

TOWN BOARD MEETING

Town Hall

4/30/69

10:00 AM

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

Supervisor Mundt called Town Board meeting to order.

Fifth Grade classes of the Bardonia Elementary School attended Town Board meeting as part of their Social Studies Program.

(307) Councilman Brenner offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 20th day of November, 1968, provided for a public hearing on the 4th day of December, 1968, to consider an amendment to the Building Zone Ordinance of the Town of Clarkstown, and

WHEREAS, said 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 for reasons of public health, safety and welfare, the Building Zone Ordinance of the Town of Clarkstown be and is hereby amended as follows:

By changing to CS, all that parcel or portion of land commencing at the southwesterly corner of Town of Clarkstown Tax Assessment Map 89, Block C, Lot 3.06, where it intersects with West Nyack Road; thence, running along the westerly lot line of Map 89, Block C, Lot 3.06 in a northerly direction and continuing a distance of 250 feet; thence, running on a westerly course parallel to West Nyack Rd., until it intersects with the westerly property line of Map 31, Block A, Lot 20 at a point 250 feet from the northerly boundary line of West Nyack Rd.; thence in a southerly direction along the easterly property line of Map 71, Block A, Lot 9 to its point of intersection with the northerly line of West Nyack Rd; thence along the northerly boundary line of West Nyack Rd in an easterly direction to the southwesterly corner of Map 89, Block C, Lot 3.06 or point or place of beginning.

Dated: April 30, 1969

Seconded by Councilman Frohling.

All Voted Aye.

Re: Shopping Center pavement standards, Town Attorney was requested to look into incorporation of initial laying down of hardtop regulations in present ordinance.

4/30/69

TBM

(308) Councilman Frohling offered the following resolution:

RESOLVED, that time for receiving bids for the furnishing of One (1) New Skid Mounted Air Compressor to the Clarkstown Highway Department is closed, and be it

FURTHER RESOLVED, that any and all bids received up to and including this time are hereby ordered to be opened.

Seconded by Councilman Bolander.

All voted Aye.

The following bids were received:

- (1) HIGH TOR CONTRACTORS SALES, INC.
3 Dogwood Lane, West Nyack, N.York.....\$1,375.00
- (2) CLARKSTOWN EQUIPMENT CO., INC.,
Rte. 59, Spring Vailey, N.York..... \$1,389.00
- (3) TRIUS, INC.
369 Duffy Ave., Hicksville, N. York..... \$1,364.00

Mrs. Bloom of Georgian Estates-East (off Gerken Farm), appeared before the TownBoard re sidewalks in this subdivision. Planning Board has not made decesion as yet, builder (Mr. Booth) presently constructing sidewalks. Councilman Damiani, together with Planning Board, make determination re same.

Seconded by Councilman Damiani.

All voted Aye.

(309) Councilman Frohling offered the following resolution:

RESOLVED, that the Highway Superintendent be instructed to instruct builder of Georgian Estates-East to cease sidewalk construction, but to continue with landscaping until Councilman Damiani, together with Planning Board, make determination re same.

Seconded by Councilman Damiani.

All Voted Aye.

(310) Councilman Frohling offered the following resolution:

RESOLVED, that the bid for furnishing one (1) air Compressor to the Highway Department at a cost to the Town of \$1,375.00 is hereby awarded to High Tor Contractors Sales, Inc. of 3 Dogwood Lane, West Nyack, N.York

Seconded by Councilman Damiani.

All Voted Aye.

4/30/69

TBM

000249

Re: drainage complaint made by Mr. and Mrs. Gertz, 198 Foxwood Rd., West Nyack; Town Engineer made report - Councilmen Damiani and Brenner to visit site this Saturday morning to investigate.

Mr. John Lewis, 8 Buckingham Court, Congers, N.Y. appeared before the Town Board in his capacity as Chairman of the Lake DeForest Betterment Association requesting immediate access road parallel to Bluebird Drive to alleviate crowded conditions on Bluebird Drive. Councilman Damiani reported that temporary road will be built; Park Commission to use this road for some sort of program, said road to be built before any new homes will be built in the area. Councilman Frohling instructed Mr. Lewis that Town Board instructed Mr. Rawson to improve a road to the south of Bluebird Drive; suggested that Mr. Lewis contact Mr. Rawson to see if any action has been taken. Mr. Cassels of the Planning Board stated that Thornwood Hills-Sec. III as of this date, not reviewed by the Board. Mr. Lewis will be invited to meeting of the Clarkstown Planning Board when this matter comes up before them.

