

PUBLIC HEARING

Town Hall

2/5/75

8:15 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 SANITARY LANDFILL RULES AND REGULATIONS
OF THE TOWN OF CLARISTOWN - AMENDING SECTION 9 - ITEM I:**

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

Proposed amendment is as follows:

'Sec. 9. Operation.

1. Dumpmaster or Assistant Dumpmaster, in absence of Dumpmaster, has charge of project and his direction must be followed. Failure to comply with any lawful direction of the Dumpmaster or Assistant Dumpmaster shall result in immediate suspension of Sanitary Landfill privileges until such direction is complied with. In addition, the violator shall be subject to penalties as set forth in Section 11 infra. Each such infraction shall constitute a separate violation, in the event that such violation shall continue for a period of more than one day, each day that said violation continues shall be deemed a separate violation subject to penalties to Section 11 infra.

Councilman Lodico stated that this proposed amendment is basically an addition which was omitted in the original presentation and is protection for the town in relation to the Sanitary Landfill rules and regulations whereby those not complying will have penalties which were not in the previous rules and regulations set forth.

IN FAVOR: No one appeared

OPPOSED: No one appeared

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

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

2/5/75

8:30 PM

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

RE: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE OF THE
TOWN OF CLARKSTOWN - AMENDING SECTION 106.30 C (2):

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

Murray N. Jacobson, Town Attorney presented proposed
amendment as follows:

Amend Section 106.30 C (2) to read as follows:

(2) Application for site development approval. An application for a building permit, variance or a special permit for any structure, building or use other than a one or two-family residence, and the exceptions listed above, shall be sent to the Planning Board by the Building Inspector or Zoning Board of Appeals for approval within five (5) days after the Building Inspector or Zoning Board of Appeals receives said application; and said application shall contain those items required by the Planning Board pursuant to site plan development specifications adopted by the Planning Board as provided in Sub-section C(6) of this section, including but not limited to:

Amend Section 106.30 C (3) to read as follows:

(3) Planning Board action and standards to be considered. Within one hundred eighty (180) days of the receipt of the application the Planning Board shall render a decision to the Building Inspector or Zoning Board of Appeals. If no decision is made by the Planning Board within said one hundred eighty day period the site development plan shall be considered approved unless additional time is granted to the Planning Board for processing this matter pursuant to an agreement with the applicant. When acting upon said application the Planning Board shall consider the site plan in relation to the provisions and intent of this section of the Zoning Ordinance and of the town's Master Plan, as adopted by the Planning Board; the relationship between the principal buildings and structures on the parcel and all necessary buildings, structures and uses; the convenience and safety of the parking and loading areas

(continued)

and the interior circulation systems and the access to public streets; the adequacy of walkways between principal buildings and accessory structures and uses including parking areas; the adequacy of drainage facilities; the proper placement and kind of landscaping and lighting features to screen adjacent residential areas and streets from any potential nuisance features of the use of the parcel and such other criteria as directly related to the health, safety and general welfare of the surrounding community.

Amend Section 106.30 C (4) to read as follows:

(4) Planning Board referral. The Planning Board may request a review of the site development plan by the Town Engineer or other department, official or agency of the Town of the County Highway Department or County Planning Board.

In explanation of proposed amendment, the Town Attorney stated the following:

Prior to June 7, 1974, the cases in New York State had held that the approval of Site Plans was not within the powers of a Planning Board. Site Plans for multi-family, commercial and industrial sites were within the purview of the Building Inspector. The only function of the Planning Board was advisory upon a referral by the Building Inspector or Zoning Board of Appeals.

The Zoning Ordinance of Clarkstown in Sec. 106.30 C (2) provided for such a reference to the Planning Board of site plans in order to obtain an advisory opinion. This opinion was to be rendered within 90 days.

On June 7, 1974 Governor Wilson signed the Home Rule Bill which allowed the Clarkstown Town Board to delegate Site Plan approval to the Planning Board. On July 10, 1974, the Town Board delegated this power to the Planning Board. Also, they authorized the Planning Board to promulgate rules and regulations for exercising this power, subject to the approval of the Town Board.

The Planning Board subsequently adopted Rules and Regulations and sent them to the Town Board for approval. The Town Board is presently reviewing such Rules and Regulations and has not yet approved them. These Planning Board Rules and Regulations provide a time period of up to 180 days for final approval.

The purpose of the proposed amendments to the Zoning Ordinance presented tonight is to make the Zoning Ordinance consistent with delegation of the Site Plan Review Power to the Planning Board. These proposed amendments are flexible in that by a choice between the alternatives presented, the Town Board may shape the delegation of power in the way that they consider in the best interests of the town.

Firstly, the present ordinance calls for a 90 day period for action by the Planning Board. The proposed amendment calls for 180 days which is in line with the proposed Planning Board Rules. The Town Board can either allow the greater period or keep it at 90 days.

(continued)

(T/A statement - continued)

Secondly, the present ordinance calls for a referral by the Building Inspector or Zoning Board of Appeals for recommendation on Site Plans prior to their action.

The proposed amendment would allow the Town Board to either:

(a) Provide that only Site Plans related to Building Permit applications should be sent to the Planning Board for approval prior to action by the Building Inspector, and leave the Zoning Board of Appeals referral in its present advisory form, or

(b) Provide for a decision by the Planning Board on the site plans from both Building Inspector and Zoning Board of Appeals before these agencies may take action.

The Town Board has these various alternatives and the purpose of this public hearing is to get citizens impute in making this choice.

IN FAVOR:

Mr. Karl Hess of the town Planning Board stated that the Clarkstown Planning Board is in full accord with the passage of this proposed amendment.

OPPOSED:

Mr. Alan Yassky, Co-Chairman of the Clarkstown Industrial Commission and representing two other groups, the County Board of Realtors and the County Home Builders Association, stated that the proposal as submitted is the most regressive piece of legislation the town could enter into if they were considering balancing the economy and bringing in favorable industry to help with our tax situation. Proposal would allow the Planning six months to make a decision, and at the end of six months that they could turn to the applicant and ask for another six months would not be conducive to getting clean ratables in the township. If the town has an interest of trying to get clean ratables in and trying to bring jobs into the township, then they are going diametrically in the opposite direction than they should be.

