

PUBLIC HEARING

Town Hall

2/19/69

8:15 PM

Present: Councilmen Bolander, Damiani, Frohling, Supervisor Mundt
Town Attorneys
Town Clerk

RE: PROPOSED AMENDMENT TO BUILDING ZONE ORDINANCE OF THE TOWN
SEC. 5.221:

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

Town Attorney stated that on 1/15/69 letter was received from the Chairman of the Planning Board requesting this amendment because as ordinance was written, unroofed terrace could be construed to be a "deck" which could extend out above ground right up to his neighbor's sideyard line.

By amending to read ".....not to exceed one (1) foot above ground level.....", we have eliminated that loophole in the ordinance to provide more privacy, fresh air and light.

In response to question put by Councilman Bolander, Town Attorney stated that tree house would be considered recreation equipment.

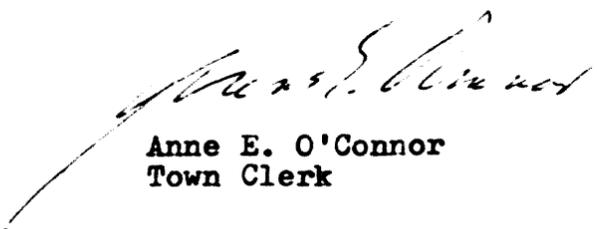
There were no further questions:

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

00095

Town Hall

2/19/69

8:30 PM

Present: Councilmen Bolander, Damiani, Frohling, Supervisor Mundt
Town Attorneys
Town Clerk

Absent: Councilman Brenner.

RE: PROPOSED AMENDMENT TO CHAPTER 34 OF THE CODE - SEWER DISTRICT
REGULATIONS:

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

Town Attorney explained proposed amendments as follows:

Applications to be accompanied by bond in sum of not less than \$10,000.; liability insurance also to be increased: \$300,000.

First sewer hookup that contractor does to be checked out by the Town Engineer to check as to their ability to properly install the sewer pipes.

Also to increase the amount of surety bond from \$1,000. to \$5,000. to cover damage to public right of way and road openings.

Mr. Felix Zito, Sewage Disposal Systems, Inc., 3301 Barnes Ave., Bronx, New York appeared before the Town Board opposing amendment; Town Attorney informed him that this would apply only to new applicants for license.

Re \$20.00 fee; will cover cost of inspection.

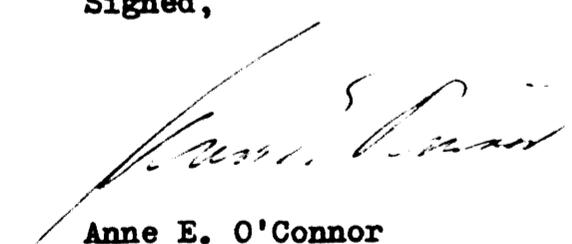
Re \$10,000. - We compromised by going to \$5,000., which is reasonable figure.

Re \$1,000. for damage; \$5,000. was the Board's consensus to be a fair figure.

Mr. Zito was instructed to address letter to the Town Clerk to be placed on the agenda for the next Town Board meeting for further discussion.

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

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

2/19/69

8:45 PM

Present: Councilmen Bolander, Damiani, Frohling, Supervisor Mundt
Town Attorneys
Town Clerk

RE: PROPOSED REPEAL OF CHAPTER 25 OF THE CODE OF THE TOWN OF CLARKS-
TOWN ENTITLED "NUISANCES".

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

Town Attorney stated the following:

Present ordinance provides that a lot owner must clear his lot and spells out penalty. New proposed Local Law authorizes the town, if owner does not do what he is supposed to do, to remove and charge the cost of removal to the property owner. Terms are incorporated in new Lot and Maintenance Law.

Councilman Frohling informed Town Board that old ordinance stated that this condition must be cleaned up "as soon as possible", new ordinance provides that it must be cleaned up within five (5) days.

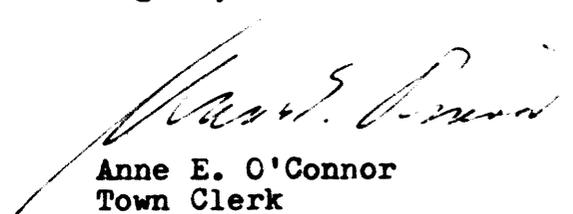
Re junk cars, homeowner is notified; when notice is given, five days to remove. Will become effective in thirty days, if adopted.

Mrs. Johnson suggested that addition ".....or offensive to the beholder" be included.

Architectural Review Board is being charged with checking arbitrary decisions.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

2/19/69

9:00 PM

Present: Councilman Bolander, Damiani, Frohling, Supervisor Mundt
Town Attorneys
Town Clerk

Absent: Councilman Brenner

RE: PROPOSED LOCAL LAW RELATING TO LOT AND PROPERTY MAINTENANCE:

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

Town Attorney stated the following:

Legislative intent is to see that lots and property within the town are properly maintained and free from vermin, nuisances, hazards and litter.

No one shall be permitted to abandon or store any matter attractive to vermin on public property or privately owned property; such as abandoned autos, waste material, garbage, refuse, rubbish, old refrigerators, stoves et al.

Failure to comply shall constitute violation which shall be punishable by fine not to exceed \$100.00 or six months imprisonment. Each day that violation exists shall constitute a separate and distinct violation.

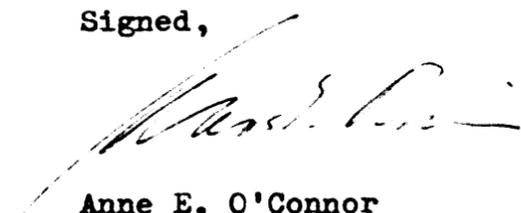
By resolution, Town Board can cause any nuisance to be removed same to be charged against owner or occupant of the property. Proposed local law would become effective five (5) days after adoption.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

2/19/69

9:30 PM

Present: Councilmen Damiani, Frohling, Bolander, Supervisor Mundt.
Donald S. Tracy, Town Attorney.
Anne E. O'Connor, Town Clerk.

Absent: Councilman Brenner.

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT IN SEWER DISTRICT NO. 19

Appearance:

HARRY WAITZMAN, ESQ.,
Attorney for Sewer District No. 19,
Court Square Building,
20 South Main Street
New City, New York

MR. MUNDT: This public hearing on the proposed increase in maximum amount to be expended for improvement in Sewer District No. 19 is now in session.

(Notice of hearing was read by Mrs. Anne E. O'Connor.)

MR. WAITZMAN: Mr. Mundt, appearing on behalf of the District, I would like to have Mrs. Anne E. O'Connor sworn.

MR. MUNDT: What is your name?

MR. WAITZMAN: My name is Harry Waitzman, counsel for Sewer District No. 19.

ANNE E. O'CONNOR, Town Clerk, having first been duly sworn, was examined and testified as follows:

EXAMINATION BY

MR. WAITZMAN:

Q Your name, ma'am?

A Anne E. O'Connor.

Q Your position?

A Town Clerk, Town of Clarkstown.

Q Did you cause to be published in the official newspaper of the Town of Clarkstown a copy of this public hearing?

A Yes.

Q Did you further cause five copies of this public hearing to be posted in conspicuous places in the Town of Clarkstown?

A Yes.

MR. WAITZMAN: I would like to next call upon George Suttie to be sworn as a witness.

GEORGE SUTTIE, being first duly sworn, was examined and testified as follows:

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PUBLIC HEARING:

PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

EXAMINATION BY

MR. WAITZMAN:

Q Are you George Suttie, residing at 25 Linden Terrace, New City, New York?

A Yes.

Q Are you the professional engineer that was retained by Sewer District No. 19?

A Yes.

Q Mr. Suttie, were you involved in the preparation of the original plans and specifications and the estimates for the construction of Sewer District No. 19 as of the time of its establishment in 1964?

A I had been, yes.

Q Mr. Suttie, did you prepare copies of a report which was sent to the State Department of Auditing and Control on September 18, 1968, which is relative to a proposed increase that would be required for the construction of Sewer District No. 19.

A I did, sir.

Q Would you please explain to the members of the Town Board and to the public the reasons for the increase in the maximum amount to be expended for Sewer District No. 19?

A If I may refer to some papers that I have.

If I may go into some of the history of the area, we are speaking about, and the estimate that we have come up with the amount we are asking you now to authorize.

In 1964, a report was submitted which outlined the area, and which gave an estimated amount of the overall expenditure within the area. The estimate not only included the amount to construct the pipelines, but also took into account the extra amount to take care of items such as engineering and other incidental things. The estimate that was presented was done, as I say, in 1964, the hearings were held then, and it was expected at that date that the construction would be done in 1964. However, it was held up and we didn't actually send a contract set out to receive a bid on the work until July of 1968. At the time that went out we informed the Town that because of a time delay of four years in construction being done, that they should expect a certain hike, increase in the anticipated amount to be spent. We said that was because of the four-year delay, but then also other things had come out which would add to the overall expense, which would be, one, that now the Town had taken on a policy when the sewer construction was done to come off and top all of the roads and avenues from edge to edge, which would add a certain amount. Plus the fact that we became aware that the interest you had to pay on the anticipation had to be calculated in as a whole as an added expense on the area, and the fact that you may earn interest on that, you couldn't deduct one from the other, although the interest earned could help to pay off some of the debt, but that you had to add in and calculate in the estimated amount of interest. We said that because all of these things you might expect a 58% increase.

Let me just go back. I said then, and I asked whether or not you would want to apply to Albany then and ask for the right to increase to this estimated amount before we actually received a bid, and the answer then, and we all were in on this, was "No," because if we were in any way to indicate that we expected, or we thought

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PUBLIC HEARING:

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE SUITIE:

that we would have a 58% increase, that might well affect what a man might submit for bid. He will say, "Listen, they expect a bid as high as that, sure, I will be able to hike it up."

So the answer was, "No, hold off and wait and see what they actually come in at."

When they did come in, taking into account all the extras, it came out to be 53% higher than the authorized amount.

We then decided that we felt that was high, and we thought by asking the contractors to resubmit we might have a possibility of having the bid cut. However, we did not want to hold things up because there is a delay in applying up to Albany to get them to authorize us to even hold a hearing, and we also did not know when we received the second set, whether or not they would be equal to, or under, or even possibly higher than the ones we had received. So we applied to Albany for the right to hold a hearing, and we stipulated the amount as 53%.

After that, we did receive the second set and they came in about \$200,000 below what the first amount was, and therefore gave an actual increase of 40%.

Application, however, was already in to Albany at the higher amount. Albany sent back an approval for holding the hearing on the higher amount, and it is that, that we are asking for here.

I brought a chart along. I started to make it up so that I could easily show everyone what had happened, and I found out that that I am not sure what happened by looking at the chart, but if I can refer to it only as an indication now or what I am speaking about.

The bar in the extreme left-hand edge represents the original estimate.

MR. MUNDT: I think you can show it to the public. We are aware of it.

A (cont'd.) The bar on the extreme left-hand side represents the original construction estimate, plus the allowance for the engineering extras.

MR. BOLANDER: What was that sum?

THE WITNESS: The original amount was \$1,450,000, sir.

