

TOWN BOARD MEETING

Town Hall

9/1/71

8:00 PM

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

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

(1971-665) Councilman Niehaus offered the following resolution:

WHEREAS, the Town of Clarkstown, the Town of Stony Point, the Town of Ossining, the Town of Bedford, the Village of Briarcliff Manor, the Village of Ardsley and the City of Rye, New York are being sued in the United States District Court for the Southern District of New York under Civil Action File No. 71 CIV. 3771 as follows:

GUY SIMMONS
 LOUIS E. ALEXANDER, II
 Plaintiff

-against-

TOWN OF CLARKSTOWN, N.Y.
 TOWN OF STONY POINT, N.Y.
 TOWN OF OSSINING, N.Y.
 TOWN OF BEDFORD, N.Y.
 VILLAGE OF BRIARCLIFF MANOR, N.Y.
 VILLAGE OF ARDSLEY, N.Y.
 CITY OF RYE, N.Y.
 Defendants

and

WHEREAS, the prime issue involved is the Hawking and Peddling Ordinance of the Town of Clarkstown and the Hawking and Peddling Ordinances of the other defendants, and

WHEREAS, each of the other defendants has indicated a desire to engage common counsel to defend the said law suit, and

WHEREAS, it would appear that the engagement of joint counsel to represent all of the towns and villages involved is in the best interest of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office be empowered to enter into an agreement with the co-defendants herein for the purposes of engaging outside counsel to defend the Town of Clarkstown as well as all of the other towns and villages named as defendants.

Seconded by Councilman D'Antoni.

All voted Aye.

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(1971-666) Councilman D'Antoni offered the following resolution:

WHEREAS, in connection with the Valley Cottage Mall Project, certain real properties were acquired in order to provide the necessary land for parking area and roadway and the said improvements having been completed according to specifications, and

WHEREAS, the Town Planner has determined that there are four small parcels of previously acquired land which are not required for the said Project, and

WHEREAS, owners of the contiguous lands have offered to purchase each of the surplus parcels, and

WHEREAS, the Clarkstown Town Planner has negotiated with each of the contiguous land owners and has agreed upon a price to be paid by them to acquire that portion of the surplus parcel of land which is not now required by the Town of Clarkstown for this project,

NOW THEREFORE, be it

RESOLVED, that in accordance with the recommendation of the Clarkstown Town Planner, the following parcels of land be declared surplus by the Town of Clarkstown and that they be conveyed, subject to a permissive referendum, to the persons named herein and at the price set forth herein, as follows:

To Arthur Keenan, for the sum of \$300., a portion of the parcel designated as Tax Map 108, Block A, Lot 47.

To Agnes M. Johnson, for the sum of \$250., a portion of the parcel designated as Tax Map 108, Block A, Lot 48.

To Hilda Johnson, for the sum of \$300., a portion of the parcel designated as Tax Map 108, Block A, Lot 46.

To Peter Brega, for the sum of \$300., a portion of the parcel designated as Tax Map 108, Block A Lot 45; and it is

FURTHER RESOLVED, that the Town Clerk post and publish a Notice of this Resolution as required by law.

Seconded by Councilman Frohling.

All voted Aye.

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(1971-667) Councilman Frohling offered the following resolution:

WHEREAS, assessment review proceedings have been instituted against the Town of Clarkstown by the following:

WEST ROCK ASSOCIATES
ELINOR HOMES CO.
ROUTE 59 PROPERTIES INC., ET AL
E.J.K. REALTY NEW YORK CORP.
THE DELLS, INC. and BERNARD G. NEMEROFF
NYROS AMUSEMENT CORP.
UNITED ARTISTS EASTERN THEATRES, INC.
VALLWAY REALTY CORP.
COLONIAL OPERATING CORP. ET AL
ROBERT A. STERN
ESTATE OF ALFRED J. ELLISH
RALPH GREENBERG
DEWLAND, GALLAGHER, ET AL
MAK DEV. CORP.

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to defend said actions and take all necessary required proceedings in court in connection with said actions, and be it

FURTHER RESOLVED that experts for appraisal purposes may be engaged by the Town Board in connection with such proceedings.

Seconded by Councilman D'Antoni.

All voted Aye.