Standards should not be lowered. Industry none else wants should not be brought in; but I do not know why the Planning Board needs six months to review anything.

Ramapo came up with a decision on Western Electric in 24 days. If you want bedroom community, rezone the land (industrial) that we now have. Town Board has to decide what the priorities are. The Town of Clarkstown without this law, is not attractive to any type of industry. This is a small part of a very large problem. I would propose that the Town Board has an interest in balancing development in the town, the time should be spent now not in this type of legislation, but in setting up a zone; a conglomeration of all present zoning, and put them into one or two zones. Rework the Code.

(continued)

(Mr. Yassky - cont.)

If Western Electric settled in the Town of Clarkstown, they would need 3000 parking spaces. They have, in Ramapo, 300.

This is what is keeping industry out.

Re 'Planning Board may refer to the Town Engineer and the Building Inspector, etc.', my concept of a Planning Board is that they should be dealing with the environment we live in and should not be dealing in the specifics. It is not the Planning Board's business to decide that 4 catch basins belong on a street. That is the Town Engineer's jurisdiction.

Technically, items should be referred to people that have the knowledge. The Planning Board's business is to decide, on a certain site, if type of building is homogenous to the area.

Councilman Lodico requested that a list of the items of this committee and other groups he represents be forwarded so that the Town Board can review it before rendering a decision.

OPPOSED:

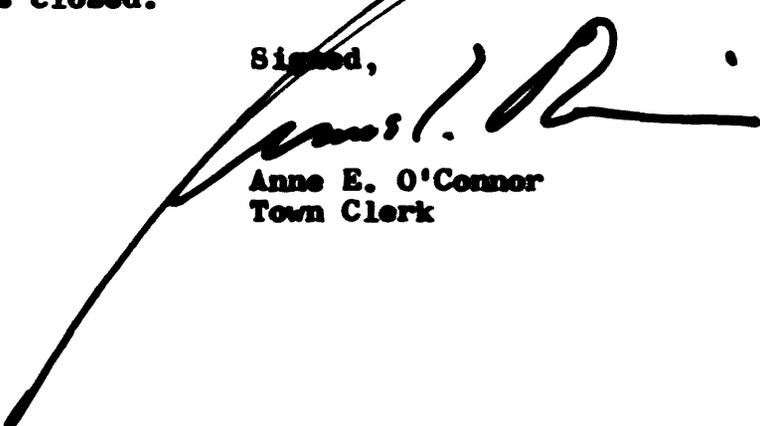
Mr. Gene Ostertag, Engineer:

180 days time period would be much too long for site plan approval. Current 90 days is plenty of time for such a review. Opposes that portion of the proposed amendment. Councilman Lodico stated that if he had any additional objections, he was to forward them to the Industrial Committee and Town Board would consider them.

Mr. Yassky stated there should not be need for two or three meetings to set up. If there are problems, they should be incorporated and presented all at the same time. It should not be a punitive process, he continued, for the applicant.

There being no one further wishing to be heard, on resolution offered by Councilman Pizzutello, seconded by Councilman Maloney and unanimously adopted, public hearing was closed.

Signed,



Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

2/5/75

8:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizutello,
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.

(1975-80) Councilman D'Antoni offered the following
Proclamation:

"P.T.A. MONTH"
February, 1975

WHEREAS, the Clarkstown Council of P.T.A.'s
will this year celebrate the 78th birthday of the National
Congress of Parents and Teachers, and

WHEREAS, the Clarkstown Council of P.T.A.'s
encompassing thirteen schools, is comprised of many men
and women dedicated to the principles of quality education,
better communication between the schools and the community,
and aid and assistance to the school system, and

WHEREAS, through their dedication the people of
Clarkstown have much to be proud of, and owe a great debt
of gratitude to, the individuals who have worked so
diligently on behalf of all our residents, and

WHEREAS, all too often this vital endeavor is not
properly recognized,

NOW THEREFORE, be it

RESOLVED, that I, George S. Gerber, Supervisor
of the Town of Clarkstown do hereby proclaim the month of
February 1975 be declared "P.T.A. MONTH" and urge all
residents to continue their support to the Clarkstown Council
of P.T.A.'s and to give recognition and honor to the many
works they have performed.

Seconded by Co. Lodico.

All voted Aye.

Accepting Proclamation for "P.T.A. MONTH" -
Ms. Lucy Schluter, President of the Clarkstown P.T.A.
Council.

(1975-81) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Lodico.

All voted Aye.

(1975-82) 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.

(1975-83) Co. Lodico offered the following resolution:

WHEREAS, a public hearing was held on February 5, 1975 to consider the adoption of an amendment to the Sanitary Landfill Rules and Regulations;

NOW THEREFORE, be it

RESOLVED, that the following amendment to the Sanitary Landfill Rules and Regulations is hereby adopted:

Sec. 9. Operation.

1. Dumpmaster or Assistant Dumpmaster, in absence of Dumpmaster, has charge of project and his direction must be followed. Failure to comply with any lawful direction of the Dumpmaster or Assistant Dumpmaster shall result in immediate suspension of Sanitary Landfill privileges until such direction is complied with. In addition, the violator shall be subject to penalties as set forth in Section 11 infra. Each such infraction shall constitute a separate violation, in the event that such violation shall continue for a period of more than one day, each day that said violation continues, shall be deemed a separate violation subject to penalties of Section 11 infra.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-84) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Special Town Board Meeting held on January 9, 1975 and January 20, 1975 and the Regular Town Board Meeting held on January 15, 1975, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Pizzutello.

All voted Aye.

Proposed resolution accepting deed (Dr. J. Goebel) -- held.