Mr. Lewis continued with requests for four (4) street signs and complained of dumping along Bluebird Drive. Supervisor instructed him to send letter with specific written requests so they can be referred to proper departments.

Re access road; under discussion with Planning Board; Mr. Lewis will be notified when Planning Board to discuss.

In continuing discussion re access road, Mr. Jackman reported that construction going on at present (Sec. III); cannot wait until finished; Councilman Bolander suggested holding meeting with builders in question, and getting them on the bond to get this access road in. Supervisor suggested that Highway Superintendent, Building Inspector and Town Board will issue stop order on all their houses unless they give timetable on when they are going to put this road in.

Letter received by Town Board from Merton E. Rawson submitting his resignation as Chairman of the Clarkstown Planning Board effective May 1st, 1969, retaining his seat as Board member.

(311) Councilman Damiani offered the following resolution:

RESOLVED, that the Town Board hereby accepts the resignation as of May 1st, 1969 of Merton E. Rawson, Chairman of the Clarkstown Planning Board, with regret.

Seconded by Councilman Frohling.

All Voted Aye.

(312) Councilman Damiani offered the following resolution:

RESOLVED, that William Zabriskie is hereby appointed to fill the unexpired term of Merton E. Rawson, as Chairman of the Clarkstown Planning Board effective 3/1/69 to 1/4/73.

Seconded by Councilman Bolander.

All Voted Aye.

(313) Councilman Frohling offered the following resolution:

RESOLVED, based upon recommendation of the Highway Superintendent, that the amount of \$3000. be transferred from DRAINAGE PROJECT #4 Account to alleviate drainage problems existing on Baumann property, 26 Klein Ave., West Nyack, N. York.

Seconded by Councilman Damiani.

On roll call the vote was as follows:

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

Contingent from Congers appeared before the Town Board, with petitions, requesting that legal action be taken to prevent Harram Realty from draining Congers Lake. They requested that same be retained for recreational purposes preferring Town Houses or apartments to retain lake. Town Board will meet with principals and Civic Associations and any other interested parties to resolve.

(314) Councilman Brenner offered the following resolution:

RESOLVED, that the resignation of Anne Huvane from the Town Clerk's Office is hereby accepted to effect immediately.

Seconded by Councilman Bolander.

All Voted Aye.

(315) Councilman Damiani offered the following resolution:

RESOLVED, based upon recommendation of the Town Engineer, that amount of \$1200. be transferred from DRAINAGE PROJECT #4 ACCOUNT to correct drainage problem existing on property of Martha Ree, Lake Road, Valley Cottage, N.York.

Seconded by Councilman Brenner.

All Voted Aye.

Proposes resolution setting date of public hearing re zone change application of Peterson, Pych & Dillon (R-22 to CS); property located e/s Route 303, West Nyack; tabled for reprot by Councilman Frohling.

4/30/69

TBM

000251

(316) Councilman Frohling offered the following resolution:

WHEREAS, Francis M. Casey and Catherine A. Casey, his wife, have executed an easement and are gratuitously offering it to the Town for Sewer District No. 20; and

WHEREAS, Bertha Cesar has executed an easement and is agratuitously offering it to the Town for Sewer District No. 20; and

WHEREAS, Sophie Hicks has executed an easement and is offering it to the Town for Sewer District No. 20 in consideration of the sum of \$750.00; and

WHEREAS, Dora Knapp has executed an easement and is gratuitously offering it to the Town for Sewer District No. 20; and

WHEREAS, Salvatore Mayo and Wilhelmina Mayo, his wife, have executed an easement and are gratuitously offering itto the Town for Sewer District No. 20; and

WHEREAS, Thomas E. Walsh and Michael H. Reeder, attorneys for Sewer District no. 20, and Murray Norman Jacobson, Deputy Town Attorney of the Town of Clarkstown, recommend that said easements be accepted by the Town of Clarkstown and said fee for the easement granted by Sophie Hicks be paid;

NOW, THEREFORE, be it

RESOLVED,

1. That the Supervisor of the Town of Clarkstown is hereby authorized to accept said easements on behalf of the Town, and

2. That Sewer District No. 20 is hereby authorized to pay the sum of \$750.00 for the easement granted by Sophie Hicks.

Seconded by Councilman Brenner.

