

PUBLIC HEARING

Town Hall

12/4/74

8:00 PM

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

RE: PROPOSED AMENDMENT OF THE OFFICIAL MAP TO PROVIDE FOR THE
DELETION OF A 309 FOOT UNDEVELOPED PORTION OF NEW JERSEY
AVENUE, CONGERS, NEW YORK:

Supervisor Gerber called public hearing to order;
Town Clerk read notice of hearing.

Charles Cassels, Adm. Asst. to the Planning Board
appeared before the Town Board and stated the following:

There are 14 lots in the subdivision. When it came
before the Planning Board it was noticed that lots shown between
Wisconsin Avenue and Jersey Avenue (paper street) were much
larger than required by the Ordinance.

There was also a strip of land east of New Jersey Avenue
which was not used. Applicant purchased that property, which
would allow 17 lots instead of the original 14, by using the
land on the paper street - 309'.

These three lots can go on the tax roll. There is
no advantage in keeping this a paper street.

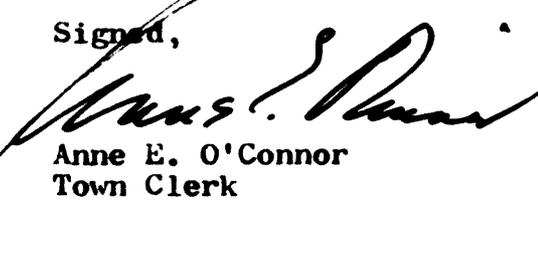
There were no questions from the Town Board or audience.

IN FAVOR: No one appeared

OPPOSED: No one appeared.

On resolution offered by Co. D'Antoni, seconded by
Co. Maloney and unanimously adopted, public hearing was closed.

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

12/4/74

8:10 PM

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

RE: PROPOSED AMENDMENT TO LOCAL LAW NO. 3-1966, AS AMENDED,
ENTITLED "LOCAL LAW PROVIDING FOR THE GRANTING OF A PARTIAL
EXEMPTION FROM REAL PROPERTY TAXATION FOR REAL PROPERTY OWNED
BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS
OF AGE OR OVER":

Supervisor Gerber called public hearing to order;
Town Clerk read notice of hearing.

Proposed amendment reads as follows:

"Amend Section 96-3 of the Code of the Town of
Clarkstown as follows:

96-3. Requirements for eligibility.

D. The combined income of all of the owners
of the property must have been Six Thousand Five Hundred
Dollars (\$6,500.00) or less during the twelve (12) consecu-
tive months immediately preceding the date of making the
application for exemption. Where title to property is
vested in either a husband or wife, the combined income
of the husband and wife may not exceed \$6,500.00. "Income"
includes all social security and retirement payments, interest,
dividends, net rental income, salaries or other earnings, including
net income from self-employment. "Income" does not include gifts
or inheritances."

Supervisor Gerber stated that it will apply to 1975
state, town and county taxes.

IN FAVOR:

Mr. F. Haeger, Valley Cottage N Y:

Requested repeal of property tax; stated that income
should be only basis for ability to pay taxes. Senior Citizen
Housing must be subsidized. He suggested that amount of \$6500.
too low; not realistic and that it should be brought as close
to \$10,000. as Town Board can.

Supervisor replied that amount of \$6500. is amount
allowed under the existing state law. This evening, by
resolution, attempt will be made to ask the State Legislature
that the \$6500. amount be raised to at least \$8000.

IN FAVOR: No one further appeared.

OPPOSED: No one appeared.

On resolution offered by Co. Lodico, seconded by
Co. Maloney and unanimously adopted, public hearing was closed.

Signed,


Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

12/4/74

8:00 PM

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

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

(1974-916) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Lodico.

All voted Aye.

(1974-917) Co. Maloney offered the following resolution:

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

Seconded by Co. Pizzutello.

All voted Aye.

(1974-918) Co. Pizzutello offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown
by resolution duly adopted on the 6th day of November 1974
provided for a public hearing on the 4th day of December 1974
at 8:05 PM to consider amending the Official Map of the town to
provide for the deletion of a 309 foot undeveloped portion of
New Jersey Avenue, Congers N Y from said map, and

WHEREAS, notice of said public hearing was duly
published as required by law and said public hearing was duly
held at the time and place specified in said notice,

NOW THEREFORE, be it

RESOLVED, that said Official Map of the Town of
Clarkstown be and it hereby is amended by the deletion of a
309 foot undeveloped portion of New Jersey Avenue, Congers, N Y.

Seconded by Co. Lodico.

All voted Aye.

(1974-919) Co. Lodico offered the following resolution:

WHEREAS, a proposed local law entitled "AMENDMENT TO LOCAL LAW NO. 3-1966, AS AMENDED, ENTITLED 'LOCAL LAW PROVIDING FOR THE GRANTING OF PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION FOR REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER'" was introduced by Councilman Lodico at a Town Board meeting held November 20, 1974, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 20th day of November 1974 directed that a public hearing be held on the 4th day of December 1974 at 8:10 PM to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on November 26, 1974 and posted on the Sign Board of the Town of Clarkstown on November 26, 1974, and

WHEREAS, copies of the proposed local law were placed on the desks of the members of the Town Board on the 21st day of November 1974, and

WHEREAS, a public hearing was held by the Town Board on the 4th day of December 1974 at 8:10 PM;

NOW THEREFORE, be it

RESOLVED, that Local Law No. 5-1974 entitled "AMENDMENT TO LOCAL LAW NO. 3-1966, AS AMENDED, ENTITLED 'LOCAL LAW PROVIDING FOR THE GRANTING OF PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION FOR REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER'" is hereby ADOPTED and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adoption of said local law being as follows:

Hon. G. S. Gerber, Supervisor.....	Aye
Co. John R. Maloney.....	Aye
Co. John Lodico, Sr.....	Aye
Co. Anthony D'Antoni.....	Aye
Co. Vincent Pizzutello.....	Aye

The Town Clerk of the Town of Clarkstown was directed to file said local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. D'Antoni.

All voted Aye.

TBM - 12/4/74
Page 3

(1974-920) Co. Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown feels that the sections of the Real Property Tax Law of the State of New York providing for the granting of partial exemption from real property taxation for real property owned by certain persons with limited income who are sixty-five years of age or over should be liberalized to provide for a combined income limitation of \$8,000. instead of the present \$6,500. in order to provide tax relief for the elderly;

NOW THEREFORE, be it

RESOLVED, that the Supervisor, on behalf of the Town Board, shall contact our legislative representatives in the Assembly and State Senate to request that said legislative representatives introduce a bill into the Legislature to raise the combined income limitation to \$8,000. for people over the age of 65, and be it

FURTHER RESOLVED, that request be made that the age be lowered from 65 to 60, in accordance with what the state recognizes in other areas, and that Senior Citizens request that the State Legislature act on this immediately.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-921) Co. Maloney offered the following resolution:

RESOLVED that the Minutes of the Town Board Public Hearing on the 1975 Town Budget held November 7, 1974; the Public Hearing the Town Board Meeting minuted held on November 13, 1974; and the Town Board Meeting minutes held on November 20, 1974, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-922) Co. Pizzutello offered the following resolution:

WHEREAS, CALAJE CORP., (Edward Schechter, Pres.), is desirous of granting a drainage easement to the Town of Clarkstown, located at West Clarkstown Road, and Strathmore Drive in the unincorporation portion of Spring Valley, N Y;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown accepts a drainage easement from CALAJE CORP., as aforesaid, and more particularly described in said easement dated the 21st day of November 1974.

Seconded by Co. Maloney.

All voted Aye.

TBM - 12/4/74
Page 4

(1974-925) Co. Pizzutello offered the following resolution:

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

PREVIEW CONSTRUCTION CO., INC., Plaintiff,
-against-
CHESTER ROTH, FRANCES ROTH, TOWN OF CLARKSTOWN,
NORMAL FRIVOLL, ODD FRIVOLL and F.M. FRIVOLL
CONSTRUCTION CORP., Defendants;

NOW THEREFORE, be it

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

Seconded by Co. Maloney.

All voted Aye.

(1974-924) Co. Lodico offered the following resolution:

RESOLVED, that Bond Numbers 904488 and 904487 issued by Republic Insurance Co, 129 Fulton St., New York N Y to LAKE DE FOREST DEVELOPMENT CORP., 108 North Main St., Spring Valley N Y as Principal, and Sydney Kent and Ben Sherman as Co-Principals in connection with subdivision known as THORNWOOD HILLS SOUTH-SECTION III, Congers, N Y filed in the County Clerk's Office 1/6/70 in Book 79 at Page 61 as Map 3984 and as amended by Map filed 8/21/70 in Book 80 Page 47 as Map 4040 in favor of the Town of Clarkstown, be declared in DEFAULT, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown be directed to take all necessary proceedings against said bondsto insure construction and completion of roads, improvements, et al, in accordance with the Town Specifications, and be it

FURTHER RESOLVED, that the Town Engineer, Town Superintendent of Highways and all other departments or agencies furnish all necessary data to the Town Attorney in order to implement this resolution.

