

Town Board Meeting

Town Hall

10/18/72

8:00 PM

**Present: Co. Niehaus, D'Antoni, Lodico, Pizzutello, Supervisor Vines
Town Clerk Anne E. O'Connor
Deputy Town Attorney M. S. Friedman**

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

(1972-869) Councilman D'Antoni offered the following resolution:

RESOLVED, that the minutes of the Town Board meetings of 9/27/72 and 10/4/72 are hereby accepted as submitted by the Town Clerk.

Seconded by Councilman Lodico.

**Co. Niehaus abstained.
All others voted Aye.**

Bid award for Police Patrol Cars - tabled.

Bid award for West Clarkstown Sewer Interceptor - tabled, until after the 30th.

(1972-870) Councilman Pizzutello offered the following resolution:

RESOLVED, that Dennis C. Bardon, 96 Lake Road, Congers N Y is hereby appointed to the position of Groundsman - Parks Board & Recreation Commission - at the annual salary for 1972 of \$6,974.00, effective October 30, 1972.

Seconded by Councilman Lodico.

All voted Aye.

(1972-871) Councilman D'Antoni offered the following resolution:

RESOLVED, that the position of Account Clerk-Typist in the Comptroller's Office is hereby abolished, effective immediately.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-872) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on 10/4/72 that the position of Sr. Typist - Comptroller's Office can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Sr. Typist - Comptroller's Office is hereby created, effective immediately, and

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7152 - Sr. Typist (Prom) which contains the name of Vera McKeever,

NOW THEREFORE, be it

RESOLVED, that Vera McKeever, Box 115 Malone Road, Valley Cottage, N Y is hereby appointed to the position of Sr. Typist - Comptroller's Office, at the annual salary of \$7,988.00 for 1972, effective October 23, 1972.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-873) Councilman Niehaus offered the following resolution:

WHEREAS, there is a vacancy in the position of Sr. Stenographer in the Town Planner's Office, and

WHEREAS, the Rockland County Personnel office has furnished Certification of Eligibles #7242, Sr. Stenographer which contains the name of Doris Gross,

NOW THEREFORE, be it

RESOLVED, that Doris Gross, 52 Hamilton Ave., Tappan, N Y, is hereby appointed to the position of Sr. Stenographer - Town Planner's Office - at the annual salary for 1972 of \$6,974.00, effective October 23, 1972.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-874) Councilman D'Antoni offered the following resolution:

WHEREAS, the United States of America is fast approaching its 200th birthday, and

WHEREAS, such an occasion should be treated with dignity and honor by all citizens of our country, and

WHEREAS, the Town Board is desirous of paying due honor and tribute to the United States of America on its 200th birthday;

NOW THEREFORE, be it

RESOLVED, that there be and is hereby established a Bi-Centennial Committee of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the said committee be composed of not less than five nor more than ten citizens of the Town of Clarkstown to be appointed by the Town Board, and be it

FURTHER RESOLVED, that said committee prepare recommendations to the Town Board for the celebration of the 200th birthday of the United States, and be it

FURTHER RESOLVED, that the committee serve at the pleasure of the Town Board without compensation.

Seconded by Councilman Niehaus.

All voted Aye.

Proposed resolution appointing part-time Narcotics Counselor -- deferred.

(1972-875) Councilman Pizzutello offered the following resolution:

RESOLVED, that the resignation of Frank Wicks as Patrolman - Police Department - is hereby accepted, effective and retroactive to October 5, 1972.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-876) Councilman Lodico offered the following resolution:

RESOLVED, that based upon the recommendation of Alfred Berg, Town Engineer, the employment of David L. McIlwain, 483 South Passack Road, Spring Valley N Y is hereby terminated in accordance with Art. VIII of the Labor Agreement of the Town of Clarkstown and Clarkstown Unit of the Civil Service Employees Association, Inc., effective October 17, 1972.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-877) Councilman Lodico offered the following resolution:

RESOLVED, that based upon the recommendation of Alfred Berg, Town Engineer, the employment of Robert Tantillo, 10 Camp Hill Road, Pomona, New York, is hereby terminated in accordance with Art. VIII of the Labor Agreement of the Town of Clarkstown and Clarkstown Unit of the Civil Service Employees Association, Inc., effective October 17, 1972.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-878) Councilman Lodico offered the following resolution:

WHEREAS, there is a vacancy in the position of Pump Station Operator - Sewer Department,

