

## PUBLIC HEARING

Town Hall

12/22/70

8:00 PM

Present: Councilmen Niehaus, Frohling, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney Frederick P. Roland  
Deputy Town Attorney Martin S. Friedman

RE: PROPOSED APPORTIONMENT AND ASSESSMENT ROLL FOR THE COST OF  
CONSTRUCTING, OPERATING AND MAINTAINING OF SANITARY SEWER AND  
LATERALS WITHIN THE TOWNSHIP

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

Town Clerk sworn in by Supervisor and testified as to proper posting and publication of notice of public hearing.

Mr. Regan of Mark Lane New City was informed that District No. 39, which is broken up in A, B, C & D, and does not ashet have sewers, that this district treated as one contract and there will be a \$10.00 per house tax.

Mr. Eisner, Strawtown Road, New City stated he did not want sewers and was informed that he would have to hook up within 90 days if his property fronts a sewerred street. Mr. Eisner objected, and requested he be given consideration. Town Attorney informed him that this would come under the Town Board's discretion. Supervisor instructed the Town Attorney to look into the matter and supply Mr. Eisner with proper answer in his case.

Re Mr. Derella's statement that estimates should have been filed with the Town Clerk by the 1st and 15th days of September of each year; the Town Attoeny informed Mr. Derella that this law does not become effective until 1/1/71. Mr. Derella stated that his opinion is that requirements not met; subject to Article 78 proceedings.

Mr. George Gerber, Valley Cottage, appeared and stated that re prepared notice of hearing, sewer districts listed include those with no constructions costs applied. Re Operating & Maintenance costs, Mr. Adams stated unit rate \$25.00; there has never been O & M in any of these dist5icts; there has never been anything set up in these districts for any O & M for trouble.

Re increase from \$18.00 to \$25.00, Mr. Suttie explained that expense for O & M spread in all of the areas in equal amount. Also, pipe lines in Dist. #1 need cleaning out and extra needed if anything should happen to the pipe lines.

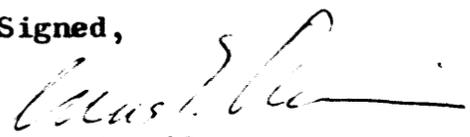
Mr. Gerber stated that for the record, he is questioning whether assessment can be on unit basis only in any sewer district operating. Town Attorney stated he did not have answer on this question. Mr. Gerber repld that another reason, in his opinion, that htis hearing invalid, is that you cannot charge the state on per unit basis.

Mr. Suttie stated that since homes are hooked up and the PIP is not hooked up and not about to hook up, he did not think it unfair to apportion this amount only against the homesin the area; has been done this way since 1961; has always been affixed that way.

Councilman Niehaus at this point request that Mr. Gerber, since he was knowledgeable on the matter, give the Town Board a note so they could benefit from his knowledgem prior to the actual hearing.

On resolution offered by Co. D'Antoni, seconded by Co. Niehaus and unanimoysly adopted, public hearing was closed.

Signed,

  
Anne E. O'Connor  
Town Clerk

## TOWN BOARD MEETING

Town Hall

12/22/70

8:00 PM

Present: Councilmen Niehaus, Frohling, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney Frederick P. Roland  
Deputy Town Attorney Martin S. Friedman

Absent: Councilmen Bolander, D'Antoni

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

(1970-832a) Co. Niehaus offered the following resolution:

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

Seconded by Co. Frohling.

All voted Aye.

(1970-832b) Councilman Frohling offered the following resolution:

RESOLVED, that Town Board meeting be resumed, scheduled public hearing having been held.

Seconded by Councilman Niehaus.

All voted Aye.

(1970-833) Councilman Niehaus offered the following resolution:

WHEREAS, a public hearing was held at the Board Room, Town Hall, 10 Maple Avenue, New City N Y on the 22nd ay of Dec. 1970 at 8PM to hear and consider any objections which may be made to the apportionment and assessment roll for sanitary sewer districts; and

WHEREAS, n otice of filing of said apportionment and assessment roll and notice of public hearing have been published as required by law, and

WHEREAS, the Town Board has heard and considered objections made to the said apportionment and assessment roll;and

WHEREAS, the Town Board has duly deliberated thereon;

NOW THEREFORE, be it

RESOLVED, that the apportionment and assessment roll for and in connection with apportionment and assessment of the cost of construction, operation and maintenance of sanitary sewers and laterals within the following sanitary sewer districts within the Town of Clarkstown: 1, 2, 3, 4, 4B, 5, 6, 7, 8, 8 Ext. 6, 8 Ext. 7, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24Ext. 1, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 39, 4 Ext. 2, RC and EX as filed with the Town Clerk of the Town of Clarkstown on the 4th day of December 1970, be, and the same hereby is adopted.

Seconded by Councilman Frohling.

All voted Aye.

Councilman Frohling stated at this point that he did not wish to place himself in the position of delaying the adoption of the sewer assessment roll in view of the fact that this could cost the taxpayers many dollars.

