

PUBLIC HEARING

Town Hall

4/16/75

8:15 PM

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

RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER
DISTRICT #1 TO INCLUDE GEORGETOWN MANOR SUBDIVISION:

(Public hearing re-convened from 4/9/75)

Supervisor called public hearing to order;
Alfred E. Berg, Town Engineer, appeared before the Town
Board, and after being sworn in by the Supervisor, stated
the following:

Is familiar with petition before the Town Board.
Proposed extension will benefit all the property owners
within the proposed extension; all the property owners who
will benefit are included within the limits of the proposed
extension.

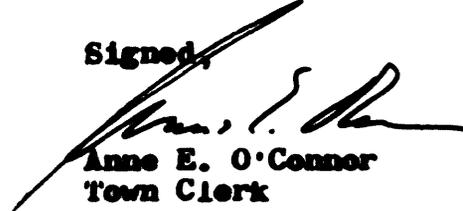
Would be in the public interest to grant because
it will provide fire protection for the safety and well-being
of property and lives and would bring about a reduction in
fire insurance rates.

IN FAVOR: No one appeared

OPPOSED: No one appeared

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

Signed,



Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

4/16/75

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.**

(1975-292) Co. D'Antoni offered the following Proclamation:

**Honoring Sister Anne Roberta
April 20 thru April 26, 1975**

**WHEREAS, Sister Anne Roberta has been principal of
Albertus Magnus High School for nine years, and**

**WHEREAS, during her tenure of office Albertus Magnus
High School was accredited by the Middle States Association of
Secondary Schools and Colleges in 1968, and**

**WHEREAS, thousands of Clarkstown students have
benefited from her inspirational leadership and have gone
on to excel in colleges, universities and the business world,
and**

**WHEREAS, through her tireless perseverance the
athletic teams of Albertus were accepted into the Rockland
County P.S.A.L., and**

**WHEREAS, Sister Anne Roberta was the motivating
force behind the planning and implementation of the track
and athletic field complex, and**

**WHEREAS, she has always sought to foster in the
students of Albertus Magnus High School that love of God
and country so fundamental to the basic tenets of our
American way of life, and**

**WHEREAS, Councilman John Maloney in his capacity
as Councilman and as long time president of the Albertus
Magnus Fathers' Club has worked closely with Sister Anne
Roberta to forge an excellent relationship between the town
and the school, and this association has been a direct result
of her sense of community spirit,**

**NOW THEREFORE, I, George S. Gerber, Supervisor of the
Town of Clarkstown, do hereby proclaim the week of April 20 thru
26, nineteen hundred and seventy five as "SISTER ANNE ROBERTA WEEK"
and ask all our citizens to join in tribute to the long and
distinguished career of Sister Anne Roberta and wish her Godspeed
in her new endeavors.**

Seconded by Co. Maloney

All voted Aye.

688188

(1975-293) Co. Maloney offered the following resolution:

ENVIRONMENTAL PROTECTION WEEK
April 20 thru April 26, 1975

WHEREAS, the natural environment of our town, which encompasses such diverse elements as the Hudson River and High Tor Mountain is a heritage to be passed from generation to generation, and

WHEREAS, our government and all our citizens must work together in the spirit of cooperation in order to preserve and protect these natural resources from becoming wasted, and

WHEREAS, we are all charged with the responsibility to act every day to do what we can in order that these resources shall not disappear, and

WHEREAS, during the week of April 29 thru April 26 1975 we ask all our residents to rededicate themselves to the task of keeping Clarkstown beautiful and its environment protected, and

WHEREAS, an appropriate environmental seal will be affixed to all town trucks in order to remind ourselves daily of the vital need to preserve the air, water and land in which we live;

NOW THEREFORE, I. George S. Gerber, Supervisor of the Town of Clarkstown, do hereby proclaim the week of April 20th; thru 26th, nineteen hundred and seventy five as "ENVIRONMENTAL PROTECTION WEEK" and urge all Clarkstown citizens to join together in observance of this occasion and to share in our effort to keep Clarkstown beautiful.

Seconded by Co. Ledice.

All voted Aye.

(1975-294) Co. Ledice offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bid to supply and install an Air Conditioning Chiller and Compressor Unit in the Clarkstown Hall of Justice is hereby awarded to the low bidder Warriner Smith Utilities, Inc., 50 North Pascack Road, Spring Valley N Y at the low bid price of Seven Thousand, Four Hundred Fifty Dollars (\$7,450.00), and be it

FURTHER RESOLVED, that funds be taken from Account 1620, Line 408.

Seconded by Co. Maloney.

All voted Aye.

(1975-295) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Lodico.

All voted Aye.

(1975-296) Co. Maloney offered the following resolution:

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

Seconded by Co. Pizzutello.

All voted Aye.

Town Board signed ORDER extending the Clarkstown Consolidated Water Supply District #1 to include GEORGETOWN MANOR SUBDIVISION.

(1975-297) Co. Pizzutello offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on April 2, 1975, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. D'Antoni.

