

PUBLIC HEARING

Town Hall

5/17/67

8:15 P.M.

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

RE: PROPOSED AMENDMENT TO LOCAL LAW NO. 3 - 1967 (BY AMENDING SEC. No. 3c)

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

Town Attorney Donald S. Tracy informed Town Board that concern was with surety requirements which town set forth in the local law stating that town would accept letter from 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 (who is the prospective homebuyer).

Town Attorney stated intent of law was being frustrated; advised removing words "or an amount satisfactory to the beneficiary".

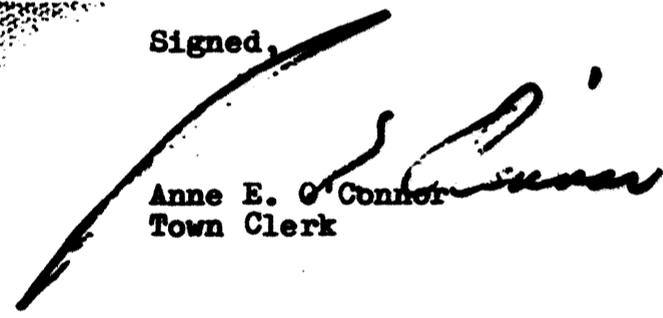
No questions.

IN FAVOR: None

OPPOSED: None

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

Signed,



Anne E. O'Connor
Town Clerk

CCJ301

TOWN BOARD MEETING

Town Hall

5/17/67

8:00 P.M.

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

Supervisor Mundt called Town Board meeting to order.

(286) Councilman Holbrook offered the following resolution:

RESOLVED, that minutes of regular Town Board meeting held on 5/3/67 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Brenner.

All voted Aye

(287) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown has entered into an agreement with the G.X. Matthews Co. in connection with dedication of roads in the subdivision known as Highland Homes, Section 2A, and

WHEREAS, pursuant to said agreement, and in accordance with recommendations of the Town Attorney and the Town Engineer, said G.X. Matthews Co. has deposited the sum of \$500 with the Town of Clarkstown to be held by the Town pending final and complete improvements of the roads in said development by the developer on or about June 30, 1967, and

WHEREAS, it would be unwise from an economic, as well as a building point of view to complete the improvements at this time, i.e. installation of sidewalks, and

WHEREAS, the developer has requested an extension of time to complete said improvements, with the aforementioned deposit to remain with the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's office be authorized to extend expiration date of said agreement from June 30, 1967 to September 30, 1967.

Seconded by Councilman Holbrook.

All voted Aye.

Recommendation from Town Attorney re Recreation Commission held for 5/31/67 Town Board meeting.

Recommendation from Chief of Police repetition for "NO THRU TRUCKING" sign on Ludvigh Road - held for 5/31/67 Town Board meeting; Police Chief to study further.

Re rear yard drainage - Laird Acres, Town Engineer reported that survey completed; recommended piping at expense of \$4500. to be shared by builder, Mr. Bergstol.

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(288) Councilman Damiani offered the following resolution:

RESOLVED, that the Town Engineer is hereby authorized to spend \$2800.00 to correct drainage problem in LAIRD ACRES subdivision, and be it further

RESOLVED, that said amount be applied against DRAINAGE PROJECT #2.

Seconded by Councilman Holbrook

All voted Aye.

(289) Councilman Holbrook offered the following resolution:

RESOLVED, that regular Town Board meeting be adjourned in order to hold regularly scheduled public hearing.

Seconded by Councilman Brenner.

All voted Aye.

(290) Councilman Damiani offered the following resolution:

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

Seconded by Councilman Frohling.

All voted Aye.

(291) Councilman Brenner offered the following resolution:

RESOLUTION RE: LOCAL LAW 3-1967
on following page

(292) Councilman Brenner offered the following resolution:

RESOLVED, that upon recommendation of the Town Engineer, bids for furnishing sanitary fill which were opened on 5/3/67 are hereby rejected, and be it

FURTHER RESOLVED, that the Town Clerk be authorized to re-advertise for bids for the furnishing of Sanitary Fill-Earth Fill Only, said bids to be returnable on 6/7/67 - 8:05 P.M.

Seconded by Councilman Holbrook.

