

TOWN BOARD MEETING

Town Hall

10/4/72

8:00 PM

Present: Co. D'Antoni, Lodico, Pizzutello, Supervisor Vines
Town Attorney and Deputy Town Attorney
Town Clerk Anne E. O'Connor

Absent: Co. Niehaus

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

(1972-831) Councilman D'Antoni offered the following resolution:

RESOLVED, that time for receiving bids for Auto Parts and Supplies is closed, and be it

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

Seconded by Councilman Lodico.

All voted Aye.

Town Clerk informed the Town Board that no bids received for Auto Parts and Supplies.

(1972-832) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Clerk be authorized to re-advertise for bids for Auto Parts and Supplies, said bids to be returnable 10/25/72 at 8:05 PM.

Seconded by Councilman Lodico.

All voted Aye.

(1972-833) Councilman D'Antoni offered the following resolution:

RESOLVED, that time for receiving bids for furnishing Sixteen (16) Patrol Cars be closed, and be it

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

Seconded by Councilman Pizzutello.

All voted Aye.

The following bids were received:

Burnweit Pontiac, Inc. Main St. & Midland Ave., Nyack N Y	\$61,000.00 NET BID
Driscoll Chevrolet, Inc. Route 59, Spring Valley N Y	\$53,200.00 NET BID

(continued)

Bids - Police Cars - continued:

Haverstraw Motors, Inc.
Route 9W, West Haverstraw, N Y\$51,100.00 NET BID

Spring Valley Dodge, Inc.
South Main St., Spring Valley N Y\$43,632.80 NET BID

All bids turned over to the Chief of Police for recommendation.

(1972-834) Councilman D'Antoni offered the following resolution:

RESOLVED, that decision on award of bids for the furnishing of sixteen (16) patrol cars for the Police Department be deferred.

Seconded by Councilman Lodico.

All voted Aye.

(1972-835) Councilman D'Antoni offered the following resolution:

RESOLVED, that time for receiving bids for Equipment for Town Hall Garage be closed, and be it

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

Seconded by Councilman Lodico.

All voted Aye.

Town Clerk reported that no bids received for Equipment for Town Hall Garage received by her office.

(1972-836) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Clerk be authorized to advertise for bids for Equipment for Town Hall, said bids to be returnable 10/25/72 - 8:06 PM.

Seconded by Councilman Pismatello.

All voted Aye.

(1972-837) Councilman D'Antoni offered the following PROCLAMATION:

"CANCER CARE MONTH"

WHEREAS, the entire community benefits when its most vital unit, the family, can be helped to survive the impact of catastrophic illness; and

WHEREAS, the whole community benefits when families withstand the onslaught of advanced Cancer, and are helped to do so in dignity and decency; and

WHEREAS, the whole community is helped when Cancer Care, Inc. of the National Cancer Foundation provides professional casework counseling and, when needed, supplementary financial assistance to prevent the breakdown of its otherwise self-sustaining families; and

WHEREAS, Cancer Care must continue to provide needed services which strengthen the community by strengthening families within it;

NOW THEREFORE, be it

RESOLVED, that I, William E. Vines, Supervisor of the Town of Clarkstown, do hereby proclaim that the month of October, 1972 be declared "CANCER CARE MONTH" in the Town of Clarkstown.

Seconded by Councilman Lodice.

All voted Aye.

(1972-838) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Chief of Police, the bid award for Police Department Winter Uniforms be and is hereby awarded to the lowest bidder who meets the Town specifications, Merson Uniforms Co., Canal St., New York N Y at a total Net Bid of \$4,033.25.

Seconded by Councilman Pisantello.

All voted Aye.

(1972-839) Councilman Pisantello offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of 9/13/72 are hereby accepted and approved as submitted by the Town Clerk.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-840) Councilman D'Antoni offered the following resolution:

RESOLVED, that the minutes of the Town Board meeting of 9/20/72 are hereby accepted with the following change:

Resolution #814 to read "9/3/68 instead of May 1968.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-841) Councilman D'Antoni offered the following resolution:

WHEREAS, LLOYD BACHMAN and ELAINE BACHMAN are desirous of granting a drainage easement to the Town of Clarkstown, located at 7 Gerke Ave., Spring Valley N Y,

