967 at 9:00 P.M., in the evening, to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in The Journal News on January 21, 1967, and posted on the sign board of the Town of Clarkstown on the 6th day of January, 1967, and

WHEREAS, a public hearing was held by the Town Board on February 1, 1967; and posted on the sign board of the Town of Clarkstown on the 6th day of January, 1967, and

WHEREAS, a public hearing was held by the Town Board on February 1, 1967;

At a regular meeting of the Town Board of the Town of Clarkstown in the County of Rockland held at Town Hall, 10 Maple Avenue, New City, New York, on March 15, 1967, Local Law, No. 4-1967 entitled AMENDMENT TO LOCAL LAW NO. 3/1964 ENTITLED "LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWERS DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK", was adopted and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adoption of said Local Law being as follows:

Hon. Paul F. Mundt, Supervisor	AYE
Councilman Philip J. Frohling	AYE
Councilman Martin E. Holbrook	AYE
Councilman James V. Damiani	AYE
Councilman William Brenner	AYE

The Town Clerk of the Town of Clarkstown was directed to file said Local Law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Councilman Holbrook.

Messrs. Carlin, Conace and Dagaew of the North Clarkstown Republican Club appeared before Board with recommendations for recreational facilities for Clarkstown. After considerable discussion: Councilman Holbrook suggested that they present more specific detail - areas, etc.; it was suggested that they also submit their recommendations to the Recreation Commission and to advise Town Clerk when they will be ready to do so.

CCJ301

ROCKLAND COUNTY, NEW YORK

In the Matter of the Petition for  
Extension of the NEW CITY-WEST NYACK WATER SUPPLY  
District to include THORNWOOD HILLS SUBDIVISION

ORDER  
EXTENDING  
DISTRICT

In the Town of Clarkstown, Rockland County, New York

A petition in this matter for the extension of the NEW CITY-WEST NYACK WATER SUPPLY District of the Town of Clarkstown, excluding any portion already in an existing district, having been duly presented to the Town Board, and an Order having been duly adopted by the Town Board on the 15th day of Feb. 1967, for the hearing of all persons interested in the matter on the 15th day of March, 1967 at 8:30 P.M. EST Time, at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, New York, and a Hearing by the said Board having been duly held at such time and place, and it having been duly resolved and determined following such hearing that the petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all the property and property owners within the proposed extension were benefitted thereby, that all property and property owners benefitted were included within the limits of the proposed district, and that it was in the ~~public~~ interest to grant in whole the relief sought, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby

ORDERED, that the NEW CITY-WEST NYACK WATER SUPPLY District of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown, described as follows;  
(INSERT DESCRIPTION)

DATED March 15, 1967  
S/Philip J. Frohling Jr.  
Councilman  
S/James V. Damiani  
Councilman

S/Paul F. Mundt  
Supervisor  
S/Martin S. Holbrook  
Councilman  
S/William Brenner  
Councilman

STATE OF NEW YORK OF COUNTY OF ROCKLAND

SS:

TOWN OF CLARKSTOWN

I, ANNE E. O'CONNOR, Town Clerk of the said Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy of an Order Ext. New City-West Nyack Water Supply Dist. to include Thornwood Hills Subdivision with the original now on file in said office, and find same to be a true and correct transcript therefrom and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Town of Clarkstown this 16 day of March 1967.

S/ Anne E. O'Connor  
Town Clerk

SCHEDULE "A"

ALL those certain lots situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York, shown and designated on a certain subdivision plan entitled "THORNWOOD HILLS, SUBDIVISION OF PROPERTY OF THORNWOOD HILLS, SUBDIVISION OF PROPERTY OF THORNWOOD CONSTRUCTION, INC., TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK," dated December 14, 1964, and filed in the Rockland County Clerk's Office on April 21, 1965, in Map Book 69, at Page 45, as Map No. 3328.

## Town Board Meeting

Town Hall

7/15/67

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Re request for road improvement made by Mr. Madonia, 10 Pierce St.; Highway Superintendent and Town Engineer to look at area to see how many people on street are in favor of road improvement district. Town Board will authorize planning and profile to be filed with Town Clerk. Has to be pro-rated over 50 years (800' street). Highway Superintendent stated that we would have to put drainage in. Councilman Brenner, Highway Superintendent and Town Engineer to come up with cost estimate. Mr. Madonia was asked to present petition telling Board how many are interested and same will be checked out on Tax Map.

