

STBM - 7/71/70

(1970-470 - continued)

William Johnstone, 64 South Main St., New City N Y
 Gerald Fleming, 75 Shetland Ave., New City N. Y.
 Herbert Steck, Jr., 126 N. Route 9W, Congers N Y
 Philip Bilskey, 86 Lakewood Drive, Congers, N Y

Seconded by Councilman Nichols.

All voted Aye.

On resolution offered by Councilman D'Antoni, seconded by Councilman Nichols and unanimously adopted, Town Board meeting was adjourned until Wednesday, 8/26/70 at 8:00 PM.

Signed,



Linda Modafferi
 Deputy Town Clerk

SPECIAL TOWN BOARD MEETING

Town Hall

8/19/70

4:00 PM

Present: Councilmen Nichols, D'Antoni, Supervisor Vines
 Town Clerk Anne E. O'Connor
 Deputy Town Attorney Martin S. Friedman

Supervisor called Special Town Board meeting to order; assemblage saluted the Flag.

Letter from Rockland County Department of Health read into the record re Sewer District #33B, particularly the area of the Thornwood Hills Realty Subdivision located east of Lake DeForest, stating that in this area there are a number of properties that have malfunctioning sewage disposal systems that serve not only the older properties, but even some of those constructed within the last five years.

Letter also stated that these malfunctioning systems result in hazards to health of the residents caused by discharge to ground surface and roadway which is possible vehicle for disease transmission. Also, it was stated, that all of the area within Sewer District #33B is a tributary to the water shed of Lake DeForest which is used as a source of water in Rockland County and by some 800,000 people in the State of New Jersey. It was urged that the Town of Clarkstown do everything possible to bring about the construction of the sewers within this district without delay. (Letter written and signed by B. A. Vamadzis, M.D., Commissioner of Health)

Town Clerk read the following proposed resolution:

WHEREAS, on 6/17/70, this Board received public bids for the construction of lateral sewers and appurtenances for Sewer District No. 33, and

WHEREAS, the apparent lowest bidder was Marvec-All State, Inc., and the apparent second lowest bidder was Beckerle Brown, Inc., and

WHEREAS, this Board, on June 22, 1970, by resolution No. 379, rejected the bid of Marvec All State, Inc., and on the same date, by resolution No. 380, awarded the bid to Beckerle-Brown, Inc., as being in the best interests of the Town of Clarkstown, and

WHEREAS, on June 23, 1970, Marvec-All State, Inc. commenced an Article 78 proceeding against the Town of Clarkstown, and

(continued)

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WHEREAS, on 7/17/70, Judge Robert J. Trainor rendered a decision in favor of Marvec All-State, Inc. directing the Town of Clarkstown to award the bid to it, and

WHEREAS, the Town Attorney recommended reargument of said decision and appeal from said decision, and

WHEREAS, a Notice of Appeal has been filed which, pursuant to Civil Practice Law and Rules, automatically stays any further proceedings in favor of the Town of Clarkstown, and

WHEREAS, Judge Trainor is in Europe for an extended period of time, and

WHEREAS, reargument can only be heard by Judge Trainor, and

WHEREAS, the Appellate Division is recessed for the summer and a decision on said appeal cannot be expected until some time in the Fall of 1970, and

WHEREAS, in the meantime, raw sewage is being discharged on the surface of the ground from defective septic systems and threatens to pollute the nearby Lake DeForest Reservoir, and

WHEREAS, the Rockland County Department of Health states that the malfunctioning sewage disposal systems are potential health hazards to the residents, and

WHEREAS, the Rockland County Department of Health states that the presence of sewage on the ground surface of front and rear lawns, as well as the public highways presents a possible vehicle for disease transmission, and

WHEREAS, the Rockland County Department of Health states that all of the area within Sewer District No. 33 is a tributary to the water shed of Lake DeForest which is used as a source of water in Rockland County and by some 800,000 people in the State of New Jersey, and

WHEREAS, the Rockland County Department of Health urges the Town of Clarkstown to do everything possible to bring about the construction of the sewers within this district without delay, and

