

TOWN OF CLARKSTOWN

Town Hall

2/4/70

8:00 A.M.

Present: Councilmen Nicholas, Bolander, Frohling, D'Antoni, Supervisor Vines
 Town Attorney Frederick J. Roland
 Deputy Town Attorney Martin Friedman
 Town Clerk Anne E. O'Connor

Assemblage saluted the flag.

Re request for 1-side of the street parking on Main Street, New City; Supervisor Vines stated that under authorization of the Highway Supt. the Police Chief will issue "No parking" signs in snow emergencies.

Re proposed street lighting, Main Street, New City; Main Street, Nanuet and Seeger Drive, Nanuet; Supervisor stated this matter needs more investigation - matter tabled.

Town Attorney re Congers Lake, stated that Order to Show Cause served by owner of lake upon the town (Harram Realty). He recommended that until matter resolved, Town Board take no action.

1970-76 Councilman D'Antoni offered the following resolution:

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

John S. Katt
 62 Basswood Court
 Bardonia, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 70-49 to John S. Katt.

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 No. 904707
 DEGAN HEIGHTS, NEW CITY/WEST NYACK
 Amount: \$56,500.00
 Covers: Public Improvements
 Period: Two years - 2/4/70 - 2/3/72

Republic Insurance Co. Bond No. 904708
 DEGAN HEIGHTS, NEW CITY/WEST NYACK
 Amount: \$19,500.00
 Covers: Sanitary Sewers
 Period: Two Years - 2/4/70 - 2/3/72

1970-77 Councilman Bolander offered the following resolution:

RESOLVED, that resignation of Francis N. Malone, Motor Equipment Operator at Sanitary Fill, is hereby accepted with regret, said resignation to become effective February 16, 1970.

Seconded by Councilman D'Antoni.

All voted Aye.

1970-76 Councilman D'Antoni offered the following resolution:

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

In the Matter of the Application of

WILLIAM BRENNER and JAMES DAMIANI, SR.,
Petitioners,

-against-

WILLIAM E. VINES, FRANK BOLANDER, PHILIP FROHLING,
ANTHONY D'ANTONI, WILLIAM NIEHAUS, as members of the
Town Board of the Town of Clarkstown, and the Town
of Clarkstown, for an Order Annuling a Resolution
of the Town Board of the Town of Clarkstown and
Reinstating the Petitioners as Members of the
Planning Board,

Respondents,

NOW THEREFORE, be it

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

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

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

1970-79 Councilman Frohling offered the following resolution:

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

At-Will Plumbing & Heating Services, Inc.
9 Johnsons Lane, New City, N.Y.

Ernest F. Giraudin, d/b/a Jace Contracting
4 Pipers Glen, West Nyack, N.Y.

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be
issued:

No. 70-46 to Ernest F. Giraudin
No. 70-47 to At-Will Plumbing & Heating Services, Inc.

Seconded by Councilman D'Antoni.

All voted Aye.

At a regular meeting of the Town Board of the Town of Clarkstown
held on the 4th day of February 1970 the Town Board signed an Order Establishing
Sewer District No. 39 as follows:

WHEREAS, pursuant to resolution adopted, the Town Board of the Town
of Clarkstown, in the County of Rockland, New York, has caused to be prepared a
general map, plan and report relating to the establishment of proposed Sewer
District No. 39, in said Town of Clarkstown (herein called "District" and "Town"
respectively), which map, plan, and report have been heretofore approved by said
Town Board and filed in the office of the Town Clerk; and

Order Establishing Sewer District #33 - continued

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

WHEREAS, on June 16, 1969, said Town Board adopted an Order reciting (a) a description of the boundaries of the District proposed to be established in a manner sufficient to identify the lands included therein as in a deed of conveyance; (b) the improvements proposed; (c) the maximum amount proposed to be expended for such improvements; (d) the proposed method of financing to be employed; (e) the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection; and (f) specifying July 2, 1969, at 8:30 o'clock P.M. (D.S.T.), as the time when, and the Town Hall, 10 Maple Avenue, New City, New York, in the Town, as the place where, said Town Board would meet and hold a public hearing to consider the proposed establishment of the District and construction of such lateral sewer system and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Section 209-d of the Town Law and after a public hearing duly held by said Town Board at the time and place herein referred to, said Town Board, by resolution adopted July 2, 1969, determined that (a) the notice of hearing was published and posted as required by law and is otherwise sufficient; (b) all of the property or property owners within the District proposed to be established are benefited thereby; (c) all the property or property owners benefited thereby are included within the limits of the District; and (d) it is in the public interest to establish the District and approved the establishment of the District, including the necessary easements on lands to be acquired, at a cost not to exceed \$3,350,000 and within thirty (3) days thereafter, no petition requesting that the matter be submitted to a referendum of the owners of taxable real property situate in the District, as shown upon the latest completed assessment roll of the Town, was filed with the Town Clerk of the Town; and