(162) Councilman Holbrook offered the following resolution:

RESOLVED, that Orange & Rockland Utilities are hereby authorized to make the following installations on Kings Highway, New City - leave light on Pole #2 & move light from pole #19 to pole #20 at no extra charge.

Seconded by Councilman Frohling.

All voted Aye.

(163) Councilman Holbrook offered the following resolution:

RESOLVED, that Orange & Rockland Utilities are hereby authorized to remove 25 street lights in areas of Rockland Lake (Rockland Lake Road, River Road and Collier Ave. - PIP - at saving to town of \$1170.00 Per Annum.

Seconded by Councilman Frohling.

All voted Aye.

(164) Councilman Holbrook offered the following resolution:

RESOLVED, that Orange & Rockland Utilities to install four (4) street lights & to remove one (1) street light on Congers Road, New City - Annual cost \$140.40.

Seconded by Councilman Frohling.

All voted Aye.

(165) Councilman Holbrook offered the following resolution:

RESOLVED, that Orange & Rockland Utilities are hereby authorized to install 3 street lights on So. Mountain Road, Cemenary; and 1 street light on Burda Lane, New City at annual cost of \$187.20.

Seconded by Councilman Frohling.

All voted Aye.

(166) Councilman Holbrook offered the following resolution:

RESOLVED, that Orange & Rockland Utilities are hereby authorized to install one street light on Sandstone Trail, New City at annual cost to Town of \$46.80.

Seconded by Councilman Frohling.

All voted Aye.

(167) Councilman Holbrook offered the following resolution:

RESOLVED, that Orange & Rockland Utilities are hereby authorized to install One street light on Alan Court, Nanuet at annual cost to town of \$46.80.

Seconded by Councilman Frohling.

All voted Aye.

(168) Councilman Holbrook offered the following resolution:

RESOLVED, that Orange & Rockland Utilities are hereby authorized to install fifteen (15) street lights as indicated in area of Kings Highway-Valley Cottage & Congers - at annual cost to town of \$1747.20.

Seconded by Councilman Frohling.

All voted Aye.

00J301

## Town Board Meeting

Town Hall

3/15/67

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(169) Councilman Damiani offered the following resolution:

RESOLVED that Detective Sergeant George Finaly be authorized to attend a Criminal Investigation Police Training School, Pace College, Pleasantville, New York from March 20<sup>th</sup> to March 31<sup>st</sup>, 1967 and be it

FURTHER RESOLVED, that all necessary expenses in connection therewith be made a proper Town charge.

Seconded by Councilman Holbrook.

All voted Aye.

Minutes of Clarkstown Shade Tree Committee meeting of January 16, 1967 noted by Town Board - ordered filed in Town Clerk's Office.

Annual Report of the Fire District Treasurer of the Nanuet Fire District noted by Town Board - ordered filed in Town Clerk's Office.

Letter received from State Traffic Commission advising the installation STOP sign instead of YIELD sign at the intersection of Route 304 and Third Street. Police Chief instructed to analyze and make report.

(170) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Clerk be authorized to advertise for bids for the purchase of summer uniforms for the Police Department, said bids to be returnable 4/5/67 - 8:10 P.M.

Seconded by Councilman Damiani.

All voted Aye.

(171) Councilman Frohling offered the following resolution:

RESOLVED, that Fr. Joseph P. Dunn, St. Anthony's R.C. Church, 34 East Route 59A, is hereby re-appointed to serve as a member of the Code of Ethics Board, without compensation, effective immediately.

Seconded by Councilman Holbrook.

All voted Aye.

(172) Councilman Holbrook offered the following resolution:

RESOLVED, that Denis Pryor, Stark Lane, Valley Cottage, be re-appointed to serve as a member of the Advisory Traffic Safety Committee, effective immediately - term to expire March, 1972, to serve without compensation.

Seconded by Councilman Holbrook.

All voted Aye.

Clinton R. Taplin submitted his resignation as a member of the Code of Ethics Board. Town Board accepted same with regret.

(173) Councilman Frohling offered the following resolution:

RESOLVED that the position of Detective Lieutenant, Police Department of the Town of Clarkstown, be and the same is hereby created, effective this date.