All Voted Aye.

(317) Councilman Damiani offered the following resolution:

WHEREAS, the County of Rockland has executed an easement and is offering it gratuitously to the Town of Clarkstown for Sewer District No. 20; and

WHEREAS, Thomas E. Walsh and Michael H. Reeder, attorneys for Sewer District No. 20, and Murray Norman Jacobson, Deputy Town Attorney, recommend that said easement be accepted by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED,

That the Supervisor of the Town of Clarkstown is hereby authorized to accept said easement on behalf of the Town.

Seconded by Councilman Frohling.

All Voted Aye.

(318) Councilman Damiani offered the following resolution:

WHEREAS, the following has applied to the Town of Clarkstown for Certificate of Registration in compliance with Sec. 34-6 of the Code of the Town of Clarkstown:

Specialty Welding, Inc.
131 Holland Ave.
White Plains, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued to:

No. 69-60 to Specialty Welding, Inc.

Seconded by Councilman Brenner.

All Voted Aye.

(319) Councilman Brenner offered the following resolution:

RESOLVED, that the Spring Valley Water Company is hereby authorized to install four (4) hydrants on the north side of Kings Highway and east side -QueensRd., Ralph Ave., and Jodi Lane, New City, New York.

Seconded by Councilman Frohling.

All voted Aye.

(320) Councilman Brenner offered the following resolution:

RESOLVED, that the Spring Valley Water Company is hereby authorized to install four (4) hydrants on the North side of Phillips Hill Rd. and east side Woodglen Drive and Eileen Ave., New City, N.York.

Seconded by Councilman Frohling.

All voted Aye.

(321) Councilman Brenner offered the following resolution:

RESOLVED, that the Spring Valley Water Company is hereby authorized to install two (2) Hydrants on north side of Avon Lane and east side of Christopher Drive and Rugby Rd., New City, N. York.

Seconded by Councilman Frohling.

All voted Aye.

(322) Councilman Brenner offered the following resolution:

RESOLVED, that the Spring Valley Water Company is hereby authorized to install eight (8) hydrants on east side of Brewery and Parrott Rds, New City, N. York.

Seconded by Councilman Frohling.

All voted Aye.

Letter received from Department of Transportation re changes made in signals on Route 59 at Route 304 and Route 59 at Old Route 59, respectively, in Nanuet. Changes will be made so signals can be coordinated with signals to be installed by Sears, Roebuck and Company at the Nanuet Shopping Center drives.

Department of Transportation also informed the Town Board that Smith St., Nanuet will remain a town highway and, with the completion of the new Route 304, will no longer be designated NYS Route 304. Request will be made by town for lights at thruway exit.

(323) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown is presently leasing to the County of Rockland certain properties in the former town highway Garage and,

WHEREAS, Mr. Frank Estabrook, the Purchasing Agent for the County of Rockland has indicated the County's desire to lease two 1,000 gallon gasoline tanks, with pumps, located on the aforementioned property and,

WHEREAS, it is deemed in the best interests of the Town of Clarkstown to lease said tanks and pumps to the County;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to enter into a supplementary lease agreement to lease two gasoline tanks and pumps presently located on the former Town Highway Garage property to the County of Rockland for an annual rental of \$100.00, and be it

FURTHER RESOLVED, that the Town Attorney's Office is authorized to prepare an addendum to the present lease concerning this property, said addendum to provide that the County will keep the pumps and tanks in good working order and

FURTHER, that the County will assume liability for any damages occasioned as a result of their usage of said tanks and pumps.

Seconded by Councilman Brenner.

All voted Aye.

(324) Councilman Damiani offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to advertise for Sewer Bids for sewer construction in Sewer District 34, New City, N.Y. to be opened May 7/69 at 8:05(P.M.)

Seconded by Councilman Frohling.

All voted Aye.

