

117

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

Supervisor Mundt called Town Board meeting to order.

(230) Councilman Frohling offered the following resolution:

RESOLVED, that minutes of Town Board meetings held on 1/3/68, 1/17/68, 1/31/68, 2/7/68, 2/21/68, 2/29/68, 3/6/68 and 3/20/68 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Damiani

All voted Aye.

(231) Councilman Brenner offered the following resolution:

WHEREAS, following a public hearing duly called and held for the improvement of Roosevelt Avenue (herein called "Improvement"), in Central Nyack, in the Town of Clarkstown, in the County of Rockland, New York, (herein called "Town"), by paving approximately 1,400 lineal feet thereof, at an estimated maximum cost \$13,000, the Town Board in the Town determined, pursuant to resolution duly adopted on February 21, 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 \$13,000. for the construction and installation of approximately 1,400 lineal feet of flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous concrete wearing surface on and along Roosevelt Avenue, a Town highway, in Central Nyack, in the Town, including gutters, and 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, herein above referred to in the Recital hereof, and authorized to be constructed pursuant to and as described in said resolution duly adopted by the Town Board on February 21, 1968. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereto and the financing thereof, is \$13,000. and the plan of financing is the issuance of serial bonds of the Town in the principal amount of \$13,000. and the assessment, levy and collection of assessments 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 conder upon the same.

CCJ301

118  
3/29/68

TOWN BOARD

Section 2. To finance the said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$13,000, 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 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 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 30.00 relative to the authorization of the issuance of bond anticipation notes and of 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, and 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.

Seconded by Councilman Damiani.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Damiani, Frohling, Supervisor Mundt

ABSTENTION: Councilman Bolander

(232) Councilman Brenner offered the following resolution:

RESOLVED that 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.

Seconded by Councilman Damiani

AYES: Councilmen Brenner, Damiani, Frohling, Supervisor Mundt

ABSTENTION: Councilman Bolander

Burial Commissioner appeared before Town Board with complaint that developer encroaching on burial ground. He was requested to contact Walter Werner of the Town Attorney's Office with all the facts. Town will try to contact owner and set up meeting. Councilman Bolander suggested using Historical Review Board. He also informed Town Board that burial ground on Pascack Rd. behind White Birch Development being used for bridle path. Highway Supt. stated this not in Clarkstown; town would have to allocate money for fencing. Councilman Damiani suggested that Planning Board make note of this, and when dealing with this organization, land be covenanted for fencing. Burial Commissioner sought and received cooperation of Highway Department for cleaning.

OCJ301

(233) Councilman Brenner offered the following resolution:

RESOLVED that Orange & Rockland Utilities, Inc. is hereby authorized to install two (2) 3850 Lu. Street Lights; one on Pole #1614 on Standstone Trail, New City; and one on Pole #53, Hillside Drive, New City at total cost to town of \$93.60 annually.

Seconded by Councilman Damiani.

All voted Aye.

(234) Councilman Brenner offered the following resolution:

RESOLVED that Orange & Rockland Utilities, Inc. is hereby authorized to install five (5) 4000 Lu. Street lights on Pole #s 127, 119, 117, 115, 114, and 113 on West Clarkstown Road at total cost to town of \$187.20.

Seconded by Councilman Damiani.

All voted Aye.

Re: request for street light on Mitchell Drive, Valley Cottage; Councilman Brenner will investigate and give recommendation.

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

CRAGMERE ESTATES, INC. (Casper & Yale Rpakin)  
Bond #901806  
Amount: \$23,500.00  
Period: 2 years - 3/8/68 - 3/7/70  
Covers: Roads

Bond #901805  
Amount: \$7,000.00  
Period: 2 years - 3/8/68 - 3/7/70  
Covers: Sewers

120  
3/29/68

TOWN BOARD MEETING

(Continued from preceding page)

Report re: improvements to intersection of Germonds and Strawtown Roads received and noted by Town Board. (180% increase in traffic between 1966 and 1967; estimate of cost for realignment, \$38,000.00) Town Clerk instructed to forward copy of this report to the Historical Review Board requesting their comments. Councilman Frohling suggested that any removals that are deemed necessary be discussed with the County Highway Superintendent.