Seconded by Co. Maloney.

All voted Aye.

TBM - 12/1/74
Page 5

(1974-925) Co. Lodico offered the following resolution:

WHEREAS an action was commenced in the Supreme Court, State of New York, County of Rockland, by Strawtown McKnight, Inc. against the Town of Clarkstown to recover the sum of \$5,250.00 for the return of escrow monies deposited in connection with landscaping and

WHEREAS, it appears there is no defense to that action;

NOW THEREFORE, be it

RESOLVED, that the sum of \$3,250.00 be delivered to the attorneys for the plaintiff Strawtown McKnight, Inc. upon the execution of a general release running to the Town of Clarkstown.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-926) Co. Lodico offered the following resolution:

WHEREAS, Hy-Dynamics Equipment Corporation deposited with the Town of Clarkstown the total sum of \$8,100 to be held in escrow to insure the completion of certain items in a subdivision known as West Rise Section III, and

WHEREAS, the Town has, to date, returned the sum of \$6,190 to Hy-Dynamics Equipment Corporation,

NOW THEREFORE, be it

RESOLVED, that the balance of the sum of money previously deposited in escrow, to wit, the sum of \$1,910 less the sum of \$240 previously escrowed for Shade Trees, to wit, the sum of \$1,670 be returned to Hy-Dynamics Equipment Corporation.

Seconded by Co. Maloney.

All voted Aye.

(1974-927) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Police Department, the Superintendent of Highways is hereby authorized to install "STOP" signs at the following locations at Dellwood Park in New City:

(continued)

TBM - 12/4/74
Page 6

(1974-927 - continued)

- a. Beaumont Drive (east end) at intersection with Windgate Road.
- b. Beaumont Drive (south end) at intersection with Windgate Road.
- c. Dunmore Road, at intersection with Beaumont Drive.
- d. Dunmore Road at intersection with Windgate Drive; and be it

FURTHER RESOLVED, that three (3) "ONE WAY" signs be installed at the traffic circle which connects Windgate Drive and Woodland Drive, to direct the flow of traffic around said traffic circle in one direction (counter-clockwise).

Seconded by Co. Pizzutello.

All voted Aye.

(1974-928) Co. Maloney offered the following resolution:

WHEREAS, that upon the recommendation of the Town Attorney, deed from LANDCHESTER ESTATES, INC., dated 11/22/74 (Edward Schechter, Montebello Road, Suffern N Y) conveying the northerly extension of Lake Road, as shown on Subdivision Plat of Lake Park Estates, Town of Clarkstown, Rockland County, New York, filed in the office of the Clerk of the County of Rockland in Book 80, Page 57 as Map 4050, together with drainage and sewer easements shown on Lots 1, 2 and 3 of said map, is hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the sum of \$1,550 held by the Town of Clarkstown in connection with the above mentioned subdivision is hereby authorized to be applied to the completion of the cul-de-sac in Lake Park Estates and the installation of monuments in Lake Park Estates.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-929) Co. Maloney offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deeds from BAIRD-ROCK CORP., a domestic corporation having an office at 54 N. Main St., Spring Valley N Y and LEIF BERGSTOL, residing at 28 Scenic Dr., Suffern N Y conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of WHITMAN PARK, filed in the County Clerk's Office on 12/23/71 in Book 83, Page 25 as Map #4229, and WHITMAN PARK II filed in the County Clerk's Office on 8/23/72 in Book 84 at Page 49 of Map #4322 as follows:

(continued)

TBM - 12/4/74
Page 7

(1974-929 - continued)

Extension of Whitman Street
Together with 2.00 acres of land to be gratuitously
conveyed to the Town of Clarkstown, and easements

are hereby accepted by the Town of Clarkstown and ordered filed
in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Maintenance Bonds Nos. 912442 and
912443 dated the 28th day of February 1974, BARD-ROCK CORPORATION
as Principal and LEIF BERGSTOL as Co-Principal, AND Republic Insurance
Co., 129 Fulton as Surety, are hereby accepted.

Seconded by Co. Pizzutello.

All voted Aye.

Town Board signed the following Maintenance Bonds,
approving same as to form and sufficiency:

Republic Insurance Co. Bond #912442
Bard-Rock Corp., Princ (Leif Bergstol, Co-Principal)
Covers: Roads
Amount: \$2,086.00
Period: One year

Republic Insurance Co. Bond #912443
Bard-Rock Corp., Princ (Leif Bergstol, Co-Principal)
Covers: Sewers
Amount: \$703.00
Period: One Year

(1974-930) Co. Lodico offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of
entering into an agreement with BARD-ROCK CORP., in connection
with dedication of roads and other public improvements in a
subdivision known as WHITMAN PARK, SECTION I & II,

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown
is authorized to execute an agreement with BARD-ROCK CORP.,
providing for the deposit of \$722 to be held by the Town,
pursuant to the terms of said agreement, pending final and
complete improvements of the roads and other public improvements
in said development by the developer, subject to final approval
of the Town Engineer and/or the Superintendent of Highways of the
Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

TBM - 12/4/74
Page 8

(1974-931) Co. Maloney offered the following resolution:

RESOLVED, that subject to securing clear title to the roads and other improvements in Raleigh Estates-II, and the deposit by the developer with the Town of Clarkstown of \$18,500.00, which includes amounts presently held in escrow by the Town of Clarkstown, all of which monies shall be used by the Town of Clarkstown to complete the roads, tree planting, and other public improvements in Raleigh Estates-II subdivision, a deed from Knutsen Homes, Inc. conveying roads and other improvements in a subdivision as shown on Final Plat of RALEIGH ESTATES SEC. II, Town of Clarkstown, Rockland Co. New York, last dated 6/28/71, made by Jack D. Boswell & Assoc., Engineer, Land Planners & Surveyors, and filed in the County Clerk's Office on 7/1/71 in Book of Maps 82, at Page 20, as Map No. 4157, as follows:

Seymour Drive
Extension of Glen Haven Drive
Extension of Raleigh Drive
Road Widening strip along Brewery Road
Together with drainage and other easements

are hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the Highway Superintendent of the Town of Clarkstown is hereby authorized to complete said roads and other public improvements, using the sum of \$17,300.00 for that purpose, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized to use the amount of \$1,200.00 in order to complete the planting of trees in the aforesaid subdivision.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-932) Co. Maloney offered the following resolution:

RESOLVED, that subject to securing clear title to the roads and other improvements in the Clydesdale Subdivision, and the deposit by the developer with the Town of Clarkstown of \$4,500.00, which includes amounts presently held in escrow by the Town of Clarkstown, all of which monies shall be used by the Town of Clarkstown to complete the roads, tree planting, and other public improvements in the Clydesdale Subdivision, a deed from Ponderosa Estates, Inc., conveying roads and other improvements in a subdivision as shown on Final Plat of CLYDESDALE, Town of Clarkstown, Rockland County, N Y made by Henry Horowitz, P.E., last dated 3/26/73 and filed in the County Clerk's Office on 6/20/73 in Book of Maps 86, at Page 77, as Map No. 4424, as follows:

(continued)

(1974-932 - continued)

Extension of Preakness Lane
Clydesdale Court
Road Widening Strip along Laurel Road
Together with drainage and other easements

is hereby accepted by the Town of Clarkstown and ordered filed in the County Clerk's Office, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the town is hereby authorized to complete said roads and other public improvements, using the sum of \$4,500.00 for that purpose.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-933) Co. Lodico offered the following resolution:

WHEREAS, the Town Engineer recommends revising the Street Specifications of the Town of Clarkstown by updating the Table of Rates for Computing Construction Costs;

NOW THEREFORE, be it

RESOLVED, that the Street Specifications of the Town of Clarkstown shall be amended by replacing Figure 1 with a new Figure 1 as follows:

TABLE OF RATES FOR COMPUTING CONSTRUCTION COSTS,

(FIGURE 1)

<u>DESCRIPTION</u>	<u>UNIT</u>	<u>PRICE</u>
Clearing, Grading & Paving		
24' Local Street	L.F.	\$ 25.00
30' Collector Street	L.F.	30.00
40' Secondary Street	L.F.	40.00
Concrete/Belgium Block Curb	L.F.	5.00
Concrete Sidewalk (4' wide)	L.F.	5.00
Rock Excavation	C.Y.	50.00
Storm Drainage		
15" Round or 18"x11" Oblate	L.F.	12.00
18" " or 22"x13" "	L.F.	15.00
21" " or 25"x16" "	L.F.	18.00
24" " or 29"x18" "	L.F.	20.00
30" " or 36"x22" "	L.F.	22.00
36" " or 43"x27" "	L.F.	25.00
42" " or 50"x31" "	L.F.	30.00
48" " or 58"x36" "	L.F.	35.00
54" " or 65"x40" "	L.F.	42.00
60" " or 72"x44" "	L.F.	50.00
Catch Basins	each	500.00
Manholes	each	500.00
Headwalls Straight	each	400.00
Headwalls Wings	each	600.00
Sewers		
8" Pipe	L.F.	10.00
Manholes	each	500.00
House Connection	each	100.00
Miscellaneous		
Manholes	each	55.00
Street Signs	each	25.00
Sewer Trap	S.Y.	60.00

Seconded by Co. D'Antoni

All voted Aye

TBM - 12/4/74
Page 10

(1974-954) Co. Pizzutello offered the following resolution:

WHEREAS, the Parks Board and Recreation Commission at a meeting held November 21, 1974, approved the attached rules and regulations of the Parks Board and Recreation Commission, and

WHEREAS, the said Parks Board and Recreation Commission have requested approval of said rules and regulations by the Town Board of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby approves the attached rules and regulations and provides that same shall become effective immediately.

