

TOWN BOARD MEETING

Town Hall

2/21/68

8:00 P.M.

Present: Councilmen Brenner, Bolander, Damiani, Frohling Supervisor Mundt
Town Attorney
First Deputy Town Attorney
Deputy Town Attorney for Special Districts
Town Clerk

Supervisor Mundt called Town Board meeting to order.

Approval and acceptance of Town Board Meeting minutes - tabled.

(131) Councilman Frohling offered the following resolution:

RESOLVED, that time for receiving bids for furnishing of summer 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 opened.

Seconded by Councilman Damiani

All voted Aye.

The following bids were received:

BEST UNIFORM CO., INC. 18 West 18th St. New York N Y.....	Total Bid: \$2,361.50
SOMES UNIFORMS 65 State Highway 17 Paramus, N.J.....	" 2,785.70
MERSON UNIFORM CO., INC. 254-8 Canal St., New York 13 N Y.....	" 2,297.95

All bids turned over to Police Chief for his recommendation.

(131a) Councilman Frohling offered the following resolution:

RESOLVED, that the Merson Uniform Co., Inc., 254-8 Canal St., New York, is awarded the bid for furnishing of summer Police Uniforms-\$2,297.95.

(132) Councilman Brenner offered the following resolution:

WHEREAS, the Nyack Community Nursery School is a participant of the Headstart program which contributes substantially to the welfare of the community, and

WHEREAS, the cost for each child helped under said is approximately \$1,500.00 of which the Federal government provides 90% thereof, and

WHEREAS, there remains to be paid \$150.00 per child for approximately 15 children originating from the Town of Clarkstown, and

WHEREAS, the Federal government will pay approximately \$20,250.00 for the benefit of said Clarkstown children, leaving the Nyack Community Nursery School short the sum of \$2,250.00, and

WHEREAS, it is to the public benefit and great interest of the Town of support the Headstart program, now, therefore, be it

RESOLVED, that the Town of Clarkstown grant to the Nyack Community Nursery School the sum of \$2,250.00 for the calendar year of 1968 for its participation in the Headstart program, and be it further

RESOLVED, that the sum of \$2,250.00 be transferred from CURRENT SURPLUS-GENERAL to the NYACK COMMUNITY NURSERY SCHOOL ACCOUNT.

Seconded by Councilman Damiani

All voted Aye.

(representing North Nanuet Civic Assoc.)

Mr. Gad Hakeram/appeared before Town Board seeking support in opposition to expansion of Ramapo Valley Airport; stating Co. Airport Feasibility Study incorrect.

(133) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Clerk of the Town of Clarkstown is hereby authorized to contact Dr. William J. Ronan, Chairman of the Metropolitan Commuter Transportation Authority, informing him that the Town Board of the Town of Clarkstown is in agreement with representatives of the North Nanuet Civic Association and the North Pascack Civic Association in objecting to the expansion of the Ramapo Valley Airport, in Nanuet, N.Y.

Seconded by Councilman Bolander.

All voted Aye.

Zoning Board of Appeals and Building Inspector's Office monthly report for the month of January 1968 received and noted by Town Board. Ordered filed in Town Clerk's Office.

Recommendation made by Police Chief re area of Congers Elementary School (Lakeland Avenue - Beechwood Dr.). He stated this does not come within scope of New York State Motor Vehicle and Traffic Law interpretation of a school zone; the 15 MPH zone signs or School Zone signs are not applicable at this location according to Art. 37 Sec. 1622 Par. 1 school entrance and dismissal times pending the construction of sidewalks on these roads in the spring.

(134) Councilman Brenner offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to sign Hydrant Order and Sketch authorizing Spring Valley Water Co. to install one (1) hydrant of north side of Deer Meadow Drive, approximately 240 feet west of the center line of Woodcock Road as approved by the Town Engineer.

Seconded by Councilman Frohling.

All voted Aye.

