

TOWN BOARD MEETING

Town Hall

7/2/75

8:00 PM

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

Supervisor Gerber called Town Board Meeting to order; assemblage saluted the flag.

(1975-459) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bids for construction of an Automobile Maintenance and Repair Garage for the Town of Clarkstown is hereby awarded to the following bidders:

1) GENERAL CONSTRUCTION to:

Meridian Construction Corp.
90 North Franklin Turnpike
Ramsey, New Jersey:\$102,467.00

2) HEATING, VENTILATING & AIR CONDITIONING to:

George T. Renart
411 North Middletown Road
New City N Y.....\$ 8,200.00

3) PLUMBING to:

Warriner Smith Utilities, Inc.
50 North Pascack Road
Spring Valley N Y:\$ 12,329.00

4) ELECTRICAL WORK to:

Tappan Zee Electric Co., Inc.
165 West Nyack Road
West Nyack N Y\$ 15,806.00

and be it

FURTHER RESOLVED, that before any change orders are initiated, they be referred to the Capital Projects Committee.

Seconded by Co. Lodico

All voted Aye.

Proposed resolution awarding bid for supplying chemicals for use at Clarkstown Swimming Facilities - HELD.

(1975-460) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on June 18th, 1975; and the Special Town Board Meeting held on June 19th, 1975, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye

(1975-461) 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 proposals from Orange & Rockland Utilities Inc. for street lighting at the following locations:

Concord Drive, New City
Delta Drive, New City
Lorraine Court, New City
Foxburn Street, New City
Broadlyn Court, Bardonia
Renee Lane, Bardonia
Lake Shore Drive, Nanuet
Terrace Avenue, Nanuet
Green Road, West Nyack

Seconded by Co. D'Antoni.

All voted Aye.

(1975-462) Co. D'Antoni offered the following resolution:

RESOLVED, that the Highway Superintendent of the Town of Clarkstown is hereby authorized to erect a "TRUCKS OVER 4 TONS EXCLUDED" and a "DEAD END" sign at Long Clove Road, New City N Y in compliance with resolution No. 449 adopted 6/18/75.

Seconded by Co. Maloney

All voted Aye

(1975-463) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a "STOP" sign, to be erected on Verona Court where it intersects with East Phillips Hill Road, New City.

Seconded by Co. Maloney

All voted Aye

(1975-464) 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 "NO PARKING" signs, to be erected west of Mallard Drive from Mandarin Lane, south and including the turn-around at the southerly end of Mallard Drive, West Nyack.

Seconded by Co. Maloney

All voted Aye

(1975-465) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to remove the "NO PARKING" signs on the west side of Grant Avenue from Lake Road south, Congers, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized to install a sign to read "NO PARKING FROM HERE TO CORNER" to be erected on the west side of Grant Avenue, forty (40) feet south from Lake Road, Congers.

Seconded by Co. Maloney

All voted Aye

(1975-466) Co. Pizzutello offered the following resolution:

WHEREAS, an action has been instituted in the United States District Court for the Southern District of New York against the Town of Clarkstown entitled as follows:

THE DELLS, INC., Plaintiffs

-against-

PAUL F. MUNDT, WILLIAM E. VINES,
FREDERICK P. ROLAND, THEODORE E.
ZOLLENDECK, JOHN KNUTSEN, each
individually, and GEORGE GERBER,
JOHN MALONEY, ANTHONY D'ANTONI,
JOHN LODICO, VINCENT PIZZUTELLO,
each individually and as members
of the TOWN BOARD OF THE TOWN OF
CLARKSTOWN and THE TOWN OF CLARKSTOWN,
a municipal corporation, Defendants., and

(cont)

(1975-466 - cont)

WHEREAS, upon advice of special counsel, Paul, Weiss, Rifking, Wharton and Garrison, 345 Park Ave., New York N Y, said special counsel was authorized by resolution #205 adopted 3/19/75 to take all necessary steps to defend at public expense only the Town and present Town officers and employees, but not former Town officers and employees, and

WHEREAS, an action has been instituted in the Supreme Court of the State of New York, County of Rockland, entitled as follows:

WILLIAM E. VINES, Plaintiff
-against-
THE TOWN OF CLARKSTOWN, Defendant, and

WHEREAS, the Supreme Court of the State of New York, County of Rockland has ruled in said action that the Town is obligat3d to defend Wm. E. Vines in the Federal action at public expense if it be established that theacts upon which liability is asserted were performed in his official capacity;

NOW THEREFORE, be it

RESOLVED, that the firm of Paul, Weiss, Rifkind, Wharton and Garrison, 345 Park Ave., New York N Y is hereby authorized to take all necessary steps to defend Paul F. Mundt, Wm. E. Vines, Frederick P. Roland and Theodore E. Zollendeck in the Federal action at public expense until such time as it has been determined that said defendants were acting outside the scope of their official capacity in performing any acts which liability is asserted.

Seconded by Co. D'Antoni.

All voted Aye.

(1975-467) Co. Lodico offered the following resolution:

RESOLVED, that a building permit under provisions of Sec 280-A of the Town Law is hereby granted to BARD ROCK CORP. for property more particularly described as Map 113, Block A, Lot 30.01 (part of) or Lot No. 2, situate on the west side of Linden St., approximately 200' south of Snedecker and in the Hamlet of Congers, N Y, and be it

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

Seconded by Co. D'Antoni.

All voted Aye

(1975-468) Co. Lodico offered the following resolution:

RESOLVED, that a building permit under provisions of Sec. 280-A of the Town Law is hereby granted to BARD ROCK CORP. for property more particularly described as Map 113, Block A, Lot 30.01 (part of) or Lot No. 1; situate on the east side of unnamed map street, approximately 200' south of Snedecker and in the hamlet of Congers N Y, and be it

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

Seconded by Co. D'Antoni.

All voted Aye

(1975-469) Co. Maloney offered the following resolution:

WHEREAS, JOHN CHAGARIS, JAMES CHAGARIS & PETER CHAGARIS has petitioned the Town Board of the Town of Clarkstown that the zoning ordinance of said town be amended by redistricting property of the said petitioner described from an LO district to a CS district;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Town Hall at 10 Maple Ave., New City N Y on the 16th day of July 1975 at 8:15 PM relative to such proposed amendment; and it is

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

Seconded by Co. Pizzutello

All voted Aye

(1975-470) Co. Pizzutello offered the following resolution

WHEREAS, it is necessary to update the Master Plan at Germonds Park, and

WHEREAS, Ward Associates in a letter dated 6/10/75 has proposed to provide the necessary services at a lump sum fee of Two Thousand Five Hundred Dollars (\$2,500.00);

(continued)

(1975-470 - continued)

NOW THEREFORE, be it

RESOLVED, that Ward Associates, 40 Orville Drive, Bohemia, N Y be and is hereby authorized to update the Germonds Park Master Plan for a lump sum fee of \$2,500.00, and be it

FURTHER RESOLVED, that the sum of Two Thousand Five Hundred Dollars (\$2,500.00) be transferred from Money in Lieu of Land Account to the Parklands and Improvements Account for said purposes.

Seconded by Co. Maloney

All voted Aye

(1975-471) Co. Pizzutello offered the following resolution:

RESOLVED, that the Director of Purchasing be authorized to advertise for bids to supply and install fencing for use at Lake Nanuet Park; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Ave., New City N Y on 7/15/75 before 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 Purchasing Director.

Seconded by Co. Maloney

All voted Aye

(1975-472) Co. Lodico offered the following resolution:

WHEREAS, Sec. 64 5-a. 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, JOHN KNUTSEN & CO., INC. was duly notified by the Building Inspector that certain violations which were causing fire and health hazards existed on his property, more particularly designated on the Tax Map as Map 75, Block A, Lot 17.01; and

WHEREAS, said owner has failed to comply with the violation notice numbered 75-112, and has failed to remove such hazards;

(cont)

(1975-472 - cont)

NOW THEREFORE, be it

RESOLVED, that pursuant to Sec. 65 5-a. of the Town Law of the State of New York, the Superintendent of Highways, or private contractors, when necessary, are hereby authorized to remove the nuisance, hazard and litter consisting of cans, paper, blacktop remnant, discarded building materials, refuse and rubbish 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

(1975-473) Co. Lodico offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified that certain Title VI positions can be created,

NOW THEREFORE, be it

RESOLVED, that the following Title VI positions are hereby created, effective immediately;

Three (3) Bus Driver (CETA) positions (Non-Competitive).
Seven (7) Bus Driver positions (p/t) (Non-Competitive CETA)

Seconded by Co. Pizzutello.