MR. BOLANDER: Thankyou.

A (cont'd) The second bar in represents the first set of bids that we received on which we applied to Albany for the right to hold the hearing.

The bar here represents the actual amount of the second set of bids that we have received, and now reflects what we actually think and believe and can show what the amount will be.

If you compare the actual increase in the cost of the construction of the pipe lines as original outlined in the report that authorized the amount, there was actually only a 12% hike. We then had a 5% hike because of the fact we are expecting now and intending to go back over all avenues from edge to edge. A 10% amount has been added to that only to have an extra in there in case any unforeseen things happen, which then gives a total estimated construction increase of 28%.

We then get into the area of the incidental amounts.

2/19/69 PUBLIC HEARING

RE: PROPOSED INCREASE IN PAYMENT AMOUNT TO BE EXPANDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE JUTTIE:

We have a \$73,000 amount that has to be estimated as interest, and \$50,000 that must be repaid to HUD for a loan that they made to the area to set it up.

We then have a \$70,000 fee or aided expense because when this area was originally conceived in 1964 there was thought then that the Town Engineer's office could handle the inspection of the work. Because of the extent of the work that is being done in the area, and the number of men involved in it, it was now seen that outside help or other men had to be put on the payroll to do this inspection, and there is therefore a \$70,000 increase of that.

The whole thing that we anticipate now comes up to a 41% hike. This includes the interest that the Town will have to pay. However, they will, and have, we have the amounts here, have already gotten back in interest an amount higher than interest that was spent. So in effect at the end you can pay off part of the note with some of the interest earned.

So that the net effect, I am getting to the end now, is really a 33% hike.

The chart at the end is a chart that we have picked out of the magazine, it is an engineering one that is sent to all the engineers all over the United States that keeps an accounting of the costs as they go up month by month. Their estimate from the time of March 1964, to August, 1968, shows an average annual increase of 8%. Some years it was a little below, in 1964, it was about 6%, in the last year, in 1968, it was much higher. So that the average over the four-year span is 8% a year, or a 32% increase in construction.

When you add on the engineering and other expenses, plus the interest rate, you get a 44% increase. So that what you might have expected to pay including the interest, is a 44% increase, plus then going and adding \$75,000 as against a 41% increase, which in fact we have.

To relate this now to what it means to an average home owner in the area, which is on here also, in the report, in the March, 1964 report, we estimated to the average home owner in the area, which at that time was a \$5,000-assessed house, with 125-foot in front, we estimated \$89 a year as an average amount. The tax bill that just went out in 1969 to that same average house, gave approximately a \$60-bill.

If you were to take the 33% increase which we say you will spend now, and asking you to authorize at this hearing, if we were to take that straight increase annually to the home owner, it would increase the bill next year, if you authorize it to be spent to \$80 a year to the average home owner.

Q The point then would be -

A In effect you have now reduced by \$9 a year the average cost to the home owner than we had originally expected.

I am sure the next thing will be, as someone else mentioned earlier tonight, yes, this is so, we are paying \$9 a year less for a certain length of time, but we are paying so much more for ten years extra length.

I won't go into the fact that Albany authorized by an act of the State Legislature to allow municipalities to go the longer rate, it makes the interest rates lower, and all the other things involved, but I can show and state that if you take the increase over the total length of time paying an average of \$7 a year below what was originally given in the report, it comes out to net \$270 extra over the whole, to the average home owner in the area.

MR. MUNDT: Forty-year period?

THE WITNESS: If the home owner owns it for that time and and takes it to the end.

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PUBLIC HEARING

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE BUTTIE:

MR. WAITZMAN: Can I have this chart marked as an exhibit?

MR. MUNDT: Yes.

(Whereupon, the chart above-referred to was marked Exhibit 1.)

MR. FROHLING: Let me ask a simple question now.

BY MR. FROHLING:

Q What did this do to the projected \$55.67 cost which was projected on a \$5,000 Assessment with 100-foot of frontage?

A I believe that \$55-number that you are reading is not for the first year, that is for the 15th year.

MR. FROHLING: First year.

A This is \$55.67 on 100 feet. It held that, yes, sir. But that amount is the amount to repay back the authorized amount that we have.

If you authorize the increase that we are asking for, it will be increased by about a 1/3 again above that number, but will still be below the number given to the average home owner in the report.

Q You are getting us all confused now.

We have projected earlier this year a cost of \$55.67, the initial year for a \$5,000 assessment with 100-foot frontage.

A That has held.

Q That has held?

A Yes. That is the bill that went out.

Q That would not increase at all?

A Not in the taxable year that we are in, no.

Q Will it increase next year or the following year?

A Yes, it will, if you, tonight, authorize the increase.

It will increase by about a third over this amount.

However, with that increase added on, if you do authorize this, that amount will still be below what was originally indicated in the 1964 report.

Q Which was \$85, approximately?

A \$88, I believe.

EXAMINATION BY

MR. WAITZMAN:

Q Let me ask, for the record, if I may interrupt, I just want to keep sequence going.

Mr. Buttie, is it correct that the State Department of Auditing and Control, having reviewed your request for an increase from \$,450,000 to \$2,230,000 predicated in your report on the increase of labor and materials, did on October 9, 1968 approve that increase having verified the figures which were submitted?

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PUBLIC HEARING:

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE SUTTIE:

A They have, yes.

Q Is the scope of the subject, Mr. Suttie, still basically the same except for the fact that there is now included as part of the cost of construction repaving the entire crown of roads which have been affected by construction?

A Yes.

Q The boundaries are the same?

A Yes.

Q Is it correct also to say that the benefits to the community will remain the same, even with this increase that we are requesting?

A I believe they will.

MR. WAITZMAN: The Town Board may ask whatever questions they have.

BY MR. BOLANDER:

Q Mr. Suttie, I would like to get back into the testimony that you have given and try to refresh your memory regarding the second or the first meeting which was in July, as I recall, in 1968.

A Yes.

Q At which time there was a bid submitted, as I recall, somewhere around, give or take, somewhere around \$2,000,000, \$2,430,000.

A \$1,755,000.

Q \$1,755,000?

A Yes.

Q At that time, if you recall, I asked you, and the Town Board apparently agreed prior to coming on in public session, whether or not these bids should be resubmitted.

A Yes.

Q This was the district we are talking about now?

A Yes.

Q The reason being that the percentage of increase at that time presumably was somewhere up around 52%; is that correct?

A 58%.

Q And on the resubmission when the second bid came in it was \$200,000 below?

A That is true, sir.

Q Do you recall my asking you whether or not the same set of specifications were contained in the second date?

A Yes.

Q And your answer, sir?

A Yes, I said in effect it had been, yes.

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PUBLIC HEARING

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: Continued

GEORGE SUTTIE:

Q But actually, in effect, it isn't, is it, because we are now including repavement of roads?

A That was in the original bid.

Q Was there anything added to the original bid?

A No, sir, there was not.

Q The same set of specifications?

A Yes.

Q The same boundary lines?

A Yes.

The same pipe lines, yes.

Q And it came in \$200,000 below?

A Yes, sir, it came in \$200,00 below.

As I remember, it was one of the contractors who submitted that bid who was \$200,000 below, and the next highest bidder, the next man, was \$200,000 higher, or right back up in the area.

Q Was the first man, the man who got the bid, however, sir?

A No.

Q The same man won who got the second bid?

A No, sir, it was not.

Q It was not?

A No.

Q Was that Allstate, as I recall?

A Allstate got the second bid, he was number three, I believe, in the other bid.

Q Now, Mr. Belsie (phonetic) at one time during an argument that we had regarding the cost of construction, gave a figure of 6% on a yearly basis, as I recall.

Are you changing your figure based on new estimates?

A Well, then, if you want to put it like that, I could, yes. I believe in the testimony I just gave I said the the average annual amount over the 40-year length was 8% in the 1964 and 1965. Now, in 1968, and I don't have it here, I have it in the office, it has gone up to over 10%.

Q 10% increase?

A Yes.

MR. WAITZMAN: I must, at this point, Mr. Bolander, I just want to respectfully note for the record the fact that you must be aware, and remember, everyone works in norms and averages respecting inflation. Certainly you must have been aware of that fact. Over the last two years we have had an inflation in terms of material and labor costs with respect to construction which is really beyond the norm. It is a matter of common knowledge that we have had this problem today.

MR. BOLANDER: I don't get it, but I want to establish that.

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PUBLIC HEARING:

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE SUTTIE:

MR. WAITZMAN: I was hoping we were having questions, not argument.

MR. BOLANDER: It was a question, not an argument.

The two questions that I have, you mentioned earlier, and I would like to get into this, that when you made your first estimates in 1964 there was a hold-up. Would you elaborate on that a little bit?

THE WITNESS: I said a hold-up, what I meant by this, the estimate was made, or the report was submitted in the early part of 1964. There was a certain amount of contingency allowances in that estimate, but not as high as you would ordinarily apply to an estimate because the thinking at that time was that construction would begin in the summer months of 1964.

There was a delay in the County being able to supply the interceptor lines and the trunk lines to come up from the Orangeburg plant through Crangetown and Nanuet and West Nyack up along the west shore of the lake and cutting around. As a matter of fact, that whole line is just within a month of being completed as it is, so even if our sewer district were done we still couldn't hook up yet. So it was the delay in the County being able to effectively start construction.

MR. BOLANDER: Just two short questions.

BY MR. BOLANDER:

Q One is, if this is passed tonight, you mentioned the added contingency or added expenses involved in sewer inspection, for a number of sewer inspectors?

A Yes.

Q Are we saying that we would have to have a large number of sewer inspectors to take care of this job?

A I am saying that possibly at the time, in 1964, before it was done, it was a combination of the Town on that date, through their, perhaps, inexperience in knowing the magnitude of what the sewer work is, had felt that it could be handled out of the Town Engineer's office. It is not able to be done that way, and the Town has, through our office working in conjunction with the Town Engineers, the Town Engineer and Mr. Adams, the Town Sewer Coordinator, have put inspectors on to supervise the construction of the work.

I will also say, however, that I did not -- I won't put it that way -- it was entirely, even though the Town had to do it on their own, there would have been a cost inheriting that to the Town, that the Town could have been reimbursed from the sewer area, and therefore, it should have been added into the estimate at that time, no matter who was going to pay for it. Our office, or myself, at that time, did not include that in the estimate. I left it out at that date, sir.

Q The last question is, when do you expect, what estimate do you have for the completion of Sewer District 19 fully operated?

A Fully operated?

Q Yes?

A Complete as an area as a whole, 100%, we now estimate July of 1969.

The area is quite an extensive area, extending from Route 304 down. There is a trunk-line that feeds at the upper end, because all of this area comes into it, that trunk-line is pretty well in and built.

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PUBLIC HEARING:

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE SUTTIE:

Homes in this upper area would be able to possibly as early as April be given permission to connect in that upper area. But by the time the whole thing is completed, every home is authorized to hook up by July.

Q I said fully operative, I didn't mean just operative, I mean fully operative.

A Well, --

MR. MUNDT: You better not hook up if it is not operative.

THE WITNESS: In terms of the 8-inch sewer line and the 6-inch stubs that went off the sewer line beyond the edge of the streets, every house or empty lot in the area, they will be operative. Any houses will then be authorized that they may now connect. It will be fully operative.