All voted Aye

Building Inspector and Zoning Board of Appeals Reports for the month of March 1975 received and noted by the Town Board; ordered filed in the Town Clerk's Office.

(1975-298) Co. Lodico offered the following resolution:

RESOLVED, that a Building Permit under provisions of Section 280-a of Town Law is hereby granted to FRANK LA MANNA for property situate on the west side of Medway Ave., 360' north of Tremont Street in the Hamlet of Congers, N Y, more specifically designated on the Clarkstown Tax Map as Map 126, Block B, Lots 28 and 27 part of.

Seconded by Co. Maloney.

All voted Aye.

(1975-299) Co. Lodico offered the following resolution:

RESOLVED, that a Building Permit under provisions of Section 280-a of Town Law is hereby granted to BARD MOCK CORP. for property situate on the west side of Medway Ave., 260' north of Tremont St. in the Hamlet of Congers N Y, more specifically designated on the Clarkstown Tax Map as Map 126, Block B, Lots 27 and 28 part of.

Seconded by Co. Maloney.

All voted Aye.

GEB188

(1975-300) Co. Lodico offered the following resolution:

RESOLVED, that a Building Permit under provisions of Section 280-a of Town Law is hereby granted to SAM H. GULLEY, for property situate on the east side of Morton Ave., 126.52 feet north of Third Street in the Hamlet of Congers, N Y, more specifically designated on the Clarkstown Tax Map as Map 111, Block A, Lot 25.2002.

Seconded by Co. Maloney.

All voted Aye.

(1975-301) Co. Lodico offered the following resolution:

WHEREAS, the Town of Clarkstown has installed a sewer line on the property of Matthew and Vera Yagunich, said property being known and designated as Map 126, Block D, Lot 28, and has commenced condemnation proceedings to obtain the necessary easement, and

WHEREAS, said landowners, Matthew and Vera Yagunich have commenced an action against the Town for alleged damages to their property in the sum of \$10,000, and

WHEREAS, David M. Wagner, Deputy Town Attorney recommends that said easement be accepted by the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said easement on behalf of the Town, and be it

FURTHER RESOLVED, that the sum of \$3,500 in full payment for said easement and all damages allegedly sustained by Matthew and Vera Yagunich be paid from the Master Benefited Sewer Improvement Area Account.

Seconded by Co. Maloney.

All voted Aye.

(1975-302) Co. Lodico offered the following resolution:

WHEREAS, pursuant to State and Federal regulations, it appears that the Town of Clarkstown is unable to directly intervene in the operation of the Middlewood Senior Citizen Housing Project, and

WHEREAS, it appears desirable to obtain some form of ownership interest in said Housing Project;

NOW THEREFORE, be it

(continued)

(1975-302 - continued)

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests our legislative representatives to introduce a Home Rule Bill for the Town of Clarkstown providing authority for the Town of Clarkstown to acquire a reversionary ownership interest in said Senior Citizen Housing Project upon the payment of a sum not to exceed \$250,000.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-303) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation & Parks, the Supervisor is hereby authorized to file a Recreation Project Application with the State of New York, Executive Department, Division for Youth, for the period commencing January 1, 1975 through December 31, 1975; and be it

FURTHER RESOLVED, that the total aid for this period will be \$11,236.80.

Seconded by Co. Maloney.

All voted Aye.

(1975-304) Co. D'Antoni offered the following resolution:

WHEREAS, Co. D'Antoni, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled "A LOCAL LAW TO ESTABLISH BUS TRANSPORTATION FACILITIES WITHIN THE TOWN OF CLARKSTOWN", and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best public interest that said local law be adopted;

NOW THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sec. 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Ave., New City N Y on the 23rd day of April, 1975, at 8:45 PM relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purposes of such hearing shall be published in the Journal-News, and posted in the manner provided by law, and be it

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

Seconded by Co. Maloney.

All voted Aye.

GE B188

(1975-305) Co. Pizzutello offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED APRIL 16, 1975, AUTHORIZING
THE ACQUISITION OF CERTAIN LAND SITUATE ON
THE NORTH SIDE OF CONGERS ROAD, IN THE HAMLET
OF NEW CITY, IN SAID TOWN, FOR GENERAL TOWN
PURPOSES, STATING THE ESTIMATED MAXIMUM COST
THEREOF, IS \$50,000, APPROPRIATING SAID AMOUNT
THEREFOR, INCLUDING \$4,500 CURRENT FUNDS TO
PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$45,500 SERIAL
BONDS OF THE 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
by purchase the certain piece or parcel of land situate on the north side
of Congers Road, in the Hamlet of New City, being approximately 13,400
square feet, as more particularly described on Tax Map 58, Block G,
Lot 29.02, for general Town purposes. The estimated maximum cost of
said specific object or purpose, including preliminary costs of maps,
plans, surveys, and estimates and costs incidental thereto and the
financing thereof, is \$50,000 and said amount is hereby appropriated
therefor, including the amount of \$4,500 from current funds to provide
the down payment required pursuant to the Local Finance Law, constituting

(1975-305 continued)

Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"). The plan of financing includes the use of said current funds to provide such down payment and the issuance of \$45,500 serial bonds to finance the balance of said appropriation, and the levy and collection of a tax on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Pursuant to the provisions of the Law, serial bonds in the principal amount of \$45,500 of the Town are hereby authorized to be issued to finance the balance of said appropriation not provided by current funds.