000254

4/30/69

TBM

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

Republic Insurance Co. Bond #903598
EDEN ROC ESTATES, INC., Princ. (Rapkin, Y & S) DELTA ESTATES, SEC. I
Amount: \$7,850.00
Covers: Subdivision Improvements
Period: Two Years - 4/14/69 - 4/13/71

REPUBLIC Insurance Co., Bond #903599
EDEN ROC ESTATES, INC., DELTA ESTATES, SEC. I
Amount: \$1,975.00
Covers: Sanitary Sewers
Period: Two Years - 4/14/69 - 4/13/71

Republic Insurance Co. Bond #903610
CHRISTINE ESTATES, NEW CITY, Princ.
Amount: \$6170.00
Covers: Sanitary Sewers
Period: Two Years - 4/16/69 - 4/15/71

Republic Insurance Co. Bond #903609
CHRISTINE ESTATES, NEW CITY, Princ.
Amount: \$14,683.00
Covers: Subdivision Improvements
Period: Two Years - 4/16/69 - 4/15/71

(325) Councilman Frohling offered the following resolution:

RESOLVED, that the Bond resolution of the Town of Clarkstown, New York, adopted December 13, 1965 and amended April 30, 1969, appropriating \$258,884.75 for the Construction of a Lateral Sewer System in extension No. 6 of Sewer District No. 8, in the Town of Clarkstown and authorizing the the issuance of \$258,884.75 Serial bonds of said Town to finance said appropriation.

Recitals

WHEREAS, following preparation of a general map, plan and report providing for a lateral sewer system in the proposed extension of Sewer District No. 8, in the Town of Clarkstown (herin called "Town"), in the County of Rockland, New York, and after a public hearing duly called and held, the Town Board of the Town, determined pursuant to resolution duly adopted on August 16, 1965, subject to permissive referendum, that the notice of such hearing was published and posted as required by law and is otherwise sufficient; that all the property and property owners within such proposed extension are benefited thereby; that all the property and property owners benefited are included within the limits of such proposed extension is in the public interest and approved such proposed extension and the construction of such lateral sewer system therein; and

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

WHEREAS, following due submission of an application by said Town Board, the State Comptroller granted permission to extend said Sewer District No. 8 by Order dated November 23, 1965, which Order was duly filed with and presented to said Town Board, at its first meeting held after said Order was so filed:

(325) Resolution amending the bond resolution for construction of Sewer District No. 8 Extension Number 6 Continued:

WHEREAS, said Town Board duly adopted an order on December 13, 1965, extending said Sewer District, therein designated Extension No. 6 of the Sewer District No. 8 (herein called "District"), in the Town, and ordering construction of said lateral sewer system, including equipment and apparatus therein, at a cost not to exceed \$707,000. and

WHEREAS, due to generally increased costs of labor and materials, preliminary costs and costs incidental thereto said Town Board has estimated the maximum cost of constructing said sewer system to be \$258,884.75, being an increase of \$51,884.75; and

Whereas, pursuant to Section 209-h of the Town Law, after a public hearing duly called and held, following receipt of an Order of the Comptroller of the State of New York, dated February 21, 1969, approving the application of the Town Board to increase the maximum amount to be expended from \$707,000. to \$258,884.75, the Town Board on March 19, 1969, adopted an Order, subject to permissive referendum, determining that it is in the public interest to so increase the maximum amount to be expended for construction of a sewer system in the Extension, and ordering such increase; and

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

now, therefore, be

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

Section 1. The Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, hereby appropriates the amount of \$258,884.75 for construction of a lateral sewer system, consisting of lateral sewers and pumping stations in the vicinity of Ludvigh Road and Poplar Street, in Nanuet, including manholes, house connection stubs brought to curbs, acquisition of necessary land or rights in land, building and original equipment, machinery and apparatus, in Extension No. 6 of Sewer District No. 8, in the Town (herein called "District"), all as hereinabove referred to in the recitals of this resolution, and all in accordance with the map, plan and estimate prepared by Nussbaumer, Clarke & Velzy, P.E., Consulting Engineers, duly licensed by the State of New York, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$258,884.75 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$258,884.75 and the assessment, levy and collection of assessments on the several lots and parcels of land within the Extension to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. To finance the said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$258,884.75 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"),

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

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

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation thereof, pursuant to Section 107.00 d. 3 (1) of the Laws.

4/30/69

TBM

(325) Resolution (Continued)
Sewer District #8 Extension No. 6

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7 This resolution shall take effect immediately.

Section 2. The amendment of the bond resolution set forth in Section 1 of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been taken pursuant to said bond resolution as herein amended.

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

Section 4: this resolution shall take effect immediately.

The adoption of the fore going resolution was seconded by Councilman Damiani and duly put to a vote on roll call, which resulted as follows: AYES: Supr. Mundt, Councilmen: Damiani, Frohling, Brønner and Bolander.