MR. BOLANDER: That is all the questions I have.

MR. MUNDT: Any other questions, Councilmen? Does anyone in the audience have any questions?

MRS. ARTHUR BLAUVELT: My first reason for questioning here is that I was led astray by the wording in the notice, because it said to me that there was generally increased cost of labor and materials, preliminary cause and costs incidental thereto.

MR. MUNDT: For the record, Mrs. Blauvelt, may I establish, do you live within the district?

MRS. BLAUVELT: Yes, West Nyack, New York.

MR. MUNDT: Within District 19?

MRS. BLAUVELT: No, I do not.

MR. MUNDT: You are within the next district?

MRS. BLAUVELT: Yes.

MR. MUNDT: Are you referring then to this hearing or the next hearing?

MRS. BLAUVELT: To 19.

MR. MUNDT: District 19?

MRS. BLAUVELT: Yes. In listening to Mr. Suttie, he explained that there was an interest cost which had bearing on this. Now, am I reading this wrong or does it say interest cost in the word incidental? Perhaps you could lead me right, Mr. Tracy?

MR. MUNDT: Mr. Suttie, will you kindly answer. Did you hear the question?

THE WITNESS: I did not prepare that. I am not sure I could answer it.

MR. TRACY: Certainly, interest cost would certainly be cost incidental thereto.

MRS. BLAUVELT: Not to labor and materials? Is that through the eyes of the beholder?

MR. TRACY: And the cost incidental thereto.

MRS. BLAUVELT: Fine. That takes care of that question. I understand that not one of you are an engineer, not are you expected to answer as engineers, but I don't feel that there is any competitive bidding here. When the bids were entered in July of 1968, the contract was awarded in September of 1968, and in October of 1968 the State

2/19/69

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PUBLIC HEARING:

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE SUTTIE:

controller condones a three-quarter of a million dollar increase. Now, in fact, what we have here is the lowest bidder. By bidding the lowest bid he is receiving, or the package or whatever that means, receives only \$155,881.60 over the highest bidder. Now, that makes me ask, why was the highest bidder almost \$600,000 smarter?

MR. MUNDT: How many bids did you receive?

MRS. BLAUVELT: Eight.

THE WITNESS: Eight bids.

MR. MUNDT: They were rejected. In the first instance, how many?

THE WITNESS: In the first instance, eight bids. They were all rejected.

MR. MUNDT: All rejected?

THE WITNESS: Yes.

MR. WAITZMAN: By the direction of the Town Board. This is certainly the one instance where no allegation can be made of the fact that there was no competition. This was an instance where the Town Board, having received eight bids which they felt were high, directed the engineers to resubmit the thing for public bidding. On the second time around there was proven to be a substantial savings.

I might point out that it was one of the questions I was going to ask Mr. Suttie at the conclusion, the fact that we are asking for the increase to the \$2,230,000 figure, does that mean that that money has to be spent.

We hope that there will be at least a savings of \$200,000 resulting from the fact that we did have most strenuous competitive bidding on the letting of this contract. There is that prospective saving to members of this particular district.

MRS. BLAUVELT: The adoption on September the 5th of the bid that is now being accepted, was that the first bid or the second bid?

THE WITNESS: I believe that you might be getting what we are saying as the first bid or the second bid mixed up. We had eight men bid in one instance.

MRS. BLAUVELT: Right.

THE WITNESS: We put them all out. We had a second bid.

MRS. BLAUVELT: What was date?

THE WITNESS: August 21.

MRS. BLAUVELT: That was the one that was accepted?

THE WITNESS: The second bid came in. We accepted the lowest bid of the second set of bids.

MRS. Blauvelt So then I am dealing with the right figures.

I just wonder, was there a bonding referendum for the entire Town of Clarkstown?

If so, how much, and are we going to overextend this by these increases?

MR. MUNDT: Mr. Suttie?

THE WITNESS: May I answer that?

MR. MUNDT: Yes.

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000121

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE SUTTIE:

THE WITNESS: The cost that we are speaking about tonight is wholly attributable to wholly the responsibility of only those home owners, only those owners within the area we are speaking about. It does not affect anyone else within the Town who lives outside that area.

MRS. BLAUVELT: But that increase is going to have an overall impact on the total amount that was to be expended, and agreed upon by the Town's people in the initial development of sewers.

THE WITNESS: No.

What you are talking about, when you first held a vote, which we did as a Town, as a whole, which included our Town, Ramapo and Orangetown, that vote was for the plant interceptor lines, the plant interceptor lines. That is not run by the Town, but is a County agency. They held their hearings, they held their referendum on the amount, and as far as I know, to this date, had been able to stay within that amount.

What we are talking about here is the cost to connect homes, individual homes in an area to that, and the amount we are speaking about here is only to those home owners within the sewer district we are speaking about.

If you are away from where the line goes, you don't have to pay.

MRS. BLAUVELT: I understand what the cost per district is. What I am wondering is, is there an overall cost in the Town that was agreed upon by the Town's people?

How you slice the pie makes no difference. If the total overall cost was to be --

MR. MUNDT: These questions are out of order for the simple reason they are not pertinent to this hearing.

If you will confine your questions to this particular district, we will be glad to have them answered.

MRS. BLAUVELT: Forgive me for my ignorance. I wanted to find out whether or not there was an overall cost established for the Town. Now you have established that. It is not for the Town, it is only for districts; is that correct?

MR. MUNDT: Correct.

MRS. BLAUVELT: I just wondered why, not being an engineer, but trying to absorb these figures, I just can't possibly understand a three-quarter of a million dollar raise one month after the bids were accepted.

THE WITNESS: Well, it was not a three-quarter of a million dollar raise one month after the bids.

As a result of the amount of the bids, as a result of the amount of the bids we received, we can see it was three-quarters of a million dollars higher than had originally been authorized. We had to submit it to Albany to get an authorization from Albany to get an authorization from Albany to hold a hearing, which we are holding now, to actually authorize that amount to be spent. That took a month or more than a month's delay in getting that sent to Albany and getting an okay back from Albany on it.

What you think is adding on to the bid afterwards is not, in fact, so. It is a continuation of the steps involved to get authorization to accept the bid that was the lowest bid.

MR. WAITZMAN: Can I answer that also to this extent. I think many of us have forgotten that with respect to Sewer District No. 19 it was established on August 17, 1964, and it was over four and a half years later that our bids came in, and the result of litigation which was beyond our control, certainly, I don't want to go into the reasons for that litigation, I can only say that I have figured out

2/19/69

000123

RE: PROPOSED INCREASE IN DAILY AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE SUTTIE:

that in terms of my arithmetic that the litigation, in effect, is costing this district about \$175,000 per year, because if you want to rough it out in terms of the increase that we requested, \$780,000, that for a half year delay resulted in an increase of close to \$780,000. With some farsight the Town Board having rejected bids, it is possibly going to save us another \$200,000, and as a resident in this district I can only say I am grieved by the delay and increase of costs, but we have been able to limit these costs, and we are compelled to come into the Town Board to request the increase to take care of the project. This is why we are here.

MR. BOLANDER: In terms of going to Audit and Control, I know we have to have a resolution at the Town Board level authorizing you to go to Audit and Control for the increased amount. The word pro-forma is constantly being used. Is it not true that this is just a procedural matter, that the State in no way is approving this increase?

MR. WAITZMAN: I think that you have to conclude that the State is approving this increase, and I respectfully suggest that there is really nothing pro-forma in the manner in which the Department of Audit and Control is run by Arthur Levitt.

MR. MUNDT: Audit and Control is keeping a strong eye on bonded indebtedness.

MR. WAITZMAN: Mr. Bolander, a very lengthy summary of facts was submitted to Auditing and Control. There were telephone conferences between myself and Mr. Suttie with Albany. They were reviewing figures. They just didn't accept figures from a piece of paper. We did not have to go to Albany, but we had to justify the reasons for the increase.

MR. BOLANDER: Thank you for establishing that.

MRS. BLAUVELT: Just one last question. I hope it doesn't sound trite, but what will happen if the Town Board denies the increase?

MR. MUNDT: Which of you would like to answer that question?

THE WITNESS: Well, we authorized the contractor -- I say "we", the Town of Clarkstown, the Town Board, on the advice of Mr. Waitzman and myself -- we authorized a contract to be signed by Allstate after review of the fact that it was so much substantially below the previous bids, and below what we might have expected the cost to be. The contract was signed on that day that if in the event that the Town Board, after holding a hearing authorized by the State Department of Audit and Control felt that they did not at that time want to go ahead with it, that the contractor would be stripped of the contract, so to speak, and all work would stop.

In fact, however, and this has to be said, I believe, in fact, however, there will then be half of the sewer system in District 19 built, and the other half won't be able to be built, and that some day it will have to be built and the cost will be higher.

MR. MUNDT: I think, Mr. Suttie, that a point you made is critical to the entire discussion, I would just like to re-affirm it. That is that this Town Board in totality made a judgment that it should not go to Audit and Control, and increase what we knew the additional cost would be predicated on construction cost index, et cetera. Consequently, we authorized our engineers, and we ourselves voted to go to bid to establish rather than key in some contractor or contractors that if they saw it going to Audit and Control for a higher amount predicated on the four-year span of time, they would automatically increase their bids to the district. This board unanimously decided the prudent thing to do is to establish the area of these bids without tipping off the contractors that we expected it to be higher. It turned out indeed to be higher. Even on that we rejected the bids because it was too high. As a result, we had a lower bid on the second go-around, and this board established, awarded to the lowest bidder.

2/13/69

000125

PUBLIC HEARING:

RE: PROPOSED INCREASED IN MAXIMUM AMOUNT TO BE EXTENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

GEORGE SUTTIE:

What we are trying to do now is go, as we have, to Audit and Control, gotten our approval. We could have done this before, we did it after, and we think we saved the Town money, the people in the district.

Mr. Blauvelt.

MR. BLAUVELT: How can you say you are saving the Town money when the amount you are asking for, plus the lowest bid, is higher than the highest bid?

That is my question.

MR. MUNDT: Mr. Suttie.

THE WITNESS: I don't think, and possibly it was the explanation I made with the chart as it looks here, the total that we are asking for is the total expense of all things that are involved in construction of a sewer line. That includes the cost of the man who was the low bidder that the Town Board accepted. Beyond that it includes the cost of the attorney's fees, the interest rates, the stake-out work, the easement work, the engineering work, the survey work, and we have payment of certain monies to collect which were expended. All of these things you added up go to make a project amount, not a construction amount, an amount of all, with all the incidental things involved.

If in fact we had received a bid that was \$200,000, or \$300,000 higher, the cost we would be asking for would be a commensurate amount lower.

MR. BLAUVELT: But what you are saying then is the contractor, Allstate, will only receive the amount that they bid?

THE WITNESS: That's right, yes.

MR. BLAUVELT: All other monies over and above, whatever the amount was, goes to other people outside of this contractor?

THE WITNESS: It can if the total is spent, which we don't anticipate to spend. It goes to others, or other areas, or other things that it has to be spent for.

MR. BLAUVELT: Every dollar over and above what he bid goes to someone else, none of this goes to him?

