

PUBLIC HEARING

000330

Town Hall

6/18/69

8:15 P.M.

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

(RE: SPECIAL PERMIT APPLICATION MADE BY WARD PAVEMENTS, INCORPORATED - FOR PERMISSION TO REMOVE SAND, STONE AND GRAVEL ON PROPERTY LOCATED BETWEEN LONG CLOVE AND ROUTE 304:

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

TOWN PLANNING BOARD RECOMMENDATIONS:

(5/15/69): Operation envisaged appropriate to area being in permit-zone. Presented summary of recommendations derived from the Planning Board's consultation with Building and Zoning Inspector, Town Engineer, County Planning Board and the U. S. Soils Conservation Service. (Town Clerk will forward copies to members of Town Board).

(6/6/69): Hudson River Valley Commission endorsed in total the twenty-one recommendations of the Town Planning Board and recommends sponsor comply with.

ROCKLAND COUNTY PLANNING BOARD RECOMMENDATION:

Landscaped area should be included where site abuts residential zone. Trees along stream near Route 304 should be preserved. Petitioner should indicate how he intends to route truck during excavation period not to interfere with adjacent residential areas or roads. Access be reviewed by Traffic Safety Committee. (Enclosed findings of Robert Jonas of the U. S. Soils Conservation Service)

CORRESPONDENCE:

Alert Hook & Ladder & Engine Company, Congers, New York: Sufficient equipment presently available to handle any emergencies or fires in the area of Long Close Road and Scratchup Road.

Clarkstown Police Department: Adequate Police protection in this area.

Orange & Rockland Utilities: Has single phase electric facilities available and can supply Ward Pavements, Incorporated power to conduct its operation.

Mr. John Hekker appeared before the Town Board as attorney for petitioner and submitted affidavits of posting and mailing. 25 acres involved zoned manufacturing. Lease with Long Clove Association is contingent upon Ward Pavements being able to excavate suitable stone, gravel and sand from site.

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PUBLIC HEARING - RE SPECIAL PERMIT APPLICATION - continued:

Resident to south. Property owned by Spring Valley Water Company. Davies Farm owns other orchards. Rockland Pistol Range located further to the northeast. Easement through property, bisected by stream running through middle of property and emptying into Lake DeForest.

Witness I: Karl Kirchner: (Sworn in by Supervisor): 1 Kings Highway, Tappan, New York:

Property in question fronts 700+ feet on 304, approximately 1800 feet on Long Clove Road. Total area of approximately 25-26 acres irregular in shape; presently unimproved. Property wooded. Level area and some slope; soil conditions good. All is zoned "M" which permits research, development, experimental and testing labs, light manufacturing, etc. Also permits, by special permit, bulk storage of fuel oil, concrete and mixing plants, stone quarries, etc.

To south and west: one family residential
To north: Trap Rock quarry
Southwesterly: Lake DeForest
Southwesterly: Agricultural and one family residential
West: One family residential along Long Clove and Ridge;
Immediately adjacent and fronting; undeveloped, except for houses along Long Clove Road.

Route 304 principal north-south local road and it connects with 9W east of subject property and proceeds southerly to New York-New Jersey line at Pearl River.

Granting to remove gravel not inconsistent with present property use of the area. Removal of gravel would be compatible with present uses and zoning of property in the neighborhood. Granting (under Section 4.32.L) should not have any adverse effect on property values in neighborhood. Re rehabilitation of land - should improve it. Will not impair property values. (4.32L will protect). Will not impair general welfare, health, morals, etc.

Witness II: Mr. Eugene Ostertag, Engineer for the land-owners - also as tenant: (Sworn in by Supervisor).

Retained by present owners of property before they purchased to investigate feasibility of using as industrial site. Made thorough physical inspection of property and took test holes for soil conditions. In general, westerly portion is level and contains gravel of very high quality. Eastern portion rolling piece of property, irregular in shape. Would be difficult to use as industrial property. Western portion would have to be regraded to render it level enough to be used.

Grading plan developed for Long Clove Associates would show what sort of shape it should take in order to be ready for the placement of buildings and parking areas in connection with future industrial use.

As result of grading plan, there is a need for removal of soil required from this property.

Irregularity of the eastern portion of property would be taken out; a lightly steeper slope would be created near the border of the property and then a uniform gentle grade of approximately 5% would be established over the balance of the property. 2% slope from the west toward the stream which goes through it, so it would easily drain in its future development.

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PUBLIC HEARING - WARD - continued:

Slope on site of property - 8%; which allows for use of this property for access roads and general development.

Slope adjacent to Long Clove Road - 5%

Gravel operation would take place within area of approximately eight acres. Some portions would only be regraded.

Access for entire operation would be the road which is presently in access to the property. There might, some time in the future, be shift to Scratchup Road, but at this time, this is not contemplated.

Planning Board has examined, granting plan. Would like permit based on using grading plan as proposed for final shape of property.

Should it develop that there is more sufficient good material to be removed in the way of gravel, then grade of the site would be altered.

Re request for dedication of strip of Long Clove Road, it is not intended at the present time that this be done. It would be more appropriate to do it when site review for industrial property is conducted.

Intent would be to preserve tree cover on three sides of property (west, east and south).

We would not preserve trees along Long Clove Road, because to properly grade this property, operation would go right up along Long Clove Road.

Re Slope, this plan does not anticipate steep slopes --- only gentle grades.

Re work being now carried on; in two weeks willing to carry out removal of gravel within two subject acres; however, because of regrading at present time on the eastern portion of the site, the cuts are not very deep and it would be impractical to take on areas and clear to final grade and then to adjoining area.

Have discussed with Spring Valley Water Company re reservoir --- we would leave area adjoining the stream on each side which would have a low barrier next to the stream. In case of rain; flow would have to go through the gravel barrier in order to go into the stream.

Supervisor: Follow up with a written memorandum.

Witness 111: Mr. Charles R. Leo. Jr., President Ward Pavements, Stony Point, New York

Mr. Ostertag made similar presentation to them about a year ago showing feasibility of developing for manufacturing purposes. We could do the work as described by him, without substantial cost to us, in return for the materials that were available as a result of the excavation. We could present ratable on washout basis. No blasting. Equipment that will utilized: Trucks, Front-end loaders and bulldozers.

Mr. Hekker: Should the Board look favorably, they would have to take into consideration that if materials not suitable, we could possibly meet the finished grades as submitted here. We are under contract at present time that if materials not available in the ground, we will restore the ground to a free-flowing drainage pattern as it now exists.

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PUBLIC HEARING - WARD continued:

Mr. Ward: Would agree to this as restrictive covenant.

IN FAVOR: 1 Mr. Clyde Jordan, 5 Louis Road, New City; Representing Appalachian Stone.

IN FAVOR: 11 Mr. Niles Davies; As adjacent property owner to east.

OPPOSED: 1 Mr. Eugene Cavallo: Representing groups of people who are residents in area. All own homes in area. Each of these people living in area for a long time -- homes worth great deal of money. Granting of this permit would deprive these people of use of enjoyment of their homes. Would depreciate property; would create traffice in area -- hazard. -- DENY

Re improvement of site that they claim; Type of operation - what Ward Pavement intends within next 2½ years would cause bad effect on area -- dirty, noisy, nuisance.

OPPOSED: 11 Mr. Dennis Coyle, Congers, New York: Re Par. 3 of petition: Asks for excavation of gravel, stone, etc. Will there be a field washing operation along with removal of gravel? Mr. Ward: Nor presently contemplated.

If field washing operation goes on, would it adversely effect these properties? Answer: Mr. Kirchner: My testimony based on answer to question that there is no wash or process contemplated.

If field washing operation goes on, would it adversely effect these properties? Answer: Mr. Kirchner: My testimony based on answer to question that there is no wash or process contemplated.

Mr. Ward: If the material not available, and we are granted the right to eliminate the grade from the proposed plan, there is no need to proceed.

Mr. Hekker: Green on survey showed where we will maintain stand of trees in 50' southerly boundary line and the easterly and westerly. Any stand along Long Clove Road would have to come down for any road widening.

Mr. Dennis Coyle: Have interest in piece of property opposite property in question. (54 acre piece granted final subdivision approval) Presently building \$50,000.00 homes in this property, and also on Ridge Road. This operation will effect that whole area.

Mr. Cavallo to Mr. Kirchner: Are you familiar with operation to be conducted? To extent that it is removal of gravel.

What kind of structures to be erected: (if he does not know, disregard his testimony completely)

Mr. Kirchner: Application is for permission to remove gravel. Bulldozers, bucket loaders, etc. needed. Re structures; None, unless there is an office. No processing plant (based on removal of gravel).

OPPOSED 111: Mr. Casselli, Long Clove Road: There is only one way to process. Trucks go back and forth between Long Clove Road: There is only one way to process. Trucks go back and forth between Long Clove and Spring Valley Water Company property. It must come out along Long Clove Road.

Mr. Eugene Cavallo: Re length of operation: 2½ years lease; no indication as to what will happen after that time. How long will operation take place? Do they know what the substance of land is? How deep the gravel is; how deep they have to dig to get it out?

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PUBLIC HEARING - WARD continued:

Re improving property: If they have to go deep, they are not going to be able to improve it as they indicated tonight. How long will they be there; How deep will they have to go??

Mr. Ostertag: Deep holes went to depth of approximately 10-12'. Undercut would be moderate on the order of several feet (on the order of 5-6' below the grades that are specified on survey.

Mr. Hekker: Re 2½ year lease, no objections to renew. There is restriction to 5 years. We are not going over 2½ years and we will do regrading. This will be a condition in the event this permit is granted.

