

Town Board

7/1/74

7:00 PM

Present: Co. D'Antoni, Lofico, Pizzutello, Maloney, Supv. Gerber
Town Clerk Anne E. O'Connor
Town Attorney Murray N. Jacobson

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

(1974-363) Co. Pizzutello offered the following Proclamation:

"SENIOR CITIZENS MONTH"

WHEREAS, the Town of Clarkstown wishes to
formally recognize our Senior Citizens, a group which
is an indispensable part of our Community, and

WHEREAS, our Senior Citizens, without whose wisdom,
experience and special knowledge no community can function
effectively, and

WHEREAS, the Clarkstown Town Council is aware
of the heavy financial burdens of many of this group,
and is trying new ways to relieve these burdens, including
our Senior Citizens Discount Program which so far has
over 120 merchants offering discounts to our older residents,
and

WHEREAS, we are also aware that loneliness can
come to all of us as we grow older, and believe that our
six (6) Clarkstown Senior Citizens Clubs have helped solve
this problem for many of our residents, and

WHEREAS, we wish to affirm the respect, affec-
tion and concern we feel for this very special group of
people;

NOW THEREFORE, be it

RESOLVED, that I, George Gerber, Supervisor of
the Town of Clarkstown, on this May 1st, do hereby
proclaim the Month of May, 1974 as "SENIOR CITIZENS' MONTH"
in the Town of Clarkstown, and urge all our residents to
join with us in recognizing all our Senior Citizens in
an appropriate fashion.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-364) Co. Pizzutello offered the following Proclamation:

WHEREAS, the handicapped and afflicted have
always had a distinct disadvantage in seeking gainful
employment in a competitive environment; and

WHEREAS, in recent years, much has been done
to test and evaluate their abilities and to provide the
training and vocational assistance they require to be-
come self-supporting, self-respecting members of the
community; and

WHEREAS, to this end, GOODWILL INDUSTRIES OF
GREATER NEW YORK, as a leader in the field of vocational
rehabilitation and employment of the handicapped, merits
the esteem and confidence of this proud and grateful
community; and

(continued)

(1974-365) - continued)

WHEREAS, Goodwill Industries is far more than a yellow and blue collection box located in the neighborhood shopping center, but rather is a positive force for a sometimes forgotten minority, the handicapped and disabled of our nation;

NOW THEREFORE, be it

RESOLVED, that I, George Gerber, Supervisor of the Town of Clarkstown, do hereby proclaim the week of May 5 - 11, nineteen hundred and seventy four as "GOODWILL WEEK" in the Town of Clarkstown and urge all of our citizens, in a manner of good will, to give their attention and support to this very worthwhile community service.

Seconded by Co. Maloney.

All voted Aye.

(1974-365) Co. Lodico offered the following resolution:

WHEREAS, the firm of Lexow & Jenkins represents the Town of Clarkstown, William L. Vines and Frederick P. Roland in the matter entitled as follows:

ALL STATE ASSOCIATES, INC. and RALPH CRESTONE,
Plaintiffs,

-against-

THE TOWN OF CLARKSTOWN, WILLIAM E. VINES,
FREDERICK P. ROLAND, BECKERLE BROWN, INC.
and JOSEPH F. X. NOZICKI,

Defendants;

and

WHEREAS, substantial litigation expenses have been incurred in said matter, which expenses have resulted in the Town Attorney's office exceeding its budget for litigation which is in the amount of \$20,000.00, and

WHEREAS, it appears that a lengthy trial will result in this matter in which additional litigation expenses have been estimated between the amounts of \$50,000 and \$75,000;

NOW THEREFORE, be it

RESOLVED, that the sum of \$50,000 be transferred from Special Items Account No. 1900 to Town Attorney's budget for the purpose of defraying future litigation expenses.

Seconded by Co. Maloney.

All voted Aye.

**"1786 Week" will be celebrated on May 15, 1974
at 7:00 PM, before the regular Town Board meeting.**

TBM - 5/1/74
Page 3

(1974-366) Co. Pizzutello offered the following resolution:

WHEREAS, the firm of Granik, Garson, Silverman and Nowicki, Esq. was appointed as Special Counsel to the Town of Clarkstown in the matter of Nick Guttman Inc. v. Vines, et al by resolution No. 523 adopted May 24, 1972, and

WHEREAS, it is deemed advisable that the Town Attorney's Office be substituted as counsel for the Town of Clarkstown in said matter, and

WHEREAS, the firm of Granik, Garson, Silverman and Nowicki have consented to such substitution;

NOW THEREFORE, be it

RESOLVED, that Murray N. Jacobson, Town Attorney of the Town of Clarkstown, is hereby substituted for the firm of Granik, Garson, Silverman and Nowicki as counsel for the Town of Clarkstown in the matter of Nick Guttman Inc. v. Vines, et al.

Seconded by Co. Lodice.

All voted Aye.

(1974-367) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of Alfred Berg, Town Engineer, the bid for the construction of drainage improvement along Brewery Road and Parrett Road, West Nyack, is awarded to Ufheil Construction Co., 178 River Road, New Milford, New Jersey, at a bid price of \$158,575.50, and be it

FURTHER RESOLVED, that funds to cover this construction be taken from Drainage Account.

Seconded by Co. Lodice.

All voted Aye.

(1974-368) Co. D'Antoni offered the following resolution:

RESOLVED, that the minutes of the Town Board meeting held on April 17th, 1974, are hereby accepted and approved and adopted, as submitted by the Town Clerk.