Town Board signed the following Performance Bonds, approving same as to form and sufficiency:

GLEN RIDGE SUBDIV (MELLEN & SHAFFER)
Bond #901687 (Republic Insurance Co.)
Amount: \$60,000.00
Period Covered: Two years - 2/9/68 - 2/8/70
Covers: Roads

Bond #901688 (Republic Insurance Co.)
Amount: \$28,500.00
Period Covered: 2 yrs - 2/9/68 - 2/8/70
Covers: Sewers

(135) Councilman Damiani offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has duly established Sewer District No. 18, in said Town, and authorized construction of a sewer system therein and adopted on July 13, 1964, the bond resolution entitled:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED JULY 13, 1964, AUTHORIZING
\$1, 196,000 FOR THE CONSTRUCTION OF A LATERAL
SEWER SYSTEM IN SEWER DISTRICT NO. 18, IN
THE TOWN OF CLARKSTOWN AND AUTHORIZING
THE INSURANCE OF \$1, 196, 000 SERIAL BONDS OF
SAID TOWN TO FINANCE SAID APPROPRIATION

and

WHEREAS, the period of probable usefulness of said specific object or purpose for which said bonds authorized by said resolution are to be issued within the limitations of Section 11.00 a. 4. of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended, is forty (40) years; and

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(135-) WHEREAS, following receipt of bids for construction of such sewer system and due to generally increased costs of lab or and material, preliminary costs and costs incidental thereto, said Town Board has duly authorized an increase in the maximum amount to be expended for construction of such sewer system from \$1, 196, 000 to \$1, 700, 000 pursuant to Section 209-h of the Town Law; now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board) AS FOLLOWS

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 13, 1964 AND AMENDED FEBRUARY 21, 1968 APPROPRIATING \$1,700,000 FOR THE CONSTRUCTION OF A SEWER SYSTEM IN SEWER DISTRICT NO. 18, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$1,700,000 SERIAL BONDS OF THE TOWN TO FINANCE SAID

APPROPRIATION.

Recitals

WHEREAS, following preparation of a general map, plan and report for providing a lateral sewer system, including equipment and appurtenances, in Sewer District No. 18 (herein called "District") proposed to be established in the Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), and after a public hearing duly called and held, the Town Board of said Town of Clarkstown determined, pursuant to resolution duly adopted on March 9, 1964 subject to permissive referendum, that the notice of such hearing was published and posted as required by law and is otherwise sufficient; that all the property and property owners within the district proposed to be established, are benefited thereby; that all the property and property owners benefited are included within the limits of the district; and that the establishment of the sewer district is in the public interest and approved the establishment of the district and the construction of such lateral sewer system, including equipment and appurtenances therein; and

WHEREAS, no petition signed and acknowledged by the owners of taxable real property situate in the proposed district, in said Town, as prescribed by 209-e of the Town Law protesting against said resolution and requesting that said resolution be submitted to the owners of such taxable real property for their approval or disapproval has been filed with the Town Clerk within thirty (30) days after the date of the adoption thereof, or at any other time since said adoption; and

WHEREAS, said Town Board duly adopted an order on July 13, 1964, establishing such sewer district, therein designated Sewer District No. 18, in the Town of Clarkstown, and ordering construction of said lateral sewer system, including equipment and appurtenances therein, at a cost not to exceed \$1,196,000; and

WHEREAS, due to generally increased costs of labor and materials, preliminary costs and costs incidental thereto said Town Board has estimated the maximum cost of constructing said sewer system to be \$1,700,000, being an increase of \$504,000; and

WHEREAS, pursuant to Section 209-h of the Town Law, after a public hearing duly called and held, following receipt of an Order of the Comptroller of the State of New York, dated December 6, 1967, approving the application of the Town Board to increase the maximum amount to be expended from \$1,196,000 to \$1,700,000, the Town Board on January 17, 1967 adopted an Order, subject to permissive referendum, determining that it is the public interest to so increase the maximum amount to be expended for construction of a sewer system in the District, and ordering such increase; and

