

TOWN BOARD MEETING

Town Hall

5/19/71

8:00 PM

Present: Councilmen Niehaus, Bolander, Frohling, D'Antoni, Supervisor Vines
 Town Attorney F. P. Roland
 Deputy Town Attorney M. S. Friedman
 Town Clerk A. E. O'Connor

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

(1971-351) Councilman Niehaus offered the following resolution:

RESOLVED that time for receiving bids for the renovation of the Old Clarkstown Highway Barn into Office Space is closed, and be it

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

Seconded by Councilman Bolander.

All voted Aye.

The following bids were received:

UNITED DESIGN & CONSTRUCTION CO.
 74 Demarest Mill Rd., Nanuet N Y

Alterations to the Existing Town Garage..... \$24,750.00
 (Section 1 through 12)

A. D. MC LEOD, INC.
 84 Castle Heights Ave.,
 Nyack, N Y

General Construction Work for the
 renovation of Town Hall Annex..... \$19,450.00

HELMER-CRONIN CONSTRUCTION, INC.
 26 Central Drive, Stony Point N Y

General Construction Work..... \$19,800.00

IN-WALL CONSTRUCTION CORPORATION
 20 Chestnut St., Suffern N Y

General Construction..... \$30,720.00
 HVAC & Plumbing 11,085.00
 Fire Alarm & Electrical..... 7,200.00

D. H. S. CONSTRUCTION CORP
65 Liberty (9W)
Stony Point N Y

General Construction	\$19,647.00	
Electric	4,660.00	
Plumbing	3,000.00	
Heating and Air Conditioning	<u>8,000.00</u>	<u>\$35,307.00</u>

P & P SHEET METAL WORKS, INC.
161 Brady Ave., Hawthorne, N Y

Heating, ventilating & Air Conditioning.....\$6985.00

ALL-COUNTY HEATING & AIR CONDITIONING CORP., INC.
26 W. Washington Ave.,
Pearl River, N Y

Heating, ventilating and Air Conditioning....\$6178.00

GEORGE T. RENART
265 Little Tor Road South
New City N Y

Plumbing..... \$8000.00

(1971-352) Councilman Frohling offered the following resolution:

RESOLVED, that decision on award of bid for renovation of the old Highway Barn into Office Space be reserved.

Seconded by Councilman D'Antoni.

All voted Aye.

(1971-353) Councilman Bolander offered the following resolution:

RESOLVED, that time for receiving bids for renovations of swimming pools - Gongers Lake be closed, and be it

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

Seconded by Councilman Niehaus.

All voted Aye.

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The following bids were received:

GEORGE T. RENART
265 Little Tor Road
New City N Y

Renovation of two swimming pools, Congers Lake.....\$47,000.00

GIULIO ELECTRIC INC.
261 W. Lincoln Avenue
Mt. Vernon, N Y

Electrical Work\$4950.00

(1971-354) Councilman D'Antoni offered the following resolution:

RESOLVED, that both bids received for Renovation of the Swimming Pools at Congers Lake, Congers be rejected, and be it

FURTHER RESOLVED, that the Town Clerk be authorized to re-advertise for bids for same, said bids to be returnaBle on 6/2/71 - 8:05 PM.

Seconded by Councilman Frohling.

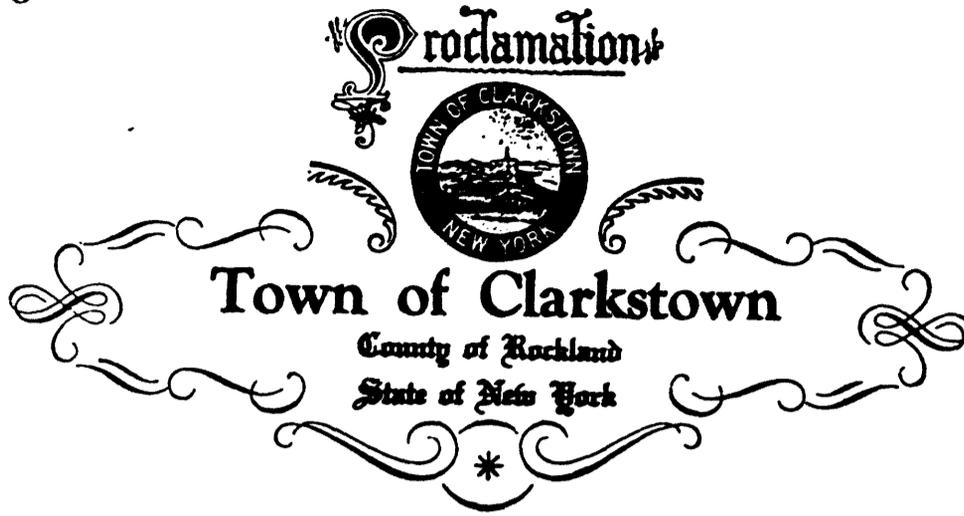
All voted Aye.

Re Bid Opening for Purchase & Removal of Buildings at Congers Lake on the agenda for 8:12 opening -- none received. No action taken by Town Board.

PROCLAMATION signed by Supervisor William E. Vines, proclaiming Sunday, May 23rd, 1971 "INTERNATIONAL SOCCER DAY" in the Town of Clarkstown. (INSERT PROCLAMATION)

PROCLAMATION signed by Supervisor William E. Vines, proclaiming month of May 15th to June 15th, 1971 "ROCKLAND COUNTY GIRL SCOUTS AWARENESS-ACTION MONTH" in the Town of Clarkstown. (INSERT PROCLAMATION)

Supervisor Vines made presentation of Award to C & S Barber Shop for their deep sense of Civic pride in enhancing the beauty of our community.



INTERNATIONAL SOCCER DAY - May 23rd, 1971

WHEREAS, Members of the T V Stuttgart 07 Soccer Team are visiting the United States of America; and

WHEREAS, The International Soccer meet and the sport of soccer has done much to enhance relationships between nations and individuals; and

WHEREAS, The following members of the Stuttgart Soccer team will participate in an International Game at the Clarkstown Senior High School Field on May 23rd:

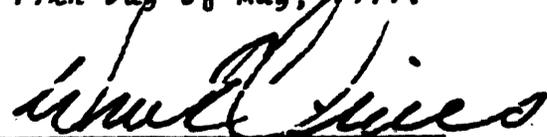
Mr. Wetzel	Mr. Becker
Mr. Michael	Mr. Jost
Mr. Stoehr	Mr. Steiner
Mr. Endel	Mr. Weber
Mr. Wanner	Mr. Sievers
Mr. Silberhorn	Mr. Neef
Mr. Schaich	Mr. Klein
Mr. Kilian	Mr. Endel
Mr. Kuhnke	Mr. W. Knoepfle, Coach and Trainer

Mr. J. Kiesel, Representative of the
City of Stuttgart

WHEREAS, The Town of Clarkstown has watched the growth of this sport with enthusiasm, and it gives us great pleasure to participate in this International event;

NOW, THEREFORE, BE IT RESOLVED THAT, I, William E. Vines, Supervisor of the Town of Clarkstown, do hereby proclaim that Sunday, May 23rd, 1971 be declared "INTERNATIONAL SOCCER DAY" in the Town of Clarkstown

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Clarkstown to be affixed this 19th Day of May, 1971.


William E. Vines, Supervisor
Town of Clarkstown

Proclamation

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Town of Clarkstown

County of Rockland
State of New York

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ROCKLAND COUNTY GIRL SCOUTS

AWARENESS - ACTION MONTH

May 15th to June 15th, 1971

WHEREAS, "BE PREPARED" is the motto of the Girl Scouts of Rockland County; and

WHEREAS, The Girl Scout Promise is "To do my Duty to God and my Country, To Help other people at all times, and to Obey the Girl Scout Law; and

WHEREAS, The Girl Scouts of Rockland County are inaugurating an "Awareness - Action" Program to cause residents to become Aware of social issues and take Action for the betterment of the community; and

WHEREAS, This "Awareness - Action" Program will enable our young people to realize their role in the community and accept responsibility and implement their awareness into their daily lives;

NOW, THEREFORE, BE IT RESOLVED THAT, I, William E. Vines, Supervisor of the Town of Clarkstown, do hereby proclaim that the month of May 15th to June 15th, 1971 be declared "Rockland County Girl Scouts Awareness - Action Month" in the Town of Clarkstown.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Clarkstown to be affixed this 19th Day of May, 1971.

William E. Vines, Supervisor
Town of Clarkstown

(1971-355) Councilman Niehaus offered the following resolution:

RESOLVED, based upon the recommendation of PLANNING ASSOCIATES, Education and Recreation Consultants of West Hempstead, New York, the following contracts for the SWIMMING POOL COMPLEX at Traphagen Park be awarded:

SWIMMING POOL COMPLEX

Contract No. 1 and IIa. General Construction and Site

Sullivan, Magee and Sullivan, Inc.
Prel Plaza
Orangeburg, New York

Bid Award \$204,000.

Contract No. III Swimming Pools

Paddock Pool Builders, Inc.
P. O. Box 5101
Albany, New York

Bid Award \$267,750.

Contract No. IV: Plumbing

George T. Renart
265 Little Tor Road South
New City, New York

Bid Award: \$ 58,450.

Contract No. V: Electrical

Giulio Electric, Inc.
261 West Lincoln Avenue
Mt. Vernon, New York

Bid Award \$39,000.