Seconded by Co. Pizzutello.

All voted Aye.

TBM - 5/1/74
Page 4

(1974-369) Co. Lodice offered the following resolution:

WHEREAS, the Town of Clarkstown provided for a mandatory odd/even program for Gas Allocation prior to its adoption by the State of New York, and

WHEREAS, the State of New York has seen fit to eliminate the odd/even gas allocation program, and

WHEREAS, it would appear desirable to keep such a mandatory odd/even program of gas allocation in the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown keep such a mandatory odd/even gas allocation program, and be it

FURTHER RESOLVED, that the Supervisor take all steps necessary to effectuate this program.

Seconded by Co. Maloney

On roll call the vote was as follows:

AYES: Co. Lodice, Maloney, Pinnatello, Supv. Gerber
ABSTENTION: Co. D'Antoni.

MOTION CARRIED

(1974-370) Co. Lodice offered the following resolution:

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

Seconded by Co. D'Antoni.

All voted Aye.

(1974-371) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Maloney.

All voted Aye.

TEM - 5/1/74
Page 5

(1974-372) Co. Maloney offered the following resolution:

RESOLVED, that decision on Establishment of a Development Easement Acquisition Commission (DEACOM), be RESERVED.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-373) Co. Lodice offered the following resolution:

WHEREAS, the following has applied to the Town of Clarkstown for a Certificate of Registration pursuant to Sec. 83-65 of the Code of the Town of Clarkstown:

T.B.M. Construction Co., Inc.
391 Ridgewood Road
Westwood, New Jersey

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 74-22 to T.B.M. Construction Co., Inc.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-374) Co. D'Antoni offered the following resolution:

RESOLVED, that upon the recommendation of the Highway Superintendent and the Town Engineer, deed from PEARL CHEST KNOLLS, INC., dated November 5, 1973, recorded in the Rockland County Clerk's Office on December 6, 1973 in Liber 939 at Page 1016, conveying a road and other improvements to the Town of Clarkstown in a subdivision as shown in Final Plat of Clarkstown in a subdivision as shown on Final Plat of "BRIDLE RIDGE PARK" filed in the Rockland County Clerk's Office on February 16, 1968, in Book 74 of Maps at Page 65 as Map No. 3679, as follows:

Bridle Lane

is hereby accepted by the Town of Clarkstown.

Seconded by Co. Pizzutello.

All voted Aye.

Proposed resolution accepting roads in Silver Heights Estates -- deferred.

TBM - 5/1/74
Page 6

(1974-375) Co. D'Antoni offered the following resolution:

WHEREAS, the Congress of the United States has enacted Public Law 89-564, as amended, entitled "An Act to Provide for a Coordinated National Highway Safety Program Through Financial Assistance to the States to Accelerate Highway Traffic Safety Programs, and for Other Purposes.", and

WHEREAS, the Interdepartmental Traffic Safety Committee has been designated by the Governor of the State of New York, by Executive Order No. 22, dated April 27, 1967, pursuant to Art. 16-A of the Executive Law, to act in behalf and to represent and act for the State in dealing with the Secretary of Transportation for the purpose of carrying out the provisions of said Public Law 89-564, as amended, and

WHEREAS, said committee has made application to the Secretary of Transportation for approval of a project identified as "Interdepartmental Traffic Safety Committee Project No. PT 74-023", and the Secretary has, pursuant to said Public Law 89-564, as amended, approved such project, and copy of said application and notice of said approval is attached hereto and made a part hereof, and

WHEREAS, the total cost of said project is \$17,520. of which sum the Federal Government, through the National Highway Traffic Safety Administration, by its approval of the State's Annual Highway Safety Work Program, has obligated itself to pay the State of New York funds equal to or greater than the amount of \$6,778.00, and

WHEREAS, by Chapter 30 of the Laws of 1973, funds have been appropriated by the State for payment in the first instance by the implementing projects and programs in accordance with the provisions of said Public Law 89-564, as amended, and

WHEREAS, the Town of Clarkstown hereby assures the said committee that it has available sufficient funds to meet its share of the cost of the project, and

WHEREAS, the Federal Government will pay to the State funds equal to or greater than the amount of \$6,778.00, and that said amount will be applied to this project;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown be and he hereby is authorized to execute an agreement in a form satisfactory to the New York State Interdepartmental Traffic Safety Committee to provide for the following Highway Safety Committee Project Grant application:

No: PT 74-023-(001)
Title: STEP
Effective Date: April 1, 1974
Amount: \$6,778.00

as approved by the Secretary of Transportation of the State of New York.

Seconded by Co. Maloney.

All voted Aye.

TEN - 5/1/74
Page 7

(1974-376) Co. Maloney offered the following resolution:

RESOLVED, that the petition of **TOLSTOY FOUNDATION NURSING HOME CO., INC.** for a Special Permit for the erection of an extension to an existing Nursing Home pursuant to requirements of Section 106.10A (formerly Sec. 3.11) (Table of General Use Regulations) of the Town of Clarkstown Zoning Ordinance adopted June 30, 1967, for property located at Lake Road, Valley Cottage, New York, be referred to the Clarkstown Planning Board for report.

Secended by Co. D'Antoni.

All voted Aye.