(1975-85) Co. Maloney offered the following resolution:

RESOLVED, that the application of Frank W. Foley and Jane V. Foley, Francis X. Foley and Ann F. Foley, for a change of zoning from an R-40 district to an R-15 district on property located on the south side of Red Hill Road, New City N Y be referred to the Town Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 259 (1) and (m) of the General Municipal Law.

Seconded by Co. Lodico.

All voted Aye.

(1975-86) Co. D'Antoni offered the following resolution:

WHEREAS, a condemnation proceeding was commenced by the Town of Clarkstown against Warren F. Ward for a sewer easement, and

WHEREAS, by resolution No. 884 adopted at a Town Board meeting of November 6, 1975, the Town Board resolved that the Town Attorney of the Town of Clarkstown be authorized to discontinue condemnation proceedings against said Warren F. Ward upon the execution and delivery to the Town of Clarkstown of an appropriate easement encompassing the presently installed sewer line, and

WHEREAS, said Warren F. Ward has executed a release to the Town of Clarkstown dated January 15, 1975, holding the Town of Clarkstown harmless as a result of the construction of said sewer line;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to discontinue said condemnation proceedings against Warren F. Ward.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-87) Co. Lodico offered the following resolution:

WHEREAS, Repadco Industries, Inc. has proposed to supply concrete litter receptacles for installation within the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown has been guaranteed a percentage of the advertising revenue therefrom to defray the cost of servicing said receptacles;

(continued)

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(1975 - 87 -- continued)

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with said Repadco Industries, Inc. in a form satisfactory to the Town Attorney's Office.

Seconded by Co. Maloney.

All voted Aye.

(1975-88) Co. Pizzutello offered the following resolution:

WHEREAS, it is desired to lease a machine to do appropriations accounting, payroll accounting, monthly financial reports, open purchase order control and listing, cash disbursements - automatic check writing, and vendor accounting with purchase dates, and

WHEREAS, the NCR Corporation has a machine suitable to do said operations;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to enter into a lease agreement with the NCR Corporation to lease their Machine No. 399-100 for a sum not to exceed \$785, plus cost of supplies, per month, and be it

FURTHER RESOLVED, that the sum of \$14,000 be transferred to Contingency Fund to Comptroller's Account in order to finance the first year's rental on said lease and the cost of supplies.

Seconded by Co. Lodico.

All voted Aye.

(1975-89) Co. D'Antoni offered the following resolution:

WHEREAS, by resolution dated November 13, 1974, the Town Board of the Town of Clarkstown retained the services of Ralph L. Snodsmith, 89 Pomona Road, Suffern N Y for a period of ninety days, as a consultant to provide professional consultation services to the Planning Board, Building Inspector, Shade Tree Commission, Town Engineer and the Town Board, concerning projects presently under consideration by these agencies, and to review and make recommendations concerning procedures and ordinances, and

(continued)

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(1975-89 -- continued)

WHEREAS, it is the opinion of the Town Board that the Shade Tree and Beautification Programs of the Town of Clarkstown require a professional consultant throughout the year, and

WHEREAS, Ralph L. Snodsmith, 89 Pomona Road, Suffern, New York, is well qualified in training and experience to act as the Town's consultant;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract with Ralph L. Snodsmith for consultation services concerning the implementation of the Shade Tree and Beautification Programs, procedures and ordinances, at an annual fee of \$5,000 per year plus mileage expenses at the rate of fifteen (15¢) cents per mile.

Seconded by Co. Maloney.

All voted Aye.

(1975-90) Co. Pizzutello offered the following resolution:

WHEREAS, on January 15, 1975, the Town Board adopted Resolution #51, authorizing the Purchasing Director to advertise for bids for concessions at Lake Nanuet Park, Congers Lake Park, and Germonds Park; and

WHEREAS, said bids were to be returnable no later than February 3, 1975, at 4:00 PM, Eastern Standard Time; and

WHEREAS, it is in the best interests of the Town to extend the date for said bids to be returnable in order to attract more bidders;

NOW THEREFORE, be it

RESOLVED, that the Purchasing Director is hereby authorized to re-advertise for bids for concessions at Lake Nanuet, Park, Congers Lake Park, and Germonds Park; and be it

FURTHER RESOLVED, that all bids be returnable to the Purchasing Director no later than March 3, 1975 at 4:00 PM, Eastern Standard Time.

Seconded by Co. Maloney.

All voted Aye.

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(1975-91) Co. Pizzutello offered the following resolution:

WHEREAS, on January 15, 1975, the Town Board adopted Resolution #47, authorizing the Purchasing Director to advertise for bids for arts and crafts supplies for use by the Parks Board and Recreation Commission; and

WHEREAS, said bids were to be returnable no later than February 10, 1975 at 4:00 PM, Eastern Standard Time; and

WHEREAS, it is in the best interests of the Town to extend the date for said bids to be returnable in order to attract more bidders;

NOW THEREFORE, be it

RESOLVED, that the Purchasing Director is hereby authorized to re-advertise for bids for arts and crafts supplies for use by the Parks Board & Recreation Commission, and that all bids be returnable to the Purchasing Director no later than February 24, 1975 at 4:00 PM, Eastern Standard Time.

Seconded by Co. Maloney.

All voted Aye.

(1975-92) Co. Pizzutello offered the following resolution:

WHEREAS, on January 15, 1975, the Town Board adopted Resolution #48 authorizing the Purchasing Director to advertise for bids for athletic and recreation supplies for use by the Parks Board & Recreation Commission; and

WHEREAS, said bids were to be returnable no later than February 10, 1975 at 4:00 PM, Eastern Standard Time; and

WHEREAS, it is in the best interests of the Town to extend the date for said bids to be returnable in order to attract more bidders;

NOW THEREFORE, be it

RESOLVED, that the Purchasing Director is hereby authorized to re-advertise for bids for athletic and recreation supplies for use by the Parks Board & Recreation Commission; and be it

FURTHER RESOLVED, that all bids be returnable to the Purchasing Director no later than February 24, 1975 at 4:00 PM, Eastern Standard Time.