All voted Aye

(293) Councilman Holbrook offered the following resolution:

RESOLVED, that the amount of \$600. be appropriated from "Miscellaneous Drainage Bond" in order that work might proceed on extending pipe 200' on Deerfield Drive, The Plains Subdivision, on property of Mr. James J. Cosetllo, 17 Deerfield Drive, New City, N.Y.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Holbrook, Frohling, Brenner, Supv. Mundt
NOES: Councilman Damiani

Motion carried.

(294) Councilman Frohling offered the following resolution:

WHEREAS, the term of Chairman of the Board of Appeals which is now held by W. Reginald Herdman, shall expire on June 18, 1967, be it hereby

RESOLVED, that based on recommendation of The Zoning Board of Appeals, W. Reginald Herdman be re-appointed as Chairman of the Board for the year June 19, 1967 to June 18, 1968.

Seconded by Councilman Holbrook

All voted Aye

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RESOLUTION #291 - LOCAL LAW #3 1967

TOWN OF CLARKSTOWN

LOCAL LAW NO. 3 1967

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

CCJ301

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

RESOLUTION #291 - LOCAL LAW #7 1967

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

RESOLUTION #291 - LOCAL LAW #3-1967

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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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RESOLUTION #291 - LOCAL LAW #3-1967

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.

Town Engineer was requested by Town Board to have cost figure to present in connection with drainage problem existing at residence of Remo Valentini, 9 Bellwood Drive, New City at 5/31/67 Town Board meeting.

Mr. Hohenberger, Central Ave., Central Nyack - drainage. Effluent discharging into his brook. Mr. Hohenberger was informed that garden apartments will be sewered. Town Engineer will check.

Mrs. Weinstein, East Allison Ave. - drainage and overflow of sewage from pumping station. Town Engineer to investigate drainage problem in field. Re backup of sewage from pumping station - Town Engineer stated that least of alternatives was to flood stream instead of homes - Mr. Suttie stated their pumping station will be taken into interceptor line, which is already in.

Mrs. Leibowitz, 15 Olin Drive, Spring Valley - drainage problem (Wesrock): Town Attorney has contacted Mr. Murdock re dumping ordinance and blocking up of stream; who in turn ordered stream to be cleaned out. Town Attorney and Town Engineer to investigate further in field to determine legal situation - Re existing odors; Health Department problem. Supervisor will contact Health Department again on the question of odor.

(295) Councilman Holbrook offered the following resolution:

RESOLVED, that the Town Engineer is hereby authorized to expend not more than \$2800. to correct the drainage problem in Leslie Heights, New City, development, and be it

FURTHER RESOLVED, that said amount be applied against DRAINAGE PROJECT #2.

Seconded by Councilman Frohling.

All voted Aye.

Eberling Drive - drainage problem (Mrs. Jordan): Town Engineer has layout; cost figure will be presented at 5/31/67 Town Board meeting.

(296) Councilman Holbrook offered following resolution:

RESOLVED, that Town Attorney is hereby authorized to contact bonding counsel re. bond authorizing construction and installation of surface drainage sewer facilities and appurtenances in Town of Clarkstown in the amount of \$145,000.

Seconded by Councilman Frohling

All voted Aye

Mrs. Sarvaideo, 13 Parkside Drive, Congers: Debris and water in proposed park area - Mary Wyle, builder - dumping of building materials. Town Attorney informed Board that we have \$9000. bond to cover eventual grading and seeding, which he has every reason to believe Mr. Wyle will do in spring. Removal of debris will start flow. Re swamp in rear - mosquitoes, etc., if area graded flow will be created eliminating swamp problem. Supervisor will contact Mr. Wyle re debris.

Mr. Anthony Paratore, 53 Old Middletown Road, Manuet: Requests that catch basin in front of his home be removed (across from Pub). Highway Superintendent suggested contacting County. Supervisor will call County Highway Superintendent and Mr. Carway, Resident Engineer, and together with Highway Supt., will investigate matter.

(297) Councilman Damiani offered the following resolution:

RESOLVED, that upon recommendation of the Town Engineer the amount of \$400. be appropriated to alleviate drainage problem existing at Resident of Rode, 193 Little Tor Road, New City, N.Y.

Seconded by Councilman Holbrook

All voted Aye.