TOTAL POOL COMPLEX CONSTRUCTION COST \$569,200

Contract No. IIa.: Site (Outside Pool Area):

Sullivan, Magee Sullivan
Prel Plaza, Orangeburg, N Y

Bid Award..... \$35,700.

Seconded by Supervisor Vines.

On roll call the vote was as follows:

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

MOTION NOT CARRIED.

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(1971-356) Councilman Niehaus offered the following resolution:

RESOLVED, that based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation, bids for furnishing 1971 Arts & Crafts supplies be awarded as follows:

Item #1, 7, 9, 32, 44, 65, 78, 82
American Reedcraft Corp.
Total \$70.56

Item #2, 50, 52, 54, 55A, 55B, 58, 64, 68, 71, 75
J.L. Hammett Co.
Total \$118.62

Item #3 thru 6, 12-16, 18-21, 22A, 22B, 22C, 23, 25-30 33, 35,
36, 39-41, 42A, 42B, 42C, 45, 47, 51, 53, 56, 59-61, 63, 66, 69,
70, 72-74, 76, 79-89
S & S Arts & Crafts
Total \$1,353.19

Item #8, 10, 11, 17, 24, 31, 34, 37, 38, 43, 49, 57, 62, 67, 77
Simkin's Inc.
Total \$297.09

Item #46, 48
Stafford-Reeves, Inc.
Total \$82.80

Seconded by Councilman Bolander.

All voted Aye.

(1971-357) Councilmen Frohling offered the following resolution:

RESOLVED, that the request of Dennis Coyle, Congers, N.Y. for waiver of Interim Development Law is hereby APPROVED.

Seconded by Councilman D'Antoni.

On roll call the vote was as follows:

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

MOTION CARRIED

(1971-358) Councilman Bolander offered the following resolution:

RESOLVED, that the request of David Hoffman, New City, N.Y. for waiver of Interim Development Law is hereby DENIED.

Seconded by Councilman Niehaus.

All voted Aye.

(1971-359) Councilman D'Antoni offered the following resolution:

RESOLVED, based upon the recommendation of the Traffic Advisory Board, that the Supt. of Highway is hereby authorized to install a STOP sign at the exit from the Orange office building on Capral Lane, New City, N.Y.

Seconded by Councilman Niehaus.

All voted Aye.

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(1971-360) Councilman Bolander offered the following resolution:

RESOLVED, that the request of Torsoe Developers, Nanuet, N Y for waiver of Interim Development Law is hereby approved.

Seconded by Councilman D'Antoni.

All voted AYE.

Proposed resolution re waiver of Interim Development Law requested by Spring Valley Rest Home -- tabled.

Proposed resolution for waiver of Interim Development Law requested by Sun Oil Company -- tabled.

Proposed resolution for waiver of Interim Development Law requested by Sigmund Hilburg, Bardonia, N Y -- tabled.

(1971-361) 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 adopt an ordinance entitled "STREET OPENINGS, EXCAVATIONS AND PAVEMENT CUTS," as follows: (INSERT ORDINANCE),

NOW THEREFORE, be it

RESOLVED, that a public hearing be had at the Board Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York in the said Town of Clarkstown, on the 9th day of June, 1971 at 8:30 PM, relative to the adoption of said ordinance, and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Niehaus.

All voted Aye.

ORDINANCE ENTITLED "STREET OPENINGS,
EXCAVATIONS AND PAVEMENT CUTS"

Sec. 1. Definitions.

The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

APPLICANT - Shall mean any person who make application for a permit.

TOWN - Shall mean the Town of Clarkstown, County of Rockland, State of New York.

SUPERINTENDENT - Shall mean the person in charge of the Department of Highways or the highway operations in the Town, or his authorized deputy, representative or inspector.

EMERGENCY - Shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

PERMITTEE - Shall mean any person who has been issued a permit and has agreed to fulfill all the terms of this ordinance.

PERSON - Shall mean and include any natural person, partnership, firm, association, utility corporation or authority created pursuant to law. Whenever used in any section prescribing and imposing a penalty, the term "person" as applied to associations, shall mean the partners or memobers thereof, and as applied to corporations, the officers thereof.

STREET - Shall mean and include a public street, public easement, public right-of-way, public highway, public alley, public way or public road accepted or maintained by the Town.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

In this Ordinance, all approvals, consents, permissions, or like authorizations of any kind or nature shall and must be in writing in order to be valid.

Sec. 2. Excavation: permit required.

No person, firm or corporation, public or private, including public service companies and transportation corporations as defined in Article I of the Transportation Corporations Law, which, for the purpose of this Ordinance, are deemed such as the New York Telephone Company, the Orange & Rockland Utilities, Inc., Spring Valley Water Company, private and municipally owned water companies, community antenna television companies, municipal districts, et al, shall make any excavation, cut, breaking or otherwise open any Town street, road, highway or sidewalk in the Town of Clarkstown for any purpose whatsoever without first obtaining a permit therefor from the Superintendent of Highways of the Town of Clarkstown as hereinafter provided; provided, however, any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the Superintendent is open for business and said permit shall be retroactive to the date when the work was begun.

Sec. 3. Application and permit.

A. Application in writing shall be filed in triplicate with the Superintendent of Highways upon application blanks which he shall provide or in such other manner as he shall prescribe, which application shall be accompanied by a plan or map showing in detail the location of the proposed opening of the highway or highways therein identified, the dimensions of the breadth or width, length and depth of such opening, and contain a short statement of the purpose for which the street is to be opened, and the name or

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names of the owners for whom the work is to be done and the name or names of the contractors who are to perform the work for which the street is opened, accompanied by the fee hereinafter provided, to be paid to the Town of Clarkstown. The Superintendent of Highways shall file a copy with the Town Clerk, together with a written report of action taken by the Superintendent of Highways.

B. Application by public service companies, excluding municipal districts, must be accompanied by a general undertaking in such form as may be approved by the Town Board. The said general undertaking is tendered to assure that after completing the excavation, the said applicant leaves the street, road, highway or sidewalk, pavement, curb or gutter in the same condition as it was prior to the excavation.

C. Applications by applicants other than public service companies or municipal districts must be accompanied by a cash deposit, the amount of which shall be determined by the Superintendent of Highways and shall be based upon the estimated cost of repairing the damage, and which sum is to be deposited with the Comptroller of the Town of Clarkstown to assure that after completing the excavation, the said applicant leaves the street, road, highway or sidewalk, pavement, curb or gutter in the same condition as it was prior to the excavation.

D. Upon compliance with the foregoing requirements, a permit shall be issued in the name of the Superintendent of Highways of the Town of Clarkstown.

Sec. 4. Permit fee.

The permit fee of thirty dollars (\$30.00) shall accompany each application submitted in accordance with this Ordinance.

Sec. 5. Notice to persons, corporations and municipalities.

For every street opening hereunder, it shall be the duty of every applicant to give at least seventy-two (72) hours' advance written notice, including diagram, engineering drawings or the equivalent thereof, of a proposed excavation in any Town street, road, highway or public place to persons, corporations or municipalities engaged in the underground distribution of gas, gasoline, fuel oil, electricity, water, sewage, etc. via lines or mains within the vicinity of the proposed excavation. Proof of due notice shall be filed with the Superintendent as least forty-eight (48) hours prior to the commencement of the proposed work.

Sec. 6. Street openings limited.

No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that upon the written approval by the Superintendent, additional work may be done under the provisions of the permit in any amount not greater than ten percent (10%) of the amount specified in the permit. Any deposit and/or bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limit mentioned herein.

Sec. 7. Commencement of work.

Work for which a permit has been issued shall commence within ten (10) days after the issuance of the permit therefore. If not so commenced, the permit shall be automatically terminated. Permits thus terminated may be renewed upon the payment of an additional permit fee as originally required.

Sec. 8. Permits nontransferable.

Permits are not transferable from one person to another and

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the work shall not be done in any place other than the location specifically designated in the permit.

Sec. 9. Expiration of permits.

Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he shall - prior to the expiration of the permit - present in writing to the Superintendent, a request for an extension of time, setting forth therein the reasons for the requested extension. If in the opinion of the Superintendent such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work. Any such extension shall be in writing signed by the Superintendent of Highways.

Sec. 10. State and county highways.

The provisions of this Ordinance shall not be applicable in those instances where the highway is maintained by the State of New York or by the County of Rockland.

Sec. 11. Rights of town.

Every permit shall be granted subject to the right of the Town or of any other person entitled thereto to use the streets for any purpose for which such street may lawfully be used, not inconsistent with the permit.

Sec. 12. Revocation of permits.

Any permit may be revoked by the Superintendent, after notice to the permittee, for:

- A. Violation of any condition of the permit or of any provision of this Ordinance;
- B. Violation of any provision of any other applicable ordinance or law relating to the work;

C. Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others. A permittee may be granted one period of three (3) days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.

- (1) Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof or registered United States mail addressed to the person notified.
- (2) When any permit has been revoked and the work authorized by the permit has not been completed, the Superintendent shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the Town shall be recovered from the deposit or bond the permittee has made or filed with the Town.

Sec. 13. Default in performance.

Whenever the Superintendent shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Superintendent to be reasonably necessary for the completion of such work.

Sec. 14. Completion of work.

After receipt of such notice the surety must, within the time therein specified, either cause the required work to be per-

formed or, failing therein, indemnify the Town for the cost of doing the work as set forth in the notice.

Sec. 15. Guarding of excavations and protection of property.

