

PUBLIC HEARING

Town Hall

10/31/67

1:30 P.M.

Present: Councilman Holbrook, Brenner, Damiani, Frohling,
 Supervisor Mundt
 Town Attorney
 First Deputy Town Attorney
 Deputy Town Attorney
 Town Clerk Anne E. O'Connor

RE: PROPOSED SPECIAL ROAD IMPROVEMENT OF BIRCHWOOD AVENUE, SPRING VALLEY

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

Town Clerk Anne E. O'Connor sworn in by Supervisor and testified as to proper posting and publication of notice of public hearing.

Town Engineer, Frederick Busch sworn in and testified as follows:

Proposed improvement includes 50' right of way; 2700' in length; perpendicular to Townline; adjacent to Silver Birch Inn.

Amount: \$12,000 to be expended, including nominal drainage including engineering and survey work.

IN FAVOR: No one appeared

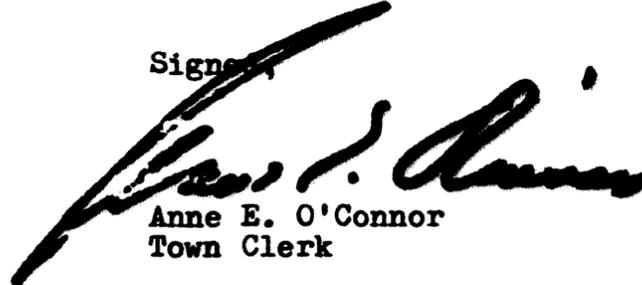
OPPOSED: No one appeared

First Deputy Town Attorney informed Town Board that he has discussed with residents in area; his office has cards indicating compliance.

Town Engineer stated that all property owners are included in proposed special road improvement; would be in public interest to construct these proposed improvements.

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

Signature



Anne E. O'Connor
 Town Clerk

CCJ301

TOWN BOARD MEETING

Town Hall

10/31/67

1:00 P.M.

Present: Councilmen Holbrook, Brenner, Damiani, Frohling
Supervisor Mundt
Town Attorney
First Deputy Town Attorney
Deputy Town Attorney
Town Clerk Anne E. O'Connor

Supervisor Mundt called Town Board meeting to order at 1:00 P.M.

(655) Councilman Brenner offered the following resolution:

RESOLVED, that time for receiving bids for cleaning of Police Uniforms 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 Holbrook

All voted Aye

The following bids were received: (ALL PRICES QUOTED ARE PER UNIT)

JU-EL CLEANERS, INC.
27-29 Rockland Plaza Shopping Center
Route 59, Nanuet, N.Y.

Trousers..... \$0.37½
Shirt..... 0.37½
Reefer Coat..... 1.10
Blouse Coat..... 0.75

JOLENE CLEANERS, INC.
243 South Middletown Road
Nanuet, New York

Trousers..... \$0.65
Shirt..... 0.65
Reefer Coat..... 1.75
Blouse Coat..... 0.85

CONGERS CLEANERS
8 Lake Road
Congers, N.Y.

Trousers..... \$0.49
Shirt..... 0.49
Reefer Coat..... 0.89
Blouse Coat..... 0.59

DAN ALLEN CLEANERS
222 South Main St.
New City, N.Y.

Trousers..... \$0.60
Shirt..... 0.65
Reefer Coat..... 1.50
Blouse Coat..... 0.75

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RONNI-J CLEANERS
30 North Main Street
New City, New York

Trousers.....	\$0.45
Shirt.....	0.45
Reefer Coat.....	0.90
Blouse Coat.....	0.50

(656) Councilman Frchling offered the following resolution:

RESOLVED, that upon recommendation of the Chief of Police, bid for the Cleaning of Police Uniforms is hereby awarded to JU-EL CLEANERS, INC., 27-29 Rockland Plaza Shopping Center, Route 59, Nanuet, New York, low bidder, at unit prices as follows: Trousers \$.37½; Shirts \$.37½; Reefer Coats \$1.10 and Blouse Coats \$.75

Seconded by Councilman Holbrook

All voted Aye

(657) Councilman Damiani offered the following resolution:

RESOLVED, that Building Permit under provision of Section 280-A is hereby granted to Ernest Wiebicke for property situate on the west side of First Street at the intersection of Central Avenue, Nanuet, N.Y.

Seconded by Councilman Holbrook

All voted Aye

(658) Councilman Damiani offered the following resolution:

RESOLVED, that Building Permit under Section 280-A is hereby granted to Everett Johns for property situate on the south side of proposed Bellevue Avenue, Valley Cottage.

Seconded by Councilman Holbrook

All voted Aye

(659) Councilman Brenner offered the following resolution:

WHEREAS, trucks of all sizes presently use Van Doren Court, Valley Cottage, New York, and

WHEREAS, said usage is dangerous to children and the health, safety and welfare of the residents thereof, and

WHEREAS, adjoining industrial properties have other means of access by trucks;

NOW THEREFORE, be it

RESOLVED, that Van Doren Court shall not be used by trucks, and
be it

FURTHER RESOLVED, that the Superintendent of Highways and the Police Department are hereby authorized to erect the proper signs and take all measures necessary to prevent the usage of Van Doren Court by trucks.