THE WITNESS: That is right, yes.

MR. MUNDT: Yes, sir.

MR. MAHONEY: My name is James Mahoney, New City, New York.

MR. Mundt, as Mr. Frohling was, I too was a little confused with some of the figures that Mr. Suttie read off. However, I would first like to ascertain one thing: he mentioned a \$15,000 note from HUD. Is this standard practice for all sewer districts?

THE WITNESS: No. In this particular instance what happened was in 1964 when the Town decided that they wanted to investigate this area to see if it could support and would be interested to set themselves up to get pipe lines in, rather than expend funds of the Town to do the engineering work to set the area up, and then have it happen that the people in the area said no, and therefore the \$15,000 was spent and you never got it back, they went to HUD and got a loan, a \$15,000-interest-free loan from HUD. That said if you spent this to your engineering, hold your hearings, and homeowners in the area say no, we don't want it, then you don't owe us a thing back. You don't have to pay it. We did all the preliminary engineering without putting a cent of Clarkstown's money on the line.

2/19/69

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 19: continued

000127

GEORGE SUTTIE:

If they do want it, and to ahead with it, you are subject to pay that money back as part of your overall expenses.

BY MR. ECLANDER:

Q That \$15,000 is for one district?

A Just for that one, sir.

Q Why was it just for that one district, George?

A That represents roughly one percent of the estimate. It was for the investigation work in the area, our engineering fee to do the report, set it up.

As a matter of fact, it has on the front of the report that it is money given to Clarkstown by HUD and HUD was actually a partner in this, and set the fee, actually.

Q This, the setup, was this also a \$15,000 fee for District 8 and District 16?

A No.

Q Or is District 19 the one that is carrying the ball?

A District 19 had a \$15,000-fee attributable to the report. District 8 might have an \$8,000-loan. District 18 might have had a higher one. It would depend entirely upon the area.

Q Each district does have to pay back to HUD?

A Not all of them.

There was a time that HUD had so many applications that they couldn't continue. By then the Town knew that the impetus in the Town was to go ahead with it, and they could lay advance money of their own.

MR. MAHONEY: My second questions is: you mentioned the fact that there was a five percent hike in view of the fact that the road had to be repaved in their entirety. I would presume that that was part and parcel of the bid specifications that went out for the district?

THE WITNESS: That is true, yes.

MR. MAHONEY: Thank you.

Now, to get down to some of the percentages, and I come up with some interesting figures.

(SEE COMPLETE STENOGRAPHERS MINUTES FOR PUBLIC HEARING HELD 2/19/69 FOR SEWER DISTRICT NO. 19 IN SEWER FILE FOLDER FOR DISTRICT NO. 19.)

TOWN OF CLARKSTOWN: COUNTY OF ROCKLAND

PUBLIC HEARING

ON

PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT IN SEWER DISTRICT NO. 27

February 19, 1969
From 10:45 to 11:00 P.M.

Appearance:

Alexander Teitler, Esq.,
Attorney for Sewer District No. 27
200 Main Street
Nanuet, New York

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2/19/69

RE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT OF SEWER DISTRICT NO. 27: continued

Before:

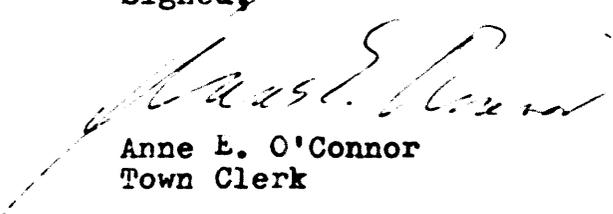
PAUL F. MUNDT, ESQ., Supervisor
DONALD S. TRACY, ESQ., Town Attorney
JAMES V. DAMIANI, ESQ., Councilman
PHILIP J. FROHLING, ESQ., Councilman
FRANK BOLANDER, JR., ESQ. Councilman, and
MRS. ANNE E. O'CONNOR, Town Clerk.

Supervisor Mundt called Public Hearing to order.

Notice of Public Hearing was read by Anne E. O'Connor, Town Clerk.

(SEE TOWN CLERKS FILES, SEWER DISTRICT NO. 27, for VERBATIM MINUTES.
DATED 2/19/69)

Signed,


Anne E. O'Connor
Town Clerk

Town Hall

2/19/69

8:00 PM

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

Absent: Councilman Brenner

Supervisor Mundt called Town Board meeting to order at 8.00 PM.

(130) Councilman Frohling offered the following resolution:

WHEREAS, ARIEN OPERATING CORP. made application for a Special Permit for a gas filling station to be located in the Korvette Shopping Center on the southerly side of Route 59 in the Hamlet of Nanuet, New York, pursuant to Section 8.333 and 3.11 (Table of General Use Regulations) of the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 19th day of June, 1968, at 8:30 P.M., in the Town Hall, 10 Maple Avenue, New City, Town of Clarkstown, New York, to consider such application;

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

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

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

(2) will not cause undue traffic congestion or create a traffic hazard;

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

(4) will not adversely affect the character of, or property values in, the area;

(5) will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity, and other aspects of the general welfare of the Town;

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

(7) will be situated on a plat with an area of at least 20,000 square feet and a minimum lot frontage of 150 feet and that no repairs will be undertaken or made on the premises and that all gas-line pumps will be set back at least 20 feet from the front lot line; all of said requirements, with the exception of prohibition against repairs, being pursuant to Column 3, Section 3.11, Table of General Use Regulations of The Zoning Ordinance of the Town of Clarkstown;

(8) will be screened along any lot line where the gas filling station is located on a lot, any lot line of which lies within 25 feet of an R District or SC District boundary, and flood lighting shall be arranged so there will be no glare of light toward such district boundary, pursuant to Column 8, Section 3.11, Table of General Use Regulations of the Zoning Ordinance of the Town of Clarkstown;

TBM 2/19/69

Resolution #130 continued:

(9) that the site is no closer than 300 ft. to a school, church, or place of assembly, and that within 25 feet of residential districts, no vehicle may continually be parked outside for a period exceeding three days and no bus or truck over 1½ ton capacity or more than two private passenger cars may be parked over any one night.

NOW THEREFORE, BE IT

FURTHER RESOLVED, that a Special Permit for a gas filling station pursuant to said application is hereby granted and the reasons for granting such special permit are that the proposed use of the premises will be for the convenience, comfort, prosperity, and general welfare of the community; and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such special permit shall constitute a written report to be filed with the Town Clerk pursuant to Section 8.334 of the Zoning Ordinance of the Town of Clarkstown.

Dated: February 19, 1969

1. Provided that Arlen Operating Corp. plants trees and shrubs within the state right-of-way under jurisdiction of the Clarkstown Shade Tree Commission., and

2. Provided that should the state desire to widen Route 59 at any time, that said taking will be automatically deeded free of charge to the governing municipalities.

Seconded by Councilman Damiani.

On roll call the votes were as follows:

AYES: Councilmen Damiani, Frohling, Supervisor Mundt
 NCES. Councilman Bolander

(131) Councilman Frohling offered the following resolution:

RESOLVED, based upon recommendation of the Supt. of Highways, that resolution No. 103 adopted at 1/31/69 Town Board meeting which set date and time for opening of bids for furnishing ½ Ton Pickup and two 5 Cu. Yd. Pickups to the Highway Department be rescinded, and be it

FURTHER RESOLVED, that time for opening of said bids be changed to 3/19/69 at 8:05 P.M.

Seconded by Councilman Damiani.

All voted Aye.

(132) Councilman Bolander offered the following resolution:

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

Seconded by Councilman Frohling.

All voted Aye.

(133) Councilman Damiani offered the following resolution:

RESOLVED, that Town Board meeting be resumed, scheduled public hearings having been heard.

Seconded by Councilman Bolander.

All voted Aye.

(134) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with Cragmere Estates, Inc. in connection with dedication of roads in Cragmere Estates West;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with Cragmere Estates, Inc. of New City, New York, providing for the deposit of \$300.00 with the Town of Clarkstown by said Cragmere Estates, Inc. to be held by the Town pending final and complete improvements of the roads in said development by the developer, subject to final approval of the Town Engineer and the Superintendent of Highways of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the deposit of \$300.00 be made to the Town of Clarkstown by aforesaid developer and held by the Town of Clarkstown pending full compliance with the requirements of the Shade Tree Committee of the Town of Clarkstown.

Seconded by Councilman Damiani.

All voted Aye.

The following Maintenance Bonds, approving same as to form and sufficiency:

Republic Insurance Company Maintenance Bond #903169 (w/RIDER)
CRAGMERE ESTATES WEST, Princ. (Rapkin)
Amount: \$700.00
Period: One (1) year 12/24/68 - 12/23/69
Covers: Improvements

Republic Insurance Company Maintenance Bond #903168
CRAGMERE ESTATES WEST, Princ. (Rapkin)
Amount: \$2,350.00
Period: One (1) year
Covers: Improvements

(135) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with Slek Corporation in connection with dedication of roads in Corral Estates;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with Slek Corporation of Spring Valley, New York, providing for the deposit of \$200.00 with the Town of Clarkstown by said Slek Corporation to be held by the Town pending final and complete improvements of the roads in said development by the developer, subject to final approval of the Town Engineer and the Superintendent of Highways of the Town of Clarkstown.

Seconded by Councilman Damiani.

All voted Aye.

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

Republic Insurance Company Maintenance Bond #903099 (w/RIDER)
CORRAL ESTATES Subdivision
Amount: \$7,960.00
Period: One year 2/16/68 - 2/15/69
Covers: Improvements

MAINTENANCE BONDS: continued

Republic Insurance Company Maintenance Bond #903100
(W/RIDER)

CORRAL ESTATES SUBDIVISION

Amount: \$2,300.00

Period: One Year - 12/5/68 - 12/4/69

Covers: Improvements

(136) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with Lake DeForest Development Corporation in connection with dedication of roads in Thornwood Hills subdivision;

NOW THEREFORE, be it

RESOLVED, that the Supervisor to the Town of Clarkstown is authorized to execute an agreement with Lake DeForest Development Corporation of Congers, New York providing for the deposit of \$2000.00 with the Town of Clarkstown by said Lake DeForest Development Corporation to be held by the Town pending final and complete improvements of the roads in said development by the developer, subject to final approval of the Town Engineer and the Superintendent of Highways of the Town of Clarkstown.

Seconded by Councilman Damiani.

All voted Aye.

Matter of Establishment of Proposed Sewer District No. 35 tabled for further discussion.