(298) Councilman Frohling offered the following resolution:

WHEREAS, bids were received for Contract #1 through #4 pursuant to comprehensive bidding requirements of the General Municipal Law, for the construction of a Highway Department garage for the Town of Clarkstown, and

WHEREAS, upon reviewing the bids submitted, the following firms have been designated by the Town consulting engineer and architect as low bidders:

<u>Contract #1 - General Construction</u>	
Anthony Linqanti & Co., Inc.	\$381,369.00
5 Central Avenue	
Spring Valley, New York	
<u>Contract #2 - Plumbing</u>	
George Renart	
New City, New York	\$ 19,700.00
<u>Contract #3 - Heating and Ventilating</u>	
Augenti & Civil	
Westwood, New Jersey	\$ 21,700.00
<u>Contract #4 - Electric</u>	
Raffa Electric Company	
Congers, New York	\$ 24,800.00

WHEREAS, the Town Attorney has ascertained that the bids submitted by the above-mentioned low bidders met all legal requirements;

NOW THEREFORE, be it

RESOLVED, that the Contract for the construction of the Town Highway Department Garage be awarded as follows:

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Reso. #298 - cont'd

Contract #1, General Construction to Anthony Linquanti & Co., Inc.	\$381,369.00
Contract #2, Plumbing, to George Renart	\$ 19,700.00
Contract #3, Heating and Ventilating to Augenti & Civil	\$ 21,700.00
Contract #4, Electric, to Raffa Electric Company	\$ 24,800.00

and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a contract with the above-mentioned low bidders for the performance of such work.

Seconded by Councilman Holbrook.

All voted Aye.

(299) Councilman Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is considering the special improvement of DE SIMONE LANE in West Nyack, New York, and

WHEREAS, the Town Board of the Town of Clarkstown has, by resolution adopted August 17, 1966, waived the requirement that said road be at least three rods in width, &

WHEREAS, THE Superintendent of Highways of the Town of Clarkstown consents that said DE SIMONE LANE be laid out as a highway less than three rods in width;

NOW THEREFORE, it is

HEREBY requested that the Superintendent of Public Works consent that DE SIMONE LANE, a description of which is hereby attached, be laid out as a highway less than three rods in width, and be it

FURTHER REQUESTED, that the Superintendent of Public Works execute a certificate in writing of the necessity therefor.

Seconded by Councilman Frohling.

All voted Aye.

(300) Councilman Frohling offered the following resolution:

RESOLVED, that the Chief of Police is hereby instructed to place a Police Car at the railroad crossing at Kings Highway, Valley Cottage in the afternoon only, to provide for the safety of children leaving school, and be it

FURTHER RESOLVED, that same be continued until a school crossing guard is appointed for this post.

Seconded by Councilman Holbrook

All voted Aye.

Request made to Department of Public Works for extension of anchor fence to Laurel Road on its right of way on Route 304 from the terminus of fence place there by Town denied.

Town Board and Highway Superintendent signed Certificate, purs. to Sec. 205 of the Highway Law, to abandon a portion of street known as Lawrence Street (between N. Conger and N. Grant Ave.) situate, lying and being in the Hamlet of Congers, Town of Clarkstown, County of Rockland and State of New York. Same filed in the Office of the Town Clerk.

(301) Councilman Frohling offered the following resolution:

WHEREAS, approval has been received from Rockland County Personnel Office for the second provisional appointment of Jean Overmeyer, 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 Provisional appointment, pending examination of Jean Overmeyer, of 15 Demarest Avenue, Nanuet, New York, to the position of Stenographer in the Town Clerk's Office, at a salary of \$4186 per annum effective immediately.

Seconded by Councilman Holbrook

All voted Aye.

(302) Councilman Frohling offered the following resolution:

WHEREAS, Frederick G. Busch, Town Engineer, has requested additional stenographic help in his office, now therefore, upon recommendation of the said Town Engineer, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Temproary appointment, not to exceed 30 days, of Patricia McDonald, of 9 Tamarac Avenue, New City, New York to the position of Stenographer in the Town Engineer's Office, at a salary of \$88.50 per week, retroactive to and effective May 10, 1967.

Seconded by Councilman Damiani

All voted Aye

(303) Councilman Frohling offered the following resolution:

WHEREAS, the name of William Clark appears on Certification of Eligibles #6730, dated April 28, 1967, and said eligibles list having been canvassed and said William Clark having indicated his acceptance of the position of Police Patrolman, 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 Bermanent appointment of WILLIAM CLARK of 137-37 Belknap Street, Spring Field Gardens, Jamiaca, New York, to the position of Police Patrolman at a salary of \$6,300.00 per annum effective June 5, 1967.