WHEREAS, after submission of an application by said Town Board the State Comptroller granted permission to establish the District by Order dated December 19, 1969, which was duly filed with the Town Clerk of the Town and presented to said Town Board by said Town Clerk at the next meeting held after the said Order was filed with said Town Clerk; now, therefore, be it

ORDERED, that a sewer district is hereby established in the Town of Clarkstown, to be known as Sewer District No. 33, in the Town of Clarkstown, and bounded and described, as follows:

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 northeasterly 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 north-easterly 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 northeasterly 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 northeasterly corner of said

Sewer District #19 - continued

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 on the northerly side of said lot 9, which point is the southeasterly corner of lot 95-A-21.05; thence northerly along the easterly side of lots 95-A-21.05, 21.02, 21.01, 21 and 1.05 to the northeasterly corner of said lot 1.05; thence westerly along the northerly side of said lot 1.05 to a point on the northerly side of said lot 1.02, which point is the southeasterly corner of lot 95-B-20.02; thence northerly along the easterly side of lots 95-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 95-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 95-A-13; 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 95-A-18, 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 Hill;

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.

Sewer District #39 - continued

and be it further

ORDERED, that a lateral sewer system, including the necessary easements and lands to be acquired, as hereinabove referred to, shall be constructed in the District, in the Town, at a cost of not to exceed \$3,300,000 to be assessed, levied and collected from the several lots and parcels of land in the District, so much upon and from each as shall be in just proportion to the amount of benefit which the Town Board determines 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 cost of operation, maintenance and repair, and be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Rockland and filed with the Department of Audit and Control in Albany, New York, copies of said Order, certified by said Town Clerk.

Dated: February 4, 1970

TOWN BOARD OF THE TOWN OF CLARKSTOWN

s/ William E. Vines
Supervisor

s/ Frank Bolander, Jr.
Councilman

s/ W. R. Niehaus
Councilman

s/ Anthony D'Antoni
Councilman

s/ Philip J. Frohling, Jr.
Councilman

Members of the Town Board of the Town of
Clarkstown, in the County of Rockland, New York

1970-80 Councilman Niehaus offered the following resolution:

WHEREAS, following preparation of a general map, plan and report relating to Sewer District No. 39 (herein called "District") proposed to be established in the Town of Clarkstown (herein called Town), in the County of Rockland, New York, and for the construction of a lateral sewer system therein, consisting of lateral sewers 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, 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, and after a public hearing duly called and held, the Town Board of the Town determined, pursuant to resolution duly adopted July 2, 1969, subject to permissive referendum, that the notice of such hearing was published and posted as required by law and is otherwise sufficient; that all the property and property owners within the District proposed to be established, are benefited thereby are included within the limits of the District; and that the establishment of the District is in the public interest and approved the establishment of the 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 the taxable real property situate in the District, in the Town, as prescribed by Section 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 adoption thereof, or at any other time since said adoption; and

Sewer District No. 39-continued

WHEREAS, following due submission of an application by said Town Board, the State Comptroller granted permission to establish the District by Order dated December 19, 1969, 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 February 4, 1970, establishing the District, therein designated Sewer District No. 39, in the Town of Clarkstown, and ordering construction of said lateral sewer system, including equipment and appurtenances therein, at a cost not to exceed \$3,350.00;

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 \$3,350,000 for the construction of a lateral sewer system, including land or rights in land, buildings and original furnishings, equipment, machinery and apparatus required, in the District, in the Town, all as hereinabove referred to in the Recital of this resolution, and in accordance with the map, plan and estimates prepared by Nussbaum, 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 \$3,350,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$3,350,000, 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 the 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 cost of operation, maintenance and repair.

Section 2. To finance said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$3,350,000, 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 pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

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

(c) The proposed maturity of the bonds authorized pursuant to this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation thereof, shall contain the recital of validity prescribed by §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 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 budget of the Town by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Same dated 11.11.68 - continued.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of #80.00 relative to the authorization of the issuance of bond anticipation notes and of #90.00 and ##90.00 to 60.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds hereby authorized and any notes issued in anticipation thereof, and any renewals thereof, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized pursuant to this resolution, and of any 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 publication of such resolution, are not substantially complied with,

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

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

Section 7. This resolution shall take effect immediately.