Any person making an excavation covered by this Ordinance shall erect a suitable barrier or guard for the protection of persons using the streets or sidewalks, and in addition thereto, shall set up and maintain during the hours of darkness sufficient lights or flares to properly illuminate the area and shall also take all necessary precautions for the protection of the Town and of public service companies or municipal districts and adjoining property owners and others which might be endangered by such excavations or the work incident thereto, and shall comply with all directions given by the Superintendent of Highways with respect to such barriers, lights, flares and protective measures. All signs used at night shall be reflectorized with wide-angle, flat-top, reflective sheeting. All devices used both day and night shall be mounted a minimum of five (5) feet above the crown of the pavement. Traffic control devices shall be placed at least 100 feet in advance of obstructions to adequately warn and direct traffic. The Superintendent of Highways reserves the right to order the correction of any unsafe condition and the installation of additional signs, lights or other traffic control devices. Any opening found not to be properly protected shall immediately be closed by the Town and the cost thereof charged against the cash deposit or bond hereinbefore provided for.

Sec. 16. Tampering with lights and barricades.

It shall be unlawful for any person to break down, remove or

interfere with any such barrier so erected, lights, or any part thereof or to remove the said barrier or lights without the consent of the Town Highway Superintendent.

Sec. 17. Duties and Responsibilities of applicants.

It shall be the duty and responsibility of any applicant to:

A. Agree to save the Town, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of any permit under this Ordinance shall constitute such an agreement by the applicant whether the same is expressed or not.

Sec. 18. Completion of work.

Applicant shall notify the Superintendent of Highways when work has been completed, after which an inspection will be made by the Superintendent of Highways or his duly authorized agent, and upon approval of the work, a release will be granted to the applicant. Until the granting of such a release, the applicant shall remain liable for proper guarding and protection as provided herein.

Sec. 19. Refund of deposit.

Upon notification by the permittee that all work authorized by the permit has been completed, and after restoration of the opening, the Superintendent shall refund to the permittee his deposit less all cost incurred by the Town in connection with said permit. In no event shall the permit fee be refunded.

Sec. 20. Forfeiture of deposit.

In the event the street is not restored to its original con-

dition or the work has not been completed pursuant to the terms and conditions of the permit within ten (10) days after notice from the Town Superintendent of Highways that the work has not been satisfactorily performed or the street is not in proper original condition, the aforesaid deposit made with the Town Superintendent of Highways shall be forfeited to the Town.

The Town Board may thereafter order the Town Comptroller to pay to the Superintendent of Highways, out of the moneys deposited, a sufficient sum of money to repair or replace the said street, road, highway, or sidewalk, pavement, curb or gutter. In the alternative, the Superintendent of Highways may contract with the applicant for the Highway Department to complete the pavement, sidewalk, curb or gutter for a mutually agreed upon sum. Upon the completion of the said excavation, where the applicant has deposited cash in lieu of an undertaking, the moneys deposited hereunder are to be returned to the applicant, provided that all or part have not been expended pursuant to the subdivision herein.

Sec. 21. Regulations and specifications for street opening permits.

A. Construction.

(1) When working on any Town street, no pavement cuts or trenches are to be left uncovered or unfilled overnight, except in emergencies, and in such cases adequate precautions must be exercised to protect traffic.

(2) Backfilling around completed structures shall be made of selected material, free from loose stones, as soon as the structure has attained sufficient strength to preclude injury and shall be made in successive horizontal layers not exceeding six (6) inches in depth. Each layer shall be thoroughly compacted by tamping to the satisfaction of the Superintendent of Highways. No frozen material

shall be used in the backfill. Special care shall be taken to thoroughly compact the portion directly under the haunches, around the sides and for a depth of one (1) foot over pipes or ducts. No rock shall be placed in the backfill within twelve (12) inches of a pipe or duct. If permitted by the Superintendent of Highways, the backfilling of trenches may be thoroughly puddled by depositing the earth in water. ~~No backfilling of trenches by scrapers or other machinery will be allowed except that on longitudinal trenches outside the pavement limits the use of power backfillers mounted on pneumatic tires may be used if provisions are made for adequate compacting of filled material.~~ The work shall be so carried on that not over 300 linear feet of trench shall remain open at any time, unless otherwise authorized by the Superintendent of Highways.

- (3) All pipes or mains crossing highway pavements shall, wherever possible, be driven beneath the roadway without disturbance to the pavement. The point of driving shall not be less than five (5) feet from the edge of pavement. Such crossover pipes shall, whenever possible, be enclosed in sleeves or larger pipes so that repairs or replacements may be made without further disturbances of the roadway pavement.
- (4) If the boring method in the driving of crossover pipes is found to be impracticable, the representative of the Highway Department shall be consulted to determine the manner of placing the pipe by the opening method. This request is to be made in writing to the Highway Department and may be granted by the Superintendent upon such con-

ditions as he deems necessary and proper under the circumstances.

(5) All surplus excavated material and debris shall be cleaned up and removed from the site of the work upon the completion of the work by the Permittee leaving the site of the work in a neat and orderly condition.

(6) Where topsoil, seeded areas or sod are disturbed in the excavating, Permittee shall restore the ground surfaces to the same conditions.

(7) Manhole covers, frames and other structures placed within the roadway limits shall be of sufficient weight and strength and of a suitable type and stability approved by the Superintendent of Highways and shall be set flush with the surface of the pavement.

Sec. 22. Excavations: method and type of opening.

- (1) Openings in concrete streets shall have a minimum width of five (5) feet.
- (2) No streets are to be tunneled, but pipes may be driven or trenched across.
- (3) All openings are to be made either by trenching machines or hand labor, as specified in the permit.
- (4) Proper sheeting and bracing must be installed in trenches where there is a possibility of caving of the banks.

Sec. 23. Liability.

The applicant shall file with the Superintendent of Highways a general liability policy or certificate of insurance naming the Town of Clarkstown as an additional insured at the same time he

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files his application for a permit. The Town Attorney shall approve the policy for form. The policy shall insure the Town of Clarkstown and the applicant and shall cover all operations relative to the excavation and reconstruction thereto. Said policy shall have limits of liability of two hundred fifty thousand dollars (\$250,000) for bodily injury to each person and five hundred thousand dollars (\$500,000) liability in the aggregate for each accident, and property damage liability.

Sec. 24. Enforcement officer.

The Town Superintendent of Highways is hereby authorized, directed and delegated to enforce the provisions of this ordinance.

Sec. 25. Maintenance Bond Requirements.

Each applicant upon the receipt of a permit shall provide the Town with an acceptable corporate surety bond or cash deposit, as hereinbefore provided in Section 3 hereof, conditioned on compliance with the street opening specifications of the Town and the provisions of this ordinance. The Superintendent shall determine the amount of the bond or cash deposit and it shall be in relation to the cost of restoring the pavement cut to be made by the permittee; provided, however, the minimum amount of the bond or cash deposit shall be not less than one thousand dollars (\$1,000). The term of each such bond or cash deposit shall begin from the completion date of the permanent restoration of the opening by the Town and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Superintendent. If the permittee anticipates requesting more than one (1) permit a year, he may file a continuing corporate surety bond conditioned for

compliance with the specifications of the Town and the provisions of this ordinance in such amount as the Superintendent deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee through the year.

- A. Alternate provision where municipality does not restore the street opening.

Each applicant upon the receipt of a permit shall provide the Town with an acceptable corporate bond or cash deposit, as hereinbefore provided in Sec. 3 hereof, to guarantee faithful performance of the work authorized by a permit granted pursuant to this ordinance. The amount of the bond or cash deposit shall be one hundred percent (100%) of the estimated cost of restoring the street opening.

The term of the bond or cash deposit shall begin upon the date of posting thereof and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Superintendent. If the permittee anticipates requesting more than one (1) permit per year, as required by this ordinance, he may furnish one (1) continuing corporate surety bond to guarantee faithful performance in such amount as the Superintendent deems necessary. The amount of such bond or cash deposit shall be in relation to the cost of restoring pavement cuts to be made by the permittee through the year.

Sec. 26. Notices of improvement.

When the Town shall improve or pave any street, the Town Clerk shall first give notice to all persons owning property abutting on the street about to be paved or improved, and to all public utilities and authorities operating in the Town, and all such persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street.

within thirty (30) days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Town after consultation with the Town Superintendent of Highways.

Sec. 27. Restrictions upon opening new streets.

No permit shall be issued by the Superintendent which would allow an excavation or opening in a paved and improved street surface less than five (5) years old unless the applicant can clearly demonstrate that public health or safety require that the proposed work be permitted or unless an emergency condition exists.

Sec. 28. Penalty for opening new streets.

If by special action of the Superintendent a permit is issued to open any paved and improved street surface less than five (5) years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of any emergency nature. The penalty charge shall be on a sliding scale and shall be equal to two percent (2%) of the cost of restoring the opening for each unelapsed month or fraction thereof of the five-year restricted period.

Sec. 29. Map requirements.

- A. Every person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the Town, or to or from its inhabitants, or for any other purposes, shall file with the Superintendent, within one hundred twenty (120) days after the adoption of this ordinance, a map or set of maps,

each drawn to a scale of not less than one (1) inch to two-hundred (200) feet, showing the location, size and description of all such installations.

- B. Within thirty (30) days after the first day of January of each and every year, such person shall file with the Superintendent a corrected map or set of maps, each drawn to scale as above, showing such installations, including all those made during the previous year; provided, however, if no additions have been made to its installation during the previous year, a utility or authority may file with the Superintendent a written statement to that effect within the period of time specified above. A utility or authority may at its own option elect to provide corrected atlas sheets throughout the year as they are available rather than proceed as above noted.
- C. Each map herein required shall be accompanied by an affidavit, endorsed thereon, to the effect that the same correctly exhibits the details required to be shown by this section.