Seconded by Co. Lodico

All voted Aye.

RULES AND REGULATIONS OF CLARKSTOWN PARKS BOARD
AND RECREATION COMMISSION

ARTICLE I

DEFINITIONS:

Section I. Clarkstown Parks Board and Recreation Commission.

For the purpose of these rules and regulations, the term Parks Board and Recreation Commission shall mean to include all the commissioners, superintendents, and all employees and agents of the department who are engaged on a full-time or part-time basis and whether or not they are compensated for their services. The term "Commission" as used in these rules and regulations shall be deemed to refer to the Clarkstown Parks Board and Recreation Commission. The term "Commissioners" shall be deemed to include the seven (7) members appointed to the Commission by the Town Board as commissioners. The term "Superintendent" shall be deemed to refer to the full-time person appointed to administer, operate and conduct the programs and activities of the Commission.

ARTICLE II

Section II.

The Commission shall consist of seven (7) commissioners, a superintendent and such other personnel as may be necessary and appropriate to fulfill the purposes for which the Commission was established, providing that the compensation and expenses incurred thereby have been allowed in the budget of the Commission, and further subject to the rules and regulations relating to employment of personnel by the Town of Clarkstown.

Section III.

The Commissioners shall approve all persons seeking employment with the Commission, excepting temporary personnel and such other persons as commissioners may approve. The superintendent shall screen and make recommendations to the Commissioners of such persons as, in his judgment, should be engaged by the Commission. Applications for employment shall be completed by all parties seeking employment by the Commission. The application shall contain such questions as may be prescribed by the Commission, and as may be changed from time to time.

Section IV.

The Commission shall administer the public parks owned by the Town of Clarkstown and the recreation activities as may take place under and pursuant to the authority of the Commission.

Section V.

The Commissioners shall annually elect from their own number, a chairman, vice chairman and secretary to serve for a period of one year. Said election shall be held at the first Commission meeting in September of each year.

Section VI. The Commissioners shall be responsible for the proper administration of the Commission and shall convene a meeting as often as the discretion of the chairman dictates or upon the request of any two (2) commissioners. A meeting shall be convened at least once a month. A quorum shall consist of four (4) members of the Commission. A meeting shall be held on not less than five (5) day's notice to all the commissioners, except in the event of emergency; a meeting may be called by the chairman or vice chairman on such notice as the circumstances may then require.

Section VII. It shall be the responsibility of the Commissioners to evaluate all of the Commission's programs and activities, including all developments in connection therewith. The Superintendent shall keep the Commissioners fully informed of same.

Section VIII. The Commissioners shall approve, as their discretion dictates, all of the programs and activities and shall make any changes in connection therewith as may be desired from time to time, in consultation with the Superintendent.

Section IX. The Commissioners shall allocate and divide between themselves, in the form of committees

such portion of their responsibilities as may be deemed necessary and appropriate. Such committees may include, without limiting the generality of the foregoing, a committee on programs, policy, sites, personnel, budget and financing, civic and school, and public relations or such other committees for function as may be deemed appropriate. The chairman shall appoint the Commissioners to the respective committees.

Section X. It shall be the responsibility of the Superintendent to follow the policy and guide-lines as may be established or directed by the Commissioners, acting as a body, or through a committee. All programs and activities as may be planned or be under discussion and not finalized, and all recommendations in connection therewith, shall be kept confidential by the Superintendent and the Commissioners until disclosure is authorized by the Commissioners acting as a body, or through a committee. The Superintendent shall act independently and with initiative in furtherance of the purposes for which the Commission was established, and within the scope and policy as set herein.

Section XI. The Superintendent shall prepare a monthly report relating to the outcome of the programs, and activities for the following month. Such reports shall include details as to expenses incurred in the previous month and current balances with respect to the total budget. Additional or supplementary reports

shall be made to the Commissioners as they, from time to time, as a body or as a committee, may request. Said Monthly Reports shall include all areas of interest to the Commission as well as pending developments by the Planning Board as may affect the commission. The Superintendent shall supply, as part of his monthly report, a schedule of all his appearances, including speeches as may be intended to be made, and the nature thereof shall be detailed, and such report shall include all proposed expenditures or commitments. The Superintendent shall further prepare a proposed budget for the ensuing year by August 1st and forward copies for study by each Commissioner and approval of the Commission.

Section XII. The Superintendent may request, from the Chairman, a meeting of the Commissioners to bring before them any matter which, in his judgment, requires the attention of the Commissioners. Such request shall be accompanied by a statement, in writing when practicable, by the Superintendent, setting forth the purposes for which he requests a meeting and his recommendations in connection therewith. The Chairman shall thereupon, in his discretion, call a meeting of the Commissioners upon such notice as he may deem appropriate.

Section XIII. Any Commissioner is authorized and shall have the right to request and receive any and all information in connection with the Commission and all of its operations, including, but not limited to, inspection of the books and records of the Commission, but excluding personnel files of employees unless specifically authorized by the Chairman.

Section XIV. Disciplinary procedures of civil service employees shall be in accordance with the personnel rules of the Town. Personnel not covered under agreement between the Town and Civil Service Employee's Association shall have charges against them disposed of in the following manner. In the event a majority of the Commissioners shall feel that any employee of the Commission has willfully violated these by-laws or has acted in a prejudicial manner to the good order of the Commission, or its efficiency then and in that event, charges in writing by the majority of the Commissioners shall be made against such an employee and he shall be given a copy thereof. As soon as practicable from the date that such charges are made, the Commissioners shall appoint three (3) hearing officers, not members of the Commission, to hear the charges. The appointed hearing officers shall convene and set forth a date for a hearing of

the charges as soon as may be practicable, and shall conduct such hearing or hearings as may be necessary and appropriate to make a just and proper recommendation.

In the event the hearing body finds the employee guilty of any of the charges, they shall recommend such disciplinary action which, in their discretion, may be just and appropriate under the circumstances, subject to the limitations hereafter set forth. The hearing body shall give copies to the parties of its findings, and, if they find such employee guilty of any of the charges, may recommend to the Town Board to reprimand such employee, suspend such employee without pay for a period of up to thirty (30) days, or dismiss such employee. Such recommendation to the Town Board shall be in writing and signed by a majority of the hearing body. A copy of such recommendation shall be also sent to the employee.

The Town Board shall review the record made before the hearing officers and may change or modify the recommendation made by the hearing officers as it may deem necessary. The determination reached by the Town Board upon the review of the record shall thereupon be final.

TBM - 12/4/74
Page 17

(1974-975) Co Pizzutello offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 2nd day of October 1974 provided for a public hearing on the 23rd day of October 1974 at 8:30 PM to consider the application of MONTLEBY GARDENS CO. to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property more particularly described in Schedule A from an R-22 District to an R-15 District, in order to permit the erection, construction, and operation of a Senior Citizen Housing Complex, and

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice;

NOW THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-22 District to an R-15 District the property situate on the west side of Route 304 between Pineview Avenue and Rennert Lane, Bardonia, New York; said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenants in a form and manner satisfactory to the Office of the Town Attorney and pursuant to Schedule "B" attached hereto.

Seconded by Co. Maloney

On roll call the vote was as follows:

AYES: Co. D'Antoni, Maloney, Pizzutello, Superv. Gerber
NOES: Co. Lodico

(See Schedule A and Proposed Covenant - over)

(Attachments - Resolution #935):

SCHEDULE A
PARCEL 1
PROPOSED CHANGE FROM R22 TO R15

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

BEGINNING the following courses and distances from a point which is the intersection of the southerly right-of-way line of Pine View Avenue and the westerly right-of-way line of Route 304, South 11 degrees 55 minutes 53 seconds West a distance of 249.01 feet along the West line of Route 304; North 87 degrees 29 minutes 15 seconds West 560.04 feet; North 84 degrees 43 minutes 15 seconds West, 144.96 feet to the point or place of beginning; thence:

1. North 84 degrees 43 minutes 15 seconds West 226.04 feet; thence
2. South 81 degrees 20 minutes 45 seconds West 100.00 feet; thence
3. South 2 degrees 17 minutes 25 seconds East 388.46 feet; thence
4. South 81 degrees 04 minutes 55 seconds West 174.44 feet along the easterly right-of-way of White Oak Lane; thence
5. South 8 degrees 20 minutes 52 seconds East 50.00 feet along the easterly right-of-way of White Oak Lane; thence
6. On a curve to the left having a radius of 125.00 feet and a length of 67.63 feet along the easterly right of way of White Oak Lane; thence
7. South 39 degrees 20 minutes 25 seconds East 43.75 feet along the easterly right-of-way of White Oak Lane; thence
8. North 81 degrees 36 minutes 22 seconds East 445.09 feet; thence
9. North 2 degrees 31 minutes 39 seconds West 489.35 feet back to the point or place of BEGINNING.