Seconded by Councilman Holbrook.

All voted Aye.

(174) Councilman Frohling offered the following resolution:

WHEREAS, a vacancy has occurred in the position of DETECTIVE SERGEANT, in the Police Department, Town of Clarkstown, and whereas James R. Purdum's name appears on Certification of Eligibles, Police Sergeant (Prom) #6558, dated March 14, 1967, now, therefore, upon recommendation of Ernest F. Wiebicke, Chief of Police, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of James R. Purdum of

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5 Center Avenue, Upper Nyack, New York to the position of Detective Sergeant, at a salary of \$8,440 per annum effective March 15, 1967.

Seconded by Councilman Damiani.

All voted Aye.

(175) Councilman Frohling offered the following resolution:

WHEREAS, the position of DETECTIVE LIEUTENANT, in the Police Department Town of Clarkstown, was this day established, upon certification of the Rockland County Personnel Office, and whereas George A. Finlay's name appeared on Certification of Eligibles, Police Lieutenant (Prom.) #6557, dated March 14, 1967, now, therefore, upon recommendation of Ernest F. Wiebicke, Chief of Police, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of GEORGE A. FINLAY, of West Mary Lane, Valley Cottage, New York, to the position of Detective Lieutenant, at a salary of \$9,727.50 per annum effective March 15, 1967.

Seconded by Councilman Damiani.

All voted Aye.

(176) Councilman Frohling offered the following resolution:

RESOLVED, that the position of POLICE SERGEANT, in the Police Department of the Town of Clarkstown be, and the same is hereby created, effective 3/15/67.

Seconded by Councilman Holbrook.

All voted Aye.

(177) Councilman Frohling offered the following resolution:

WHEREAS, the position of POLICE SERGEANT in the Police Department, Town of Clarkstown, was this day established, upon certification of the Rockland County Personnel Office, and whereas James Hoyt's name appears on Certification of Eligibles, Police Sergeant (Prom) #6558, dated March 14, 1967, now, upon recommendation of Ernest F. Wiebicke, Chief of Police, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of JAMES H. HOYT, of 382 Route 304, Bardonia, New York, to the position of Police Sergeant, at a salary of \$8,690 per annum effective March 15, 1967.

Seconded by Councilman Holbrook.

All voted Aye.

(178) Councilman Damiani offered the following resolution:

WHEREAS, a vacancy has occurred in the position of Typist in the Town Clerk' Office, and Certification of Eligibles CR-1 67-27, TYPIST dated February 20, 1967, furnished by Rockland County Personnel Office, has been canvassed and there were sufficient declinations or failures to respond to reduce the list to three names, now, therefore, upon recommendation of Anne E. O'Connor, Town Clerk, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of SANDRA LOPES of 10 Hillside Drive, New City, New York, to the position of Typist, in the Town Clerk' Office, at a salary of \$3796.00 per annum effective March 20, 1967.

Seconded by Councilman Holbrook.

All voted Aye.

(179) Councilman Damiani offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Provisional appointment, pending examination of ELVIRA LETERIA of 7 Windmill Lane, New City, New York, to the position of Account Clerk-Typist at a salary of \$4186 per annum effective March 16, 1967.

Seconded by Councilman Holbrook.

All voted Aye.

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(180) Councilman Brenner offered the following resolution:

RESOLVED, that the application of ALBERT G. LAMBORN for a Special Permit for the erection of a gas filling station pursuant to requirements of Section 3.11 (Table of General Use Regulations) of the Town of Clarkstown Building Zone Ordinance adopted April 4, 1939, and as amended, for property in a C-2 District located at the northerly side of Lake Road and westerly side of Route 9W in Congers, New York, be referred to the Clarkstown Planning Board for report and also to the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law.

Seconded by Councilman Frohling.

All voted Aye.

(181) Councilman Damiani offered the following resolution:

WHEREAS, communication has been received from Assemblyman Joseph St. Lawrence concerning Assembly Print No. 4571, Intro No. 4417, entitled An Act to amend the Town Law, in relation to screening facilities required by the Zoning Board of Appeals and zoning ordinances in the County of Rockland; and also Senate Bill Intro. No. 2928 covering the same Act, and

WHEREAS, the Town Board of the Town of Clarkstown deems such a change in the Town Law desirable and necessary,

NOW THEREFORE, be it

RESOLVED, that the Town Clerk is requested to prepare and forward a Home Rule Request pursuant to Par. (2) of subdivision (b) of section 2 of Article IX of the Constitution of the State of New York and forward same to the New York State Legislature.