WHEREAS, no petition signed and acknowledged by the owners of taxable real property situate in the District, against said Order and requesting that said Order be submitted to the owners of taxable real property for their approval or disapproval has been filed with the Town Clerk within thirty (30) days after the date of the adoption thereof, or any other time since adoption; now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), hereby appropriates the

amount of \$1,700,000 for construction of a lateral sewer system, including land or rights in land, buildings and original furnishings, equipment, machinery and apparatus required therefor in the District, all as hereinabove referred to in the recitals of this resolution, and all in accordance with the map, plan and estimates prepared by Nussbaumer, Clarke & Velzy, P.E., Consulting Engineers, duly licensed by the State of New York, on file in the office of the Town Clerk and heretofore approved by the Town Board of said Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000 and the plan of financing includes the issuance of serial of the Town in the principal amount of \$1,700,000 and the assessment, levy and collection of assessments on the several lots and parcels of land within the District to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. To finance the said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$1,700,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York herein called "Law".

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purposed for which the bonds authorized by this resolution are to be issued, within the limitations of 11.00 a. 4 of the Law, is forty (40) years.

(b) Current funds are not required by law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation thereof, pursuant to Section 107. 00 d. 3 (i) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution may exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof shall contain the recital of validity prescribed by 52.00 of the Law and said bonds and notes shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and notes and provision shall be made annually in the budgets of the Town by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of 30.00 relative to the authorization of the issuance of bond anticipation notes and 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and content and as to the sale and issuance of the bonds hereby authorized and of any notes issued in anticipation thereof are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purposed for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constition.

Section 7. This resolution shall take effect immediately.

Section 2. The amendment of the bond resolution set forth in Section 1 of this resolution shall in no way effect the validity

of any liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have taken pursuant to said bond resolution as herein amended.

Section 3. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, as amended, in full, in "THE JOURNAL-NEWS", a newspaper published in the Village of Nyack, New York, having a general circulation in said Town of Clarkstown, New York, and hereby designated as the official newspaper of said Town for such publication, together with the Town Clerk's statutory form of notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 4. This resolution shall take effect immediately.

Seconded by Councilman Brenner

All voted Aye.

(136) Councilman Damiani offered the following resolution:

RESOLUTION WITH PREVIOUS RESOLUTION

(137) Councilman Brenner offered the following resolution:

RESOLVED, that bid for the furnishing of One (1) New 2 Cu. Yrds. Wheel Mounted 4-Wheel Drive Front End Loader at cost to town of \$14,811.05 be awarded to Dale Rankin, Inc., 669 Route 17, Paramus, New Jersey.

Seconded by Councilman Damiani

All voted Aye.

(138) Councilman Damiani offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 21, 1968, APPROPRIATING \$12,000 FOR THE IMPROVEMENT OF BIRCHWOOD AVENUE, A TOWN HIGHWAY, IN SPRING VALLEY, IN SAID TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$12,000 AND AUTHORIZING THE ISSUANCE OF \$12,000 SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, following a public hearing duly called and held for the improvement of Birchwood Avenue (herein called "Improvement"), in Spring Valley, in the Town of Clarkstown, in the County of Rockland, New York, (herein called "Town") by paving approximately 727 lineal feet thereof, at an estimated maximum cost of \$12,000, the Town Board in the Town determined, pursuant to resolution duly adopted on January 17, 1968, subject to permissive referendum, that the notice of such hearing was published and posted as required by law and is otherwise sufficient; that all the property and property owners within the improvement area therein described are benefited thereby; that all the property and property owners benefited are included within the improvement area; and approved the Improvement pursuant to the definite plans, specifications and estimate of cost prepared by the Town Engineer;