(Reso. 1955 - continued)

PARCEL II
PROPOSED CHANGE FROM R22 to R15

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

BEGINNING the following courses and distances from a point which is the intersection of the southerly right-of-way of Pine View Avenue and the westerly right-of-way line of Route 304, South 11 degrees 55 minutes 53 seconds West 249.01 feet along said westerly right-of-way line; South 19 degrees 19 minutes 34 seconds West 33.20 feet still along said westerly right-of-way line; South 7 degrees 10 minutes 59 seconds West, 61.78 feet still along said westerly right-of-way line; South 21 degrees 11 minutes 00 seconds East 18.00 feet still along said westerly right-of-way line; South 13 degrees 33 minutes 08 seconds West 119.00 feet still along said westerly right-of-way line to the point or place of beginning; thence:

1. South 88 degrees 11 minutes 49 seconds East, 162.21 feet; thence
2. South 0 degrees 52 minutes 35 seconds East 65.00 feet; thence
3. North 89 degrees 24 minutes 26 seconds East, 144.61 feet to the westerly line of the right-of-way of Route 304; thence
4. North 13 degrees 33 minutes 8 seconds West 70.57 feet along the westerly right of way line of Route 304 to the point of BEGINNING.

SCHEDULE "B"

(PROPOSED-NOT EXECUTED) COVENANT

(No date as of

THIS COVENANT made the 12/4/74 day of November, 1974 by MONTEREY GARDENS CO., a partnership, with offices at 501 South Main Street, Spring Valley, New York, and GEORGE FAIST, residing at 140 Summit Park Road, Spring Valley, New York, hereinafter referred to as the "owner", and TOWN OF CLARKSTOWN, a municipal corporation, with offices at 10 Maple Avenue, New City, New York, hereinafter referred to as the "Town",

WHEREAS, the owner is the owner in fee of premises located to the east of White Oak Lane in Bardonia, Town of Clarkstown, Rockland County, New York more particularly described in Schedule A annexed hereto consisting of a parcel containing approximately 4.460 acres; and

WHEREAS, the owner petitioned the Town Board of the Town of Clarkstown, by petition dated July 17, 1974, to amend the zoning map of the Town of Clarkstown to change the classification of the premises described in Schedule A from R-22 to R-15; and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 23, 1974; and

WHEREAS, the Town Board of the Town of Clarkstown by resolution dated December 4th, 1974 has amended the zoning map of the Town of Clarkstown to change the premises from R-22 to R-15;

NOW, THEREFORE, the owner covenants and agrees, for itself, its successors, heirs and assigns, that the aforementioned premises shall be subject to the following covenants and restrictions, which shall run with the land for the benefit of the Town Board of the Town of Clarkstown:

FIRST: That the premises, when subdivided in accordance with the rules and regulations of the Planning Board of the Town of Clarkstown, shall contain no more than nine lots and no lot shall have less than 20,000 sq. ft. of area, and the only access to said premises shall be from White Oak Lane.

SECOND: The owner shall dedicate to the Town of Clarkstown, in accordance with the requirements of the Planning Board of the Town of Clarkstown, a drainage easement which traverses the said premises/ and other adjoining premises to the east, in accordance with the requirements of the Planning Board and the Town Engineer's Office of the Town of Clarkstown. Such dedication shall be at the cost and expense of the owner. The aforesaid drainage easement shall be delivered free and clear of any encumbrances to the Town of Clarkstown at any time upon demand by the Town.

THIRD: The within restrictive covenant shall run with the land for the benefit of the Town and the same may be modified or waived only by resolution of the Town Board of the Town of Clarkstown.

IN WITNESS WHEREOF, MONTEREY GARDENS CO. and GEORGE FAIST have duly executed this covenant the day and year first above written.

MONTEREY GARDENS CO.

By George Faist, Partner

George Faist

703 TBM - 12/4/74

(1974-956) Co. Pizzutello offered the following resolution:

SPECIAL FINDINGS AND RESOLUTIONS
GRANTING SPECIAL PERMIT FOR SENIOR
CITIZEN HOUSING

WHEREAS, MONTEREY GARDENS CO. made application for a Special Permit for the erection of Senior Citizen Housing located on the westerly side of Rt. 304 between Pineview Ave. and Rennert Lane, in the Hamlet of Bardonia, Town of Clarkstown, New York, pursuant to Sec. 106-31 (5) of the Zoning Ordinance of the Town of Clarkstown and,

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 23rd day of October, 1974, at 8:30 P.M., in the Town Hall, 10 Maple Avenue, New City, New York, to consider such application;

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Sec. 106-14 of the Zoning Ordinance of the Town of Clarkstown:

THAT, the proposed use as described and represented by the applicant

(1) will be properly located with respect to transportation, water supply, waste disposal, fire and police protection, and other public facilities;

(2) will not cause undue traffic congestion or create a traffic hazard;

(3) will not create at any point of determination set forth in Sections 106-12 F, G and H of the Zoning Ordinance of the Town of Clarkstown any more dangerous and objectionable elements referred to in Sec. 106-12 A than is characteristic of the use expressly permitted as of right in the same district;

(4) will not adversely affect the character of, or property

values in, the area;

704

and the Town Board further finds:

THAT, the application for Special Permit for the erection of Senior Citizen Housing complies with all the requirements of Sec. 106-16 (O) of the Zoning Ordinance of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that a Special Permit for the erection of Senior Citizen Housing pursuant to said application is hereby granted to MONTEREY GARDENS CO. and the reasons for granting such Special Permit are that the proposed use of the premises will be for the convenience, comfort, prosperity and general welfare of the community, and be it

FURTHER RESOLVED, that said Special Permit is granted conditioned upon the execution and recording of Declaration of Restrictive Covenants in a form and manner satisfactory to the Office of the Town Attorney, and pursuant to Schedule "B" attached hereto; and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk, and

WHEREAS, housing accommodations for senior citizens at reduced rentals to accommodate our senior citizens living on fixed incomes are in very short supply in the Town of Clarkstown, and

WHEREAS, reduced rentals can only be provided to our senior citizens if the cost of operation and maintenance of Senior Citizen Housing is reduced by tax abatement or exemption;

706

NOW THEREFORE, be it

RESOLVED, that pursuant to the Private Housing Finance Law and the Real Property Tax Law of the State of New York, the Senior Citizen Housing to be constructed by Monterey Gardens Co. on the westerly side of Route 304 between Pineview Avenue and Rennert Lane, in the Hamlet of Bardonia, New York, be and the same is hereby granted a tax exemption to the extent and amount provided by Sec. 422 of the New York State Real Property Tax Law, so long as the property herein conforms to the conditions of the special permit and so long as the ownership and operation of the said Senior Citizen Housing shall be a Not-For-Profit business organization pursuant to the Senior Citizen Housing Ordinance of the Town of Clarkstown.

Dated: December 4, 1974

TOWN BOARD OF THE TOWN OF CLARKSTOWN

BY: Signed: George S. Gerber
George S. Gerber, Supervisor

DESCRIPTION OF PREMISES
FOR SPECIAL PERMIT

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

BEGINNING the following course and distance from a point which is the intersection of the southerly right-of-way line of Pine View Avenue and the westerly right-of-way line of Route 304, South 11 degrees 55 minutes 53 seconds West a distance of 249.01 feet along the westerly/right-of-way of Route 304 to the point or place of beginning; thence:

1. South 19 degrees 19 minutes 34 seconds West 33.20 feet along the westerly right-of-way line of Route 304; thence
2. South 7 degrees 10 minutes 59 seconds West a distance of 61.78 feet still along the westerly right-of-way line of Route 304; thence
3. South 21 degrees 11 minutes 00 seconds East 18.00 feet still along the westerly right-of-way line of Route 304; thence
4. South 13 degrees 33 minutes 08 seconds West 189.57 feet still along the westerly right-of-way line of Route 304; thence
5. South 89 degrees 24 minutes 26 seconds West 144.61 feet; thence
6. South 0 degrees 49 minutes 45 seconds West 85.00 feet; thence
7. South 81 degrees 36 minutes 22 seconds West 430.00 feet; thence
8. North 2 degrees 31 minutes 39 seconds West 476.23 feet; thence
9. South 84 degrees 43 minutes 15 seconds East 89.74 feet; thence
10. South 87 degrees 29 minutes 15 seconds East 560.04 feet to the point or place of BEGINNING.