Seconded by Co. Maloney.

All voted Aye.

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(1975-93) Co. Lodico offered the following resolution:

WHEREAS, there is evidence of an existing and growing need for public transportation in the Town of Clarkstown, and

WHEREAS, this need is most especially felt by our senior citizens and youth, and

WHEREAS, the purchase and use of buses by the Town of Clarkstown would provide our citizens with an economical means of transportation to shopping, health, recreation and municipal facilities;

NOW THEREFORE, be it

RESOLVED, that the Purchasing Director be authorized to advertise for bids for four (4) buses to accommodate 19-23 passengers; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City N Y on February 24, 1975 at 11:00 AM, 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. Pizzutello.

All voted Aye.

In connection with above resolution, Supervisor Gerber stated that the town hoped to have three mini-buses by May 1st. All major recreational and shopping facilities be reached. They will also be used for Senior Citizens programs and other programs the town sponsors.

As a result, he continued, parking lots at recreational facilities will not be overtaxed. There will be alternate means of transportation; cars will be taken off the road; there will be more mobility in the town. Supervisor Gerber thanked the Recreation Department and Mr. Martin Bernstein, who volunteered his help.

(1975-94) Co. Maloney offered the following resolution:

RESOLVED, that the Purchasing Director be authorized to advertise for bids for stationery supplies; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City, New York on Monday February 24, 1975 before 11:00 AM, at which time they will be opened, and be it

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

Seconded by Co. Pizzutello.

All voted Aye

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(1975-95) Co. Maloney offered the following resolution:

RESOLVED, that the Purchasing Director be authorized to advertise for bids for paper and plastic products, said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City N Y on Monday, February 24, 1975, 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. Pizzutello.

All voted Aye.

(1975-96) Co. Maloney offered the following resolution:

RESOLVED, that the Purchasing Director be authorized to advertise for bids for cleaning of police uniforms; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City N Y on Tuesday, February 25, 1975 at 11:00 AM, 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. Lodico.

All voted Aye.

(1975-97) Co. Lodico offered the following resolution:

RESOLVED, that the Purchasing Director be authorized to advertise for bids for a four-in-one track type bucket loader for the Sanitary Landfill, said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City N Y on Monday, March 10, 1975 at 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. Pizzutello.

All voted Aye.

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(1975-98) Co. Lodico offered the following resolution:

RESOLVED, that the Purchasing Director be authorized to advertise for bids for the collection of refuse from various town-owned premises; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on February 26, 1975 at 11:00 AM, 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. Pizzutello.

All voted Aye.

(1975-99) Co. Maloney offered the following resolution:

RESOLVED, that the Purchasing Director be authorized to advertise for bids for the engineering, furnishing and installing of telephone equipment at the Town Hall and Police Headquarters located at 10 Maple Avenue, New City N Y; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City N Y on March 3, 1975 at 3:00 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. Lodico.

All voted Aye.

(1975-100) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the **VEHICLE AND TRAFFIC LOCAL LAW**, more particularly designated as Chapter 102 Sec. 14, of the Code of the Town of Clarkstown, on the west side of Route 304, approximately 73 feet south of the NYS Thruway Nanuet, New York, by the installation of fire lane designations, and

(continued)

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(1975-100 -- continued)

WHEREAS, John F. Bartichek, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Lodico.

All voted Aye.

(1975-101) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec. 14 of the Code of the Town of Clarkstown, at corner of Route 304 and Germonds Road, New City N Y by the installation of fire lane designations, and

WHEREAS, Sidney Winoker the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Lodico.

All voted Aye.

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(1975-102) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec. 14 of the Code of the Town of Clarkstown, at Map 58, Block F, Lot 7, New City, New York, on the Tax Map of the Town of Clarkstown (Eastchester Savings Bank), by the installation of fire lane designations, and

WHEREAS, John Williamson, Executive Vice President, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Lodico

All voted Aye

(1975-103) Co. Lodico offered the following resolution:

WHEREAS, bond resolutions have been passed authorizing the sale of obligations in order to pay \$138,000 for Sanitary Landfill Area Land Acquisition, \$35,000 for the purchase of property from Joseph C. & Lilly M. Fibble and \$47,500 for the settlement of an action with Sullivan, Magee and Sullivan, Inc., and

WHEREAS, the Town of Clarkstown shall in the near future sell said obligations to pay for said Sanitary Landfill Area Land Acquisition, the purchase of the Fibble property and payment of the settlement with Sullivan, Magee and Sullivan, Inc., and

WHEREAS, it is desirable to delay the sale of said obligations;

NOW THEREFORE, be it

(continued)

(1975-103 -- continued)

RESOLVED, that pursuant to Section 165.10 of the Local Finance Law, the sum of \$220,500 shall be transferred from contingency funds of the Town of Clarkstown to the General Fund Account in order to pay for said Sanitary Landfill Area Land Acquisition, the purchase of property from Joseph C. & Lilly M. Fibble, and the payment of the settlement with Sullivan, Magee and Sullivan, Inc., and be it

FURTHER RESOLVED, that suitable records be kept of such temporary diversion of funds, and be it

FURTHER RESOLVED, that upon the sale of the aforesaid obligations, the sum of \$220,500 shall be reimbursed to contingency funds.

Seconded by Co. Pizzutello

On roll call the vote was as follows:

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

MOTION CARRIED.

(1975-104) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Town Board of the Town of Clarkstown hereby accepts proposal from Orange & Rockland Utilities, Inc. for street lighting at the following locations:

Woodcrest Estates, Spring Valley
Clarkstown Terrace, Spring Valley
Long Meadow West, Sec. I, New City
Evergreen Road, New City
Short Hill Road, New City
Mark Lane & Bradley Drive, New City
Parkway Drive, West Nyack
Duke Lane, West Nyack
Flint & Mica Court, Valley Cottage
Duryea Lane, Nanuet

Seconded by Co. Pizzutello.

