

PUBLIC HEARING

TOWN HALL

10/29/75

8:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Town Attorney Murray N. Jacobson

RE: IMPROVEMENT OF THE FACILITIES FOR THE COLLECTION OF SEWERAGE
IN AN UNINCORPORATED AREA OF THE TOWN OF CLARKSTOWN, IN THE
COUNTY OF ROCKLAND, NEW YORK, BENEFITED THEREBY, PURSUANT TO
ARTICLE 12-C OF THE TOWN LAW:

Supervisor Gerber called Public Hearing to order;
Deputy Town Clerk read Notice of Public Hearing.

Supervisor Gerber stated three meetings had been held on this same subject. The Town Board has indicated its anxiety to proceed with sewer service where it is urgently needed and has attempted to resolve to the satisfaction of as many people as possible so that there is a clear understanding we are not trying to provide sewer service where it is not required. We have met many times to try to resolve this to the satisfaction of those who urgently need sewer service and those people who have no desire or need for sewer service.

Supervisor Gerber indicated he would ask Mr. Suttie, representative of Charles R. Velzy Associates, the engineering firm which prepared surveys and recommendations to present the revisions as they presently appear and then ask for comments from the audience and/or questions.

Mr. George Suttie, Velzy Associates reviewed changes that have been made and appear in the addendum to Engineering Report and Cost Estimates. In response to question asked by Supervisor Gerber, Mr. Suttie indicated approximately 240 homes would be hooked up if we proceed with Phase I.

The following persons addressed the Town Board regarding this matter:

Mr. Cornelius O'Sullivan - Councilman - Town of Orangetown -- asked by the Supervisor and the Town Board to make an appearance on behalf of the people of the Town of Orangetown -- we have an odor problem -- every citizen within 1/4 mile in any direction faces. The odor problem according to the preliminary report almost 70% comes out of the county plant. We have to oppose any expansion of the Rockland County Sewer System. I would request that the Town of Clarkstown acquiesce to the Town of Orangetown and press the county for an immediate solution to the problems of the Rockland County Sewer System. We would like you to hold off until the county takes action on the expansion and corrects immediate problems. Our Deputy Town Attorney is here to read our resolution.

Mr. Patrick J. Haughey, Jr., Deputy Town Attorney, Town of Orangetown -- the Town Board wanted a legal representative here because we have a serious human problem in the Town of Orangetown. Unless the county does something to help us we don't see how sewer plant in present status can be expanded. All our Supervisor wants is that the present problem be cleared up before anyone can go any further. People cannot sell their houses, cannot actually live near that sewer plant. I bring you the message of the Supervisor as a result of a Town Board resolution.

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Supervisor Gerber stated we strongly feel the responsibility for the county sewer district lies with that district itself -- district must take corrective actions. We also have problems in the Town of Clarkstown with raw sewerage flowing in parts of the township -- we are willing to take corrective action to serve the needs of the people of Clarkstown and believe the county must take whatever immediate steps to correct it -- everyone who has the right to seek sewer service should not be denied that right because of problems that may exist at that sewer plant.

Mr. Walter Fleischer, 443 Buena Vista Road, New City -- representing himself and West Branch Conservation Assoc. We are pleased to see the sewers we petitioned against have been removed from State II. I would like to urge they be removed from map. At previous hearing we had supported some relief for the Lake Lucille area to eliminate Red Rock sewerage treatment plant and the Dells plant. We see this is now proposed under alternate 3. At previous hearing there was some question of feasibility from engineering viewpoint of doing this -- we have made small study and have received some information from the County Sewer Commission and looks to us that there is no engineering problem we can see.

Mr. Martus Granirer, President, West Branch Conservation Association -- South Mountain Road, New City -- We do continue to support Alternate 3 very strongly. Mr. Granirer referred to and quoted from letter from Rockland County Sewer Commission regarding South Little Tor Road Interceptor capacity and capacity of Phillips Hill Road Interceptor. (Copy on file in Town Clerk's Office) -- Referred to letter from Robert G. Hampston, P. E. concerning South Mountain Road Interceptor (Letter on file in Town Clerk's Office). Copies of letters from United States Environmental Protection Agency dated October 8th and October 10, 1975 submitted and on file in Town Clerk's Office along with letters dated September 25th and September 30th, 1975 from the New York State Department of Environmental Conservation. Mr. Granirer stated he believes the State's and Federal position now is that the Town can go ahead with the force mains if it chooses to. Mr. Granirer referred to conditions of permit issued and finally urged deletion from the map of three little dots representing conceptual third phase.

Mr. Arnold Benowitz, Tor Heights Subdivision, New City -- advised by the Supervisor it is the intention to remove sewer treatment plant from that area to eliminate any hazard.