Messrs. Guterl and Boswell appeared before Town Board re: proposed Pierce St. Road Improvement. They were informed that group that appeared in 1967 only appeared to obtain information as to what procedure they should use; there was no initiation on anyone's part in attempt to create this district. Town Board instructed Mr. Boswell to proceed with petition.

Letter received from Gordon K. Cameron of the Assembly acknowledging Town of Clarkstown opposition to expansion of Ramapo Valley Airport; stated compliance and will cooperate.

(235) Councilman Bolander offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has received an offer of \$20,001.00 for the purchase of 995 ft. of Wells Avenue, Congers, New York, from Orange 65 Realty Corp., and

WHEREAS, an appraisal has been made of the property showing \$15,100.00 to be the value of the said property, and,

WHEREAS, the Town Board has previously expressed an intention to close and abandon the said portion of Wells Avenue,

NOW THEREFORE, BE IT RESOLVED that the Town of Clarkstown accept the offer of \$20,001.00 for said portion of Wells Avenue from Orange 65 Realty Corp. and that the Supervisor be authorized to execute a ~~Quit~~ Claim deed of said premises, and be it

FURTHER RESOLVED, that an abandonment proceeding be authorized to abandon the said portion of Wells Avenue.

Seconded by Councilman Brenner.

All voted Aye.

(236) Councilman Frohling offered the following resolution:

WHEREAS, SIZABLE AMOUNTS OF money are due from the Department of Housing and Urban Development of the United States Government for Sewer District No. 17 and Sewer District No. 8, Extension No. 6, of the Town of Clarkstown, which sums are expected in the near future, and

WHEREAS, interest payments are presently due in said districts in the amounts of \$1,200.00 in Sewer District No. 17 and \$3,471.74 in Sewer District No. 8, Extension No. 6;

NOW THEREFORE, BE IT

RESOLVED, pursuant to Sec. 165.10 of the Local Finance Law, that the Supervisor is hereby authorized to transfer from Current Surplus General the sum of \$1,200.00 to Sewer District No. 8, Extension No. 6; and suitable records shall be maintained of the temporary diversion of such funds herein authorized.

Seconded by Councilman Brenner.

All voted Aye

3/29/68

TOWN BOARD MEETING

121

(237) Councilman Frohling offered the following resolution:

WHEREAS, PAUL BAILEY, Tax Assessor, has requested additional assistance for the period of time as hereinafter stated,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment until April 12, 1968, of Eugenia M. Adams, of 33 Primrose Lane, New City, New York, to the position of Clerk in the Tax Assessor's, Office at a salary of \$2.00 per hour effective April 8, 1968.

Seconded by Councilman Damiani

All voted Aye.

Letter received from State of New York Dept. of Transportation re: Town's desire to construct a sidewalk along the west side of Route 304 from Ludvigh Road to Germonds Roads. Requested that our Town Engineer submit plan showing details of the sidewalk, together with a resolution from the Town Board to the effect that the Town will maintain the sidewalk.

(238) Councilman Bolander offered the following resolution:

RESOLVED, that the Town Engineer's Office submit plan showing details of the construction of sidewalk along the west side of Route 304 from Ludvigh Road to Germonds Road, and be it

FURTHER RESOLVED, that the Town of Clarkstown hereby agrees to maintain said sidewalk when constructed.

Seconded by Councilman Damiani.

All Voted Aye.

Town Clerk will notify Bardonia P.T.A. of above resolution and also notify state of Town Board's action.

(239) Councilman Damiani offered the following resolution:

WHEREAS, Robert W. Kimbark, an employee of the Town, made an overpayment of hospitalization premiums to the Town in the amount of \$22.02,

NOW THEREFORE, BE IT RESOLVED, that the Supervisor be and he is hereby authorized to refund to said Robert W. Kimbark from Current Surplus-General funds, the sum of \$22.02.

Seconded by Councilman Brenner.

All voted Aye.

122  
3/29/68

TOWN BOARD MEETING

(240) Councilman Damiani offered the following resolution:

WHEREAS, Sewer Department-Construction has requested the services of a typist in its office,

NOW THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment not to exceed thirty days of MARY E. KEYES, 41 James St., New City, N.Y. to the position of Typist, in the Sewer Department- Construction office at a salary of \$3,796.00 per annum, retroactive and effective March 25, 1968.

Seconded by Councilman Frohling.

All voted Aye.