(1974-377) Co. Maloney offered the following resolution:

WHEREAS, the State Legislature is presently considering a bill to regulate election campaign financing and to set standards for the regulation of campaign expenditures in primaries and general elections, and

WHEREAS, recent history has shown that the electoral and democratic process has been damaged where persons run for office and are required to spend large sums of money in order to seek election, and

WHEREAS, there are many people and corporations with a direct interest in influencing the electoral process and who also have the money and capital to finance their desire to influence the outcome of elections, and

WHEREAS, this influence has the capacity to destroy the freedom of election and to encourage campaigns only by persons who have control of large financial resources, it is hereby, therefore,

RESOLVED, the Town Board of the Town of Clarkstown goes on record of favoring legislation designed to limit campaign expenditures and to encourage all persons to public service regardless of their economic and financial resources; and be it

FURTHER RESOLVED, that a copy of this Resolution be sent to the Governor of the State of New York, Senator Acherson and Assemblyman Levy and Grune.

Secended by Co. Pissuttillo.

All voted Aye.

Pertaining to Reso. #375

26J

<p>APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT</p>		<p>FOR TSC USE ONLY</p> <p>STATE: <u>New York</u> REGION: <u>PTS</u></p> <p>COUNTY: _____ SUBSECTION: _____</p> <p>POLITICAL SUBDIVISION: <u>Clarkstown</u> WORK TYPE: _____</p> <p>PROJECT NO.: _____ DATE RECEIVED: _____</p> <p>PT # <u>71-025-(001)</u> DATE APPROVED: _____</p> <p>TRANSACTION NO.: _____</p>	
<p>1. PROJECT TITLE</p> <p><u>STEP</u></p>		<p>2. TYPE OF APPLICATION (CHECK ONE)</p> <p><input checked="" type="checkbox"/> A. INITIAL <input type="checkbox"/> B. REVISION <input type="checkbox"/> C. CONTINUATION</p>	
<p>3. APPLICANT</p> <p>A. NAME OF AGENCY</p> <p><u>Clarkstown Police Department</u></p>		<p>B. ADDRESS OF AGENCY</p> <p><u>10 Maple Avenue New City, New York 10956</u></p>	
<p>C. GOVERNMENTAL UNIT (CHECK ONE)</p> <p><input type="checkbox"/> (1) STATE <input type="checkbox"/> (3) COUNTY</p> <p><input type="checkbox"/> (2) CITY <input checked="" type="checkbox"/> (4) OTHER (CHECKED) <u>Town</u></p>		<p>D. NAME AND ADDRESS OF GOVERNMENTAL UNIT</p> <p><u>9 James Drive Nanuet, New York 10954</u></p>	
<p>E. LOCATION OF PROJECT</p> <p><u>Town of Clarkstown</u></p>			
<p>4. DURATION</p> <p>A. GRANT PERIOD (MO.-YR.)</p> <p>FROM: <u>4/1/74</u> TO: <u>6/30/74</u></p>		<p>B. PROJECT PERIOD (MO.-YR.)</p> <p>FROM: <u>4/1/74</u> TO: <u>6/30/74</u></p>	
<p>5. FUNCTIONAL AREA</p> <p><u>Police Traffic Services</u></p>			
<p>6. DESCRIPTION OF PROJECT (DESCRIBE IN DETAIL OR REFER TO SCHEDULE A)</p>			
<p>7. BUDGET (SEE INSTRUCTIONS PROVIDE EXPLANATION AS CALLED FOR ON SCHEDULE B)</p>			
<p>A. COST CATEGORY</p>		<p>PROJECT PERIOD (1)</p>	<p>TOTAL EXPENDITURES PERIOD YEARS</p>
<p>(A) PERSONAL SERVICES</p>			
<p>(B) CONTRACTUAL SERVICES</p>			
<p>(C) COMMODITIES</p>			
<p>(D) OTHER DIRECT COSTS</p>			
<p>(E) INDIRECT COSTS</p>			
<p>TOTAL ESTIMATED COSTS <small>(TOTAL NON-FEDERAL SHARE)</small></p>		<p>\$17,520</p>	<p>\$17,520</p>
<p>B. SOURCE OF FUNDS</p>			<p>C. SPECIFY HOW NON-FEDERAL SHARE WILL BE PROVIDED.</p>
<p>(1) FEDERAL</p>		<p>\$ 6,778</p>	<p>Federal funds will participate in 50% of project costs up to a maximum of \$6,778.</p>
<p>(2) STATE</p>			
<p>(3) POLITICAL SUBDIVISION</p>		<p>10,742</p>	
<p>(4) OTHER (EXPLAIN IN C)</p>			
<p>TOTAL</p>		<p>\$17,520</p>	

TBM - 5/1/74
Page 8

(1974-378) Co. D'Antoni offered the following resolution:

WHEREAS, an action has been instituted against the Town of Clarkstown entitled as follows:

CANDLEWOOD CONSTRUCTION CORP., Plaintiff,

-against-

TOWN OF CLARKSTOWN, Defendant.

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps in court to defend said action.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-379) Co. Pizzutello offered the following resolution:

WHEREAS, Article 6A of the New York State Vehicle & Traffic Law has been deleted therefrom, and

WHEREAS, in Chapter 97 (formerly known as Chapter 40) of the Code of the Town of Clarkstown entitled "Taxicabs", under Section 97-5, reference is made to the aforementioned Article 6A and, therefore, said section will have to be amended as follows:

Sec. 97-5. "No application for taxicab license shall be issued unless proof of financial responsibility as provided by Article 6 of the Vehicle and Traffic Law of the State of New York is first given. No taxicab license or taxicab driver's license shall be issued to a person who has been convicted of a felony."