Sec. 30. Abandoned facilities.

- A. Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street, or the use thereof, is abandoned, the person owning, using, controlling or having an interest therein shall, within thirty (30) days after such abandonment, file with the Superintendent a statement in writing giving in detail the location of the structure so abandoned.
- B. Each map, or set of maps, filed pursuant to the provisions of this section, shall show in detail the location of all

such structures abandoned subsequent to the filing of the last preceding map or set of maps.

- C. When the Town plans to pave or improve streets in which there are abandoned facilities, the owner of such facilities shall be notified to remove them if, in the opinion of the Council, their removal is in the best interest of the Town. If the owner shall refuse to remove such facilities, the Town shall remove the abandoned facilities and the owner shall reimburse the Town for such removal.

Sec. 31. Notices to property owners and tenants.

- A. If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the Superintendent shall require the permittee to submit a list of the names and addresses of the owners and/or tenants of such properties. Upon receipt of such list, the Superintendent shall notify the affected property owners and/or tenants of the proposed work to be done.
- B. If the work to be undertaken by a permittee will affect other subsurface installations in the vicinity of the proposed opening, the Superintendent shall notify the owners of such facilities of the proposed work.

Sec. 32. Notices to police and fire authorities.

The Superintendent shall notify in writing the Town police and fire authorities of all street-opening permits he grants. Such notification shall state the nature of the work to be done, proposed beginning and completion dates and the location of such project.

Sec. 33. Adoption of regulations.

The Superintendent is hereby authorized and directed to adopt from time to time such written regulations as may be necessary for the implementation and enforcement of the provisions of this ordinance. Such regulations shall include but shall not be limited to:

- A. Limitations on the size of an opening;
- B. Restrictions for the protection of existing subsurface installations, monuments and drainage systems;
- C. Requirements for the storage and removal of excavated materials;
- D. Designation of safety precautions to be taken by the permittee;
- E. Restriction as to the periods of the day when the work may be performed; and
- F. Requirements for backfilling, inspecting and restoring of openings.

Sec. 34. Deposit and cost schedules.

The Superintendent is authorized to establish a schedule of charges for inspections, labor, materials and such other expenses as may be incurred by the town in meeting the requirements of this local law. The schedule shall be open to public inspection in the office of the Superintendent upon demand.

Sec. 35. Decision on costs.

The decision of the Superintendent as to the cost of any work done or repairs made by him or under his direction, pursuant to the provisions of this ordinance, shall be final and conclusive as to such cost.

Sec. 36. Violations and penalties.

Any person who shall violate this ordinance is guilty of a violation and subject to punishment under the Penal Law of the State of New York

Sec. 37. Conflicting or inconsistent ordinances or local laws repealed.

All ordinances or inconsistent ordinances or local laws or parts of local laws in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or local law hereby repealed prior to the taking effect of this ordinance.

Sec. 38. Penalties for offenses.

- A. Any person, firm or corporation violating any provisions of this ordinance shall be guilty of an offense, and upon conviction thereof shall be fined not more than two hundred fifty dollars (\$250.) or shall be imprisoned not less than fifteen (15) days, or shall be both fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder.
- B. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the exercise of any civil rights or remedies.

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(1971-362) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION SETTING PUBLIC HEARING FOR 6/9/71 - 8:15 PM WITH REGARD TO A PROPOSED LOCAL LAW TO BE KNOWN AS "THE PROPERTY MAINTENANCE CODE OF THE TOWN OF CLARKSTOWN")

Seconded by Councilman Frohling.

On roll call the vote was as follows:

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

Motion Carried.

(1971-363) Councilman Niehaus offered the following resolution:

WHEREAS, there is a vacancy in the position of Town Historian

NOW THEREFORE, be it

RESOLVED, that Peggy Donohue, 3 Tavo Lane, New City N Y is hereby appointed to fill the unexpired term of office, to 12/31/71, at the annual salary of \$900.00 for 1971, effective immediately.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

Motion Not Carried.

(1971-364) Councilman Niehaus offered the following resolution:

RESOLVED, that Messrs. James Mahoney and Thomas T. Hodne of New City N Y are hereby appointed as members of the Historical Review Board at an annual salary of \$1.00 each, term to expire December 31, 1971, effective immediately.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

Motion not carried.

5/15/71

Revised 6/2/71

"
A LOCAL LAW ESTABLISHING MINIMUM STANDARDS AND REQUIREMENTS FOR ALL BUILDINGS AND PREMISES IN THE TOWN OF CLARKSTOWN USED OR INTENDED TO BE USED OR DESIGNED TO BE USED IN WHOLE OR IN PART FOR COMMERCIAL, BUSINESS, INDUSTRIAL OR ANY OTHER NON-RESIDENTIAL OCCUPANCY AND IN CERTAIN INSTANCES APPLYING TO RESIDENTIAL PROPERTY, FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE; AND TO PROVIDE FOR THE MAINTENANCE AND THE APPEARANCE THEREOF, FOR THE ABATEMENT OF CERTAIN CONDITIONS FOR THE REPAIR, DEMOLITION OR VACATION OF PREMISES UNFIT FOR HUMAN HABITATION OR OCCUPANCY OR USE AND FOR VIOLATIONS OF THE PROVISIONS THEREOF.

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Sec. 1. Title.

This local law shall be known as "The Property Maintenance Code of the Town of Clarkstown," and hereafter referred to in this local law in the short form as "This Code" and the Town of Clarkstown as "The Town."

Sec. 2. Findings and Declaration of Policy.

It is hereby found and declared that there exists in the Town of Clarkstown structures used for residential and non-residential

purposes which are, or may become in the future, sub-standard with respect to structure, equipment, or maintenance, and further that such conditions including, but not limited to structural deterioration, inadequate maintenance, infestation, inadequate provisions for light and air and unsanitary conditions constitute a menace to the health, safety, and welfare of the residents and inhabitants of the Town of Clarkstown and persons upon or having access to the premises. It is further found and declared that the existence of such conditions has the further effect of creating blight and sub-standard neighborhoods and that by the enactment of timely regulations and restrictions as herein contained, the development of blight may be prevented and neighborhood and property values maintained and the public health, safety and welfare protected and fostered.

Sec. 3. Purposes.

The purpose of this Code is (1) to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of premises situated in the Town of Clarkstown, used or intended to be used or designed to be used in whole or in part for commercial business, industrial, apartment, multi-family, farm, and gas stations, and certain single-family residential units (whether non-conforming or permitted by variance); (2) to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make such premises fit for human habitation, occupancy, and use; (3) to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon

occupants; (4) to prevent blighting conditions and deterioration of property values; (5) to authorize and establish procedures for the inspection of such premises; (6) to fix penalties for the violations of this Code; (7) to provide for the right of access across adjoining premises to permit repairs; and (8) to provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use.

This Code is hereby declared to be remedial and essential for the public interest and it is intended that this Code be liberally construed to effectuate the purposes as stated herein.

Sec. 4. Applicability.

4.1 Buildings affected by this Code.

Each and every building and the premises on which it is situated in the Town of Clarkstown, used or intended to be used or designed to be used in whole or in part for commercial, business, industrial, apartment, multi-family, farm, gas station, and in certain conditions single-family residential (whether non-conforming or permitted by variance) shall comply with the provisions of this Code, whether or not any such building shall have been constructed, altered, or repaired before or after the enactment of this Code, irrespective of any permits or licenses issued for the use or occupancy of any such building or premises for the construction, alteration or repair of any such building, or for the installation or repair of equipment or facilities therein or thereon prior to the effective date of this Code.

This Code establishes minimum standards for the initial and continued occupancy and use of all such buildings and

premises and does not replace, modify or lessen standards otherwise established for the construction, repair, alteration or use of such buildings and premises, equipment or facilities contained therein or thereon, except as provided in Section 4.2 hereof.

4.2 Higher standards to prevail in case of conflict with other ordinances or laws.

In any case where the provisions of this Code impose a higher standard than that set forth in any other ordinance or local law of the Town of Clarkstown or law of the State of New York applicable thereto, then the standards as set forth herein shall prevail; but if the provisions of this Code impose a lesser standard than such other ordinance or local law of the Town of Clarkstown or law of the State of New York, then the higher standard contained in such other ordinance or law shall prevail.

4.3 Issuance and renewal of other permits and licenses.

After the date of enactment hereof all licenses and permits relating to such buildings and premises which may be issued or renewed, pursuant to any other ordinance or local law of the Town, may be issued or renewed only upon compliance with this Code, as well as compliance with the ordinances or local laws under which such licenses and permits may be granted or renewed.

4.4 Enforcement and compliance with other ordinances or local laws.

Compliance with this Code shall not constitute a defense against violation of any provision of any other ordinance or local law of the Town applicable to any building or premises, nor shall compliance with any provision of this Code relieve any owner,

operator, or occupant from complying with any such other provision nor relieve any official of the Town from enforcing any such other provision.

Sec. 5. RESPONSIBILITY OF OWNER, OPERATOR, AND OCCUPANT INDEPENDENT OF EACH OTHER.

5.1 Owner and operator.

Owners and operators shall have all the duties and responsibilities prescribed in Sections 6.3 thru 6.7 hereof and regulations promulgated pursuant thereto; and no owner or operator shall be relieved from such duties or responsibilities nor be entitled to defend against any charge or violation thereof by reason of the fact that the other of them or the occupant is also responsible therefor and in violation thereof.