(137) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town Board" and "Town", respectively), in the County of Rockland, New York, has heretofore duly caused Charles R. Velzy, Associates, Inc., P. E., consulting engineers duly licensed by the State of New York, to prepare a general map, plan and report relating to the establishment of proposed Sewer District No. 36, in the Town (herein called "District"), as hereinafter described and for the construction of a lateral sewer system therein, and has duly appropriated a specific amount to pay the cost thereof, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to order duly adopted on December 18, 1968, the Town Board determined to proceed with the establishment of the District and the construction of such lateral sewer system therein and adopted an order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, including acquisition of the necessary land and rights in land, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying February 5, 1969, at 8:45 o'clock P.M. (E.S.T.) as the time when, and the Town Hall, 10 Maple Avenue, New City, in the Town, as the place where, the Town Board would meet to consider establishment of the District and the construction of a lateral sewer system therein, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

RESOLUTION APPROVING THE LATERAL SYSTEM OF PROPOSED SEWER DISTRICT NO. 36
continued:

WHEREAS, a public hearing in the matter was duly held by the Town Board on this 5th day of February, 1969, commencing at 8:45 o'clock P.M. (E.S.T.), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of the District and construction therein of such lateral sewer system;

now, therefore, upon the evidence adduced at such public hearing 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 notice of public hearing was published and posted as required by law, and is otherwise sufficient;

(b) all the property and property owners included within the District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the District; and

(d) it is in the public interest to establish the District.

Section 2. The establishment of the District is hereby approved as hereinafter described and the proposed lateral sewer system therein shall be constructed as set forth in the said Order Calling the Public Hearing and the District shall be designated and known as Sewer District N. 36, in the Town of Clarkstown, situate wholly outside of any incorporated village or city, and shall be bounded and described as follows:

All the map, block and lot numbers herein mentioned or described refer to the tax maps of the Town of Clarkstown, Rockland County, New York for the year 1968 on file in the Town Assessor's office located in the Town Hall, 10 Maple Avenue, New City, New York.

Easterly Boundary

Beginning at a point on the easterly side of Long Clove Road, which point is the southwesterly corner of lot 98-A-8; thence generally northerly along the easterly boundaries of lots 98-A-8, 6.01, 6, 5, 4 and 3 to the northeasterly corner of said lot 98-A-3; thence easterly along the southerly boundary of lot 98-A-2 to the southeasterly corner of said lot 98-A-2; thence northwesterly along the easterly boundary of said lot 98-A-2 to the northerly corner of said lot 98-A-2; thence northeasterly along the easterly right-of-way line of Long Clove Road to its intersection with Scratchup Road; thence generally northerly across Long Clove Road and along the easterly boundary of Scratchup Road to the intersection of Scratchup Road with South Mountain Road, thence northwesterly across South Mountain Road to the northerly right-of-way line of South Mountain Road; thence westerly along the said northerly right-of-way line of South Mountain Road to the southeasterly corner of lot 99-A-2;

Northerly Boundary

thence northerly along the easterly boundary of lots 99-A-2 and 2.01 to the northeasterly corner of said lot 99-A-2.01; thence westerly along the northerly boundary of said lot 99-A-2.01 to the northwesterly corner of said lot 99-A-2.01; thence generally westerly along the easterly and northerly boundaries of said lot 99-A-4, and along the northerly boundary of lot 99-A-6 to its intersection with the easterly boundary of lot 99-A-9.02; thence northerly along the easterly boundaries of lots 99-A-9.02 and 9.03 to the northeasterly corner of said lot 99-A-9.03; thence generally westerly along the northern boundaries of lots 99-A-9.03, 9.07 and 11 to the westernmost corner of said lot 99-A-11;

RESOLUTION APPROVING THE ESTABLISHMENT OF PROPOSED SEWER DISTRICT NO. 36: continued

thence easterly and southerly along the westerly boundary of said lot 99-A-11 to the northeasterly corner of lot 81-A-9; thence westerly along the northerly boundaries of lots 81-A-9 and 10 to the northwesterly corner of said lot 81-A-10; thence northerly along the easterly boundary of lot 81-A-8 to the northeasterly corner of said lot 81-A-8 to the northeasterly corner of said lot 81-A-8; thence westerly along the northerly boundary of said lot 81-A-8 to the northwesterly corner of said lot 81-A-8; thence southerly along the westerly boundary line of said lot 81-A-8 to a point which lies on the westerly boundary line of said lot 81-A-8 to a point which lies on the northerly boundary line of lot 81-A-13; thence easterly along the northerly boundary lines of lots 81-A-13, 14 and 15.01 to the northwesterly corner of lot 81-A-15.01; thence southerly along the westerly boundary of lot 81-A-15.01 to the southwesterly corner of said lot 81-A-15.01 which point is on the northerly right-of-way line of South Mountain Road; thence southerly crossing South Mountain Road to the northwesterly corner of lot 81-B-6; thence southerly along the westerly boundary of said lot 81-B-6 to a point which lies on the right-of-way line at the end of Sandstone Trail; thence westerly along the said right-of-way line at the end of Sandstone Trail and along the northerly boundary of lot 81-B-10.10 to the northwesterly corner of said lot 81-B-10.10; thence southerly along the westerly boundaries of lots 81-B-10.10 and 10.11 to the southwesterly corner of lot 81-B-10.11; thence westerly along the northerly boundary of lot 81-B-10.12 to the northwesterly corner of said lot 81-B-10.12; thence southerly along the westerly boundaries of lots 81-B-10.12 and 10.13 to the southwesterly corner of said lot 81-B-10.13; thence easterly along the southerly boundary of said lot 81-B-10.13 to the northwesterly corner of lot 81-B-15; thence southerly along the westerly boundary of said lot 81-B-15 to a point which lies on the northerly right-of-way line of Pine Lane and also the southwesterly corner of said lot 81-B-15; thence westerly along the northerly right-of-way line of Evergreen Lane; thence southerly along the westerly right-of-way line of Evergreen Lane to the southerly right-of-way line of Shadybrook Lane; thence northwesterly across lot 80-A-4 and River Rise Road to the northeasterly corner of lot 80-A-15; thence westerly along the northerly boundary of lot 80-A-15 to the northwesterly corner of said lot 80-A-15;

Westerly Boundary

thence southerly following the Demarest Kill along the westerly boundary of lot 80-A-15 to the southwesterly corner of said lot 80-A-15; thence southerly across Haverstraw Road to the northwesterly corner of lot 60-A-1; thence southerly along the westerly boundaries of lots 60-A-1, 80-B-36.10, 36.09 and 36.08 to the point of intersection with the northerly boundary of Sewer District No. 2;

Southerly Boundary

thence following the northerly and easterly boundaries of Sewer District No. 2 to a point which is the southwesterly corner of lot 79-A-6 and also the point where the boundary of existing Sewer District No. 2 and the boundary of proposed Sewer District No. 36 diverge; thence easterly along the southerly boundary of lots 79-A-6, 7, 8, 8.01 and 9 to the southeasterly corner of said lot 79-A-9; thence northeasterly across Goebel Road to the southwesterly corner of lot 79-A-1; thence northeasterly along the northerly right-of-way line of Route 304 to its intersection with the westerly right-of-way line of Ridge Road; thence across Ridge Road to the southernmost corner of lot 97-A-6; thence northeasterly along the northerly right-of-way line of Route 304 to its intersection with the westerly right-of-way line at Long Clove Road; thence across Long

RESOLUTION APPROVING THE ESTABLISHMENT OF LATERAL SEWER DISTRICT NO. 36
continued:

Clove Road to the point of intersection of the easterly right-of-way line of Long Clove Road and the northerly right-of-way line of Route 304; thence northerly along the easterly right-of-way line of Long Clove Road to the westerly corner of lot 97-A-5; thence generally easterly, northerly and westerly around the boundaries of said lot 97-A-5 to its northerly corner and the easterly right-of-way line of Long Clove Road; thence northerly along the easterly right-of-way line of Long Clove Road to the southwesterly corner of lot 98-A-8, which point is the point and place of beginning.

Section 3. The maximum amount proposed to be expended for the construction of said lateral sewer system, consisting of all lateral sewers within the District tributary to the County District Pumping Station at Old Route 304 and Pearl Lane which discharges area flow to the Lake DeForest interceptor sewer, including manholes, house connection stubs brought to a point one foot beyond the edge of roads, a pumping station to be located at Old Route 304, just north of the Hackensack River, and force main, road resurfacing and all other appurtenances required for a complete lateral sewer system, and acquisition of necessary land and rights in land and original equipment, machinery and apparatus, is \$665,000 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 District which the Town Board shall deem especially benefited by said lateral sewer system 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 and the establishment and collection of sewer rents, pursuant to the Town Law, to pay the principal of and interest on said bonds and the costs of operation, maintenance and repair.

Section 4. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of the resolution, to file certified copies of this resolution, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application by the Town Board, in duplicate, for permission to establish the District, in the Town, as herein described, pursuant to the provisions of said Town Law and that such publication shall be executed and verified by and in behalf of the Town Board by the Supervisor of the Town.

Section 5. This resolution shall be subject to permissive referendum.

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

AYES: Messrs. Mundt, Damiani, Frohling and Bolander.

NOES: None

The resolution was declared unanimously adopted.

(138) Councilman Frohling 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 shall, within ten (10) days after the

RESOLUTION DIRECTING THE PUBLICATION AND POSTING OF NOTICE AND
ABSTRACT OF THE RESOLUTION AFFECTING THE ESTABLISHMENT OF SEWER
DISTRICT NO. 36: continued

adoption by the Town Board of said Town, of the resolution entitled:

"Resolution of the Town of Clarkstown, New York, adopted February 19, 1969, approving the establishment of proposed Sewer District No. 36, in said Town and construction of a lateral sewer system therein and providing that such resolution shall be subject to permissive referendum,"

cause 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 the proposed Sewer District No. 36 in said Town of Clarkstown, 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:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 19, 1969 the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution entitled:

"Resolution of the Town of Clarkstown, New York, adopted February 19, 1969, approving the establishment of proposed Sewer District No. 36, in said Town and construction of a lateral sewer system therein and providing that such resolution shall be subject to permissive referendum,"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Clarkstown ("Town Board" and "Town", respectively), New York, has heretofore duly caused the preparation of a general map, plan and report relating to the establishment of proposed Sewer District No. 36, in the Town, therein described and for the construction of a lateral sewer system therein and has duly appropriated a specific amount to pay the cost thereof, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; that an order was adopted on December 18, 1968, reciting a description of the boundaries of said proposed Sewer District No. 36 ("District") in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and specifying the time and place of a public hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted; and that such hearing has been duly held on February 5, 1969 at the time and place specified;

SECOND: RESOLVING AND DETERMINING THAT (a) the notice of hearing was published and posted as required by law and is otherwise sufficient, (b) all the property and property owners within the District are benefited thereby, (c) all the property and property owners benefited are included within the limits of the District and (d) that the establishment of the District is in the public interest;

THIRD: FURTHER RESOLVING AND DETERMINING that the establishment of the District be approved, that the proposed lateral sewer system shall be constructed therein; DESIGNATING such District as Sewer District No. 36, in the Town of Clarkstown, and DESCRIBING the District by metes and bounds;

FOURTH: RESOLVING that the maximum amount proposed to be expended for construction of said lateral sewer system consisting of all lateral sewers within the District tributary to the County District Pumping Station at Old Route 304 and Pearl Lane which discharges area flow to the Lake Devo est interceptor sewer, including manholes, house connection stubs brought to a point one foot beyond the edge of roads, a pumping station to be located at Old Route 304, just north of the Hackensack River, and force main, road resurfacing and all other appurtenances required for a complete lateral sewer system, is \$665,000 which is planned to be financed by the issuance of serial bonds of the Town to finance such costs and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefited by said lateral sewer system 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 and the establishment and collection of sewer rents, pursuant to the Town Law, to pay the principal of and interest on said bonds and the costs of operation, maintenance and repair;

FIFTH: FURTHER RESOLVING that the Town Clerk shall within ten (10) days after adoption of this resolution, file certified copies in the office of the Department of Audit and Control, together with an application by the Town Board for permission to establish the District and that such application shall be executed by the Supervisor; and

SIXTH: STATING that this resolution shall be subject to permissive referendum.