WHEREAS, the Town Board considers the aforesaid condition as an emergency, and

WHEREAS, a relatively small section of lateral sewer pipes are needed to be installed to alleviate this emergency condition;

NOW THEREFORE, be it

RESOLVED, that the Town Board declares a serious health hazard exists constituting a state of emergency, and be it

FURTHER RESOLVED, that the Superintendent of Highways is authorized to construct and install that portion of the sewer installation necessary to alleviate the aforesaid emergency condition, and be it

FURTHER RESOLVED, that the Superintendent of Highways is authorized to construct and install that portion of the sewer installation necessary to alleviate the aforesaid emergency condition, and be it

FURTHER RESOLVED, that the Town Consulting Engineer and the Town Engineer provide the Superintendent of Highways with the required technical assistance and supervision necessary for said construction and installation, and be it

(continued)

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FURTHER RESOLVED, that the Superintendent of Highways be reimbursed for the cost of said work from the proceeds of the sewer district appropriation.

Donald S. Tracy, New City N Y, representing Marvec All-State, Inc. at this point stated that Judge Trainor, presently in White Plains, N Y, not in Europe, and there is a Stay that stays the Town Board from Taking any further action in connection with construction in this sewer; and that contempt of an Order of the Court would be involved. He stated that problem would be resolved by three Councilmen awarding to Marvec-All State, Inc. and that entire Sewer District could be completed within next sixty (60) days; and that entire hazard and emergency obliterated by action of this Town Board.

Mr. Tracy at this point served "Demand for Compliance" papers on the Town Board.

Deputy Town Attorney Martin Friedman, at this point, stated the following:

"Mr. Supervisors in response to your request, I contacted Judge Trainor's CHAMBERS IN White Plains and was told that he was still on vacation, although he had returned to this country.

I then asked and received his home telephone number and called his home.

I spoke to Judge Trainor and outlined the facts as set forth in the proposed resolution before the Town Board, and conveyed to him the gist of the report of the Rockland County Department of Health.

I told him that we planned to spend some \$2,500.00 to \$3,000.00 on a one and a half million dollar contract to alleviate the condition existing in the Thornwood Hills Development, by connecting up dry sewers to two or three spur lines under Kings Highway to the existing sewer lines. Nothing else was contemplated.

He said that as far as he was concerned, the Stay applied only to the awarding of a contract, which we are not proposing to do. He felt that since the situation was of an emergency nature, we would be duty bound in law, to proceed with the steps we were taking, and would not be in conflict.

I also advised Judge Trainor of the fact that we had filed a Notice of Appeal from this decision, as well as a motion to reargue that decision.

My end of the conversation was witnessed by Mr. Jos. F. X. Nowicki."

(1970-471) Councilman Niehaus offered the following resolution:

WHEREAS, on 6/17/70, this Board received public bids for the construction of lateral sewers and appurtenances for Sewer District No. 33, and

WHEREAS, the apparent lowest bidder was Marvec-All State, Inc., and the apparent second lowest bidder was Beckerle Brown, Inc., and

WHEREAS, this Board on June 22, 1970, by resolution No. 379, rejected the Bid of Marvec All-State, Inc., and on the same date, by resolution No. 380, awarded the bid to Beckerle-Brown, Inc., as being in the best interests of the Town of Clarkstown, and

WHEREAS, on June 23, 1970, Marvec-All-State, Inc. commenced an Article 78 proceeding against the Town of Clarkstown, and

WHEREAS, on July 17, 1970, Judge Robert J. Trainor rendered a decision in favor of Marvec All-State, Inc. directing the Town of Clarkstown to award the bid to it, and

WHEREAS, the Town Attorney recommended reargument of said decision and appeal from said decision, and

WHEREAS, a Notice of Appeal has been filed which, pursuant to Civil Practice Law and Rules, automatically stays any further proceedings in favor of the Town of Clarkstown, and

(continued)

8/19/70

(1970-471 - continued)

WHEREAS Judge Trainor is in Europe for an extended period of time,
and

WHEREAS, the Appellate Division is recessed for the summer and a decision on said appeal cannot be expected until some time in the fall of 1970,
and