(1970-834) Councilman Niehaus offered the following resolution:

WHEREAS, sewer rolls have been prepared for the various operating sewer districts in order to levy taxes for the operation and maintenance in said districts, and

WHEREAS, rates have been computed for the unit charges in said districts;

NOW THEREFORE, be it

RESOLVED, that the attached rates are adopted for said sewer districts:

<u>SEWER DISTRICT</u>	<u>TAX BILL HEADINGS SEWER DISTRICTS OPERATING (Tax Rate)</u>	<u>AMOUNT RAISED</u>
1	25.00	\$ 6,900.00
2	25.00	1,875.00
3	25.00	1,050.00
4	25.00	835.00
5	25.00	1,025.00
6	25.00	725.00
7	25.00	1,125.00
11	25.00	4,250.00
12	25.00	1,875.00
13	25.00	2,480.00
15	25.00	475.00
25	25.00	1,250.00
29	25.00	1,750.00
35	10.00	750.00
38	10.00	4,250.00
39	10.00	9,570.00

Seconded by Councilman Frohling.

All voted Aye.

(1970-835) Councilman Niehaus offered the following resolution:

WHEREAS, rolls have been prepared for the operation and capital charges on certain sewer districts within the Town of Clarkstown; and

WHEREAS, rates have been computed for the operating and capital charges in said districts;

NOW THEREFORE, be it

RESOLVED, that the attached schedule of rates are adopted for the operating and capital charges in said districts:

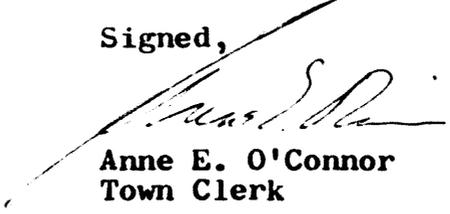
<u>SEWER DISTRICT</u>	<u>PER \$100AV</u>	<u>Per FRONT FT</u>	<u>PER UNIT</u>	<u>PER O &amp; M UNIT</u>	<u>AMOUNT RAISED</u>
4-B(42)			100.12	25.00	\$ 2,432.16
8			25.00	25.00	12,150.00
8-6	9.7567	0.1703	20.7723	10.00	12,571.51
8-7	0.7068	0.1786	22.1786	10.00	2,073.10
9			13.50	25.00	8,200.50
10	0.6644	0.3879	13.8960	10.00	56,011.05
16	1.0169	0.3042	29.3979	10.00	169,901.23
17	0.5494	0.2422	13.8544	10.00	134,926.64
18	1.0671	0.2426	31.8031	10.00	124,053.89
19	1.3510	0.3698	33.2289	10.00	227,960.70
20	2.4491	0.3895	45.0181	10.00	148,945.63
21	1.1966	0.3692	21.5101	10.00	91,003.69
22	1.3874	0.3106	36.0577	10.00	80,202.42
23	0.8152	0.3491	26.0049	10.00	70,011.78
24	0.3247	0.2497	11.2108	10.00	12,231.38
24-1	1.5554	0.4836	51.9807	10.10	50,776.67
26	1.4592	0.3233	37.4229	10.00	103,488.38
27	0.7565	0.3497	22.5610	10.00	41,103.46
28	1.5052		42.7616	10.00	98,313.12
30			50.00	25.00	5,400.00
33	0.5009	0.1017	12.9450	10.00	95,464.88
34	0.5858	0.1523	19.9469	10.00	33,763.16
36	0.8335	0.1120	20.3584	10.00	28,076.14
37	0.5698	0.1157	16.1786	10.00	27,712.10

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until January 6th, 1971, at which time the Organizational Town Board Meeting for the year 1971 will be held commencing at 8PM.

Signed,

  
Anne E. O'Connor  
Town Clerk

SPECIAL TOWN BOARD MEETING

Town Hall

12/30/70

5:00 PM

Present: Councilmen Niehaus, D'Antoni, Frohling, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney Frederick P. Roland

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

Bid - Sewer District #39D; tabled.

(1970-836) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 21st day of October 1970 provided for a public hearing on 11/19/70 at 8PM to consider the petition of certain residents of the town to amend the building zone ordinance of the town by redistricting property located on the n/s of Bardonia Road, Bardonia, N Y and designated on the tax assessment map of the town as Map 34, Lot 20, Block A, from an LS District to an R-22 District; and

WHEREAS, notice of said public hearing concerning said zone change was duly published as required by law and said public hearing was duly held at the time and place specified in said notice; and

WHEREAS, the Planning Board of the town granted approval to a site plan for a portion of said property for a commercial use, and

WHEREAS, the said property has been zoned commercial for the past several years, and

WHEREAS, the owner of said property has consented to gratuitously grant an easement through his property of 15' in width to provide for the crossing of children from Bardonia Road through the subject property to the Bardonia School property, thereby diminishing a potential traffic hazard to children attending school in the area, said easement location to be approved by the Town Traffic Advisory Board and to install a sidewalk throughout the length thereof at his own cost and expense in accord with the standards of construction of sidewalks in Clarkstown, and

WHEREAS, a change in the zone as requested by the petitioner would seriously diminish the value of the subject property, and

WHEREAS, the petitioner has failed to sustain the burden of proof that the subject property is presently improperly zoned, and

WHEREAS, the Town Board has duly deliberated hereon;

(continued)