Seconded by Councilman Damiani

All voted Aye

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(660) Councilman Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown desires to purchase the property of Henrietta L. Blauvelt, situate of Waldron Avenue, Central Nyack, New York, for recreation purposes, and

WHEREAS, the owner has agreed to sell said property to the Town of Clarkstown for the sum of \$16,000.00 which is a reasonable price in this situation, and

WHEREAS, the sum of \$16,000 is at present in the PARKS-IN LIEU OF LANDS ACCOUNT provided by developers for recreation purposes;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown purchase the property of Henrietta L. Blauvelt for the sum of \$16,000, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a contract for said purchase and be it

FURTHER RESOLVED, that the sum of \$16,000 be transferred from PARKS-IN LIEU OF LANDS ACCOUNT to GENERAL FUNDS of the Town of Clarkstown for the purchase of said property.

Seconded by Councilman Damiani

All voted Aye

(661) Councilman Holbrook offered the following resolution:

WHEREAS, a Performance Bond No. 900901 of LAKE DEFOREST DEVELOPMENT CORP., as Principal, and SYDNEY KENT and BEN SHERMAN, as Co-Principals, and the REPUBLIC INSURANCE COMPANY, as Surety, dated July 28, 1967, in the amount of \$130,600.00, covering all improvements on the streets and other facilities as shown on the Final Plat of Section I Thornwood Hills South, dated May 22, 1967 and revised June 19, 1967, said performance bond having been approved by the Town Board of the Town of Clarkstown August 2, 1967, and

WHEREAS, a Performance Bond No. 900902 of LAKE DE FOREST DEVELOPMENT CORP., as Principal, and SYDNEY KENT and BEN SHERMAN as Co-Principals, and the REPUBLIC INSURANCE COMPANY, as Surety, dated July 28, 1967, in the amount of \$43,400.00, covering all improvements for sanitary sewers and other facilities as shown on design drawings approved by the Rockland County Health Department on the Final Plat of Section I Thornwood Hills South, dated May 22, 1967 and revised June 19, 1967, said performance bond having been approved by the Town Board of the Town of Clarkstown on August 2nd, 1967, and

WHEREAS, after due notice and public hearing, the Planning Board of the Town of Clarkstown has recommended the reduction of Bond No. 900901 from \$130,600.00 to \$105,400.00 and the reduction of Bond No. 900902 from \$43,400.00 to \$4,340.00;

NOW THEREFORE, be it

RESOLVED, that the reduction of said performance bonds, as aforesaid, is hereby approved.

Seconded by Councilman Holbrook

All voted Aye

(662) Councilman Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown desires to make a principal payment of \$2,500 with regard to the Town Hall Site Capital Notes; and

WHEREAS, the Town of Clarkstown desires to make a principal payment of \$2,500 with regard to the Town Highway Garage Site Capital Notes, and

WHEREAS, financing by capital notes have been authorized for the above referenced building sites;

NOW THEREFORE, be it

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(662) continued

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 \$2,500 to Town Hall Site and \$2,500 to Town Highway Garage Site, said amounts to be reimbursed to Current Surplus General and suitable records shall be maintained of the temporary diversion of such funds herein authorized.

Seconded by Councilman Damiani

All voted Aye

(663) Councilman Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown desires to pay an interest payment in the amount of \$8,593.65 with regard to Sewer District No. 8, Ext. #6, and

WHEREAS, financing by general obligation bonds have been authorized for the above referenced sewer district;

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 \$8,593.65 to Sewer District No. 8 Ext. No. 6 Account to pay said interest; said amount to be reimbursed to Current Surplus General and suitable records shall be maintained of the temporary diversion of such funds herein authorized.

Seconded by Councilman Damiani

All voted Aye

(664) Councilman Holbrook offered the following resolution:

WHEREAS, Forest Glen Homes, Inc. (Hillside Estates) developers, Valley Cottage, New York have placed in escrow with the Town of Clarkstown the amount \$300.00 to assure that certain blacktop work be done on the Brett, Abby Lane driveway in Valley Cottage, N.Y., and

WHEREAS, Fred J. Seeger, Town Supt. of Highways, has reported that he has completed this work at the cost of \$74.46, now therefore, be it

RESOLVED, that the Supervisor be and he is hereby authorized to pay the Highway Department bill for the amount \$74.46 from the Guaranty Deposit Account-Forest Glen Homes, (Hillside Estates).

Seconded by Councilman Damiani

All voted Aye

The following Riders to Performance Bonds were signed by Town Board, approving same as to form and sufficiency:

REPUBLIC INSURANCE CO.
BOND #900984 (Rider)
Brookside Estates - Principal
Extend Verona Court; include Greenfield Road & Cypress St.

REPUBLIC INSURANCE CO.
BOND #900985 (Rider)
Brookside Estates - Principal
Eliminate Ember Drive

(665) Councilman Brenner offered the following resolution:

RESOLVED, that Orange & Rockland Utilities is hereby authorized to install 1-4000Lu. Street Light on Pole #113 - Demarest Avenue at Heather Lane, West Nyack at the annual cost to Town of \$46.80.

Seconded by Councilman Damiani

All voted Aye

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(666) Councilman Damiani offered the following resolution:

RESOLVED, that the resignation of Mrs. Judy Caquette as Clerk-Typist in the Building Inspector's Office is hereby accepted effective 10/27/67.

Seconded by Councilman Holbrook

All voted Aye

(667) Councilman Damiani offered the following resolution:

WHEREAS, NELLIE E. BASSETT, EDISON M. BASSETT and CATHERINE G. BASSETT are desirous of conveying to the Town of Clarkstown, by deed dated October 24, 1967, a certain parcel of land located along Kings Highway in New City, New York;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said deed of NELLIE E. BASSETT, EDISON M. BASSETT and CATHERINE G. BASSETT dated October 24, 1967.