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

(a) The period of probable usefulness of the specific object or purpose for which the 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 as a down payment prior to the issuance of the bonds herein authorized or of any notes in anticipation of the sale of such bonds pursuant to Section 107.00 of the Law and such current funds in the amount of \$4,500 are available therefor in the current budget of the Town under the heading "Purchase of Land Account No. 1940." The Supervisor is hereby authorized and directed to set aside said current funds and to apply the same solely to said specific object or purpose described in Section 1 hereof.

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

GE188

(1975-305 continued)

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by §52.00 of the Law and said 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 bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds 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 bonds authorized by this resolution, and of any notes issued in anticipation of the sale of such 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

(1975-305 continued)

- (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 is subject to a permissive referendum.

* * *

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

AYES: Councilmen D'Antoni
Councilmen Lodico
Councilmen Maloney
Councilmen Pizzutello
Supervisor Gerber
NOES: None

The resolution was declared unanimously adopted.

(1975-306) Councilmen Pizzutello offered the following resolution and moved its adoption:

(1975-306 continued)

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 said Town of Clarkstown, shall, within ten (10) days after the adoption of this resolution cause to be published at least once in the "JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation in the Town, and hereby designated the official newspaper of the Town, for such publication, 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 which shall set forth the date of adoption of said bond resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 2. The Notice referred to in Section 1 hereof shall be in substantially the following form:

(1975-306 continued)

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on April 16, 1975, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted the bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted April 16, 1975, authorizing the acquisition of certain land situate on the north side of Congers Road, in the Hamlet of New City, in said Town, for general Town purposes, stating the estimated maximum cost thereof, is \$50,000, appropriating said amount therefor, including \$4,500 current funds to provide the required down payment, and authorizing the issuance of \$45,500 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"), New York, to acquire by purchase the certain piece or parcel of land situate on the north side of Congers Road, in the Hamlet of New City, being approximately 13,400 square feet, and more particularly described in the Tax Map 58, Block G, Lot 29.02, for general Town purposes; STATING the estimated maximum cost thereof, is \$50,000 and APPROPRIATING said amount therefor, including the amount of \$4,500 from current funds to provide the down payment required pursuant to the Local Finance Law ("Law"); STATING the plan of financing includes the use of said current funds to provide such down payment and the issuance of \$45,500 serial bonds to finance the balance of said appropriation, and the levy and collection of a tax on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable;

SECOND: AUTHORIZING \$45,500 serial bonds of the Town to be issued pursuant to the provisions of the Law to finance the balance of said appropriation not provide by current funds;

THIRD: DETERMINING AND DECLARING that the period of probable usefulness of the specific object or purpose is thirty (30) years; that current funds are required by the Law to be provided as a down payment prior to the issuance of the bonds herein authorized or of any notes in anticipation of the sale of such bonds and such current funds in the amount of \$4,500 are available therefor in the current budget of the Town under the heading "Purchase of Land Account No. 1940;" AUTHORIZING AND DIRECTING the Supervisor to set aside said current funds and to apply the same solely to said specific object or purpose; and STATING the proposed maturity of the bonds will exceed five (5) years;

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(1975-306 continued)

FOURTH: DETERMINING that said bonds and any bond anticipation 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 bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof;

SIXTH: PROVIDING that this resolution is subject to a permissive referendum.

DATED: APRIL 16, 1975

ANNE E. O'CONNOR,
Town Clerk

Section 3. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond 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 4. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by

Councilmen Maloney and duly put to a vote on roll call,

which resulted as follows:

AYES: Councilmen D'Antoni
Councilmen Lodico
Councilmen Maloney
Councilmen Pizzutello
Supervisor Gerber

NOES:
None

The resolution was declared unanimously adopted.

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(1975-307) Co. Pizzutello offered the following resolution:

WHEREAS, the Clarkstown Town Hall Addition specifications provided for a fountain to be dedicated to the memory of Clarkstown's veterans who served their nation during times of war, and

WHEREAS, such a fountain would be a fitting memorial to these brave men and women who dedicated their lives for the freedom of all peoples, and

WHEREAS, the necessary funds are available as previously provided for in the Town Hall Addition Account,

NOW THEREFORE, be it

RESOLVED, that a sum not to exceed Five Thousand Dollars (\$5,000.00) be and hereby is allocated from the Town Hall Addition Account for said purpose.

Seconded by Co. Maloney.

All voted Aye.