OPPOSED IV: Mr. Ralph Marczan, Long Clove Road: Will devalue homes.

OPPOSED V: Mr. Richard Marczan, Jr., Long Clove Road: We are private homeowner. Other plant on 202 in Mt. Ivy. This will be in his back yard. Trucks - danger to children. New York Trap Rock has not effected us -- This too close to homes.

Mr. Ostertag: We are not making any cuts off Long Clove Road. We are dropping in a fixed grade from Long Clove Road. At some portions, we will be 10' below, but this is gradual grade which extends along entire property.

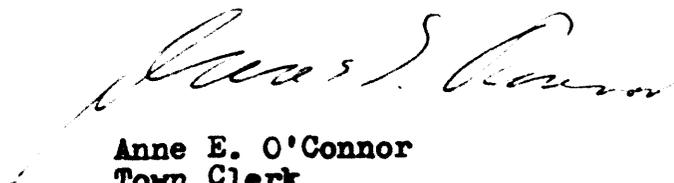
Property on west side level with Long Clove Road. Property on east side of street along Long Clove has some portions above and some below Long Clove Road.

Supervisor: To all opposed: Write objections addressed to Town Board.

Mr. Hekker: Re Trap Rock: This petition should be granted as matter of right -- is manufacturing district and can be concrete plant, warehouses, stone crushing, pavements mixing plants, etc. Would be a lot more detrimental than this proposed operation.

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

Signed,


Anne E. O'Connor
Town Clerk

Public Hearing

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Town Hall

6/18/69

8:30 P.M.

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

RE: PROPOSED AMENDMENT TO BUILDING ZONE ORDINANCE TO CONSIDER A ZONE CHANGE CORRECTION FROM R-15 & R-22 ZONE TO RS ZONE DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF ROUTE 303, WEST NYACK, N.Y.

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

Councilman Frohling stated the following: This public hearing was brought about through the fact that several properties on the east side of Route 303 in West Nyack, between Orangetown line and Route 59, were erroneously placed in a residential zone in the 1967 zoning map.

From Route 59 southerly, on the east side of Route 303 to the Orangetown line, there are approximately seven (7) existing commercial establishments which have been at the same location for many years.

North - R-15
South - R-22

It was brought to the attention of several of the property owners that their commercial properties had been placed in residential zone. At that time, several of the owners of the properties were being forced to petition to the Town Board, at their own expense, to change back to commercial so that they could continue their businesses.

Town Attorney stated that this property was C-2; directly across street, to south - Zoned M; property borders on heavily trafficked highway.

Section 265 of Town Law gives Town Board right to schedule public hearing to amend zoning map. Notice of this proposed hearing was sent and published as required by law.

Letters received:

1. R. W. D. Jewett, Mayor of Incorporated Village of Upper Nyack: His property located within 500 feet of property in question; APPROVES OF CHANGE FROM R-15 to RS as requested.
2. Sun Oil Company, Newburgh, New York; R. L. Holt, Land Department Representative: Sun Oil station in this area; fully in favor of this contemplated change. IN FAVOR.

IN FAVOR:

- I. Mr. Joseph W. Pych, Route 9W, Nyack.
- II. Mr. & Mrs. Ellis Peterson: Purchased property at commercial price; conducts business 6-7 months out of year.
- III. Mr. Harry Dillon, 60 South Greenbush Road, West Nyack; Has tenant at present; would like to go into business in this area in the future.
- IV. Mrs. Marsico - in favor.
- V. Mrs. Cozart - Bought at commercial value.
- VI. Mr. Garber: Multiple dwellings on his property. Objects to change as on zoning map. (President of Greenbush Realty Company, Incorporated, 151 N. Moison Road, Blauvelt, New York)
- VII. Mr. Ward: (adjoining Garber property)

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PUBLIC HEARING - RE PROPOSED AMENDMENT TO BUILDING ZONE ORDINANCE TO CONSIDER A ZONE CHANGE CORRECTION FROM R-15 & R-22 ZONE TO RS ZONE DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF ROUTE 303, WEST NYACK, NEW YORK.

OPPOSED:

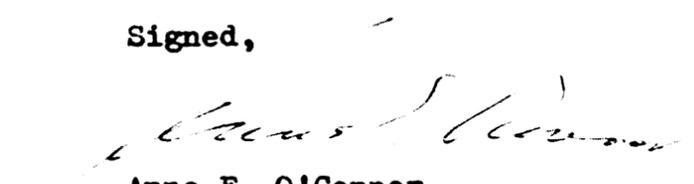
1. Mrs. Brindle, South Mountain Road: Most of land on Route 59, south of Route 303 rather wide - junction of 59 and 303 narrow. If changed to commercial what would happen to residential homes on west side of Greenbush Road. If commercial come any comes in, would actually be on Greenbush Road because land is so narrow. What provisions would be made for Greenbush Road residents not to be looking into the back of an unsightly commercial area? Mrs. Brindle stated that she was on east side of Greenbush Road; is speaking about the houses on West Greenbush. Councilman Frohling stated that all town would be doing is restoring the zoning boundaries where they were previous to 1967; immediate east side of Greenbush would remain residential.
11. Mrs. Moore, Greenbush Road: purchased property in 1964 when it was commercial.

Supervisor stated that zoning change being contemplated would bring back the status of that property to what it was before. If something new comes into the area, town has various agencies that become involved, vis. Site Review, Shade Tree, Architectural Review Board, etc.

Councilman Frohling: There are 16 commercial properties proposed on the west side of Old Greenbush Road, Residential will remain. Fronting on Route 303, commercial; Old Greenbush, residential.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

6/18/69

8:45 P.M.

Present: Councilmen Brenner, Bolander, Damiani, Frohling, Supervisor
Mundt
Town Attorney and Staff
Town Clerk

RE: PROPOSED ESTABLISHMENT OF SEWER DISTRICT #37:

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

Mr. David Ebinger, 16 Saddle Lane, New City appeared before the Town Board as representative of Charles R. Velzy Associates, Consulting Engineers and testified as follows:

Employed by firm for eight years; authorized by town to proceed with study. Prepared report for firm of Charles R. Velzy. Report contains true statement of facts and figures and other data. Filed in the office of the Town Clerk and with the State of New York Department of Health. State Department of Health has approved report.

Shows all outlets, terminals of proposed sewer district, and also gives description of all sewer disposal plants, pumping stations within proposed district.

Any sewer facility set forth within this proposed district within boundary of any incorporated village? No.

This plan and report consistent with comprehensive plan for sewer development in the county of Rockland.

All would benefit. All property owners who will be benefited included within limits.

Described map: East: District 17 - 28 & 30.
North: Clarkstown Town Line and Sewer 9 & 28.
West: Clarkstown Ramapo Town Line.
South: Convent Road and small section down to a point where Highland Avenue becomes Duryea Lane.

There are no sewer districts presently existing within these limits. Would be in public interest to establish.

Estimated Cost: \$1,325,000.

Estimated construction cost:	\$970,000	
Construction Contingencies at 10%	\$97,000	
Total Project Construction Cost		\$1,067,000.
Easements		8,000.
Adminis., Legal & Eg. at approx. 15% of Total Construction Cost		160,000.
Interest on Bond Anticipation Notes		90,000.
		<u>\$1,325,000.</u>

PROPOSED COST TO AVERAGE HOMEOWNER:

(\$6,000. Assessment - 100' frontage)

1st year on 40-year bond issue:	\$123.46
5th year	74.20
15th year	43.22

Factors: Based on 1. Assess valuation 50%

2. Front footage

3. Unit charge (standard 25 dollars per unit)

Commercial ratables in this district: 825 acres (265 acres non-residential)

Average cost of office building assessed at \$50,000. in this district:

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PUBLIC HEARING - Sewer District #37 - continued:

First year -- \$748.20
Fifth year -- \$481.80
Fifteenth year -- \$274.50

Homeowners would have to put in their own house connections.

Councilman Bolander: Estimate on charge was for home assessed at \$6000. Under present assessment. We are going through a re-assessment phase. Was this taken into consideration.

Town Attorney: There will be a pro-rata increase on reassessment phase, but cost would not change too much.

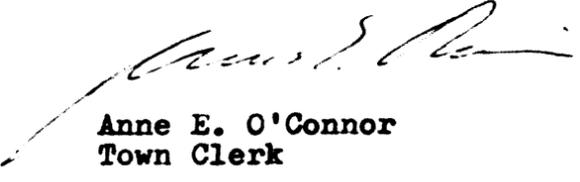
Councilman Frohling: Any aid available?

Mr. Ebinger: If any aid forthcoming this would reduce earlier cost to homeowner.

No further questions.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

000377

Town Hall

6/18/69

9:00 P.M.

Present: Councilmen Brenner, Bolander, Damiani, Frohling, Supervisor
Mundt
Town Attorney and Staff
Town Clerk

RE: PROPOSED ASSESSEMENT ROLL - DE SIMONE LANE (STONY HILL) ROAD
IMPROVEMENT DISTRICT:

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

Everett J. Johns Esq. appeared as attorney for district and stated the following:

Assessor, who prepared roll, not present. Suggested, that if Town Attorney could not answer any questions, hearing be postponed. (it was decided to proceed).

Mr. Anthony Wonsala, 54 North Greenbush Road, West Nyack appeared before the Town Board re upper section of road being torn up by contractors making it impassable, suggesting that township make contractor responsible instead of town paying for restoration. Re assessment for corner lot; he was informed that reduction has been made (49' was figured). Re 50% reduction received by his neighbors, Mr. Wonsala was informed that these lots actually fronted on road but were not same portion he has; was recommendation of assessor, believed to be reasonable.

