

TOWN BOARD MEETING

Town Hall

January 14, 1970

8:30 P.M.

Present: Councilmen Niehaus, Frohling, D'Antoni, Supervisor Vines
 (Councilman Bolander joined meeting at 9:00 P.M.)
 Town Attorney Frederick L. Roland
 Deputy Town Attorney Martin Friedman
 Town Clerk Anne E. O'Connor

Supervisor Vines called town board meeting to order.

Assemblage recited the Pledge.

Item I under old business; Supervisor reported that in connection with report from Town Attorney re lease - recommended removal of voting machines from Highway Garage; matter resolved.

Item II under old business; Town Attorney reported that town code requires that property owners abutting sidewalks are required to clean said sidewalks. Mr. Kimbark appeared re Lake Road requesting sidewalks be cleared off by Highway Department in vicinity of school. Highway Superintendent replied that he will clear all walks that are on priority list. Matter will be discussed further.

Item III under old business; Police Chief reported that blinker lights operating on weekends in Sears-Bamberger complex.

1970-43 Councilman D'Antoni offered the following resolution:

RESOLVED, that minutes of Organizational Meeting held on 1/3/70 and regular Town Board Meeting held on 1/5/70 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Frohling.

All voted Aye.

Mr. Richard Liscio, 155 Brewery Road, New City who was to appear re drainage; not present at this time.

1970-44 Councilman D'Antoni offered the following resolutions:

RESOLVED, that Dorothy Lettre, West Nyack, New York is hereby appointed to the position of Bingo Inspector, term to commence 1/1/70 and expire 12/31/71, at a salary of \$10.00 per occasion, to work no more than six (6) occasions per month, said charges to be made against the Bingo Account.

Seconded by Councilman Niehaus.

All voted Aye.

1970-45 Councilman Frohling offered the following resolution:

RESOLVED, that Fred Jones Jr., Maple Avenue, New City, New York be appointed to the position of additional Deputy Town Clerk for the purpose of issuing conservation licenses, term to commence January 1, 1970 and expire December 31, 1971, to serve without compensation.

Seconded by Councilman D'Antoni.

All voted Aye.

Mr. Chalsen, 40 Wells Avenue, Congers appeared before the Town Board requesting that he and his neighbors be given consideration for running their sewer lines across town property, since they do not own 50' of property. Supervisor stated matter under consideration; specifications have been changed. Mr. Chalsen was informed that Town Board taking matter under consideration; he requested that Mr. Chalsen call his office within week or ten days for possible answer to problem.

Re matter of one-way sign on Virginia St., Mr. Doharty preferring present one-way situation stating that majority are in favor of same; Mrs. Eyrnes opposing. Supervisor stated there is proposal to revamp street. Search will be made for petition and matter will be pursued further.

Mr. David MacRae Wagner appeared before the Town Board re Hornik vs Town of Clarkstown; same in connection with traffic control devices and stop signs which were placed on Rockford Drive, West Nyack. Mr. Hornik maintains that Rockford Drive was intended to be through street; Town Board installed Stop signs. Private study made by Arthur Fried; Police Chief stated to Mr. Wagner that he was not consulted and opposed these stop signs. He requested a resolution removing the stop signs. Mr. A. Fried stated that installing these stop signs ineffective. Town Attorney stated there should not have been need for a lawsuit; on the basis of the advice of the experts these stop signs should not have been installed where they were installed.

Recommendation was made that this Board see to it that these stop signs be removed and put in the proper place. Matter deferred to 2/24/70 Town Board meeting to Town Board action.

Annual Reports for the Year 1969 received from the Assessor, Town Justice Flynn, Zoning Board of Appeals and the Building and Zoning Inspector monthly reports for December 1969 noted. Ordered filed in Town Clerk's Office.

Letter of resignation received from Oscar Lutz, Building & Zoning Inspector advising of his submission for retirement to the New York State Employees Retirement System effective March 6, 1970.

1970-46 Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Board does hereby commend Oscar Lutz for his 15½ years of faithful, honorable and valuable service to the Town of Clarkstown as Building & Zoning Inspector; that he has run one of the best building and zoning offices in the county, considering that the Town of Clarkstown population has almost tripled during his term of office, and that he has managed a very difficult job during the most difficult of time, and be it

FURTHER RESOLVED, that he will make his expertise available to the Town as it needs him; that we hope and wish nothing but the best for him in the future and that his retirement is accepted with regret and the humble thanks of this Town Board on behalf of the people of the Town of Clarkstown for a job well done.