(1975-308) Co. Ledico offered the following resolution:

WHEREAS, the age for voting and other rights has been lowered to 18 years of age, and

WHEREAS, it appears that men and women 18 years of age should be fully responsible for the criminal acts they perform;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby calls upon its State Legislators to lower the age of full responsibility for criminal acts to 18 years of age.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-309) Co. D'Antoni offered the following resolution:

WHEREAS, the Port Authority of New York and New Jersey has proposed a toll increase of 50 percent that would directly affect Clarkstown commuters using the toll authority facilities, and

WHEREAS, approximately 25 percent of the labor force of the Town of Clarkstown earn their livelihood in New York City, and

WHEREAS, these approximately 5,900 people would be forced to pay in excess of \$375.00 annually for the sole purpose of getting to their place of business if the proposed rate increase goes into effect on May 5, 1975, and

(continued)

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(1975-309 - continued)

WHEREAS, there are many handicapped persons who would be penalized by their going to work at odd hours to avoid crowds, and thereby not having the opportunity to join car pools, and

WHEREAS, both the federal and state governments have urged that people purchase small, economical cars in order to conserve fuel and stabilize the economy and are now penalizing those who complied because their automobiles are inadequate for more than two passengers, and

WHEREAS, the already existing inadequacies of mass transportation in Rockland County and Clarkstown for commuter service to New York City would be further overburdened by a toll increase;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown is unanimously opposed to the toll increase request by the Port Authority of New York and New Jersey, and be it

FURTHER RESOLVED, that Governor Hugh Carey be urged to veto this discriminating rate increase and that a certified copy of this resolution be forwarded to Governor Carey, State Senator Winikow, and Assemblyman Conner, and the Chairmen of the Port Authority of New York and New Jersey

Seconded by Co. Malensy.

All voted Aye.

(1975-310) Co. Pizzutelle offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Assistant Superintendent of Recreation & Parks #74181,

NOW THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Walter Schatz, P. O. Box 86, Congers N Y is hereby appointed to the position of Assistant Superintendent of Recreation & Parks, at the annual salary for 1975 of \$17,366.00, effective immediately.

Seconded by Co. Lodico.

All voted Aye.

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(1975-311) Co. Pizzutello offered the following resolution:

WHEREAS, there is a vacancy in the position of Clerk-Parks Board & Recreation Commission Office, and

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles CBS 75-20 which contains the name of RENA ALBA,

NOW THEREFORE, be it

RESOLVED, that based upon the recommendation of Edward Ghiazza, Supt. of Parks & Recreation, RENA ALBA, 18 Collingswood Road, New City N Y is hereby appointed to the position of Clerk at the annual salary for 1975 of \$6,557.00, effective April 21, 1975.

Seconded by Co. Maloney.

All voted Aye.

(1975-312) Co. Maloney offered the following resolution:

RESOLVED, that the resignation of John Biehl, 18 Crikki Lane, Spring Valley N Y as Crossing Guard - Police Department - is hereby accepted with regret, effective and retroactive to March 30, 1975.

Seconded by Co. Lodico.

All voted Aye.

(1975-313) Co. Maloney offered the following resolution:

WHEREAS, there is a vacancy in the position of Sr. Stenographer - Police Department - and

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Sr. Stenographer (Promotional) which contains the name of IRENE LOTITO, 3 Alan Drive, New City N Y is hereby appointed to the position of Sr. Stenographer, at the annual salary of \$8,351.00 for 1975, effective immediately.

Seconded by Co. Lodico.

All voted Aye.

(1975-314) Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Jane Barwenko, 798 Brookridge Drive, Valley Cottage N Y as Crossing Guard - Police Department - is hereby accepted with regret, effective April.18th, 1975.

Seconded by Co. Lodico

All voted Aye.

GE188

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(1975-315) Co. Maloney offered the following resolution:

RESOLVED, that JUNE M. VALOIS, 2 Duane Avenue, New City N Y is hereby appointed to the position of Crossing Guard - Police Department - at the daily salary of \$8.00, effective and retroactive to March 30th, 1975.

Secended by Co. Lodico.

All voted Aye

(1975-316) Co. Maloney offered the following resolution:

RESOLVED, that FLORENCE LUCAS, Hughes Avenue, Congers N Y is hereby appointed to the position of Crossing Guard - Police Department - at the daily wage of \$8.00, effective April 21, 1975.

Secended by Co. Lodico.

All voted Aye.

(1975-317) Co. Maloney offered the following resolution:

RESOLVED, that PHILIP H. LONGAKER, 10 Sunnybank Drive, Nanuet N Y is hereby appointed to the position of Substitute Crossing Guard, at the daily salary of \$8.00, effective immediately.

Secended by Co. Lodico.

All voted Aye.