Seconded by Councilman Holbrook

All voted Aye

(304) Councilman Frohling offered the following resolution:

WHEREAS, the name of John Taylor appears on Certification of Eligibles #6730, Police Patrolman, dated April 28, 1967, and said eligibles list having been canvassed and said John Taylor having indicated his acceptance of said position, now therefore, upon recommendation of Ernest F. Wiebicke, Chief of Police, be it

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RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of John Taylor of 291 Old Nyack Turnpike, Spring Valley, N.Y. to the position of Police Patrolman at a salary of \$6,300.00 per annum effective June 5, 1967.

Seconded by Councilman Holbrook

All voted Aye.

(305) Councilman Damiani offered the following resolution:

WHEREAS, the name of Paul D'Alessandro appears on Certificate of Eligibles #6730, Police Patrolman, dated April 28, 1967, and said eligibles list having been canvassed and said Paul D'Alessandro having indicated his acceptance of said position, 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 Paul D'Alessandro of 78 Green Road, West Nyack, New York, to the position of Police Patrolman at a salary of \$6,300.00 per annum effective June 5, 1967.

Seconded by Councilman Brenner

All voted Aye

(306) Councilman Frohling offered the following resolution:

WHEREAS, Certification of Eligibles #6330A and #6664, Building Inspector III, dated April 6, 1967, furnished by Rockland County Personnel Office, was canvassed, said canvass having resulted in less than three acceptances, now therefore, upon recommendation of Oscar P. Lutz, Building Inspector, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Provisional appointment, pending examination of Albert H. Kruger of Brookside Avenue, Valley Cottage, New York to the position of Building Inspector III at a salary of \$6162. per annum effective June 1, 1967.

Seconded by Councilman Holbrook

All voted Aye

(307) Councilman Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown is in receipt of the following invoice:

Ostertag & McDougall, Preparation of Easement Maps and Descriptions.....\$1,750.00

WHEREAS, financing by general obligation bonds have been authorized for the above referenced sewer district but it is deemed not advisable to issue bond anticipation notes to pay for this invoice at this time;

NOW THEREFORE, be it

RESOLVED, pursuant to Sec. 165.10 of the Local Finance Law, the Supervisor is hereby authorized to transfer from Current Surplus General the sum of \$1,750 to Sewer District No. 27 Account to pay for said invoice; said amount to be reimbursed to Current Surplus General upon the issuance of bond anticipation notes; and suitable records shall be maintained of the temporary diversion of such funds herein authorized.

Seconded by Councilman Brenner

All voted Aye

(308) Councilman Frohling offered the following resolution:

WHEREAS, Chief of Police Ernest F. Wiebicke recommended that the following measures be taken to improve the safety in and around St. Agatha Convent on Convent Road, Nanuet, N.Y.

NOW THEREFORE, be it

RESOLVED, that parking on the South side of Convent Road, between Duryea Lane and 100' east of the main entrance to Convent be restricted, and that necessary NO PARKING signs be erected; and be it

FURTHER RESOLVED, that the crosswalks by the main entrance across Convent Road be repainted; that a flashing caution light be installed over this crosswalk facing east and west; that SLOW SCHOOL ZONE signs be posted on Convent Road at both East and West ends of school property.

Seconded by Councilman Holbrook

All voted Aye

(309) Councilman Damiani offered the following resolution:

BE IT RESOLVED, that, upon recommendation of Chief of Police Ernest F. Wiebicke, a full STOP sign be placed at the intersection of First Street and Maple Avenue, New City, on the Southwest corner, traffic traveling East on First Street to stop before entering on Maple Avenue,

AND FURTHER RESOLVED, that Town Highway Superintendent Fred J. Seeger be directed to erect said sign and mark the necessary STOP line on the road.

Seconded by Councilman Frohling.

All voted Aye

(310) Councilman Damiani offered the following resolution:

BE IT RESOLVED, that, upon recommendation of Chief of Police Ernest F. Wiebicke, a YIELD sign be placed at the intersection of Windmill Lane, Cross Street and Second Street, New City, said sign to be placed on the Southwest Corner of Second and Cross Street, facing Eastbound traffic; the Eastbound traffic on Second Street would then yield to traffic on Cross Street and Windmill Lane.