(1971.-668) Councilman D'Antoni offered the following resolution:

RESOLVED that the Building Inspector issue a building permit to Mr. Ed Sauter, Nanuet for the construction of a single family dwelling on Freemont Avenue under the provisions of Sec. 280-A, Map 165, Block A, Lot 15.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

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

Motion carried.

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(1971-669) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Building Inspector issue a building permit under Sec. 280-A, to John Annicelli for property situated on the west side of Greene St., Map 127, Block D, Lot 22.01.

Seconded by Councilman Bolander.

On rollcall the vote was as follows:

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

Motion Carried.

(1971-670) Councilman Frohling offered the following resolution:

RESOLVED, that bid for furnishing of five (5) Sand and Salt Spreaders be awarded to TRIUS, INC., Box 74, Hicksville NY at cost to town of \$17,320.00; lowest bidder not having met specifications; based upon the recommendation of the Highway Superintendent.

Seconded by Councilman Niehaus.

All voted Aye.

Proposed resolution awarding bid for construction of Storm Sewer and Drainage Channel north of Germonds Road; held.

(1971-671) Councilman Niehaus offered the following resolution:

RESOLVED, that Thomas Telmar Hodne, 298 Strawtown Road, New City, New York, be and is hereby appointed a member of the Zoning Board of Appeals effective August 25, 1971, term to expire August 25, 1975, at a salary of \$500.00 per year.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

Motion not carried.

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(1971-672) Councilman D'Antoni offered the following resolution:

RESOLVED, that Thomas Morahan, 3 Glen Lane, New City N Y is hereby reappointed as a member of the Zoning Board of Appeals, at the annual salary of \$500.00, term to expire on June 30, 1976.

Seconded by Councilman Bolander.

On roll call the vote was as follows:

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

(1971-673) Councilman Frohling offered the following resolution:

RESOLVED, that Robert E. Levitan, Phillips Hill Road, New City N Y is hereby reappointed as a member of the Zoning Board of Appeals, to fill the unexpired term of Thomas Morahan, at the annual salary of \$500.00, term to expire June 30, 1972.

Seconded by Councilman Bolander.

On roll call the vote was as follows:

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

(1971-674) Councilman D'Antoni offered the following resolution:

RESOLVED, that the following are hereby appointed to serve as dog enumerators for the licensing year 1972:

Eileen Hughes, 21 Marcia Lane, New City N Y
Evelyn McKeegan, 11 DeForest Ave., New City N Y
Elenore M. Hunter, 28 Windmill Lane, New City N Y
Kathleen Murphy, 29 Windmill Lane, New City N Y
Lydia M. Lediger, 26 Windmill Lane, New City N Y
Carol Fee, 20 Freedman Ave., Nanuet N Y,

and be it

FURTHER RESOLVED, that the enumerators be paid at the rate of \$.50 per dog to be paid by the County, and \$.12 per mile to be paid by the town.

Seconded by Councilman Bolander.

All voted Aye.

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Proposed resolutions authorizing Supervisor to hire architect for offices - Recreation Commission; and proposed resolution authorizing Town Clerk to advertise for bids for construction of offices at the Town Hall Annex for the Recreation Commission -- tabled.

(1971-675) Councilman Frohling offered the following resolution:

WHEREAS, the renovation of the Town Hall Annex has not been completed to the extent that the Recreation Commission will be able to move its office, and

WHEREAS, New City Properties, 233 Lafayette Avenue, Suffern N Y as owner and rentor of the space presently occupied by the Recreation Commission at 151 South Main St., New City N Y is agreeable to the Recreation Commission remaining in the premises on a month to month basis at the rent presently being paid to wit sum of \$590 per month,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be and is hereby authorized to enter into an agreement providing for the continued month to month tenancy of the Recreation Commission at premises 151 South Main St., New City N Y at a rental of \$590 a month.

Seconded by Councilman Niehaus.

All voted Aye.