Seconded by Councilman Frohling.

All voted Aye.

Page 7

TNS

1/26/70

1970-47 Councilman D'Antoni offered the following resolution:

RESOLVED, that Oscar Lutz, Building & Zoning Inspector is hereby granted permission for he and members of his staff to register and attend the 21st Annual Building Inspector's School to be held in New York City on February 19 and 20, 1970, and be it

FURTHER RESOLVED, that any and all charges incurred be made a proper town charge.

Seconded by Councilman Niehaus.

All voted Aye.

Mr. H. S. VonThuden, 64 South Main Street, New City appeared before the Town Board re one side of street parking on Main Street on snow days. Matter tabled for 2/4/70 Town Board Meeting.

Proposed resolution as recommended by the Planning Board approving reduction in amount of Performance Bonds for Subdivision known as "Parkway Heights", Section II" not entertained by the Town Board.

Proposals for installation of street lighting on Main Street, Nanuet; Seeger Drive; and Main Street, New City - tabled for 2/4/70 Town Board Meeting.

1970-48 Councilman Niehaus offered the following resolution:

WHEREAS, JOSEPH AIRO is desirous of granting a drainage easement to the Town of Clarkstown, located at 60 College Avenue, Nanuet, New York;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown accept a drainage easement from JOSEPH AIRO covering premises located at 60 College Avenue, Nanuet, New York, more particularly described in said easement agreement dated January 7, 1970.

Seconded by Councilman D'antoni.

All voted Aye.

1970-49 Councilman D'Antoni 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:

Joseph M. Leote, Inc.
68 N. Pascack Road
Spring Valley, N.Y.

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 70-45 to Joseph M. Leote, Inc.

Seconded by Councilman Niehaus.

All voted Aye.

1970-50 Councilman Niehaus offered the following resolution:

WHEREAS, a review by the Town Attorney of the file in the action of Nemeroff, et al, against the Town of Clarkstown reveals that the relief sought by Nemeroff, et al includes not only a declaration of unconstitutionality of the Clarkstown Zoning Ordinance but also a request for judicial supervision of the rezoning of the plaintiffs' (Nemeroff's) properties, which request, if granted, will diminish the Town's power under the Town Law to determine the proper zoning of property in the Town and that this type of lawsuit is unprecedented in its possible effect on town government, and

WHEREAS, it is the opinion of the Town Attorney that it is in the best interest of the Town that Special Counsel be retained in this matter;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to retain Charles B. McGroddy, Jr. as Special Counsel in this matter and that said Special Counsel be paid in accordance with the fee schedule of the Rockland County Bar Association.

Seconded by Councilman D'Antoni.

Councilman Frohling requested that before the Town Clerk take the vote on above resolution, he would like to propose a second resolution proposing that the Town Attorney's Office be authorized to defend the Nemeroff case. Supervisor Vines stated that this administration has employed one less Town Attorney than the past administration; no second to Councilman Frohling's resolution.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Bolander, D'Antoni, Supervisor Vines.

NOES: Councilman Frohling.

1970-51 Councilman Niehaus offered the following resolution:

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

MERTON E. RAWSON, Plaintiff

-against-

WILLIAM E. VINES, FRANK BOLANDER
PHILIP FROHLING, ANTHONY D'ANTONI,
WILLIAM NIEHAUS, as members of the
TOWN BOARD OF THE TOWN OF CLARKSTOWN, Defendants,

NOW THEREFORE, be it

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

Seconded by Councilman D'Antoni.

All voted Aye.

Proposed resolutions accepting Sewer Easements in Sewer District #26 from Messrs. Flamino, Chervenick, Dale & Duffy, as recommended by Donald Tirschwell, Esq. - tabled for 2/4/70 Town Board Meeting.

Page 1

1970

1969

1970-52 Councilman D'Antoni offered the following resolution:

WHEREAS, the resignation of Alice M. Secora from the Supervisor's Office has been withdrawn;

NOW THEREFORE, be it

RESOLVED, that the resolution of the Town Board bearing No. 1971 made on the 29th day of December 1969 accepting said resignation of Alice M. Secora, be, and the same hereby is, repealed nunc pro tunc, and the said Alice M. Secora shall maintain such position with respect to salary and seniority as if the resolution of December 29, 1969 had never been made.