Seconded by Councilman Holbrook

All voted Aye

(311) Councilman Holbrook offered the following resolution:

RESOLVED, that resignation of Michael J. Herlihy, 84 Lyncrest Drive, New City from position as member of the Nanuet Hamlet Development Board, effective 5/1/67 is hereby accepted by Town Board with regret.

Seconded by Councilman Brenner

All voted Aye

Trial Balance dated March 31st, 1967 received and noted by Town Board; filed in Town Clerk's Office.

(312) Councilman Brenner offered the following resolution:

RESOLVED, that the following list of priorities for school sidewalks in Clarkstown Central School District #1 is hereby adopted:

List on following page:

CCJ301

(313) Councilman Brenner offered the following resolution:

WHEREAS, pursuant to Sec. 165.10 of the local Finance Law, the sum of \$11,710.63 has been transferred from Current Surplus General to Sewer District No. 16 Account to pay for certain invoices, and

WHEREAS, bond anticipation notes have been subsequently issued and monies are available in Sewer District No. 16 Account;

NOW THEREFORE, be it

RESOLVED, that the sum of \$11,710.63 shall be reimbursed to Current Surplus General from Sewer District No. 16 Account.

Seconded by Councilman Holbrook

All voted Aye

(314) Councilman Frohling offered the following resolution:

WHEREAS, IRVING REISER has petitioned this Board for a refund of erroneous 1967 taxes on property in the Town of Clarkstown, assessed to:

FOREST ACRES DEVELOP
28-16 203rd St.
Bayside, N.Y.

(Now Irving Reiser
Ruth Drive
New City, N.Y.)

MAP 40
BLOCK A
Lot 9.36
1967 TAX ROLL

on account of this property Incorrectly Assessed and was an erroneous assessment as verified by the Clarkstown Assessor, therefore, be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund to the petitioner and charge CONSOLIDATED LIGHT DIST. the amount of the erroneous tax, which is \$2.83.

Seconded by Councilman Holbrook

All voted Aye

(315) Councilman Frohling offered the following resolution:

WHEREAS, Irving Reiser & Wife has petitioned this Board for a refund of erroneous 1967 taxes on property in the Town of Clarkstown, assessed to:

FOREST ACRES DEVELOP
28-16 203rd St.
Bayside, N.Y.

(Now Irving Reiser
Ruth Drive
New City, N.Y.)

MAP 40
BLOCK A
LOT 9.36

1967 TAX ROLL

on account of this property Incorrectly Assessed and was an erroneous assessment as verified by the Clarkstown Assessor, therefore, be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund to the petitioner and charge ZONING & PLANNING the amount of the erroneous tax, which is \$2.42.

Seconded by Councilman Holbrook

All voted Aye

CCJ301

(316) Councilman Frohling offered the following resolution:

WHEREAS, Irving Reiser & Wife has petitioned this Board for a refund of erroneous 1967 taxes on property in the Town of Clarkstown, assessed to:

FOREST ACRES DEVELOP
28-16 203rd St.
Bayside, N.Y.

(Now Irving Reiser
Ruth Drive
New City, N.Y.

MAP 40
BLOCK A
LOT 9.36

1967 TAX ROLL

on account of this property Incorrectly Assessed and was an erroneous assessment as verified by the Clarkstown Assessor, therefore, be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund to the petitioner and charge NEW CITY-WEST NYACK WATER the amount of the erroneous tax, which is \$3.70.

Seconded by Councilman Holbrook

All voted Aye.

(317) Councilman Frohling offered the following resolution:

WHEREAS, Irving Reiser & Wife has petitioned this Board for a refund of erroneous 1967 taxes on property in the Town of Clarkstown, assessed to:

FOREST ACRES DEVELOP
28-16 203rd Street
Bayside, N.Y.

(Now Irving Reiser
Ruth Drive
New City, N.Y.

MAP 40
BLOCK A
LOT 9.36

1967 TAX ROLL

on account of this property Incorrectly Assessed and was an erroneous assessment as verified by the Clarkstown Assessor, therefore, be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund to the petitioner and charge NEW CITY FIRE DISTRICT the amount of the erroneous tax, which is \$4.02.

Seconded by Councilman Holbrook

All voted Aye

(318) Councilman Frohling offered the following resolution:

WHEREAS, Irving Reiser & Wife has petitioned this Board for refund of erroneous 1967 taxes on property in the Town of Clarkstown, assessed to:

FOREST ACRES DEVELOP
28-16 203rd St.
Bayside, N.Y.