5.2 Occupant.

Occupants shall have all the duties and responsibilities as prescribed in Sections 6.6-4, 6.6-6, 6.8-1 and 6.8-2 of Section 6 hereof and all regulations promulgated pursuant thereto; and the occupant shall not be relieved of any such duties or responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator or both is or are also responsible therefor and in violation thereof.

5.3 Contract not to alter responsibilities.

Unless expressly provided to the contrary in this Code, the respective duties and responsibilities imposed hereunder on the owner, operator, and occupant shall not be altered or affected by any agreement or contract to which one or more of them is or are a party or parties.

Sec. 6. STANDARDS.

6.1. Statement.

The provisions of this Section, "Standards," shall constitute the standards to guide the public officer and his agents in determining the fitness of premises for human habitation, use, and occupancy; and in determining whether premises are being maintained in such condition as to not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and down-grading of neighboring properties with an accompanying diminution of property values.

6.2 Definitions.

6.2-1. The words, terms, or phrases listed below for the purposes of this Code shall have the respective meanings assigned to them, unless a different meaning clearly appears from the context.

6.2-2. "Accessory Building"--a building, structure or use that is (a) on the same lot as, and (b) subordinate to, and (c) under the same ownership or control as, and (d) used for the purpose customarily incident to the use of the main building.

6.2-3. "Bathroom" shall mean any enclosed space which contains one or more of the following: bath tub, shower, water closet, lavatory, water closet compartment, wash bowl, sink or fixtures serving similar purposes.

6.2-4. "Building" shall mean any building or structure or part thereof, whether used for human habitation or otherwise and includes any out buildings and appurtenances belonging thereto or usually enjoyed therewith.

6.2-5. "Deterioration" shall mean the condition or appearance of a building or a part thereof, characterized by holes, breaks,

rot, crumbling, crackling, peeling, rusting, or other evidence of physical decay or neglect, lack of maintenance, or excessive use or wear.

6.2-6. "Exposed to Public View" shall mean any premises or part thereof which may be lawfully viewed by the public or any member thereof from a sidewalk, street, alleyway, parking lot, or from any adjoining or neighboring premises.

6.2-7. "Exterior of the Premises" shall mean (a) any part of the premises not occupied by any building thereon; (b) any open space on the outside of any building; or (c) any part of any building which is exposed to the elements.

6.2-8. "Extermination" shall mean the control and elimination of insects, rodents, and vermin by eliminating their harborage places; or by removing or making inaccessible material that may serve as their food; or by poisoning, spraying, fumigating, trapping, or any other approved means of pest elimination.

6.2-9. "Garbage" shall mean the animal and vegetable and other organic waste resulting from the handling, preparation, cooking, and consumption of food or other products.

6.2-10. "Hazards" shall mean, but be not limited to the following

- a. Refuse and sources of infestation;
- b. Dead and dying trees and other natural growth which by reason of rotting or deteriorating conditions or storm drainage are, or may be, dangerous to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions;
- c. Loose, overhanging, and projecting objects and accumulations of ice and snow, which by reason of location above ground level, constitute dangers to persons in the vicinity thereof;
- d. Holes, mounds, excavations, breaks, projections, obstructions, and excretions of pets and other animals on paths, sidewalks, walks, driveways, parking lots, and parking areas, and other parts of the exterior of the premises which are accessible to and used by persons having access to such premises.

6.2-11. "Infestation" shall mean the presence on or within a premises of any insects, rodents or other pests.

6.2-12. "Litter" shall mean, including without limiting the generality of the foregoing, discarded, windblown, deposited, dropped or strewn paper, wrappings, cardboard, bottles, cans, boxes, and broken glass.

6.2-13. "Mixed Occupancy" shall mean any building, such as an apartment, multi-family dwelling, or any building containing one or more dwelling units, rooming units, or hotel or motel accommodations and also for a portion thereof devoted to non-residential uses.

6.2-14. "Nuisance" shall mean:

- a. any public nuisance known in public law or in law or in equity jurisprudence, or as provided by the statutes of the State of New York, or by the ordinances and local laws of the Town of Clarkstown.
- b. any inadequately protected well, shaft, basement, excavation, abandoned motor vehicle, icebox, refrigerator, structurally-unsound fence, or building, lumber, trash, debris, or vegetation such as, but not limited to poison ivy, oak, or sumac, or other condition which is or may be detrimental to the safety or health of persons.
- c. physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.
- d. whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.
- e. fire hazards.

6.2-15. "Occupancy Unit" shall mean any apartment, multi-family, or any room or group of rooms or part thereof forming a single, usable unit and located within a building used or intended to be used or designed to be used in whole or in part for commercial business, industrial multi-family or other residential or non-residential occupancy.

6.2-16. "Occupant" shall mean any person or persons, including the owner, in actual possession of and using an entire building or an occupancy unit in the building.

6.2-17. "Operator" shall mean any person who has charge, care, or control of the premises or part thereof, whether with or without the knowledge and consent of the owner.

6.2-18. "Owner" shall mean any person who alone or jointly or severally with others shall have legal or equitable title to any premises with or without accompanying actual possession thereof; or shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner or as fiduciary, including but not limited to: executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate or as a mortgagee in possession, regardless of how much possession was obtained.

Any person who is a lessee, sub-letting, or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

6.2-19. "Parties in Interest" shall mean all individuals, associations, and corporations who have interests of record in a building and any who are in actual possession thereof.

6.2-20. "Person" shall be given the same meaning as defined in New York State Statutes.

6.2-21. "Premises" shall mean any lot, plot, or parcel of land and any buildings, pavement, sidewalks or other improvements located thereon.

6.2-22. "Public Officer" shall mean the person or persons who are authorized by this local law to exercise powers prescribed by this Code.

6.2-23. "Refuse" shall mean all putrescible and non-putrescible solid wastes (except body wastes) including but not limited to: garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, appliances and solid market and industrial wastes, brush, weeds, broken glass, stumps, trash, building materials, and debris of any description.

6.2-24. "Rubbish" shall mean and include all combustible and non-combustible waste material, except garbage.

6.2-25. "Structure" shall mean an assembly of materials, forming a construction including, but not limited to, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, open sheds, bins, shelters, fences, and display racks and signs, built or constructed and permanently affixed on or under the ground or upon another structure or building.

6.2-26. "Translucent" shall mean that property of admitting the passage of light, but diffusing it so that objects beyond it cannot be clearly distinguished.

6.2-27. "Water Closet Compartment" shall mean an enclosure containing a single water closet.

6.2-28. "Weathering" shall mean deterioration, decay, or damage caused by exposure to the elements.

6.2-29. "Window" shall mean an opening in the wall or roof of a building for the admission of light, which opening may be closed to the elements by casements or sashes containing glass or other transparent material.

6.2-30. "Window Display Area" shall mean that area of a building in proximity to the inner surface of a window which is designed or used for the viewing of the interior and the display of items representative of any goods or services pertaining to the business therein.

6.2-31. "Meaning of Certain Words". Whenever, in describing or referring to any person, party, matter, or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person and to females as well as males, and to bodies corporate as well as individuals, and to several

matters and things as well as one matter or thing. The word "Shall" shall be applied retroactively as well as prospectively.

6.2-32. In the event that a word is not defined herein, the definition of said word is to be construed in accordance with the definitions contained in the State Building Construction Code.

6.3 Maintenance of exterior of the premises.

6.3-1. The exterior of the premises shall be kept free of litter and of all nuisances and hazards and unsanitary conditions to the safety of tenants, occupants, pedestrians, and other persons having access to the premises and shall be promptly removed and abated.

6.3-2. Adequate run-off drains shall be provided and maintained in accordance with the State Building Construction Code or with any other building code or regulations adopted by the Town of Clarkstown to eliminate recurrent accumulations of storm water.

6.3-3. Foundation walls shall be kept structurally sound, free from defects and damage, and capable of bearing imposed loads safely.

6.3-4. Chimneys and flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the functions for which they were designed and constructed. Chimneys, flues, gas vents, and other draft producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke tight, and capable of withstanding the action of flue gases.

6.3-5. Exterior porches, landings, balconies, stairs, and fire escapes shall be provided with bannisters or railings properly designed and maintained, structurally sound, in good repair, well painted or otherwise provided with a protective treatment to prevent deterioration and free from defects.

6.3-6. Dirt, stones, and debris shall be prevented from accumulating in streets and gutters and shall be removed by abutting property owners.

6.3-7. Where it shall be necessary and expedient for the preservation of the public health, safety, general welfare, or to eliminate a fire hazard, to remove from lands within the Town of Clarkstown, or destroy brush, weeds, including rag weed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris and other rubbish, the Public officer may order the owner or occupant of said lands, in writing, to remove or destroy said items. In the event that said order is not complied with, within a period of ten (10) days after served, the Public Officer may provide for the removal or destruction of the same.

6.3-8. In all cases where brush, weeds, including rag weed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash, and debris and other rubbish are destroyed or removed from any lands under the provisions of this Local Law, by or under the direction of the Public Officer such Officer shall certify the cost thereof to the Town Board, which shall examine the certificate, and if found correct, shall cause the cost as shown thereon, to be charged against said land; the amount so charged shall forthwith become and form part of the taxes next to be assessed and levied upon such land, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

6.3-9. Any person who shall violate this Section shall be subject to penalties as set forth in Section 9 of this Code.