(1971- 676) Councilman D'Antoni offered the following resolution:

WHEREAS, the hamlet of New City and, in particular, that portion adjacent to the Town Hall and to the center of the Hamlet, is in dire need of park facilities for the residents of Clarkstown, and

WHEREAS, it has come to the attention of the Town Board that the property bounded by Main St., Congers Rd., and Maple Ave., is available for such park purposes, and

WHEREAS, the cost of leasing said property by the town for the period of Sept. 1, 1971 through August 31, 1973 will be \$1.00 per year, and

(continued)

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(1971-676 - continued)

WHEREAS, the beautification of the center of the Hamlet of New City is in the best interest of all the residents of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED that the Supervisor be and is hereby authorized to enter into an Agreement of Lease with Susan Cohen for the use of the property bounded by Congers Road, Main Street, and Maple Avenue, designated as Map 58, Block E, Lot 13, in the form and content annexed hereunto. (INSERT AGREEMENT OF LEASE)

Seconded by Councilman Niehaus.
(See following page.)

All voted Aye.

(1971-677) Councilman Niehaus offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Stenographer CR-2 71-41 which contains the name of Doris Gross,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of Doris Gross, 52 Hamilton Avenue, Tappan, New York to the position of Stenographer - Town Planner's Office, at a salary of \$5,876.00 per annum; effective immediately.

Seconded by Councilman Frohling.

All voted Aye.

Proposed resolution authorizing TownClerk to advertise public hearing re "LOCAL LAW ESTABLISHING A DEPARTMENT OF PLANNING AND DEVELOPMENT" -- held.

AGREEMENT OF LEASE

AGREEMENT of Lease, made this *6th* day of *Oct*, 1971,

by and between:

SUSAN COHEN, residing at 201 West 86th Street, New York City, New York, hereinafter referred to as the "OWNER";

and

TOWN OF CLARKSTOWN, a municipal corporation organized and existing under the laws of the State of New York, having its office for the transaction of business at 10 Maple Avenue, in the Hamlet of New City, Town of Clarkstown, County of Rockland and State of New York, hereinafter referred to as the "TOWN";

W I T N E S S E T H:

That in consideration of One (\$1.00) Dollar in hand paid by the Town to the Owner for the year 1971-1972 and One (\$1.00) Dollar in hand paid for the year 1972-1973, receipt of which is hereby acknowledged and for other good and valuable considerations;

The Owner hereby demises and lets to the Town, and the Town does hereby hire and take from the Owner a parcel of property bounded by Main Street, Congers Road and Maple Avenue in the Hamlet of New City, Town of Clarkstown, Rockland County, New York, designated on the Clarkstown Tax Map as Map 58, Block E, Lot 13, which premises are to be constructed, landscaped, maintained and operated for purposes of a public park.

The term of this Lease shall commence September 1, 1971 and shall terminate on the 31st day of August, 1973.

The Town shall have the right and privilege, following the execution hereof, to go upon the premises leased hereunder by or with its agents, servants, employees, contractors, and/or subcontractors, for the purpose of examining the same, removing

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(1971-676 cont'd.)

concrete and blacktop, clearing, cleaning and preparing the same for use as a park, including but not limited to, landscaping, benches, walks, botanical displays and any and all like purposes for the benefit of the residents of Clarkstown.

The Town shall have the right and privilege, following the execution hereof, to go upon the premises leased hereunder by or with its agents, servants, employees, contractors, and/or subcontractors, for the purpose of using and operating the demised premises as a park primarily for the benefit of the residents of the Town of Clarkstown.

The Town, at its own cost and expense, shall remove the fencing and sign presently on the demised premises and deliver the same in good condition to the Owner at a place to be designated by the Owner within the County of Rockland.

The Town, at its own cost and expense, shall be obligated to do and perform such acts as may be required to keep and maintain the premises leased hereunder in good condition, so as to return the same to the Owner upon the termination of this Lease Agreement in as good condition as presently existing, construction, landscaping and normal wear and tear excepted.

The Town shall indemnify and hold harmless the Owner from and against any claim or liability of any kind or nature whatsoever arising out of this Lease Agreement.

The Town shall indemnify and hold harmless the Owner from and against any claim or liability arising out of any and all real property taxes, other than school taxes, sewer assessments and charges, be the same Town, County or State, assessed against the demised premises during the period of this Lease Agreement.

(1971 676 - cont'd.)

This Agreement of Lease shall be binding upon and shall enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and/or assigns.

It is understood by and between the parties hereto that this Lease Agreement is of no force or effect, either express or implied, on any past, present, or future zoning or other use of the subject premises.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this Agreement of Lease the day and year first above written.