WHEREAS, no petition signed and acknowledged by the owners of taxable real property situate in the improvement area, in the Town, as prescribed by Section 200 of the Town Law protesting against said resolution and requesting that said resolution be submitted to the owners of such taxable real property for their approval or disapproval has been filed with the Town Clerk within thirty (30) days after the date of the adoption thereof, or at any other time since said adoption and it is now necessary and advisable to provide for financing such cost by the issuance of bonds;

NOW THEREFORE, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE

COUNTY OF ROCKLAND, NEW YORK, (by the favorable vote of not less than two thirds of all the members of said Board) as FOLLOWS:

Section.1. The Town hereby appropriates the amount of \$12,000 for the construction and installation of approximately 727 feet of flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous concrete wearing surface on and along Birchwood Avenue, a Town highway, in Spring Valley, in the Town, including gutters, drainage, landscaping and grading and improving the rights of way and improvements in connection therewith, all in accordance with the map, plan and specifications prepared by the Town Engineer, hereinabove referred to in the Recital hereof, and authorized to be constructed pursuant to and as described insaid resolution duly adopted by the Town Board on January 17, 1968. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$12,000 and the plan of financing is the issuance of serialbonds of the Town in the principal amount of \$12,000 and the assessment, levy and collection of assessment from the several lots and parcels of land which the Town Board shall deem especially benefited thereby to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. To finance the said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$12,000, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law").

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued within the limitations of paragraph 11.00 a. 20 (c) of the Law, is fifteen (15) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution, or any notes in anticipation thereof pursuant to Section 107.00 3(i) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution may exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any notes in anticipation thereof shall contain the recital of validity prescribed by paragraph 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budgets of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Pursuant to the provisions of this resolution and pursuant to the provisions of paragraph 30.00 relative to the authorization of the issuance of bond anticipation notes and of paragraphs 50.00 to 60.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of said bonds and any notes issued in anticipation of said bonds, or the renewals thereof, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

* * *

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

AYES: Councilmen Bolander, Brenner, Damiani, Frohling,
Supervisor Mundt
NOES: none

The resolution was declared unanimously adopted.

(139) Councilman Damiani offered the following resolution and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, is hereby directed to publish the foregoing bond resolution, in full, in "THE JOURNAL -NEWS", a newspaper published in Nyack, New York, having a general circulation in said Town and hereby designated as the official newspaper of said Town for such publication, together with the Town Clerk's statutory notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

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

AYES: Councilman Bolander, Brenner, Damiani, Frohling,
Supervisor Mundt
NOES: none.

The resolution was declared unanimously adopted.

Seconded by Councilman Brenner.

All voted Aye.

(140) Councilman Brenner offered the following resolution:

WHEREAS, the Town of Clarkstown wishes to construct a sewerage ejector station on the east side of Western Highway on the property of Pennsylvania New York Central Transportation Company;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute a one-year lease with said Pennsylvania New York Central Transportation Company for this property, said lease to be a liability of Sewer District No. 21.

Seconded by Councilman Bolander

All voted Aye.

(141) Councilman Brenner offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 21, 1968, APPROVING THE IMPROVEMENT OF ROOSEVELT AVENUE, IN SAID TOWN, AT AN ESTIMATED MAXIMUM COST OF \$13,000, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board" and "Town," respectively), duly adopted a resolution on August 17, 1966, calling a public hearing for the improvement of Roosevelt Avenue, in Central

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Nyack, in the Town by paving thereof, and directing the Town Clerk to prepare an Order Calling Public Hearing for September 7, 1966, at 9:15 o'clock P.M. (D.S.T.) at the Board Room, Town Hall, 10 Maple Avenue, New City, in the Town, and such Order recited a description of the improvement proposed, the maximum amount proposed to be expended for said improvement, and the area benefited, and specifying the time when and the place where, the Town Board would meet to consider said improvement and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Section 200 of the Town Law; and

WHEREAS, a public hearing in the matter was duly held by said Town Board at said time and place, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed improvement;

NOW THEREFORE, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that

(a) the Order Calling Public Hearing was published and posted as required by law, and is otherwise sufficient;

(b) all the property and property owners included within the improvement area are benefited thereby;

(c) all the property and property owners benefited are included within the improvement area;

(d) it is in the public interest to make the improvement.