NOW THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City N Y on the 22nd day of May, 1974 at 8:30 PM relative to such proposed amendment, and be it

FURTHER RESOLVED, that a notice of the time, place and purpose of such hearing shall be published in the Journal News 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 Co. Maloney.

All voted Aye.

TBM - 5/1/74
Page 9

(1974-380) Co. D'Antoni offered the following resolution:

WHEREAS, comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended, and

WHEREAS, the Town Board of the Town of Clarkstown desires to further amend said Zoning Ordinance;

Now THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec. 264 of the Town Law be had at the auditorium of the Town Hall, 10 Maple Ave., New City N Y, on the 15th day of May 1974 at 8:15 PM, to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown, now designated as Chapter 106 of the Code of the Town of Clarkstown:

1. Amend Section 106-3, sub-paragraph B, by adding thereto the following definitions;

AGENCY BOARDING HOME--A boarding home operated by a public service agency or private non-profit child caring agency authorized by the New York State Board of Social Welfare with occupancy limited to six (6) unrelated minors or more than six (6) minors if related by blood, who shall be under the age of 21 years and over the age of 5 years.

AGENCY GROUP HOME--A group home operated by a social service agency or private non-profit child caring agency authorized by the New York State Board of Social Welfare with occupancy limited to twelve (12) minors under the age of 21 years and over the age of 5 years.

AGENCY COMMUNITY RESIDENCE--A community residence operated by a public social service or mental hygiene agency or private non-profit agency authorized by the New York State Board of Social Welfare or Commissioner of Mental Hygiene with occupancy limited to twenty-four (24) unrelated adults above the age of 21 years.

2. Amend Section 106-10A, Table of General Use Regulations, by adding the following uses to Column 3, sub-paragraph B, Uses Permitted by Special Permit of the Town Board, in R-30 District, R-40 District, R-22 District, R-15 District, R-10 District, RG-1 District, RG-2 District, LD District, FO District, LS District and CS District:

"Agency Boarding Home, Agency Group Home and Agency Community Residence."

(continued)

TBM - 5/1/74
Page 10

(1974-380 -- continued)

3. Amend Section 106-10 by adding thereto the following paragraph:

C. Special Permit Bulk Table. The accompanying table, entitled "Table of Bulk Regulations for Special Permit Uses" shall be deemed to be part of this section and is referred to herein as "Special Permit Bulk Table." (SEE INSERT) and be it

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, the official newspaper of the town, as aforesaid, and file proof thereof in the office of said Clerk.

Seconded by Co. Maloney.

All voted Aye.

(1974-381) Co. Maloney offered the following resolution:

RESOLVED, that the Town Clerk be authorized to re-advertise for bids for one truck for use in dog control; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City N Y, on May 13th, 1974 before 4:00 PM, at which time they will be opened, and be it

FURTHER RESOLVED, that specifications can be obtained at the aforesaid office of the Clarkstown Purchasing Director.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-382) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install additional "NO PARKING" signs on the south side of Old Lake Road from Kings Highway in front of Kilgallen's, a Boutique, a dental office, a drug store and the Post Office, Valley Cottage, New York.

Seconded by Co. Maloney.

All voted Aye.

(1974-383) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to remove the existing sign at Street School and re-locate it around the curve at Zuker Road, New City, and be it

FURTHER RESOLVED, that directly beneath said sign a 15 M.P.H. sign should be added.

Seconded by Co. Maloney.

All voted Aye.

(1974-384) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a "SCHOOL CROSSING" sign at Street School on Zuker Road, New City.

Seconded by Co. Maloney.

All voted Aye.

(1974-385) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a STOP sign on Starling Place where it intersects at Long Meadow Drive, New City.

Seconded by Co. Maloney.

All voted Aye.

(1974-386) Co. D'Antoni offered the following resolution:

RESOLVED, that Resolution #335, adopted by the Town Board on April 17, 1974, be amended as follows:

'The Superintendent of Highways is hereby authorized to install 'NO PARKING 8 AM to 4PM Monday thru Friday' signs on the west side of South Grant Avenue, Congers, approximately 200 feet south from the intersection with Lake Road to continue southward approximately 400 feet.

Seconded by Co. Maloney

All voted Aye.

TBM - 5/1/74
Page 12

(1974-387) Co. D'Antoni offered the following resolution:

RESOLVED, that George K. Mollersten, Assessor of the Town of Clarkstown, is hereby authorized to attend the 1974 Northeast Regional Conference of Assessing Officers to be held at McAfee, New Jersey, on May 19 to 23, 1974, and be it

FURTHER RESOLVED, that all proper charges, not to exceed \$200.00 be charged against Conference #414.

Seconded by Co. Maloney.

All voted Aye.