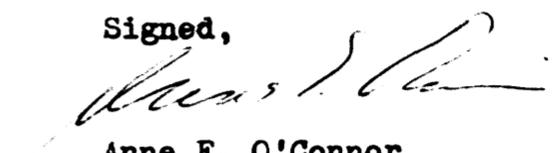
Re bond approved, Mr. Wonsala inquired as to terms and how long residents will be paying for road. Mr. Johns informed Mr. Wonsala that once district finalized and after filing (30-day period), amount can be paid in full to the town; or if not paid within 30 days, note issued by town for payment of the construction. Bond will spread over 16 year period, with interest, and will be payable on state and county tax roll (for which there will be hearing each year).

Re 10' strip existing on north side which was not included, Town Board will consider.

Messrs. Beers and Svahn were assured by the Highway Superintendent that road will be restored as it was originally by this fall.

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

Signed,


Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

00379

Town Hall

6/18/69

8:00 P.M.

Present: Councilmen Brenner, Bolander, Damiani, Frohling, Supervisor Mundt
Town Attorney
1st Deputy Town Attorney
Deputy Town Attorney
Deputy Town Attorney in Charge of Special Districts
Town Clerk

Supervisor called Town Board meeting to order.

(466) Councilman Brenner offered the following resolution:

RESOLVED, that minutes of Town Board meetings held on 5/21/69; 6/29/69 and 6/4/69 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Frohling.

All voted Aye.

(467) Councilman Frohling offered the following resolution:

RESOLVED, that the application of Manny Apfelbaum and Abraham Meltzer for correction of error in comprehensive zoning ordinance enacted 6/30/67 is hereby approved - PROVIDING THAT THE PETITIONER AGREES TO RESTRICTIVE COVENANT WHEREIN NO MORE THAN SIX ADDITIONAL LOTS WOULD BE PERMITTED UNDER THIS CORRECTION.

Seconded by Councilman Brenner.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Damiani, Frohling, Supervisor Mundt.

NOES: Councilman Bolander.

(468) Councilman Brenner offered the following resolution:

RESOLVED, that time for receiving bids for Signalization on Collyer Avenue and Little Tor Road, New City is hereby closed, and be it

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

Seconded by Councilman Bolander.

All voted Aye.

The following bids were received:

- (1) M. Eisenberg and Brothers, Incorporated
76 Demarest Avenue, West Nyack, New York.....\$7390.00
- (2) New City Electric, Incorporated
2 Sandstone Trail, New City, New York.....\$7761.00

(469) Councilman Brenner offered the following resolution:

RESOLVED, based upon the recommendation of the Highway Superintendent, that bid for signalization of Collyer and Little Tor, New City be awarded to low bidder, M. Eisenberg and Brothers, Incorporated, 76 Demarest Avenue, West Nyack, New York at cost to town of \$7390.00.

Seconded by Councilman Frohling.

All voted Aye.

6/18/70

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(470) Councilman Frohling offered the following resolution:

WHEREAS, Joseph D. Mortillaro and Virginia H. Mortillaro, his wife, have executed an easement and are offering it gratuitously to the Town for Sewer District No. 20; and

WHEREAS, Joseph Ponessa and Grace Teresa Ponessa, his wife, have executed an easement and are offering it to the Town for Sewer District No. 20 in consideration of the sum of \$200.00; and

WHEREAS, Carl J. Sidoli and Therese M. Sidoli, his wife, have executed an easement and are offering it to the Town for Sewer District No. 20 in consideration of the sum of \$200.00; 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 fees for the easements granted by Joseph Ponessa and Grace Teresa Ponessa, his wife, and Carl J. Sidoli and Therese M. Sidoli, his wife, 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 \$200.00 for the easement granted by Joseph Ponessa and Grace Teresa Ponessa, his wife, and

3. That Sewer District No. 20 is hereby authorized to pay the sum of \$200.00 for the easement granted by Carl J. Sidoli and Therese M. Sidoli, his wife.

Seconded by Councilman Brenner.

All voted Aye.

(471) Councilman Damiani offered the following resolution:

WHEREAS, Sewer District No. 20 of the Town of Clarkstown requires an easement for the installation of a sewer line in and over lands of the Spring Valley Water Company Incorporated, which easement is more fully described on the Schedule "A" hereto attached, and

WHEREAS, Sewer District No. 20 of the Town of Clarkstown requires an easement for the installation of a pumping station on other lands of the Spring Valley Water Company Incorporated, which lands are more fully described on Schedule "B" hereto attached, and

WHEREAS, the Spring Valley Water Company Incorporated has indicated its willingness to gratuitously grant the required easement for the sewer line and a license for the installation of the pumping station and ultimately an easement for said pumping station, and

WHEREAS, the Spring Valley Water Company Incorporated has submitted a proposed deed of easement for the sewer line, a copy of which is hereto annexed, which said deed of easement contains certain mutual obligations and reservations, and

WHEREAS, the Spring Valley Water Company Incorporated has submitted a proposed license agreement for the installation of the pumping station, a copy of which is hereto annexed, and

WHEREAS, Thomas E. Walsh and Michael H. Reeder, attorneys for Sewer District No. 20, and George T. Suttie of the consulting firm of Charles R. Velzy Associates, Incorporated recommend that the Town authorize the Supervisor to execute the deed of easement and the license agreement for the installation of the pumping station;

NOW, THEREFORE, be it

6/18/69

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RESOLUTION #471 - continued:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to execute said deed and agreement on behalf of the Town of Clarkstown and to accept said easements on behalf of the Town of Clarkstown.

Seconded by Councilman Brenner.

All voted Aye.

The Town Board presented award to Manuet Postmaster Lawrence Muller who has served community nine years.

Re Route 59-304 public hearing; date of 9/10/69 at 8:00 P.M. was confirmed.

Re widening of 304; consultation with Councilman Brenner and mail received by Supervisor indicates that citizens of West Nyack do not want the widening. Will meet with County Highway Superintendent and instruct him that when bond issue is adopted, widening of Strawtown will be eliminated as a project.

(472) Councilman Brenner offered the following resolution:

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

Seconded by Councilman Bolander.

All voted Aye.

(473) Councilman Damiani offered the following resolution:

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

Seconded by Councilman Frohling.

All voted Aye.

(474) Councilman Brenner offered the following resolution:

RESOLVED, that the decision on Special Permit Application made by WARD PAVEMENTS, INCORPORATED - property located on Route 304 and Long Clove Road is hereby reserved.

Seconded by Councilman Bolander.

All voted Aye.

(475) Councilman Damiani offered the following resolution:

RESOLVED, that the decision on proposed amendment to building Zone Ordinance to consider zone change correction from R-15 and R-22 zone to RS zone for property located on E/S Route 303, West Nyack is hereby reserved.

Seconded by Councilman Frohling.

All voted Aye.

000382

(476) Councilman Brenner offered the following resolution:

RESOLVED, that the decision on proposed establishment of Sewer District No. 37 is hereby reserved.

Seconded by Councilman Bolander.

All voted Aye.

(477) Councilman Frohling offered the following resolution:

RESOLVED, that the decision on DE SIMONE LANE ROAD IMPROVEMENT assessment roll is hereby reserved.

Seconded by Councilman Damiani.

All voted Aye.

Messrs. Mitchell and Ferrara appeared before the Town Board re extension of lateral in Sewer District #26. Claims there is no pipe in the street in front of their properties to run lateral into. Town Engineer who was requested to investigate, states line is there; Supervisor stated that if builder was told to put in 180', town will see that he does. Town Engineer reported, that upon inspection, sewer is dry sewer. When entire system engineered, he was told that Charle R. Velzy Associates had to hook up this dry sewer; they could not do so at the 100' this was put in. They had to excavate this link of pipe and put in deeper sewer line. Supervisor suggested that he, the Town Engineer and representative of Charles R. Velzy Associates, and the Highway Superintendent go on site to investigate thoroughly for solution. Meeting will be arranged.

S. Endlish, 3 Quaker Road, New City appeared before the Town Board re water problem. Catch basin put above ground; water goes into house. Town Engineer reported that house surrounded by high lands on all sides. Installation put in two years ago by Highway Department; runoff comes off Little Tor (county road). Supervisor will arrange meeting between Mr. Endlish, Nelson Hall, Company, Highway Superintendent and himself in his office to resolve.

Mr. Adolph Millich, Jr., Little Tor Road, appeared re drainage, represented by David Roepe, Esq., 16 Maple Avenue, New City, New York. Serious flooding condition south of New Valley Road; Pipe line installed by town inadequate; drainage from surrounding developments going on to his property. Requests storm drains to alleviate. Supervisor instructed Town Engineer to prepare report to Town Board to analyze and propose solution to this drainage problem.

(478) Councilman Bolander offered the following resolution:

RESOLVED, that the Town Engineer is hereby directed to prepare report re drainage problem existing south of New Valley Road on Millich property together with proposed solution.

Seconded by Councilman Damiani.

All voted Aye.

Mr. William Marko, 163 Brewery Road, New City, appeared before the Town Board re drainage problem (depression behind development). Town Engineer had investigated and stated that outflow through adjacent properties inadequate. Mr. Melvin Knapp was of opinion that Planning Board should not have approved because poorly planned. Town Engineer was directed to present plan and cost factor in connection with this problem on the Town Board meeting to be held

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Mr. William Marko - continued:

on 7/2. Re connection with sewers on Brewery; Mr. Eppinger of Charles R. Velzy Associates informed complainant that hearing will be held 7/2 (Sewer District #39 Established); after which sewer line will be constructed fronting on Brewery.