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts a drainage easement from Lloyd Bachman and Elaine Bachman covering premises located at 7 Gerke Ave., Spring Valley N Y more particularly described in said easement agreement dated 8/30/72.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-842) Councilman D'Antoni offered the following resolution:

WHEREAS, John L. Klastad and Barbara Klastad, his wife, residing at Hess Rd., Valley Cottage N Y have executed an easement for a strip of land approximately 15' wide by 100 feet long and are offering it to the Town for Sewer Dist. 35D in consideration of the sum of \$300.00 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, J. F. X. Nowicki, Deputy Town Attorney recommends that said easement be accepted by the Town of Clarkstown and said fee paid;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to accept said easement on behalf of the town, and that the Masier Benefited Sewerage Improvement Area account pay the sum of \$300. for said easement.

Seconded by Councilman Pizzutello.

All voted Aye.

Office of the Building Inspector, Robert H. Bowman, B/I submitted the following report re Congers:

'The demolition of the Wheel Inn is progressing; Floral Electrical Co. has requested an extension by their architect; Town Attorney preparing contempt court papers in connection with occupancy of the Floridian Bungalows; and the owner of the property wherein Vics Auto Body is located has picked up papers in connection with their application for a building permit for a gasoline station.'

(1972-843) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendations of the Traffic Advisory Board, the Supt. of Highways is hereby authorized to install a "STOP" sign on the s/w corner of Gerardine Place where it intersects with Burda Pl., New City NY.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-844) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic Advisory Board, the Supt. of Highways is hereby authorized to install a "STOP" sign on Zukor Road at the s/e corner where it intersects with So. Mountain Rd., New City N Y.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-845) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic Advisory Board, the Supt. of Highways is hereby authorized to remove the existing "YIELD" signs on Strawtown and Ridge Roads at the intersection of Congers Road, New City, and be it

FURTHER RESOLVED, that the above signs be replaced with "STOP" signs.

Seconded by Councilman Pizzutello.

All voted Aye.

Proposed resolution setting public hearing in regard to proposed Local Law to amend Local Law No. 9-1971 (Vehicle and Traffic) -- deferred.

(1972-846) Councilman Lodico offered the following resolution:

(INSERT RESOLUTION SETTING DATE OF PUBLIC HEARING RE ZONE CHANGE APPLICATION MADE BY JOSEPH SUTERA R-15 to LIO --10/25/72 - 8:10 PM) Prop. Fulton Ave., W.Wyack)
(See following page)

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-847) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Board does hereby prepare and approve the Preliminary Budget for the Town for the Fiscal Year beginning on the 1st day of January 1973 the itemized statement of estimated revenues and expenditures hereto itemized and made a part of this resolution, and be it

FURTHER RESOLVED, that such preliminary Budget shall be filed in the Office of the Town Clerk on the 5th day of October 1972 where it shall be available for inspection by any interested person at all reasonable hours, and be it

FURTHER RESOLVED, that this Board shall meet at the Town Hall on 11/9/72 at 8:00 PM for the purpose of holding a public hearing upon such Preliminary Budget, and be it

FURTHER RESOLVED, that the Town Clerk give notice of such public hearing in the manner provided in Sec. 113 of the Town Law, and such notice be published and posted in substantially the following form:

"NOTICE IS HEREBY GIVEN that the Annual Preliminary Budget of the Town of Clarkstown for the year 1973 has been completed and filed in the Office of the Town Clerk of the Town of Clarkstown; that the Town Board of said town will at a meeting thereof, to be held at the Town Board Meeting Room Town Hall, New City N Y on the 9th day of November 1972 at 8:00 PM hold a hearing thereupon and review said budget, and any compiled, or for or against any item or items therein contained."

Seconded by Councilman Pizzutello.

All voted Aye.

RESOLUTION #846 ADOPTED TOWN BOARD MEETING 10/4/72

**RESOLUTION ADOPTED BY THE TOWN BOARD
OF THE TOWN OF CLARKSTOWN SETTING
PUBLIC HEARING WITH REGARD TO ZONING
PETITION**

WHEREAS, JOSEPH SUTERA

has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the said Town be amended by redistricting property of the said petitioner described from R-15 district to L10 district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown, on the 25th day of October, 1972, at 8:10 P.M., relative to such proposed amendment; 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 official newspaper of the Town as aforesaid and file proof thereof in the office of the said Clerk.