(1974-388) Co. Pizzutelle offered the following resolution:

WHEREAS, the Town of Clarkstown will receive a parcel of land situate at the corner of Old Route 304 and Zuker Road, New City N Y as part of the dedication of the Fairhaven Estates Subdivision, and

WHEREAS, the Historical Society of Rockland County desires to use a portion of said land for a parking lot in conjunction with the museum operated by the Historical Society on the property to the north;

NOW THEREFORE, be it

RESOLVED, that the request of the Historical Society of the County of Rockland is hereby granted conditional upon the following:

1. The Town of Clarkstown obtaining title to said property;

2. An affirmative vote by the Zoning Board of Appeals within twenty days from the date hereof approving the use of said premises for a parking lot in conjunction with the museum operating on the premises to the north for which an application is presently before said Zoning Board of Appeals; and be it

FURTHER RESOLVED, that upon the satisfaction of the foregoing conditions, the Supervisor of the Town of Clarkstown is authorized to execute a license to the Historical Society of Rockland County for said parking lot use, which license shall be in a form satisfactory to the Town Attorney's Office.

Seconded by Co. Lodi.

All voted Aye.

TBM - 5/1/74
Page 13

(1974-389) Co. Pizzutelle offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is desirous of acquiring property shown and designated as Block B, Lots 1 to 17 inclusive and Block C, Lots 1 to 7 inclusive, on Subdivision Plat entitled "Clarkstown Estates, Plat One, Town of Clarkstown, Rockland County, New York", dated 12/9/71 and filed in the Office of the Clerk of the County of Rockland in Book 83 of Maps at Pages 12, 13, 14, 15 and 16, as Map No. 4220, for park and recreational facilities; and

WHEREAS, J. KNUTSEN & CO. is agreeable to selling said premises for the sum of \$325,000;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown purchase said property for the sum of \$325,000; and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a contract for the purchase of said property subject to the approval of bonding and other legal procedures necessary to effectuate said purchase; and be it

FURTHER RESOLVED, that the Town Attorney herewith take all necessary steps to provide for the sale of bonds and/or notes in the amount of \$325,000.

Seconded by Co. Lodice.

All voted Aye.

In response to statements made by Mrs. Russo, et al re price and request for study, Supervisor Garber replied that matter has been gone through thoroughly; the Recreation Commissioner says this is needed, and appraisers say the price is good. This land already used by town for emergency parking, we will get immediate possession. He is willing to separate this section from any any controversial area of the entire lake. Councilman Lodice stated this portion was never part of the controversy.

(1974-390) Co. D'Antoni offered the following resolution:

WHEREAS, a flooding problem exists to the rear of homes situate on Klein Avenue, West Nyack N Y,

NOW THEREFORE, be it

RESOLVED, that fill will be installed in the town property (known as River Estates) in the area east of the properties situate on the east side of Klein Avenue running from the south side of Louisa Drive to the south end of the Bertore property, and be it

(continued)

TBM - 5/1/74
Page 14

(1974-390 - continued)

FURTHER RESOLVED, that the cost of excavating said fill and installation, is not to exceed the amount of \$10,00; and is to be transferred from the Drainage Account.

Seconded by Co. Ledice.

All voted Aye.

(1974-391) Co. D'Antoni offered the following resolution:

WHEREAS, the present condition of Toms Mill Creek, Valley Cottage, New York, is causing severe erosion and drainage problems,

NOW THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to perform the following work in relation to Toms Mill Creek, at a cost not to exceed the following:

1. Property of Lieper: Remove dead trees at a cost not to exceed \$300.00;
2. Property of Macayle: Channel creek at cost not to exceed \$2000.; to include removal of trees on Brown property, provided that access be obtained through the Ward property.
3. Property of Kovacik: Seed edge of creek and clean culvert, if needed; at cost not to exceed \$180.;

and be it

FURTHER RESOLVED, that the sum of \$2,680. be charged to Capital Fund - Drainage Account.

Seconded by Co. Ledice.

All voted Aye.

Proposed resolution amending street specifications adopted 2/27/61, as amended -- **DEFERRED**.

TBM - 5/1/74
Page 15

(1974-392) Co. Pizzutello offered the following resolution:

WHEREAS, a hazardous condition exists in the 25 foot drainage easement owned by the Town of Clarkstown in the Woodcrest Estates Subdivision; and

WHEREAS, it would be desirable to pipe said 25 foot drainage easement as it runs through said subdivision;

NOW THEREFORE, be it

RESOLVED, that the Town Engineer of the Town of Clarkstown is hereby authorized to prepare plans and cost estimates for the piping of said drainage easement.

Seconded by Co. Maloney.

All voted Aye.

(1974-393) Co. Pizzutello offered the following resolution:

WHEREAS, during sewer construction, the pavement upon a private street known as Fulton Ave. West Nyack was substantially damaged;

NOW THEREFORE, be it

RESOLVED, that the pot holes presently in existence in said pavement on Fulton Ave., West Nyack shall be repaired by the Highway Department of the Town of Clarkstown; and be it

FURTHER RESOLVED, that the cost of said repairs shall be charged to Sewer Construction Account.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-394) Co. Lodice offered the following resolution:

WHEREAS, the Board of Police Commissioners and Police Chief John Ambrose of the Town of Clarkstown have recommended that Lieutenant George Schnakenberg be promoted to Detective-Lieutenant;

NOW THEREFORE, be it

RESOLVED, that Lt. George Schnakenberg be promoted to Detective-Lieutenant and receive the additional remuneration prescribed for said position, effective May 6, 1974.

Seconded by Co. Maloney.

All voted Aye.