Seconded by Councilman Bolander.

All voted Aye.

1970-81 Councilman Niehaus offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, is hereby directed to publish the foregoing bond resolution, in full, in "THE ROCKLAND NEWS-LEADER INDEPENDENT" a newspaper published in the Village of Spring Valley, New York, and having a general circulation in the Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

Seconded by Councilman Bolander.

All voted Aye.

1970-82 Councilman D'Antoni offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK
ADOPTED FEBRUARY 4, 1970, FURTHER AMENDING THE
BOND RESOLUTION ADOPTED AUGUST 4, 1965 AND AMENDED
NOVEMBER 20, 1968, APPROPRIATING \$710,000 FOR THE
CONSTRUCTION OF A LATERAL SEWER SYSTEM IN SEWER
DISTRICT NO. 23, IN SAID TOWN.

Recital

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has duly established Sewer District No. 23, in said Town, and authorized construction of a sewer system therein and adopted the bond resolution on August 4, 1965 and amended November 20, 1968 entitled:

Sewer District #2: - Continued

"BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 4, 1965 AND AMENDED NOVEMBER 20, 1968, AUTHORIZING \$710,000 FOR THE CONSTRUCTION OF A LATERAL SEWER SYSTEM IN SEWER DISTRICT NO. 23, IN THE TOWN OF CLARKSTOWN AND AUTHORIZING THE ISSUANCE OF \$710,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION,"

and

WHEREAS, the 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 a further increase in the maximum amount to be expended for construction of such sewer system from \$710,000 to \$940,000 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 August 4, 1965 and amended on November 20, 1968, as hereinabove referred to in the Recitals hereof, is hereby further amended to read as follows:

"BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 4, 1965, AMENDED ON NOVEMBER 20, 1968 AND FURTHER AMENDED ON FEBRUARY 4, 1970, AUTHORIZING \$940,000 FOR THE CONSTRUCTION OF LATERAL SEWER SYSTEM IN SEWER DISTRICT NO. 23, IN SAID TOWN AND AUTHORIZING THE ISSUANCE OF \$940,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, has heretofore duly established Sewer District No. 23, in the Town (herein called "District"), pursuant to Order dated August 4, 1965, following a public hearing duly called and held, and receipt of an order of the State Comptroller granting permission therefor; and

WHEREAS, the maximum amount proposed to be expended for construction of a lateral sewer system, consisting of lateral sewers, submains and force mains tributary to the subtrunk extended south from Glenside Drive within existing Sewer District No. 19, and including any necessary appurtenances required therefor, manholes, house connection stubs brought to the curbs, acquisition of necessary land and rights in land and original equipment, machinery and apparatus, in the District, as stated in the notice calling the public hearing to consider the establishment of the District and the construction of such sewer system, is \$535,000; 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 August 25, 1968, approving the application of the Town Board to increase the maximum amount to be expended from \$535,000 to \$710,000, the Town Board on October 18, 1968, 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 the adoption thereof, or any other time since adoption;

now, therefore, be it

Sewer District #11 - 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 Town hereby appropriates the amount of \$940,000 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 with the map, plan and estimates prepared by Nussbaum, 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 \$940,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$940,000 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 issue in the principal amount of \$940,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law").

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of #11.00 a.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 #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 #30.00 relative to the authorization of the issuance of bond anticipation notes and of #50.00 and ##56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds 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:

Sewer District #21 - Continued

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

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

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

Section 7. This resolution shall take effect immediately.

Seconded by Councilman Frohling.

All voted Aye.

1970-83 Councilman D'Antoni offered the following resolution:

The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, as amended, in full in THE ROCKLAND NEWS-LEADER INDEPENDENT, a newspaper published in the Village of Spring Valley, 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.

Seconded by Councilman Frohling.

All voted Aye.