Section 2. The improvement of a portion of Roosevelt Avenue by paving approximately 1,400 lineal feet thereof, is hereby approved pursuant to definite plans and specifications and estimate of the cost prepared by the Town Engineer and the proposed contract for the work prepared by said Engineer with the assistance of the Town Attorney pursuant to a resolution duly adopted by the Town Board on September 7, 1966. The offer of dedication of the portion of said Avenue to be improved as herein provided and described is hereby accepted. The benefited area shall be all the real property fronting or abutting on both sides of the improvement, more particularly described as follows:

BEGINNING at the point of intersection formed by the Northerly Right of Way line of Roosevelt Avenue with the Easterly Right of Way line of SCHUYLER ROAD said point being distant 518.30 as measured along the Easterly Right of Way line of SCHUYLER ROAD on a bearing of S 1°-29'-05" East from the Southerly Right of Way line of WALDRON AVENUE running thence:

1. N 84°-16'-20" East along the Northerly Right of Way line of Roosevelt Avenue a distance of 1403.06 feet to a point on the Westerly Right of Way line of TOWT STREET thence,
2. S 21°-31'-45" West along the Westerly Right of Way line of TOWT STREET a distance of 56.24 feet to a point on the Southerly Right of Way line of ROOSEVELT AVENUE thence,
3. S 84°-16'-20" West along the Southerly Right of Way line of ROOSEVELT AVENUE a distance of 1381.00 feet to a point on the Easterly Right of Way line of SCHUYLER ROAD thence,
4. N 1°-29'-05" West along the Easterly Right of Way line of SCHUYLER ROAD a distance of 50.15 feet to the point or place of BEGINNING.

Section 3. The maximum amount proposed to be expended for the improvement of Roosevelt Avenue, by paving thereof, including gutters, drainage, landscaping, grading or improving the rights of way, is \$13,000, which is planned to be financed by the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the benefited area which the Town Board shall deem especially benefited, pursuant to the Town Law, to pay the principal of and interest on said bonds.

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Section 4. This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the owners of taxable real property situate in the proposed benefited area, as shown upon the latest completed assessment roll of the Town, pursuant to Section 200 of the Town Law, protesting against this resolution and requesting that the matter be submitted to the owners of taxable real property situate in the proposed benefited area at a referendum in the manner provided by the Town Law.

Seconded by Councilman Frohling

On roll call the vote was as follows:

AYES: Councilmen Brenner, Frohling, Damiani, Supervisor Mundt
ABSTENTION: Councilman Bolander

(142) Councilman Brenner offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, shall, within ten (10) days after the adoption by the Town Board of said Town, of the resolution entitled:

"Resolution of the Town of Clarkstown, New York, adopted February 21, 1968, approving the improvement of Roosevelt Avenue, in said Town, at an estimated maximum cost of \$13,000, and providing that such resolution shall be subject to permissive referendum,"

caused to be published at least once in the "JOURNAL - NEWS," the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law and in at least five (5) public places in and along the Roosevelt Avenue improvement area, a Notice which shall set forth the date of adoption of said foregoing resolution and contain an abstract thereof, concisely stating its purpose and effect.