(Now Irving Reiser
Ruth Drive
New City, N.Y.

MAP 40
BLOCK A
LOT 9.36

1967 TAX ROLL

on account of this property Incorrectly Assessed and was an erroneous assessment as verified by the Clarkstown Assessor, therefore, be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund to the petitioner and charge HIGHWAY the amount of the erroneous tax, which is \$13.53.

Seconded by Councilman Holbrook

All voted Aye

(319) Councilman Frohling offered the following resolution:

WHEREAS, in July of 1963, the Town of Clarkstown adopted a Comprehensive Sewerage Plan which provided for the collection system of sanitary sewer service for the unincorporated areas of the Town of Clarkstown, and

WHEREAS, plans and specifications for the first three stages of said plan have already been implemented, and

WHEREAS, it is desirable at this time to proceed with plans and specifications for the Fourth Stage Town Sewer District;

NOW THEREFORE, be it

RESOLVED, that the firm of Charles R. Velzy Associates, Inc. be instructed to undertake preliminary engineering studies for the formation of the Fourth Stage Lateral Sewer Districts, and that the Supervisor of the Town of Clarkstown be authorized to enter into a contract with Charles R. Velzy Associates, Inc. to perform the necessary engineering work.

Seconded by Councilman Holbrook

All voted aye.

(320) Councilman Holbrook offered the following resolution:

RESOLVED, that the report for Extension No. 7 to Existing Sewer District No. 8 made by Charles R. Velzy Associates, Inc. Consulting Engineers is hereby accepted.

Seconded by Councilman Brenner

All voted Aye

Town Board signed ORDER setting date of Public Hearing in matter of Extension of Sewer District No. 8 -- (6/7/67 - 8:30 P.M.)

(321) Councilman Damiani offered the following resolution:

WHEREAS, by resolution adopted by the Town Board of the Town of Clarkstown on April 5, 1967, the firm of Charles R. Velzy Associates, Inc., Consulting Engineers, was authorized to prepare a report for a proposed extension to Sewer District No. 8, and

WHEREAS, said report entitled "Report for Proposed Extension No. 7 to Existing Sewer District No. 8" has been received, and

WHEREAS, said report was, on this date, accepted by the Town Board, and

WHEREAS, the proposed Extension No. 7 to Sewer District No.8 is an area which has been plagued by poor sewerage and septic overflow, and

WHEREAS, Sec. 103.3 of the General Municipal Law provides that emergency public works may be accomplished without competitive bidding where public health and safety is involved, and

WHEREAS, the Town Board of the Town of Clarkstown deems the area encompassed by Sewer District No. 8, Extension 7, is a hazard to health and safety, and

WHEREAS, the firm of Beckerle-Brown Inc. is currently constructing lateral sewers in the district adjoining this area, and

WHEREAS, upon advice of the engineering consultants it is deemed economically feasible to have said firm continue to perform the work at this time to service twenty-two properties encompassed in Sewer District 8, Extension No. 7;

NOW THEREFORE, be it

CCJ301

RESOLVED, that the Supervisor is authorized to enter into a contract, pursuant to Sec. 103.3 of the General Municipal Law with Beckerle-Brown Inc. for the construction of Sewer District No. 8, Extension No. 7, at a cost not to exceed the TOTAL ESTIMATED PROJECT COST of \$22,630.00

Seconded by Councilman Holbrook

All voted Aye.

Councilman Frohling requested that hydrant in front of Town Tavern (Hydrant #31) be relocated. Councilman Holbrook will contact Town Tavern and handle matter.

Councilman Frohling has received complaints from residents in Nanuet re areas that have been excavated for sewer lines and are left-also the manner in which detours are being handled in this area. Mr. Suttie and Town Engineer will handle. Hwy. Supt. suggested signs - such as "SEWER UNDER CONSTRUCTION", etc.

(322) Councilman Holbrook offered the following resolution:

WHEREAS, extensive litigation for the past several years between the Town of Clarkstown and Scales-Dowes Corporation has resulted in the acquisition by Scales-Dowes Corp. of certain property in the Hamlet of Nanuet, a description of which is annexed hereto and

WHEREAS, the amount of the lein enforced against their property now exceeds \$21,000 and

WHEREAS, it is deemed in the best interest of the Town to acquire this property which consists of roads and other public improvements and

WHEREAS, Scales-Dowes Corp. after extensive negotiations has agreed to convey this property to the Town for the sum of \$15,000 and

WHEREAS, the Town was the beneficiary of a Title Insurance Policy insuring a right of ingress and egress to the Town, now therefore

BE IT RESOLVED, the Supervisor of the Town is authorized to enter into a contract of sale with Scales-Dowes Corp. to purchase for the sum of \$15,000 and

FURTHER RESOLVED, that the Town Attorney is authorized to proceed against the Title Insurance Company concerned to recover the amount of the policy and to take all necessary steps, employ such experts and trial assistance as he deems necessary.