SCHEDULE "B"

(Reso. 659 - continued)

(ENCLOSED COVENANT - NOT AS YET EXECUTED)

C O V E N A N T (do date as

THIS COVENANT made the 12/27/74 day of November, 1974

by MONTEREY GARDENS CO., a partnership, with offices at 501 South Main Street, Spring Valley, New York, and GEORGE FAIST, residing at 140 Summit Park Road, Spring Valley, New York, hereinafter referred to as the "owner", and TOWN OF CLARKSTOWN, a municipal corporation, with offices at 10 Maple Avenue, New City, New York, hereinafter referred to as the "Town",

WHEREAS, the owner is the owner in fee or the contract purchaser of premises located on the westerly side of Route 304 between Pineview Avenue and Rounert Lane, in the Hamlet of Bardonia, Town of Clarkstown, Rockland County, New York, more particularly described in Schedule A annexed hereto, consisting of a parcel with frontage on Route 304 of 302.55 feet, containing an area of approximately 5.53 acres; and

WHEREAS, the owner had petitioned the Town Board of the Town of Clarkstown to amend the zoning map of the Town of Clarkstown by changing the classification of a portion of the premises described in Schedule A from R-22 to R-15, and has further petitioned the Town Board of the Town of Clarkstown for a special permit for the erection of senior citizens housing on said premises; and

WHEREAS, the Town Board of the Town of Clarkstown, after a public hearing, adopted Resolution No. 643 on July 11, 1973 granting the petition for a change of zone and also adopted Resolution No. 664 on July 11, 1973 granting a special permit for the erection of senior citizens housing; and

WHEREAS, a declaration was executed by Monterey Gardens Co. dated July 16, 1973 relating to the use of said premises, which declaration was recorded in the Rockland County

Clerk's Office by the Town of Clarkstown on July 17, 1973 in Liber 931 of Deeds, at page 447; and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on August 15, 1973 attempted to revoke the special permit granted to the owner by reconsidering the vote of the Town Board in connection with the adoption of the resolution on July 11, 1973 granting the special permit; and

WHEREAS, the Town Board of the Town of Clarkstown on January 23, 1974 adopted Resolution No. 104 revoking the special permit for senior citizens housing granted to the owner, said resolution stating that the premises did not comply with the 300 ft. frontage requirement contained in the zoning ordinance; and

WHEREAS, the owner petitioned the Town Board of the Town of Clarkstown by petition dated July 17, 1974 to amend the zoning map of the Town of Clarkstown to change the classification of the premises described in Schedule A from R-22 to R-15 (excluding that portion of said premises where the zoning map had already been amended from R-22 to R-15) and, in addition thereto, petitioned the Town Board to amend the zoning ordinance to change the classification of other premises to the west of the premises described in Schedule A consisting of 4.46 acres from the classification of R-22 to R-15, and further petitioned for a special permit for the erection of senior citizens housing on the premises described in Schedule A; and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 23, 1974; and

WHEREAS, the Town Board of the Town of Clarkstown by resolution dated December 4th, 1974 has amended the zoning map of the Town of Clarkstown to change the premises from R-22 to R-15; and

WHEREAS, the Town Board of the Town of Clarkstown

703

by resolution dated December 4, 1974 has made a special findings and granted a special permit for the erection of senior citizens housing for the premises described in Schedule A attached hereto; and

WHEREAS, the owner covenants to restrict the use of the premises described in Schedule A in accordance with the provisions herein, to be used for senior citizens housing pursuant to the special permit,

NOW, THEREFORE, the owner covenants and agrees, for itself, its successors, heirs and assigns, that the aforementioned premises shall be subject to the following covenants and restrictions, which shall run with the land, for the benefit of the Town Board of the Town of Clarkstown:

FIRST: That the owner shall prepare a site plan together with preliminary building plans showing a typical floor plan of all units, including the community building and a typical building elevation and submit the same to the appropriate municipal agencies of the Town of Clarkstown for review.

SECOND: The owner shall file an application for the purpose of subdividing the entire premises owned by the owner to partition the premises, with frontage on Route 304, which are to be developed for senior citizens housing (premises described in Schedule A attached hereto) from premises to the west of said premises with frontage on White Oak Lane. The owner further agrees to execute a restrictive covenant restricting the development of said other premises with frontage on White Oak Lane to permit no more than nine lots for development with single family residences, no lot to have less than 20,000 sq. ft. The owner further agrees to dedicate to the Town of Clarkstown a drainage easement across these and other premises, in accordance with the requirements of the Planning Board of the Town of Clarkstown.

THIRD: Owner covenants that no driveways or parking spaces shall be permitted within fifteen (15) feet of the north, west and south property lines.

FOURTH: Owner covenants to set aside and landscape with evergreens a fifteen (15) foot buffer area to the north, west and south property lines to establish an all seasonal screening, said buffer area to be planted prior to any certificates of occupancy being issued for any senior citizen dwelling unit, to be approved by the Shade Tree Commission.

FIFTH: The owner shall supply all stop signs required by the Traffic Safety Advisory Board of the type approved by the Superintendent of Highways.

SIXTH: The owner hereby covenants that all on-site curbing and sidewalks shall be concrete or cobblestone, as approved by the Town Engineer's office.

SEVENTH: The owner hereby covenants that all lighting shall be designed not to reflect into the aforementioned residential areas to the north, west and south and shall be an indirect, pole-type fixture and, further, that no spot or flood type of lighting shall be used.

EIGHTH: The owner shall secure the approval for all street landscaping from the Shade Tree Commission.

NINTH: The owner hereby covenants that the thickness of the pavement of the interior driveways shall be constructed in accordance with the Town's Street Paving Specifications.

TENTH: The owner hereby covenants that no more than 106 senior citizen dwelling units plus one superintendent's apartment, together with the community building, shall be constructed on the premises, all in accordance with the Zoning Ordinance of the Town. The senior citizen dwelling unit shall only be one-bedroom units which are not to be capable of being

converted to two-bedroom units.

ELEVENTH: The owner hereby covenants that immediate diligent good-faith efforts will be made to obtain federal or state subsidies or other financial assistance in connection with the construction and maintenance of the senior citizen housing project for the purpose of providing the lowest possible rents for prospective tenants. The owner agrees to make every effort to secure approval for such federal or state subsidies or financing and agrees to comply with all of the rules and regulations of such agencies. The owner further agrees to advise the Town of the status of its application with the federal or state agencies and the progress of such application.

TWELFTH: The owner hereby covenants that the rentals for the senior citizen housing units shall be as follows: (1) rentals with 100% tax abatement and federal subsidies will not exceed \$180 per month for each one-bedroom unit, or (2) rentals with 100% tax abatement and conventional financing will not exceed \$240 per month for each one-bedroom unit.

THIRTEENTH: The owner hereby covenants that any increases above the foregoing rental schedule shall be made only with the approval of the Town Board of the Town of Clarkstown.

FOURTEENTH: The owner hereby covenants that the construction of all facilities shall be in accordance with Town Specifications and Regulations; and that the grading, drainage and sanitary sewers shall be constructed to the satisfaction of the Town Engineer's office.

FIFTEENTH: The within restrictive covenant shall run with the land for the benefit of the Town and the same may be modified or waived only by resolution of the Town Board of the Town of Clarkstown.

SIXTEENTH: The within covenant hereby modifies and

supersedes the covenant dated July 16, 1973 and recorded in the Rockland County Clerk's Office described hereinabove.

SEVENTEENTH: It is understood and agreed that the essence of the within covenant is the control and regulation of the rents to be charged by the owner to insure that the lowest possible rents are charged for the purpose of benefiting the senior citizens in the Town of Clarkstown who may be living on fixed incomes and require adequate housing at reduced rentals. To insure this objective, the owner agrees to permit the Town to audit the owner's complete books and records relating to the operation of the housing units. The owner agrees, upon demand, to deliver any and all books and records to the Town for the purpose of permitting the Town to audit the same.

EIGHTEENTH: The owner agrees to notify the Town in writing of the manner and type of mortgage financing proposed by the owner for the construction of the project and any subsequent refinancing of the project. The aforesaid notice shall contain complete details of the type and manner of proposed mortgage financing. The Town shall have the right to disapprove the manner of proposed financing provided, however, such disapproval shall not be unreasonable. If no written disapproval is received within 20 days after written notice is given by the owner, then such proposed method of mortgage financing shall be deemed not to have been disapproved. The aforesaid notice shall be given by certified mail, return receipt requested.

IN WITNESS WHEREOF, MONTEREY GARDENS CO. and GEORGE FAIST have duly executed this covenant the day and year first above written.