Seconded by Councilman Frohling.

All voted Aye.

1970-53 Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to expedite Hydrant Order No. 6847, instructing Spring Valley Water Co. to install one (1) hydrant, location being approved by the Town Engineer, on the west side of Gerardine Place, approximately 476 feet west and south from the west curb line of West Burda Place.

Seconded by Councilman Niehaus.

All voted Aye.

1970-54 Councilman D'Antoni offered the following resolution:

RESOLVED, that the time for payment of the 1970 state, town and county and special district taxes is hereby extended until 2/15/70 for full payment, last day for payment of taxes without penalty for part-payment of taxes to be February 5, 1970.

Seconded by Councilman Frohling.

All voted Aye.

Letter received from New York State Department of Transportation re the intersection of Route 304 and Third Street indicating willingness to initiate action to establish traffic signal control at the intersection if town is willing to establish one-way movements on Second Street and also, if it should be necessary, the no right turn from Tucker Street to Third Street. Town Clerk will forward letter to Traffic Advisory Committee.

Councilman Frohling requested that Town Board make every attempt to pursue request for installation of lights at Cavalry and Route 304; and also at Laurel and 304. He was requested to forward memo to Traffic Advisory Board with his request.

1970-55 Councilman D'Antoni offered the following resolution:

RESOLVED, that Dan Panarello, 35 Woodglen Drive, New City, N.Y. is hereby appointed as a Member of the Clarkstown Planning Board, term to commence 1/5/70 and expire 1/4/75, at an annual salary of \$1.00.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, D'Antoni, Supervisor Vines
NOES: Councilman Frohling.

Councilman Frohling submitted name of Kurt Mohr, 40 Capral Lane, New City, New York for position as member of Clarkstown Planning Board. Motion not seconded. (Resume read by Councilman Frohling).

1970-56 Councilman D'Antoni offered the following resolution:

RESOLVED, that Dan Panarello, 15 Woodglen Drive, New City, N.Y. is hereby appointed as Chairman of the Clarkstown Planning Board, term to commence January 9, 1970 and expire December 31, 1970, without compensation.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, D'Antoni, Supervisor Vines
NOES: Councilman Frohling.

1970-57 Councilman Niehaus offered the following resolution:

RESOLVED, that the Union State Bank, Nanuet, New York be included as an official depository for funds deposited by the Supervisor, Town Clerk, Receiver of Taxes, Town Justices, and the Building Inspector.

Seconded by Councilman D'Antoni.

All voted Aye.

1970-58 Councilman Niehaus offered the following resolution:

RESOLVED, that Catherine C. LaBonne, 9 Rose Road, West Nyack, N.Y. is hereby re-appointed to the position of Town Historian at an annual salary of \$840.00 term to commence on 1/1/70 and expire 12/31/71.

Seconded by Councilman D'Antoni.

All voted Aye.

Re status of building at 18 Maple Avenue - town still owns.

1970-59 Councilman D'Antoni offered the following resolution:

WHEREAS, items of furniture, including 11 straight shelves, 2 curved shelves, 1 round coffee table, 1 sliding door cabinet, 1 basket weave cabinet, and 1 lockable desk unit are not needed,

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to sell said furniture items for the highest bid.

Seconded by Councilman Frohling.

All voted Aye.

Councilman Bolander joined the council at 9:30 P.M.

1970-60 Councilman Niehaus offered the following resolution:

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

CENTRAL PRE--CON PRODUCTS, INC., Plaintiff

-against-

TOWN OF CLARKSTOWN, TOWN OF CLARKSTOWN SEWER DISTRICT #19, ALL-STATE ASSOC., INC. & RELIANCE INSURANCE CO., Defendants

1970-60 - Continued

NOW THEREFORE, be it

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

Seconded by Councilman D'Antoni.

All voted Aye.

1970-61 Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Assessor, by memorandum dated 1/19/70, reported that a penalty paid by Mr. & Mrs. Fred Schelhas should be refunded;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to refund the sum of \$58.53 to Mr. & Mrs. Fred Schelhas in accordance with the report of the Town Assessor.

Seconded by Councilman Bolander.

All voted Aye.

1970-62 Councilman D'Antoni offered the following resolution:

WHEREAS, the police truck presently owned by the town is no longer needed;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to sell said police truck for the highest bid.