Seconded by Councilman Holbrook.

All voted Aye.

In connection with New Hempstead and Congers Road lights, Councilman Frohling suggested right turn lanes be created and right turn green arrows be installed, (traffic backing up in area) Councilman Frohling to set up meeting with County Superintendent of Highways, Town Highways Superintendent and Chief of Police to see if matter can be resolved.

Councilman Damiani mentioned that road leading into Town Dump in bad condition - suggested matter be brought up to Shade Tree Comm. for some kind of beautification program, (maybe with assistance of Garden Club) Requested that Highway Superintendent and Town Engineer also come up with solution to drainage problem. Councilman Damiani will call Chairman of the Shade Tree Committee in this connection. Councilman Brenner and Mr. Rawson of the Planning Board to also cooperate in matter.

Councilman Frohling brought up matter of Colton Terrace, Congers, (paper streets). People would like to have these streets attended to. Matter turned over to Highway Superintendent & Chairman of Planning Board. They are to check out and make report to Town Board.

Councilman Holbrook- (re lights on Route 304 from Germonds to Ludvigh which are subject to approval by state) Requested that state receive some communication from town requesting them to take expeditious action on this matter (town has not received state approval as yet). Town Clerk will contact state reminding them we have not as yet received approval for the lights at these intersections. (From intersection of Old 304 south to Ludvigh Road).

Edward Murdock appeared before Board re fires at Nyack dump endangering lumber yard. Suggested this dump be properly covered; fire should be properly controlled. Village of Nyack owns (106A46). They operate dump as matter of right, which would be difficult to remove. We have no agreement with Village of Nyack. We can regulate their use of dump and impose penalties for violation. They could be enjoined from using dump by court action if they continue to violate our regulations.

Councilman Frohling suggested inspection of Nyack Dump be made with specific instructions that they cannot burn. It was out that notices have been served on Village in the past which did no good.

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Chief of Police, Mr. Murdock and Francis Malone requested to keep checking for at least 10 days - inssue summons every day, if necessary and apprise Town Board and on the 31st, if necessary, resolution will be adopted enjoining them for using the dump.

Supervisor mentioned that on 3/31 he may have report on Orangetown using the Town Dump.

Chairman of the Board of Fire Commissioners brought to attention of Town Board difficulty of fire apparatus to get through on Strawtown Road; suggested road be widened. Supervisor suggests that he send letter so he can get it to the Board of Supervisors; and also bring it to the attention of the county Highway Superintendent.

(182) Councilman Frohling offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to install "NO PARKING AT ANY TIME" Signs on the south side of Maple Avenue, West Nyack.

Seconded by Councilman Brenner.

All voted Aye.

Chairman of the Board of Fire Commissioners also requested they be allowed to sit in on all buildings plans. He was told to get together with Chairman of the Planning Board. (Mr. Rawson stated they should have site review on all commercial buildings.)

(183) Councilman Frohling offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from Angelica Baeri, Ronald Bullough Thomas & Helena F. Thomas/wife to the Town of Clarkstown conveying Brookside Drive, Nanuet 155 L.F. 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 deed.

Seconded by Councilman Holbrook.

All voted Aye.

(184) Councilman Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown has embarked upon a lateral sewer program, and

WHEREAS, a contract for the final engineering services was executed by the Supervisor of the Town of Clarkstown, dated April 13, 1965, and authorized by resolution of the Town Board of the Town of Clarkstown on March 22, 1965, and

WHEREAS, it is mutually desired to amend said agreement between the Town of Clarkstown and Charles R. Velzy Associates, Inc., as follows:

For sewer stakeout work described under Section C, paragraph 2, the method of payment described under Section E, paragraph 4, is changed to provide payment based on a rate of eighteen (18) cents per foot of sewer line, rather than on a basis of 2.2 times salary costs.