Barbara Coleman, 393 Buena Vista Road, New City -- corner of Brook Road -- private road -- opposed to sewers on Brook Road -- not urgently needed.

Mrs. Walter Fleischer - as representative of Mrs. Helena Rossey, 431 Buena Vista Road, New City -- 86 years old and unable to be here -- she feels would be too expensive and urges they be taken off the map for Buena Vista Road.

Marjorie Wittenberg, Brook Road, New City -- very much opposed to sewers on Brook Road -- don't need them -- will raise taxes

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Mr. Patrick French, South Mountain Road, New City -- I'd like to have the right not to have sewers -- urge removal of three dots from the map.

Chauncey Bennington-Buena Vista & Red Rock Road -- up there about 12-13 years -- no problem with septic system.

Mrs. Harkavay, 445 Buena Vista Road, New City -- lived there since 1937-38 -- septic tank has been cleaned out once -- for me to get any use out of sewer system would require me to put in pumping station -- I don't want it...I don't need it.

Mr. Gabriel, Central Highway, New City -- where does Central Highway stand? (Advised by Mr. Suttie not in Phase I, not in Phase II, but will help to pay share of the costs).

Mr. Barry Silberman, Almond Court, New City -- questioned regarding amount of taxes which will have to be paid. (Explained by Supervisor Gerber)

Group of homeowners on Summit Drive off Old Phillips Hill Road -- we need sewers -- would like right to hook up to sewers.

Mrs. Margo Sawyer, 352 Buena Vista Road, New City -- our septic system functioning for years without problem -- we are on downhill side of Buena Vista Road -- would have to pump up to Buena Vista Road -- request be deleted. (Advised by Mr. Suttie have been taken out of Phase II --not in an area to receive pipe line in either Phase I or II.

Mr. Robert Leyden, 290 South Mountain Road, New City (Lake Lucille Property owners Association) -- would like to put some letters into the record which have been written since the last meeting. (letters dated September 30, 1975 to G. K. Hansen, P.E., Chief P.D.E.S. Permit Section; September 29, 1975 to Dr. B. A. Vanadzin, R. C. Health Department; October 10, 1975 to Martus Granirer, West Branch Conservation Association from Stephen Luftig, Chief, Municipal Permits Section; October 10, 1975 to Clarkstown Town Board and October 24, 1975 to Mr. R. Leyden from Dr. B. A. Vanadzin, on file in Town Clerk's Office). We the members of the Association appreciate the course of action you have taken in Phase I to eliminage the package sewer treatment plants in north Clarkstown. We hope tonight you will come to vote and if so, vote for Alternate 3 -- hope construction can start soon.

Mrs. Gloria Robertson, 2 Culver Drive, New City (Tor Heights) What is size of pumping station, be located where present treatment plant is? Advised by Mr. Suttie pumping station will be done away with -- line would run more out to Little Tor Road and sub-surface pumping station would be installed (already serviced by sewers -DT/C).

Mare-Laure Degener, 244 Ridge Road -- requested 3 dots be taken off the map.

Councilman D'Antoni asked Mr. Suttie if there is a technical reason why the dots are on the maps -- why not delete them?

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Mr. Suttie advised Department of Audit & Control had indicated at a meeting that this be shown on the maps -- what ultimate might be if it were ever asked for -- placed on the map only on request of Audit and Control, who will be reviewing and passing this whole thing. Mr. Suttie advised he will call Audit & Control tomorrow and see if they can be taken off the map, since they don't mean a thing. Councilman D'Antoni requested that Mr. Suttie make that call.

Fred Hager, Valley Cottage -- questioned whether Mr. Suttie or the Department of Audit and Control has authority to remove from the map -- advised by Supervisor Gerber that Department of Audit and Control will not permit us to finance anything unless they have had prior approval to it, this is a matter between the town and the Department of Audit and Control -- they have final say.

Terrence Anderson, 160 South Mountain Road, New City -- remove the 3 dots.

Harold Laskey, South Mountain Road, New City -- many of us are in support of alternate 3 because feel as strongly as the Lake Lucille people that they need a change there and urge the Board to accept alternate 3 to make Lake Lucille again safe and clean and beautiful. Remove the dots.

Janet Connor, South Mountain Road, New City -- ask that you consider and accept alternate 3.

Carolyn Carper, South Mountain Road, New City -- support alternate 3, remove the dots.

On motion offered by Councilman Maloney, seconded by Councilman D'Antoni and unanimously adopted, the Public Hearing was closed, with decision reserved.