All voted Aye.

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(1975-105) 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 Norge Avenue where it intersects with Middletown Road, Nanuet N Y.

Seconded by Co. Maloney.

All voted Aye.

(1975-106) 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 the northwest corner of Poplar Street and Ludvigh Road, Nanuet N Y.

Seconded by Co. Maloney.

All voted Aye.

(1975-107) Co. Lodico offered the following resolution:

RESOLVED, that Robert Bowman, Building Inspector, Gerald Colucci, Deputy Building Inspector, Ed Murdock, Fire Inspector, James Cottle, Assistant Fire Inspector, and Art Conklin, Art Huggins, Ed Lawrence, Pete Florence, Dolf Millick and Clair Neuser, Assistant Building Inspectors of the Town of Clarkstown, are hereby authorized to attend the 26th Annual Building Inspector's School, March 5, 6, and 7, 1975 at Grossinger's Conference Center, Grossinger, New York, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$500.00 be charged against B-3620, Line 414.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-108) Co. D'Antoni offered the following resolution:

WHEREAS, escrow in the amount of \$12,445 is presently held by the Town of Clarkstown in order to guarantee the installation of public improvements in the subdivision known as Ferndale Estates, and

WHEREAS, said public improvements have not been completed, and the period for completion has passed,

NOW THEREFORE, be it

RESOLVED, that the sum of \$12,445 held for completion of the public improvements in Ferndale Estates is hereby defaulted, and be it

FURTHER RESOLVED, that said sum shall be used to complete the public improvements in Ferndale Estates and same shall be transferred to the Highway Fund for that purpose.

Seconded by Co. Maloney.

All voted Aye.

(1975-109) Co. Lodico offered the following resolution:

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

M.F.S. Contractors, Inc.
131 Route 304
New City, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 75-14 to M.F.S. Contractors, Inc.

Seconded by Co. Pizutello.

All voted Aye.

(1975-110) Co. Maloney offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30th, 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 Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on the 26th day of February 1975 at 8:30 PM to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-10A, Table of General Use Regulations, as follows:

PO District - Col. 6, delete present item No. 7 and insert as follows:

- | | |
|----------------|---------------------------------|
| 7.(a) Banks | 200 sq. ft. of gross floor area |
| (b) Offices | 150 sq.ft. of gross floor area |
| (c) Pharmacies | 150 sq.ft. of net retail area |

PO District - Col. 8, delete present item No. 9 and insert as follows:

"Entrances and exits shall be located with a view to combining the greatest possible safety and minimum additional traffic through residential streets."

LS, CS and RS District - Col. 5, add item No. 4 to read as follows:

"For any premises for sale or for rent, one temporary nonilluminated "for sale" or "for rent" sign not over 24 square feet in area located at least 25 ft. from any lot line."

LS, CS and RS Districts - Col. 6, delete item No. 6 and insert as follows:

- | | |
|--------------------------------------------------|---------------------------------|
| 6. (a) Banks | 200 sq. ft. of gross floor area |
| (b) Offices | 150 sq. ft. of gross floor area |
| (c) Retail and Service stores and establishments | 150 sq. ft. of net retail area |

MRS District - Col. 5, add item No. 5 to read as follows:

"For any premises for sale or for rent one temporary nonilluminated "for sale" or "for rent" sign not over 24 sq. ft. in area located at least 25 ft. from any lot line."

(continued)

(1975-110 -- continued)

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. Pizzutello.

All voted Aye.

(1975-111) 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 three (3) hydrants at the following locations:

1. West side of Cranford Drive, approximately 50 feet south of the center line of Route 304.
2. West side of Cranford Drive, approximately 700 feet south of the center line of Route 304.
3. West side of Cranford Drive, approximately 50 feet north of Cragmere Oval.

Seconded by Co. D'Antoni.

All voted Aye.

Proposed resolution authorizing construction of sanitary sewers - Central Nyack -- deferred.

Recommendation of the Superintendent of Highways pursuant to Section 205 of the Highway Law of the State of New York, to abandon a portion of a certain street known as Morton Avenue, situate, lying and being in the Hamlet of Congers, Town of Clarkstown, County of Rockland and State of New York signed by the Supervisor and Members of the Town Board, approving same. Filed in the Town Clerk's Office.

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(1975-112) Co. Pizzutello offered the following resolution:

WHEREAS, the New City Volunteer Ambulance Corps., Inc. is agreeable to leasing the personal property owned by the Town of Clarkstown, commonly known as the "Pace Heart Machine" for the use of the community at large;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the New City Volunteer Ambulance Corps., Inc. for the lease of said "Pace Heart Machine" and associated equipment, at a rental of \$1.00 per year; said agreement to be in a form satisfactory to the Town Attorney's Office.

Seconded by Co. Lodico

All voted Aye.

(1975-113) Co. Pizzutello offered the following resolution:

WHEREAS, the Clarkstown Bi-Centennial Commission has requested an account to be established in order to provide funds for certain incidental expenses,

NOW THEREFORE, be it

RESOLVED, that said account be established and the sum of Five Hundred Dollars (\$500.00) be transferred from Contin gency Account.

Seconded by Co. Lodico.

All voted Aye.

(1975-114) Co. Maloney offered the following resolution:

WHEREAS, the Town Board desires to continue an independent audit of the fiscal affairs of the Town of Clarkstown for the year 1974, and to improve the financial systems and procedures presently used by the Town of Clarkstown, and

WHEREAS, a proposal has been submitted by Harvey Bennett & Company, Certified Public Accountants, 317 North Avenue, New Rochelle, New York, to perform the services shown on the attached Schedule "A";

(continued)

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(1975-114 -- continued)

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract for an independent audit for the year 1974 and the improvement of the Town's financial systems and procedures as shown on the attached Schedule "A", with Harvey Bennett and Company, at a cost not to exceed \$10,000; said contract to be in a form satisfactory to the Office of the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$10,000 shall be charged against Town Accounting Account No. 1320.