(1975-318) Co. Lodico offered the following resolution:

WHEREAS, the residents of the Town of Clarkstown are being subjected to ever-increasing taxes, and

WHEREAS, it is the concensus of the Town Beard that every effort should be made to obtain clean industrial rateables;

NOW THEREFORE, be it

RESOLVED, that there is hereby created an industrial committee, such committee to act as a clearing-house for all inquiries regarding industrial useages in the township. All other Town departments shall report any requests concerning such useages to the Industrial Development Committee, and be it

(continued)

RESOLUTION ADOPTED AT TOWN BOARD MEETING - 4/16/75
RESOLUTION NO. (318)

WHEREAS, the residents of the Town of Clarkstown are being subjected to ever-increasing taxes, and

WHEREAS, it is the concensus of the Town Board that every effort should be made to obtain clean industrial rates;

NOW, THEREFORE, be it

RESOLVED, that there is hereby created an industrial committee, such committee to act as a clearinghouse for all inquiries regarding industrial useages in the township. All other Town departments shall report any requests concerning such useages to the Industrial Development Committee, and be it

FURTHER RESOLVED, that it shall be the responsibility of the committee to review all of the industrial zoned land within the community, to review the existing zoning laws and use codes as they reflect upon industrial development, and to make recommendations to the appropriate departments concerning such zoning law and use codes. It shall further be the responsibility of the committee to promote the well-being of the Town of Clarkstown, to give whatever aid and assistance is proper to new companies considering locating in Clarkstown, and to make a concerted effort to attract desirable industry to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the committee shall consist of eleven (11) members, with terms ranging from two (2) years to three (3) years. Upon the expiration of the three year terms, the Town Board shall fill the vacancies then existing for a period of two years. Upon the expiration of the two year terms, the Town Board shall fill the vacancies then existing for a period of three years, and be it

FURTHER RESOLVED, that this committee shall exist for a period of five (5) years at the discretion of the Town Board, and members shall serve without compensation and shall adopt its own rules and regulations or procedures, subject to the approval of the Town Board, and be it

FURTHER RESOLVED, that the Town Board hereby allocates the sum of \$500.00 for committee expenses for secretarial services, stationery, postage fees, etc.; said funds to be appropriated from Industrial Development Committee Account No. A-6411.

(The above resolution was offered by Councilman Lodico, seconded by Councilman Maloney and unanimously adopted.)

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(1975-318 - continued)

FURTHER RESOLVED, that it shall be the responsibility of the committee to review all of the industrial zoned land within the community, to review the existing zoning laws and use codes as they reflect upon industrial development, and to make recommendations to the appropriate departments concerning such zoning law and use codes. It shall further be the responsibility of the committee to promote the well-being of the Town of Clarkstown, to give whatever aid and assistance is proper to new companies considering locating in Clarkstown, and to make a concerted effort to attract desirable industry to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the committee shall consist of eleven (11) members, with terms ranging from two (2) years to three (3) years. Upon the expiration of the three year terms, the Town Board shall fill the vacancies then existing for a period of two years. Upon the expiration of the two year terms, the Town Board shall fill the vacancies then existing for a period of three years, and be it

FURTHER RESOLVED, that this committee shall exist for a period of five (5) years at the discretion of the Town Board, and members shall serve without compensation and shall adopt its own rules and regulations or procedures, subject to the approval of the Town Board, and be it

FURTHER RESOLVED, that the Town Board hereby allocates the sum of \$500.00 for committee expenses for secretarial services, stationery, postage fees, etc.; said funds to be appropriated from Industrial Development Committee Account No. A-6411.

Seconded by Co. Maloney.

All voted Aye.

(1975-319) Co. Lodico offered the following resolution:

WHEREAS, by resolution adopted by the Town Board of the Town of Clarkstown on April 16, 1975, an Industrial Development Committee was created;

NOW THEREFORE, be it

RESOLVED, that the following members are hereby appointed to serve on said committee without compensation:

James Coyle, Christian Herald Road, Valley Cottage, New York, for a term of two (2) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1977.

Thomas Apostle, 33 Old Route 304, New City, New York, for a term of two (2) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1977.

(continued)

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(1975-319 - continued)

John Jordan, 67 Goebel Road, New City, New York, for a term of two (2) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1977.

Henry Rudolph, 14 Bradley Lane, New City, New York, for a term of two (2) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1977.

Charles Partridge, 17 Demarest Avenue, West Nyack, New York, for a term of two (2) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1977.

Jeremiah Mullane, 15 Birch Lane, New City, New York, for a term of three (3) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1978.

Arthur DiRocco, Birch Lane, New City, New York, for a term of three (3) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1978.

Alan Yassky, Rollingwood Way, Valley Cottage, New York, for a term of three (3) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1978.

Edward Blanke, 8 Cypress Lane, New City, New York, for a term of three (3) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1978.

Charles Garrison, 603 Gateway, Valley Cottage, New York, for a term of three (3) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1978.

Robert Jacaruso, South Middletown Road, Nanuet, New York for a term of three (3) years, commencing the 16th day of April, 1975 and terminating the 15th day of April, 1978.

Seconded by Co. Maloney.

All voted Aye.

(1975-320) Co. Maloney offered the following resolution:

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

**HARRY COVERT, for himself and on behalf of
all other policemen similarly situated and the
ROCKLAND COUNTY PATROLMENS' BENEVOLENT ASSOCIATION,
INC.,**

Petitioners

(continued)

(1975-320 - continued)

-against-

GEORGE GERBER, as Supervisor of the Town of Clarkstown, and ANTHONY D'ANTONI, JOHN R. MALONEY, VINCENT PIZZUTELLO and JOHN LODICO, constituting the Town Board, Town of Clarkstown for Judgment pursuant to CPLR, Article 78,

Respondents.