Dated: October 4, 1972

(1972-848) Councilman Lodico offered the following resolution:

RESOLVED, that, Adolph Millich, Jr., New Valley Rd., New City N Y is hereby appointed provisionally to the position of Assistant Building Inspector - Building Inspector's Office - at the annual salary for 1972 of \$9,158.00, effective October 16, 1972.

Seconded by Councilman D'Antoni

All voted Aye.

(1972-849) Councilman Lodico offered the following resolution:

RESOLVED, that Michael Franchino, Sr., 3 Bull Run, West Nyack N Y is hereby appointed to the position of Laborer - Sewer Department - at the annual salary for 1972 of \$6,974.00, effective 9/2/72.

Seconded by Councilman Piscitello.

All voted Aye.

(1972-850) Councilman Lodico offered the following resolution:

RESOLVED, that John F. Fay, 61 Massachusetts Avenue, Congers, N Y is hereby appointed to the position of Laborer, Sewer Department - at the annual salary for 1972 of \$6,974.00, effective October 9, 1972.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-851) Councilman D'Antoni offered the following resolution:

RESOLVED, that Kenneth Warren, 37 Woodglen Drive, New City N Y be and is hereby appointed to the position of Laborer - Sewer Department - at the annual salary for 1972 of \$6,974.00, effective October 9th, 1972.

Seconded by Councilman Lodico.

All voted Aye.

(1972-852) Councilman Lodico offered the following resolution:

RESOLVED, that the position of Field Representative in the Sewer Department be and is hereby abolished.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-853) Councilman Lodico offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on September 20, 1972 that the position of Clerk of the Works - Town Hall - can be created, now, therefore, be it

RESOLVED, that the position of Clerk of the Works - Town Hall - is hereby created in Grade 21, effective immediately, and be it

FURTHER RESOLVED, that Ralph Lombardi, 5 Evergreen Place, New City N Y is hereby appointed to the position of Clerk of the Works in Grade 21, Step F, for a period not to exceed eighteen months, effective immediately, at the annual salary for 1972 of \$11,030.00, and be it

FURTHER RESOLVED, that the sum of \$6,838.60 be transferred from the Town Hall Construction Account to the General Fund for the purpose of compensation for the position of Clerk of the Works through December 31, 1972.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-854) Councilman D'Antoni offered the following resolution:

RESOLVED, that Mary J. O'Sullivan, Maple Road, Valley Cottage N Y is hereby appointed to the position of Crossing Guard - Police Department - at Kings Highway Road, Valley Cottage N Y railroad crossing, at the salary of \$7.00 per day, effective and retroactive to October 2nd, 1972.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-855) Councilman D'Antoni offered the following resolution:

RESOLVED, that Resolution #805 of the Town Board meeting of 9/20/72 is hereby rescinded, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized to advertise for bids for a Sewer Interceptor at Beatrice Lane, New City N Y and be it

FURTHER RESOLVED, that said bids be returnable at the Town Board meeting of October 25, 1972 at 8:07 PM, specifications to be obtained from the Town Clerk's Office.

Seconded by Councilman Lodico.

All voted Aye.

(1972-856) Councilman D'Antoni offered the following resolution:

RESOLVED, that resolution #806 adopted at the Town Board meeting of 9/20/72 is hereby rescinded, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized to advertise for bids for a Sewer Interceptor at Strawberry Hill, West Nyack N Y, and be it

FURTHER RESOLVED, that said bids be returnable at the Town Board meeting of 10/25/72 at 8:09 PM, specifications to be obtained from the Town Clerk's Office.

Seconded by Councilman Lodico.

All voted Aye.