(241) Councilman Bolander offered the following resolution:

RESOLVED, that Alan H. Sproul, 31 Palmer Avenue, Nanuet, N.Y. is hereby appointed to serve on the Clarkstown Transportation Committee, effective immediately.

Seconded by Councilman Damiani.

All voted Aye.

A Mrs. Arnold and Mrs. Gallina, Congers, appeared before Town Board re: dead trees on Lakewood Homes Development property (Lief Bergstol, Dev.) Supervisor will see that Mr. Bergstol is contacted re: same.

Councilman Bolander inquired re: complaint from Mrs. Goldenberg - parking of cars full length of Jeff Lane on both sides of street. Dwight Eisgrau of the Police Department informed the Board that it was investigated by the Chief of Police who saw no problem at this time; no hazard, no violations. He does not recommend restricting parking as yet.

Councilman Brenner inquired as to action taken re: basketball hoop. Highway Supt. stated he visited Mr. Alexander who is reluctant to remove - no activity. He wants to call Town Attorney re: same. Mr. Ghiazza of the Recreation Commission spoke to Town Attorney: Mr. Alexander is willing to donate backstop to Nyack District; if Highway Supt. willing to take out, Nyack District willing to place on playground, which is a couple of hundred feet from the site. Highway Supt. will remove Monday for installation in Nyack District.

Councilman Brenner inquired as to status of burned out garage in West Nyack. Murray Jacobson of the Town Attorney's office will check as to progress.

Re: White Birch Lane Road Improvement District; Town Attorney stated alright to proceed. Highway Supt. will start Wednesday morning.

Councilman Frohling: Re: serious flood condition caused by collapse of pipe under First St., Nanuet: Town Engineer's office reported that Mr. Torsoe contacted. When County Sewer Project went through, heavy equipment caused damage to pipe; Mr. Torsoe stated he received no cooperation from county. Town not responsible; Murray Jacobson of the Town Attorney's office to contact William Zeck for opinion.

CCJ301

3/29/68

TOWN BOARD MEETING

123

Continued:

Councilman Frohling brought up matter of brook running under Palmer Ave., Nanuet. Needs cleaning; sewage running into stream. Town Engineer's office visited site over year ago - cannot pipe because not sufficient cover; will see if feasible to pipe brook. Councilman Frohling requested that Town Attorney, Highway Superintendent and Town Engineer get together to see what our rights are, and possibly initiate something to alleviate problem.

Councilman Damiani requested that Police Chief investigate need for SLOW sign going west on Schriever Lane.

(242) Councilman Frohling offered the following resolution:

WHEREAS, certain burial grounds have been abandoned and neglected and are known as "DeBaun Swartout Burial Grounds", and

WHEREAS, there are soldiers that participated in the Revolutionary War and the War of 1812 that are buried therein, and

WHEREAS, it is in the interest of the Town of Clarkstown to preserve historical sites, as well as to care for and maintain abandoned cemeteries:

NOW THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to remove the accumulated briar, brush and debris that has accumulated inside said burial grounds and to remove the several dead and destroyed trees thereon, as may be designated by the Rockland County Burial Commissioner, Mr. Fred Loescher.

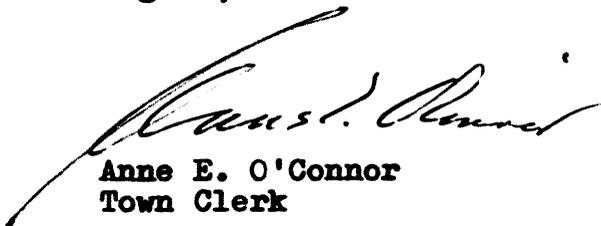
Seconded by Councilman Damiani

All voted Aye.

Mr. Ghiazza informed Town Board that re: development of French Farms, he suggests that no more dumping be permitted by Highway Department; tree stumps will have to come out if town wants to use this for recreation area. Councilman Frohling suggested that stumps, etc. be dumped in the Sanitary Fill. Superintendent of Highways was instructed that hereafter, other than earth, etc., tree stumps will have to be put in the town dump.

On resolution offered by Councilman Bolander, seconded by Councilman Brenner and unanimously adopted, Town Board meeting was adjourned until Wednesday, 4/3/68, at 8:00 PM.

Signed,

  
Anne E. O'Connor  
Town Clerk