Section 2. Said Notice shall be in substantially the following form:-

(143) Councilman Brenner offered the following resolution:

WHEREAS, the Town Board of the town of Clarkstown, by resolution at a Town Board meeting of December 20, 1967, adopted the following resolution:

"RESOLVED, that THRU TRUCKING by vehicles of 3 tons or more be prohibited on Strawtown Rd. from Old Mill Rd. southerly to Rt. 59A (W. Nyack Rd.) and be it further

RESOLVED, THRU TRUCKING by vehicles of 3 tons or more be prohibited on Old Mill Rd. from Strawtown Rd. to Kings Highway, and be it

FURTHER RESOLVED that the Supt. of Highways be instructed to install the appropriate signs."

and

WHEREAS, Section 1660 (11) of the Vehicle and Traffic Law indicates that the Town may temporarily exclude from any portion of any Town highway any vehicle with a gross weight of over four or more tons, or any vehicle with a gross weight in excess of any designated weight on any wheel, axle, etc., and

WHEREAS, the aforesaid section further provides that notice that such vehicle shall be excluded shall be published in a newspaper in the County where the highway is situated;

NOW THEREFORE, be it

RESOLVED, that the above-referenced resolution adopted by the Town Board on December 20, 1967 is hereby rescinded, and be it

FURTHER RESOLVED, that on a temporary basis and until the completion of a study to be conducted, thru trucking by vehicles of four tons or more is prohibited on Strawtown Road from Old Mill Road

southerly to Rt. 59A (W. Nyack Rd.) and be it

FURTHER RESOLVED, that on a temporary basis and until the completion of a study to be conducted, thru trucking by vehicles of four tons or more is prohibited on Old Mill Road from Strawtown Road to Kings Highway, and be it

FURTHER RESOLVED, that the Supt. of Highways is hereby instructed to install the appropriate signs, and be it

FURTHER RESOLVED, that the Town Clerk be directed to publish notice of this resolution in the County newspaper as prescribed by law.

Seconded by Councilman Damiani

All voted Aye.

Mr. David Knarich, 5 Marie Curie Place, New City, N.Y. submitted resignation as member of Historical Review Board. Town Board accepted same with regret.

(144) Councilman Frohling offered the following resolution:

RESOLVED, that Mrs. Patricia Paiken, 61 Convent Road, Nanuet, N Y is hereby appointed to serve on the Clarkstown Historical Review Board.

Seconded by Councilman Damiani

All voted Aye.

(145) Councilman Damiani offered the following resolution:

RESOLVED, that resignation of Frederick G. Busch as Licensed Professional Engineer for the Town of Clarkstown is accepted effective March 15th, 1968.

Seconded by Councilman Frohling.

All voted Aye.

(146) Councilman Damiani offered the following resolution:

WHEREAS, the name of William Anderson appears on Certification of Eligibles #6792, Principal Engineering Technician, dated February 5, 1968, furnished by Rockland County Personnel Office, and said William Anderson having indicated his willingness to accept a permanent appointment to said position, in the Town Engineer's Office, now, therefore, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of William Anderson of 9 Sutton Place, Monsey, New York to the position of Principal Engineering Technician in the Town Engineer's Office at a salary of \$8,658.00 per annum, effective immediately.

Seconded by Councilman Frohling.

All voted Aye.

(147) Councilman Frohling offered the following resolution:

WHEREAS, for some years last past, public transportation facilities in the Town of Clarkstown have been deteriorating; and

WHEREAS, there are compelling needs for public transportation facilities for local residents to their places of employment and for non-residents to their places of employment in Clarkstown; and

WHEREAS, it has now become desirous to establish a committee to investigate and report to the Town Board on all aspects of public transportation, which now or may hereafter become available; and

WHEREAS, there is presently established a Rockland County Advisory Board on Public Transportation; and

WHEREAS, it would be desirous to coordinate the purposed of the Town and County transportation agencies, now, therefore, be it

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(Reso # 146 con't)

RESOLVED AS FOLLOWS:

1. There is hereby established in the Town of Clarkstown a committee to be known as the Transportation Advisory Committee. This Committee shall be responsible for studying transportation problems, transportation shortages, and proposed transportation improvements and to make recommendations for possible and future implementation of public transportation facilities at the town level and to coordinate such recommendations with the Rockland County Advisory Board on Public Transportation, if there be one or with its successor or successors.