MONTEREY GARDENS CO.

By _____
George Faist, Partner

George Faist

In connection with decisions re Monterey Gardens Co. change of zone and special permit applications; before vote taken, the following comments were made:

Mr. James Coyle, Planning Board: None of these apartments have gas, they will have to be heated by oil and/or electricity. Electric kitchens will have to be installed. With price of electricity today, senior citizens cannot afford. Things have changed since last public hearing. Planning Board voted against the questions of location on Route 504.

Supervisor Gerber stated that the last two covenants (#s 17 and 18), will fully protect the rights of residents and town so that if in the future there be any danger without the town having first called on that project that it will be turned into anything but a Senior citizen complex.

Councilman Pizzutello stated that this includes utilities so as to rise, that would be borne by owner of Senior Citizen Housing.

Mr. Haeger, Valley Cottage stated that in the event that utilities are high and owner cannot pay, can owner abandon premises? Supervisor replied that town hopes in the next few weeks to present something in public where we will make sure that this will never happen. We will present plan to guarantee that these prices and rentals will not be priced out of the market. Financing method must be approved by the town or there is no special permit.

Councilman Lodico stated in his opinion location not good. At the present time, he continued, based on present financial situation, rentals are not accurate. At the present time there is no money available so any commitments would be bases on promises or IOU's. Re covenant, total criteria to protect area in question. Other rentals that have been protected have been forced up. Do not act because it is a popular thing. We would create 106 units project that may never se Senior Citizens in there.

Supervisor Gerber stated that he shares Co. Lodico's concern. Senior Citizens not against it in this location. There is demand for senior citizen housing in all price ranges. No building will ever be put up unless builder or owner of land meets requirements of town as to regulations re rent and further that the town know the type of mortgage (state, or federal). At some point, he continued, we must take a risk and hope that items we have written in that there will be funds available and construction again in the community.

(1974-937 A)

Co. Lodice offered the following resolution:

BOND AND CAPITAL NOTE RESOLUTION OF THE
TOWN OF CLARKSTOWN, NEW YORK, ADOPTED
December 4, 1974, AUTHORIZING THE
ACQUISITION BY PURCHASE OF CERTAIN PIECES
OR PARCELS OF LAND, IN THE AGGREGATE
AMOUNT OF APPROXIMATELY 11.9 ACRES, SITUATE
AT THE TOWN LANDFILL AREA, IN THE HAMLET
OF WEST NYACK, IN THE TOWN, TO BE USED FOR
TOWN SANITARY LANDFILL PURPOSES, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$138,000,
APPROPRIATING SAID AMOUNT THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$7,000 CAPITAL
NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT
AND \$131,000 SERIAL BONDS OF SAID TOWN TO
FINANCE THE BALANCE OF SAID APPROPRIATION.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN,
IN THE COUNTY OF ROCKLAND, NEW YORK (by the favorable vote of
not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town of Clarkstown (herein called "Town"),
in the County of Rockland, New York, is hereby authorized to acquire
the certain pieces or parcels of land, in the aggregate amount of 11.9
acres, more or less, situate at the Town landfill area, in the Hamlet
of West Nyack, in the Town, as the same are more particularly de-
scribed on Clarkstown Tax Map 105, Block A, Lots 22-02, 22-03 and
22-04, to be used for Town sanitary landfill purposes. The estimated
maximum cost of said specific object or purpose, including preliminary

(1974-937 A Continued)

costs of surveys, maps, plans and estimates and costs incidental thereto and the financing thereof, is \$138,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$7,000 capital notes to provide the down payment required by the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), and \$131,000 serial bonds to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said notes and bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes in the principal amount of \$7,000 to provide such down payment and serial bonds in the principal amount of \$131,000 to finance the balance of said appropriation are hereby authorized to be issued pursuant to the Law.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of acquiring said land, being the specific object or purpose for which said \$7,000 capital notes and said \$131,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the serial bonds authorized by this resolution, or any bond anticipation notes in anticipation of the sale of such bonds, and such current funds will be so provided from the proceeds of the capital notes herein authorized to be issued. The Supervisor, the chief fiscal officer of the Town, is hereby authorized and directed to set

GE:BI:96

(1974-937 A Continued)

aside said current funds and to apply the same solely to said specific object or purpose.

(c) The maturity of the bonds authorized pursuant to this resolution will exceed five (5) years.

Section 4. Each of the notes and bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by §52.00 of the Law and said notes and bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said notes and bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the notes and bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §§56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

(1974-937 A Continued)

Section 6. The validity of the notes and bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall be subject to a permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by

Councilman Pizzutello and duly put to a vote on roll call,

which resulted as follows:

AYES: Messrs. Gerber, Maloney, D'Antoni,
Lodico and Pizzutello

NOES: None

The resolution was declared unanimously adopted.

(End of 1974-937 A)

67B196

(1974-937 B) Co. Lodico offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF
CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS
FOLLOWS:

Section 1. The Town Clerk shall, within ten (10) days after the adoption of the bond and capital note resolution referred to in the form of Notice hereinafter set forth in Section 3 hereof, cause to be published at least once in the "JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town, and hereby designated as the official newspaper of said Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice in substantially the following form:

(1974-937 B Continued)

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on December 4, 1974, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted the bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted December 4, 1974, authorizing the acquisition by purchase of certain pieces or parcels of land, in the aggregate amount of approximately 11.9 acres, situate at the Town landfill area, in the Hamlet of West Nyack, in the Town, to be used for Town sanitary landfill purposes, stating the estimated maximum cost thereof is \$138,000, appropriating said amount therefor and authorizing the issuance of \$7,000 capital notes to provide the required down payment and \$131,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Town of Clarkstown ("Town"), New York, to acquire the certain pieces or parcels of land, in the aggregate amount of 11.9 acres, more or less, situate at the Town landfill area, in the Hamlet of West Nyack, in the Town, as the same are more particularly described on Clarkstown Tax Map 105, Block A, Lots 22-02, 22-03 and 22-04, to be used for Town sanitary landfill purposes; STATING the estimated maximum cost of said specific object or purpose is \$138,000 and APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$7,000 capital notes to provide the down payment required by the Local Finance Law ("Law"), and \$131,000 serial bonds to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said notes and bonds and the interest thereon as the same shall become due and payable;

SECOND: AUTHORIZING the issuance of \$7,000 capital notes and \$131,000 serial bonds to finance said appropriation pursuant to the Law;

THIRD: DETERMINING AND DECLARING that the period of probable usefulness of acquiring said land, is thirty (30) years; that current funds are required by the Law to be provided prior to the issuance of the serial bonds authorized by this resolution, or any bond anticipation notes in anticipation of the sale of such bonds, and such current funds will be so provided from the proceeds of the capital notes herein authorized to be issued; AUTHORIZING AND DIRECTING the Supervisor to set aside said current funds and to apply the same solely to said specific object or purpose; and DETERMINING AND STATING that the proposed maturity of the bonds will exceed five (5) years;

GBB196

(1974-937 B Continued)

FOURTH: DETERMINING that said notes and bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of the notes and bonds and any notes issued in anticipation of said bonds or the renewals thereof; and

SIXTH: PROVIDING that the resolution shall be subject to a permissive referendum.

DATED: December 4, 1974

ANNE E. O'CONNOR,

Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated the official newspaper of the Town for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by

Councilman Pizzutello and duly put to a vote on roll call,

which resulted as follows:

AYES: Messrs. Gerber, Maloney, D'Antoni,
Lodico and Pizzutello

NOES: None

The resolution was declared unanimously adopted.

(End of 1974-937 B)

(1974-9573) Co. Lodico offered the following resolution:

WHEREAS, a public hearing was held on the 14th day of August 1974 to consider amendments to the Sanitary Landfill Rules and Regulations, and

WHEREAS, the Sanitation Commission has recommended the approval of said Rules and Regulations;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the attached Rules and Regulations and provides that same shall become effective on January 1st, 1975.

Seconded by Co. Pizzutello.

All voted Aye.

SANITARY LANDFILL RULES & REGULATIONS - 1975

- Sec. 1. Open hours.
- Sec. 2. Open days.
- Sec. 3. Refuse accepted.
- Sec. 4. Refuse not accepted.
- Sec. 5. Fees.
- Sec. 6. Registration and identification.
- Sec. 7. Privileges.
- Sec. 8. Intent.
- Sec. 9. Operation.
- Sec. 10. Investigators.
- Sec. 11. Penalties.
- Sec. 12. Severability clause.
- Sec. 13. Effective date.

Reso. #937C- cont.

Sec. 1. Open hours.

8 a.m. to 2:30 p.m., Monday through Friday
(Passenger vehicles)

8 a.m. to 3:30 p.m., Monday through Friday
(Licensed Collectors)

8 a.m. to 12:00 noon, Saturdays (Passenger Vehicles)

8 a.m. to 2:00 p.m., Saturdays (Licensed Collectors)

(During inclement weather, Dumpmaster may refuse
passenger vehicles access to sanitary landfill)

Sec. 2. Open days.