Seconded by Councilman Frohling

All voted Aye

(688) Councilman Damiani offered the following resolution:

RESOLVED, that the application of Dr. Robert A. Jacaruso, John C. Forni and Aldino P. Coatti, Sr., for a change of zoning from an R-15 district to an PO district, on property located on the east side of Route 304, Bardonia, New York, be referred to the Planning Board for report pursuant to the provisions of 8.51, 8.52 and 8.522 of the Clarkstown Building Zone Ordinance, and also to the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law.

Seconded by Councilman Holbrook

All voted Aye

(669) Councilman Frohling offered the following resolution:

RESOLVED, that the application of Richard Gizzi, for a change of zoning from an M district to an RS district, on property located on the westerly side of route 303, West Nyack, N.Y. be referred to the Planning Board for report pursuant to the provisions of 8.51, 8.52 and 8.522 of the Clarkstown Building Zone Ordinance, and also to the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law.

Seconded by Councilman Holbrook

All voted Aye

(670) Councilman Damiani offered the following resolution:

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

Seconded by Councilman Brenner

All voted Aye

(671) Councilman Holbrook offered the following resolution:

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

Seconded by Councilman Frohling

All voted Aye

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(672) Councilman Damiani offered the following resolution:

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Clarkstown,
in the County of Rockland, New York.

October 31, 1967

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A special meeting of the Town Board of the Town of Clarkstown,
in the County of Rockland, New York, was held at the Board Room of
the Town Hall, 10 Maple Avenue, New City, in said Town, on
October 31, 1967, at 1:30 o'clock P.M. (E.S.T.).

There were present: Honorable Paul F. Mundt, Supervisor,
and Councilmen Martin E. Holbrook,
Philip J. Frohling, James V. Damiani and
William Brenner

There were absent: None

Also present: Anne E. O'Connor, Town Clerk

Murray N. Jacobson, First Deputy Town Attorney

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At 1:30 P.M. (E.S.T.) the Town Clerk stated that a public hearing
had been called for this meeting at the Board Room of the Town Hall, in
the Town of Clarkstown, in the County of Rockland, New York, at
1:30 o'clock P.M. (E.S.T.) to consider the improvement of the highway in
said Town known as Birchwood Avenue, in Spring Valley, in said Town.
The Town Clerk presented affidavits showing that certified copies of the
order calling said public hearing had been published and posted pursuant
to the provisions of Section 200 of the Town Law.

Seconded by Councilman Frohling

All voted Aye

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(672) Councilman Damiani offered the following resolution:

The Supervisor stated that the public hearing on the improvement was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the improvement:

none

The following persons appeared in opposition to the improvement:

none

The Town Clerk reported that the following pertinent written communications had been received:

none

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

Councilman Damiani offered the following resolution and moved its adoption:-

Seconded by Councilman Frohling

All voted Aye

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(672) Councilman Damiani offered the following resolution:

**RESOLUTION FOR STREET IMPROVEMENT
OF BIRCHWOOD AVENUE, AT SPRING
VALLEY, TOWN OF CLARKSTOWN, NEW
YORK, ADOPTED BY THE TOWN BOARD
OF THE TOWN OF CLARKSTOWN AFTER A
PUBLIC HEARING HELD ON THE 18th
DAY OF OCTOBER, 1967.**

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on September 20th, 1967, has initiated the procedure for the improvement of the highway in said Town known as Birchwood Avenue, Spring Valley, Town of Clarkstown, New York, by paving approximately 727 lineal feet thereof, and

WHEREAS, the maximum amount proposed to be expended for the improvement of said highway, is the sum of, and not to exceed, \$12,000, and

WHEREAS, on the 18th day of October, 1967, the Town Board adopted an Order and entered the same in the minutes of its proceeding reciting the adoption of the aforesaid resolution, the maximum amount proposed to be expended for the improvement, the area to be benefited as stated in the resolution, and specifying the time and place where said Board would meet to consider the resolution and to hear all persons interested in the subject thereof, and

WHEREAS, a copy of said Order certified by the Town Clerk was duly published in the Journal News on October 21, 1967, and

WHEREAS, a copy of said Order certified by the Town Clerk was duly posted on the sign board of the Town and in five (5) public places along the portion of the streets to be improved on the 20th day of October, 1967, and

WHEREAS, the Town Board, after such hearing duly held on the 31st day of October, 1967, at 1:30 P.M. o'clock in the afternoon, and upon the evidence given thereat, has

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(672) Councilman Damiani offered the following resolution:

determined that it is in the public interest to make the improvement;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorized the Town Engineer to prepare definite plans and specifications and make a careful estimate of the expense of the improvement and, with the assistance of the Town Attorney, to prepare a proposed contract for the execution of the work, and be it

FURTHER RESOLVED, that a title search be undertaken to determine the owners in fee of the proposed road, and be it

FURTHER RESOLVED, that deeds of conveyance be obtained for the portions of said road intended to be improved and that the Town Attorney's office is hereby authorized to commence condemnation proceedings for those portions of the improvement for which a gratuitous deed cannot be obtained.

Dated: October 31, 1967

The adoption of the foregoing resolution was seconded by Councilman Frohling and duly put to a vote on roll call which resulted as follows:

AYES: Messrs. Mundt, Holbrook, Brenner,
Damiani and Frohling

NOES: None

The resolution was declared unanimously adopted.

