

TOWN BOARD MEETING

Town Hall

10/21/70

8:00 PM

Present: Co. Niehaus, Bolander, Frohling, D'Antoni, Supervisor Vines
Town Clerk
Town Attorney and Deputy Town Attorney

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

(1970-649) Councilman Niehaus offered the following resolution:

RESOLVED that time for receiving bids for the CONSTRUCTION OF LATERAL SEWERS IN SEWER DISTRICT NO. 39 - CONTACT B is closed and that any and all bids received up to and including this time be opened.

NO SECOND

Town Attorney Frederick P. Roland stated at this time that all bids received for the above mentioned not to be opened. Sewer Counsel J. F. X/ Nowicki stated that Judge Silberman this past week directed the Town Sewer Counsel that no bids will be opened until the matter pending before the Court (Marvec Allstate vs. the town) be decided.

Bids were received from the following; remaining unopened:

Bellino Brothers Construction Company
745 Nepperhan Avenue
Yonkers, N Y 10703

Ma. A. Stephne Constr. Co., Inc.
32 North Day Street
Orange, New Jersey

Edward J. Huegel, Inc.
160 Crooked Hill Road
Pearl River, New York

Marvec Allstate
251-1/2 Grove Avenue
Verona, New Jersey

A/ Cestone Company
710 Bloomfield Avenue
Glen Ridge, New Jersey

Mr. George Suttie, Consulting Engineer wished placed in the record fact that their office has no record whatsoever for a set of plans being picked up by Marvec by either of their offices, the Town Clerk's Office or his other office, and the fee requirement being paid. He stated that he mentioned this for the record in acase it comes up at any time.

All bids, as listed above, sealed in one large envelope by thw Town Clerk and forwarded to the Police Departmentf for safekeeping upon instruction.

(1970-650) Councilman Bolander offered the following resolution:

RESOLVED, that time for receiving bids for the furnishing of one CRAWLER TRACTOR equippd with a special sanitary landfill type bulldozer according to specifications is closed, and be it

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

Seconded by Councilman Frohling.

All voted Aye.

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The following bid was received:

H. O. PENN MACHINERY CO., INC.
RD 2 Noxon Road,
Poughkeepsie, New York

Purchase Price.....\$78,497.00
Less Repurchase Quarantee..... 22,400.00
Cost for Repairs & Maintenance except
for daily servicing over contract
period of five (5) years or ten
thousand (10,000) hours..... 37,500.00

TOTAL COST:.....\$93,597.00

(1970-651) Councilman Bolander offered the following resolution:

RESOLVED, that award of bid for furnishing of one (1) Crawler Tractor equipped with a special sanitary landfill type bulldozer according to specifications, be tabled.

Seconded by Councilman Frohling.

All voted Aye.

(1970-652) Councilman D'Antoni offered the following resolution:

RESOLVED, based upon the recommendation of the Town Engineer, that bid for the furnishing of Sewer Truck be awarded to Manley Chevrolet, Inc. Route 59, Nyack New York in the amount of \$4,242.18.

Seconded by Councilman Frohling.

All voted Aye.

ORDER extending Sewer District 13 (3) to include Windfor Development Corp. which was tabled at 10/14/70 Town Board Meeting; re-tabled for 11/4/70 Town Board Meeting. Supervisor requested that Town Attorney study contract; John Hekker to supply same.

(1970-653) Councilman Frohling offered the following resolution:

RESOLVED, based upon the recommendation of the Chief of Police, that bid for furnishing Police Winter Uniforms be awarded to the low bidder, Merson Uniforms, Inc., 254-6 Canal St., New York N Y at cost to town of \$3,568.00.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-654) Councilman Frohling offered the following resolution:

RESOLVED, that bid for the construction of Sewer District No. 35-A be awarded to the lowest bidder, Marvec-Allstate, Inc. 251-1/2 Grove Avenue, Verona, New Jersey, at a cost to the town of \$166,805.75, according to specifications, subject to approval by the Counsel for Sewer Districts and the Consulting Engineer and that they each render a written opinion of their recommendations.

Seconded by Councilman D'Antoni.

On roll call the vote was as follows:

AYES: Councilmen Bolander, Frohling, D'Antoni
ABSTENTIONS: Councilmen Niehaus, Supervisor Vines

MOTION CARRIED.

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As requested by the Town Board, the Chief of Police submitted report re traffic controls at the intersection of Grandview Avenue and Prospect Street, Nanuet; also Edsall and Prospect Streets, Nanuet. Since report requested from the Traffic Advisory Board not as yet received, the Town Clerk was instructed to forward to the Town Board copies of both reports, when Traffic Advcisory Board's recommendations received by her office.