NOW THEREFORE, be it

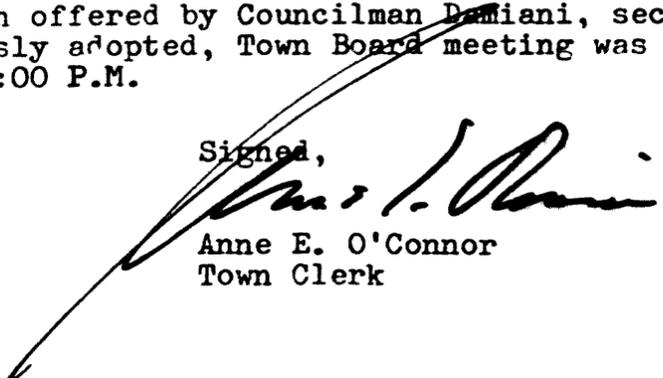
RESOLVED, said contract dated April 13, 1965, is hereby amended as aforesaid.

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Damiani, seconded by Councilman Brenner and unanimously adopted, Town Board meeting was adjourned until Friday, 3/31/67 at 2:00 P.M.

Signed,

  
Anne E. O'Connor  
Town Clerk

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NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Section 4.31 of the Zoning Ordinance of the Town of Clarkstown,

THAT, the proposed use as described and represented by the applicant

(1) will be properly located with respect to transportation, water supply, waste disposal, fire and police protection, and other public facilities;

(2) will cause undue traffic congestion and create a traffic hazard in that the proposed service station will further exacerbate an already existing hazardous condition.

The Planning Board of the Town of Clarkstown has determined that a confused circulation pattern for vehicular traffic exist in the Korvette Shopping Center. This confused circulation pattern is a danger to pedestrians and automobiles alike.

A new service station would bring additional automobile traffic into the shopping center and cause a re-routing of the automobiles presently using the parking areas. This result would adversely affect the already confused and dangerous vehicular circulation pattern.

(3) will not create at any point of determination set forth in Section 4.16, 4.17 and 4.18 of the Zoning Ordinance of the Town of Clarkstown any more dangerous and objectionable elements referred to in Section 4.11 than is characteristic of the use expressly permitted as of right in the same district;

(4) will adversely affect the character of, or property values in, the area.

(5) will otherwise impair the public health, safety, morals, convenience, comfort, prosperity, and other aspects of the general welfare of the Town;

(6) will comply with all other requirements applicable to such use;

NOW THEREFORE, be it

RESOLVED, that a special permit for a gas filling station pursuant to said application is hereby DENIED and the reasons for denying such special permit are that the proposed use of the premises will not be for the convenience, comfort, prosperity, and general welfare of the community; and be it further

RESOLVED, that the within Special Findings and Resolution setting forth the reason for denying such special permit shall constitute a written report to be filed with the Town Clerk pursuant to Section 8.333 of the Zoning Ordinance of the Town of Clarkstown.

Seconded by Councilman Holbrook.

All voted Aye.

(197) Councilman Damiani offered the following resolution:

RESOLVED, that the week of April 9<sup>th</sup> to April 15<sup>th</sup> 1967 is hereby designated as BARBER SHOP QUARTET week in the Town of Clarkstown.

Seconded by Councilman Holbrook.

All voted Aye.

Audit of Building Inspector's Office for the month of February 1967 received and noted by Town Board as submitted by Deputy Comptroller, Margaret Reilly.

(198) Councilman Frohling offered the following resolution:

WHEREAS, R. Dickinson Jewett has petitioned the Town Board for a refund of erroneous 1967 Fire Tax on property in the Town of Clarkstown assessed to R. Dickinson Jewett, No. Broadway, Upper Nyack, New York (Map 136, Block A, Lot 39.06 -, 1967 Tax Role on account of this property was erroneously charged a Fire Tax and was an erroneous assessment as certified by the Clarkstown Assessor, therefore, be it

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RESOLVED, that the Supervisor be and he is hereby authorized to refund to the petitioner and charge Valley Cottage Fire District the amount of the erroneous tax, which is \$2.53.

Seconded by Councilman Damiani.

All voted Aye.

Report for the month of March 1967 received - from Frank W. Kemmer, Welfare Officer, Noted by Town Board. Filed in Town Clerk' Office.

(199) Councilman Frohling offered the following resolution:

RESOLVED, that Edward Ghiazza, Superintendent of Recreation, Town of Clarkston, be authorized to attend the National Recreation Association Conference in Rochester April 16<sup>th</sup> through 19<sup>th</sup>, 1967, and be it

FURTHER RESOLVED that all actual and necessary expenses are to be made a proper town charge.