The resolution was declared unanimously adopted.

4/30/69

TEB

000257

(326) Councilman Brenner offered the following resolution:

RESOLVED, that the Orange & Rockland Utilities, inc. is hereby authorized to install one (1) street light on Pole #1498, Karl Court, Congers, New York

Seconded by Councilman Damiani.

All voted Aye.

Councilman Brenner reported that several months ago, Sanitation Commission was approached members of the industry requesting a raise in rates provided for by law. Public hearing would be held. Citizens of the Town did not attend. Commission determined there was not enough information to proceed with their request for an increase. Two or three weeks later, they again approached commission requesting increase -- Commission did not agree. CPA presented association figures; determination, if any, will possibly be forthcoming at Sanitation Commission meeting to be held this evening.

Re request from Mayor Jewett of Upper Nyack for permission to use Clarkstown Sanitary Fill for an indeterminate time due to emergency; Town Clerk was advised that the Village must pay Town regular rate for said use.

(327) Councilman Brenner offered the following resolution:

WHEREAS, the orderly functioning of the business of the Town of Clarkstown requires expeditious mail delivery and service, and

WHEREAS, there is currently no mail depository in the near vicinity of the Town Hall of the Town, and

WHEREAS, the Town is currently dependent upon a pickup and delivery schedule as provided by the Post Office, and

WHEREAS, it is the opinion of the Town Board of the Town of Clarkstown that the availability of the herein requested mail depository would be a benefit to proper municipal functioning;

NOW THEREFORE, be it

RESOLVED, THAT THE POSTMASTER at New City is hereby requested to place and maintain a first-class mail depository at the entrance to the Town Hall of the town of Clarkstown, 10 Maple Avenue, New City, N.Y.

Seconded by Councilman Damiani.

All voted Aye.

(328) Councilman Damiani offered the following resolution:

RESOLVED by the Town Board of the Town of Clarkstown, in the County of Rockland, New York (by the favorable vote of not less than two-thirds of all the members of said Board), As follows:

Section 1. The Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, hereby authorized the preparation of surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning for the proposed addition to the Town Hall and related facilities therefore on lands heretofore acquired and now owned by the Town, including, but not limited to, the police building, court rooms and parking facilities, which are contemplated might be undertaken in the future, in the Town,

(328) Continued

The estimated maximum cost of the specific object or purpose is \$37,500. including preliminary costs and costs incidental thereto and the financing thereof, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$37,500. serial bonds of the Town and the levy of a tax upon all the taxable real property in the Town to pay the principal of and the interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$37,500. are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 62. of the Law, is three (3) years.

(b) Pursuant to the provisions of Section 107.00 d. 5. of the Law, current funds are not required to be provided prior to the issuance of the bonds authorized pursuant to this resolution or of any bond anticipation notes issued in anticipation of said bonds.

(c) The proposed maturity of the bonds authorized pursuant to this resolution will not exceed five (5) years.

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

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

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

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

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

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

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

Section 7. This resolution shall take effect immediately.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Damiani, Frohling, Supervisor Mundt

ABSTENTION: Councilman Bolander.

4/30/69

TBM

000259

(329) Councilman Frohling offered the following resolution:

WHEREAS, an agreement was entered into on the 2nd day of August, 1968 between the Town of Clarkstown and Seymour D. Gurlitz relating to the said Gurlitz's architectural work in connection with his performance of professional services more fully set forth in said agreement, and

WHEREAS, a preliminary investigation of the project indicates the desirability of planning this project through the Design Development Phase prior to a decision being made to proceed through the Construction Phase;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is authorized to execute an amended agreement with the Said Seymour D. Gurlitz to provide for the latter's professional services through the Design Development Phase at a cost predicated on a formula of 35% of 9% of the total project cost; said agreement to contain the provisions of and follow the format of the prior agreement referred to herein.

Seconded by Councilman Damiani.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Damiani, Frohling, Supervisor Mundt

ABSENTION: Councilman Bolander

Proposed street lights for Brookside Estates - Sec. II, and Raleigh Estates (Camelot), New City -- tabled by Councilman Brenner.