6.4 Appearance of exterior of the premises and window display areas.

6.4-1. The exterior of the premises shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted by the Town of Clarkstown and such that the appearance thereof shall not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration

and downgrading of neighboring properties with an accompanying diminution of property values, including the following:

6.4-1.1. Landscaping: Where exposed to public view, the landscaping of premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered, and unsightly where such would constitute a blighting effect, depreciating nearby and adjoining property. Open areas shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris, or other unsightly or unsafe conditions.

6.4-1.2. Repair and painting of exterior of buildings: All store fronts and the exteriors of all buildings shall be kept in good repair, painted when required or otherwise provided with protective treatment sufficient to prevent deterioration and shall not constitute a safety hazard or nuisance. In the event repairs to a store front become necessary, such repairs shall be made in harmony with the original design or with such other design as may be approved by an architectural review board or such other board, agency, commission or committee as designated by the Town Board. In no event shall any work or repair be done without full compliance with the Local Laws and/or Ordinances of the Town of Clarkstown and submitting the plan to said architectural review board, or such other board, agency, commission, or committee as may be designated by the Town Board as above stated.

6.4-1.3. Signs: All signs, including the structural and supporting components thereof and all light standions and poles shall be maintained in good repair.

6.4-1.4. Awnings and marquees: Any awning or marquee and its accompanying structural members which extend over any street, sidewalk, or other portion of the premises shall be maintained in good repair and shall be so maintained as to not constitute a nuisance or a safety hazard. In the event any such awning or marquee is not properly maintained in accordance with the foregoing, it shall together with its supporting members be removed forthwith. In the

event any such awning or marquee is made of cloth, plastic, or of similar materials, said materials, where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other deterioration. Nothing herein shall be construed to authorize any encroachment of an awning, marquee, or its accompanying structural members on streets, sidewalks, or other parts of the public domain.

6.4--1.5. Scaffolding: No temporary painting scaffold or other temporary equipment used for construction, repair, or maintenance shall be permitted to remain in place beyond the period of six months after erection or placement thereof without permission of the Public Officer.

6.5 Structural soundness and general maintenance--exterior.

6.5-1. The exterior of every building shall be maintained in good repair and all exterior surfaces thereof shall be kept painted or otherwise provided with a protective treatment where necessary for purposes of preservation and appearance. All exterior surfaces thereof shall be maintained, free from broken glass, loose shingles or siding, crumbling masonry, excessively peeling paint, or other condition reflective of deterioration or inadequate maintenance to the end that the building itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influence.

6.6 General sanitation and safety.

6.6-1. Floors shall be maintained in a structurally sound condition, capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be free of hazards.

6.6-2. Bathroom and water closet compartment floors shall be surfaced with water resistant material and shall be kept in dry, clean and sanitary condition at all times.

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(1971-365) Councilman Frohling offered the following resolution:

RESOLVED, that Mr. Richard Rack, 15 Wrights Lane, West Nyack N Y is hereby appointed as a member of the Historical Review Board at an annual salary of \$1.00, term to expire December 31, 1971, effective immediately.

Seconded by Councilman Bolander.

On roll call the vote was as follows:

AYES: Councilmen Bolander, Frohling, D'Antoni
NOES: None
ABSTENTIONS: Councilman Niehaus, Supervisor Vines

Motion Carried.

(1971-366) Councilman Frohling offered the following resolution:

RESOLVED, that Mr. John R. Maloney, 1 Victoria Drive, Nanuet N Y is hereby appointed as a member of the Historical Review Board at an annual salary of \$1.00, term to expire December 31, 1971, effective immediately.

Seconded by Councilman Bolander.

On roll call the vote was as follows:

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

Motion Carried.

(1971-367) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION ACCEPTING SEWER EASEMENT IN SEWER DISTRICT #36 FROM JOHN PETERSON, 190 ROUTE 304 NEW CITY FOR AMOUNT OF \$500.00 --)

Seconded by Councilman Frohling.

All voted Aye.

RESOLUTION ACCEPTING SEWER EASEMENT
in Sewer District No. 36

WHEREAS, John Peterson, residing at 190 Route 304, New City, N. Y. has executed an easement for a strip of land approximately 645 feet long by 15 feet wide and are offering it to the Town for Sewer District No. 36 in consideration of the sum of Five Hundred (\$500.) Dollars, and a copy of the easement agreement, survey and description having been examined by the members of the Town Board present at the adoption of this resolution; and

WHEREAS, Joseph F. X. Nowicki, Counsel for Sewer and Improvement Districts, recommends 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. 36 is hereby authorized to pay the sum of Five Hundred (\$500.) Dollars for said easement.

Dated: May 19, 1971

(1971-368) Councilman D'Antoni offered the following resolution:

RESOLVED, based upon the recommendation of the Town Engineer, and in accordance with Sec. 230-A of the Town Law, that the Building Inspector be, and is hereby authorized to issue building permit to Rashi Realty Corp.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

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

Motion Carried.

Town Board signed ORDER in the matter of the premises owned by Rockland Tool Co., Inc., 5 Old Middletown Road, Nanuet N Y -- violation proceedings. (See Attached)

Proposed resolution authorizing the Supervisor to execute lease agreement re Lake Nanuet -- tabled. Meeting will be held within two weeks to hear opinions.

(1971- 369) Councilman Niehaus offered the following resolution:

(INSERT BOND RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN LAND ON THE W/S OF ROUTE 303 SOUTH OF ROUTE 59 IN WEST NYACK AS THE SITE OF A SANITARY LANDFILL INSTALLATIONS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$207,000; APPROP. SAID AMOUNT THEREFOR AND AUTH. THE ISSUANCE OF \$207,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.)

Seconded by Councilman Frohling.

All voted Aye.

(1971-370) Councilman Niehaus offered the following resolution:

(INSERT RESOLUTION AUTHORIZING TOWN CLERK TO PUBLISH FOREGOING BOND RESOLUTION)

Seconded by Councilman Frohling.

All voted Aye.

TOWN OF CLARKSTOWN
COUNTY OF ROCKLAND

-----X
In the Matter of

the premises owned by Rockland Tool Co.,
Inc., 5 Old Middletown Road, Nanuet, New
York.

NOTICE OF
VIOLATION

-----X
SIR:

PLEASE TAKE NOTICE that the building situate on the premises owned by Rockland Tool Co., Inc. at 5 Old Middletown Road, Nanuet, New York, which premises are described on the Tax Map of the Town of Clarkstown as Map 13, Block D, Lot 14, is in an unsafe and dangerous condition. Therefore, the condition of the premises is in violation of Chapter 43 of the Code of the Town of Clarkstown.

The building thereon is unsafe and dangerous in that the condition of the building as created by fire constitutes a serious fire hazard and a threat to the health, safety and welfare of the community.

THEREFORE, attached hereto and made part hereof you will find an Order promulgated by the Town Board of the Town of Clarkstown, Rockland County, New York, requiring the removal of said building and cleanup of all rubbish and debris on the premises.

Dated: May 19, 1971

Yours, etc.

FREDERICK P. ROLAND, ESQ.
TOWN ATTORNEY
TOWN OF CLARKSTOWN
10 Maple Avenue
New City, New York 10956

At a regular meeting of the Town Board of the Town of Clarkstown in the County of Rockland, New York, held at the Town Hall, 10 Maple Avenue, New City, New York, in said Town of Clarkstown, on the 19th day of May, 1971.

PRESENT:

Hon. William E. Vines	Supervisor
William R. Niehaus	Councilman
Philip J. Frohling, Jr.	Councilman
Frank Bolander, Jr.	Councilman
Anthony D'Antoni	Councilman

-----X
In the Matter of

ORDER

the premises owned by Rockland Tool Co., Inc., 5 Old Middletown Road, Nanuet, New York.

May 19, 1971
-----X

WHEREAS, a report on the condition of the premises owned by Rockland Tool Co., Inc. at 5 Old Middletown Road, Nanuet, New York, made by the Building Inspector of the Town of Clarkstown, the Fire Inspector of the Town of Clarkstown, the Chief of Police of the Town of Clarkstown and the Fire Chief of the Nanuet Fire Department, has been discussed by the Town Board of the Town of Clarkstown, and

WHEREAS, it appears from said report that the building on the premises owned by the said Rockland Tool Co., Inc., which premises are described on the Tax Map of the Town of Clarkstown as Map 13, Block D, Lot 14, is in an unsafe and dangerous condition and a threat to the health, safety and welfare of the community;

NOW THEREFORE, be it

ORDERED, that the owners commence removal of the said building presently existing upon said premises and to commence clean-

ing up of all rubbish and debris within fifteen (15) days from the date hereof and that said removal and cleanup be completed within sixty (60) days from the date hereof, and be it

FURTHER ORDERED, that this Order be served upon said Rockland Tool Co., Inc. as provided in the Ordinance of the Town of Clarkstown

Dated: May 19, 1971

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Wm. J. ...
Supervisor

Frank Solander Jr.
Councilman

W. R. Michaels
Councilman

Philip A. ...
Councilman

Anthony R. ...
Councilman

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of
Clarkstown, in the County of Rockland,
New York.

May 19, 1971

* * *

Regular

A Town Board meeting of the Town Board of the Town of
Clarkstown, in the County of Rockland, New York, was held at the
Town Hall, 10 Maple Avenue, New City, New York, in said Town, on
May 19, 1971, at 8:00 o'clock P.M.(D.S.T.).