Signed,


Alice Weber
Deputy Town Clerk

PUBLIC HEARING

Town Hall

10/29/75

8:15 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Town Attorney Murray N. Jacobson

RE: PETITION FOR SPECIAL PERMIT TO OPERATE AN AGENCY GROUP HOME
ST. AGNES HOME AND SCHOOL FOR CHILDREN, BROOKSIDE DRIVE,
NANUET, NEW YORK

Supervisor Gerber called Public Hearing to order; Deputy Town Clerk read Notice of Public Hearing.

Supervisor Gerber stated he had received a letter from Ralph E. Kelly, Executive Director, dated October 15th which was read into the record:

Dear Mr. Gerber:

I am requesting that the hearing on the Special Permit allowing St. Agnes to operate a group home at 3 Brookside Drive, Nanuet, New York to be postponed.

This request is due to the fact that several key witnesses for the hearing are unable to attend on the evening of October 29, 1975. If this request is granted, I would appreciate your acknowledging by mail.

Thank you for your kind consideration that I am sure this request will receive.

(signed) Ralph E. Kelly Executive Director

Supervisor Gerber stated he replied to this letter on October 22, 1975 with copies to Town Board and Town Attorney as follows:

Dear Mr. Kelly:

This is in reply to your letter of October 15th in which you requested that the public hearing scheduled for Wednesday, October 29th, concerning your application for a special permit to operate a group home at 3 Brookside Drive, Nanuet, New York, be postponed.

Your request indicated that you were unable to have "several key witnesses" attend the hearing that evening. This is to advise that, since the legal notices have already been published, the Town Board will be required to officially open the hearing and adjourn to a later date. However, you will be required to reimburse the Town of Clarkstown for all expenses involved in the republishing of the legal notices.

As you are aware, there is considerable interest and concern regarding the establishment of this group home and the Town fully expects that you will continue to maintain the property without any children being moved into the premises prior to a decision being rendered by the Board.

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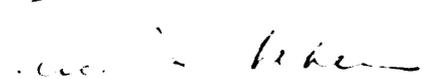
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Mr. Raymond Calhoun, Brookside Drive addressed the Town Board expressing his opposition and those of his neighbors to granting any postponement of the public hearing on this matter. Requested that they be advised of the findings of the Planning Board regarding establishing of group homes.

Supervisor Gerber advised information is available in the Planning Board.

Town Board adopted resolution #759 adjourning Public Hearing to October 29, 1975 at 8:00 P.M. (See Town Board minutes, page 5 for resolution.)

Signed,


Alice Weber
Deputy Town Clerk

PUBLIC HEARING

Town Hall

10/29/75

8:30 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Town Attorney Murray N. Jacobson

RE: APPLICATION OF DR. BERTRAM DROGA AND DR. ROGER PLOTKIN
BY ALEX M. ZOLDAN, AGENT FOR CHANGE OF THE ZONING
ORDINANCE OF THE TOWN OF CLARKSTOWN BY REDISTRICTING
PROPERTY OF THE APPLICANT FROM R-15 TO PROFESSIONAL
OFFICE DISTRICT

Supervisor Gerber called Public Hearing to order;
Deputy Town Clerk read Notice of Public Hearing.

Supervisor Gerber read correspondence received
regarding the proposed zone change.

RECOMMENDATION OF THE ROCKLAND COUNTY PLANNING BOARD:

The Rockland County Planning Board reviewed the above
item at its May 20, 1975 meeting and disapproves.

The Board's policy along Rt. 304 has been not to permit
commercial zone changes which can increase traffic friction
and stimulate similar zone change requests in a spot and
strip pattern along the important State road.

END OF ROCKLAND COUNTY PLANNING BOARD RECOMMENDATION

LETTER FROM DISTRICT CONSERVATIONIST, DATED MAY 16, 1975:

This technical land use review is made at the request
of the Rockland County Soil and Water Conservation District.
It is based on the Survey Map submitted with the petition for
a zone change. The Survey Map was prepared by William
Youngblood and was dated 3/21/75.

The soils on this site are mapped as 21B Wethersfield
loam on 3-8% slopes. Wethersfield is a deep well drained
soil with slight soil limitations for the intended uses.

We do not foresee any serious land use problems on
this parcel providing appropriate development controls are
required. However, surface runoff will be increased
significantly if a high percentage of the land is covered
with buildings and paved areas.

We note this site is well treed and is adjacent to
large modern homes on the west and north sides. If this
petition is granted, we would recommend a 30 ft. buffer zone
be established along the west boundary. The existing trees
should be preserved and inter-planted so a dense screen
is provided.

A zone change could increase the coverage by as much as
50%. The additional runoff could increase downstream flooding.
(signed) Robert S. Jonas, District Conservationist.