NOW THEREFORE, be it

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

Seconded by Co. Lodico.

All voted Aye.

(1975-321) Co. Lodico offered the following resolution:

WHEREAS, Section 64 5a of the Town Law of the State of New York provides that a town board may authorize removal of fire and health hazards from private property if the owner or owners of such property fail to remove said hazards, and

WHEREAS, BEN BIANCO & ORS. were duly notified by the Building Inspector's Office of the Town of Clarkstown that certain violations which were causing fire and health hazards existed on his property, more particularly designated on the Clarkstown Tax Map as Map 6, Block B, Lot 4, and

WHEREAS, said owners have failed to comply with the violation notice numbered 75-29, and have failed to remove such hazards;

NOW THEREFORE, be it

RESOLVED, that pursuant to Sec. 64 5a. of the Town Law of the State of New York, the Clarkstown Superintendent of Highways, or private contractors, when necessary, are hereby authorized to remove the nuisance, hazard and litter consisting of discarded building materials, cans, bottles, paper, metal drums, and various other refuse and debris from the aforesaid premises, and be it

FURTHER RESOLVED, that the total expense incurred in such removal shall be assessed by the Town Board, and the expense so assessed shall constitute a lien and charge on the real property until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other town charges.

Seconded by Co. D'Antoni.

All voted Aye

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(1975-322) Co. Maloney offered the following resolution:

WHEREAS, the County of Rockland has received a grant of Federal funds under Title VI of the Comprehensive Employment and Training Act of 1973, and

WHEREAS, the County of Rockland Manpower Development Program wishes to engage the Town of Clarkstown to perform a portion of the services required under such grant, and

WHEREAS, the County of Rockland Manpower Development Program will pay the Town of Clarkstown for all costs involved in the participation in this program not to exceed the sum of \$106,445;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract agreement with the Rockland County Manpower Development Program in accordance with the above terms and conditions.

Seconded by Co. Lodico.

All voted Aye.

(1975-323) Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown desires to enter into a right of way agreement with Orange & Rockland Utilities, Inc., under and across and along property as shown on map entitled, "Town of Clarkstown Tax Map 41, Block A, Lot 11.05 and 11.41. Proposed Temporary Electric Distribution Line across property of the Town of Clarkstown " dated 4/3/75;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute a right of way agreement in a form satisfactory to the Town Attorney of the Town of Clarkstown.

Seconded by Co. Lodico.

All voted Aye.

(1975-324) Co. Lodico offered the following resolution:

WHEREAS, many Federal Statutes provide for grants-in-aid only to cities and not to towns resulting in the loss of important revenues to towns throughout the United States, and

WHEREAS, the Town of Clarkstown with a population of over 70,000 people has a population in excess of a good many of the cities in the State of New York, and

(continued)

(1975-324 - continued)

WHEREAS, pursuant to Federal regulations these cities in the State of New York are entitled to certain Federal grants-in-aid from which the Town of Clarkstown is excluded;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby calls upon its Federal legislative representatives, Senator Jacob K. Javits, Senator James Buckley, and Representative Benjamin A. Gilman to introduce legislation amending Federal Statutes providing for grants-in-aid in order to include therein the term "Towns" as well as cities, and be it

FURTHER RESOLVED, that certified copies of this resolution be transmitted to said Federal legislative representatives.

Seconded by Co. D'Antoni.

All voted Aye.

(1975-325) 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:

T.B.M. CONSTRUCTION CO., INC.
391 Ridgewood Road
Westwood, New Jersey 07675

RALPH NEUMEYER PLUMBING & HEATING INC.
67 Park Avenue
New City N Y 10956

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 75-18 to RALPH NEUMEYER PLUMBING & HEATING, INC.
No. 75-19 to T.B.M. CONSTRUCTION CO., INC.

Seconded by Co. Maloney.

All voted Aye

GEB188

(1975-326) Co. Pizzutello offered the following resolution:

RESOLVED, that the Purchasing Director is hereby authorized to advertise for bids for 2 tractor-mowers for use by the Parks Board & Recreation Commission, specifications to be obtained from the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Ave., New City N Y; and be it

FURTHER RESOLVED, that all bids be returnable to the Purchasing Director no later than May 2, 1975 at 11:00 AM D.S.T.

Seconded by Co. Maloney.

All voted Aye

(1975-327) Co. Pizzutello offered the following resolution:

WHEREAS, a resolution (1975-284) was introduced concerning the shortage of 1974 County Taxes in the amount of \$1,746,061.04, and

WHEREAS, the Town of Clarkstown is interested in bringing all the facts to the people;

NOW THEREFORE, be it

RESOLVED, that the aforesaid resolution is amended to append thereto the entire report of the Department of Audit and Control, dated March 31, 1975, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to set forth the entire report in the minutes of this meeting.

Seconded by Co. D'Antoni.

All voted Aye.