Supervisor Mundt suggested that any other residents in Corral Estates (Lief Bergstol builder) who had complaints, submit their names, addresses, phone numbers and their complaints, then Town Board will sit down with builder to discuss. (Highway Superintendent stated that drainage, as approved for Corral Estates, has been adhered.

Mr. Ronald M. Derzaw, 10 Filmont Drive, New City appeared before the Town Board re Medical Center located on Phillips Hill Road and Little Tor Road, New City. Complaints were made of promises of screening that was started but not completed as yet; disturbing lights from medical complex; and water coming down from medical center. Supervisor stated letter received from Dr. Thalenberg re screening, possible drainage solution and maintenance and that all would be completed within six months. Meeting will be held with all involved to resolve situation.

Mrs. Edward Jordan, Ridge Road, New City appeared before the Town Board re drainage problem (Moody, builder). Water coming down from Ridge soaking foundation. Meeting will be arranged Mrs. Jordan, County Highway Superintendent, and Town Engineer to seek solution. Highway Superintendent suggested that concrete curb be placed in front of Jordan property and that county pave portion under discussion (170') - cost \$3800.00.

Mrs. Landau appeared before the Town Board re dangerous condition existing on Louis Road. Highway Superintendent and Murray N. Jacobson of the Town Attorney's Office stated that once state approval approved re waiver from 50' to 20' right of way, road can be improved.

(479) Councilman Damiani offered the following resolution:

RESOLVED, that the Superintendent of Public Works of the State of New York is hereby requested to issue a certificate in writing, pursuant to Section 171 of the Highway Law, of the necessity for laying out Rheinlander Lane less than three rods in width, to extend as delineated upon map.

Seconded by Councilman Bolander.

All voted Aye.

Mr. Kahn, 5 Lilac Court, Nanuet appeared before Town Board complaining about unfinished condition of his home (John Knutsen, builder). COs permitted - builder did not comply. Also drainage problem in area. Newer homes, because issuance of COs demand certain requirements before issuance in summer, have been receiving more attention. Requests that any further permits to this builder in this area be held until all requirements on first homes met.

6/18/69

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(480) Councilman Brenner offered the following resolution:

RESOLVED, that no building permits or COs be issued to builder John Knutsen until he has completed the work on previous homes.

Seconded by Councilman Bolander.

All voted Aye.

Mr. Kahn was also requested to list all complaints and send in registered letter to Mr. Knutsen; also sending copy to Town Board.

At 11:00 A. M.; Councilman Brenner left the Board table.

(481) Councilman Damiani offered the following resolution:

WHEREAS, a Performance Bond No. 2234166 of HOWARD ELLISH, ALAN KURTIS and HARRY SHAPIRO as Principal and CONTINENTAL CASUALTY COMPANY, as Surety, dated July 28, 1965, in the amount of \$92,000.00 covering all improvements for sanitary sewers and other facilities as shown on Final Plat of "REYVILLE ESTATES, SECTION 11" dated September 18, 1964 and revised January 11, 1965, said performance bond having been approved by the Town Board of the Town of Clarkstown on November 4, 1965, and

WHEREAS, after due notice and public hearing, the Planning Board of the Town of Clarkstown has recommended the reduction of Bond No. 2234166 from \$92,000.00 to \$7,400.00;

NOW THEREFORE, be it

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

Dated : June 18, 1969

Seconded by Councilman Frohling.

All voted Aye.

(482) Councilman Bolander offered the following resolution:

RESOLVED, that Orange and Rockland is authorized to install one (1) Mercury Vapor Light on Rockford Drive, West Nyack at \$54.60 annually.

Seconded by Councilman Damiani.

All voted Aye.

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 of Clarkstown, on the 18th day of June, 1969.

Present:

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

Supervisor
Councilman
Councilman
Councilman

In the Matter of the Establishment of proposed Sewer District No. 39, in the Town of Clarkstown, in the County of Rockland, New York.

ORDER CALLING PUBLIC HEARING

July 2, 1969

ORDER CALLING PUBLIC HEARING - Sewer District No. 39 - continued:

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WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, has heretofore duly caused to be prepared a general map, plan and report for providing a lateral sewer system in Sewer District No. 39 in the Hamlet of New City, (herein called "District"), proposed to be established in the Town, consisting of construction of all lateral sewer within the District tributary to the Lake Deforest and Bardonia Road interceptors of Rockland County Sewer District No. 1, including manholes, house connection stubs brought to a point two feet beyond the edge of roads, of a pumping station to be located at the corner of New City - Congers Road and Strawtown Road, 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, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, said Town Board has determined to proceed with the establishment of the proposed District and the construction of such lateral sewer system therein; and

WHEREAS, the proposed District is more particularly bounded and described as follows:

APPENDIX A

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 northerly boundary of Sewer District No. 16, which point is the southeasterly corner of lot 72-A-10.02; thence northerly along said boundary to the northwesterly corner of lot 90-A-21 on the easterly right-of-way of Strawtown Road; thence northerly along the easterly right-of-way of Strawtown Road to the southwesterly corner of lot 92-B-14.01; thence easterly along the southerly side of said lot 14.01 to the southeasterly corner of said lot 14.01; thence northerly along the easterly side of said lot 14.01 and Tupper Lane to the southwesterly corner of lot 92-B-22 thence easterly along the southerly side of said lot 22 to the southeasterly corner of said lot 22; thence northerly along the easterly side of said lot 22 and the right-of-way of Hillcrest Road to the northwesterly corner of the right-of-way of Hillcrest Road; thence westerly along the northerly right-of-way of Hillside Road to the southeasterly corner of lot 92-B-24; thence northerly along the easterly sides of lots 92-B-24, 27, 27.01 and 27.02 to the northeasterly corner of said lot 27.02, which point is on the southerly side of lot 92-B-28; thence easterly along the southerly side of said lot 28 to the southeasterly corner of said lot 28; thence northerly along the easterly side of said lot 28 to the northwesterly corner of said lot 28, which point is on the easterly right-of-way of Strawtown Road; thence northerly along the easterly right-of-way of Strawtown Road to the southwesterly corner of lot 92-B-33; thence easterly along the southerly side of said lot 33 to the southeasterly corner of said lot 33, which point is on the westerly side of lot 92-B-34.02; thence southerly along the westerly side of said lot 34.02 to the southwesterly corner of said lot 34.02; thence easterly along the southerly side of said lot 34.02 to the southeasterly corner of said lot 34.02; thence northerly along the easterly side of lot 92-B-34.02, 34.01, and 93-A-9 to the northwesterly corner of said lot 9; thence westerly along the northerly side of said lot 9 to a point on the northerly side of said lot 9, which point is the southeasterly corner of lot 93-A-21.03; thence northerly along the easterly side of lots 93-A-21.03, 21.02, 21.01, 21 and 1.03 to the northeasterly corner of said lot 1.03; thence westerly along the northerly side of said lot 1.03 to a point on the northerly side of said lot 1.03, which point is the southeasterly corner of lot 93-B-20.02; thence northerly along the easterly side of lots 93-A-20.02, 20 and 20.01 to the northeasterly corner of said lot 20.01; thence westerly along the northerly side of said lot 20.01 to a point on the northerly side of said lot 20.01, which point is the southeasterly corner of lot 93-A-19; thence northerly along the easterly side of said lot 19 to the northeasterly corner of said lot 19, which point is on the southerly side of lot 93-A-18; thence easterly along the southerly side of said lot 18 to the southeasterly corner of said lot 18; thence northerly along the easterly side of lot 93-A-18,

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000000 ORDER CALLING PUBLIC HEARING - Sewer District No. 39 - continuation:

94-A-4.02, 4,5,6,7, 8 and 9 to the northeasterly corner of said lot 9; thence northerly in a straight line across lot 94-A-1.02 to a point on the northerly side of said lot 1.02, which point is the southeasterly corner of lot 95-A-13; thence northerly along the easterly side of lots 95-A-13, 12, 10, 3.01 and 96-A-2.02 to the northeasterly corner of said lot 2.02; thence westerly along the northerly side of said lot 2.02 to the northwesterly corner of said lot 2.02, which point is on the easterly side of lot 96-A-3; thence northerly along the easterly side of said lot 3 to the northeasterly corner of said lot 3; thence westerly along the northerly side of said lot 3 to the northwesterly corner of said lot 3, which point is on the easterly right-of-way of Strawtown Road; thence northerly along the easterly right-of-way of Strawtown Road to a point where it intersects the southerly right-of-way of New City-Congers Road; thence northerly in a straight line along a projection of the easterly right-of-way of Strawtown Road across New City-Congers Road to a point 155 feet measured in a northerly direction along said projection from the northerly right-of-way of New City-Congers Road; thence westerly along a line parallel to the northerly right-of-way of New City-Congers Road, which said line is 155 feet measured in a northerly direction from the northerly right-of-way of New City-Congers Road to the northeasterly corner of lot 78-A-4; thence westerly along the northerly side of said lot 4 to the northwesterly corner of said lot 4, which point is on the easterly right-of-way of Goebel Road; thence northerly along the easterly right-of-way of Goebel Road to a point where it intersects the southerly right-of-way of New York State Route 304; thence northwesterly in a straight line across New York State Route 304 to the northeasterly corner of lot 79-A-4, which point is on the southerly boundary of Sewer District No. 36;