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RECOMMENDATION OF THE CLARKSTOWN PLANNING BOARD:

- A. That the requested zone change be denied as contrary to the general zoning pattern in the area, adding to existing traffic hazards, detracting from the proper use of the New City Business District, and having a deleterious effect on the surrounding neighborhood.
- B. More specifically, in accordance with the Zoning Ordinance requirements as to points to be covered, the following are pertinent:
- a. The uses permitted by the proposed change are inappropriate in the area concerned and do not conform to the Comprehensive Town Development Plan of 1971 which shows the area as for residential 2/3 d.u.'s per acre,
 - b. In regard to public services aspect, public school facilities would not be needed. Other public services (fire, water) exist and would not be needed to be created.
 - c. There appears to be no problem related to providing public water or sanitary sewers in the vicinity.
 - d. The amount of vacant land currently zoned PO in the Town and in the vicinity is ample (properties to the North vacant, as well as other properties),
 - e. The recent rate of development of PO in the Town and particularly in the vicinity has been ample (there have been several properties converted to office use by variance, i.e. Dreyer Building, McCormack Building, Sperling, as well as change of zone for the Bard Building),
 - f. The requested rezoning may have adverse effect upon growth of the New City Central Business District in the Town,
 - g. The proposed increase in total zoned PO property in the Town may increase the probable effect of such a change on cost of providing public services,
 - h. There is a possibility that other areas surrounding this parcel may request similar zone changes and would necessitate further amendments to the Zoning Map.

(signed) Rudolph J. Yacyshyn, Chairman

END OF CLARKSTOWN PLANNING BOARD RECOMMENDATIONS

LETTER FROM BARDONIA PARENT-TEACHER ASSOCIATION:

Gentlemen:

The Bardonia Elementary School PTA Executive Board has become increasingly concerned with the additional amounts of traffic in our area.

This elementary school has an enrollment of 744 children at this time. We have approximately 300 children on record who do not meet the requirement for school bus transportation.

We are, therefore, interested in any change that affects the volume of vehicles near the school.

(continued)

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(Bardonia PTA Letter continued)

On September 11th, at our first regular meeting of this school year, the Safety Committee spoke of your planning consultants, Raymond, Parish & Pine, "Zoning and Land Use Study of Route #304".

It is stated in this report that a survey of a large number of recent studies reported trip generation rates on a daily basis per acre from an R-15 zone as 24 vehicle trips. Traffic from a PO zone would generate 225 vehicle trips a day with those zones containing office uses having many visitors/clients/patients maintaining a higher trip generation than those without retail uses, approximating 400 vehicles per acre daily.

Following this report the Executive Board, with 31 of its 33 members present, voted unanimously to take an opposing position to the above zone change request.

We know that you will view this zone change request in relation to the succession of zone changes which have so adversely affected the area surrounding the school and our children.

We trust that the Town Board will not grant a zone change once again in this already hazardous area that affects so many. (signed) Elizabeth Squillace, Vice-President, Bardonia PTA Executive Board; Celia Juris, Safety Committee Chairman.

LETTER FROM MRS. THOMAS McDERMOTT, 25 AMLER LA., BARDONIA:

Gentlemen:

I am writing to you to state my opinion about the rezoning of the property bought by Dr. Plotkin and Dr. Droga. I object very strongly to any rezoning ordinance concerning the above mentioned.

I have children who walk 5 days a week to Bardonia Elementary School. I am concerned with their safety as well as the safety of every other child who walks to school.

Rt. 304 is a dangerous and busy road anyway. It has no adequate sidewalks in many sections, and I believe this is one more hazard that we need not condone. Thank you.
(signed) Mrs. Thomas McDermott

END OF CORRESPONDENCE RECEIVED REGARDING PETITION

Supervisor Gerber asked representative of petitioner to make comments.

Alex Zoldan, Route 45, Pomona, New York -- attorney and agent for the petitioners addressed the Town Board. Property located on south corner of Route 304 and Dutch Glen Drive, consists of 1.24 acres of land, running from 310-312 feet in the area of the west portion of the property to approximately 300 feet in front of the property, along Route 304.

(continued)

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Mr. Zoldan introduced Dr. Bertram Droga, who was sworn in by Supervisor Gerber, stating his address as 3 Old Phillips Hill Road, New City. Practice in West Nyack -- obstetrics and gynecology -- most patients from Bardonia, New City and West Nyack area.

Dr. Roger Plotkin sworn in by Supervisor, stated his address as 37 Rolling Ridge Road, New City. Practice in West Nyack -- specialty of Ears, Nose and Throat -- patients from Clarkstown area.