SCHEDULE "A"

PART I

Effective January 1, 1975, they shall replace the current general ledger, with separate ledgers and related subsidiary detailed records for each fund, on a double entry basis, in accordance with the chart of accounts recommended for suburban towns by the New York State Department of Audit and Control. They shall prepare the opening entries for the revised ledger accounts including fund balances and interfund receivables and payables at January 1, 1975.

PART II

They shall undertake to acquaint personnel at the supervisory and intermediate levels with all aspects of the Uniform System of Accounts. A primary objective will be to familiarize personnel with the major accounting principles of the system including:

1. The uniform coding and classification of accounts.
2. The defining of appropriation categories, the restrictions by object and function, and the resultant limitation of expenditures.
3. The separation of accounts by funds to comply with statutory requirements and accepted accounting principles, and also to reflect the separate activities of the Town into meaningful segregations by fund.
4. The recognition of the concept wherein operating expenditures are distinguished from capital expenditures.

In this connection, they shall provide frequent review on an interim basis to ascertain that the above objectives are being accomplished.

(continued)

(1975 - 114 -- continued)

PART III

They shall undertake to improve internal control procedures on a departmental basis. At the inception of the engagement they shall review all aspects of financial operating procedures and examine the flow of documents. They shall then identify weaknesses and develop solutions, including design of necessary forms. When appropriate, they shall identify alternative approaches including their estimated costs and the resulting benefits. After this analysis, they shall make recommendations for improvement to best meet the needs of the Town.

PART IV

They shall undertake to design a monthly report reflecting comparisons of actual revenues and expenditures with budgeted amounts. They shall then establish procedures, based upon the revised accounting system, for the timely preparation of the report for use by the Supervisor and Town Board.

PART V

They shall conduct an examination of the financial statements of the various funds of the Town of Clarkstown, including the General Fund - Town Wide, General Fund - Town Outside Villages, Federal Revenue Fund, Highway Fund, Sewer Fund, Special Assessment Fund, Special District Funds, Capital Fund and Trust and Agency Fund for the year ended December 31, 1974. Their examination will be made in accordance with generally accepted auditing standards and will include such tests of the accounting records and such other auditing procedures as they consider necessary in the circumstances. It should be appreciated that such examination may not necessarily disclose defalcations or other irregularities, although their discovery may result.

Upon completion of their examination, they shall render an opinion as to the fairness of presentation of the financial statements of the Town. They will also submit a separate management letter with comments and recommendations.

Seconded by Co. Rizzutello.

All voted Aye.

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**Proposed resolution amending zoning ordinance -
Dean B. Seifried application -- held.**

(1975-115) Co. Lodico offered the following resolution:

**WHEREAS, Pauline Chasar has requested an extension
of sick leave, and**

**WHEREAS, Article XIX, Section 1 provides for an
extension for such leave,**

NOW THEREFORE, be it

**RESOLVED, that Pauline Chasar, 17 Jolen Drive,
New City N Y is hereby granted a two month extension of
her Leave of Absence at one-half (1/2) her normal salary,
effective and retroactive to February 3, 1975.**

Seconded by Co. Pizzutello.

All voted Aye.

(1975-116) Co. Maloney offered the following resolution:

**RESOLVED, that the classification of the Deg
Warden's salary is hereby changed from Grade 16 to Grade 17
effective immediately.**

Seconded by Co. Lodico

All voted Aye.

(1975-117) Co. Maloney offered the following resolution:

**RESOLVED, that Ellen Cohen, 80 Kings Highway,
New City N Y is hereby appointed to the position of Acting
Director - Narcotic Council - at the annual salary for 1975
of \$14,780.00, effective February 10, 1975.**

Seconded by Co. Lodico.

All voted Aye.

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(1975-118) Co. Maloney offered the following resolution:

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Clarkstown,
in the County of Rockland, New York.

FEBRUARY 5, 1975

* * *

A regular meeting of the Town Board of the Town of
Clarkstown, in the County of Rockland, New York, was held at the
Town Hall, 10 Maple Avenue, New York, in said Town, on
February 5, 1975, at 3:00 o'clock P.M. (E.S.T.)

There were present: Honorable George S. Gerber, Supervisor,
and

Councilmen: John R. Maloney
Anthony D'Antoni
John Lodice, Sr.
Vincent F. DiStasio

There were absent: None

Also present: Anne E. O'Connor, Town Clerk
Murray N. Jacobson, Town Attorney

* * *

Councilman Maloney offered the following resolution and
moved its adoption:

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BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED FEBRUARY 5, 1975,
APPROPRIATING \$65,000 FOR THE IMPROVEMENT OF
CENTRAL AVENUE, RANDY LANE AND BLUE WILLOW
LANE IN NEW CITY, IN SAID TOWN, AND AUTHO-
RIZING THE ISSUANCE OF \$65,000 SERIAL BONDS OF
THE TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, following a public hearing held on July 17, 1974,
notices for which were duly published and posted pursuant to the pro-
visions of Section 200 of the Town Law, the Town of Clarkstown
(herein called "Town"), in the County of Rockland, New York, duly
adopted a resolution on December 18, 1974, approving the improve-
ment of Central Avenue, Randy Lane and Blue Willow Lane, in New
City, in the Town, at an estimated maximum cost of \$65,000 and
providing that such resolution shall be subject to permissive referendum;

WHEREAS, a certified copy of the resolution was filed in
the Office of the County Clerk of Rockland County, New York, pursuant
to Section 195 of the Town Law; and

WHEREAS, copies of said resolution were duly published and
posted according to law, thirty (30) days have elapsed since adoption
of said resolution, and no petition for referendum has been filed,
said resolution has now become effective and it is necessary to pro-
vide for the financing of the improvement therein specified;
now, therefore, be it

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 hereby appropriates the amount of \$65,000 for the improvement of Central Avenue, Randy Lane and Blue Willow Lane, in New City, in the Town, with penetration macadam or plant mix bottom course and heavy duty bituminous concrete wearing surface, including gutters, drainage, landscaping, grading or improving the rights of way, pursuant to the resolution adopted by the Town Board on December 18, 1974, subject to permissive referendum, as hereinabove referred to in the Recitals hereof, all in accordance with the plans and specifications and estimate of cost prepared by the Town Engineer of the Town of Clarkstown, duly licensed engineers of the State of New York. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$65,000 and the plan of financing includes the issuance of serial bonds of the Town and the assessment, levy and collection of assessments from the several lots and parcels of land which the Town Board shall deem especially benefited thereby to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. To finance the said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$65,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law").