(1970-655) Councilman D'Antoni offered the following resolution:

RESOLVED, that bid for the construction of lateral sewers - Glen Ridge Estates, Congers New York be awarded to the lowest bidder, Beckerle-Brown, Inc., 10 West Jefferson Avenue, Pearl River, New York at a cost to the town of \$35,101.00 according to specifications, subject to approval by the Counsel for Sewer Districts and the Consulting Engineer, and that they each render a written opinion of their recommendations.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

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

MOTION CARRI#ED

(1970-656) Councilman Niehaus offered the following resolution:

RESOLVED, that the Spring Valley Water Company, Inc. is hereby authorized to install one (1) hydrant on the north side pf Ash Road, approximately 35 feet west of the west curb line of Inwood Drive, and one (1) hydrant on the north side of Unnamed Street, approximately 255 feet west of the west curb line of Demarest Mill Road, Bardonia; locations having been approved by the Town Engineer subject to district extension.

Seconded by Councilman Frohling.

All voted Aye.

(1970-657) Councilman Niehaus offered the following resolution:

RESOLVED, that the Spring Valley Water Company, Inc. is hereby authorized to install one (1) hydrant on the north side of Smith Road, approximately 400 feet west of the west curb line of Cottage Place, and one (1) hydrant on the west side of Vailshire Circle, approximately 230 feet north of the north curb line of Smith Road; locations having been approved by the Town Engineer subject to district extension.

Seconded by Councilman Frohling.

All voted Aye.

(1970-658) Councilman Niehaus offered the following resolution:

RESOLVED, that the Spring Valley Water Co. is hereby authorized to install one (1) hydrant on the north side of Tor Terrace approximately 670 feet west of the west curb line of Little Tor Road; and one (1) hydrant on the north side of Tor Terrace, approximately 35 feet eas of the east curb line of Pleasant Hill Drive; locations having been approved by the Town EEngineer; subject to district extension.

Seconded by Councilman Frohling.

All voted Aye.

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(1970-659) **Supervisor Vines offered the following Proclamation:**

WHEREAS, the United Nations was formed as an International Organization in January of 1942 opposing Fascist Coalition Governments; and

WHEREAS, twenty-six members of the United Nations met to form this organization to promote World Peace and security; and

WHEREAS, a permanent charter was granted at San Francisco in 1945; and

WHEREAS, the United Nations have had their headquarters in New York City since 1946; and

WHEREAS, during the twenty-five years of its existence, the United Nations has done much to promote and preserve world peace;

NOW THEREFORE, be it

RESOLVED, that I, William E. Vines, Supervisor of the Town of Clarkstown, do hereby proclaim that Saturday, 10/24/70, be "UNITED NATIONS DAY" in the Town of Clarkstown.

Seconded by Councilman Niehaus.

All voted Aye.

Monthly Report, September 1970, from the Building Inspector noted by the Town Board; ordered filed in the Town Clerk's Office.

(1970-660) **Councilman Niehaus 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 MARVEC-ALLSTATE, INC., Petitioner, For a judgement under Article 78 of the Civil Practice Law and rules;

-against-

Wm. E. Vines, Supervisor, Frank Bolander, Councilman, Philip Frohling, Councilman, Anthony D'Antoni, Councilman, Wm. Niehaus, Councilman - constituting the Town Board of the Town of Clarkstown, Frederick Seeger, Clarkstown Superintendent of Highways, the Town of Clarkstown, and Tena ly Asphalt Construction, Inc., Respondents;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney and J. F. X. Nowicki, Esq. of counsel, are hereby authorized to take all necessary steps to defend said action.

Seconded by Supervisor Vines.

All voted Aye.

Re above mentioned resolution; Councilman Bolander and Councilman D'Antoni proposed that the Town Board and Marvec-All State, Inc. and both counsels get together to see if they can iron out difficulties prior to going into the courts, so that people might have the sewers.

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(1970-661) Councilman D'Antoni offered the following resolution:

WHEREAS, Helen Olsen, Typist in the Town Engineer's Office has requested a leave of absence;

NOW THEREFORE, be it

RESOLVED, that upon the recommendation of the Town Engineer, leave of absence be granted to Helen Olsen, 21 Haverstraw Road, Congers, New York, effective 11/1/70 without compensation.

Seconded by Councilman Frohling.

All voted Aye.