Mr. Zoldan stated this is basically for use of his clients -- may be some additional doctors using the facility but it is to meet their current needs. In considering the purchase of the property, one of the reasons clients went to this site was accessibility of the property which is on Route 304 which has become a major artery in the Town, and the County.

Within 300 feet there are three existing professional buildings -- within 500 - 800 feet there exists a commercial zone, bank, small shopping center, service station and in response to letter from County Planning Board, this is not a commercial use that's being planned. We are planning a Professional Office which we believe is a cleaner and much better buffer area for a residential area existing in the back. Had spoken with Mr. Cassels of Planning Board, but general tenor we had received was that there is no one use to be excluded or to be considered in that particular area and it seems that this is the way both the Town Board and the Planning Board have been addressing themselves in the development of that area. Can't say anyone has followed any comprehensive use along Route 304 -- haven't seen any recent development of residential properties immediately abutting Route 304.

Mr. Zoldan submitted photographs for the members of the Board, pointing out the foliage -- there are buffers -- also pointing out commercial development in the area. As far as increased costs for public services, seems you can't ask for a much better rateable in the town than Professional Offices. We are not asking for creation of sewers or any other facilities of that nature.

Regarding increase in traffic flow -- prior to 9 in the morning in an office building if there is more than 5 - 6 cars, it's a lot -- traffic flow during the school hours when tots are walking around would be negligible -- think same thing in the afternoon -- heaviest traffic flow might be around 5 when most of employees are moving out. Can't say there isn't going to be more traffic coming to this property than there would be on a single family dwelling -- one question which would come to my mind, if we weren't to receive a zone change, it would be our contention that it would be arbitrary, since this area has already been established as far as professional uses are concerned, and secondly maybe you ought to test your own conscience conceivably someone might be here in 60-90-120 days, depending upon the outcome asking for a commercial use -- seems Professional Office would be much better use than some other commercial use where you have a steady flow of traffic at least 12 hours a day.

(continued)

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Supervisor Gerber asked for questions from members of the Town Board.

COUNCILMAN LODICO: In relation to the layout of the property, if the approval were granted, it would appear the present access to the property is from Route 304, would the petitioners consider closing that off, and having access to Glen Drive as a more appropriate access for the area?

MR. ZOLDAN: Yes, we think that would be a safer way to get to the property.

COUNCILMAN LODICO: Would the building itself be the building that would be utilized for the services, or new building be constructed?

MR. ZOLDAN: Building is vacant -- actual owner is an estate, it is my client's intention to remove both the house and the old barn and construct probably just a single story building -- wouldn't want to commit it to that, depending on how things go as far as construction, although the area would probably make it more prudent to just go with a single story structure.

MR. LODICO: The area on the westerly portion of the property, which appears to be a very heavy buffer would remain?

MR. ZOLDAN: Within a certain distance of the property line. Obviously the line of trees that you see going all the way to the back would remain on the westerly portion. There is a clump of trees immediately around the house -- I don't know if the development of the property would permit the retention of those particular trees, but I assure you that adequate screening would be provided for all of the surrounding property and particularly as far as screening off the property to the north -- the trees along Glen Road would remain except, of course, if we had to have an access road come in thru there. We appreciate the esthetics of the property as well.

COUNCILMAN PIZZUTELLO: No questions.

COUNCILMAN D'ANTONI: The only access is on Route 304 right now?

MR. ZOLDAN: Yes.

COUNCILMAN MALONEY: No questions.

COUNCILMAN LODICO: Would you leave the trees bordering Route 304 there?

MR. ZOLDAN: Yes.

Supervisor Gerber asked for those who were in favor to address the Town Board at this time.

(continued)

THE FOLLOWING PERSONS APPEARED IN FAVOR:

Mr. Fred Hager, Valley Cottage -- I think you have a situation of the town's own doing. Planning Board recommendations inconsistent with the way this area has been developed -- think the real pertinent thing made by the petitioners' attorney is that not to grant this petition would be placing you in a position of being arbitrary. Incongruous to allow some people to develop as they choose and then deny to someone else on the grounds that we have had enough of this or enough of that -- getting into the area of being discriminatory in a very negative way. I think the main concern is the esthetic values of the area, if these are complied with I would urge you to grant the request.