2. The Transportation Advisory Committee shall conduct such survey or surveys to ascertain the needs of local industry and the transportation of employees to and from the place of employment and place of residence and related functions.

3. The Transportation Advisory Committee shall conduct such survey or surveys to ascertain the needs of the residents as to transportation to their places of employment and to return to their places of residence and related functions.

4. The said Transportation Advisory Committee shall also survey and consider transportation routes, central or local pick-up and discharge points within the Town of Clarkstown, and shall establish liason with the various transportation companies now or hereafter operating in the Town of Clarkstown.

5. The Transportation Advisory Committee shall be appointed by the Supervisor for a term of office for one year and with the advice and consent of the members of the Town Board. All of the members of this Committee shall be residents of the Town of Clarkstown. The Committee shall consists of five (5) members, one of whom shall be the Chairman appointed by the Supervisor. The Committee shall meet at least four times per year or more often if required, and shall report its progress to the Supervisor. This Committee shall operate within the budget authorized by the Town Board or as amended from time to time.

6. This Committee shall be entitled to the advice and assistance of all departments of Town government.

Seconded by Councilman Brenner

All voted Aye.

(148) Councilman Brenner offered the following resolution:

RESOLVED, that the Town Superintendent of Highways, Fred J. Seeger, be authorized to correct drainage problem at the property of Arthur Korman, 16 Long Meadow Drive, New City N Y at a cost not to exceed \$450.00 and that said amount be charged to Construction and Installation of Surface Drainage Sewer Facilities and Appurtenances Project No. 3.

Seconded by Councilman Frohling.

All voted Aye.

Councilman Damiani requested to have recommendation re parklands - Mark Wyle - for 2/29/68 - 1PM Town Board Meeting.

Public Hearing by Department of Transportation re Route 304 Improvement (where it lets off at Ludvigh Road intersection down to Demarest - which goes across the PIP) will be held at 2PM on 2/29.

(149) Councilman Bolander offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to notify the Planning Board that the town is not disposed to purchase property in Mullane Estates Subdivision at cost of \$36,000+.

Seconded by Councilman Frohling.

All voted Aye.

Councilman Bolander stated that he would like to see Town Board proceed with as much speed as possible to assist people in area of Chestnut Grove School (five corners) with protection they are asking for their youngsters. County Highway Supt. already has plans for this. He recommends that we withhold new signalization at this time. Mr. Hall will be requested to submit his plans.

(150) Councilman Frohling offered the following resolution:

WHEREAS, the Finkelstein Memorial Library has established a Community Reading Center and has requested assistance from the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown is cognizant of the need for greater library service for the residents of the Town, now therefore, be it

RESOLVED, that the Town of Clarkstown grant to the Finkelstein Memorial Library the sum of \$8,333.33 for the calendar year of 1968 for the operation of the Community Reading Center, and be it further

RESOLVED, that said sum be transferred from CURRENT SURPLUS-GENERAL to the FINKELSTEIN MEMORIAL LIBRARY ACCOUNT.

Seconded by Councilman Brenner

All voted Aye.

(151) Councilman Brenner offered the following resolution:

WHEREAS, Maurice B. Spivak has petitioned this Board for a refund of erroneous 1968 Highway Tax on property in the Town of Clarkstown assessed to Maurice B. Spivak & W., 2 Brenda Lane, Bardonia, N Y 10954, Map 35; Block B; Lot 2.27; 1968 Tax Roll because Veterans Exemption was omitted from Tax Roll 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 \$12.98.

Seconded by Councilman Damiani

All voted Aye.

(152) Councilman Brenner offered the following resolution:

WHEREAS, Maurice B. Spivak has petitioned this Board for a refund of erroneous 1968 Zoning & Planning taxes on property in the Town of Clarkstown assessed to Maurice B. Spivak & W., 2 Brenda Lane, Bardonia, N Y, Map 35; Block B; Lot 2.27; 1968 Tax Roll because Veterans Exemption was omitted from the Tax Roll 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 \$2.63.