Seconded by Councilman Bolander.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Bolander, D'Antoni, Supervisor Vines
NOES: Councilman Frohling.

Councilman Frohling suggested resolution that above-mentioned vehicle not be disposed of until further study and if it is to be disposed of, that we do not dispose of it until a more up to date vehicle takes its place. NO SECOND - PROPOSED MOTION NOT CARRIED.

Councilman Frohling: Re scooter resolution, which follows, it was suggested that said resolution be held; that scooters not be shelved at this time.

1970-63 Councilman Niehaus offered the following resolution:

WHEREAS, the two (2) police scooters presently owned by the Town are no longer needed;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to sell said police scooters for the highest bid.

Seconded by Councilman D'Antoni.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Bolander, D'Antoni, Supervisor Vines
NOES: Councilman Frohling.

Resolution authorizing Supervisor to sell two Police Scooter Radios held; to be discussed with Police Chief.

1970-64 Councilman Frohling offered the following resolution:

RESOLVED, that Charles Braudt, Forest Glen Road, Valley Cottage, New York is hereby appointed to the position of Civil Defense Director at an annual salary of \$1200.00, term to commence on 1/26/70 and expire 12/31/70.

Seconded by Councilman D'Antoni.

All voted Aye.

1970-65 Councilman Frohling offered the following resolution:

RESOLVED, that Edward Barbour, Grand View Avenue, Nanuet, New York, is hereby appointed to the position of Deputy Sewer Co-Ordinator at an annual salary of \$8,500.00, term to commence on 1/26/70 and expire 12/31/71.

Seconded by Councilman D'Antoni.

All voted Aye.

1970-66 Councilman D'Antoni offered the following resolution:

RESOLVED, that the position of Director of Building & Zoning, (provisional) be and is hereby created.

Seconded by Councilman Bolander.

All voted Aye.

1970-67 Councilman D'Antoni offered the following resolution:

RESOLVED, that Councilman Bolander be recommended to the County Legislature to ROCAC.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Frohling, D'Antoni, Supervisor Vines.
ABSTENTION: Councilman Bolander.

Determination of status of staff member in Recreation Department, (item 39 on agenda) -- held for 2/4/70 Town Board Meeting.

Re Congers Lake, considerable discussion had; no decision made by the Town Board. Supervisor stated that the Town Board will take matter into consideration and will, in all probability, have a determination by the Town Board meeting to be held on 2/4/70.

Report made by Town Attorney on request by Village of Nyack for relief of taxes. Informed Town Board that would be a matter for this Board to make determination as to whether or not the Town of Clarkstown wishes to exempt the Village of Nyack from paying. (Water Treatment Plant). Supervisor will discuss matter with Mayor of Village of Nyack.

Page 11 1970

1970-68 Councilman Bolander offered the following resolution:

RESOLVED, that bond numbers 900178 & 900179 issued by Republic Insurance Co., having an office at 129 Fulton Street, New York, N.Y. to Capall Builders, Inc. of 29 Western Highway, Tappan, New York, as Principal and Robert E. Avil, Sr. and Sisto J. Capolino, as Co-Principal in favor of the Town of Clarkstown, be declared in default, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown be directed to take all necessary proceedings against said bonds to insure construction and completion of roads, improvements, et al, in accordance with the Town Specifications, and be it

FURTHER RESOLVE, that the Town Engineer, Town Supt. of Hways., and all other departments or agencies furnish all necessary data to the Town Attorney in order to implement this resolution.

Seconded by Councilman Frohling.

All voted Aye.

1970-69 Councilman Frohling offered the following resolution:

RESOLVED, that Bond Nos. 2232643 & 2232644 issued by Continental Casualty Co. to Nick Guttman, Inc. & Nick Guttman, as Co-Principal in favor of the Town of Clarkstown, be declared in default, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown be directed to take all necessary proceedings against said bonds to insure construction and completion of roads, improvements, et al, in accordance with the Town Specifications, and be it

FURTHER RESOLVED, that the Town Engineer, Town Supt. of Hways, and all other departments or agencies furnish all necessary data to the Town Attorney in order to implement this resolution.

Seconded by Councilman D'Antoni.

All voted Aye.