1970-84 Councilman Bolander offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 4, 1970, FURTHER AMENDING THE BOND RESOLUTION ADOPTED AUGUST 17, 1964 AND AMENDED MARCH 31, 1969, APPROPRIATING \$1,450,000 FOR THE CONSTRUCTION OF A LATERAL SEWER SYSTEM IN SEWER DISTRICT NO. 19, 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. 19, in said Town, and authorizing construction of a sewer system therein and adopted the bond resolution on August 17, 1964 and amended March 31, 1969, entitled:

"BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 17, 1964 AND AMENDED MARCH 31, 1969, AUTHORIZING \$2,250,000 FOR THE CONSTRUCTION OF A LATERAL SEWER SYSTEM IN SEWER DISTRICT NO. 19, IN THE TOWN OF CLARKSTOWN AND AUTHORIZING THE ISSUANCE OF \$2,250,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION",

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 a further increase in the maximum amount to be expended for construction of such sewer system from \$2,250,000 to \$2,800,000 pursuant to Section 809-h of the Town Law;

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SEWER DISTRICT # - CLARKSTOWN

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 August 17, 1964 and amended on March 31, 1969, as hereinabove referred to in the Recitals hereof, is hereby further amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK ADOPTED AUGUST 17, 1964, AMENDED ON MARCH 31, 1969 AND FURTHER AMENDED ON FEBRUARY 4, 1970, AUTHORIZING \$2,800.00 FOR THE CONSTRUCTION OF A LATERAL SEWER SYSTEM IN SEWER DISTRICT NO. 19, IN SAID TOWN AND AUTHORIZING THE ISSUANCE OF \$2,800,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, has heretofore duly established Sewer District No. 19, in the Town (herein called "District"), pursuant to Order dated July 20, 1964, following a public hearing duly called and held, and receipt of an order of the State Comptroller granting permission therefor; and

WHEREAS, the maximum amount proposed to be expended for construction of a lateral sewer system, consisting of lateral sewers, sub-mains and sub-trunks tributary to the trunk sewer designated as the "New City Trunk Sewer" and proposed sewer mains in existing Sewer District No. 10, in the Town, and including manholes, house connection stubs brought to the curbs, acquisition of necessary land and rights in land and original equipment machinery and apparatus, in the District, as stated in the notice calling the public hearing to consider the establishment of the District and the construction of such sewer system, is \$1,450,000; 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 October 9, 1968, approving the application of the Town Board to increase the maximum amount to be expended for the construction of a sewer system in the District and ordering such increase; and

WHEREAS, due to further increased costs of labor and materials, preliminary costs and costs incidental thereto, it is now estimated that the maximum cost of such construction will exceed \$2,230,000 by the amount of \$570,000; and

WHEREAS, pursuant to Section 209-h of the Town Law, after a further public hearing duly called and held, following receipt of an Order of the Comptroller of the State of New York, dated September 25, 1969, approving the application of the Town Board to further increase the maximum amount to be expended from \$2,230,000 to \$2,800,000, the Town Board on December 3, 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 the adoption thereof, or any other time since 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:

Sewer District #19 - Continued

Section 1. The Town hereby appropriates the amount of \$2,800,000 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 estimates prepared by Nussbaum, 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 \$2,800,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$2,800,000 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 \$2,800,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law").

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of #11.00 a.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 #92.00 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 #30.00 relative to the authorization of the issuance of bond anticipation notes and of #50.00 and ##56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds 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

Sewer District #17 - Sewer 145

twenty days after the date of such publication, or

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

Section 7. This resolution shall take effect immediately.

Seconded by Councilman Frohling.

All voted Aye.

1970-85 Councilman Bolander offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, as amended, in full, in "THE ROCKLAND-NEWS-LEADER-INDEPENDENT", a newspaper published in the Hamlet of New City, Town of Clarkstown, 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 81-a of the Consolidated Laws of the State of New York

Seconded by Councilman Frohling.

All voted Aye.

1970-86 Councilman Frohling offered the following resolution:

WHEREAS, Grand Plaza Shopping Center, Inc., Charles Donner and Norman Fauch, have agreed to accept the sum of \$725.00, inclusive of interest, in consideration of executing and delivering an easement to the Town of Clarkstown for Sewer District No. 17, and

WHEREAS, the Town of Clarkstown has agreed and stipulated to discontinue the Condemnation Proceeding against the above named defendant, and

WHEREAS, Donald G. Partridge, attorney for Sewer District No. 17 and Joseph F. X. Nowicki, Counsel for Sewer and Improvement Districts of the Town of Clarkstown, recommend that the said action be discontinued and the said easement be accepted by the Town of Clarkstown and the said fee paid;

NOW THEREFORE, be it

RESOLVED,

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

2. That Donald G. Partridge, attorney for Sewer District No. 17 be authorized to settle the aforesaid action for the sum of \$725.00, and

3. That Sewer District No. 17 is hereby authorized to pay the said sum of \$725.00 in settlement of the aforesaid action and in payment for said easement.