Seconded by Councilman Damiani

All voted Aye.

(153) Councilman Brenner offered the following resolution:

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Clarkstown in the Board Room of the Town Hall at 10 Maple Avenue, New City, Rockland County, New York, on the 19th day of June, 1968, at 8:45 P.M. for the purpose of considering the adoption of a local law to regulate the discharge of firearms within the Town of Clarkstown, County of Rockland, State of New York.

ALL parties in interest and citizens will be heard by the Town Board of the Town of Clarkstown at the public hearing to be held as aforesaid.

A copy of said proposed local law is on file in the office of the Town Clerk.

Seconded by Councilman Damiani

All voted Aye.

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Councilman Bolander read report from Don Liebert re Highway Garage Insurance.

In connection with request from Bardonia School; Councilman Bolander advised Board that 15 MPH speed signs would only be applicable under following conditions:

1. Zone contains marked sidewalk;
2. Crossing within zone is advised;
3. School involved one or more grades below 10;
4. No signal appropriate for use by pedestrians crossing highway within zone or within 450' of end of zone.

Department of Transportation stated that 15 MPH sign cannot be put up because of traffic signal light at corner of Ludvigh and 304; also light at Germonds and 304. Town Attorney will study.

Councilman Frohling cited conditions in township for which there is no provision in zoning ordinance; viz. where residents of residential streets must put up with a large volume of traffic in vehicles entering and exiting from a shopping center. He stated there should be something in our zoning law prohibiting the use of vehicles going into a shopping center and exiting from a shopping center through a residential zone. Large shopping complexes coming up which are surrounded by residential street. Requests that Town Board take action to prohibit vehicles exiting or entering shopping center and going through a residential area.

Site Review Plan not strong enough. Town Attorney, Highway Superintendent and Planning Board instructed to confer and come up with some sort of amendment to our zoning ordinance which would prohibit this traffic from shopping centers going through residential areas (egress and ingress).

Councilman Damiani requested that Town Board support an Act introduced in the Assembly by Mr. St. Lawrence to amend town law in relation to screening facilities required by zoning boards of appeals and zoning ordinances in the County of Rockland.

(154) Councilman Damiani offered the following resolution:

RESOLVED, that the Town of Clarkstown supports an act to amend the Town Law re screening facilities required by zoning boards of appeals and zoning ordinances in the County of Rockland.

NOW, THEREFORE, be it

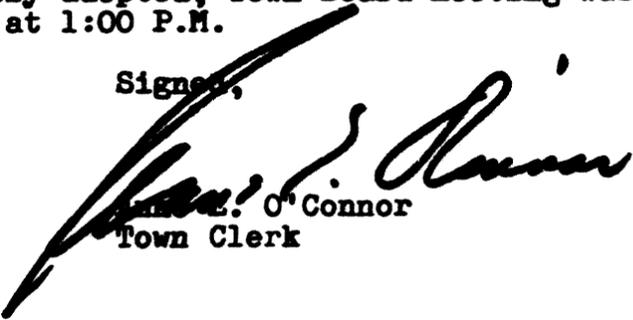
FURTHER RESOLVED, that the Town of Clarkstown forward a certified copy of this resolution to the Honorable Joseph T. St. Lawrence, Assemblyman in Albany.

Seconded by Councilman Brenner.

All voted Aye.

On resolution offered by Councilman Damiani, seconded by Councilman Brenner and unanimously adopted, Town Board meeting was adjourned until Thursday, 2/29/68 at 1:00 P.M.

Signed,


James O'Connor
Town Clerk

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Pages 77 to 84

removed because they were duplication of
resolutions #137 to #154 of Town Board
Meeting of 2/21/68

SANDY CORN

OCJ301