(1970-662) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment of Josephine Scribano, 2 Long Meadow Drive, New City N Y to the position of Typist; Town Engineer's Office, at a salary of \$4,286.10 per annum, effective and retroactive to 10/14/70.

Seconded by Councilman Bolander.

All voted Aye.

(1970-663) Councilman Bolander offered the following resolution:

RESOLVED, that a Career Retirement Plan under Section 75g be provided to the town employees. (Supervisor's Office)

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-665) Councilman Bolander offered the following resolution:

RESOLVED, that an improved Career Retirement Plan under Sec. 75-i be provided for town employees. (Supervisor's Office)

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-666) Councilman Bolander offered the following resolution:

RESOLVED, that extra service allowances be provided for Military Service in World War II, Sec. 41-k; Transfer of Service from another system, Sec. 43-g; Other Military Service as provided in Subdiv. 4, Sec. 343 of Military Law.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-667) Councilman Frohling offered the following resolution:

RESOLVED, that improved retirement benefits, death benefits and additional service credits be provided town employees, as contained in Sec. 33, Subdiv. B.

Seconded by Councilman D'Antoni.

All voted Aye.

10/21/70

(1970-668) Councilman Niehaus offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #6880 Police Sergeant (prom) which contains the name of John Hearne;

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of John Hearne, 230 Main Street, Nyack New York, to the position of Police Sergeant at a salary of \$12,575.20 per annum, effective October 26, 1970.

Seconded by Councilman Bolander.

All voted Aye.

(1970-669) Councilman Frohling offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to demolish a garage for Phase 1 of the Valley Cottage Hamlet Mall, all useable parts to be salvaged, and that said demolition is not to exceed amount of \$200.00; said amount to be transferred from Current Surplus-General to cover cost to Highway Department.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-670) Councilman Frohling offered the following resolution:

WHEREAS, it is necessary to acquire title to a portion of the real property owned by Helen Gilleece, in Valley Cottage, in connection with Phase 1 of the Valley Cottage Mall; and

WHEREAS, negotiations have been conducted for the purchase of the said parcel of land by the town and the owner of the property has agreed to accept the sum of \$10,750.00; and

WHEREAS, the Town Planner has recommended that the town pay the sum of \$10,750.00 for the purchase of said parcel of land;

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to sign a contract on behalf of the town to purchase the said parcel of land for the sum of \$10,750.00 and that the town pay the sum of \$2,000.00 to Helen Gilleece upon the signing of the contract and the balance be paid upon transfer of title.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-671) Councilman Niehaus offered the following resolution:

WHEREAS, Nicholas Ponella and Barbara Ponella, his wife, residing at 8 Harmon Pl., New City New York have executed an easement for a strip of land approximately sixty feet long by fifteen feet wide and are offering it to the town for Sewer Dist. 26 in consideration of the sum of \$400.00; and a copy of the easement agreement and description having been examined by the members of the Town Board present at the adoption of this resolution; and

WHEREAS, J. F. X. Nowicki, Counsel for Sewer and Improvement Districts recommends that said easement be accepted by the town and said fee paid;

NOW THEREFORE, be it

(continued)

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(1970-671 - continued)

RESOLVED, that the Supervisor is hereby authorized to accept said easement on behalf of the town; and that Sewer District 26 is hereby authorized to pay the sum of \$400.00 for said easement.

Seconded by Councilman Frohling.

All voted Aye.

(1970-672) Councilman Bolander offered the following resolution:

WHEREAS, there is a vacancy in the position of Secretary p/t in the Parks Board & Recreation Commission;

NOW THEREFORE, be it

RESOLVED, that Joyce Lynch, 58 Parker Ave., New City N Y is hereby appointed to the position of Secy p/t in the Parks Board and Recreation Commission at an annual salary of \$808.50 effective 10/26/70.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-673) Councilman Frohling offered the following resolution:

WHEREAS, the Rockland Community Action Council Inc., a membership corporation is a private non-profit corporation organized and operating in the Town and has requested funds from the town pursuant to Sec. 99h of the General Municipal Law;

NOW THEREFORE, be it

RESOLVED, that the town contract with the Rockland Community Action Council Inc. for the purpose of providing funds for said corporation in order to defray that portion of the costs of any program administered by such corporation during the period from 11/1/69 to 10/31/70 which is not paid for by funds made available by the Federal Government, said contract to provide for the payment of \$19,000 to Rockland Community Action Council Inc., and be it

FURTHER RESOLVED, that the said sum of \$19,000 be distributed by Rockland Community Action Council Inc. as follows:

- a. To the Intercommunity Relations Co., Inc. - \$7500.
- b. To the Martin Luther King Reading Room - \$7000.
- c. To the Nyack Comm. Nursery School - \$4500.

and be it

FURTHER RESOLVED, that said Rockland Community Action Council, Inc. at all times during the term of said contract shall retain a firm of Certified Public Accountants, at its own cost and expense, and will submit certified financial reports quarterly to the Supervisor of the Town of Clarkstown, together with a verified account of all disbursements with verified or certified vouchers therefor attached, and shall make available for inspection or audit by the town its books, records and other data with respect to such program or programs, and be it

(continued)

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(1970-673 -- continued)

FURTHER RESOLVED, that no funds, services or facilities shall be made available by the town to said corporation unless such corporation shall have obtained approval of its program as required by the Federal Economic Opportunity Act of 1964, and any federal laws amendatory or supplemental thereto heretofore or hereafter enacted, and unless its program is designed to serve an area within the town, and be it

FURTHER RESOLVED, that the Supervisor of the town be and he hereby is authorized on behalf of the town to execute a contract with said Rockland Community Action Council, Inc. for such purpose as prepared by the Town Attorney, and be it

FURTHER RESOLVED, that no town monies shall be paid to the Rockland Community Action Council Inc. until a memorandum receipt and contract signed by the principal officer and the disbursing officer of said corporation agreeing to comply with the terms of the within resolution and contract is delivered to the Supervisor and the required approval of the corporation's program has been obtained pursuant to Sec. 99h of the General Municipal Law.

Seconded by Councilman Bolander.

All voted Aye.

(1970-674) Councilman D'Antoni offered the following resolution:

WHEREAS, a comprehensive amendment to the Building Zone Ordinance of the town was adopted on 6/30/67 and further amended; and

WHEREAS, the Town Board desires to further amend the Comprehensive Building Zone Ordinance;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the town law be had at the Board Room of the Town Hall New City N Y on 11/4/70 at 8:15 PM to consider the adoption of the following proposed amendment to the Ordinance of 1967:

Amend Sec. 3.11, Table of General Use Regulations for the LS Zone by deleting the last sentence of Note #8 of Col. 8, Additional Use Regulations, to wit: "This amendment shall be applicable to the LS Zone only." Note #8 of Column 8 shall hereafter read as follows:

8. No restaurant, limited menu or otherwise, drive-in, or food dispensing establishment shall be permitted within 200 feet of any church, school, synagogue, or similar place of assembly. (The 200 feet prohibition herein shall be measured from the nearest property line.); and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of statutory hearing and that the Town Clerk shall cause the same to be published in both official newspapers of the town, as aforesaid, and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Bolander.

All voted Aye.

Mr. Bertram Strauss, 16 Linden Court, New City N Y appeared before the Town Board requesting an Ordinance to prohibit the use or installation of any door which has substantial, uninterrupted areas of glass (for example, storm doors, sliding patio doors, shower or bath enclosure doors), or any window extending within 18 inches of the floor and of similar construction, unless the door or window is glazed with 'safety glass', ie, any form of glass conforming to performance standard 297.1 (ANSI), such as tempered, laminated or wired glass. He requested that the ordinance should apply to residential and non-residential buildings, whether under construction or already built, whether occupied or vacant; should also apply to the replacement of broken panes in such doors or windows, or of the entire door or window, and to new construction on existing buildings. Finally, he requested that it should prohibit the sale of new buildings unless glazing conforms to the ordinance.

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Mr. Strauss cited several serious cases of injury as a result of breaking glass (together with Dr. McGuffie) Building Inspector stated safety glass now a requirement for sliding doors. He is to cooperate with the Town Attorney in writing a section of safety glass. .

Mr. Alvin Kaplan appeared before the Town Board requesting walk-way from East Allison Ave. to Elks Road, Nanuet. Town Engineer instructed to present report re same by next week.

Mr. Jonah Jacobson Esq. appeared before Town Board presenting petition from Bardonia residents (over 900) protesting erection of Post Office and Shopping Complex.

(1970-675) Councilman Bolander offered the following resolution:

WHEREAS, a petition executed by a number of Clarkstown residents has been filed with the town petitioning the Town Board that the Building Zone Ordinance of town be amended by redistricting property on the north side of Bardonia Road in Bardonia N Y, designated as Map 34, Lot 20, Block A, from an LS Dist. to an R-22 Dist.;

NOW THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 264 and 265 of Town Law be had at the Clarkstown Junior High School, Parrott Road, W3st Nyack, in the town, on 11/19/70 at 8PM relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such hearing and that the Town Clerk cause the same to be published in the two official newspapers of the town and file proof thereof in the Office of the Town Clerk.