)330) Councilman Frohling offered the following resolution:

WHEREAS, the duties of the Building Inspector have been substantially increased and an additional Inspector is required to properly and efficiently carry out the duties of his office, now therefore, be it

RESOLVED, that an additional position be created in the office of the Building Inspector to be known as Building Inspector III, subject to the approval of the Rockland County Personnel Office, at a salary of \$6,474.00 per annum.

Seconded by Councilman Damiani.

All voted Aye.

Ozcar P. Lutz, Building Inspector, recommended that the Planning Board be requested to look into the matter of land around airport being changed to LO and IO for ratables and buffer.

(331) Councilman Frohling offered the following resolution:

WHEREAS, on the 20th day of December 1967, the Town Board of the Town of Clarkstown passed a resolution authorizing the Highway Supt. to put into a safe condition property owned by Albert G. Lamborn which property is identified on the Tax Map as Map 128, Block A, Lot 3, and

WHEREAS, such work has been done, and

WHEREAS, the Highway Supt. has submitted a bill in the amount of \$200.00 which was the cost of said work, and

WHEREAS, the Town is in the process of establishing the procedure to assess the sum against the owner of the property, and

(331) Resolution continued:

WHEREAS, the Highway Department desires to be immediately reimbursed, now therefore be it

RESOLVED, that the sum of \$200.00 is hereby transferred from Current Surplus General to Highway Fund as reimbursement pursuant to the aforementioned resolution.

Seconded by Councilman Damiani.

All voted Aye.

(332) Councilman Frohling offered the following resolution:

RESOLVED, that the amount of \$980.00 be transferred from DRAINAGE PROJECT # 4 to alleviate drainage problem existing at 825 Sherry Drive, Valley Cottage, residence of Arthur Brooks, based upon recommendation of the Town Engineer.

Seconded by Councilman Damiani.

All voted Aye.

(333) Councilman Damiani offered the following resolution:

RESOLVED, that the amount of \$2,774.00 be transferred from DRAINAGE PROJECT #4 to alleviate drainage problem existing at residences of Antonaccio, Ashmore and Siegel, Eberling Drive, New City, based upon recommendation of Town Engineer.

Seconded by Councilman Frohling.

All voted Aye.

(334) Councilman Frohling offered the following resolution:

RESOLVED that the amount of \$1140. be transferred from DRAINAGE PROJECT #4 to alleviate drainage problem existing at residence of Arcabella, 885 Stockton Rd., Valley Cottage, based upon recommendation of the Town Engineer.

Seconded by Councilman Damiani.

All voted Aye.

Councilman Bolander requested that Town Engineer look into original drainage patterns. Town Engineer stated that all problems coming up would go back three to four years.

(335) Councilman Frohling offered the following resolution:

WHEREAS, Anthony Paratore has petitioned this Board for a refund of erroneous 1969 taxes on property in the Town of Clarkstown, assessed to: Paratore, Anthony & W., 53 Old Middletown Rd., Nanuet, New York, because this property was charged front feet erroneously in Sewer District #17 and was an erroneous assessment, as verified by the Clarkstown Assessor,

(335) Resolution Continued:

now therefore be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund the petitioner the amount of \$13.33, and charge Sewer District #17 account.

Seconded by Councilman Damiani.

All Voted Aye.

(336) Councilman Frohling offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on April 10, 1969, that the position of Clerk in the Town Hall can now be created, now, therefore, be it

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

FURTHER RESOLVED, that Frances Korn, 5 Mary Ann Lane, New City, N.Y. is hereby appointed provisionally to the position of Clerk in the Town Hall, at a salary of \$2.00 per hour effective May 1st, 1969, to be charged to Town Hall-Employee Account.

Seconded by Councilman Damiani.

All Voted Aye.

(337) Councilman Damiani offered the following resolution:

WHEREAS, the Building Inspector has requested additional clerical help, now therefore, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment, not to exceed thirty days, of Mary V. Luongo, 11 Acorn Terrace, New City, N.Y. to the position of Clerk-Building Inspector's Office, as a salary of \$2.10 per hour, effective May 1st, 1969.

Seconded by Councilman Brenner

All Voted Aye.

(338) Councilman Brenner offered the following resolution:

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

In the Matter of the Application of Route 304
REALTY CORP. and CRAGMERE ESTATES, INC.,

Petitioners
for a judgment Pursuant to Article 78 of the
Civil Practice Law and Rules, Annuling a Determination
of the Planning Board of the Town of Clarkstown,
and granting other relief,

- against -

MERTON E. RAWSON, as Chairman, WILLIAM I. ZABRISKIE, JR.,
CLYDE A. ROBINSON, RUDOLPH J. YACYSHYN and PETER MASCIOLA,
CONSTITUTING THE TOWN PLANNING BOARD OF THE TOWN OF
CLARKSTOWN,

Respondents,

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said action.