NOW THEREFORE, be it

RESOLVED, that Thomas R. Coleman, 43 First Avenue, Spring Valley N Y is hereby appointed provisionally to the position of Pump Station Operator - Sewer Department - at the annual salary for 1972 of \$8,742.00 effective October 23, 1972.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-879) Councilman D'Antoni offered the following resolution:

WHEREAS, it has been the long established policy of the Town of Clarkstown for its Town Board, Agencies, Boards and Commissions, to hold meetings during the evening hours in order to accommodate the convenience of the residents of the town and others desiring to participate in public meetings and hearings, and

WHEREAS, in many instances the evening hearings and meetings have resulted in protracted discussions and hearings which have lasted into the morning hours, all of which have tended to defeat the original purpose for scheduling evening meetings, and

WHEREAS, it is an inconvenience to the residents of the Town of Clarkstown and others desiring to be heard at these public hearings and meetings to be required to remain in attendance at such meetings and hearings until the early hours of the morning before being given the opportunity of making a presentation, and

WHEREAS, it is the collective opinion of the members of the Town Board that it is an imposition upon not only the public, but also the members of the various agencies and commissions, to be required to conduct meetings of a prolonged duration;

NOW THEREFORE, be it

RESOLVED, that the public phase of all meetings and hearings conducted by each of the various town agencies, boards and commissions be concluded no later than twelve midnight on the date scheduled for such hearings and that if there are persons to be heard who cannot make a presentation prior to the midnight deadline, that such meeting or hearing be adjourned to an early date to permit those persons the opportunity of making a presentation, and be it

FURTHER RESOLVED, that the aforesaid procedure shall not be construed to prevent any town agency, board or commission from conducting its business in an executive session, from which the public may be excluded after the midnight deadline, and be it

FURTHER RESOLVED, that this resolution take effect immediately.

Seconded by Councilman Looice.

All voted Aye.

(1972-880) Councilman D'Antoni offered the following resolution:

RESOLVED, that George Mellersten, Assessor, is hereby authorized to attend the Conference on Assessment Administration in Dallas, Texas, on 10/16, 17, and 18, 1972, and be it

FURTHER RESOLVED, that all actual and necessary expenses are to be made a proper Town Charge, not to exceed amount of \$200.00.

Seconded by Councilman Lodico.

All voted Aye.

(1972-881) Councilman Lodico offered the following resolution:

RESOLVED, that the Building Inspector be and he is hereby authorized to issue a building permit to John and Carol Tremaine for property located on the w/s of Lenox Ave., 260' north of Tremont Avenue, Congers N Y, more particularly described as Map No. 126, Block B, Lot No. 7.07 and 60' of Lot No. 7.05, pursuant to Sec. 280-a of the Town Law, and be it

FURTHER RESOLVED, that all recommendations from both the Town Engineer and the Building Inspector be adhered to prior to said issuance of Building Permit, covenants as prepared by the Town Attorney to be signed.

Seconded by Councilman Nichols.

All voted Aye.

(1972-882) Councilman Nichols offered the following resolution:

RESOLVED, that the Building Inspector be and he is hereby authorized to issue a building permit to Guterl Construction Corp. for property situate on the w/s of Division St. at the intersection of Ivy St. and Laurel Rd., and located in Central Nyack N Y, more particularly described as Map 120, Block F, Part of Lot 24, pursuant to Sec. 280a of the Town Law, and be it

FURTHER RESOLVED, that all recommendations from both the Town Engineer and the Building Inspector be adhered to prior to said issuance of building permit, and be it

(continued)

(1972-882 - continued)

FURTHER RESOLVED, that Guterl Construction Corp. agrees to install utilities underground and further agrees to install drainage, roads and curbs according to town specifications, all at no expense to the town, and further that covenants as prepared by the Town Attorney, be signed.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-883) Councilman Michaus offered the following resolution:

RESOLVED, that the Building Inspector be and he is hereby authorized to issue a building permit to Kinderkamack Realty Corp. for property situate on the e/s of Division St., 65.64 feet east from the intersection of Old Gypsy Camp Road (Laurel Road) and located in Central Nyack, N Y more particularly described as Map 120, Block F, Part of Lot 24, pursuant to Sec. 280a of the Town Law, and be it

FURTHER RESOLVED, that all recommendations from both the Town Engineer and the Building Inspector be adhered to prior to said issuance of building permit, and be it