All weekdays except legal holidays of: New Year's Day
Lincoln's Birthday, Washington's Birthday, Memorial
Day, Independence Day, Labor Day, Columbus Day,
Election Day, Veterans' Day, Thanksgiving Day and
Christmas Day.

Sec. 3. Refuse accepted.

Only that accumulated in the Town of Clarkstown and
Orangetown.

From other areas only upon special permission of the
Town Board.

Refuse must not contain burning or smoldering substance.

Sec. 4. Refuse not accepted.

A. Materials commonly labeled of hazardous nature
by the U.S. Environmental Protection Agency or
N.Y. State Department of Environmental Control,
or those materials that are not suited for dis-

Reso. 957C- cont.

posal in a sanitary landfill by state or federal agency ruling.

- B. Logs or tree trunks longer than five (5) feet in length.
- C. Dead animals.

Sec. 5. Fees.

- A. Annual fee for each truck payable to Sanitary Landfill Clerk on or before the first day of each calendar year (\$100.00 per truck).
- B. An additional charge by cubic yard @ \$.20 per yard for open vehicles or standard packer used in household pickup. Compactor boxes or containers shall be \$.25 per yard.

(Compactor box shall be defined as that type of container joined to a stationary compactor assembly or portable compactor box with hydraulic ram assembly attached).

From passenger car or stationwagon resident permit - no fee.

From pickup truck, 1/2 ton commercial type of vans - \$2.00 minimum.

From larger trucks (according to size of load) \$3.00 to \$50.00 minimum at the discretion of the Dumpmaster for unlicensed collectors.

- C. Shredding of branches, trees and limbs \$ 2.00 minimum based on 1/2 ton pickup trucks. Larger vehicles at option of Dumpmaster. Largest size trees accepted for shredding 3" caliper. Larger than 3" caliper trees to be cut in lengths not to exceed 5 feet.
- D. All contractors will be required to purchase, in advance of landfill use, appropriate capacity books of tickets to accomodate at least 60 days' normal usage for said contractor for each vehicle used by said contractor.

Reso. #957^C - cont.

Sec. 6. Vehicle identification.

- A. Owner must have truck inspected by County Health Department and secure permission of Town Board before annual fees will be accepted. Renewal of such permission shall be applied for in December of each year.
- B. All trucks shall be properly painted or lettered with the following information:
 1. Name of firm of licensee.
 2. Address.
 3. Telephone number.
 4. Truck number.
 5. Unladen weight.
 6. Gross Weight.
 7. Cubic capacity in yards.
 8. All numbers indicating capacity shall be at least 4" tall.
- C. All containers shall be properly painted or lettered with the following information:
 1. Name of firm of licensee.
 2. Address.
 3. Telephone number.
 4. Boxes or containers numbered consecutively if more than one.
 5. Cubic capacity in yards.
 6. If a compactor box, the letter "C" must be placed before the cubic yard.
 7. All numbers indicating capacity shall be at least 4" tall.

Reso. #957C - cont.

Sec. 7. Privileges.

- A. The Town Board reserves the right to revoke permission for use of this facility for infraction of these rules or other conduct adversely affecting the quiet, efficient operation of the facility, or for public abuse or harassment of sanitary landfill personnel by persons seeking to dump garbage.
- B. Each municipality or agency under contract with the Town of Clarkstown shall PROVIDE and MAINTAIN a chipper or shredder for their respective municipality or agency's use for limbs, branches, trees, etc.

Sec. 8. Intent.

The maintenance and operation of this facility is for the benefit of the residents of the Town of Clarkstown and cooperation of other municipalities or agencies approved by the Town Board of the Town of Clarkstown to eliminate indiscriminate dumping and to provide proper disposal so that garbage collection in the Town of Clarkstown will be maintained as an efficient, competitive private business.

Sec. 9. Operation.

1. Dumpmaster or Assistant Dumpmaster, in absence of Dumpmaster, has charge of project and his directions must be followed.
2. Dumpmaster will verify that annual and monthly fees for trucks have been paid and each truck has a decal identification. Upon notification from Sanitary Landfill Clerk of nonpayment of fees, he shall refuse admittance to truck involved.

Reso. #957C- cont.

3. Dumpmaster will collect fees for single loads at fixed rates, issue receipts therefor and transmit monies collected to the Sanitary Landfill Clerk at end of each week accompanied by verified report.
4. Dumpmaster will pack filled area and cover refuse with even layer of earth fill at end of each day.
5. Dumpmaster will maintain suitable number of rat feeding stations at all times and use pest control apparatus as required.
6. Dumpmaster will maintain stockpile of earth fill for emergencies.
7. Dumpmaster will secure delivery slips for earth fill delivered, check and verify bills of vendor and transmit to Comptroller. He will notify Supervisor if earth fill does not meet specifications of contract.
8. Dumpmaster will notify West Nyack Fire Department in event of fire and when Town firefighting equipment is ineffective to extinguish the fire.
9. Dumpmaster will endeavor to have relief operator available for call in the event of vacation or sickness.
10. Dumpmaster will keep machine clean and lubricated. In event of breakdown, he will notify appropriate repair authority who will arrange repair.
11. Dumpmaster will keep entrance area and garage in neat condition.
12. Dumpmaster shall keep entrance to premises locked during other than open hours.
13. Temporary permits for use when breakdowns of vehicles will be provided by landfill clerk.
14. Dumpmaster shall furnish inventory of tools and equipment at end of each calendar year.

Reso. #937C- cont.

15. Dumpmaster will not engage in, or permit others to engage in salvage operations except upon written instructions from the Town Board.
16. Dumpmaster will notify Supervisor of any person not complying with these rules.

Sec. 10. Investigators.

Investigators for the Sanitation Commission are empowered to stop and check all vehicles entering the Clarkstown Sanitary Landfill to determine proper licensing permits or content of vehicles for proper disposal or exclusion from Clarkstown Sanitary Landfill.

Sec. 11. Penalties. (Violation for dumping out of town refuse or other violation of rules)

1st offense - 30 days suspension and/or \$100.00 fine or both.

2nd offense - 60 days suspension and/or \$200.00 fine or both.

3rd offense - revocation of sanitary landfill privileges.

Sec. 12. Severability clause.

In the event that any portion of these rules and regulations shall be declared invalid by a court of competent jurisdiction, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid and the rest of these rules and regulations shall remain valid and effective.

Sec. 13. Effective date.

These rules and regulations shall be effective on January 1, 1975.

(End of Reso. #937C)

(1974-938) Co. Lodico offered the following resolution:

WHEREAS, it is necessary to furnish appropriate winter apparel for the Clarkstown School Crossing Guards,

NOW THEREFORE, be it

RESOLVED, that twenty-six (26) coats be purchased at a unit price of \$49.50, from Temco Uniforms, Pearl River, and that forty-one (41) hats at a unit cost of \$6.50 and forty-nine (49) pairs of gloves at a unit cost of \$2.50 be purchased from Best Uniform Company, 18 West 18th St., New York City N Y all at a total cost of \$1,676.00, and be it

FURTHER RESOLVED, that the funds be transferred from Federal Revenue Sharing to General Account.

Seconded by Co. Maloney.

All voted Aye.

(1974-939) Co. D'Antoni offered the following resolution:

WHEREAS, heavy snow falls in the Town of Clarkstown may create a state of emergency because of the danger of fire sickness, lack of food and medical assistance to persons on unplowed streets;

NOW THEREFORE, be it

RESOLVED, pursuant to the authority granted under the General Municipal Law, Sec. 209-o, the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel and other resources of the Town of Clarkstown in such manner as may be necessary or appropriate to cope with the natural emergency created by an extraordinary fall of snow, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby given the power and authority to declare an emergency at any time when he deems it necessary, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use men and equipment to plow undedicated streets in the Town of Clarkstown during a declared snow emergency.

Seconded by Co. Maloney.

All voted Aye.

TBM - 12/4/74
Page 41

(1974-940) Co. Lodico offered the following resolution:

RESOLUTION AMENDING ZONING
ORDINANCE OF THE TOWN OF
CLARKSTOWN

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 16th day of October, 1974, provided for a public hearing on the 13th day of November, 1974, at 8:15 P.M., to consider the application of GUISEPPE DePAULIS to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property more particularly described in Schedule "A" from an LO District to a LS District, and

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice;

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an LO District to a LS District the following described property situate between Route 9W and Route 303, Congers, New York; said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenants in a form and manner satisfactory to the Office of the Town Attorney, and to contain the following covenants:

1. That no outdoor storage shall be maintained by the owner of the property within a strip of land 60 feet in width and 200 feet in depth along the southeasterly boundary line of the herein described premises. Said restriction on outdoor

Reso. #940 - cont.

storage shall include building supplies, materials, automobiles and trucks. The said strip shall be maintained in an attractive and natural state and shall contain shrubs and plantings as shall be required by Ralph Snodsmith, consultant to the Town of Clarkstown.