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

Dated: February 19, 1969

Section 3. This resolution shall take effect immediately.

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

AYES: Messrs. Mundt, Damiani, Frohling and Bolander

NOES: None

The resolution was declared unanimously adopted.

Supervisor Mundt stated, in response to question put by Councilman Bolander, that in the future, if residents in proposed sewer district area deem costs too high, they will be polled.

(139) Councilman Frohling offered the following resolution:

WHEREAS, a public hearing was scheduled and published to be had on 2/19/69 at 8:30 P.M. in regard to the amendment of sewer district regulations, and

WHEREAS, a public hearing was also scheduled on 2/5/69 to be had on 2/28/69 at 10:00 A. M.;

NOW THEREFORE, be it

RESOLUTION #133 - continued:

RESOLVED, that resolution dated 2/5/69 No. 115, setting the hearing for 2/28/69 be and is hereby rescinded and the resolution of January 15, 1969 setting forth the hearing date in the above matter for February 19, 1969 at 8:30 P. M. be and the same is hereby affirmed and ratified.

Seconded by Councilman Damiani.

All voted Aye.

(140) Councilman Frohling offered the following resolution:

RESOLVED, that the decision on the proposed amendment to the Building Zone Ordinance of the Town of Clarkstown - Section 3.221 is hereby reserved.

Seconded by Councilman Damiani.

All voted Aye.

(141) Councilman Damiani offered the following resolution:

NOTICE IS HEREBY GIVEN that by resolution of the Town Board of the Town of Clarkstown adopted on the 19th day of February, 1969, Chapter 34 of the Code of the Town of Clarkstown was amended and said resolution provided as follows:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 15th day of January, 1969, provided for a public hearing on the 19th day of February, 1969 at 8:30 P.M., to consider an amendment to Chapter 34 of the Code of the Town of Clarkstown entitled "Sewer District Regulations", and

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice;

NOW THEREFORE, be it

RESOLVED, that Chapter 34 of the Code of the Town of Clarkstown entitled "Sewer District Regulations" be amended as follows:

1. Amend Section 34-6, paragraph 1 (b) to read as follows:

(b) That said application is accompanied by bond with sureties acceptable to the Board, in the sum of not less than Five Thousand Dollars (\$5,000.00), guaranteeing:...

Add item (6) thereto as follows:

"(6) The applicant, in order to establish that he is qualified to do such work in a good workmanlike manner as required by sub-paragraph (a) hereto, shall be required to complete, under the supervision of the Town Engineer, a practical demonstration and installation of a sewer hookup. Any certificate granted hereunder shall be issued subject to such satisfactory demonstration and installation under the supervision of the Town Engineer. For purposes of such demonstration of ability, the first sewer hookup accomplished by the applicant may be utilized to fulfill this requirement. However, nothing contained herein shall abrogate the requirement for inspection of each and every installation as hereinafter contained."

2. Amend Section 34-6, paragraph 2 by providing as follows:

"The applicant shall furnish certificates of public liability insurance for personal injuries in the sum of One Hundred Thousand Dollars (\$100,000.00) and Three Hundred Thousand Dollars (\$300,000.00), and property damage insurance in the sum of Twenty Thousand Dollars (\$20,000.00) with coverage for collapse, explosion and underground property damage, which shall be for the benefit of any aggrieved party,

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RESOLUTION #141-continued:

including the Town and indemnify and save harmless the district and Town, its officers, agents and employees, from all suits and actions for the recovery of damages, money or otherwise, for and on account of any injury or damages resulting in death or otherwise, received or sustained by any person, persons or property, as a direct or indirect result of any act of omission or commission of said applicant. Said applicant shall have workmens' compensation insurance as required by law, and the applications shall be accompanied by certificates thereof, or by satisfactory proof of the exemption. All of said policies of insurance shall bear an endorsement in favor of the Town of Clarkstown.

Dated: February 19, 1969

Seconded by Councilman Bolander.

All voted Aye.

(142) Councilman Frohling offered the following resolution:

NOTICE IS HEREBY GIVEN that by resolution of the Town Board of the Town of Clarkstown adopted on the 19th day of February, 1969, Chapter 25 of the Code of the Town of Clarkstown was repealed and said resolution provided as follows:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 31st day of January, 1969, provided for a public hearing on the 19th day of February, 1969, at 8:45 P.M., to consider the repeal of Chapter 25 of the Code of the Town of Clarkstown entitled "Nuisances", and

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice;

NOW THEREFORE, be it

RESOLVED, that Chapter 25 of the Code of the Town of Clarkstown entitled "Nuisances" be and is hereby repealed, and be it

FURTHER RESOLVED, that Local Law No. 1, 1969, entitled "Local Law Relating to Property and Maintenance", being the same is to be effective simultaneously with the repeal hereof.

Dated: February 19, 1969

Seconded by Councilman Bolander.

All voted Aye.

(143) Councilman Frohling offered the following resolution:

WHEREAS, a proposed local law entitled "LOCAL LAW RELATING TO LOT AND PROPERTY MAINTENANCE" was introduced by William Brenner, a member of the Town Board of the Town of Clarkstown at a Town Board meeting on January 31, 1969, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 31st day of January, 1969, directed that a public hearing be held on the 19th day of February, 1969, at 9:00 P.M., to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on February 7th, and posted on the sign board of the Town of Clarkstown on the 7th day of February, 1969, and

WHEREAS, copies of the proposed local law were mailed to the members of the Town Board on the 3rd day of February, 1969, and

WHEREAS, a public hearing was held by the Town Board on the 19th day of February, 1969, at 9:00 P.M.;

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RESOLUTION # 143 - continued:

At a regular meeting of the Town Board of the Town of Clarkstown in the County of Rockland held at the Town Hall, 10 Maple Avenue, New City, New York, on February 19th, 1969, Local Law No. 1-1969 entitled "LOCAL LAW RELATING TO LOT AND PROPERTY MAINTENANCE" was adopted and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adoption of said local law being as follows:

Paul F. Mundt, Supervisor	AYE
Councilman Philip J. Frohling	AYE
Councilman James V. Damiani	AYE
Councilman Frank Bolander	AYE

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

Dated: February 19, 1969

PROPOSED LOCAL LAW NO. 1 - 1969
RELATING TO LOT AND PROPERTY
MAINTENANCE

Section 1. LEGISLATIVE INTENT.

The Town Board of the Town of Clarkstown has found it necessary for the health, safety and general welfare of the residents to see that the lots and property within the Town are properly maintained and free from vermin, nuisances, hazards and litter.

Section 2. MAINTENANCE.

No person shall hereafter be permitted to abandon, leave, dump, store or keep any nuisance, hazard or litter, or matter attractive to vermin, upon any public street, public place or on any privately owned property within the Town, and said property shall be kept free and clear of the same.

Section 3. DEFINITIONS.

a. Nuisance, hazard and litter as herein referred to shall include, but not be limited to, abandoned automobiles or any part thereof unless such party has a license to store the same, and any waste material, garbage, refuse, rubbish, old refrigerators, stoves, or like products, used bottles or cans, abandoned building or construction materials or supplies, discarded papers or material, or other junk substances, tree stumps or matter attractive to vermin or likely to breed disease or be prejudicial to good health.

Section 4. OWNER, TENANT, OR OCCUPANT MUST KEEP PROPERTY CLEAN.

The owner, tenant or occupant of property located within the Town of Clarkstown is hereby required to remove all nuisances, hazards and litter, or matter attractive to vermin, as herein above defined, when ordered to do so by a member of the Police Department, Fire Inspector, Superintendent of Highways or Deputy Superintendent of Highways, within five (5) days of written notice therefor. Said written notice shall be served on the owner, tenant or occupant. If the owner of said lands is a non-resident of the Town of Clarkstown, a notice to remove the nuisance, hazard or litter, mailed to such owner, addressed to his last known address, shall be sufficient service thereof.

RESOLUTION #143 (NOT AND FROM TO MAINTENANCE) continued:

Section 5. PENALTIES.

Failure to comply with the direction of any any agent of the Town of Clarkstown as aforesaid, shall constitute a violation of this local law.

Each and every violation of any of the provisions of this local law of the Town of Clarkstown shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00) or by imprisonment for not more than six (6) months, or by both, unless a lesser penalty is provided by statute.

In the case of continuing violation of this local law of the Town of Clarkstown, each day that such violation exists, shall constitute a separate and distinct violation.

Section 6. REMOVAL BY TOWN.

The Town Board, by resolution, may cause any nuisance, hazard or litter as herein defined, to be removed from any property within the Town of Clarkstown, upon the failure of such owner, tenant or occupant to comply with the written notice aforementioned within the time limited. Said removal may be performed by the Superintendent of Highways, or other designee, including a private contractor. The Town Board shall ascertain the cost of such removal and such cost shall be charged and assessed against the owner, tenant, or occupant of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

The removal of any nuisance, hazard or litter by the Town of Clarkstown, or its designee, shall not operate to excuse such owner, tenant or occupant from properly maintaining their property as herein above set forth and such owner, tenant or occupant shall, notwithstanding, be subject to the penalties above mentioned.

Section 7. SEPARABILITY.

If any section, paragraph, sub-division or provision of this local law shall be invalid, such invalidity shall apply only to the section, paragraph, sub-division or provisions adjudged invalid and the rest of this local law shall remain valid and effective.

Section 8. EFFECTIVE DATE.

This local law shall become effective five (5) days from the adoption hereof by the Town Board of the Town of Clarkstown.

Seconded by Councilman Bolander.

All voted Aye.

(144) Councilman Frohling offered the following resolution:

At a regular meeting of the Town Board of the Town of Clarkstown, in the County of Rockland, New York, held at the Town Hall, 10 Maple Avenue, New City, New York, in said Town, on the 19th day of February, 1969

In the Matter of the Increase in the Maximum Amount to be expended for the Improvement in Sewer District No. 19, in the Town of Clarkstown, in the County of Rockland, New York:

ORDER INCREASING THE MAXIMUM AMOUNT TO EXPENDED FROM \$1,450,000 to \$2,230,000.