FURTHER RESOLVED, that Kinderkamack Realty Corp. agrees to install utilities underground and further agrees to install drainage, roads and curbs according to town specifications, all at no expense to the town, and further that covenants as prepared by the Town Attorney, be signed.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-884) Councilman Nichols offered the following resolution:

RESOLVED, that the Building Inspector be and he is hereby authorized to issue a building permit to J.H.P. Construction Corp. for property located on the s/s of Division St/, 138.64 feet east from the intersection of Old Gypsy Camp Road (Laurel Road) and located in Central Nyack, N Y , more particularly described as Map 120, Block F, Part of Lot 24, pursuant to Section 280a of the Town Law, and be it

FURTHER RESOLVED, that all recommendations from both the Town Engineer and the Building Inspector be adhered to prior to said issuance of building permit, and be it

FURTHER RESOLVED, that J.H.P. Construction Corp. agrees to install utilities underground and further agrees to install drainage, roads and curbs according to town specification all at no expense to the town and further that covenants as prepared by the Town Attorney be signed.

Seconded by Councilman D'Antoni.

All voted Aye.

Monthly Reports for the month of September 1972 received from the Zoning Board of Appeals and the Office of the Building Inspector. Noted by Town Board; ordered filed in the Town Clerk's Office.

(1972-885) Councilman Nichols offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc. is hereby authorized to install fourteen (14) 22,500 mercury vapor flood lights at \$97.20 each per year; total annual cost to town \$1,360.80 in Childrens' Memorial Park, Congers. (Congers Lake Park)

Seconded by Councilman Lodioc.

All voted Aye.

(1972-886) 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 that Chapter 34 of the Code of the town entitled "SEWER DISTRICT REGULATIONS" be amended as follows:

Amend Sec. 34-6, paragraph 1 to read as follows:

"(1) All applications for certificates of registration to construct any house sewer or do any work indicated to any connection to said system, shall be made in writing to the Superintendent, and all certificates of registration shall be granted by the Board. The fee for such certificate of registration shall be fifty dollars (\$50.00). The applicant, before receiving such certificate, shall furnish to the Board, proof satisfactory to it:....."

NOW THEREFORE, be it

RESOLVED, that a public hearing be had at the Board Room of the Town Hall, 10 Maple Avenue, New City N Y on the 1st day of November, 1972 at 8:02 PM relative to such proposed amendment, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the official newspaper of the town, and posted in the manner provided by law; and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the Town Clerk.

Seconded by Councilman Michans.

All voted Aye.

(1972-887) Councilman Michans offered the following resolution:

WHEREAS, Councilman Michans, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law to amend Local Law No. 9-1971 entitled "A LOCAL LAW PROVIDING FOR SAFETY OF MOTOR VEHICLE OPERATION AND FOR REGULATION, MAINTENANCE AND MANAGEMENT OF SAFETY IN PUBLIC PLACES WITH RESPECT TO PARKING, INGRESS AND EGRESS AND SAFETY IN THE UPKEEP OF PLACES ACCESSIBLE TO THE PUBLIC (EXERCISE OF THE POWERS GRANTED TO THE TOWN OF CLARKSTOWN BY ARTICLE 41 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK)" as follows:

(continued)

(1972-887 - continued)

Amend Sec. 9, Traffic Violations Bureau, as follows:

B. Organization.

(2) Said Bureau shall maintain such hours as may be designated by the Justice Court.

D. Procedure.

(2) At any time prior to the issuance of a warrant for an "alleged violator's" arrest, the "alleged violator" may appear personally, or by designated person, or by written power of attorney, in such form as prescribed by the Traffic Violations Bureau, before the Traffic Violations Bureau to answer the violation alleged. Said violation may be satisfied by payment of the prescribed fine and a writing waiving a court hearing. Fulfillment of said conditions shall presumptively be considered a plea of guilty, which plea the Bureau Director shall be authorized to enter. A defense of prior theft of a motor vehicle interposed to a non-moving violation by the owner thereof shall be established to and accepted by the Traffic Violations Bureau by the mailing, by the vehicle owner or his agent, by certified mail, return receipt, of a certified record of the report made of said theft of the motor vehicle to any police department, to the attention of said Traffic Violations Bureau.

and,

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest that the aforesaid proposed local law to amend Local Law No. 9-1971 be adopted;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec. 20 of the Municipal Home Rule Law be had at the Board Room in the Town Hall, 10 Maple Avenue, New City N Y on the 1st day of November 1972 at 8:05 PM relative to such proposed local law to amend Local Law No. 9-1971, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the official newspaper of the town, and posted in the manner provided by law, and be it