Northerly Boundary

thence westerly along the southerly boundary of Sewer Districts No. 36 and 2 to a point where it intersects the easterly boundary of Sewer District No. 34 at the Demarest Kill;

Westerly Boundary

thence southerly along the easterly boundary of Sewer District No. 34 to the point where it intersects the northerly boundary of Sewer District No. 19; thence easterly and southerly along the northerly and easterly boundary of Sewer Districts No. 19 and 23 to a point where the easterly boundary of Sewer District No. 23 intersects the southerly boundary of Sewer District No. 23; thence generally westerly along the southerly and westerly boundary of Sewer District No. 23, the southerly boundary of Sewer District No. 19 and 26 to a point where the southerly boundary of Sewer District No. 26 intersects the easterly right-of-way of the Palisade Interstate Parkway; thence southerly along the easterly right-of-way of the Palisade Interstate Parkway to a point where it intersects the northerly right-of-way of the New York State Thruway;

Southerly Boundary

thence easterly along the northerly right-of-way of the New York State Thruway to the southeasterly corner of lot 72-A-10.02, which point is on the northerly boundary of Sewer District No. 16, the point of beginning.

and,

Whereas, the maximum amount proposed to be expended for the construction of said sewer system, as hereinabove described, is 3,350,000 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 proposed District which the Town Board shall deem especially benefitted by said 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; now, therefore, be it,

ORDERED that a meeting of the Town Board of the Town be held at the Town Hall, 10 Maple Avenue, New City, New York, in said Town,

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ORDER CALLING PUBLIC HEARING - Sewer District No. 39 - continued:

on the 2nd day of July, 1969 at 8:30 o'clock P.M. (EST) to consider the proposed establishment of the District and the construction of such lateral sewer system therein, as herein referred to, 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, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in "The Journal News", a newspaper published in New City, New York, and the official newspaper of said Town, and post on the sign-board of said Town maintained pursuant to subdivision six of Section thirty of the Town Law and conspicuously in at least five (5) public places within the proposed District, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than twenty days before the day designated herein for said public hearing as aforesaid.

DATED: June 18, 1969

RESOLUTION CALLING NEW PUBLIC
HEARING WITH REGARD TO PROPOSED
SEWER DISTRICT NO. 35

WHEREAS, the Town Board of the Town of Clarkstown has heretofore held a public hearing on the proposed Sewer District No. 35 on the 5th day of February, 1969, at a meeting of the Town Board of the Town of Clarkstown held at the Town Hall, 10 Maple Avenue, New City, New York, in said Town of Clarkstown, at 8:30 o'clock P. M. (EST), and

WHEREAS, it has been determined that a portion of the property owners in said district will not be benefitted thereby;

NOW THEREFORE, be it

RESOLVED, that the proposed Sewer District No. 35 be not established as proposed at the hearing of February 5th, 1969, and be it

FURTHER RESOLVED, that a new public hearing be called proposing the establishment of Sewer District No. 35 with the boundaries shown on the attached APPENDIX A, which is annexed hereto and made a part hereof, which description excludes all property and property owners not benefitted by the proposed extension.

Dated: June 18, 1969

TOWN OF CLARKSTOWN
ROCKLAND COUNTY, NEW YORK

SEWAGE COLLECTION DISTRICT NO. 35

APPENDIX A

Boundary Description

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 of 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 northerly side of Lakewood Drive, which said point is the southeasterly corner of lot 142-A-16.02; thence northerly along the easterly side of said lot 16.02 to the northeasterly corner of said lot 16.02, which said point is on the southerly side of lot 142-A-14.01; thence easterly along the southerly side of said lot 14.01 to the southeasterly corner of said lot 14.01; thence northerly along the easterly side of lots 142-A-14.01, 14.02 and 14.03 to the northeasterly corner of said lot 14.03; thence westerly along the northerly side of said lot 14.03 to the southeasterly corner of lot 142-A-14.04; thence northerly along the easterly side of lots 142-A-14.04, 12.01, 12.02, 12.03, 10.06, 10.05, 10.04, 10.03, 10.02, 10.01, 32.02, 32.17 and 32.18 to northeasterly corner of said lot 32.18;

SEWAGE COLLECTION DISTRICT NO. 35 - continued:Northerly Boundary

THENCE westerly along the northerly side of said lot 32.18 to the northwesterly corner of said lot 32.18; thence southerly along the westerly side of said lot 32.18 to the southwest corner of said lot 32.18; thence easterly in a straight line across lot 142-A-32.19 to the northeasterly corner of lot 142-A-31; thence westerly along the northerly side of said lot 31 and the northerly right-of-way of Viking Lane to the northwesterly corner of said right-of-way; thence generally westerly in a straight line across lot 128-A-3 and the New York State Route 303 right-of-way to the southeasterly corner of lot 128-A-5.05; thence northerly along the easterly side of lots 128-A-5.05 and 5.01 to the northeasterly corner of said lot 5.01; thence westerly along the northerly side of said lot 5.01 to the northwesterly corner of said lot 5.01, which point is on the easterly side of lot 128-A-16; thence northerly along the easterly side of said lot 16 to the northeasterly corner of said lot 16; thence westerly along the northerly side of said lot 16 to the northwesterly corner of said lot 16, which point is on the easterly side of lot 128-A-15.01; thence northerly along the easterly side of said lot 15.01 to the northeasterly corner of said lot 15.01; thence westerly along the northerly side of said lot 15.01 to the northwesterly corner of said lot 15.01; thence westerly in a straight line projected from the northerly side of said lot 15.01 across the Penn-Central Railroad right-of-way to a point on the westerly right-of-way of Penn-Central Railroad; thence southerly along the westerly right-of-way of the Penn-Central Railroad to the northeasterly corner of lot 128-A-8; thence westerly along the northerly side of said lot 8 to the southeasterly corner of lot 128-A-9; thence northerly along the easterly side of lots 128-A-9 and 10 to the northeasterly corner of said lot 10; thence westerly along the northerly side of said lot 10 to the northwesterly corner of said lot 10 at Kings Highway (Old Haverstraw Road); thence northwesterly in a straight line across Kings Highway (Old Haverstraw Road) to the northeasterly corner of lot 113-A-1.23; thence westerly along the northerly side of lots 113-A-1.23 through 1.15 inclusive to the northwesterly corner of said lot 1.15;

Westerly Boundary

thence southerly along the westerly side of said lot 1.15 the right-of-way of Esther Avenue and lot 113-A-1.14 to a point on the westerly side of said lot 1.14 which point is the northeasterly corner of lot 113-A-1.01; thence westerly along the northerly side of said lot 1.01 to the northwesterly corner of said lot 1.01; thence southerly along the westerly side of lots 113-A-1.01, 46.17, 46.11 and 46.13 to the southwest corner of said lot 46.13, which point is on the northerly side of lot 113-A-46.10; thence westerly along the northerly side of lots 113-A-46.10, 46.0101 and the right-of-way of Charles Street to the northeasterly corner of said right-of-way; thence southerly along the westerly right-of-way of Charles Street to the northeasterly corner of lot 113-A-46.09; thence westerly along the northerly side of said lot 46.09 to the northwesterly corner of said lot 46.09; thence southerly along the westerly side of said lot 46.09 to the southwest corner of said lot 46.09 at Park Avenue; thence southerly in a straight line across Park Avenue to the northwesterly corner of lot 113-A-46.12; thence southerly along the westerly side of said lot 46.12 to the southwest corner of said lot 46.12; thence easterly along the southerly side of said lot 46.12 to the southeasterly corner of said lot 46.12 on the westerly right-of-way of Charles Street; thence southerly along the westerly right-of-way of Charles Street to the northeasterly corner of lot 113-A-46.08; thence westerly along the northerly side of said lot 46.08 to the northwesterly corner of said lot 46.08 thence southerly along the westerly side of said lot 46.08 to the southwest corner of said lot 46.08; thence easterly along the southerly side of said lot 46.08 to a point on the southerly side of said lot 46.08 which point is the northwesterly corner of lot 113-A-23.36 and is on the northerly boundary of Sewer District No. 20;

Southerly Boundary

thence easterly along the northerly boundary of Sewer District No. 20 to a point where the northerly boundary of Sewer District No. 20 intersects the westerly shore line of Swartwout Lake, which point is on the southerly boundary of lot 141-B-38; thence generally north-

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SEWAGE COLLECTION DISTRICT NO. 35 - continued:

easterly along the wsterly and northerly shore line of Swartwout Lake to a point on the easterly side of lot 141-B-50102; thence northerly along the esterly side of said lot 50.02 to the northeasterly corner of said lot 50.02 at Lakewood Drive; thence northerly in a straight line across Lakewood Drive to the southeasterly corner of lot 142-A-16.02, the point of Beginning.

and,

WHEREAS, the maximum amount proposed to be expended for the construction of said sewer system, as hereinabove described, is 720,000 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 proposed District which the Town Board shall deem especially benefitted by said sewer system so much and 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 repair;

now, therefore, be it,

ORDERED that a meeting of the Town Board of the Town be held at Town Hall, 10 Maple Avenue, New City, New York, in said Town, on the 2nd day of Jyly, 1969 at 8:45 o'clock P.M. (EST) to consider the proposed establishment of the District and the construction of such lateral sewer system therein, as herein referred to, 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, andbe it

FURTHER ORDERED, that the Town Clerk publish at least once in "The Journal News", a newspaper published in New City, New York, and the official newspaper of said Town, and post on the sign-board of said Town maintained pursuant to subdivision six of Section thirty of the Town Law and conspicuously in at least five (5) public places within the proposed District, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than twenty days before the day designated herein for said public hearing as aforesaid.