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, has heretofore duly established Sewer District No. 19, in the Town, (herein called "District") pursuant to applicable provisions of the Town Law and the maximum amount proposed to be expended for the construction of a sewer system therein as set forth in the petition submitted to said Town Board is \$1,450,000;

RESOLUTION #144 - INCREASING MAXIMUM AMOUNT TO BE EXPENDED FOR THE IMPROVEMENT IN SEWER DISTRICT NO. 19 FROM \$1,450,000 to \$2,230,000
continued:

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 \$2,230,000, being an increase of \$780,000; and

WHEREAS, following due submission of an application by said Town Board, the State Comptroller approved the increase in the maximum amount to be expended for construction of said sewer system from \$1,450,000 to \$2,230,000 pursuant to Order dated October 9, 1968; and

WHEREAS, pursuant to Section 209-h of the Town Law, said Town Board has duly called and held a public hearing on February 19, 1969, at the Town Hall, New City, in the Town, at 9:15 o'clock P.M. (E.S.T.) to consider such proposed increase in the maximum amount to be expended and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law,

now, therefore, be it

ORDERED, and it is hereby determined that it is in the public interest to increase the maximum amount proposed to be expended for the construction of a sewer system in the District, in the Town, from \$1,450,000 to \$2,230,000, and such maximum amount is hereby so increased. The plan of financing is the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon several lots and parcels of land in the District which the Town Board shall determine and specify to be especially benefited thereby 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 to pay the principal of and interest on said bonds, and it is further

ORDERED, that this Order shall take effect thirty days after its 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 District, as shown upon the latest completed assessment roll of the Town in number equal to at least five per cent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting against this Order and requesting that the matter be submitted at a referendum in the manner provided by law.

DATED: FEBRUARY 19, 1969

TOWN BOARD OF THE TOWN OF
CLARKSTOWN, NEW YORK

PRESENT:

Hon. Paul F. Mundt,	Supervisor
James V. Damiani,	Councilman
Philip J. Frohling, Jr.	Councilman
Frank Bolander,	Councilman

Seconded by Councilman Damiani.

All voted Aye.

(145) Councilman Frohling offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 19, 1969, DIRECTING THE PUBLICATION AND POSTING OF NOTICE AND ABSTRACT OF THE ORDER OF SAID TOWN APPROVING THE INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR THE IMPROVEMENT IN SEWER DISTRICT NO. 19, IN SAID TOWN.

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 Order referred to in the following notice, cause to be published at least once in the

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RESOLUTION #149 - DIRECTING PUBLICATION AND POSTING OF ORDER APPROVING THE INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR THE IMPROVEMENT IN SEWER DISTRICT NO. 19 FROM \$1,450,000 TO \$2,230,000
continued:

"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 the District in said Town of Clarkstown, a notice which shall set forth the date of adoption of said foregoing Order and contain an abstract thereof concisely stating its purpose and effect.

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 19, 1969, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted an Order entitled:

In the Matter of the Increase in the Maximum Amount to be Expended for the Improvement in Sewer District No. 19, in Rockland, New York.

ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$1,450,000 TO \$2,230,000:

an abstract of such Order, concisely stating the purpose and effect thereof,

being as follows:

FIRST: RECITING that the Town Board of the Town of Clarkstown, has heretofore duly established Sewer District No. 19, in the Town, and the maximum amount proposed to be expended for the construction of a sewer system therein as set forth in the petition submitted to said Town Board, is \$1,450,000 that 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 is \$2,230,000, being an increase of \$780,000; that following due submission of an application by said Town Board, the State Comptroller approved the increase in the maximum amount to be expended for construction of said sewer system from \$1,450,000 to \$2,230,000 pursuant to Order dated October 9, 1968 and said Town Board has duly called and held a public hearing on February 19, 1969 to consider such proposed increase in the maximum amount to be expended and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law;

SECOND: ORDERED AND DETERMINED that it is in the public interest to increase the maximum amount proposed to be expended for the construction of a sewer system in the District, in the Town, from \$1,450,00 to \$2,230,000; AUTHORIZING such increase in the maximum amount; STATING the plan of financing is the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon several lots and parcels of land in the District which the Town Board shall determine and specify to be especially benefited thereby 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 to pay principal of and interest on said bonds,

THIRD: ORDERED that this resolution shall take effect thirty (30) days after adoption unless within such period a petition shall be filed with the Town Clerk protesting against this order and requesting that it be submitted at a referendum in the manner provided by law.

By order of the Town Board of the
Town of Clarkstown, in the County
of Rockland, New York

DATED: FEBRUARY 19, 1969

ANNE E. O'CONNOR,
Town Clerk

Seconded by Councilman Damiani.

All voted Aye.

(146) Councilman Damiani offered the following resolution:

At a regular meeting of the Town Board of the Town of Clarkstown, in the County of Rockland, New York, held at the Town Hall, 10 Maple Avenue, New City, New York, in said Town, on the 19th day of February, 1969.

In the Matter of the Increase in the Maximum Amount to be Expended for the Improvement in Sewer District No.27, in the Town of Clarkstown, in the County of Rockland, New York.

ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$560,000 TO \$705,073.66.

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, has heretofore duly established Sewer District No. 27, in the Town, (herein called "District") pursuant to applicable provisions of the Town Law and the maximum amount proposed to be expended for the construction of a sewer system therein as set forth in the petition submitted to said Town Board is \$560,000;

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 an increase of \$145,073.66; and

WHEREAS, following due submission of an application by said Town Board, the State Comptroller approved the increase in the maximum amount to be expended for construction of said sewer system from \$560,000 to \$705,037.66 pursuant to Order dated January 22, 1969; and

WHEREAS, pursuant to Section 209-h of the Town Law, said Town Board has duly called and held a public hearing on February 19, 1969, at the Town Hall, New City, in the Town, at 9:30 o'Clock P. M. (E.S. T.) to consider such proposed increase in the maximum amount to be expended and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law,

now, therefore, be it

ORDERED, and it is hereby determined that it is in the public interest to increase the maximum amount proposed to be expended for the construction of a sewer system in the District, in the Town, from \$560,000 to \$705,073.66 and such maximum amount is hereby so increased. The plan of financing is the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon several lots and parcels of land in the District which the Town Board shall determine and specify to be especially benefited thereby 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 to pay the principal of and interest on said bonds, and it is further

ORDERED, that this Order shall take effect thirty days after its adoption, unless there shall be filed with the Town Clerks a petition signed and acknowledged by the owners of taxable real property situate in the District, as shown upon the latest completed assessment roll of the Town in number equal to at least five per cent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting against this Order and requesting that the matter be submitted at a referendum in the manner provided by law.

DATED: FEBRUARY 19, 1969

PRESENT:

Hon. Paul F. Mundt,
James V. Damiani,
Philip J. Frohling, Jr.,
Frank Bolander,

Supervisor
Councilman
Councilman
Councilman

Members of the Town Board of the
Town of Clarkstown, New York

Seconded by Councilman Frohling.

All voted Aye.

(147) Councilman Frohling offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 19, 1969, DIRECTING THE PUBLICATION AND POSTING OF NOTICE AND ABSTRACT OF THE ORDER OF SAID TOWN APPROVING THE INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR THE IMPROVEMENT IN SEWER DISTRICT NO. 27, IN SAID TOWN.

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 Order referred to in the following notice, cause 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 the District in said Town of Clarkstown, a notice which shall set forth the date of adoption of said foregoing Order and contain an abstract thereof concisely stating its purpose and effect.

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 19, 1969, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted an Order entitled:

In the Matter of the Increase in the Maximum Amount to be Expended for the Improvement in Sewer District No. 27, in Rockland, New York.

ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$560,000 TO \$705,073.66.

an abstract of such Order, concisely stating the purpose and effect thereof,

being as follows:

FIRST: RECITING that the Town Board of the Town of Clarkstown, has heretofore duly established Sewer District No. 27, in the Town, and the maximum amount proposed to be expended for the construction of a sewer system therein as set forth in the petition submitted to said Town Board, is \$560,000; that 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 is \$705,073.66, being an increase of \$145,073.66; that following due submission of an application by said Town Board, the State Comptroller approved the increase in the maximum amount to be expended for construction of said sewer system from \$560,000 to \$705,073.66 pursuant to Order dated January 22, 1969 and said Town Board has duly called and held a public hearing on February 19, 1969 to consider such proposed increase in the maximum amount to be expended and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law;

SECOND: ORDERED AND DETERMINED that it is in the public interest to increase the maximum amount proposed to be expended for the construction of a sewer system in the District, in the Town, from \$560,00 to \$705,073.66; AUTHORIZING such increase in the maximum amount; STATING the plan of financing is the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon several lots and parcels of land in the District which the Town Board shall determine and specify to be especially benefited thereby so much up on and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same to pay the principal of and interest on said bonds;

RESOLUTION #147 GRANTING PERMISSION AND FOR THE ORDER APPROVING THE BUDGET IN THE MAINLY AMOUNT TO BE EXPENDED FOR THE IMPROVEMENT IN SEWER DISTRICT NO. 27 FROM \$560,000 TO \$705,073.66
continued:

THIRD: ORDERED that this resolution shall take effect thirty (30) days after adoption unless within such period a petition shall be filed with the Town Clerk protesting against this order and requesting that it be submitted at a referendum in the manner provided by law.

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

DATED: FEBRUARY 19, 1969

ANNE E. O'CONNOR

Town Clerk

Section 3. This resolution shall take effect immediately.

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

AYES: Messrs. Mundt, Frohling, Damiani and Bolander.

NOES: None

The resolution was declared unanimously adopted.

(148) Councilman Frohling offered the following resolution:

RESOLVED, that minutes of Town Board meetings held on 1/3/69 and 2/5/69 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Damiani.

All voted Aye.

Mrs. Jean Crudo of the Bardonia P.T.A. appeared before the Town Board re school sidewalks snow removal. Supervisor requested that Police Chief and Highway Superintendent work on priority list. Councilman Frohling suggested that contractors for sidewalk snow removal be contacted by the Highway Superintendent; he will contact the Police Chief re priority list.

Mrs. Theodore Dusenanko commended the Highway Department and the Police Department for assistance given to the Volunteer Ambulance Service during recent snowstorm.

(149) Councilman Frohling offered the following resolution:

WHEREAS, a public hearing was scheduled to be had on 2/5/69

2/12/69

TRM

000149

RESOLUTION #142 - continued:

at 8:15 PM to consider the application of Ridge Road Builder, Inc. for a change of the Building Zone Ordinance for redistricting applicants property from an R-22 district to an R-15 district, and

WHEREAS, notices of said hearing which were sent to the abutting owners as required by law erroneously stated that said hearing would be held at 9:15 PM instead of 8:15 PM as scheduled, and

WHEREAS, the notice of said hearing to abutting property was not in compliance with law;

NOW THEREFORE, be it

RESOLVED, that a new public hearing be set for the 2nd day of April 1969 at 8:30 P.M. and that appropriate notices be sent to abutting owners by attorney for petitioner and published as required by law.

Seconded by Councilman Bolander.

All voted Aye.

Mr. Michael J. Maloney appeared before the Town Board announcing Parade to be held on Loyalty Day, April 27, 1969 at 2:30 P.M. commencing in the A & P Parking Lot and proceeding northward to New Hempstead Road to the County Office Building.

(150) Councilman Damiani offered the following resolution:

WHEREAS, the following have applied to the Town of Clarkstown for Certificates of Registration in compliance with Section 34-6 of the Code of the Town of Clarkstown;

Jelin Plumbing and Heating Corporation
13 John Street, Spring Valley, New York

John S. Katt
62 Basswood Court, Bardonia, New York

David T. Balch
52 Route 303, Valley Cottage, New York

Frederick L. Myers
239 Kings Highway, Congers, New York

Joseph Fox d/b/a/ Fox Plumbing & Heating Co.
Quaspeck Boulevard, Valley Cottage, New York

Peter A. Neuffer, d/b/a Pan Excavators
45 Lime Kiln Road, Suffern, New York

Arthur W. Parker, d/b/a Willow Grove Septic Co.
Blancha Road, Stony Point, New York

NOW THEREFORE, be it

RESOLVED, that the following certificates of registration be issued to.