TBM - 5/1/74
Page 16

(1974-395) Co. Maloney offered the following resolution:

WHEREAS, the Board of Police Commissioners have recommended that Police Chief John Ambrose attend the F.B.I. National Academy in Quantico, Virginia;

NOW THEREFORE, be it

RESOLVED, that Police Chief John Ambrose be authorized to attend F.B.I. National Academy in Quantico, Virginia for a twelve week session commencing 6/24/74, at no expense to the town.

Seconded by Co. Ledice.

All voted Aye.

(1974-396) Co. Maloney offered the following resolution:

WHEREAS, the Board of Police Commissioners and Police Chief John Ambrose of the Town of Clarkstown have recommended DR. HAROLD GLUCK be appointed consulting criminologist to the town;

NOW THEREFORE, be it

RESOLVED, that DR. HAROLD GLUCK is hereby appointed consulting criminologist to the Town of Clarkstown for a period of one year commencing 5/1/74 and terminating April 30, 1975 at the yearly fee of ONE DOLLAR (\$1.00).

Seconded by Co. Ledice.

All voted Aye.

(1974-397) Co. Ledice offered the following resolution:

WHEREAS, the Board of Police Commissioners and the Police Chief have recommended that Sgt. Frank Hearn be authorized to attend F.B.I. Firearms Instructor School at Camp Smith, N Y;

NOW THEREFORE, be it

RESOLVED, that Sgt. Frank Hearn be authorized to attend F.B.I. Firearms Instructor School at Camp Smith, New York from 5/13/74 to 5/24/74, all actual and necessary expenses, not to exceed \$100.00; to be paid from the General Fund, Police Department Account No. 3120.

Seconded by Co. Maloney.

All voted Aye.

TEM - 5/1/74
Page 17

(1974-398) Co. Maloney offered the following resolution:

WHEREAS, there will be various grievances and disciplinary hearings held on 5/6/74 by the Board of Police Commissioners; and

WHEREAS, it would be desirable to have a Court Reporter in attendance;

NOW THEREFORE, be it

RESOLVED, that the Police Commissioners authorized to employ the services of a Court Reporter for the 6th day of May 1974; and be it

FURTHER RESOLVED, that the expenses of said Court Reporter shall be charged against Account No. 1010.

Seconded by Co. Ledice.

All voted Aye.

(1974-399) Co. Pizzutello offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist Contingent #74-88, which contains the name of Kathryn Kolka;

NOW THEREFORE, be it

RESOLVED, that Kathryn Kolka, 265 Stroutown Rd., New City N Y is hereby appointed to the position of Typist (Contingent) - Assessor's Office - at the annual salary for 1974 of \$6,245.00, effective May 6, 1974.

Seconded by Co. Maloney.

All voted Aye.

Councilman Ledice presented the following names for acceptance in the Commercial and Industrial Development Committee as follows:

Arthur DiRocco, S.P.A.
Alan Yasky, Appraiser & Developer
Edw. Blanks, O & R Representative
Theodore Zellendeck, Town Planner
Charles Partridge, Realtor
Mr. Herstein, Nassiet School
Herbert Dahn, Clarkstown School
Michael Condéto, Nyack School Board
John Jordan, Active Citizen
Thomas Apostle, Advertising and P.P.
Henry Rudolph,

TBM - 5/1/74
Page 18

Mr. Michael Franchino appeared before the Town Board requesting that the effective date of full value assessment be postponed, if possible, stating that he believes there will be a considerable amount of litigation from parties who have already received their re-evaluation. He suggested that the State Legislature, the County Legislature, or the Town Board appoint an impartial referee, who would last as long as litigation, in terms of re-evaluation, to hear the cases. This way, he continued, the town would not get involved with litigation ad infinitum, and also that the little person would not be brought to a higher court and not be able to pay. Also, he stated, if there were any awards, it would be a blow to the rest of the taxpayers of the town. He asked if it were possible, to get a man to sit for a period of time, only to hear these cases, whose determination would be final and binding.

Town Attorney Jacobson stated that an Article 7 Proceeding could be brought where a Judge refers it to a Referee. The Supervisor stated that postponement will only compound.

Mr. Goodman appeared before the Town Board re Grand Jury Presentation. He stated that the day after presentation made, County Chairmen of all three parties indicated they were opposed to this practice. He suggested that we consider taking some action in the Town of Clarkstown and possibly make it even broader. (Copy attached for TBM)

On resolutions offered by Co. D'Antoni, seconded by Co. Maloney and unanimously adopted, Town Board meeting was adjourned until Wednesday, May 8, 1974 at 8:00 PM.

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

5/1/74

8:15 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Sup. Gerber
Town Clerk Anne E. O'Connor
Town Attorney Murray N. Jacobson

RE: PROPOSED LOCAL LAW ESTABLISHING A DEVELOPMENT EASEMENT ACQUISITION COMMISSION IN THE TOWN FOR THE PURPOSE OF MAINTAINING LANDS AS OPEN SPACE AND AREAS AND ENHANCING THE CONSERVATION OF NATURAL AND SCENIC RESOURCES (DEACOM):

Supervisor Gerber called public hearing to order; Town Clerk testified as to proper posting and publication of notice of hearing.

Town Attorney briefly outlined the proposed local law as follows:

Based on 247 of General Municipal Law, Seven members, staggered terms. Rules and regulations would be adopted with Town Board approval. Parcels of land would be investigated, upon request of owner of property, with view to easement granting. If proposed commission approves, Town Board would call public hearing to approve acquisition.

Town Planner has prepared a map of vacant land in the township, which indicates potential which may be available.