DATED: June 18, 1969

(483) Councilman Frohling offered the following resolution:

RESOLVED, that the Spring Valley Water Company is authorized to install two (2) hydrants on Mill Creek and Route 304; and seven (7) hydrants on Briarcliff, Prince, Jade and Etna.

Seconded by Councilman Bolander.

All voted Aye.

In response to communication from Town Clerk advising Penn Central Railroad that town wished to go on record as objecting to unreasonable obstruction of the Pineview Road crossing; letter received from W. Glavin, Chief Regional Engineer stating same has been forwarded to Mr. P. A. DiGangi, Division Superintendent for handling, as this problem comes under his jurisdiction.

(484) Councilman Bolander offered the following resolution:

WHEREAS, the Town of Clarkstown is in receipt of the following invoices:

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Resolution #484 - continued:

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George Hall, 22 Main St., New City, N.Y.
Appraisal - parcel of land on the easterly side of
Brewery Road, abutting property known as French Farms,
New City, N.Y.\$500

Samuel Karr, 698 Union Rd., Spring Valley, N.Y.
Appraisal - Korn property, Brewery Road, New City, N.Y.... \$500

WHEREAS, said expenses were incurred in furtherance of the
Town Recreation Program and, in particular, in connection with preliminary
steps prior to land acquisition for neighborhood park and playground
purposes, and

WHEREAS, it is deemed said expenses are a proper charge against
the money in lieu of land account;

RESOLVED, that the sum of \$1,000.00 is hereby transferred from
Money in Lieu of Land Account to General Fund - Appraisal French Property
Account for the payment of the appraisal of property adjoining property
known as French Farms.

Seconded by Councilman Damiani.

All voted Aye.

(485) Councilman Frohling offered the following resolution:

RESOLVED, that Orange and Rockland Incorporated is authorized to
install URD street lighting - 21 Street Lights - in Congress Estates, New
City at annual cost of \$1146.60

Seconded by Councilman Damiani.

All voted Aye.

(486) Councilman Damiani offered the following resolution:

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

"In the matter of the Application of

MOBIL OIL CORPORATION,

Petitioner,

For an Order pursuant to Article 78 CPLR, directing the issuance
of a Special Permit pursuant to the Zoning Ordinance of the Town of Clarks-
town,

- against -

PAUL F. MUNDT, PHILIP J. FROHLING, JR., JAMES V. DAMIANI,
WILLIAM BRENNER AND FRANK BOLANDER, constituting the Town
Board of the Town of Clarkstown,

Respondents."

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office is authorized to defend
said action and take all necessary required proceedings in court in connection
with said action.

Seconded by Councilman Bolander

On roll call the vote was as follows: AYES: Councilmen, Damiani,
Bolander, Supervisor Mundt

ABSTENTION: Councilman Frohling.

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(487) Councilman Damiani offered the following resolution:

RESOLVED, that resolution #433 adopted 5/29/69 is hereby rescinded, and be it

FURTHER RESOLVED, that time for opening of bids for Central Nyack Community Building be re-set for 7/2/69 - 8:10 PM.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

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

(488) Councilman Frohling offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED JUNE 18, 1969,
AMENDING THE BOND RESOLUTION ADOPTED
ON MAY 24, 1965, APPROPRIATING \$1,426,000
FOR THE CONSTRUCTION OF A SEWER SYSTEM
IN SEWER DISTRICT NO. 16, IN SAID TOWN.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has duly established Sewer District No. 16, in said Town, and authorized construction of a sewer system therein and adopted on May 24, 1965, the bond resolution entitled:

"BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED MAY 24, 1965, APPROPRIATING
\$1,426,000 FOR THE CONSTRUCTION OF A LATERAL
SEWER SYSTEM IN SEWER DISTRICT NO. 16 IN THE
TOWN OF CLARKSTOWN AND AUTHORIZING THE
ISSUANCE OF \$1,426,000 SERIAL BONDS OF SAID
TOWN TO FINANCE SAID APPROPRIATION,"

and

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

WHEREAS, following receipt of bids for construction of such sewer system and due to generally increased costs of labor and materials, preliminary costs and costs incidental thereto, said Town Board has duly authorized an increase in the maximum amount to be expended for construction of such sewer system from \$1,426,000 to \$2,150,000 pursuant to Section 209-h of the Town Law;

now, therefore, be it

RESOLUTION #488 - AMENDING BOND RESOLUTION ADOPTED ON MAY 24, 1965,
 APPROPRIATING \$1,426,000 FOR THE CONSTRUCTION OF A
SEWER SYSTEM IN SEWER DISTRICT NO. 16 - continued

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 bond resolution duly adopted by the Town Board
 on May 24, 1965, as hereinabove referred to in the Recitals hereof, is
 hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
 NEW YORK, ADOPTED MAY 24, 1965 AND AMENDED
 JUNE 18, 1969, AUTHORIZING \$2,150,000 FOR THE
 CONSTRUCTION OF A LATERAL SEWER SYSTEM IN
 SEWER DISTRICT NO. 16, IN THE TOWN OF
 CLARKSTOWN AND AUTHORIZING THE ISSUANCE OF
 \$2,150,000 SERIAL BONDS OF SAID TOWN TO
 FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, following preparation of a general map, plan and
 report for providing a lateral sewer system, including equipment and
 appurtenances, in a sewer district proposed to be established in the
 Town of Clarkstown (herein 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 a resolution duly adopted on
 November 23, 1964, subject to permissive referendum, that the notice
 of such hearing was published and posted as required by law and is
 otherwise sufficient; that all the property and property owners within
 said District, proposed to be established, are benefited thereby; that
 all the property owners benefited are included within the limits of said
 District, and that the establishment of said Sewer District No. 16
 (herein called "District"), and the construction of such lateral sewer
 system, including equipment and appurtenances therein; and

WHEREAS, no petition signed and acknowledged by the owners
 of taxable real property situate in the proposed District, in the Town,
 as prescribed by 209-e of the Town Law protesting against said reso-
 lution 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 establish the
 District by Order dated April 29, 1965, which Order was duly filed
 with and presented to said Town Board, at its first meeting held after
 said Order was so filed; and

WHEREAS, said Town Board duly adopted an Order on May 24,
 1965, establishing such sewer district, therein designated Sewer District
 No. 16, in the Town of Clarkstown, and ordering construction of said
 lateral sewer system, including equipment and apparatus therein, at a
 cost not to exceed \$1,426,000; and

WHEREAS, due to generally increased costs of labor and materials
 preliminary costs and costs incidental thereto said Town Board has esti-
 mated the maximum cost of constructing said sewer system to be
 \$2,150,000, being an increase of \$724,000; and

WHEREAS, pursuant to Section 209-h of the Town Law, after a
 public hearing duly called and held, following receipt of an Order of
 the Comptroller of the State of New York, dated March 5, 1969,

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RESOLUTION #488 - AMENDING BOND RESOLUTION ADOPTED ON MAY 24, 1965,
APPROPRIATING \$1,426,000 FOR THE CONSTRUCTION OF A
SEWER SYSTEM IN SEWER DISTRICT NO. 16 - continued

approving the application of the Town Board to increase the maximum amount to be expended from \$1,426,000 to \$2,150,000, the Town Board on May 7, 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 District, and ordering such increase; and

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

now, therefore, be it

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

Section 1. The Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, hereby appropriates the amount of \$2,150,000 for construction of a lateral sewer system, including land or rights in land, building and original furnishings, equipment, machinery and apparatus required therefor in the District, all as hereinabove referred to in the recital 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 \$2,150,000, and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$2,150,000 and the assessment, levy and collection of assessments on the several lots and parcels of land within the District to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. To finance the said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$2,150,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York herein called "Law").

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Par. 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 (i) of the Law.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof shall contain the recital of validity prescribed by para. 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

RESOLUTION #488 - AMENDING BOND RESOLUTION ADOPTED ON MAY 24, 1965,
 APPROPRIATING \$1,426,000 FOR THE CONSTRUCTION OF A
SEWER SYSTEM IN SEWER DISTRICT NO. 16 - continued

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

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

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

Section 4. This resolution shall take effect immediately.

Seconded by Councilman Damiani

All voted Aye.

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(489) Councilman Frohling offered the following resolution:
RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED JUNE 8, 1969,
AMENDING THE BOND RESOLUTION ADOPTED
ON SEPTEMBER 14, 1964, APPROPRIATING
\$1,173,000 FOR THE CONSTRUCTION OF A
SEWER SYSTEM IN SEWER DISTRICT NO. 17,
IN SAID TOWN.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has duly established Sewer District No. 17, in said Town, and authorizing construction of a sewer system therein and adopted on September 14, 1964, the bond resolution entitled:

"BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED SEPTEMBER 14, 1964,
AUTHORIZING \$1,173,000 FOR THE CONSTRUCTION OF
A LATERAL SEWER SYSTEM IN SEWER DISTRICT
NO. 17, IN THE TOWN OF CLARKSTOWN AND
AUTHORIZING THE ISSUANCE OF \$1,173,000 SERIAL
BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION",

and

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

WHEREAS, following receipt of bids for construction of such sewer system and due to generally increased costs of labor and materials, preliminary costs and costs incidental thereto, said Town Board has duly authorized an increase in the maximum amount to be expended for construction of such sewer system from \$1,173,000 to \$1,475,000 pursuant to Section 209-h of the Town Law;

now, therefore, be it

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

Section 1. The bond resolution duly adopted by the Town Board on September 14, 1964, as hereinabove referred to in the Recitals hereof, is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED SEPTEMBER 14, 1964 AND
AMENDED JUNE 18, 1969, AUTHORIZING \$1,475,000
FOR THE CONSTRUCTION OF A LATERAL SEWER
SYSTEM IN SEWER DISTRICT NO. 17, IN THE TOWN
OF CLARKSTOWN AND AUTHORIZING THE ISSUANCE
OF \$1,475,000 SERIAL BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION.