(COPY OF REPORT FOLLOWS)

(REPORT)

1974 REVIEW OF TAX LEVY - COUNTY OF ROCKLAND
Report Filed: March 31, 1975
George Horning, Examiner-in-Charge:

To the Chairman and Members of the Legislature of Rockland County,
Rockland County, New York

Gentlemen:

At the request of the Rockland County Attorney and the Supervisor of the Town of Clarkstown, we have made a review of the apportionment of county taxes levied by the Legislature of Rockland County in December 1973 for the 1974 fiscal year. This request was prompted by a discovery that the taxes levied in the Town of Clarkstown were \$1,746,061.04 less than that required to meet the town's share of county taxes as provided for in the apportionment resolution of the County Legislature dated December 28, 1973.

Pertinent records and documents were reviewed and inquiries made of the following individuals who currently hold positions with the Town of Clarkstown or Rockland County:

George S. Gerber - Supervisor, Town of Clarkstown
Joseph A. Conway - Director of Finance, Town of Clarkstown
Charles R. Adams - Comptroller, Town of Clarkstown
George K. Mellersten - Assessor, Town of Clarkstown
Joseph T. St. Lawrence - County Treasurer
George J. Rotelli - Deputy County Treasurer
Eugene Stecz - Senior Administrative Asst. to the Legislature

Scope and Direction of inquiry

For purposes of ascertaining the circumstances surrounding the 1974 apportionment of county taxes, we addressed the following five areas:

1. Those factors that could be ascribed as causing the particular result being reviewed.
2. The ability or lack of it within the county structure to ascertain that tax apportionments were not in accordance with the Board resolution.
3. Those procedures which may have been absent which could have prevented the occurrence of this result.
4. The identification of the area of government which has primary responsibility for the occurrence of this result.
5. Recommended practices and procedures which could lead to the detection of this situation on a timely basis.

The aforementioned sequence follows the procedures used by Rockland County as to the various aspects of notifying the towns of their respective amounts of county taxes, the fixing of the tax rate and the issuance of the collector's warrants. Additionally, these procedures are an integral part of various sections of the Real Property Tax Law relating to the levy and collection of real property taxes from the time of the levy to the delivery of the tax rolls to the several town collectors. Rockland County technically complies with these provisions but, by what is an obvious delegation of these duties to the several supervisors, places the County in the position of accepting data furnished by the supervisors with little, if any, review at the County level.

(continued)

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(1974 REVIEW OF TAX LEVY REPORT - Continued):

Summary of Procedural Deficiencies

As noted above, the manner of communication - telephone - advising the towns of their share of the County tax is completely inadequate. Given this procedure as a premise, the lack of scrutiny on the part of the county serves only to make the procedure itself more unacceptable.

The County Treasurer operation is essentially accounting entry oriented. While this is an appropriate function of that office, the lack of any reconciliations or the lack of monthly status reports to the legislature on revenue estimated as compared to actual receipts fails to bring an essential accounting control into the process. If such accounting controls were exercised then the discrepancy could have been detected at least by the end of January 1974.

Conclusions

We recognize that the occurrence of this type of error is rather unique, although an error of the same type but not the same proportion occurred in 1970-71. No information obtained by us could lead to a conclusion that the whole sequence of events represented anything more than an error; we reject as unlikely and without foundation that this error was deliberate. Not the least of our reasons for reaching this conclusion rests on the fact that an error of this type must eventually become apparent and therefore a deliberate act would serve no purpose. We do conclude, however, that the absence of basic accounting control did contribute to the lack of detection of this error far beyond a reasonable period during which detection should have been made. Procedurally, the legislative staff could have observed the discrepancy had the combined tax summary been compared to the appropriation resolution and further, the County Treasurer's Office could have observed the error when the tax entry was recorded. In the final analysis, the responsibility for the error rested with the County and more specifically with the County legislature as then constituted.

Summary of Findings

To place this matter in perspective, the following sequential facts must be considered. An understanding of these procedures will best serve to identify the probable cause, fix responsibility and provide for recommended action for improvement.

1. Procedurally, the staff of the County Legislature after computation notified the various towns by telephone of the town's share of the county levy. This amount is then utilized by the town to determine the tax rate in such town for this purpose.
2. The amount stated for the Town of Clarkstown by the telephone communication was in error as noted by the discrepancy indicated below between Resolution No. 1220 (5,800,772.84).
3. No other towns received amounts at variance with Resolution No. 1227.

(continued)

(1974 REVIEW OF TAX LEVY REPORT - continued)

4. By resolution No. 1220 dated December 28, 1973, the County Legislature approved the Town statements prepared by the various towns which included among others the 1974 Clarkstown Town Statement. This statement as approved showed that the Town of Clarkstown's portion of the State and County charge amounted to \$5,800,772.84.
5. By resolution No. 1221, dated December 28, 1973 the County Legislature approved a schedule of 1974 tax rates for the various towns and included in this resolution was a tax rate of \$4.10 per \$100 for County taxes applicable to Clarkstown.
6. Application of this rate to the reported assessed valuation of the town showed the town's portion of the County tax to be \$5,800,778.07.
7. By resolution No. 1227 dated December 28, 1973, the County Legislature approved in the aggregate the amount of \$25,982,290 to be levied upon the taxable property in Rockland County and to be collected in accordance with the following apportionment:

Town of Clarkstown	\$ 7,546,833.88
Town of Haverstraw	3,374,215.03
Town of Orangetown	5,800,872.84
Town of Ramapo	7,606,619.13
Town of Stony Point	<u>1,653,749.12</u>
	<u>\$25,982,290.00</u>

8. On December 28, 1973, a Collector's Warrant was issued by the County in the amount of \$8,452,641.06 which reflected the reported error of \$5,800,772.84. This Collector's Warrant served as the basis for the amount collected by the town for county purposes.