(continued)

(1972-887 - continued)

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-888) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Board hereby grants permission to James Fava for an emergency exit only onto College Avenue, Manuset N Y for the Mercantile Building (Map 32, Block 1A, Lot 6), situate on the corner of College Avenue and First St., Manuset N Y, in accordance with Sec. 6.5⁴ of the Zoning Ordinance.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-889) Councilman Nishaus offered the following resolution:

RESOLVED, that based upon the recommendation of the Planning Board, that in accordance with Sec. 6.5⁴ of the Zoning Ordinance, site SL 14B2, Herbert Cocks Office Building, Manuset, N Y, be and is hereby granted principal access from College Avenue and a subsidiary access from West Nyack Road, Manuset N Y., as per Map dated 5/11/71 and revised 12/17/71, 1/24/72, 5/16/72 and 7/7/72 made by Edward Goudy, Architect, Piermont Avenue, South Nyack, New York.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-890) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Supt. of Highways be and is hereby authorized to erect two STOP signs at the following locations:

Southwest corner of McCarthy Way & Strattown Roads; and
Northwest corner of Parrot Road & McCarthy Way, West Nyack N Y.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-891A) Councilman Michaus offered the following resolution:

WHEREAS, the Town Board authorized to Town Planner to prepare a replacement map for the Official Map of the Town of Clarkstown by resolution #669 dated 7/5/72; and

WHEREAS, the Town Planner has advised the Town Board that the replacement map has been completed, and

WHEREAS, the new Official Map has been updated with the additional locations of public buildings as well as the identification of all major streams in the Town of Clarkstown,

NOW THEREFORE, be it

RESOLVED, that the Official Map as prepared by the Office of the Town Planner under date of 9/1/72 be and is hereby accepted, and be it

FURTHER RESOLVED, that copies of said map be made available for purchase at the Office of the Town Planner, at cost of \$5.00 per copy.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-891B) Councilman Niehaus offered the following resolution:

WHEREAS, a right of entry agreement was obtained from Robert F. Vunk and Helen Vunk to permit the installation of a sanitary sewer pipe along the westerly boundary line of property owned by the aforesaid individuals, and

WHEREAS, when the sanitary sewer pipe was actually installed in the ground it was not placed within the area for which the right of way had been granted, and

WHEREAS, the aforesaid owners have agreed to convey an easement to the Town of Clarkstown for the sewer line as actually constructed, and

WHEREAS, a portion of the original easement is no longer needed, and

WHEREAS, a description of the portion of the sanitary sewer easement not required is attached to this resolution, (INSERT DESCRIPTION)-r/c

NOW THEREFORE, be it

RESOLVED, that the portion of the sanitary sewer easement as described be released to Robert F. and Helen Vunk and that Joseph F. X. Nowicki, Deputy Town Attorney be authorized to prepare the necessary documents to release the aforesaid portion of the sewer easement.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-892) Councilman Niehaus offered the following resolution:

WHEREAS, Regulation 2.3j of the Town of Clarkstown Labor Agreement of 1/1/71 provides for an extension of sick leave with pay to any permanent employee who has used up all his or her sick leave, vacation, holidays, overtime and personal leave credits, provided, however, that compensation for such extended sick leave at one-half (1/2) the normal salary, and

WHEREAS, Lucille Whalen has used all of her available sick leave, vacation, holidays, overtime and personal leave credits,

(continued)

(1972-892 - continued)

NOW THEREFORE, be it

RESOLVED, that Lucille Whalen be paid one-half (1/2) her normal salary not to exceed two months, retroactive to 10/1/72.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-893) Councilman Niehaus offered the following resolution:

WHEREAS, the following have brought a proceeding for review of the assessment of their properties in the Town of Clarkstown under Article 7 of the Real Property Tax Law;

BROOKDALE ASSOCIATES
GIZELLA RICH
HARRY & SIMON WAITZMAN
ROBERT M. GROSSMAN (3 Actions)

and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution dated the 16th day of August 1972, authorized the Town Attorney's Office to defend such action and take all necessary required proceedings in connection with said action, and

WHEREAS, an Order has been entered by the Supreme Court appointing Robert Docher, Esq. as referee to take evidence in said proceeding, and

WHEREAS, it is the opinion of the Office of the Town Attorney that the complexities of the matter require a trial by a judge and not a referee, and

WHEREAS, the cost of proceedings before a referee would work a financial hardship on the town as well as the property owners, and

WHEREAS, the Town Attorney's Office recommends appealing said Order to the Appellate Division of the Supreme Court;

(continued)

(1972-893 - continued)

NOW THEREFORE, be it

RESOLVED, that the Town Attorney be and he hereby is authorized to appeal the Order of Mr. Justice Morton B. Silberman dated the 11th day of October 1972 appointing Robert Doscher, Esq. as Referee in this matter, to the Appellate Division, Second Department.