69-36 issued to Jelin Plumbing & Heating Corp.
69-37 issued to John S. Katt
69-38 issued to David T. Balch
69-39 issued to Frederick L. Myers
69-40 issued to Joseph Fox
69-41 issued to Peter A. Neuffer
69-42 issued to Arthur W. Parker

Seconded by Councilman Bolander.

All voted Aye.

Letter received from M. N. Sinacori, District Engineer of the State of New York Department of Transportation informing town that plans for the proposed improvement of Route 59 in the vicinity of the Sears, Bamberger Shopping Center are still in the preliminary stages of consideration and construction of the project will not be started for some time. They state, however, that they have been working rather closely with the Sears, Bamberger interests and have agreed to sufficiency widening and channelization within existing right-of-way facilities as part of the permit agreement for access to the shopping center to help traffic conditions at the time of the Center opening. Mr. Charles Cassels mentioned that he has copies of maps in this connection for viewing by interested persons.

(151) Councilman Damiani offered the following resolution:

WHEREAS, a request for Town Board acceptance for future acceptance for future dedication to the Town, of (16-2R12) Vailshire Subdivision, Nanuet (3.3 acres on North Side Smith Road, 200' east of Cottage Place, was received from the Planning Board of the Town of Clarkstown,

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown at its meeting of 2/19/69 resolved to approve acceptance, at an appropriate time, of the lands referred to above.

Seconded by Councilman Frohling.

All voted Aye.

Councilman Damiani ascertained from Town Engineer that grading and seeding to be done in this area.

(152) Councilman Bolander offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of leasing premises from Daken Realty Corporation at 9 Johnson Lane, New City, New York;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute a lease for the entire second floor area, consisting of 2628 feet, for a term of three years to commence on the 1st day of March 1969.

Seconded by Councilman Damiani.

All voted Aye.

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

Globe Indemnity Company Performance Bond No. 576065
BROOKHAVEN ESTATES, NANUET (Lyon and Guterl, Princ.)
Amount: \$4,200.00
Period: Two years - 1/28/69 - 1/27/71
Covers: Sanitary Sewers

Globe Indemnity Company Performance Bond No. 576064
BROOKHAVEN ESTATES, NANUET (Lyon and Guterl, Princ.)
Amount: \$12,750.00
Period: Two years - 1/28/69 - 1/27/71
Covers: Roads

(153) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Clerk is authorized to sign hydrant order (inves. #5670) authorizing the Spring Valley Water Company to install one (1) hydrant on W/S Parrott Road, approximately 2,266' East and North from the center line of Garmonas Road, New City.

Seconded by Councilman Bolander.

All voted Aye.

Mr. Bowers, 57 Elmwood Drive, New City, N. Y. appeared before the Town Board re town taxes; questioning specifically Recreation Budget. He was informed that many items mandated by state and that Board of Supervisors has very little ability to stop increases.

(154) Councilman Damiani offered the following resolution:

WHEREAS, the annual Leukemia Appeal will take place in this Town during the month of March, and

WHEREAS, more than 12,000 Americans die yearly from leukemia, a disease which is 100% fatal, and

WHEREAS, the welfare, security and future of our community and of the nation depends upon the welfare and security of its individual citizens, and

WHEREAS, Leukemia Society, Incorporated is seeking funds for its constant battle against this disease through research, patient aid, and public education, and

WHEREAS, because the purposes and aims of this campaign are deserving of the support of every citizen,

NOW, THEREFORE, I Paul F. Mundt, Supervisor of the Town of Clarkstown do hereby proclaim March 1969 as LEUKEMIA MONTH in the Town of Clarkstown and urge all members of this community give full support to this campaign to end the ravages of leukemia.

Seconded by Councilman Frohling.

All voted Aye.

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

Republic Insurance Company Bond #903359
BROOKSIDE ESTATES, SECTION 11, NEW CITY (ROCKLAND WOODS, INC.)
Amount: \$85,000
Period: Two years 2/14/69 - 2/13/71
Covers: Roads

Republic Insurance Company Bond #903360
BROOKSIDE ESTATES, SECTION 11, NEW CITY
Amount: \$26,000
Period: Two years - 2/14/69 - 2/13/71
Covers: Sewers

(155) Councilman Frohling offered the following resolution:

WHEREAS, Mr. Rossi has petitioned this Board for a refund of erroneous 1969 taxes on property in the Town of Clarkstown, assessed to: LOUIS ROSSI, because this property was charged for 10½ units instead of 2½ units in sewer district No. 17 and was an erroneous assessment, as verified by the Clarkstown Assessor, now therefore be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund the petitioner the amount of \$92.78 and charge Sewer District No. 17 account.

Seconded by Councilman Damiani.

All voted Aye.

(156) Councilman Frohling offered the following resolution:

WHEREAS, Mr. Ferdeaux has petitioned this Board for a refund of erroneous 1969 taxes on property in the Town of Clarkstown, assessed to : EMILE FERDEAUX, because this property's elderly exemption application (form EA 365) was lost and was an erroneous assessment, as verified by the Clarkstown Assessor, now therefore be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund the petitioner the amount of \$7.05 and charge Highway account.

Seconded by Councilman Damiani.

All voted Aye.

(157) Councilman Frohling offered the resolution:

WHEREAS, Mr. Gambetti has petitioned this Board for a refund of erroneous 1969 taxes on property in the Town of Clarkstown, assessed to: ANDREW GAMBETTI, because this property is vacant and should not have been charged for 16½ units in sewer district No. 21, included was the Rockland County unit charge of \$12.00 per unit, and was an erroneous assessment, as verified by the Clarkstown Assessor,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund the petitioner the amount of \$249.92 and charge Sewer District No. 21 account.

Seconded by Councilman Damiani.

All voted Aye.

(158) Councilman Frohling offered the following resolution:

WHEREAS, St. Thomas Lutheran Church has petitioned this Board for a refund of erroneous 1969 taxes on property in the Town of Clarkstown, assessed to

St. Thomas Lutheran Church
43 Sunset View Drive
West Nyack, New York
MAP 120, Bl. A, Lot 50

because the subject premise (parsonage) has one unit only, and was erroneously charged for 3 units, as verified by the Clarkstown Assessor,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund the petitioner the amount of \$59.97 and charge to Sewer District No. 21 account.

Seconded by Councilman Damiani.

All voted Aye.

(159) Councilman Frohling offered the following resolution:

RESOLVED, that based upon the recommendation of Director of Purchasing bids for the furnishing of office supplies be awarded to the lowest bidders on individual item basis to: W. J. LINN -

RESOLUTION NO. 159 (BID FOR PURCHASE OF OFFICE SUPPLIES) continued:

Item No. 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34E, 34I, 35, 38, 37, 38, 41, 42, 44, 45, 46, 47, 49, 52, 55, 58, 60, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 76, 77 in the amount of \$782.90 and to BUDGET'S - Item No. 1, 11, 16, 19, 20, 22, 33, 34C, 34D, 40, 43, 51, 56, 57, 61 in the amount of \$227.12; for a grand total of \$1010.02.

Seconded by Councilman Damiani.

All voted Aye.

(160) Councilman Bolander offered the following resolution:

RESOLVED, based upon recommendation of the Director of Purchasing, that bid for furnishing three (3) voting machines at cost to town of \$1,797.00 each, be awarded to Automatic Voting Machine Division, A.V.M. Corporation, Jamestown, New York.

Seconded by Councilman Frohling.

All voted Aye.

(161) Councilman Frohling offered the following resolution:

Upon request of C. Elsie Monneret, Receiver of Taxes, be it

RESOLVED, that the employment of the following clerks in the office of said Receiver of Taxes be extended for a period of **thirty days** from February 16, 1969, at their present hourly rate of compensation:

GRACE ANNA DONLAN, 34 Fairview Avenue, Nanuet, N. Y.
EDNA MAISCH, 25 Fairview Avenue, Nanuet, N. Y.
FLORENCE M. PRATT, 31 North Middletown Road, Nanuet, N.Y.
BE TY SNYDER, 126 South Harrison Avenue, Congers, N.Y.

Seconded by Councilman Damiani.

All voted Aye.

(162) Councilman Frohling offered the following resolution:

WHEREAS, on the 2nd day of December 1968, a hearing was held before the Zoning Board of Appeals for the purpose of permitting the reconstruction of multiple dwellings on an area known as Germonds Bungalow Colony, and

WHEREAS, on the 7th day of February 1969, a resolution was passed approving the construction of seventy-five (75) multiple dwelling units on property known as Germonds Bungalow Colony, and

WHEREAS, the Zoning Ordinance of the Town of Clarkstown and the Town Development Plan of the Town of Clarkstown indicated this area for single family dwellings;

NOW THEREFORE, be it

RESOLVED, that the Town Board be and hereby is strongly in favor of the Zoning Board of Appeals granting a rehearing on this matter and the Town Clerk is hereby directed to forward a copy of this resolution to the Chairman of the Zoning Board of Appeals.

Seconded by Councilman Bolander.

All voted Aye.

Annual Report received from Roberta Knarich, Town Historian, for the year 1968.

2/19/69

TBM

(163) Councilman Damiani offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 26, 1968, that the position of Groundskeeper in the Parks & Recreation Department can now be created, now therefor be it

RESOLVED, that said position is hereby created and be it further,

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for Permanent appointment of JOSEPH DONALDSON of 51 Southward Avenue, Congers, New York to the position of Groundskeeper at a salary of \$7,675.20 per annum; effective March 3, 1969.

Seconded by Councilman Frohling.

All voted Aye.

(164) Councilman Frohling offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 14, 1969, that the position of Typist in the Sewer (Construction) office can now be created, now therefore be it

RESOLVED, that said position is hereby created and be it further

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Provisional appointment, pending examination of MARION YOUNG of 74 Prospect Avenue, Manuet, New York to the position of Typist at a salary of \$6,149.00 per annum; effective February 25, 1969.

Seconded by Councilman Damiani.

All voted Aye.

(165) Councilman Damiani offered the following resolution:

WHEREAS, Max Siemens and Emma Siemens have acquired a tax title to the first three hundred (300) feet of Louis Road in New City, New York, and

WHEREAS, said portion is necessary in order to acquire the necessary right-of-way for the paving of Louis road, and

WHEREAS, Max Siemens and Emma Siemens have agreed to sell said tax title for the sum of Five Hundred and no /100 (\$500.00) Dollars, and be it

FURTHER RESOLVED, that said Five Hundred and no/ (\$500.00) Dollars be transferred from Current Surplus General to Louis Road Account, which sum shall be reimbursed to Current Surplus General upon the sale of obligations for the special improvement of Louis and Stanley Roads.

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Damiani, seconded by Councilman Bolander and unanimously adopted, Town Board meeting was adjourned until 1:00 P.M. on Friday, February 28, 1969.

Signed,

Anne E. C'Connor
Anne E. C'Connor
Town Clerk