(1972-857) Councilman D'Antoni offered the following resolution:

RESOLVED that the Town Board hereby establishes a fee of \$50.00 per hour for the use of the Town's Sewer Flusher Truck by private contractors, effective immediately, fee to be collected by the Town Engineer's Office.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-858) Councilman Lodico offered the following resolution:

WHEREAS, Chapter 88 of the Laws of 1961 has heretofore amended the Rockland County Special Police Act providing for the establishment, organization and operation of police departments in Towns of the first class in Rockland County, by providing that any town governed by said act may enter into an agreement with any Village within said town which maintains a police department of four or more policemen on an annual full-time basis established and maintained under the Rules of Civil Service, and determine what portion of the cost thereof shall be assessed against the property in the Village and what portion shall be assessed in the town outside the Village; and that thereafter such portion of the cost thereof determined to be assessed outside of the village shall be a charge against that part of the town outside of any such village and assessed, levied and collected from the taxable property of that part of the town outside of the village; and

WHEREAS, the Village of Spring Valley maintains a police department of four or more policemen on an annual full-time basis under the Rules of Civil Service; and

WHEREAS, the Village has requested of the town that the real property within the Village be exempted to the extent of 100% for police services, as set forth in the town budget for the next fiscal year of the town and for future fiscal periods as shall be set forth hereinafter, and

WHEREAS, the town is of the opinion, inasmuch as the village does not utilize to any substantial extent, the town police services, that such exemption is, therefore, just and equitable to the taxpayers in the village;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the Village of Spring Valley providing for the following:

1. That for the next succeeding Town fiscal year, real property located within the Village of Spring Valley shall be entitled to a 100% exemption for the support of the Town Police Department.

2. That such exemption shall continue on a fiscal year to year basis, without further express agreements by the parties to that effect, unless the Town shall, within sixty days prior to the beginning of any new fiscal year notify the village to the contrary.

Seconded by Councilman Piscutello.

All voted Aye.

(1972-859) Councilman Pizzutello offered the following resolution:

WHEREAS, there is no provision made by the State or Federal Government to set up standards of care for the exhibition of animals in the Town of Clarkstown, County of Rockland, and

WHEREAS, there have been instances of "petting zoos" and other animals exhibited in which the care and safety of animals and the public have been in danger;

NOW THEREFORE, be it

RESOLVED:

1. In the event any "petting zoos" and/or animal exhibitions held within the Town of Clarkstown, the animals shall be allowed a rest period between exhibits or exposure to the public for a period of time equal to the time of the performance or exhibition.
2. The rest area shall be separate and apart from the exhibition area and shall be provided with adequate food and water.
3. The exhibition area shall be enclosed and no more than one person per animal in the enclosure shall be permitted at any time.
4. Adequate attendants shall be present to protect the animals and the public.
5. The floor of the exhibition area shall be covered with adequate non-skid material for the protection of the animals and the public.
6. Where animals are exhibited behind barriers, said barriers shall be high and sturdy so that the public cannot climb over the barriers and the animals cannot escape therefrom.
7. It shall be necessary to secure a permit from the Town Clerk for the exhibition of animals as aforesaid. Said application shall be made in writing or in person and a copy of the permit or license must be exhibited at the location of the exhibit. In addition, any federal license required by the Animal Welfare Act of 1970 of the Federal Government shall be exhibited to the Town Clerk before the aforesaid permit or permission is granted.
8. All animals to be exhibited should be checked by a local veterinarian, or in lieu thereof, a health certificate shall be exhibited to the Town Clerk with regard to rabies, and any other serious animal diseases.
9. There should be a fine for first offense making it a violation or misdemeanor according to the seriousness of the violation and whether or not the safety of the public is involved.
10. There shall be prompt removal of all animal waste.

Seconded by Councilman D'Antoni.

All voted Aye.

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Proposed resolution setting public hearing on Proposed Amendment to Chapter 40 of the Code of the Town of Clarkstown - TAXICABS AND TAXICAB DRIVERS -
-----deferred.

Proposed resolution setting public hearing on Proposed Local Law to Amend Local Law No. 6-1971 - 'PROVIDING FOR THE REGULATION AND CONTROL OF TREES, SHRUBBERY, TOPSOIL & SEEDING UPON BOTH TOWN AND PRIVATE PROPERTY IN THE TOWN OF CLARKSTOWN' -----deferred.

(1972-860) Councilman Lodico offered the following resolution:

RESOLVED, that the Supervisor be and is hereby authorized to sign a contract between the Town of Clarkstown and K. Matero Trucking, Green Road, West Nyack N Y for machine operator services at the Clarkstown Sanitary Landfill Area, at an hourly rate of \$5.00 and at an annual sum not to exceed \$2400. said sum to be charged to the Sanitary Landfill Account, and be it

FURTHER RESOLVED, that said contract be prepared and approved by the Office of the Town Attorney.

Seconded by Councilman Pizzutello.