Seconded by Councilman Frohling

All voted Aye

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Councilman Frohling: Re petition filed by residents of Nanuet for Little League Field - we have proposed playing field in the northern part of Nanuet in the Reyville Subdivision, which will provide a home field for the Nanuet Little League. Has contacted owner of property, a Mr. Jerry Gerber, and has advised him that the work on the playing field must be expedited more rapidly, if not, he would not be issued any more Certificates of Occupancy for the project. In the event Mr. Gerber does not move fast enough; matter will be referred to the Town Attorney to see if it is at all possible for town to finish work in order to have field available for spring of 1968, and bill Mr. Gerber for this work.

If field not ready by spring of 1968, there will be three playing fields available in area - where three fields have just been completed - one of these fields will be offered to the Little League in the interim. Supervisor suggested that if Mr. Gerber does not do by certain time (to be determined by Town Eng.) stop-order to be issued. Town Engineer recommended giving him month of November to do rough grade so final grading can be done in the spring. Supervisor stated that on the first of December there will be a stop-work order and his project would be stopped. Town Engineer will so inform Mr. Gerber.

(673) Councilman Daminaï offered the following resolution:

RESOLVED, that the Supt. of Highways is hereby authorized to alleviate drainage problem existing on the Weinstein property, 123 East Allison Avenue, Nanuet, by cleaning out existing stream bed to improve the flow pattern in stream located in rear of property.

Seconded by Councilman Holbrook

All voted Aye

Re request from Tor Acres Subdivision for sewer service; Town Attorney advised Board that Consulting Engineers (Suttie) has been asked to prepare cost estimates which he hopes to present to Board at November 1st Town Board meeting; together with expression of the people on Carmen Drive.

(674) Councilman Frohling offered the following resolution:

WHEREAS, Certification of Eligibles #6682, Police Patrolman, dated October 19, 1967 and furnished by Rockland County Personnel Office, was canvassed, and

WHEREAS, the said Eligibles List contains the name of Michael Kennedy, he having indicated his willingness to accept the appointment, now therefore, upon recommendation of Chief of Police Ernest Wiebicke, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of Michael Kennedy, of 4 Viola Road (Apt. 2B), Spring Valley, N.Y. to the position of Police Patrolman at a salary of \$6,300 per annum effective December 4, 1967.

Seconded by Councilman Holbrook

All voted Aye

(675) Councilman Frohling offered the following resolution:

WHEREAS, Certification of Eligibles #6775, Police Patrolman, dated October 19, 1967 and furnished by Rockland County Personnel Office, was canvassed, and

WHEREAS, the said Eligibles List contains the name of Peter O'Connor, he having indicated his willingness to accept the appointment, now therefore, upon recommendation of Chief of Police Ernest Wiebicke, be it

RESOLVED, that the Supervisor be authorized to execute the

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(675) continued

necessary Civil Service form for the Permanent appointment of Peter O'Connor, of 916 Edison Avenue, Bronx, New York, to the position of Police Patrolman, at a salary of \$6,300. per annum effective November 13, 1967.

Seconded by Councilman Holbrook

All voted Aye

(676) Councilman Frohling offered the following resolution:

WHEREAS, Certification of Eligibles #6775, Police Patrolman, dated October 19, 1967 and furnished by Rockland County Personnel Office was canvassed, and

WHEREAS, the said Eligibles List contains the name of George Conklin, he having indicated his willingness to accept the appointment, now therefore, upon recommendation of Chief of Police Ernest Wiebicke, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of George Conklin, of 37 Van Orden Avenue, Suffern, New York, to the position of Police Patrolman, at a salary of \$6,300. per annum effective November 13, 1967.

Seconded by Councilman Holbrook

All voted Aye

(676b) Councilman Damiani offered the following resolution:

WHEREAS, Certification of Eligibles #6775, Police Patrolman, dated October 19, 1967 and furnished by Rockland County Personnel Office, was canvassed, and

WHEREAS, the said Eligibles List contains the name of David Mellon, he having indicated his willingness to accept the appointment, now therefore, upon recommendation of Chief of Police Ernest Wiebicke, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of David Mellon, of 39 Maltbie Avenue, Suffern, New York, to the position of Police Patrolman, at a salary of \$6,300.00 per annum effective November 13, 1967.

Seconded by Councilman Holbrook

All voted Aye

(677) Councilman Frohling offered the following resolution:

WHEREAS, Certification of Eligibles #6775, Police Patrolman, dated October 19, 1967 and furnished by Rockland County Personnel Office, was canvassed, and

WHEREAS, the said Eligibles List contains the name of John McCabe, he having indicated his willingness to accept the appointment, now therefore, upon recommendation of Chief of Police Ernest Wiebicke, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of John McCabe, of 36 Capral Lane, New City, New York, to the position of Police Patrolman at a salary of \$6,300. per annum effective November 13, 1967.

Seconded by Councilman Holbrook

All voted Aye

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(678) Councilman Holbrook offered the following resolution:

WHEREAS, Certification of Eligibles #67121, Legal Stenographer (RC-NCP), dated October 19, 1967, furnished by Rockland County Personnel Office contains the name of Frances Sikora, and she having indicated her willingness to accept the appointment as Legal Stenographer in the Town Attorney's Office, now therefore, upon recommendation of Donald S. Tracy, Town Attorney, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of Frances E. Sikora, of 17 Primrose Lane, New City, New York, to the position of Legal Stenographer in the Town Attorney's Office, at a salary of \$5,323.50 per annum effective immediately.