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RESOLUTION # 489 - AMENDING BOND RESOLUTION ADOPTED SEPTEMBER 14, 1964,
 APPROPRIATING \$1,173,000 FOR CONSTRUCTION OF A SEWER SYSTEM IN SEWER
 DISTRICT NO. 17 - continued

Recitals

WHEREAS, following preparation of a general map, plan and report for providing a lateral sewer system, including equipment and apparatus, in a sewer district proposed to be established in the Town of Clarkstown (herein 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 April 27, 1964, subject to permissive referendum, that the notice of such hearing was published and posted as required by law and is otherwise sufficient; that all the property and property owners within said sewer district, proposed to be established, are benefited thereby; that all the property owners benefited are included within the limits of said sewer district, and that the establishment of said sewer district is in the public interest and approved the establishment of said Sewer District No. 17 (herein called "District") and the construction of such lateral sewer system, including equipment and apparatus; and

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

WHEREAS, following due submission of an application by said Town Board, the State Comptroller granted permission to establish the District by Order dated August 11, 1964, which Order was filed with and presented to said Town Board, at its first meeting held after said Order was so filed; and

WHEREAS, said Town Board duly adopted an Order on September 14, 1964, establishing such sewer district, therein designated Sewer District No. 17, in the Town of Clarkstown, and ordering construction of said lateral sewer system, including equipment and apparatus therein, at a cost not exceed \$1,173,000; and

WHEREAS, due to generally increased costs of labor and materials, preliminary costs and costs incidental thereto said Town Board has estimated the maximum cost of constructing said sewer system to be \$1,475,000, being an increase of \$302,000; and

WHEREAS, pursuant to Section 209-h of the Town Law, after a public hearing duly called and held, following receipt of an Order of the State Comptroller of the State of New York, dated March 5, 1969, approving the application of the Town Board to increase the maximum amount to be expended from \$1,173,000 to \$1,475,000, the Town Board on May 7, 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 District, and ordering such increase; and

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

now, therefore, be it

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

Section 1. The Town of Clark town (herein called "Town"), in the County of Rockland, New York, hereby appropriates the amount of \$1,475,000 for construction of a lateral sewer system, including land or rights in land, building and original furnishings, equipment, machinery and apparatus required therefor in the District, all as hereinabove referred to in the recitals of this resolution, and all in accordance with the map, plan and estimate prepared by Kussbaumer, Clarke & Velzy, P.E., Consulting Engineers, duly licensed by the State of New York,

RESOLUTION #489 - AMENDING BOND RESOLUTION ADOPTED ON SEPTEMBER 14, 1964, APPROPRIATING \$1,173,000 FOR THE CONSTRUCTION OF A SEWER SYSTEM IN SEWER DISTRICT NO. 17 - continued

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 \$1,475,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$1,475,000 and the assessment, levy and collection of assessments on the several lots and parcels of land within the District to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. To finance the said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$1,475,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York herein called "Law").

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of par. 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 (i) of the Law.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof shall contain the recital of validity prescribed by par. 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 par. 30.00 relative to the authorization of the issuance of bond anticipation notes and of par. 50.00 and pars. 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and content and as to the sale and issuance of the bonds hereby authorized and of any notes issued in anticipation thereof are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation 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.

RESOLUTION #489 - AMENDING BOND RESOLUTION ADOPTED ON SEPT. 14, 1964, APPROPRIATING \$1,173,000 FOR THE CONSTRUCTION OF A SEWER SYSTEM IN SEWER DISTRICT NO. 17 - continued

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

Section 4. This resolution shall take effect immediately.

Seconded by Councilman Damiani.

All voted Aye.

Proposed resolution adopting DeSimone Lane Assessment Roll (Stony Hill) ; tabled.

(490) Councilman Damiani offered the following resolution:

WHEREAS, the mileage of town roads has increased considerable over past years thereby creating additional maintenance work for the Clarkstown Highway Department,

NOW THEREFORE, be it

RESOLVED, that the Clarkstown Highway Department shall not be held responsible for salting, sanding or plowing snow on state roads within the Town of Clarkstown effective immediately.

Seconded by Councilman Frohling.

All voted Aye.

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

Republic Insurance Co. Bond #903787
Parkway Heights - Sec. 11
Amount: \$49,205.00
Period: 2 years 5/28/69 - 5/27/71
Covers: Roads

Republic Insurance Co. Bond #903788
PARKWAY HEIGHTS - SEC. 11
Amount: \$18,250.00
Period: 2 years - 5/28/69 - 5/27/71

(491) Councilman Frohling offered the following resolution:

RESOLVED, based upon the recommendation of the Chief of Police, that the Highway Superintendent is hereby authorized to erect full STOP signs at the following locations:

RESOLUTION #491 - continued:

- 1. On the northeast corner of Parkway Dr. and Spruce Lane; northbound traffic on Spruce Lane to STOP before entering onto Parkway Drive; and
- 2. On the southwest corner of Parkway Drive and Spruce Lane; southbound traffic on Parkway Drive to STOP before entering onto Spruce Lane, and be it

FURTHER RESOLVED, THAT THE Highway Department be authorized to install said signs.

Seconded by Councilman Damiani.

All voted Aye.

(492) Councilman Damiani offered the following resolution:

WHEREAS, the County of Rockland is the owner of certain property in the Town of Clarkstown known as County Court House and and County Office Building properties, and

WHEREAS, the Town of Clarkstown has applied for permission to install a sewer line in connection with Sewer District No. 22 of said Town through, under and on said County lands;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute permit by the County of Rockland to the Town of Clarkstown for the installation of a sewer line on the aforesaid properties of the County of Rockland.

Seconded by Councilman Bolander.

All voted Aye.

(493) Councilman Frohling offered the following resolution:

RESOLVED, that upon recommendation of the Director of Purchasing, that the following awards be made to the lowest bidders on an individual item basis as described below:

RECOMMENDATION OF AWARD: Arts and Crafts supplies

BIDS OPENED: June 2nd, 1969

BIDS RECEIVED: Stafford Reeves, Inc.
626 Greenwich St.
New York, New York 10014

S & S Arts & Crafts
Colchester, Conn. 06415

American Handicrafts
182 Mamaroneck Ave.
White Plains, New York 10601

Rich Art Color Co.
31 West 21st St.
New York, New York 10010

J. L. Hammett Co.
2393 Vaux Hall Rd.
Union, New Jersey 07083

RECOMMENDATION: It is recommended that the following awards be made to the lowest bidders on an individual item basis.

<u>American Handicrafts</u>	
Item No. 48.....	\$ 264.00

RESOLUTION #493- continued:

<u>J. L. Hammett Co.</u>	
Item No. 31, 44, 49, 51, 53, 54, 60,	
62, 70.....	\$ 84.82
 <u>Stafford Reeves</u>	
Item No. 33, 46,	\$ 140.80
 <u>S. & S. Arts & Crafts</u>	
Item No. 1, 2, 3, 4, 5, 6, 7, 8, 9,	
10, 11, 12, 13, 14, 15, 17, 18, 19,	
20, 21, 22, 23, 24, 25, 26, 27, 28,	
29, 30, 32, 34, 35, 36, 37, 38, 39,	
40, 41, 42, 43, 45, 47, 50, 52, 55,	
56, 57, 58, 59, 61, 63, 64, 65, 66,	
67, 68, 69, 71, 72, 73.....	\$ 1,066.15
 <u>GRAND TOTAL.....</u>	 \$ 1,555.77

The items recommended are to the lowest bidders in all instances except in the case of the following items:

Second Low Bidder: Item Nos. 2, 26

From the analysis of samples and catalogs submitted and from the experience of the staff, the items proposed by the lowest bidders in the above cases were determined not to comply with the specifications or conditions of the contract. Detailed analysis are on file in the Purchasing Office. No bid was received on Item No. 16.

Seconded by Councilman Damiani.

All voted Aye.

(494) Councilman Damiani offered the following resolution:

WHEREAS, Article V, Rule 1, Section 1.2 of the contract between the Town of Clarkstown and the CSEA authorizes the Town Board to establish working hours in clerical offices on other than a 9 A.M. to 5 P.M. basis,

NOW, THEREFORE, be it

RESOLVED, that for the period beginning June 19, 1969, and continuing through September 12, 1969, all clerical offices shall be open for the transaction of public business between the hours of 9 A.M. and 4 P.M.

Seconded by Councilman Bolander.

All voted Aye.

(495) 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:

Rudolph Surbley
262 W. Washington Ave.
Pearl River, New York 10965

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 69-72 to Rudolph Surbley

Seconded by Councilman Bolander.

All voted Aye.

Letter from Clarkstown Planning Board re Princess Ann Apartments - turned over to Town Attorney to check out.

(496) Councilman Damiani offered the following resolution:

WHEREAS, a vacancy exists in the position of Typist in the Town Clerk's office and the Rockland County Personnel Office has furnished Certification of Eligibles, Typist CR-1 69-49 which contains the name of Lavarne Foud,

now, therefore be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for Permanent appointment, part - time of Lavarne Foud, 11 Strafford Place, New City, New York, to the position of Typist, part-time, Town Clerk's Office, at a salary of \$2.30 per hour effective June 19, 1969.