2. There shall be no ingress from Route 9W except for the purpose of the parking of automobiles upon the upper level parking lot presently situated on the herein described premises.

3. There shall be no through driveways connecting Route 9W to Route 303 in order that there shall be no through traffic between said roads.

(SCHEDULE A)

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York, more fully described as follows:

BEGINNING at an iron pipe located on the easterly side of Route 303, said pipe being located at the intersection of the easterly side of Route 303 and the southerly boundary line of the parcel described herein; thence,

- (1) N 7° 06' 05" West, 28.88 feet as measured along the easterly right of way of Route 303 to a Rockland County monument; thence,
- (2) N 0° 11' 40" East, 214.73 feet as measured along the easterly right of way of Route 303 to a Rockland County monument; thence,
- (3) N 7° 11' 25" East, 169.38 feet, still along the easterly right of way of Route 303 to a Rockland County monument; thence,
- (4) N 7° 50' 00" East, 48.88 feet along the easterly right of way of Route 303 to a Rockland County monument; thence,
- (5) N 37° 24' 20" East, 164.51 feet along the easterly right of way of Route 303 to a Rockland County monument, said monument being located on the southerly right of way of Route 9W; thence,
- (6) On a curve to the left having a radius of 444.1 feet for a length of 62.15 feet, as measured along the southerly right of way of Route 9W; thence,
- (7) S 48° 20' 38" East, 251.11 ft. as measured along the southerly right of way of Route 9W to an iron pipe; thence,
- (8) S 41° 39' 22" West, 200.00 feet to an iron pipe; thence,
- (9) S 44° 08' 40" West, 320.23 feet back to the point or place of BEGINNING.

TBM - 12/4/71
Page 45

(1974-941) Co. Maloney offered the following resolution:

WHEREAS, on July 4, 1976 this nation shall celebrate the Two Hundredth Anniversary of its birth, and

WHEREAS, it is appropriate that our community, like thousands of others throughout this nation, should celebrate the occasion in a suitable manner, and

WHEREAS, it is necessary to do extensive planning in order to create a town-wide program of events,

NOW THEREFORE, be it

RESOLVED, that a Clarkstown Bi-Centennial Commission be created, with membership consisting of five (5) Clarkstown residents, with terms commencing immediately and terminating on July 4, 1976.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-942) Co. Maloney offered the following resolution:

RESOLVED, that the following be appointed a member of the Clarkstown Bi-Centennial Commission, effective immediately, to serve without compensation, with a term to expire on July 4, 1976:

Mr. John Bruckler, 3 Fairhaven Drive, New City N Y
Mr. Frank McAvoy, 4 Elmsford Road, New City N Y

Seconded by Co. Lodico.

All voted Aye.

More appointments will be made to the Bi-Centennial Commission.

(1974-943) Co. Lodico offered the following resolution:

RESOLVED, that Clare Neuser, 463 W. Clarkstown Road, Spring Valley N Y is hereby granted a second provisional appointment in the position of Code Enforcement Officer - Building Inspector's Office - at the annual salary for 1974 of \$10,284.00, effective immediately.

Seconded by Co. D'Antoni.

All voted Aye.

Proposed resolution regarding installation of
sewers (Blue Willow Lane and Randy Lane, New City) -- tabled.

(1974-944) Co. Lodico offered the following resolution:

WHEREAS, Pauline Chasar has used all of her
available sick leave, vacation, holidays and personal
leave credits, and

WHEREAS, Article XVIII, Section 3 (j) of the
Town of Clarkstown Labor Agreement of January 1, 1973
provides for an extension of sick leave to a permanent
employee,

NOW THEREFORE, be it

RESOLVED, that Pauline K. Chasar, 17 Jolen Drive,
New City N Y is hereby granted a two month leave of absence
at one-half (1/2) her normal salary, effective Dec. 3, 1974.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-945) Co. Pizzutello offered the following resolution:

WHEREAS, many children residing in the Spring
Valley section of Clarkstown avail themselves of the
services of the Tiger's Den, and

WHEREAS, this organization has through the years
proven itself to be of positive benefit to our community
as a whole,

NOW THEREFORE, be it

RESOLVED, that the sum of Two Thousand Dollars
(\$2000.00) be allocated to the Tiger's Den, said funds to
be charged against Account No. 7310-424.

Seconded by Co. Lodico.

All voted Aye.

TEN - 12/4/74
Page 45

(1974-946) Co. Lodico offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Spring Valley Water Co. is hereby authorized to install One (1) hydrant on the west side of Route 395, approximately 85 feet north of existing hydrant No. 21-91 (which is located on the east side of the highway - (Inves. No. 8178).

Seconded by Co. Maloney.

All voted Aye.

(1974-947) Co. Pizzutello offered the following resolution:

WHEREAS, the Town of Clarkstown, on June 27, 1973, awarded a contract to SULLIVAN, MAGEE & SULLIVAN, INC., for the installation of drainage pipe five feet in diameter, under Route 59 in West Nyack, New York for the base price of \$122,230.00; and

WHEREAS, said work by SULLIVAN, MAGEE & SULLIVAN, INC. was completed by December 20, 1973, and

WHEREAS, the Town of Clarkstown has heretofore paid the sum of \$117,230.00 toward the base contract of \$122,230.00, leaving the sum of \$5,000.00 still due and payable to SULLIVAN, MAGEE & SULLIVAN, INC. under the original base contract, and

WHEREAS, said SULLIVAN, MAGEE & SULLIVAN, INC. allege that they encountered large boulders under Route 59, requiring the drilling of holes in said boulders large enough for drainage pipe five feet in diameter to pass through, and

WHEREAS, a statement was submitted to the Town of Clarkstown by SULLIVAN, MAGEE & SULLIVAN, INC. in the sum of \$104,861.00 for extra work required in drilling through said boulders; and

WHEREAS, SULLIVAN, MAGEE & SULLIVAN, INC. commenced an action against the Town of Clarkstown seeking payment of \$109,861.00, and

WHEREAS, a majority of the Town Board are of the opinion that the sum of \$47,500.00 represents the fair and reasonable value of said extra work;

NOW THEREFORE, be it

RESOLVED, that Vincent Pizzutello, Councilman, on behalf of the Town of Clarkstown be and he is hereby authorized to take all necessary and appropriate steps to settle the action filed by SULLIVAN, MAGEE & SULLIVAN, INC. for the sum of \$52,500.00 which represents payment of the balance of \$5,000.00 due under the original base contract and \$47,500.00 for the extra work alleged

(continued)

TBM - 12/4/74
Page 46

(1974-947 - continued)

as above mentioned, and be it

FURTHER RESOLVED, that Vincent Pizzutello, Councilman of the Town of Clarkstown, be and he hereby is authorized to execute any and all necessary papers for the purpose of securing court approval for the compromise and settlement herein and upon the securing said court approval, the Comptroller of the Town of Clarkstown is hereby authorized to pay said sum of \$52,500.00 to SULLIVAN, MAGEE & SULLIVAN, INC. in payment of its claim hereinabove mentioned, of which \$5,000.00 shall come from the Surplus or Unappropriated Funds, and \$47,500.00 shall be financed pursuant to the Local Finance Law of the State of New York.

Seconded by Co. Maloney

Councilman Maloney: Assured that this had to be done to the satisfaction of the Town Engineer. Settlement equitable. Contractor should not be left holding the bag.

Supervisor Gerber: No documents, only oral authorization to proceed with work. No appropriation made on the contract amount. Bills were paid without authentication

On roll call the vote was as follows:

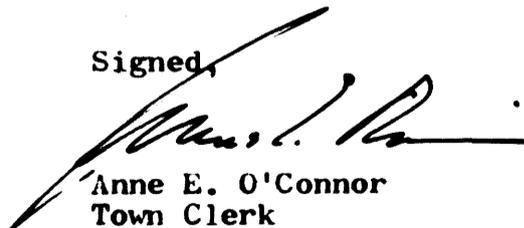
AYES: Co. D'Antoni, Lodico, Maloney, Pizzutello
NOES: Supervisor Gerber

Mr. James Coyle appeared before the Town Board re Senior Citizen transportation in Middlewood during the week. Requested school bus. He was instructed to contact the Recreation Commission re same, including work on signs and routes. Suggestion made that mini-bus be used for all Senior Citizen Groups.

Mr. Coyle also requested that Town Board look into matter of County Legislature considering an Industrial Development Agency which could infringe on the rights of the town, town to take negative position when it has its first public hearing.

There being no further business before the Town Board, and no one further wishing to be heard, on resolution offered by Co. D'Antoni, seconded by Co. Pizzutello and unanimously adopted, Town Board meeting was adjourned until Wednesday, 12/11/74 at 8:00 PM, at which time scheduled public hearings will be held.

Signed,



Anne E. O'Connor
Town Clerk