THE FOLLOWING PERSONS APPEARED IN OPPOSITION:

J. List, Glen Drive, Bardonia, New York -- the property is on the corner of residential area -- some of zone changes discussed before were done prior to the construction of the development. Letters from Planning Board and PTA strongly urged veto of this zone change -- can't see how you could possibly ignore it. School right across the street -- we do have loads of children who walk to school every day. We have many problems on 304 with the children crossing the street, we don't need any more. The bank and shopping center are on the other side of Route 304, our side have only a professional office on one corner and a gas station which has been there long before this street came into being. As far as entrance on Glen Drive, will all the children and the traffic professional office would create I don't see how you can consider something like that. Children play there -- doctors office hours are in the afternoon, and at night and the morning -- the children are in the streets all the time -- don't need all these additional cars to enter our property.

Mr. Carney, 18 Dutch Glen Drive -- very unsafe to build at that location because of number of children that do walk -- this is only area our children have to play -- to have another access road into our street -- too much traffic.

Cynthia Aversano, Glen Drive, Bardonia -- agree with all my neighbors -- have too many children on Glen Drive and surrounding streets who must walk to the school and school related facilities -- to say we must accept professional office rather than commercial zone, something completely out of the question -- we don't need it -- 304 bad as it is -- don't think another hazard should be put upon us.

Stanley Kozlowski, 4 Dutch Glen Drive -- property right across the street -- came up from the city -- residential area -- our children play where the two doctors would like to have their driveways -- so many children coming into the street -- also the schools -- I would ask that you deny this petition.

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Irving Gudin, 13 Dutch Glen Drive -- there is a junior high school in opposite direction where children must come off Bardonia Road and continue north on 304 past property you would like to build. Dutch Glen Drive has been proposed and built as dead-end street -- many drivers come in lost in Bardonia and come in to make a U-turn -- we have them to contend with. We have oak trees and chestnut trees and a barn going over 200 years old -- esthetic value of the area -- I ask you not to pass this -- let our children live in the country, we have sufficient amount of doctors and super hospitals close by, we don't need this.

Judy Chemick, Dutch Glen Drive -- my property directly adjacent to the proposed site -- trees on the west border, half are my trees on my property. If there is regarding of the land these trees might be killed because of the regrading -- 3 children play in the backyard of my house along street -- 304 has become so heavily travelled, there is no place else for the children to play other than the street where we live. I hope you do not pass this.

Celia Juris, 17 Glen Drive -- I am in complete agreement with everyone who has spoken before me and I wish to express my hope you will disapprove this zone change.

Connie Bethel, Glen Drive -- also very much against this for the safety of children.

Elizabeth Scullis, 25 Glen Drive -- in complete agreement -- request you do not grant zone change.

MR. ZOLDAN: Dutch Glen Drive has a cul-de-sac -- you don't have thru traffic running thru there, if it were a thru road, I could understand we might be increasing traffic flow -- these houses are near 304 -- can't take 304 away -- it is our contention what we are doing with this property is buffering their property from some other possible use along Route 304 and not increasing any hazard to any of the residents.

On motion offered by Councilman D'Antoni and Seconded by Councilman Maloney, Public Hearing was closed with decision reserved.

Signed,



Alice Weber
Deputy Town Clerk

1B1014

PUBLIC HEARING

Town Hall

10/29/75

8:45 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Town Attorney Murray N. Jacobson

RE: PROPOSED LOCAL LAW PROVIDING FOR DISCLOSURE BY OFFICIALS
AND EMPLOYEES OF THE TOWN OF CLARKSTOWN

Supervisor Gerber called Public Hearing to order;
Deputy Town Clerk read Notice of Hearing.

Supervisor Gerber asked that Mr. Jacobson give outline of the purposes of this Proposed Local Law and stated that if if this local law were adopted, would repeal the existing Local Law #7-1971 and subsequent Public Hearing would be held for that purpose.

Town Attorney stated basically, first change is that it would extend beyond the elected officials to various appointed officials. Under the prior Local Law, only had elected officials -- would be applicable to the Supervisor, his personal Clerk, Director of Finance, Members of the Town Board, members and secretary of the Planning Board, members and secretary of Zoning Board of Appeals, members and secretary of Board of Architectural Review, members and clerk of Board of Assessment Review and certain department heads -- Building Inspector, head of Department of Planning and Development, Superintendent of Highways, Town Engineer, Superintendent of Parks Board and Recreation Commission, Police Chief, Assessor, Town Clerk, Receiver of Taxes, Purchasing Director, Comptroller, Town Attorney, Deputy Town Attorneys and the Town Justices.

Local Law would require they file between the 1st and 31st of January, eacy year two statements -- first would be statement of approximate net worth, setting forth itemized assets, all real property that they own, statement of any corporate involvement in the County of Rockland. Statements would be delivered to the Town Clerk in sealed envelope for transfer to the Board of Ethics who would examine contents to see if they comply with provisions of this Local Law. If they comply, would be sealed and would not be opened except on request of the official concerned or Court order -- in the case of Elected Officials only -- statement of net worth is public record.