Seconded by Councilman Bolander.

All voted Aye.

(497) Councilman Bolander offered the following resolution:

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

In the Matter of the Petition of

JAMES ARNOLD, Petitioner,

For an Order under Article 78 of the Civil Practice Law and rules

- against -

FREDERICK SEEGER, as Superintendent of Highways and the Board of Supervisors, Town of Clarkstown, Respondents.

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office is authorized to defend said action and take all necessary required proceedings in court in connection with said action.

Seconded by Councilman Damiani.

All voted Aye.

(498) Councilman Frohling offered the following resolution:

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

In the Matter of the Claim of

SHELDON ENDLICH AND BARBARA ENDLICH,

- against -

THE TOWN OF CLARKSTOWN

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office is authorized to defend said action and take all necessary required proceedings in court in connection with said action.

Seconded by Councilman Damiani.

All voted Aye.

(499) Councilman Bolander offered the following resolution:

WHEREAS, the Town of Clarkstown is in receipt of the following invoice:

Town of Clarkstown, Highway Department
Mr. Fred J. Seeger, Supt. of Highways
12 Seeger Drive, Nanuet, N.Y.
Re: Job #69-501, Parking Lot at
Recreation Field, Route 303.....\$1,805.52

WHEREAS, said expenses were incurred in furtherance of the Town Recreation Program, and

WHEREAS, it is deemed said expenses are a proper charge against the Money in lieu of Land account;

NOW THEREFORE, be it

RESOLVED, that the sum of \$1,805.52 is hereby transferred from Money in lieu of Land Account to General Fund, Recreation - Park Development Account for the payment of described invoice.

Seconded by Councilman Damiani.

All voted Aye.

(500) Councilman Damiani offered the following resolution:

WHEREAS, the New York State Division for Youth conducts a program known as "Home Town Beautification Project," and

WHEREAS, the Town of Clarkstown is eligible under provisions of this project to conduct a suitable program, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Clarkstown authorizes the filing of an application with the New York State Division for Youth to seek reimbursement for seven youths working under the jurisdiction of the Superintendent of Highways.

Seconded by Councilman Bolander.

All voted Aye.

(501) Councilman Frohling offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on May 13, 1969, that the position of Typist in the Sewer Department 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 Nancy K. Jewell, 106 Grandview Avenue, Nanuet, New York, to the position of Typist - Sewer Department, at a salary of \$3,978.00 per annum, effective retroactive to June 16, 1969.

Seconded by Councilman Damiani.

All voted Aye.

(502) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown does hereby elect to pay on account of any member of its Police Department who has duly elected, or shall hereafter duly elect, to contribute the additional amount required for the purpose of retiring after twenty years of service as provided by Sec. 384-d of the Retirement and Social Security Law or any subsequent amendments thereto, the entire additional cost on account of the police service rendered by such officer or member of the Police Department prior to the date of the adoption of this resolution, and further agrees to pay the entire additional cost on account of police service rendered by such officer or member of the Police Department on and after July 1st, 1969.

Seconded by Councilman Damiani.

All voted Aye.

(503) Councilman Damiani offered the following resolution:

RESOLVED, that a leave of absence be granted to Virginia M. Scherr, 4 Richard Drive, West Nyack, New York, Typist in Parks and Recreation Department, effective June 13, 1969, through September 12, 1969, without compensation.

Seconded by Councilman Frohling.

All voted Aye.

(504) Councilman Damiani offered the following resolution:

RESOLVED, that a leave of absence be granted to Gloria Keoughan, 9 Woodbine Road, New City, New York, Typist in the Supervisor's Office, effective June 25, 1969, through August 31, 1969, without compensation.

Seconded by Councilman Frohling.

All voted Aye.

(505) Councilman Bolander offered the following resolution:

WHEREAS, the Town Board has been informed that the trashmaster presently being utilized at the Town Dump is in need of emergency repairs, and

WHEREAS, a question has arisen as to the responsibility for repairs under the warranty for said trashmaster, and

WHEREAS, it appears that some time will be taken before responsibility for repairs will be fixed, and

WHEREAS, it is an absolute necessity that the trashmaster be put into operating condition as soon as possible,

NOW THEREFORE, be it

RESOLVED, that the sum of \$4,000.00 be hereby appropriated and the Supervisor is authorized to expend same for the repair of the trashmaster, and

BE IT FURTHER RESOLVED, that the Town Attorney's Office is required to investigate this matter, render an opinion for the Town Board concerning any legal liability the manufacturer or seller of the trashmaster may have to the Town under the terms of the warranty agreement.

Seconded by Councilman Frohling.

All voted Aye.

(506) Councilman Damiani offered the following resolution:

WHEREAS, Arthur L. Winn and Sadie N. Winn has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of said petitioner described, from IO district to R-S district;

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown, on the 2nd day of July 1969, at 9 P.M., (E.S.T.) relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, a paper of general circulation in the Town of Clarkstown, as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Councilman Frohling.

All voted Aye.

6/18/69

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Reports from Zoning Board of Appeals and Building Inspector's Office for May 1969 received and noted by Town Board - filed in Town Clerk's Office.

(507) Councilman Frohling offered the following resolution:

WHEREAS, inspection by Town Engineer has determined that a substantial portion of the required public construction has been completed in Tor Acres, Nanuet, and

WHEREAS, the Clarkstown Planning Board has a need that the previously existing performance bonds may be reduced to the amounts stated below, which amounts cover all foreseeable contingencies should any presently unconstructed portion not be duly completed, including planting of street trees,

NOW THEREFORE, BE IT RESOLVED, based upon the recommendation of the Clarkstown Planning Board, that Public Improvement Bond No. 4199 of International Insurance Co. originally in the amount of \$21,060.00 now be re-set, without change of any conditions, at the new amount of \$7,636.00, and be it

FURTHER RESOLVED, that Sanitary Sewer Bond No. 4198 of International Fidelity Insurance Co. originally in the amount of \$9,235.00 now be re-set, without change of any conditions, at the new amount of \$923.50.

Seconded by Councilman Damiani.

All voted Aye.

Order received from State Comptroller granting the application of the Town Board for permission to establish Sewer District No. 35.

(508) Councilman Colander offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 16th day of October, 1968, provided for a public hearing on the 20th day of November, 1968 to consider the application of Leo Ellman, et al to amend the building zone ordinance of the Town of Clarkstown by redistricting the property of the said petitioners from an R-22 district to an R-15 district, and

WHEREAS, a public hearing was duly held as aforesaid, and

WHEREAS, a resolution approving the change with the description of the properties attached thereto was duly published, and

WHEREAS, all of the property within the allocated area was not included;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is directed to prepare a revised description to include all of the properties within the proposed district, and be it

FURTHER RESOLVED, that notice of revised amendment be published in the Journal-News, the official newspaper of the Town, and be it

FURTHER RESOLVED, that resolution No. 2, adopted at the January 8, 1969 meeting be and is hereby rescinded.

Seconded by Councilman Frohling.

All voted Aye.

(509) Councilman Frohling offered the following resolution:

WHEREAS, a subdivision is proposed immediately south of town property known as "French Farms", and

WHEREAS, the developer has offered the town approximately 9.1 acres adjacent to French Farms in consideration of \$38,000.00, and

WHEREAS, the developer would be left with 17 lots in place of 19 lots, after application of average density as authorized under Sec. 281 of the Town Law,

NOW THEREFORE, be it

RESOLVED, that the town acquire approximately 9.1 acres from West Rise Developers (Cedric Garlick) which area is inclusive of average density provisions, for the sum of \$38,000.00 and that the Supervisor is authorized to enter into a contract to be approved by the Town Attorney, and be it

FURTHER RESOLVED, that said \$38,000.00 be and is hereby appropriated from "Money in Lieu of Land" Account.

Seconded by Councilman Damiani.

On roll call the vote was as follows:

AYES: Councilmen Damiani, Frohling, Supervisor Mundt
NOES: Councilman Bolander

(510) Councilman Frohling offered the following resolution:

WHEREAS, the Board of Water Commissioners of the Village of Nyack, Principal has applied or is about to apply to the Oblige, namely the Town of Clarkstown, for a permit granting to it the privilege to make emergency repairs to water mains and service pipes on highways situated in West Nyack and Central Nyack, Town of Clarkstown, New York during the period of one year, from April 28, 1969, and

WHEREAS, St. Paul Fire and Marine Insurance Co. Bond No. 400BL2621 has been submitted by the Board of Water Commissioners of the Village of Nyack in the amount of \$2,000.00; and

WHEREAS, said bond has been approved by the Town Attorney as to form and the Highway Superintendent as to sufficiency;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown accept said bond.

Seconded by Councilman Bolander.

All voted Aye.

Request for STOP sign at Duryea and Convent Road - referred to Chief of Police for recommendation.

Mr. Dusenanko of 5 Hickory Drive, New City appeared before the Town Board re hazardous conditions existing in connection with sewer construction causing two accidents in his family within short period of time. He stated there were no flags on site and metal all over road. When he reported these conditions to the Sewer Coordinator, he was told to call the Police Department. Mr. Dusenanko was requested to document complaints.

On resolution offered by Councilman Frohling, seconded by Councilman Bolander and unanimously adopted, Town Board meeting was adjourned until Monday, 6/30/69 at 10:00 A.M.

Signed,

Anne E. O'Connor
Town Clerk