There were present: Honorable William E. Vines,
Supervisor, and

COUNCILMEN: Frank Bolander, William Niehaus,
Anthony D'Antoni and Philip Frohling

There were absent: NONE

Also present: Anne E. O'Connor, Town Clerk
Frederick P. Roland, Town Attorney

* * *

Councilman

William Niehaus offered the following resolution

and moved its adoption:-

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
 NEW YORK, ADOPTED MAY 19, 1971, AUTHORIZING
 THE ACQUISITION OF CERTAIN LAND ON THE
 WESTERLY SIDE OF ROUTE 303 SOUTH OF ROUTE
 59 IN WEST NYACK, IN SAID TOWN, AS THE SITE
 OF A SANITARY LANDFILL INSTALLATION, STATING
 THE ESTIMATED MAXIMUM COST THEREOF IS \$207,000,
 APPROPRIATING SAID AMOUNT THEREFOR AND AUTHO-
 RIZING THE ISSUANCE OF \$207,000 SERIAL BONDS
 OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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, is hereby authorized to
 acquire, by purchase or condemnation, land as the site of a
 sanitary landfill installation, comprising 37.52 acres, more or
 less, situate on the westerly side of Route 303 south of Route 59
 in West Nyack, in the Town and more particularly described in the
 Tax Map Number 105 of the Town as Block A, lot 3303 and 2205.
 The estimated maximum cost of said specific object or purpose,
 including preliminary costs of maps, plans, surveys and estimates
 and costs incidental thereto and the financing thereof, is \$207,000
 and the said amount is hereby appropriated therefor. The plan of
 financing includes the issuance of \$207,000 serial bonds of the
 Town to finance said appropriation and the levy and collection of
 a tax upon all the taxable real property in the Town to pay the
 principal of and interest on said bonds.

Section 2. 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"), serial bonds of the Town in the principal amount of \$207,000 are hereby authorized to be issued to finance said appropriation.

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. 21 of the Law, is thirty (30) years, but the maturity of the bonds herein authorized will not exceed five (5) years.

(b) Pursuant to the provisions of §107.00 d. 5. of the Law, current funds are not required to be provided as a down payment prior to the issuance of the bonds herein authorized or of any notes issued in anticipation of the sale of such bonds.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation of said bonds, shall contain the recital of validity prescribed by §52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds 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 of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in each year and (b) the payment of interest to be due and payable in each year.

Councilman
William Niehaus offered the following resolution
 and moved its adoption:-

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 "The Nyack
Journal News," a newspaper published in Nyack,
 New York, having a general circulation in said Town and hereby
 designated as the official newspaper of said Town for such
 publication, together with the Town Clerk's statutory notice
 in substantially the form prescribed by Section 81.00 of the
 Local Finance Law of the State of New York.

Section 2. This resolution shall take effect
 immediately.

* * *

The adoption of the foregoing resolution was seconded by
 Councilman
Philip Frohling and duly put to a vote on roll call, which
 resulted as follows:

Supervisor: William E. Vines
 AYES: Councilmen: Frank Bolander, William Niehaus,
 Anthony D'Antoni and Philip Frohling
 NOES: NONE

The resolution was unanimously adopted.

~~SCHEDULE "A"~~

All that certain plot, piece or parcel of land, situate lying and being in the Town of Clarkstown, County of Rockland, and State of New York more particularly bounded and described as follows:

BEGINNING at a concrete monument located on the westerly right of way line of Little Tor Road said monument being located on a course of $S7^{\circ}-17'-30''E$, 94.62' from another concrete monument located on the westerly right of way line of Little Tor Road; thence,

- 1) $S6^{\circ}-58'-20''E$, 889.39' along the westerly right of way of little Tor Road; thence,
- 2) $N85^{\circ}-10'-10''W$, 402.06' along the common boundary line with lands now or formerly owned by Shapiro; thence,
- 3) $S8^{\circ}-45'-40''W$, 125.22' along the common boundary line with lands now or formerly owned by Shapiro; thence,
- 4) $S85^{\circ}-04'-20''E$, 113.02' along the common boundary line with lands now or formerly owned by Shapiro; thence,
- 5) $S0^{\circ}-11'-20''E$, 84.06' along the lands now or formerly owned by Randt; thence,
- 6) $N88^{\circ}-38'-05''E$, 318.53' along the lands now or formerly owned by Randt to a point on the westerly right of way of Little Tor Road; thence,
- 7) $S0^{\circ}-11'-20''E$, 126.00' along the westerly right of way of Little Tor Road; thence,
- 8) $S88^{\circ}-38'-05''W$, 318.53' along the lands now or formerly owned by Gibbons; thence,
- 9) $S0^{\circ}-11'-20''E$, 352.48' along the lands now or formerly owned by Gibbons; thence,
- 10) $S87^{\circ}-00'-10''W$, 44.35' along a stone wall; thence,
- 11) $N83^{\circ}-01'-40''W$, 174.96' along a stone wall; thence,
- 12) $N4^{\circ}-09'-50''E$, 111.98' along a stone wall; thence,
- 13) $N87^{\circ}-18'-40''W$, 867.84'; thence,
- 14) $N15^{\circ}-04'-50''E$, 60.50'; thence,
- 15) $N32^{\circ}-33'-47''E$, 102.83'; thence,

- 16) N51°-30'-14"W, 54.77'; thence,
- 17) N0°-42'-50"E, 70.77'; thence,
- 18) N76° - 14' - 18"E, 34.32'; thence,
- 19) N13° -44'-34"W, 104.94'; thence,
- 20) N24°-02'-40"E, 66.78'; thence,
- 21) N5°-12'-20"E, 121.48'; thence,
- 22) S87°-59'-30"E, 408.70'; thence,
- 23) N5°-45'-30"E, 237.40'; thence,
- 24) ~~N87°-59'-30"W, 506.22'; thence,~~
- 25) N23°-12'-25"E, 427.53' along the centerline of an Orange & Rockland Utilities, Inc., easement; thence,
- 26) N23°-12'-10"E, 666.23' along the centerline of an Orange & Rockland Utilities, Inc., easement to a monument; thence,
- 27) N33°-14'-00"E, 108.00'; thence,
- 28) N6°-53'-20"W, 585.57' to a point on the southerly right of way of South Mountain Road; thence,
- 29) N83°-33'-40"E, 150.00' along the southerly right of way of South Mountain Road; thence,
- 30) S6°-53'-30"E, 505.42'; thence,
- 31) S35°-52'-40"W, 137.00'; thence,
- 32) S60°-06'-40"E, 103.50'; thence,
- 33) N10°-33'-15"W, 40.00'; thence,
- 34) N81°-50'-29"E, 25.32'; thence,
- 35) S73°-16'-56"E, 42.14'; thence,
- 36) S50°-33'-44"E, 92.57'; thence,
- 36a) S6°-38'-58"E 52.70'; thence,
- 37) S82°-12'-01"E, 95.64'; thence,
- 38) N59°-35'-45"E, 74.84'; thence,
- 39) N86°-26'-59"E, 44.26'; thence,
- 40) S0°-03'-03"E, 23.00'; thence,
- 41) S80°-48'-37"E, 168.59'; thence,

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Town Board signed ORDER setting date of public hearing re proposed extension of Clarkstown Consolidated Water Supply District #1 to include TOR HEIGHTS --- 6/9/71 - 8:00 PM. (See Attached)

(1971-371) Councilman D'Antoni offered the following resolution:

RESOLVED, based upon approval of locations by the Town Engineer, that the Town Clerk be authorized to expedite Hydrant Inves. No. 6848, 1 hydrant on west side of Amory Dr., Valley Cottage; Hydrant Order No. 7207, 4 hydrants, (1) north side of Valley Road, (2) north side of Sedge Road and (1) south side of Sedge Road, Valley Cottage; and Hydrant Order No. 7266, 3 hydrants, (1) west side of West Gate Boulevard, (1) West side of Dale Drive and (1) north side of Meadow Lane, New City.

Seconded by Councilman Frohling.

All voted Aye.

Monthly Report received from the Office of the Building Inspector for the Month of April, 1971. Acknowledged by the Town Board; filed in the Town Clerk's Office.

Monthly Report received from the Zoning Board of Appeals for the Month of April, 1971. Acknowledged by the Town Board; filed in the Town Clerk's Office.

(1971-372) Councilman Bolander offered the following resolution:

WHEREAS, during the course of sewer construction in Sewer District No. 21 in the year 1968, it was determined by the Consulting Engineers that the most feasible and economical way in which to discharge effluent from the properties to be serviced on Waldron Avenue, DePew Avenue, Dickenson Avenue, Towt Street, Hall Avenue and Richard Street was into the sewer system maintained by the Village of Nyack, and

WHEREAS, after a series of conferences between representatives of the Village of Nyack and representatives of the Town of Clarkstown during the year 1968, it was agreed that the effluent from the aforesaid properties could be discharged into the Village of Nyack sewer system by connecting the lateral sewer lines to the existing pipe in Waldron Avenue and in Route 59, and

(continued)

At a meeting of the Town Board of the Town of Clarkstown, Rockland County New York, held at the Meeting Room of the Town Hall, at 10 Maple Ave., New City, in said Town of Clarkstown on the 19 day of May, 1971

PRESENT:

WILLIAM E. VINES, SUPERVISOR
WILLIAM NIEHAUS, COUNCILMAN
FRANK BOLANDER, COUNCILMAN
PHILIP J. FROHLING, JR., COUNCILMAN
ANTHONY D'ANTONI, COUNCILMAN

ORDER CALLING

PUBLIC HEARING

IN THE MATTER OF:

PETITION for the Proposed Extension of the Clarkstown Consolidated Water Supply District #1 to include TOR HEIGHTS in the Town of Clarkstown, Rockland County, New York.