Recommendations

1. The entire tax levy operation be undertaken by the clerk of the Legislature as directed by that body.
2. The town supervisor's role be limited to the responsibilities prescribed under Section 115 of the Town Law whereby the annual budget and/or special district benefit assessments are provided to the county legislature for levy.
3. The County Treasurer prepare a monthly status report comparing the various revenues as estimated to actual collections.
4. The resolutions apportioning taxes, the setting of tax rates, the preparation of the collector's warrant be subject to review and comparison as an essential part of the accounting control process by the Clerk to the Legislature.
5. The County Legislature in itself and through the staff gives matters of such great importance more than the routine status formerly accorded.

(continued)

GE B188

(1974 REVIEW OF TAX LEVY REPORT - continued)

In the course of our review, we were asked to identify the legal remedies available to resolve this matter. Based on our review of existing law, we find no statutory remedy which addresses this problem. Failing such statutory direction, we can only conclude that solution becomes one of equity and this being the case, we acknowledge that equity must respect the rights of the taxpayers affected. Under the circumstances, we do not believe that it would be appropriate for us to address the equities here - the County is a unit of government affected, the Town of Clarkstown is affected, and in the final analysis the taxpayers of the entire County could be affected.

Office of the State Comptroller
Division of Municipal Affairs

(END OF REPORT)

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Mr. William Malten, 193 Germonds Road, West Nyack N Y appeared before the Town Board requesting policing of Traphagen Park due to serious vandalism problems; and requesting solution to drainage problem existing on Germonds Road and vicinity.

Superintendent of Parks & Recreation stated that town aware of drainage problem in this area; Town Engineer has even prepared a plan to correct, but this is county road. To this date there has been nothing concrete in relation to this problem, nor monies appropriated to correct.

Re vandalism and mini-bikes going onto this property, a 6' high chain-link fence may have to be placed on Germonds Road.

Supervisor stated that permanent caretaker would be effective in reducing vandalism and trespassing and that Park Rangers should patrol the entire park area. Further discussion will be had by the Town Board at workshop sessions.

(1975-328) Co. Lodico offered the following resolution:

Rescinded 7/23/75 WHEREAS, drainage problems exist along Germonds Road, West Nyack N Y which is a County road, and

WHEREAS, it is our understanding that funds have been appropriated by the County of Rockland in order to install drainage in said Germonds Road, and

WHEREAS, no drainage work has been done by the County of Rockland;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby calls upon the Clarkstown representatives on the County Legislature to introduce legislation in the County Legislature to provide for the transfer of said drainage funds from the County of Rockland to the Town of Clarkstown in order that the Town of Clarkstown may install the required drainage in Germonds Road, and be it

FURTHER RESOLVED, that in the alternative the County of Rockland consider the transfer of ownership and control of Germonds Road from the County of Rockland to the Town of Clarkstown.

Secended by Co. Pizzutello.

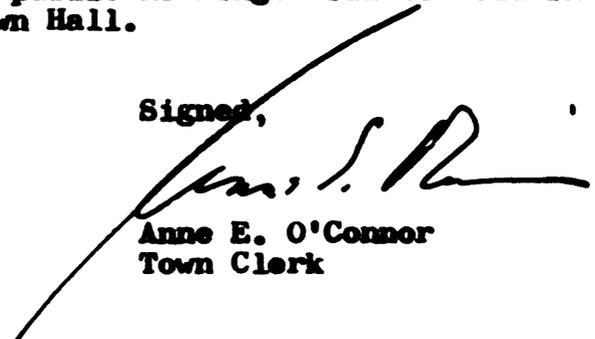
All voted Aye.

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Mr. Walter Plotnik of Valley Cottage appeared before the Town Board re proposed increase by the Port of Authority requesting that a formal protest be made by town governing body. Supervisor Gerber stated that this Friday Governors of New Jersey and New York will meet. They can veto minutes of any meeting. They have 20 days after Port of Authority had its meeting. That ends this Friday, not May 5th, as Mr. Plotnik stated. They have to veto by Friday. If action not forthcoming either governing body, we should protest. Town will do something.

There being no further business before the Town Board, on resolution offered by Co. Maloney, seconded by Co. Lodico and unanimously adopted, Town Board meeting was adjourned until Wednesday, April 23, 1975 at 8:00 PM, at which time scheduled public hearings will be held in the Board Room of the Town Hall.

Signed,



Anne E. O'Connor
Town Clerk