Witnesseth
[Signature]

Susan Cohen

Susan Cohen

TOWN OF CLARKSTOWN

By:

[Signature]

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The following persons appeared re drainage:

Mrs. Noto, 375 Little Tor Rd., New City: Flooded; needed police assistance. Questioned approval of three new developments in area in spite of bad drainage at present.

Mr. Vuolo, 6 Quaker Road: Poor drainage due to flooding. Highway Superintendent stated bad problem exist s; suggested appropriation of \$100,000. to solve these problems right away.

Supervisor Vinns stated that he will request that the Town Attorney prepare a proper resolution to create Clarkstown Drainage District and have it ready for the next Town Board meeting.

Mr. Dale, 2 Bellwood Court, New City: Home flooded due to storm. Town Engineer and Building Inspector to visit site tomorrow morning and report back to Supervisor's Office.

Re \$80 - 90,000. still remaining in Drainage Project #5; Supervisor stated that we have earmarked that for drainage ditch in West Nyack. Highway Superintendent 9-10 people have problems; suggested BAN to correct.

Councilman D'Artoni suggested formation of Clarkstown Drainage Project #1 to encompass entire town. Councilman Bolander suggested using any monies left in Drainage Project #5 to alleviate present flooding conditions.

Mr. John Lodico suggested that all those present tonight sign a release to give permission to the town to enter their property.

Mr. Bernard Kaplan, Rennert Lane, Bardonia: Drainage in this area never completed (Town Engineer stated easements needed). Builders still building in area even though flooding history bad.

Mr. Coe, Pascack Road, Spring Valley: Washed out; stream needs cleaning. Town Engineer replied that County owns creek.

Mr. Jacobson, 26 Clark St., Spring Valley: Re creek; will meet with Supervisor and Mr. Coe.

Mrs. Burke, 24 Clark Drive: - Flooding

Mrs. Neri: Water going back over the pipe just as before; washing away property.

Mrs. Farrell - Representing Mrs. Feehan, 17 North Pascack Road, Spring Valley: (17 North Pascack, Spring Valley): Creek overflows in heavy rain; trees removed for construction; draining into small creek - problems ensue. Construction in area still being allowed: Mr. Farrell, 22 Clark Drive also stated storm drain pipe broken.

Mrs. Kirschner, New City (111 North Little Tor Rd): Under water; emergency situation. Stated pipe put in by town causing problems - stream blocked. Highway Supt: No town easement; this pipe installed in 1956.

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Mrs. Skelly, 39 Mark Lane, New City: Town Engineer and Highway Superintendent stated they have recommendation for this problem. Requested to submit report to Town Board.

Mr. Sternbaum, Twin Elms Lane, New City: Pipe under culvert inadequate. House flooded; creek overflows. Highway Superintendent: Development built 9 years ago, larger pipe extended on the north side. Culvert too small; Esquire (development) added to stream. We should, he suggested, put another twin pipe right next to this one (48" concrete pipe).

Dr. Jack Velchinsky, 50 Twin Elms Lane, New City: Washed out; Corps of Engineers already called. Has made application. 8' drop where water washed out soil - dangerous. Highway Supt: Previous owner did not want wall.

(1971-678) Councilman D'Antoni offered the following resolution:

WHEREAS, the Hamlet of New City in the Town of Clarkstown was subjected to severe flooding as a result of the recent storm, and

WHEREAS, the Town Engineer reports that the drainage system for the area depends on the storm drain passing under the Palisades Interstate Parkway in the vicinity of Burda Lane, west of Middletown Road, and

WHEREAS, the Town Engineer's Office has studied the drainage problems in this entire area, and

WHEREAS, the Town Engineer has concluded that an additional storm drain is needed under the Palisades Interstate Parkway in order to relieve this condition, and

WHEREAS, the Palisades Interstate Parkway Commission has taken no steps to alleviate this drainage problem although fully aware of the same,

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby requests Governor Rockefeller, State Senator Schermerhorn and Assemblyman Levy to use their good offices with the Palisades Interstate Parkway Commission to persuade the Commission to permit the installation of proper drainage under the Palisades Interstate Parkway, and be it

FURTHER RESOLVED, that copies of this resolution be sent to Governor Rockefeller, Senator Schermerhorn, Assemblyman Levy and each of the members of the Palisades Interstate Parkway Commission.