Seconded by Councilman Bolander.

All voted Aye.

1970-87 Councilman D'Antoni offered the following resolution:

WHEREAS, Victor M. Chervenick and Gertrude V. Chervenick, his wife, have executed an easement and are offering it to the Town for Sewer District No. 26 in consideration of the sum of \$200.00; and

Resolution 1970-87 - Continued

WHEREAS, Donald Tirschwell, attorney for Sewer District No. 26, and Joseph F. X. Nowicki, Counsel for Sewer and Improvement Districts of the Town of Clarkstown, recommend that said easement be accepted by the Town of Clarkstown and said fee paid;

NOW THEREFORE, be it

RESOLVED,

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

2. That Sewer District No. 26 is hereby authorized to pay the sum of \$200.00 for said easement.

Seconded by Councilman Frohling.

All voted Aye.

1970-88 Councilman Bolander offered the following resolution:

WHEREAS, Florence Duffy has executed an easement and is offering it to the Town for Sewer District No. 26 in consideration of the sum of \$2,250.00; and

WHEREAS, Donald Tirschwell, attorney for Sewer District No. 26 and Joseph F. X. Nowicki, Counsel for Sewer and Improvement Districts of the Town of Clarkstown, recommend that said easement be accepted by the Town of Clarkstown and said fee paid;

NOW THEREFORE, be it

RESOLVED,

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

2. That Sewer District No. 26 is hereby authorized to pay the sum of \$2,250.00 for said easement.

Seconded by Councilman Niehaus.

All voted Aye.

1970-89 Councilman Frohling offered the following resolution:

WHEREAS, John J. Dale and Nell Dale, his wife, have executed an easement and are offering it to the Town for Sewer District No. 26 in consideration of the sum of \$192.00; and

WHEREAS, Donald Tirschwell, attorney for Sewer District No. 26 and Joseph F. X. Nowicki, Counsel for Sewer and Improvement Districts of the Town of Clarkstown, recommend that said easement be accepted by the Town of Clarkstown and said fee paid;

NOW THEREFORE, be it

RESOLVED,

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

2. That Sewer District No. 26 is hereby authorized to pay the sum of \$192.00 for said easement.

Seconded by Councilman D'Antoni.

All voted Aye.

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1970-91 Councilman Frohling offered the following resolution:

WHEREAS, Romeo Flamino and Angelina Flamino, his wife, have executed an easement and are offering it to the Town for Sewer District No. 26 in consideration of the sum of \$339.00; and

WHEREAS, Donald Tirschwell, attorney for Sewer District No. 26 and Joseph F. X. Nowicki, Counsel for Sewer and Improvement Districts of the Town of Clarkstown, recommend that said easement be accepted by the Town of Clarkstown and said fee paid;

NOW THEREFORE, be it

RESOLVED,

1. That the Supervisor of the Town of Clarkstown is hereby authorized to accept said easement on behalf of the Town, and
2. That Sewer District No. 26 is hereby authorized to pay the sum of \$339.00 for said easement.

Seconded by Councilman Niehaus.

All voted Aye.

Deputy Town Attorney Martin Friedman presented report re airport, stating in part that it would seem that the best interest of the community would be served if amendment to the Zoning Ordinance can be enacted which would provide for the safety and comfort of residents of the town and still provide for operation of the airport. He has arranged a conference with the attorneys for the Russian Orthodox Church Complex, and attorneys for the Rumapo Valley Airport to discuss; and has also contacted the FAA, the Airport Operators Council and the American Association of Airport Executives to secure suggestions for possible amendments to the Zoning Ordinance.

1970-91 Councilman Niehaus offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to execute agreement for installation of one hydrant on the east side of Brewery Road, north from Elath Street, New City.

Seconded by Councilman D'Antoni.

All voted Aye.

Re street lights on Old Mill Road, Supervisor stated Orange & Rockland will do. Re request received from Collins on Thornwood Drive, neighbors do not wish light, matter will not be pursued.

1970-92 Councilman Bolander offered the following resolution:

WHEREAS, Town Justice Edward J. Flynn has requested that the amount of his Public Official Bond be increased,

NOW THEREFORE, be it

RESOLVED, that pursuant to Section 25 of the Town Law, amount of Public Official Bond for Town Justice Edward J. Flynn be increased from amount of \$1,000.00 to \$10,000.00.