All voted Aye.

(1975-474) Co. Lodico offered the following resolution:

RESOLVED, that the following persons are hereby appointed to the Title VI positions, effective immediately:

(1) Richard Abajian, 8 Red Rock Rd., New City N Y at present salary of \$8575.00, as bus-driver.

(2) Ralph Francella, 4 Carolina Dr., New City N Y at present salary of \$8,585/00, bus-driver.

(3) Claire Ross, 14A Irion Dr., New City N Y at present salary of \$8,575.00, bus-driver.

(cont)

RESOLUTION ADOPTED AT TOWN BOARD MEETING - 7/2/75
RESOLUTION #476

RESOLVED, that William J. Carey, 142 Pineview Ave.,
Bardonia, is hereby appointed a member of the Zoning Board of
Appeals, term to expire on June 18, 1980, at the annual salary
for 1975 of \$1,000.00

Dated: 7/2/75

(1975-474 - cont)

(4) Alfred Andrutis, 1 Elyse Dr., New City N Y at present salary of \$4.11 hr., p/t bus-driver.

(5) Maureen Casper, 95 Freedman Ave., Nanuet N Y at present salary of \$4.11 hr., p/t bus driver.

(6) Thomas DiPalma, 48 Leona Ave., New City N Y at present salary of \$4.11 hr., p/t bus driver.

(7) Rocco Gallo, 54 Freedman Ave., Nanuet N Y at present salary of \$4.11 hr. p/t bus driver.

(8) Dolores F. McElroy, 11 Oak Rd., New City N Y at present salary of \$4.11 hr., p/t bus driver.

(9) Frances Stroh, 6 Donna St., New City N Y at present salary of \$4.11 hr, p/t bus driver.

Seconded by Co. Pizzutello

All voted Aye

(1975-475) Co. D'Antoni offered the following resolution:

RESOLVED, that Francis Smith, Mitchell Dr., Valley Cottage N Y is here reappointed a member of the Zoning Board of Appeals, term to expire on 6/18/80, at the annual salary for 1975 of \$1,000.00.

Seconded by Co. Pizzutello

On roll call the vote was as follows:

AYES: Co. D'Antoni, Maloney

NOES: Co. Lodico

ABSTENTIONS: Co. Pizzutello, Supervisor Gerber

MOTION NOT CARRIED

Resolution #475 amended by Resolution #492 adopted at Town Board Meeting Held on 7/16/75

(1975-476) Co. Lodico offered the following resolution:

RESOLVED, that William J. Carey, 142 Pineview Ave., Bardonia, is hereby appointed a member of the Zoning Board of Appeals, term to expire on June 18, 1980, at the annual salary for 1975 of \$1,000.00.

Seconded by Co. Maloney

All voted Aye

Resolution #476 amended by Resolution #492 adopted at Town Board Meeting Held on 7/16/75

(1975-477) Co. Lodico offered the following resolution:

RESOLVED, that the resignation of Peter J. Mascioli, Valley Road, Valley Cottage, N Y from the Zoning Board of Appeals is hereby accepted with regret, effective 6/18/75.

Seconded by Co. Pizzutello.

All voted Aye

(1975-478) Co. Lodico offered the following resolution:

RESOLVED, that the resignation of William R. Niehaus, 13 Red Rock Rd., New City N Y from the Planning Board is hereby accepted with regret, effective 7/2/75.

Seconded by Co. Maloney

All voted Aye

Resolution #478 amended by resolution #492 adopted at Town Board Meeting Held on 7/17/75

(1975-479) Co. Lodico offered the following resolution:

RESOLVED, that William R. Niehaus, 13 Red Rock Road, New City N Y is hereby appointed a member of the Zoning Board of Appeals, term to expire on 6/18/77, at the annual salary for 1975 of \$1,000.00, effective 7/2/75.