Seconded by Councilman Frohling

All voted Aye

(679) Councilman Damiani offered the following resolution:

WHEREAS, Certification of Eligibles, Typist, CR-1 67-145, dated October 20, 1967 and furnished by Rockland County Personnel Office, has been canvassed,

AND WHEREAS, the said eligibles list contains the name of Vera McKeever, she having indicated her willingness to accept the appointment,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of Vera McKeever, of Helene Road, Valley Cottage, New York, to the position of Typist in the Town Comptroller's Office at a salary of \$3796 per annum effective immediately.

Seconded by Councilman Holbrook.

All voted Aye.

(680) Councilman Holbrook offered the following resolution.

WHEREAS, the Rockland County Personnel Office has certified that the position of typist in the Clarkstown Parks Board and Recreation Commission can now be established,

NOW THEREFORE BE IT RESOLVED, that the position of Typist in said Commission's Office be and the same is hereby established as of this date.

Seconded by Councilman Damiani.

All voted Aye.

(681) Councilman Damiani offered the following resolution:

WHEREAS, the position of Typist in the Clarkstown Parks Board and Recreation Commission has been established, upon certification of the Rockland County Personnel Office,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Provisional appointment, pending examination of Karol Lee Rawson, of 160 N. Main St., New City, New York, to the position of Typist in the office of Clarkstown Parks Board and Recreation Commission, at salary of \$3796.00, per annum effective & retroactive to Sept. 25, 1967.

Seconded by Councilman Holbrook.

All voted Aye.

(682) Councilman Holbrook offered the following resolution:

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(682) continued

WHEREAS, Linda Modafferi has been determined eligible for the provisional appointment to the position of Senior Registry Clerk in the Town Clerk's Office, by Rockland County Personnel Office, and she having indicated her willingness to accept such provisional appointment

now, therefore, upon recommendation of Anne E. O'Connor, Town Clerk, be it

RESOLVED, that the Supervisor be execute the necessary Civil Service form for the Provisional appointment, pending examination of Linda Modafferi of Undercliff Drive, Upper Nyack, New York, to the position of Senior Registry Clerk in the Town Clerk's Office, at a salary of 4,602.00 per annum effective immediatley.

Secoended by Councilman Damiani.

All voted Aye.

(683) Councilman Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified that the position of SECRETARY, PART-TIME, for the Clarkstown Conservation Advisory Council can now be established,

NOW THEREFORE BE IT RESOLVED, that the position of SECRETARY, PART-TIME, for said Council be and the same is hereby established as of this date.

Secoended by Councilman Frohling.

All voted Aye.

(684) Councilman Holbrook offered the following resolution:

WHEREAS, the position of Secretary, Part-Time, for the Clarkstown Conservation Advisory Council, has been established, upon certification of the Rockland County Personnel Office, and Lynn F. VanderBusch having indicated her willingness to accept an appointment to said position,

now therefore, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of LYNN F. VAN DER BUSCH, of 45 Fernwood Drive, New City, New York, to the position of Secretary, part-time, to the Clarkstown Conservation Advisory Council, at a salary of \$400.00 per annum effective immediately.

Secoended by Councilman Frohling.

All voted Aye.

(685) Councilman Holbrook offered the following resolution:

RESOLVED, that the Supervisor be and he is hereby authorized to transfer from CURRENT SURPLUS-GENERAL Account to the Accounts as hereinafter listed, the following sums of money:

- (1) To Supervisor-Employees' Compensation Account, the sum of \$390.00;
- (2) To Town Engineer - Employees' Compensation Account, the sum of \$1,728.00;
- (3) To Sewer Department Construction - Employees' Compensation Account, the sum of \$2,114.00;
- (4) To Clarkstown Parks Board & Recreation Commission - Employees' Compensation Account, the sum of \$1,022.00;
- (5) To Summer Help Temporary-General Account, the sum of \$19,399.08.

Secoended by Councilman Damiani.

All voted Aye.

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(686) Councilman Damiani offered the following resolution:

RESOLVED, that Charles Cassels, Administrative Assistant to the Planning Board be authorized to attend the Regional Plan Conference in New York City on October 31st, 1967, and be it

FURTHER RESOLVED, that all expenses incurred be made a proper town charge.

Seconded by Councilman Holbrook

All voted Aye

Trial Balance, dated September 30, 1967 noted by the Town Board; filed in Town Clerk's Office.

Town Engineer informed Board re drainage problem existing on Elinor Place (Burke); easements have not come in as yet; Town Engineer's Office working on same.

Highway Superintendent working up list of dates and areas for leaf-pickup program. Mr. Barr (school) willing to circulate letters of dates and times when determined,

(687) Councilman Brenner offered the following resolution:

Local Law No. 8-1967 -- Page 12

Councilman Brenner requested Police Chief to look into traffic on streets going from West Nyack Road to Route 59.

(688) Councilman Holbrook offered the following resolution:

WHEREAS, Councilman Martin E. Holbrook, a member of the Town Board of the Town of Clarkstown, has introduced a local law entitled "LOCAL LAW ESTABLISHING AN HISTORICAL REVIEW BOARD WITHIN THE TOWN OF CLARKSTOWN", and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest that a local law providing for the establishment of an historical review board be adopted;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law be had at the Board Room in the Town Hall, 10 Maple Avenue, New City, New York, on the 15th day of November 1967, at 8:30 o'clock in the evening, 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, Nyack, New York, and posted 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 and posted as aforesaid and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Damiani

All voted Aye

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TOWN OF CLARKSTOWN

LOCAL LAW NO. 8 1967LOCAL LAW REGULATING GARBAGE RE-
MOVAL IN THE TOWN OF CLARKSTOWN

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

Section 1. LEGISLATIVE INTENT AND DEFINITIONS

I. Legislative Intent.

The great influx of people into the Town of Clarkstown has resulted in the garbage collection industry becoming an important factor in the community. Proper collection results in the preservation of the appearance of the municipality and the prevention of health hazards. Also, the convenience and financial well being of the citizenry is affected by proper regulation of the industry.