All voted Aye.

Proposed resolution setting public hearing on Proposed Amendment to Chapter 34 of the Code of the Town of Clarkstown- 'SEWER DISTRICT REGULATIONS'
-----deferred.

(1972-861) Councilman Pizzutello offered the following resolution:

(INSERT RESOLUTION ACCEPTING EASEMENT IN SEWER DIST. 26 FROM JAMES CROSEY IN CONSIDERATION OF SUM OF \$1,883.67)

(See following page.)

Seconded by Councilman Lodico.

All voted Aye.

RESOLUTION #861 ADOPTED TOWN BOARD MEETING 10/4/72

RESOLUTION ACCEPTING SEWER EASEMENT
in Sewer District 26
(Cropsey)

WHEREAS, James Cropsey, residing at Little Tor Road, New City, New York, has agreed to execute an Easement and is offering it to the Town in consideration of the sum of One Thousand Eight Hundred Eighty Three $\frac{67}{100}$ (\$1,883.67) Dollars, and a copy of the 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, Deputy Town Attorney, 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 the Master Benefited Sewerage Improvement Area account pay the sum of One Thousand Eight Hundred Eighty Three $\frac{67}{100}$ (\$1,883.67) Dollars for said easement.

Dated: October 4, 1972

(1972-862) Councilman Lodico offered the following resolution:

WHEREAS the roads in Green Meadow Farms are in an unsafe condition, and

WHEREAS, other requirements of the subdivision approval have not been complied with, and

WHEREAS, the town is holding a Cash Escrow,

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby directed to notify the developer to comply within ten (10) days, otherwise the Cash Escrow will be forfeited.

Seconded by Councilman Pizzutello.

All voted Aye.

President of the Nyack School Board, Ms. Harry G. Smith, appeared before the Town Board requesting assistance from the town regarding railroad crossing safety, and additional funds for additional hours to be covered at Valley Cottage crossings. Mr. John Rich, Member of Nyack School Board suggested that these grade crossings be eliminated permanently and that continuing letter to the state be sent until problem is solved.

Re complaint of Michael Condello, Valley Cottage re malfunctioning of Kings Highway gate, Supervisor Vines stated additional track was removed and Penn Central RR was advised that there is not sufficient warning at this gate. They will extend time for signalling at this location. Re Gilchrist crossing; money appropriated; we are waiting for installation.

Mr. Robert Gessler, Gateway, Valley Cottage suggested that gate be moved further back to prevent accidents to children who approach gate. Supervisor Vines stated he will request that gate be put in safe position. Mr. Gessler was requested to supply Supervisor with pictures and more specific information re gates as he suggested, and that he will then make the recommendation.

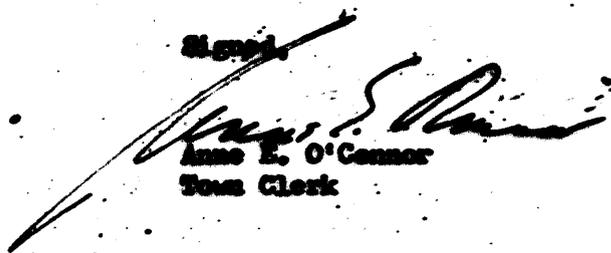
Mr. William Atkinson suggested that School Crossing Guards be posted after school hours for extra curricular activities. Town Board advised him that money for this coverage not available; also that town does not have authority to direct bus traffic. Councilman Lodico suggested that town take \$5 to be used for more school crossing guards; also that chaperone be provided on busses to get off bus prior to the rr tracks and check for trains.

Mr. Haeger, Valley Cottage requested that law be checked, stating that under the law responsibility for safety of rr crossings is the town's not the schools. Also requested that railroad fulfill its liabilities. Councilman Lodico stated this property cannot be condemned because of federal grants to railroads.

Mrs. VanBemmel Valley Cottage requested that bushes on north side of Gilchrist be checked; impairing visibility. Highway Superintendent will check.

On resolution offered by Councilman D'Antoni, seconded by Councilman Lodico and unanimously adopted, Town Board meeting was adjourned until Wednesday, October 11th, 1972 at 8:00 PM, at which time scheduled public hearings will be held in the Board Room at the Town Hall.

Signed,


Anne E. O'Connor
Town Clerk