Seconded by Councilman Maloney

On roll call the vote was as follows:

AYES: Co. Lodico, Maloney, Supervisor Gerber

NOES: Co. D'Antoni, Pizzutello

MOTION CARRIED

(1975-480) Co. Maloney offered the following resolution:

WHEREAS, there is a vacancy on the Planning Board due to the resignation of William R. Niehaus,

NOW THEREFORE, be it

RESOLVED, that Jerome Paikin, 61 Convent Road, Nanuet N Y is hereby appointed to the Planning Board effective 7/2/75, at the annual salary for 1975 of \$2,000.00.

Seconded by Co. Lodico

All voted Aye

Resolution #480 amended by Resolution #492 adopted at Town Board Meeting Held on 7/16/75

1B1014

(1975-481) Co. D'Antoni offered the following resolution:

RESOLVED, that Richard Gardner, 34 Freedman Ave.,
Nanuet N Y is hereby reappointed as Chairman of the Zoning
Board of Appeals, term to expire on June 18, 1976, at the
annual salary for 1975 of \$1,500.00

Seconded by Co. Pizzutello.

All voted Aye

(1975-482) Co. Lodico offered the following resolution:

RESOLVED, that Dorothy Barrett, 5 Bonnie Lane,
New City N Y is hereby appointed as Clerk - Sanitary Landfill,
not to exceed thirty days, at the hourly wage of \$3.59, retro-
active to 6/23/75.

Seconded by Co. Maloney

All voted Aye

(1975-483) Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled "LOCAL LAW
TO REPEAL LOCAL LAW NO. 11-1972 entitled 'A LOCAL LAW
ESTABLISHING A DEPARTMENT OF PLANNING AND DEVELOPMENT OF
THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND, and STATE OF
NEW YORK'" was introduced by Co. Maloney, a member of the
Town Board of the Town of Clarkstown, at a Town Board meeting
held on 6/4/75; and

WHEREAS, the Town Board of the Town of Clarkstown
by resolution duly adopted on 6/4/75 directed that a public
hearing be held on 6/18/75 to consider the adoption of said
local law, and

WHEREAS, a notice of public hearing was duly
prepared and published in the Journal News on 6/9/75 and
posted on the sign board of the town on 6/9/75, and

WHEREAS, a public hearing was held by the Town
Board on 6/18/75;

NOW THEREFORE, be it

(cont)

(1975-483 - cont)

RESOLVED, that Local Law No. 3-1975 entitled "LOCAL LAW TO REPEAL LOCAL LAW NO. 11-1972 entitled 'A LOCAL LAW ESTABLISHING A DEPARTMENT OF PLANNING AND DEVELOPMENT OF THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND AND STATE OF NEW YORK'" was adopted and passed by an affirmative vote of two-thirds of voting power of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Hon. George S. Gerber, Supervisor.....AYE
Councilman John R. Maloney.....AYE
Councilman John Lodico, Sr.AYE
Councilman Anthony D'Antoni.....AYE
Councilman Vincent Pizzutello.....AYE

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

Seconded by Co. Lodico

All voted Aye

(1975-484) Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled "A LOCAL LAW ESTABLISHING A DEPARTMENT OF PLANNING AND DEVELOPMENT OF THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND and STATE OF NEW YORK" was introduced by Co. Maloney at a Town Board meeting held 6/4/75; and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 4th day of June 1975 directed that a public hearing be held on 6/18/75 at 8:45PM to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on 6/9/75 and posted on the sign board of the town on 6/9/75, and

WHEREAS, copies of the proposed local law were mailed to the members of the Town Board on 4/14/75, and

WHEREAS, a public hearing was held by the Town Board on 6/18/75;

NOW THEREFORE, be it

RESOLVED, that Local No. No. 4-1975 entitled "A LOCAL LAW ESTABLISHING A DEPARTMENT OF PLANNING AND DEVELOPMENT OF THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND and STATE OF NEW YORK" is hereby ADOPTED and passed by an affirmative vote of two thirds of voting power of the