The Town Board, on January 10, 1966, appointed a Citizen's Committee to investigate all phases of the industry in the town. On July 6, 1967, the Citizen's Committee reported their findings to the Town Board.

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The Town Board seeks to properly regulate the garbage collection industry based on the findings of the Citizen's Committee and other evidence supplied to them. It is the intention of the Town Board to maintain prompt, efficient, clean and courteous service by the garbage collection industry at reasonable prices.

II. Definitions:

a. The term "garbage" whenever used in this local law shall be deemed to mean material, goods, wares, and merchandise and any ingredients, parts or by-products thereof sold, offered for sale, manufactured, processed, repaired or assembled by businesses or commercial firms who have discarded waste whether animal, fish, fowl, fruit, or vegetable matter resulting from the use, storage and growth of food for human consumption and including spoiled food, garden and tree fruits and vegetables, tin, glass or other food containers, discarded combustible and non-combustible waste materials, swill, ashes, offal, the residue from the combustion of wood, coal, coke, charcoal and other combustible material, newspapers, paper, rags, cartons, boxes, excelsior, straw, rubber, leather, metals, mineral matter, crockery, properly packed grass and yard trimmings, dust and sweepings from buildings. Garbage shall not be deemed to include the carcasses of animals, tree branches, and rocks and stones.

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b. The term "person" whenever used in this local law shall be deemed to mean any individual, group of individuals, corporation, firm, association or partnership and includes the plural as well as the singular, and the feminine as well as the masculine genders.

Section 2. PERMIT REQUIRED

No person shall engage in the business of collecting, removing, or transporting garbage in the Town of Clarkstown without first obtaining from the Sanitation Commission a permit to carry on such business in the Town and an appropriate identification card for each vehicle used in such business.

Section 3. FEES

The fee for a permit to engage in the business described in this local law shall be ~~\$100.00~~ plus ~~\$50.00~~ for each vehicle used in such business, annually, which fee shall be payable to the Sanitation Commission prior to the issuance of the permit. Fees shall not be pro-rated, except as herein stated, provided, however, in the event of sale of a business, the new licensee shall pay a license fee of one half the usual fee if new permit is obtained after July 1st in any year.

Section 4. ISSUANCE OF PERMITS AND IDENTIFICATION CARDS;
APPLICATIONS

a. The Sanitation Commission is hereby authorized to grant permits and identification cards under their hands and to be sealed with the corporate seal of the Town.

b. All applications for permits and identification cards shall be made by the applicant on forms to be provided by the Town Clerk. Said applications shall set forth the

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name, business and residence address of the applicant, the names and residence addresses of the officers and stockholders or partners if the applicant is a corporation or partnership, whether the applicant, any partner, stockholder or corporate officer, has been convicted of a misdemeanor or felony, a statement of the number, type, and kinds of vehicles to be used by the applicant, including their unladen weight and capacity, trade name, body type, serial and motor numbers and State registration number, the kind of service the applicant desire to perform in the Town and such other information as may be required by the Sanitation Commission, and supplementary applications shall be verified by the applicant; if a partnership, by one of the partners; if a corporation, by one of its officers.

c. The said application form must have endorsed upon it the written approval of the Chief of Police of the Town.

d. Within five (5) days of the occurrence of any change in the facts stated in any application, the applicant shall report the same in a supplementary application to the Sanitation Commission. If additional vehicles are used in such business, an additional, pro-rated fee shall be paid for such additional vehicle. All changes made on any permit or identification card shall be made only by the Sanitation Commission.

Section 5. CHARGES

The charges to be made for collection service shall not exceed the following amounts:

a. Private residences - \$3.00 per month for a maximum of four (4) garbage pails; an additional \$1.50 per month for each garbage pail over the maximum of four (4). The garbage pail

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shall be the standard 20 or 25 gallon can.

Provided, however, that members of the garbage collection industry charging less than the maximum rates set forth herein may not raise their fees to the maximum rates set forth herein without obtaining the approval of the Sanitation Commission after notice and public hearing.

Provided, however, that members of the garbage collection industry may petition the Sanitation Commission for permission to charge rates in excess of the maximum rates set forth herein. The Sanitation Commission may grant said permission after notice and public hearing, provided said higher rates are fair and reasonable, in the public interest, and supported by evidence.

b. Commercial establishments and multiple dwellings-- the fee shall be negotiated between the owner and the collector.

Section 6. INSURANCE REQUIREMENTS

Each applicant for a license shall file with the Sanitation Commission evidence in the form of a certificate of insurance that a policy of liability insurance is in full force and effect with limits of not less than \$250,000/500,000 covering bodily injury and property damage, and covering the applicant and each and every vehicle engaged in the collection of garbage, which policy shall be endorsed to indemnify and save harmless the Town of Clarkstown from any and all claims for personal injury or property damage arising out of the operations of the applicant covered by the permit and the operation, ownership and maintenance of any vehicle used by the applicant in the Town. Each applicant shall file with the Sanitation Commission evidence in the form of a certificate of

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insurance that the proper workmen's compensation insurance is in force and effect covering each and every person employed by the applicant in the collection of such garbage, rubbish and trade waste. Said certificates of insurance shall be approved by the Town Attorney. The insurance policies shall have a term which will expire December 31st of the permit year.