1970-70 Councilman Niehaus offered the following resolution:

RESOLVED, that Bond Nos. 2230723 and 2230724 issued by Continental Casualty Co. to John A. Johnson, Philip Mann & Marcella Cowan of 485 Sylvan Avenue, Englewood Cliffs, New Jersey in favor of the Town of Clarkstown, be declared in default, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown be directed to take all necessary proceedings against said bonds to insure construction and completion of roads, improvements, et al, in accordance with the Town Specifications, and be it

FURTHER RESOLVED, that the Town Engineer, Town Supt. of Hways. and all other departments or agencies furnish all necessary data to the Town Attorney in order to implement this resolution.

Seconded by Councilman Bolander.

All voted Aye.

1970-71 Councilman Bolander offered the following resolution:

RESOLVED, that Bond Nos. 5442489 and 5442490 issued by Continental Casualty Co., 76 William Street, New York, N.Y. to Strawtown Builders, Inc. & Cedric Garlick Jr. & Cedrick Garlick Sr. in favor of the Town of Clarkstown, be declared in default, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown be directed to take all necessary proceedings against said bonds to insure construction and completion of roads, improvements, et al, in accordance with the Town Specifications, and be it

1970-71 - Continued

FURTHER RESOLVED, that the Town Engineer, Town Supt. of Hways. and all other departments or agencies furnish all necessary data to the Town Attorney in order to implement this resolution.

Seconded by Councilman Frohling.

All voted Aye.

Re resolution instructing Town Attorney to prepare notice of determination of contract with Manuel S. Emanuel (#45); Mr. Emanuel sent Town Board letter with suggestions - letter will be referred to the Town Attorney.

1970-72 Councilman D'Antoni offered the following resolution:

RESOLVED, that future regular Town Board meetings shall be held on the 1st and 3rd Wednesdays of each month at 8:00 PM, instead of as previously adopted.

Seconded by Councilman Frohling.

All voted Aye.

Mr. George Goodman, Chairman of Planning & Development Committee of the New City Jaycees appeared before the Town Board re proposed condominium complex on North Main Street in New City. He urged that Town Board adopt a resolution directing the Building Inspector to revoke building permit for this subdivision; and that a thorough investigation be made by the Town Board into the manner in which this subdivision and its site plan were approved.

1970-73 Councilman Frohling offered the following resolution:

RESOLVED, that request made by New City Jaycees for revocation of building permit for proposed condominium complex on North Main Street, New City be studied further by the Town Board; matter to be deferred until Town Board meeting to be held on 2/4/70 for any determination.

Seconded by Councilman D'Antoni.

All voted Aye.

Deputy Town Attorney M. Friedman presented report re Ramapo Valley Airport stating, in part, the following:

Conference with attorneys for Russian Orthodox Church and various taxpayers held on 1/23/70 at which time they stated they preferred to make airport non-conforming use to subject it to authority of ZBA. He recommended that no decision be made by the Town Board until the FDT submit rules and regulation that can be followed.

Mr. Henry Carter appeared before the Town Board requesting assistance of said Board in connection with proposed expenditure for expansion of Rockland Community College, suggesting that it be put to referendum. After considerable discussion, the following resolution was adopted:

Page 11

T.M.

1/26/70

1970-74 Councilman D'Antonio offered the following resolution:

RESOLVED, that the Town Attorney, through the Supervisor, inform the County Legislature that the Town Board of the Town of Clackamaw requests that a referendum be held so that the people of the Town of Clackamaw, as well as the people of Rockland County, may decide whether or not they wish to expand the sums requested for the expansion of Rockland Community College.

Seconded by Councilman Webster.

All voted Aye.

Mr. Richard Liscio appeared before the Town Board re drainage problem. (Brewery Road). Supervisor requested that he leave his name and address for future contact; Highway Superintendent stated that drainage pipe will be installed in the spring.

Mr. Harris Taylor, rep. 27 homeowners in Banderosa Estates, Valley Cottage, appeared before the Town Board re non-conformance by J. Knutsen, builder, with 1965 Sewer Ordinance. (lines not within 5' of homes). Supervisor informed Mr. Taylor that he has consulted with Town Engineer re same; in process of correcting entire situation.

1970-75 Councilman Niehaus offered the following resolution:

RESOLVED, that Orange and Rockland Utilities submit their order for one street light on Pole #24, Mill Road.

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until Wednesday, February 4, 1970 at 8:00 P.M. in memory of General Douglas MacArthur.

Signed,


Anne E. O'Connor
Town Clerk