Seconded by Councilman Frohling.

All Voted Aye.

(339) Councilman Bolander offered the following resolution:

WHEREAS, there is a vacancy in the position of Clerk to the Town Justice created by the resignation of Dorothy Flanagan.

NOW THEREFORE, BE IT RESOLVED, THAT THE Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of Joan M. Bambara, 165 Sickletown Road, West Nyack, N. Y. to the position of Clerk to Town Justice as a salary of \$4,390.00 per annum, effective and retro-active to April 24, 1969.

Seconded by Councilman Frohling.

All Voted Aye.

(340) Councilman Damiani Offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on April 11, 1969, that the position of Secretarial Assistant II in the Supervisor's Office can now be created, now therefore, be it

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

FURTHER RESOLVED, that the Rockland County Personnel Office has furnished Certification of Eligibles, Secretarial Assistant II, #6672 and #6903, containing the name of Camelia Gromack, now, therefore, be it

FURTHER RESOLVED, that Camelia Gromack, 60 Collyer Avenue, New City, N.Y., is hereby appointed to the position of Secretarial Assistant II in the Supervisor's Office at a salary of \$7,120.00 per annum effective May, 1, 1969.

Seconded by Councilman Frohling.

All Voted Aye.

(341) Councilman Frohling offered the following resolution:

RESOLVED, that based upon the recommendation of the Chief of Police, the Highway Superintendent is hereby authorized to erect a traffic signal at the intersection of Maple and Demarest Avenue, New City.

Seconded by Councilman Brenner.

All Voted Aye.

Highway Superintendent, in connection with restoring of pavement after sewer service lines are installed by contractors, suggested that stub be put further out on right of way, contractors to restore right of way at no cost to Town. Informed the Town Board that shoulders will sink in time. Supervisor will call meeting to discuss same; Mr. George Suttie, Highway Supt., Chas. Adams, Sewer Coordinator and the Town Engineer in attendance.

Recreation Commissioner, Edward Ghiazza to report back to the Town Board with possible sites for rental for his Department; building to be removed to enlarge parking area at Town Hall.

Re: Mr. Berg, Town Engineer's, request for new position of maintenance mechanic for his Department; he was advised that Mr. LaBonne of the Supervisor's Office is clearing this request with the Personnel Office.

4/30/69

000263

Councilman Brenner commended the Clarkstown Sanitation Commission and the Town Attorney's Office for withholding Empire Carting Scavenger license; said action upheld by the Court of Appeals.

Councilman Bolander reported that he attended inter-municipal meeting in the Town of Ramapo re: ability to get information and materials from Townships. He stated that the Town of Clarkstown was commended for their assistance by making material and information easily available for projection reports.

(342) Councilman Damiani offered the following resolution:

RESOLVED, that two (2) appraisals of Strawtown Builders Property adjacent to French Farms be made.

Seconded by Councilman Brenner.

All Voted Aye.

(343) Councilman Damiani offered the following resolution:

RESOLVED, based upon recommendation of the Town Engineer, that amount of \$7,566.00 be transferred from Drainage project #4 account to correct drainage problems existing as west end of Shetland Drive, Ruth and Christopher, Quaker Rd., and Lake Rd., Valley Cottage.

Seconded by Councilman Frohling.

All Voted Aye.

Building Inspector was requested to investigate dumping on Peterson property in Nanuet (abutting Grandway parking lot).

Councilman Damiani: In connection with sewer construction, contractors leaving debris and pipe on front lawns, etc. Requested that they be instructed to police area when installations are completed.

Councilman Damiani: Re: shopping carts that are removed from shopping areas; requested that addition be made to "anti-litter" law penalizing owners of said shopping carts if they don't restore them to their proper locations.

Councilman Damiani: Requested that the Town Attorney look into implementing law governing rental of apartments by Senior Citizens.

Councilman Frohling: Reported that approximately 100 junked cars in rear of Nanuet Fire House property. Building Inspector stated Mr. Presser, owner of body shop, has been warned; also suggested 'pounding area' for cars be set up at the Town Dump, same to be sold in bulk if not claimed. Matter of junk yards, as discussed with the Town Attorney, will be reintroduced at future Town Board Meeting.