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

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(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued within the limitations of §11.00 a. 20 (c) of the Law, is fifteen (15) years.

(b) Current funds are not required to be provided prior to the issuance of the bonds authorized pursuant to this resolution or any bond anticipation notes in anticipation thereof pursuant to the provisions of Section 107.00 d. 3 (i) of the Law.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals thereof, shall contain the recital of validity prescribed by §52.00 of the Law and said bonds and any notes issued in anticipation thereof shall be general obligations of the Town, and the Town hereby irrevocably pledges its faith and credit to the punctual payment of the principal thereof and the interest thereon and there shall be raised annually by tax on all the taxable real property within the Town a sum sufficient to pay the principal of and interest on said bonds as the same shall become due and payable.

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 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.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale 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 the 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 take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by
Councilman D'Antoni and duly put to a vote on roll call,

which resulted as follows:

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

NOES: None

The resolution was declared unanimously adopted:

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

Section 1. The Town Clerk of the Town of Clarkstown, in the
County of Rockland, New York, is hereby directed to publish the fore-
going bond resolution, in full, in the "JOURNAL NEWS," a newspaper
published in Nyack, New York, and having a general circulation therein,
which newspaper is hereby designated as the official newspaper of the
Town for such publication, together with the Town Clerk's statutory
Notice in substantially the form as prescribed by Section 81.00 of the
Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by
Councilman D'Antoni and duly put to a vote on roll call,
which resulted as follows:

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

NOES: None

The resolution was declared unanimously adopted.

General - No Veto

8/1/74 (2M)

CERTIFICATE

I, ANNE E. O'CONNOR, Town Clerk of the Town of Clarkstown,
in the County of Rockland,

State of New York, HEREBY CERTIFY that the foregoing
annexed extract from the minutes of a meeting of the _____
Town Board of said Town,
duly called and held on February 5th, 1975, has been
compared by me with the original minutes as officially recorded in my
office in the Minute Book of said Town Board
and is a true, complete and correct copy thereof and of the whole of said
original minutes so far as the same relate to the subject matters referred
to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of said Town
this 6 day of FEB., 1975

Anne E. O'Connor

Town Clerk

(Seal)

(1975-119) Co. Maloney offered the following resolution:

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Clarkstown, in
the County of Rockland, New York

February 5, 1975

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A regular meeting of the Town Board of the Town of Clarkstown,
in the County of Rockland, New York, was held at the Town Hall, 10 Maple
Avenue, New City, New York, in said Town, on February 5, 1975, at
8:00 o'clock P. M. (E. S. T.).

There were present:

Honorable George S. Gerber,
Supervisor, and

Councilmen:

John R. Maloney
Anthony D'Antoni
John Lodico, Sr.
Vincent Pizzutello

There were absent:

None

Also present:

Anne E. O'Connor, Town Clerk
Murray N. Jacobson, Town Attorney

Councilman Maloney offered the following resolution and
moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 5, 1975, AUTHORIZING THE CONSTRUCTION OF A VEHICLE MAINTENANCE AND REPAIR GARAGE ON THE TOWN HIGHWAY DEPARTMENT SITE AT SEEGER DRIVE, IN NANUET, IN SAID TOWN, AT AN ESTIMATED MAXIMUM COST OF \$225,000, APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,250 CAPITAL NOTES TO PROVIDE THE DOWN PAYMENT AND \$213,750 SERIAL BONDS OF THE TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (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, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct a vehicle maintenance and repair garage on the Town Highway Department site at Seeger Drive, in Nanuet, in the Town, to grade and improve the site and purchase the original furnishings, equipment, machinery and apparatus required for the purpose for which said garage is to be used. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$225,000 and the said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$11,250 capital notes to provide the down payment required by law, the issuance of \$213,750 serial bonds of the Town to finance the balance of said appropriation and the levy and collection of a

tax upon all the taxable real property in the Town to pay the interest on said notes and bonds and the principal thereof as the same shall become due and payable.

Section 2. Capital notes in the principal amount of \$11,250 of the Town to provide the required down payment and serial bonds in the principal amount \$213,750 of the Town to finance the balance of said appropriation are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law").

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

(a) The period of probable usefulness of constructing said garage, being the specific object or purpose for which said \$213,750 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of §11.00 a. 11.(a)(1) of the Local Finance Law, is thirty (30) years.

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

(c) The proposed maturity of the bonds authorized by 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 a 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 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 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.

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 the law which should be complied with at the date of the 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.

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The adoption of the foregoing resolution was seconded by Councilman Lodico 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.

Councilman Maloney offered the following resolution and moved its adoption:-

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

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, 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 maintained pursuant to subdivision 6 of Section 30 of the Town Law and in at least five (5) public places in the Town, a Notice which shall set forth the date of adoption of said foregoing resolution and contain an abstract thereof concisely stating its purpose and effect.