Supervisor Gerber stated that, in terms of additional dwelling units, it is estimated that 6,860 units can be constructed based upon the land use analysis. 1.9 school children per house, potential number of school children - 13,000. Because school taxes represent 63% of total tax bill to the homeowner, any reduction or slowing down of home construction reduces the rate of demand for school services.

Based upon analysis of the costs of the school budget, he continued, it takes \$1,191 per pupil. School taxes to be raised 17.31 per \$100. of assessment. Based on original assessment of an average home of \$7000., not including the re-assessment program. Re Ramapo; cost to the taxpayer of the operation of the Deacom program is slightly over \$1.00 per property; per homeowner. Based upon 20% of the vacant land that might participate in the Town of Clarkstown, it is estimated by the assessor that the overall cost would be increased about 86%.

CORRESPONDENCE RECEIVED:

Mr. Alan H. Anderson, 170 So. Mountain Road, New City:

Supports Deacom; would slow pace of growth.

PH - DEACOM
5/1/74
Page 2

IN FAVOR:

Mrs. Guy S. Daming, 542 South Mountain Rd., New City:

Supports - taxes going up at too rapid a rate.

Mr. Thomas King, 80 Saw Mill Road, New City:

If taxes increased, we will be forced to sell our land. Need DEACOM to hold what we have. If we sell, developers would build homes, there would be increase in school children, which would cost money. We only want to hold taxes down on land we have now that we do not plan to develop.

Mr. Walter Fleischer, Jr., 443 Buena Vista Road, New City:
(Vice-President of the West Branch Conservation Comm.)

In favor of controlled growth and open spaces. In 1972 presented paper to the previous Town Board at hearing of The Dells outlining the cost of rising population in terms of taxation. It establishes base of showing how the taxes rise much faster than the population. (Presented copy of paper to the Supervisor). School taxes, he continued, going up 16% per annum. Town costs going up at 19% per annum. This is based upon population basis. We have not updated those figures. Our predictions are correct; rapidly rising population very expensive thing.

Presented paper re affect of DEACOM in the Town of Ramapo. Covers unincorporated areas only. Startin in 1968, downward trend with Deacom. It can slow down rate of growth. Town Taxes, on per capita basis, much less. School taxes, effect just beginning to show in the last two years in the Town of Ramapo. Their school taxes have started to taper off instead of rising. It takes six years before the first child from a new development starts to show up in the schools. They are now having a marked decrease in their starting classes.

Mr. George Mackay, Strawtown Road, West Nyack:

Master Plan has to be part of the package if it is going to stand up in court. He wants new Master Plan. In the proposed local law, there is no safeguard for upping commercial use to residential use. This must be included in this proposed land bank law.

Mr. Alan Yasky, (Real Estate Broker 15 years in the township):

There will be a flood of downzoning requests if this does not go through. 80% of vacant land in the community has been in the same hands for over 10 years.

(continued)

PH - DEACOM
Page 3

Mr. Alan Yasky (continued):

These people find themselves in position of having to sell what was their 'security blanket'. However, I think you are creating a massive problem by including only residential properties. We have over 1000 acres zoned either IO or LIO. Clarkstown has attracted less than five acres of IO in the past five years. In the past ten years - less than 10 acres. Where are our children going to get employment? By including this in the proposed local law, in the future we will see tremendous flood for change of zoning to multi-family-residential, and low density residential.

No one is going to sit with industrial space, paying top dollar; because the town needs ratables. You are going to have to meet these people half way. If you want these people to stay on the books, plan for it now.

This should be expanded to include other items in this community that will hurt if not planned for now. The town is not attracting anywhere near its share of ratables. They do not want to come here. Unless we address ourselves to that problem, this spiral will continue.

Mr. John MacAlevey, (Former Supervisor of the Town of Ramapo):

Re 86¢ cost; saving may be \$800.00. More people; higher taxes. 20 times more land sold by most townships for industry than can be used.

Re extending this to the industrial land, we have not done so in the Town of Ramapo. We did not give tax shelters to FO or commercially zoned land, only to the residentially zoned land. Tax spiraled in the '50s and '60s.

We slowed down residential growth by this and other programs. Slow down rate of increase and you have made a gain. We did it in the Town of Ramapo. Re Mr. Mackey's statement, this program designed and is capable of standing on its own and is not related to capital program. It is taking in additional things we did in the Town of Ramapo. We have a very involved interrelated program of controls which are based upon what a lot of communities will want to get involved in.

In the future, the pressure of time is extended, so that they are not forced to sell their property to a developer to build more houses; to create more children; to increase the school taxes.

Councilman Pizzutelle inquired as to how many have entered into the DEACOM program in the Town of Ramapo, and how many have pulled out.

Mr. MacAlevey answered that no applications have been received for release from the program; only in cases of death in the family.

PH - DEACOM
Page 4

IN FAVOR - cont:

Mr. Jos. Pantano, New City: Parents forced to sell present home because of increased taxes. Approves proposal, should have been done a long time ago.

Mr. Harold Isner, 186 Stravtown Road, New City:

Seven acres in the family for 100 years. We should not be forced to pay confiscatory taxes.

Mr. Patrick French, South Mountain Rd., New City:
(President of the Rockland Co. Audubon Society)

Open land benefits all. Owns land since 1926 (18 acres originally). Going to have to sell or move out.