WHEREAS, a written Petition dated May 5, 1971 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York, for the Proposed Extension of the Clarkstown Consolidated Water Supply Dist.#1 - TOR HEIGHTS in the said Town, to be bounded and described as follows:

(ATTACH DESCRIPTION)

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 9th day of June 1971, at 8:00 P.M.

EDST time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Dated: May 19, 1971

William E. Vines
William E. Vines, Supervisor

W. P. Niehaus
Councilman

Anthony D'Antoni
Councilman

Frank Bolander Jr
Councilman

Philip J. Frohling Jr
Councilman

STATE OF NEW YORK
COUNTY OF ROCKLAND SS:
TOWN OF CLARKSTOWN

I, ANNE E. O'CONNOR, Town Clerk of said Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy of ORDER setting hearing RE:Prop.Ext. Clrkstwn Cons. Wtr Spply Dist.#1 TOR HEIGHTS with the original now on file in said office, and find same to be a true and correct transcript therefrom and of the whole of such original. IN TESTIMONY WHEREOF, I have hereunto subscribed by name and affixed the seal of said Town of Clarkstown, this 19th day of May 1971.

Anne E. O'Connor
Town Clerk

(SEAL)

42) N77°-37'-19"E, 29.74' to a point on the westerly right of way of Little Tor Road; thence,

43) S10°-18'-23"W, 68.28' to a point on the westerly right of way of Little Tor Road; thence,

44) S71°-54'-42"E, 39.99' to a point on the westerly right of way of Little Tor Road; thence,

45) S19°-47'-40"E, 178.01' to a point on the westerly right of way of Little Tor Road to a Rockland County Highway Monument; thence,

46) S7°-17'-30"E, 94.62' to a point on the westerly right of way of Little Tor Road to a concrete monument which is the point or place of BEGINNING.

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(1971-373- continued)

WHEREAS, it was further agreed between the parties that the fair and reasonable cost for the use of the Village of Nyack sewer system would be One Hundred (\$100) Dollars per unit, and

WHEREAS, the representatives of the Town of Clarkstown agreed to the payment of the sum of One Hundred (\$100) Dollars per unit for each and every unit tying into the Village of Nyack sewer system, and

WHEREAS, in reliance upon said agreement, the Town of Clarkstown extended lateral sewer lines to connect as aforesaid and permitted 5⁴ individual connections to be made to the said lines during the years 1969 and 1970, and

WHEREAS, no payment of the sum of One Hundred (\$100) Dollars per unit has been paid by the Town of Clarkstown to the Village of Nyack, although the same is now due and owing, and

WHEREAS, the Village of Nyack has requested payment for these connections in accordance with the agreement heretofore reached, and

WHEREAS, the Village of Nyack has requested that the aforesaid agreement be reduced to writing in order to set forth the details of the agreement between the Village of Nyack and the Town of Clarkstown,

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown Sewer Coordinator and Sewer Counsel confer with the Village Attorney of the Village of Nyack in order that a written contract be prepared and when such written contract be approved by the Town of Clarkstown Sewer Counsel, the Supervisor of the Town of Clarkstown be authorized to execute, on behalf of the Town of Clarkstown, the agreement as aforesaid with the Village of Nyack, and be it

FURTHER RESOLVED, upon computing the amount due for the individual unit hook-ups, the said sum be paid out of the monies on deposit in the account of Sewer District No. 21.

Seconded by Councilman Niehaus.

All voted Aye.

(1971-374) Councilman Niehaus offered the following resolution:

RESOLVED, that the sum of \$12,000.00 be transferred from CURRENT SURPLUS-GENERAL to HIGHWAY FUND, to be reimbursed when monies are available from maturing Cash Deposit Notes - Highway Fund.

Seconded by Councilman Frohling.

All voted Aye.

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(1971-375) Councilman D'Antoni offered the following resolution:

WHEREAS, a lease presently exists between New City Properties and the Town of Clarkstown for office space occupied by the Receiver of Taxes at 151 South Main St., New City N Y and

WHEREAS, there is a provision in said lease for renewal of same for a period of one year, provided that the tenant advises the landlord accordingly, on or before June 1, 1971, and

WHEREAS, the Town Board desires that said lease be renewed for one year commencing on August 15, 1971 at a monthly rental of \$288.00;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's office be instructed to notify New City Properties, in writing, that the Town wishes to renew aforesaid lease for office space now being occupied by the Receiver of Taxes for a period of one year, commencing on August 15, 1971, at a monthly rental of \$288.00.

Seconded by Councilman Niehaus.

All voted Aye.

(1971-376) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Supt. of Highways is hereby authorized to install NO PARKING signs on the east side of the office building at 18 New Hempstead Road, New City N Y.

Seconded by Councilman Frohling.

All voted Aye.

(1971-377) Councilman Niehaus offered the following resolution:

WHEREAS, the position of Cashier was abolished by Resolution #303 adopted May 5, 1971,

NOW THEREFORE, be it

RESOLVED, that Resolution #303 is hereby rescinded.

Seconded by Supervisor Vines

On roll call the vote was as follows:

AYES: Councilman Niehaus, Supervisor Vines

NOES: Councilmen Bolander, Frohling, D'Antoni.

MOTION NOT CARRIED.

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Page 13

Mr. Edward Fitzgerald, 46 Susan Drive, New City (Ungava Farms), appeared before the Town Board re disrepair of sidewalks. Town Engineer to investigate, contact developer and have him come to the Town Hall for discussion.

Mr. Richard Bialik appeared before the Town Board questioning request for payment of \$5.00 monthly made by developer (Nick Guttman) to process sewerage until treatment plant dedicated to town and requested that town sue builder. Town Attorney stated not responsibility of town; action must be brought by taxpayer.

Councilman Frohling suggested the following persons to serve on Study Commission for Recreational Facilities for the town:

- Mrs. Rose Kiesler, 46 Hutton Ave., Nanuet
- Mrs. Florence Lang, 39 Rockford Dr., W. Nyack
- Miss Clair Moos, 11 Salem Rd., New City
- Mr. Luther Radway, 39 West St., C. Nyack

(1971-378) Councilman D'Antoni offered the following resolution:

RESOLVED, that award of bid for Renovation of the Old Highway Barn into Office Space be awarded to D.H.S. CONSTRUCTION CORP., 65 Liberty (9W), Stony Point, New York as follows:

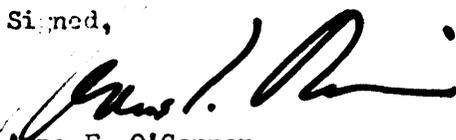
General Construction.....	\$19,647.00
Electrical Work	4,660.00
Plumbing Work	3,000.00
Heating & Air Conditioning	<u>8,000.00</u>
TOTAL	<u>\$35,307.00</u>

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Bolander and unanimously adopted, Town Board meeting was adjourned until Wednesday, 5/26/71 at 8:00 PM to hold scheduled Public Hearings.

Signed,



Anne E. O'Connor
Town Clerk

TBM - 5/19/71
Page 12

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WHEREAS, there is a provision in said lease for renewal of same for a period of one year, provided that the tenant advises the landlord accordingly, on or before June 1, 1971, and

WHEREAS, the Town Board desires that said lease be renewed for one year commencing on August 15, 1971 at a monthly rental of \$288.00;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's office be instructed to notify New City Properties, in writing, that the Town wishes to renew aforesaid lease for office space now being occupied by the Receiver of Taxes for a period of one year, commencing on August 15, 1971, at a monthly rental of \$288.00.

Seconded by Councilman Niehaus.

All voted Aye.

(1971-376) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Supt. of Highways is hereby authorized to install NO PARKING signs on the east side of the office building at 18 New Hempstead Road, New City N Y.

Seconded by Councilman Frohling.

All voted Aye.

(1971-377) Councilman Niehaus offered the following resolution:

WHEREAS, the position of Cashier was abolished by Resolution #303 adopted May 5, 1971,

NOW THEREFORE, be it

RESOLVED, that Resolution #303 is hereby rescinded.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

MOTION NOT CARRIED.

TBM - 5/19/71
Page 13

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General Construction.....	\$19,647.00
Electrical Work	4,660.00
Plumbing Work	3,000.00
Heating & Air Conditioning	<u>8,000.00</u>

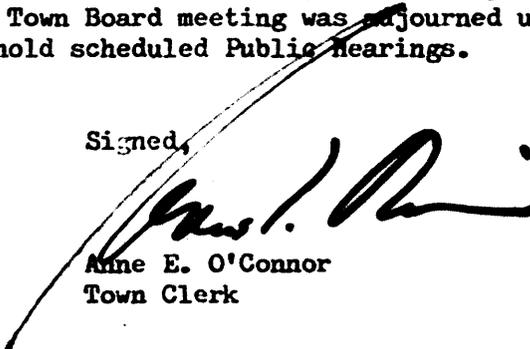
TOTAL\$35,307.00

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Bolander and unanimously adopted, Town Board meeting was adjourned until Wednesday, 5/26/71 at 8:00 PM to hold scheduled Public Hearings.

Signed,


Anne E. O'Connor
Town Clerk