SCHEDULE A

ALL that certain plot, piece or parcel of land situate in the Hamlet of Nanuet, Town of Clarkstown, County of Rockland and State of New York, designated on a map of Nanuet park Corp., filed in the office of the Clerk of the County of Rockland on April 30, 1962, in Book 64 of maps, at Page 30, as Map Number 2970, limited to and only sanitary and storm sewers, pump station known as sewage lift station and the streets and roads located in said property known and designated as April Lane, May Place and East Allison Avenue.

Seconded by Councilman Frohling

All voted Aye

(323) Councilman Holbrook offered the following resolution:

RESOLVED, that the amount of \$15,000.00 be transferred from Current Surplus General to Land Acquisition Account for purchase of property in Hamlet of Nanuet.

Seconded by Councilman Frohling

All voted Aye

(324) Councilman Holbrook offered the following resolution:

RESOLVED, that Highway Superintendent is hereby authorized to do any work necessary to alleviate drainage problem existing on Pine Avenue, Congers, and be it

FURTHER RESOLVED, that the money to be appropriated from necessary item of second bond issue in the amount of \$750. to pay for the work done on this stream bed.

Seconded by Councilman Frohling

All voted Aye

Councilman Brenner reported that he has received estimates from Town Engineer on Pierce St., Medway Ave., and Birchwood Ave. Councilman Brenner will pursue matter. Highway Supt. was requested to forward estimate on Grant Ave., Scandia Drive, Congers.

Councilman Brenner: Heavy construction trucks at intersection of Germonds to Route 59 on Sickletown and Strawtown. County Road - town cannot do anything. Merton Rawson has received petition - will forward to Supervisor for further action.

Councilman Damiani: Requested old Highway Building for use of Recreation Commission - Wishes study made as to cost. Supervisor has asked Mr. Ghiazza of the Recreation Commission to ascertain if suitable and make estimate as to cost to equip. Councilman Frohling: Police Chief to come up with cost estimate also for use of this site for pistol range.

Re beautification of Town Dump program -- state will supply 10 youngsters.

Councilman Damiani: Re intersection of Congers Rd. and Old Route 304 - requests to be changed for people for right turn. Highway Supt. stated we are waiting for electrician to do. After 9PM light to go on flashing yellow and red; Police Chief to suggest what time in AM to reactivate.

(325) Councilman Holbrook offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

In the Matter of the Application of

ARLEN OPERATING CORP.,

Petitioner,

-against-

PAUL F. MUNDT, PHILLIP J. FROHLING, JR.,
JAMES V. DAMIANI, WILLIAM BRENNER and
MARTIN E. HOLBROOK, constituting the
TOWN BOARD of the Town of Clarkstown,

Respondents,

for an Order pursuant to Article 78
CPLR, directing the issuance of a
Special Permit, pursuant to the Zoning
Ordinance of the Town of Clarkstown.

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to defend said action and take all necessary required proceedings in court in connection with said action.

Seconded by Councilman Damiani

All voted Aye

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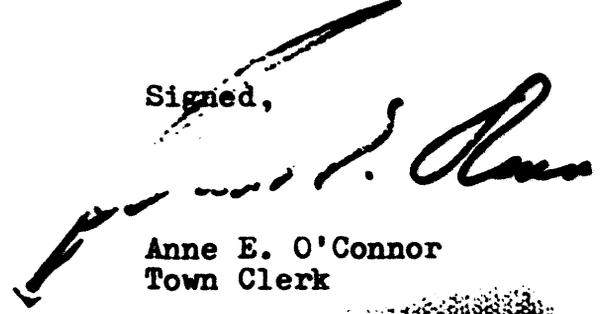
5/17/67

TBM

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On resolution offered by Councilman Holbrook, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until Wednesday, 5/31/67 at 1:00 P.M.

Signed,



Anne E. O'Connor
Town Clerk

CCJ301