Section 7. TERM OF LICENSE

All licenses issued under this local law shall be granted for a term to end on the 31st day of December next following the issuance thereof.

Section 8. RENEWALS

Except as herein otherwise provided, any person having been duly granted a permit and identification card in any previous year may obtain a renewal of the same for the succeeding year upon payment of a renewal fee of the same amount as required for the original issue and filing the insurance certificates required herein and upon a sworn statement to the Sanitation Commission that there has been no change in the original application or any subsequent supplementary application and the written endorsement on the renewal application form of the approval of the Chief of Police of the Town.

Section 9. REFUSAL AND REVOCATION OF PERMITS FOR UNFITNESS

A permit may be refused or revoked if the applicant, any partner, stockholder or corporate officer shall have been convicted of a misdemeanor or felony which in the judgment of the Sanitation Commission renders the applicant unfit or un-

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desirable to carry on the trade or occupation involved herein. The Sanitation Commission may also refuse a license to any person who in their judgment shall be an undesirable person or incapable of conducting the trade or business involved herein. The granting, refusal, or revocation of such license by the Sanitation Commission shall be subject to review by certiorari.

Section 10. OBLIGATIONS OF PERMITTEE

The unreasonable refusal to comply with the following regulations shall be grounds for revocation of the permit:

- a. A permittee shall, between the hours of 6 a.m. and 6 p.m. of the business day excluding Saturdays, Sundays and holidays, be required to furnish such service to the public as herein provided.
- b. The permittee may work on Saturdays or holidays in his or its individual discretion.
- c. An identification card shall be carried on each vehicle used in the permittee's business and shall be exhibited on demand of property owner where collection is being made or by the Clarkstown Police.
- d. The permittee shall render efficient, reliable, quiet, and courteous service at all times.
- e. The permittee shall not arbitrarily discontinue service to any customer. In the event that any customer fails to pay for the services rendered for a period of three (3) consecutive months, service may be discontinued by the permittee by giving a notice in writing to the customer, registered mail, return receipt requested, with a copy to the Sanitation Commission.
- f. The permittee shall make a minimum of two collections per week.

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- g. The permittee shall not refuse to collect garbage although there is no separation of materials.
- h. The collector shall pick up any garbage which is dropped by him.
- i. The permittee shall park its vehicle as far off the road as is possible.
- j. The permittee shall continue to make pick-ups at the present locations and no customer is required to place cans along the street for pick-up.
- k. Permittee shall bill customers, at least, bi-monthly.

Section 11. OBLIGATIONS OF CUSTOMERS

- a. The customer must purchase its own containers.
- b. All garbage must be in the containers. The collector shall not be required to collect any garbage which is not placed therein.
- c. The customer shall not require collections from the interior unless an extra charge shall be mutually agreed upon with the collector.

Section 12. NON-ASSIGNABILITY OF PERMITS

A permit shall not be assignable. Any holder of a permit granted under this local law who allows it to be used by any other person, and any person who uses a permit granted to any other person shall be each guilty of a violation of this local law.

Section 13. VEHICLES

- a. The vehicles to be used by collectors of garbage shall have been inspected and approved by the Rockland County Health Department, whose inspection certificate signed by a

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sanitary inspector shall be exhibited to the Sanitation Commission, and shall be so constructed as to make impossible the spilling or leakage of garbage, and in transporting such materials through the Town, the vehicle shall be covered in such manner that none of the contents can spill on Town roads. Any garbage falling to the streets or roads in the said Town must be immediately cleaned up.

b. The permittee must keep all vehicles clean, sanitary and neatly painted and shall wash, clean, and disinfect such vehicles at least once a week.

Section 14. CREATION AND ORGANIZATION OF THE SANITATION COMMISSION

The Town Board is hereby authorized and empowered to create a Sanitation Commission which shall consist of five members, one of whom shall be a representative of the garbage collection industry. The members of the Sanitation Commission shall be appointed by the Town Board and the Town Board shall designate one member to act as chairman for a one year term. The Town Board may provide for compensation to be paid to said members, experts, clerks, and a secretary and provide for such other expenses as may be necessary and proper, not exceeding in all the appropriations that may be made by the Town Board for such Sanitation Commission. The Town Board is hereby authorized to make such appropriation as it may see fit for such expenses, however, such expenses shall be a charge upon the taxable property of that part of the Town outside of incorporated villages. Of the members first appointed, 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

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be appointed for a term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by the Town Board by appointment for the unexpired term. The members of the Sanitation Commission shall serve at the pleasure of the Town Board. Meetings of the Sanitation Commission shall be held at such times at the call of the Chairman. Three members of such Commission shall constitute a quorum for the transaction of business. All meetings of such Commission to be open to the public, and the Commission shall keep minutes of its proceedings, showing the vote of each member upon any question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and official actions. Every rule, regulation, every amendment or repeal thereof, and every requirement, decision or determination of the Commission shall immediately be filed in the office of the Town Clerk and shall be a public record. The Commission shall have the power to adopt, amend and repeal rules and regulations after a public hearing by the Sanitation Commission and subject to the approval of the Town Board governing its procedure and the transaction of business.

Section 15. POWERS OF THE SANITATION COMMISSION

The Sanitation Commission shall have the following powers in order to further the purposes of this local law:

- a. Power to investigate all violations of this local law and any grievances reported by customers and the garbage collection industry.
- b. Power to take testimony concerning violations of this local law, grievances of customers and the garbage collection industry and petitions for higher rates.