Seconded by Councilman Frohling.

All voted Aye.

1970-76

JEM

2/4/76

1970-76 Councilman Niehaus offered the following resolution:

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

In the matter of the Application of

HARRY ADLER, HAROLD A. SMITH, RUSSELL WIGHT, JR., Petitioners, for a Judgment under Article 78 of the Civil Practice Law and Rules, reversing, annulling and setting aside the decision of the Town Board of the Town of Clarkstown denying the issuance of a Special Permit

-against-

WILLIAM E. VINES, As Supervisor of the Town of Clarkstown, Philip Frohling, Jr., Frank Bolander, Jr., Anthony D'Antoni, and William R. Niehaus, Members of the Town Board of the Town of Clarkstown, County of Rockland, and the TOWN OF CLARKSTOWN,

Respondents,

NOW THEREFORE, be it

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

Seconded by Councilman Frohling.

All voted Aye.

1970-94 Councilman Niehaus offered the following resolution:

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

WHEREAS, more than 32,000 Americans die yearly from Leukemia, a disease which is 100% fatal, and

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

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

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

NOW THEREFORE, I, William E. Vines, Supervisor of the Town of Clarkstown, do hereby proclaim the month of March 1970 as LEUKEMIA MONTH in the Town of Clarkstown and urge that all members of this community give full support to this campaign to end the ravages of leukemia.

Seconded by Councilman Bolander.

All voted Aye.

1970-95 Councilman Niehaus offered the following resolution:

RESOLVED, that the Month of March 1970 be declared "HEART MONTH" in the Town of Clarkstown.

Seconded by Councilman Bolander.

All voted Aye.

Annual Report of the Fire District Treasurer of New City Fire District for the year ended December 31, 1969 received and noted by the Town Board. Ordered filed in the Town Clerk's Office.

Mr. Martin Bernstein of the New City Civic Association appeared before the Town Board requesting that a right turn be allowed on Congers Road going north on Main Street, without waiting for a traffic light; also that a right turn be allowed going south on New Hempstead Road, without waiting for light. Request also made that the Town Board adopt resolution requesting county to purchase Congers Lake property for county park. Supervisor will inform Chief of Police, Highway Supt. and Rockland County Highway Department re request for change in traffic lights to allow right-hand turns, also informing Traffic Safety Advisory Committee of said request.

1970-96 Councilman Frohling 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:

Dri Plumbing & Heating, Inc.
East Eckerson Road
Spring Valley, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 70-48 to Dri Plumbing & Heating, Inc.

Seconded by Councilman D'Antoni.

All voted Aye.

1970-97 Councilman Frohling offered the following resolution:

RESOLVED, that resignation of Richard C. Burleigh as member of the Clarkstown Zoning Board of Appeals is hereby accepted with regret, said resignation effective as of January 7, 1970.

Seconded by Councilman D'Antoni.

All voted Aye.

1970-98 Councilman Niehaus offered the following resolution:

WHEREAS, the Highway Superintendent states that an emergency condition exists because of icy conditions,

NOW THEREFORE, be it

RESOLVED, that the Highway Superintendent is hereby authorized to purchase 300 tons of salt from Highway Materials, Co., Inc. of South Lansing, New York at cost to town of \$19.00 per ton; total \$5,700.00.

Seconded by Councilman Bolander.

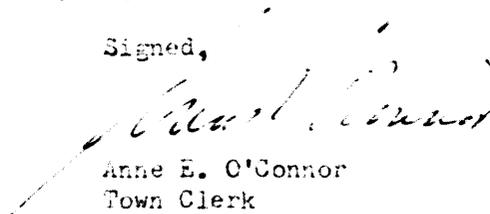
All voted Aye.

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Contingent appeared re Reynolds Aluminum; Mr. Plotnick of Valley Cottage, spokesman. After considerable discussion, all present were informed that Town Board is still awaiting reports from several sources, including a report from the Zoning Board of Appeals and the Hudson River Valley Commission. Representatives of Reynolds Aluminum, including Mr. O'Donnell, Manager of Can Division of Reynolds appeared before the Town Board stating benefits of having their firm in community; also stating that they would surrender their building permit until hearing can be held. Hearing will be scheduled by Supervisor.

On resolution offered by Councilman Bolander, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until Wednesday, February 18, 1970 at 8:00 P.M.

Signed,


Anne E. O'Connor
Town Clerk