Mrs. Conway, Congers Road, New City:

Adopting this proposed local law would benefit drainage. Also would help out people by not forcing them to sell their land to developers to crowd schools.

Mr. Michael Franchino, 3 Bull Run Drive, West Nyack:

Question: In the event the method of assessment is transferred to the County, what affect will this have on the people who go into the program?

Answer: (Town Attorney): They would still retain the benefit. It applies to counties and villages as well as towns.

Mr. Franchino recommended that each township could have the first option of purchase when it becomes available. Also, that property that is not able to be developed (Hickensack Water - R-80 zone) are permitted to come into the program?

Town Attorney replied that anyone can make application, Town Board use their discretion in accepting. They have to have land that is developable.

Councilman Ledico stated that he is in favor of changing R-80; water sheds, etc. commercial. They should be zoned properly and not zoned residential, but as storage areas.

IN FAVOR - continued:

Mr. Franchino recommended that these large parcels be considered for the program, that the zoning in which they are in be maintained on a permanent basis. When they become available for purchase, they will be by developers. If person going to go into DEACOM, he continued, leave the land the way it is sold so builders will not come in to buy the land. Would also like to see a limit on the number of acres; above that, it should be considered for DEACOM, below that, they should not.

People owning over five acres should be the ones to consider for DEACOM; those under, no.

Mr. Martus Granier, (Pres. of West Branch Conservation Assoc.):

(Will submit copy of proposed local law, with changes he made). Inquired as to how much it will cost the town if certain lands were put in deacom. There should be minimum. Each applicant should be charged on the merit of the land he has.

Certificates of Occupancy: (Since DEACOM):

1231 in five year in the Town of Ramapo
1297 in one year in the Town of Clarkstown.

Adoption would impede rate of growth.

OPPOSED:

Mr. John Jourdan, 67 Geobel Rd., New City:
(Representing the Homeowners Civic Association)

Proposal discriminatory. Allows abatements for some at the expense of others. Building will slow down anyway because of bad mortgage conditions and high interest rates.

Is not a landowner. Homeowners Civic Association favors the landbank premise, but not the proposed DEACOM law. Discriminatory against individuals who own homes without acreage. Only landholders would benefit. There are 5370 acres that could fall under DEACOM; 7000 homes in the township. Prime interest rate now 10 3/4%. Many homes will be built this summer. Right now problem not that critical. With passage of proposed local law, we will have the first exception to the 100% assessed valuation. Proposed Law too vague.

Supervisor Gerber stated that regardless of 100% all farm lands and agricultural lands are exempt and will continue to be exempt. This would not be the first exception.

PH - DEACOM
Page 6

OPPOSED - continued:

Mr. Fred Haeger, Valley Cottage:

Discriminates against commercial and industrial land. Could be problem in courts. Also discriminates against small individual homeowner (100% assessment). People could lose their homes. Another instrument could be found to help them, Proposal too sweeping. Sec. 7 (escape clause) too weak. Property Law makes no mention of size of parcel that can qualify. Favors big landowner.

(Ms. Rita Feinberg, 4 Bobwhite Lane, West Nyack:

Too many loopholes. Hearing immature. Re undeveloped land, how much owned by builders, how much by senior citizens? More study and evaluation needed before adoption. Tighten to protect the taxpayer.

Mr. Walter Plotnik, Valley Cottage:

Must be tightened. Many of the Certificates of Occupancy granted were granted for garden apartments. Only 80% of land developed; this would not benefit the town now. Will not help the individual homeowner.

Mr. Cecil Cowan, Mountainview Avenue:
(Associate Director for the Senior Citizens)

Senior Citizens have had acreage for many years. Taxes soaring. They should not be ousted. Proposed local law not good.

Councilman Ledice stated he is not in favor of the proposed local law. Tax Assessor not here this evening to answer questions as to how it would affect people who placed their property in the land bank. Opposes this program based on fact and not on hypothesis on what will happen in the next ten to fifteen years. State Law required 100% assessment. It has been said that taxes will go down in 1974. This is not true, the Town of Clarkstown is not going to have a tax break in 1974, and is not going to have enough money to finish its fiscal year of 1974. By September or October, we will be borrowing or bonding money to get through to December.

When properties are assessed at 100%, he continued, government arrives at its operational cost. Services requested; they must be paid for. These services have never decreased each year, nor have the taxes.

(continued)

PH - DEACOM
Page 7

(Councilman Lodico - continued):

When the total cost of government is estimated, any properties that are abated pass on that expense to the remaining taxpayers in the town. That is a fact. I raised that question with the Assessor; he agrees with me. Proposed law discriminatory.

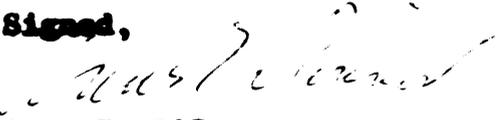
Average taxpayer and civic groups cannot afford to spend money for legal defense for their rights. Town can drag things through the courts. We can drain any civic association.

This program discriminatory, will raise taxes if someone else gets tax abatement. No abatement for farmers, why support this? This is land bank because it is producing products we need to survive today.

Proposed law not in the best interests of the majority of taxpayers and will shift the burden from column A to column B, and I am opposed.

There being no one further wishing to appear either in favor or opposed, on motion made by Councilman D'Antoni, seconded by Councilman Maloney and unanimously adopted, public hearing was closed.

Signed,


Anne E. O'Connor
Town Clerk