(cont)

1B1014

(1975-484 - cont)

Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- Supervisor George S. Gerber.....AYE
- Co. John R. Maloney.....AYE
- Co. John Lodico, Sr.AYE
- Co. Anthony D'AntoniAYE
- Co. Vincent PizzutelloAYE

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

Seconded by Co. Lodico

All voted Aye

(1975-485) Co. Pizzutello offered the following resolution:

WHEREAS, the Town of Clarkstown has entered into a contract to purchase premises situate on the north side of Congers Road, New City N Y, more particularly designated on the Tax Map as Map 58, Block G, Lot 29.02, from Charlotte Jeanfaivre for the sum of \$45,000, and

WHEREAS, the Town has made a down payment of \$4,500.00 towards the purchase of this property, and

WHEREAS, a bond resolution has been passed authorizing the sale of obligations in the amount of \$50,000, which includes the purchase price of \$45,000, together with the necessary expense of the purchase of said premises, and

WHEREAS, the Town of Clarkstown shall in the near future sell obligations to pay for said purchase of property, and

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

NOW THEREFORE, be it

RESOLVED, that pursuant to Sec. 165.10 of the Local Finance Law, the sum of \$45,500.00 shall be appropriated from the General Fund Account in order to pay for the purchase of the aforesaid property, and be it

(cont)

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(1975-485 - cont)

FURTHER RESOLVED, that upon the sale of the aforesaid obligations, the sum of \$45,500 shall be reimbursed to the General Fund Account, and be it

FURTHER RESOLVED, that adequate records be kept of such temporary diversion of funds.

Seconded by Co. Maloney

All voted Aye.

Resolution #485 amended by Resolution #492 adopted at Town Board Meeting held on 7/16/75

(1975-486) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown may, pursuant to LL No. 9-1971, as amended, and Sec. 102-6 of the Code of the town, pass resolutions prohibiting, restricting or limiting the stopping, standing or parking of vehicles on property owned or leased by the town, and

WHEREAS, pursuant to LL No. 4-1973, and Sec. 102-12(c) of the Code of the town, provision was made for the issuance of special vehicle identification permits for licensed drivers suffering from permanent physical disability and drivers who provide transportation for children similarly certified as disabled, and

WHEREAS, it is the desire of the Town Board to designate certain parking spaces on property owned or leased by the town for disabled persons only;

NOW THEREFORE, be it

RESOLVED, that the Supt. of Highways be and he hereby is directed to duly post on said property appropriate signs limiting the parking in certain areas for disabled persons and that the Chief of Police be and he hereby is directed to take all necessary steps to ensure enforcement of said rules and regulations.

Seconded by Co. Pizzutello.

All voted Aye

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(1975-487) Co. Pizzutello offered the following resolution:

WHEREAS, it is necessary and desirable to complete the parking facilities at Lake Nanuet Park, and

WHEREAS, additional gravel, grading and landscaping is necessary;

NOW THEREFORE, be it

RESOLVED, that the sum of Six Thousand Dollars be transferred from the Money in Lieu of Land Account to the Parklands and Improvements Account for the purpose of grading, graveling and landscaping the parking facility at Lake Nanuet Park.

Seconded by Co. Lodico.

All voted Aye.

(1975-488) Co. Lodico offered the following resolution:

WHEREAS, the construction of the River Estates Managed Flood plain Control has necessitated certain excavating and seeding,

NOW THEREFORE, be it

RESOLVED, that the sum of Nine Hundred Fifty Dollars (\$950.) be paid to J. J. Schweitzer, New City N Y for said work, funds to be appropriated from the Drainage Account.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-489) Co. Lodico offered the following resolution:

WHEREAS, Orange & Rockland Utilities, Inc. has requested a right of way across property of the town in order to provide electric facilities for the pump station owned by the town at River Estates, West Nyack NY;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a Grant of Right of Way with Orange and Rockland Utilities, Inc.

Seconded by Co. Maloney

All voted Aye

IB1014

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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, July 16th, 1975 at 8PM.

Signed,



Anne E. O'Connor
Town Clerk