Seconded by Councilman Frohling.

All voted Aye.

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(1971-679) - Councilman Frohling offered the following resolution:
(Cont!d.)

RESOLVED, that the Consulting Engineer to the Sewer Districts to the Town of Clarkstown and the Clarkstown Sewer Attorney are hereby authorized to draw up a resolution allowing the town to proceed to secure a Pump for Sewer District Number 33-B.

Seconded by Councilman D'Antoni.

All voted Aye.

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Re Rennert Lane, Town Engineer suggested drainage ditch on east side of White Oaks Lane -- clean out. Highway Superintendent stated dozers needed, so Social Services cannot assign people to help. Highway Superintendent instructed to investigate and come up cost estimate.

Mr. O'Dell, 610 Dellwood Court, representing 45-50 families appeared before the Town Board re Sewer District #33-B, Valley Cottage. Pump needed.

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(1971 -679) Councilman Frohling offered the following resolution:

(INSERT RESOLUTION AUTHORIZING CONSULTING ENGINEER AND SEWER ATTORNEY TO DRAW UP RESOLUTION TO PROCEED TO SECURE PUMP FOR SEWER DISTRICT #33B)

Seconded by Councilman D'Antoni. All voted Aye.
(See top of preceding page.)

(1971 -680) Councilman Frohling offered the following resolution:

WHEREAS, proceedings have been instituted against the Town of Clarkstown, Frederick P. Roland, Esq., Joseph F. X. Nowicki, Esq. and Honorable William E. Vines, Supervisor, in the United States District Court for the Southern District under Civil Action File No. 71 Civ. 3740 of New York as follows:

ALL STATE ASSOCIATES, INC. MARVEC-ALL STATE, INC.
and RALPH GESTONE, Plaintiffs

v.

THE TOWN OF CLARKSTOWN, WILLIAM E. VINES,
FREDERICK P. ROLAND, BECKERLE BROWN, I NC.
and JOSEPH F. X. NOWICKI, Defendants

and
WHEREAS, the Town Attorney, Frederick P. Roland, Esq. and Special Counsel for Sewer Districts, Joseph F. X. Nowicki, Esq. and Supervisor William E. Vines are named individual defendants in the said law suit, and

WHEREAS, it is the recommendation of the Town Attorney that Special Counsel be engaged to defend said law suit;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to engage special counsel to defend the Town of Clarkstown and the individually named defendants therein insofar as a municipal responsibility extends to the

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(1971-680) - continued)

individual defendants, and be it

FURTHER RESOLVED, that said special counsel be compensated in accordance with the schedule of fees of the Rockland County Bar Association, and be it

FURTHER RESOLVED, that the sum of \$5,000 be transferred from Current Surplus General to the Town Attorney's Office Account.

Seconded by Supervisor Vines

All voted Aye

(1971-681) Councilman Frohling offered the following resolution:

WHEREAS, bids were received by the Town of Clarkstown for construction of lateral sewers in Town Sewer District No. 35, Contract B, on August 10, 1971, and

WHEREAS, all of the said bids were reviewed by the Consulting Engineer and a written report having been made by the said Consulting Engineer recommending that the contract be awarded to Marvec-All State, Inc. the low bidder, having submitted a bid in the amount of \$454,889.57,

NOW THEREFORE, be it

RESOLVED, that upon approval of the form of contract by Counsel for Sewer and Special Improvement Districts, the bid for the construction of Sewer District No. 35, Contract B, be awarded to Marvec-All State, Inc. at a cost to the Town of Clarkstown in the amount of \$454,889.57, together with a change order adding four tunnel crossings under the New York State Highways at an additional cost not to exceed \$9,000. each.

Seconded by Councilman Bolander.

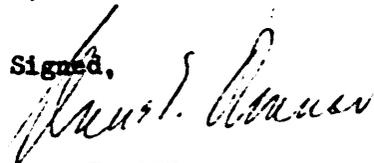
On roll call the vote was as follows:

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

Motion carried.

On resolution offered by Councilman Frohling, seconded by Councilman Niehaus and unanimously adopted, Town Board meeting was adjourned until Wednesday, September 8th, 1971 at 8:00 PM.

Signed,


Anne E. O'Connor
Town Clerk