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 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. The Notice referred to in Section 1 hereof, shall be in substantially the following form:-

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 5, 1975, 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 February 5, 1975, authorizing the construction of a vehicle maintenance and repair garage on the Town Highway Department site at Seeger Drive, in Nanuet, in said Town, at an estimated maximum cost of \$225,000, appropriating said amount therefor and authorizing the issuance of \$11,250 capital notes to provide the down payment and \$213,750 serial bonds of the 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"), to construct a vehicle maintenance and repair garage on the Town Highway Department site at Seeger Drive, in Nanuet, in the Town, to grade and improve the site and purchase the original furnishings, equipment, machinery and apparatus required for the purpose for which said garage is to be used; STATING the estimated maximum cost thereof is \$225,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$11,250 capital notes and \$213,750 serial bonds of the Town to finance said appropriation and the levy and collection of a tax upon all the taxable real property within 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 \$11,250 capital notes and \$213,750 serial bonds of the Town to be issued pursuant to the provisions of the Local Finance Law ("Law");

THIRD: DETERMINING AND STATING that the period of probable usefulness of constructing said garage, is thirty (30) years; that current funds are required to be provided prior to the issuance of such bonds or any notes issued in anticipation thereof and such current funds will be provided from the proceeds of the capital notes authorized to be issued; AUTHORIZING AND DIRECTING the Supervisor to set aside said current funds and to apply the same solely to the said specific object or purpose; STATING the proposed maturity of the bonds will exceed five (5) years;

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 issuance of said notes and bonds, and any bond anticipation notes, and renewals thereof; and

SIXTH: DETERMINING that said resolution shall be subject to a permissive referendum.

DATED: February 5, 1975

ANNE E. O'CONNOR,
Town Clerk

Section 4. This resolution shall take effect immediately.

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*

The adoption of the foregoing resolution was seconded by Councilman
Lodico 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.

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General - No Veto

5/7/73 (2M)

CERTIFICATE

I, ANNE E. O'CONNOR, Town Clerk of the Town of Clarkstown, in
the County of Rockland,

State of New York, HEREBY CERTIFY that the foregoing
annexed extract from the minutes of a meeting of the Town Board

of said Town,
duly called and held on February 5, 1975, has been
compared by me with the original minutes as officially recorded in my
office in the Minute Book of said Town Board

and is a true, complete and correct copy thereof and of the whole of said
original minutes so far as the same relate to the subject matters referred
to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of said Town

this 5th day of February, 1975.



Town Clerk

(Seal)

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(1975-120) Co. Pizzutello offered the following resolution:

WHEREAS, Resolution No. 1974-951 provided for the preparation of a certified survey of property to be obtained for the Davenport Preserve by William Youngblood Associates, 244 Route 59, Monsey, New York at a fee not to exceed Two Hundred and Fifty Dollars (\$250.00), and

WHEREAS, said survey cannot be conducted within the monetary limitation provided, and

WHEREAS, the lowest price obtainable for said survey was from Benjamin Louis Devino, 10 Fiske Place, Mount Vernon, New York,

NOW THEREFORE, be it

RESOLVED, that Resolution No. 1974-951 be amended to replace William Youngblood Associates with Benjamin Louis Devino, 10 Fiske Place, Mount Vernon, New York, to prepare a certified survey of the subject premises for a fee not to exceed Three Hundred and Fifty Dollars (\$350.00).

Seconded by Co. Lodico.

All voted Aye.

(1975-121) Co. D'Antoni offered the following resolution:

RESOLVED, that Resolution No. 504, dated June 19, 1974, regarding the return of \$25.00 in connection with a Building Permit application fee, be, and the same is hereby RESCINDED.

Seconded by Co. Lodico

All voted Aye.

(1975-122) Co. D'Antoni offered the following resolution:

WHEREAS, Gregory Spires had requested a Building Permit for premises located at West Palmer Avenue, Nanuet, New York and paid an application fee of \$100.00, and

WHEREAS, said Building Permit was not granted;

(continued)

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(1975-122 - continued)

NOW THEREFORE, be it

RESOLVED, that the sum of \$75.00 shall be refunded to said Gregory Spires and the remaining \$25.00 be retained by the Town of Clarkstown as its fee for processing said application.

Seconded by Co. Lodico.

All voted Aye.

(1975-123) Co. D'Antoni offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

In the Matter of the Application of
SELB AGENCY, LTD.,
Petitioner;

-against-

THE ZONING BOARD OF APPEALS OF THE
TOWN OF CLARKSTOWN,
Respondents.

For a Judgment pursuant to Article 78
of the Civil Practice Law and Rules.

NOW THEREFORE, be it

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

Seconded by Co. Lodico

All voted Aye.

(1975-124) Co. Lodico offered the following resolution:

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

(continued)

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(1975-124 -- continued):

ADLER-WALDRON ASSOCIATES,
Plaintiff,
-against-
THE TOWN OF CLARKSTOWN,
Defendant.

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said action, in the event that the insurance carrier disclaims coverage under our policy.

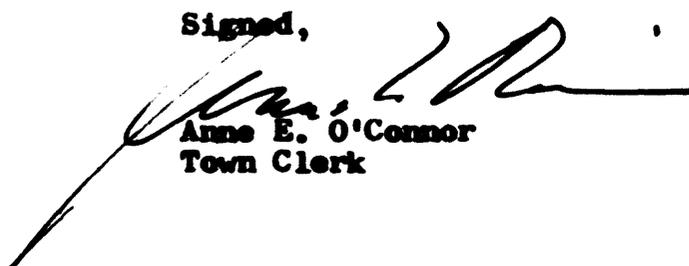
Seconded by Co. Maloney.

All voted Aye.

Mr. Joseph Pantano appeared before the Town Board requesting a clear definition of the powers of the Zoning Board of Appeals, the Planning Board and the Building Inspector. Mr. Robert Bowman, Building Inspector, suggested that Mr. Pantano bring proper charges before the proper agencies to resolve any questions. Mr. Pantano also inquired as to location of one radio and three tape recorders.

On resolution offered by Co. D'Antoni, seconded by Co. Pizzutello and unanimously adopted, Town Board meeting was adjourned until Wednesday, February 19th, 1975 at 8:00 PM, at which time public hearing be held re The Dells request for change of zone at the Board Room of the Town Hall.

Signed,



Anne E. O'Connor
Town Clerk