In connection with demolition of buildings in Germonds Bungalow Colony, Building Inspector stated that negotiations are going on with Nanuet Fire Dept. to burn same for 'fire drill'.

Re: cars on Pipetown; Building Inspector has served notice to have these cars removed.

(344) Councilman Frohling offered the following resolution:

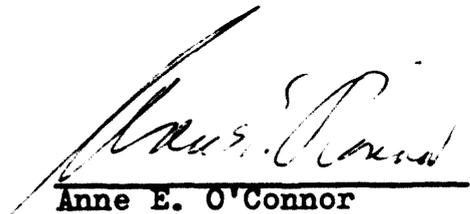
RESOLVED, that the Chief of Police, whenever he deems it necessary, order any or all members of the Police Department to report to the Police Department Surgeon for physical examination, cost of same to be made a proper town charge.

Seconded by Councilman Damiani.

All Voted Aye.

On resolution offered by Councilman Damiani, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until 8:00 P.M. on Wednesday, May 7, 1969.

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

000265

Town Hall

5/7/69

8:15 P. M.

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

RE: ZONE CHANGE PETITION OF RIDGE ROAD BUILDERS, INC.
R-22 to R-15 - Property located S/S West Clarkstown Road:
2 hearing - 1st 2/9/69

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

PLANNING BOARD RECOMMENDATIONS:

COUNTY: Maintain present zoning.

TOWN: Requested change not consistent with Town Development Plan - DENY. If granted, would stimulate requests for further downzonings.

CORRESPONDENCE: West Clarkstown Civic Association: Retain Master Plan, and adhere to recommendations of County and Town Planning Boards.

Robert R. Granik appeared as attorney for petitioner and stated the following:

Has delivered copies of sketch plat which shows the proposed division of the property into single-family building lots based upon a re-zoning of a portion of the property from R-22 to R-15, and averaging the density after deduction of the "greenbelt area" for the proposed drainage way.

If Town Board grants the application from R-22 to R-15 for the southwesterly portion of the property, it can be subdivided into 22 building lots, for a net difference of either two or three building lots.

Brook runs thru property to park area which was dedicated to the Town by Rulaine Realty. Re town picking this up as park land, Mr. Granik stated that it would require averaging down, which would bring us almost to the same square footage we are requesting.

Re any portion of this property proposed to be part of a taking by the county, town or PIP: Mr. Granik stated that it will not be effected at all. The proposed taking for the cloverleaf and the access road from W. Clarkstown Road lies to the east of this property in what was land of Kathy Land Company and then continues into Rockridge. Petitioner would not request that this be made all R-22.

No witnesses:

IN FAVOR: No one appeared

OPPOSED: West Clarkstown Civic Association: Supports Town Master Plan; this request does not conform. Concerned that petitioner not more specific in their intention for use. Deny. Petitioner not more specific in their intention for use. Deny. Petitioner states homes will be built; Planning Board has no knowledge of sketch plan.

Herbert Platt, 4 Center Lane: Vice-President Civic Association: Town Board should make all 1/2 acres. Re green belt: When builder goes into R-15, green belt area does not mean much in connection with number of homes he wants. Re cloverleaf - Clarify what the state is going to do before this is granted.

PUBLIC HEARING - RIDGE ROAD BUILDERS - continued:

600267

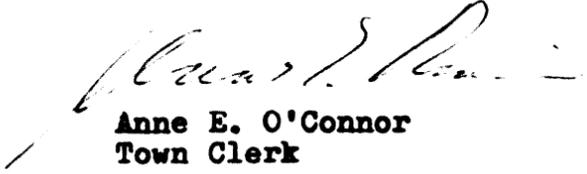
REBUTTAL: (Robert R. Granik):

22 homes if change of zone granted. Everything surrounding this property on all four sides is built upon or a filed subdivision plat. This is four acre R-22 piece. What can make a difference in the future, is that Maple Avenue will run along its southerly boundary. When this four-lane highway comes along that property, that piece of property, if not yet developed, may be more valuable than for one family homes.

If petition granted - will covenant that it will be developed as petitioned; and as shown on the sketch plan, to begin in the year 1970.

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

Signed,


Anne E. O'Connor
Town Clerk