COUNCILMAN LODICO -- support concept of Board of Ethics and Disclosure Law -- think it's proper for elected officials and those named in here to submit financial statements but do take exception to several areas of the law where I don't believe there is a proper approach -- in notification or the indication of members of the family. Section 9-12 -- indicates immediate family members -- I don't believe should be subject to any minor member of the family living in household -- in person of majority, married or otherwise you may be infringing on constitutional right as a majority member in trying to have them file any statements of own private information.

Section 9-15 -- proper that all information be forwarded to the Town Clerk, sealed properly and left there. Improper for the Town Clerk to turn over to the Chairman of

(continued)

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 PROPOSED DISCLOSURE LL
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Board of Ethics which is appointed by political board or any of the members. I think laws are sufficient -- if you violate or perjure yourself proper and lawful agency which is in other sections of the law -- appropriate demand can subject you to the provisions of the laws for perjury and under Public Officials law penalties are sufficient to take care of it. A chairman of Board of Ethics plays no part in the particular area of filing disclosure, except if a proper agency such as those outlined in the law does, for cause, find reason to indicate any member of the Town Board or other agency by having a writ or Court Order. Feel there are several areas here that violate a persons constitutional right -- in substance I believe proper disclosure law should be limited to the elected official or the agency official, his wife and his immediate family of minors and that the law should be based on the fact that no one shall have access to the personal finances except by Court Order or any judicial agency.

COUNCILMAN D'ANTONI -- town entitled to know the full disclosure of any elected officials related to business activity and manner in which extended in this law it can get far-fetched -- on scope of information with respect to members of the family no indication in this particular paragraph how its to be filed and what the rules for the filing are -- doesn't seem to be consistent or same as 9-11. Think its invasion of privacy and in some areas violates the individual civil liberties. Generally, a tightening up of the disclosure with regard to public officials -- no exception to that at all -- should be limited to the elected officials and perhaps some of the higher appointed officials -- would not support in the manner in which presented here tonight.

COUNCILMAN MALONEY -- Local law that we have does not go far enough, we need disclosure not only by elected officials but also by top employees of the Town -- willing to listen to what public has to say -- willing to perhaps eliminate secretaries of the boards and commissions -- think we would have to read in terms of what the law says in terms of members of the family and get proper interpretation of exactly what that means -- Public officials is elected by the public -- members of a town that are holding a high position within that town also have responsibility to make sure that there is no conflict of interest. I don't see any reason why anybody would or should have anything to hide in this town from the people that have placed their trust in them.

COUNCILMAN PIZZUTELLO -- would wait for comments from the floor before making statement.

COUNCILMAN LODICO -- indicates he does support concept Councilman Maloney was talking about and I think general concern is that the public is aware that when any public law is presented- whole bushel is thrown in so if you have overlooked any area, those that might be good can remain, those bad can be removed -- at lease scope of covering all potential problems are in the law -- other concern - page 6 -- I think if this were to be left in, after the word U.S. Attorney, the word "for cause" should be added. (#3)

(continued)

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SUPERVISOR GERBER -- would point out that since a number of questions have been raised by members of the Town Board that the existing code, Article 2, Section 9-12 - Scope of Information already specifies the very things some people are objecting to tonight -- says immediate family shall include, husband, wife, sons and daughters -- I think we have a law and the reason that this new one was proposed was that some of us felt it has not gone far enough -- another way to clearly demonstrate for the public record -- existing law doesn't say anything about Board of Ethics -- says documents -- each elected official of the Town of Clarkstown shall within 30 days of taking office between January 1st and January 30th shall file with the Town Clerk the following -- sets forth items required -- important item is paragraph a -- for period of 2 years or each year required to file -- that it remained sealed -- I suggest that the public has right, if you are going to go through procedure of a disclosure law -- should have to disclose something to the public. I think device of using Board of Ethics is one device of being able to cull the information which then would be made available to the public -- it is the obligation of every elective official to give that authorization under the existing law -- what we are attempting under the revised new law is to provide a device to enable the public at any time without prior consent of the individual, without any charges being brought, or for cause, simply making it a public document. I share certain concerns with Mr. Lodico, Mr. D'Antoni and Mr. Maloney that perhaps there are certain individuals or groups which should not be included -- it should be clearly indicated that we already have a Disclosure Law, but its net effect is to disclose very little.

THE FOLLOWING PERSONS APPEARED REGARDING PROPOSED LOCAL LAW:

Martus Granirer, 100 South Mountain Road, New City, New York --
Re: Paragraph 9-16 -- additional statements to be filed by
 elected officials ---- assume purpose is to reassure the public nothing unscrupulos is going on behind sealed envelopes on the part of elected officials -- general accounting summary does not include anything about real estate holdings or those other details that everybody else has to file privately -- precisely that people would be interested in if this is going to be an open disclosure.