Seconded by Councilman Pizutello.

All voted Aye.

(1972-894) **Councilman Nishaus offered the following resolution:**

RESOLVED, that for the purpose of securing the extension of Inwood Drive to provide emergency access from Bardonia Road to Dearest Hill Road and thereafter to Clarkstown High School South, the Planning Board is authorized to apply Town Law 281 to the subdivision known as Saynor Estates (Map revision 9/21/72) on condition that Inwood Drive and its extension be paved with a base course and drainage installed to the satisfaction of the Town Engineer as soon as possible, all at no cost or expense to the town.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-895) **Councilman Nishaus offered the following resolution:**

WHEREAS, the COUNTY OF ROCKLAND, acting through the ROCKLAND COUNTY COMMUNITY MENTAL HEALTH BOARD, has heretofore contracted with the New York State Narcotic Addiction Control Commission for the conduct of a Drug Abuse Treatment Program providing ambulatory or inpatient service or both designed primarily for persons sixteen years of age or less as contained in Section 213-a of the Mental Hygiene Law of the State of New York, and

(continued)

(1972-895 - continued)

WHEREAS, such Section 213-a empowers the said COUNTY OF ROCKLAND to conduct such program through contracts with qualified community organizations, and

WHEREAS, the TOWN OF CLARKSTOWN, acting through the CLARKSTOWN NARCOTIC GUIDANCE COUNCIL, is desirous of the New York State Narcotic Addiction Control Commission to so participate;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the COUNTY OF ROCKLAND, acting through the ROCKLAND COUNTY COMMUNITY MENTAL HEALTH BOARD, to provide for a Drug Abuse Treatment Program, and be it

FURTHER RESOLVED, that the term of said agreement shall be for a period of one (1) year commencing April 1, 1972 and terminating on March 31, 1973, and be it

FURTHER RESOLVED, that the COUNTY OF ROCKLAND, acting through the ROCKLAND COUNTY COMMUNITY MENTAL HEALTH BOARD, agrees to pay and the TOWN OF CLARKSTOWN agrees to accept payment in full for said program the sum of TWENTY-FIVE THOUSAND and 00/100 (\$25,000.00) DOLLARS.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-896) Councilman D'Antoni offered the following resolution:

RESOLVED, based upon the recommendation of the Town Engineer, that the Spring Valley Water Company is hereby authorized to install one (1) hydrant on the north side of First St. approximately 50' east of the center line of Kings Highway, Congers N Y.

Seconded by Councilman Lodi.

All voted Aye.

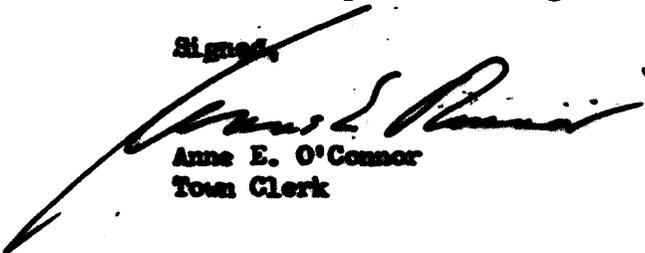
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Building Inspector Robert H. Bowman submitted Final Report re Congers. (Town Board resolution #588) listing properties investigated as of 10/13/72; properties under further investigation; matters pending before Justice Court; violations removed; violations stayed (Appeal to ZBA); and those fined by Court.

Councilman Lodico notified assemblage that there would be a 'Compactor Christening' at 11:30 AM this coming Saturday at the Landfill site.

On resolution offered by Councilman Pizzutello, seconded by Councilman Niehaus and unanimously adopted, Town Board meeting was adjourned until Wednesday, October 25th, 1972 at 8:00 PM, at which time Town Board will open bids and hold scheduled public hearing.

Signed,



Anne E. O'Connor
Town Clerk