WHEREAS, in the meantime, raw sewage is being discharged on the surface of the ground from defective septic systems and threatens to pollute the nearby Lake DeForest Reservoir, and

WHEREAS, the Rockland County Department of Health states that the malfunctioning sewage disposal systems are potential health hazards to the residents, and

WHEREAS, the Rockland County Department of Health states that the presence of sewage on the ground surface of front and rear lawns, as well as the public highways presents a possible vehicle for disease transmission, and

WHEREAS, the Rockland County Department of Health states that all of the area within Sewer District No. 33 is a tributary to the water shed of Lake DeForest which is used as a source of water in Rockland County and by some 800,000 people in the State of New Jersey, and,

WHEREAS, the Rockland County Department of Health urges the Town of Clarkstown to do everything possible to bring about the construction of the sewers within this district without delay, and,

WHEREAS, the Town Board considers the aforesaid condition as an emergency, and

WHEREAS, a relatively small section of lateral sewer pipes are needed to be installed to alleviate this emergency condition;

NOW THEREFORE, be it

RESOLVED, that the Town Board declares a serious health hazard exists constituting a state of emergency, and be it

FURTHER RESOLVED, that the Superintendent of Highways is authorized to construct and install that portion of the sewer installation necessary to alleviate the aforesaid emergency condition, and be it

FURTHER RESOLVED, that the Town Consulting Engineer and the Town Engineer provide the Supt. of Highways with the required technical assistance and supervision necessary for said construction and installation, and be it

FURTHER RESOLVED, that the Superintendent of Highways be reimbursed for the cost of said work from the proceeds of the sewer district appropriation.

Seconded by Co. D'Antoni.

On roll call the vote was as follows:

AYES: Co. Nickans, D'Antoni, Supervisor Vines
NONES: None

(1970-472) Co. D'Antoni offered the following resolution:

WHEREAS, Mary Coughlin, Typist in the Town Clerk's Office has requested a leave of absence

NOW THEREFORE, be it

RESOLVED, that based upon the recommendation of the Town Clerk, leave of absence be granted to Mrs. Mary Coughlin, 5 Carrie Drive, New City, New York, and be it

FURTHER RESOLVED, that said leave shall be retroactive to 8/10/70 and run to September 30, 1970, without compensation.

Seconded by Councilman Nickans.

All voted Aye.

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000240

(1970-473) Co. D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certificate of Eligibles #6894, Building Inspector II, which contains name of Robert Bowman,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of Robert Bowman, 3 Harlock Road, New City N Y to the position of Building Inspector at a salary of \$14,400.00 per annum; effective August 19, 1970.

Seconded by Co. Niehaus.

All voted Aye.

(1970-474) Councilman D'Antoni offered the following resolution:

WHEREAS, on 6/24/70 resolution #384 was adopted, said resolution granting permission, pursuant to Sec. 405 of the Penal Law to Dellwood Country Club, Baker Rd., New City N Y to display fireworks on the Practice Tee on 6/29, 6/30, 7/4 and 8/15/70, and

WHEREAS, request has been made for an additional date,

NOW THEREFORE, be it

RESOLVED, that since all requirements have been met by the Dellwood Country Club, permission be granted for display of fireworks on Practice Tee on 8/20/70,

Seconded by Councilman Niehaus.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman D'Antoni and unanimously adopted, Special Town Board meeting was adjourned, next Town Board meeting to be held on Wednesday, August 26th, 1970 commencing at 8:00 PM.

So

Signed,


Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

8/26/70

4:00 PM

Present: Councilmen Niehaus, Belander, D'Antoni, Supervisor Vinas
Town Attorney
Town Clerk

Absent: Councilman Frohling.

Supervisor Vinas called Town Board meeting to order; assemblage saluted the Flag.

(1970-475) Co. D'Antoni offered the following resolution:

WHEREAS, GEORGE J. CULOSO has petitioned the Town Board of the Town of Clarkstown that the Building Zoning Ordinance of the said Town be amended by redistricting property of the said petitioner described from R-15 to RS or Lc 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, N Y in the said Town of Clarkstown on the 23rd day of September 1970 at 8:00 PMEDT relative to such proposed amendment; and it is

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