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c. Power to hold public hearings on ten (10) days notice by publication in the official newspaper of the Town of Clarkstown, together with written notice by registered mail to the members of the garbage collection industry involved.

d. All other powers granted herein.

Section 16. PENALTIES

a. Any person, firm, or corporation collecting garbage in the Town of Clarkstown without a permit or violating any of the provisions of this local law shall be guilty of an offense against this local law, and upon conviction, shall be punishable by a fine of not more than One Hundred (\$100.00) Dollars.

b. Any person, firm or corporation who knowingly gives false information upon any application for a permit, or renewal thereof, or who conceals any conviction of a misdemeanor or a felony by any individual, partner, stockholder, or corporate officer, or who allows another person to use the permit issued to himself or itself, or who unreasonably refuses to comply with the regulations of Sec. 10 herein, shall suffer revocation of their permit.

c. Any act stated herein to be grounds for revocation of a permit shall result in a revocation of said permit by order of the Sanitation Commission after notice and public hearing.

Section 17. RELATION TO STATE SANITARY CODE

Nothing in this local law shall be construed to supercede the minimum standards contained in Part 19 of the State Sanitary Code which shall govern when and where any provisions of this local law are found to be inconsistent with said standards.

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Section 18. CONSTRUCTION

Nothing contained in this local law shall be construed or interpreted to make the Town of Clarkstown a party to any contract for garbage removal.

Section 19. SEVERABILITY

All ordinances and local laws or parts of ordinances or local laws heretofore enacted and inconsistent with any of the terms of provisions of this local law are hereby repealed. In the event that any portion of this local law shall be declared invalid by a court of competent jurisdiction, such invalidity shall not be deemed to affect the remaining portions hereof.

Section 20. EFFECTIVE DATE

This local law shall take effect January 1, 1968, with the exception that, prior to January 1, 1968 when the remainder of this local law goes into effect, no person, partnership, or corporation shall raise the amount being charged by them for garbage collection from private residences in the Town of Clarkstown.

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(689) Councilman Brenner offered the following resolution:

RESOLVED, that Orange & Rockland Utilities is hereby authorized to install five (5) street lights on Roosevelt Avenue, Central Nyack at the annual cost to the Town of \$234.00.

Seconded by Councilman Frohling.

All voted Aye.

Letter received from Mr. & Mrs. Leo J. Medicus, Jr., Co-Presidents of the Lakewood Parent-Teachers Association, Congers, New York, requesting that immediate steps be taken to install necessary sidewalks along Beechwood Drive, Lakeland Avenue and Lakewood Drive leading to Lakewood School.

(690) Councilman Holbrook offered the following resolution:

RESOLVED, that the Town Highway Superintendent, Chief of Police and Town Engineer, confer with the Lakewood Parent-Teachers' Association authorities to determine where suitable sidewalks should be constructed in the area of Lakewood School, Congers, and that the necessary funds for the construction of said sidewalks be allocated from the School Sidewalk Account.

Seconded by Councilman Brenner

All voted Aye

(691) Councilman Holbrook offered the following resolution:

RESOLVED, that Highway Supt. Fred J. Seeger be and is hereby authorized to expend an additional \$800.00 to complete the correction of the drainage problem existing at Pine and Endicott Avenues, Congers and be it

FURTHER RESOLVED, that said amount be charged to Construction and Installation of Surface Drainage Sewer Facilities and Appurtenances (Project #3).

Seconded by Councilman Damiani

All voted Aye

Re drainage complaint made by a Mrs. Miller, Eberling Drive; Town Engineer to check out drainage complaint and get cost estimate.

Re notification from Town Clerk that several scavengers are still delinquent in payment of scavenger fees to town; Councilman Damiani suggested that Town Clerk notify said scavengers that town will lift their permits if said fees are not paid within seven days after they are due (which is the 5th day of the month). Also requested that Town Clerk present list of delinquent scavengers to him every month if their fees are not paid on time

Re Bradley site - barricades have been placed. Town Clerk instructed to write to County Highway Superintendent thanking him for his cooperation.

(692) Councilman Frohling offered the following resolution:

WHEREAS, Councilman Philip J. Frohling, Jr., a member of the Town Board has introduced a local law entitled "LOCAL LAW REQUIRING

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STAGED CONSTRUCTION IN SUBDIVISION DEVELOPMENT*, and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest that a local law requiring staged construction be adopted;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law be had at the Board Room in the Town Hall, 10 Maple Avenue, New City, New York, on the 15th day of November, 1967, at 8:45 o'clock in the evening, 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, Nyack, New York, and posted in the manner provided by law; and it is

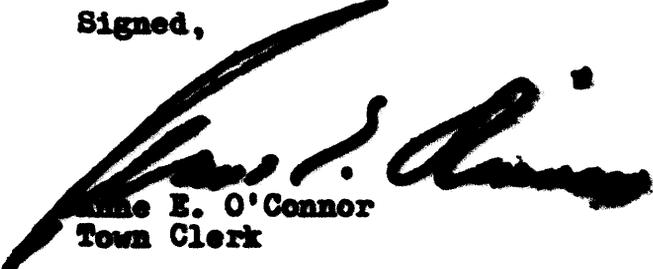
FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Damiani

All voted Aye

On resolution offered by Councilman Brenner, seconded by Councilman Holbrook and unanimously adopted, Town Board meeting was adjourned until Wednesday, 11/15/67 at 8:00 P.M.

Signed,



Anne E. O'Connor
Town Clerk