Seconded by Councilman Holbrook.

All voted Aye.

(200) Councilman Frohling offered the following resolution:

RESOLVED, that mileage at the rate of 10¢ per mile be paid to Edward J. Ghiazza, Superintendent of Recreation, Town of Clarkstown, for use of his personal automobile in performance of his official duties.

Seconded by Councilman Holbrook.

All voted Aye.

(201) Councilman Damiani offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to enter property of New City Holding (Capral Lane) for the purpose of alleviating drainage problems affecting adjacent property.

Seconded by Councilman Holbrook.

All voted Aye.

(202) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of leasing premises from New City Properties, Inc., at 151 South Main Street, New City, New York;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute a lease for all that space on the second floor known as Room 202, 206, 208 and 210 for a term of one year to commence on the 1st day of May, 1967.

Seconded by Councilman Holbrook.

All voted Aye.

Re Pascak Motel: Supervisor requested Town Attorney's office to look into matter clearing of property before they have gone before the Planning Board and before site review. Town Attorney recommends that local law be amended - no cutting down of any working on something now-anything done before building will be evasion of ordinance. Councilman Holbrook suggested land-clearing be put on permit basis. On question of penalty; Town Attorney stated that we have to tighten up this policy to give town authority.

(203) Councilman Frohling offered the following resolution:

RESOLVED, that the Superintendent of Highways be authorized to install supplementary storm drainage on Kirchner Drive, Nanuet Farms, at a cost of \$2,080.00, and be it further

RESOLVED, that said moneys are to be transferred from SURFACE DRAINAGE PROJECT NO. 2 ACCOUNT.

Seconded by Councilman Damiani.

All voted Aye.

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Re flooding problem at Jerry's Nursery, George Suttie, Consulting Engineer made report to Board.

(204) Councilman Holbrook offered the following resolution:

RESOLVED, that the Highway Superintendent and the Town Engineer are hereby authorized to enter on to property of Saieva as they deem it necessary to effect corrective measures to channel necessary ditch to run off some of the water to the southeast along town right of way to alternate water course, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to execute all legal steps required as expeditiously as possible.

Seconded by Councilman Frohling.

All voted Aye.

(205) Councilman Holbrook offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to write letter to Board of Water Commissioners requesting installation of hydrant on s/s of Route 59- Shoprite Shopping Center.

Seconded by Councilman Brenner.

All voted Aye.

Town Clerk requested to send copy of above letter to West Nyack Fire Chief.

(206) Councilman Brenner offered the following resolution:

RESOLVED that Bid for furnishing and delivering one new two-cubic yard wheel mounted, four-wheel drive front end loader be awarded to Ken Smith Machinery Co., Inc. at net price of \$11,861.00.

Seconded by Councilman Frohling.

All voted Aye.

(207) Councilman Holbrook offered the following resolution:

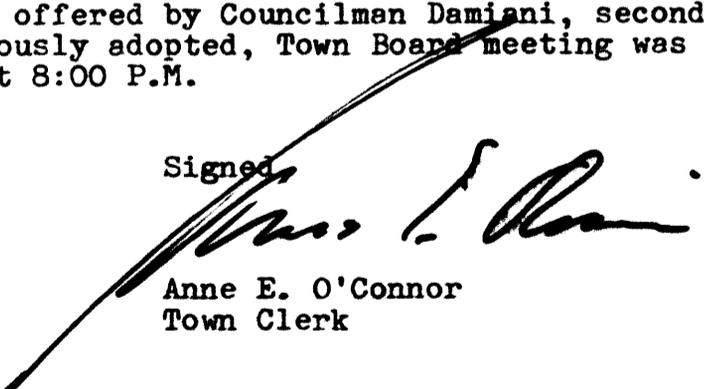
RESOLVED, that the Highway Superintendent is hereby authorized to advertise for bids for furnishing of one 1½ ton power roller for blacktop and two new trucks - bids returned 2/19/67 - 8:05 P.M.

Seconded by Councilman Brenner.

All voted Aye.

On resolution offered by Councilman Damiani, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until Wednesday, 4/5/67 at 8:00 P.M.

Signed

  
Anne E. O'Connor  
Town Clerk