Seconded by Councilman Frohling.

All voted Aye.

(1970-676) Councilman Frohling offered the following resolution:

RESOLVED, that the Highway Superintendent be authorized to install a one-way traffic sign on the through streets involved in area of Twin Elms Lane New City said sign to be installed for a 30-day period.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-677) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to advertise for bids for the furnishing of manhole cover rings; specifications to be obtained at the Office of the Highway Superintendent bids to be returnable 11/4/70 at 8:05 PM.

Seconded by Councilman Niehaus.

All voted Aye.

10/21/70

(1970-678) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers it to be in the interest of the town to amend Chapter 46 of the Code of the Town of Clarkstown (The General Ordinances of the Town) entitled "Zoning Ordinance and Building Code Administration" by amending Sec. 46-13(a)

NOW THEREFORE, be it

RESOLVED, that a public hearing be had at the Clarkstown Junior High School, Parrott Road, West Nyack N Y in said town, on 11/19/70 at 8:30 PM relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such saturday hearing and that the Town Clerk cause the same to be published in both official newspapers of the town, and posted in the manner provided by law.

Seconded by Councilman Bolander.

All voted Aye.

(1970-679) Councilman Frohling offered the following resolution:

RESOLVED that the Parks Board and Recreation Department is hereby authorized to arrange for the installation of a space heater in the Old Highway Garage, cost of labor and materials \$985.00 to be charged to Park Operational-Maintenance Account.

Seconded by Councilman Bolander.

All voted Aye.

(1970-680) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to pave Sewer District 33-A, monies to come from Sewer District 33-A Account.

Seconded by Councilman Frohling.

All voted Aye.

(1970-681) Councilman Niehaus offered the following resolution:

RESOLVED, that in accordance with the recommendations of the Traffic Advisory Board, a three way blinker light be installed on West Clarkstown Road at the intersection of Addison Boyce Drive, blinking amber lights to be located on West Clarkstown Road, and a blinking red light on Addison Boyce Dr.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-682) Councilman Niehaus offered the following resolution:

RESOLVED, based upon the recommendation of the Traffic Advisory Board, that a NO PARKING sign be placed in the vicinity of Lake Road between Green Road and Route 303, Valley Cottage.

Seconded by Councilman D'Antoni.

All voted Aye.

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(1970-683) Councilman D'Antoni offered the following resolution:

RESOLVED that a public hearing be held on 11/19/70 at the Clarkstown Junior High School in regard to a proposed amendment to LL #3-1965.

Seconded by Councilman Bolander.

All voted Aye.

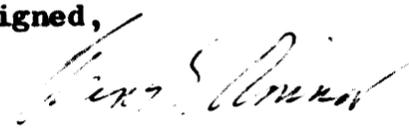
Re request for stop sign on Vista and Laurel Roads, C. Nyack; Bldg. Insp. stated owner should erect (on his property); Highway Supt. stated stop sign should be placed on Vista -- matter will be reviewed.

Resident - 14 Hearth Court, New City appeared before the Town Board requesting piping of ditch located near his home - stagnant water - dangerous. Planning Board suggested piping and later found it would be too expensive. Town Engineer estimate cost at \$7,000. Mr. Suttie suggested realignment of stream as possibly being a better solution. Highway Superintendent request to present Town Board with cost figures.

Mr. Costa of Greenrige Homes, Congers, appeared before the Town Board re easement to carry sewer effluent. Fill needed, residents hoping to obtain same free of charge. Mr. Cestone will not go over private property to dump fill unless he receives written permission from residents so as not be liable. Mr. Bernstein questioned town spending monies stating should be responsibility of builder, Town Engineer and Building Inspector not to approve a building permit before all work done.

On resolution offered by Councilman Bolander seconded by Councilman Frohling and unanimously adopted, Town Board was adjourned until Wednesday, 10/28/70 at 8PM.

Signed,


Anne E. O'Connor
Town Clerk

SPECIAL TOWN BOARD MEETING

Town Hall

10/23/70

9:15 AM

Present: Co. Bolander, Niehaus, D'Antoni, Supervisor Vines
Deputy Town Attorney
Deputy Town Clerk

Absent: Councilman Frohling

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

Supervisor Vins stated that Councilman Frohling had waived his right to appear at this Special Town Board meeting.