Supervisor Gerber -- previous items which were sealed may be opened and compared with what the summary will show -- if there are questions raised at that point -- have grounds to question -- can see objection of some people who may be serving part-time and maybe 90% of assets come from other sources who might be reluctant otherwise to serve -- there has to be some protective device.

Mr. Granirer -- my question not with part-timers -- assume reason for public summary is to reassure the public there is no questionable holdings or questionable activities -- general accounting summary indicating total assets, liabilities only tells you if he's rich man, poor man, but not where it comes from.

Town Attorney - purpose of examination by Board of Ethics of the sealed documents is for that purpose.

Mr. Granirer -- think section 9-16 is window dressing, and as member of public I don't feel very reassured.

(continued)

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Supervisor Gerber -- words window-dressing is your choice of words -- not sure applicable - in 9-16 it may well be mandatory to change that -- in existing law those officials have the authority to publically state under section A -- upon consent of the official whose statement is sought or upon consent of authorized representative to voluntarily do that right now --- also provides for that in the new proposed law.

Mr. Granirer -- if the purpose were - not sure I'm in favor of idea of full statement -- if you are going to do this I think 9-16 should be stronger.

Supervisor Gerber -- suppose you remove the word "summary" out of 9-16 and said "shall file general accounting indicating an itemized list of all assets, all detailed assets, holdings and interests.

Mr. Granirer - sure.

COUNCILMAN PIZZUTELLO: aren't we pre-judging the public hearing-- Each of the board members made statements and I think we should wait -- if it's legally alright, I would like to oppose this entire amendment, this proposed local law -- I think you are infringing upon the rights of a person -- I am an elected official and my assets are open to anyone.

Mr. Granirer - 9-17 - unauthorized disclosure -- disclosure of the sealed things -- you are going to have a hard time getting anybody -- recommend "intentional" ought to be dropped.

ROBERT H. BOWMAN, 3 Burdock Road, New City -- questioned Mr. Maloney as to intent of proposed local law --

Councilman Maloney -- intent of this local law is to make sure that the people in this town would feel secure in the fact that they have a law that will provide for disclosure by officials and employees of the town that are department heads -- safeguard the integrity of the people that are working for the town.

Mr. Bowman -- General Municipal Law as presently in effect in the State of New York, which is a law relative to disclosure by both elected officials and all employees of the Town of Clarkstown -- posted pursuant to the provisions of the Executive Law -- at this point I am unable to find enabling legislation that permits this particular local law -- Article 18 of General Municipal Law provides for conflicts of interests of municipal officials and employees -- believe this proposed local law is in conflict with Article 18 of General Municipal Law -- it is a basic proposition of law that public officer owes an undivided duty to the public whom he serves and may not place himself in a position which will subject him to conflicting duties or expose himself to the temptation of acting in any manner other than in the best interest of the public....It is my opinion that the existing provisions of Article 18 of the General Municipal Law as last amended and in full force and effect are sufficient and adequate, and serve to preserve the personal freedoms of the individual and therefore this local law is unnecessary and in conflict with such provisions --- Copy of entire statement on file in Town Clerk's Office.

(continued)

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Hon. Edward J. Flynn, 667 Andover Road, Valley Cottage -- here as Town Justice of the Town of Clarkstown -- every law we have in this country is a law which must be enacted by the legislative body involved in a manner that it's going to operate in a way to serve the needs of the people of the municipality -- any law that's passed must be enacted or adopted keeping in mind it must conform to constitutional requirements on federal and state levels. When you pass a law in this particular area you must do so with utmost caution and care -- if we are going to put limitations on public officials, appointed or elected, we must make certain that that's done without infringing upon the rights of privacy, discrimination, rights of self-incrimination that apply to all of us under constitutional provisions, both federal and state -- this is difficult area -- all of these laws on any level are very speculative in nature as to what the results are going to be -- you have got to be very careful that you don't infringe upon and impinge upon the rights of the public officials. I think the present law is quite satisfactory without going into the question of its legality -- see no objection to the inclusion of appointive town officials if that's what the board feels it should be -- I have no argument with that one way or the other. Someone made mention that there appears to be some omission of some agencies of the town -- just came to my attention that the Board of Ethics was not included. I fundamentally feel that the present existing law goes far enough in doing what the Town Board expects to do. As far as the question of Section 9-14 dealing with non-conformance -- provides for the forfeiture of salary until compliance is made, but in addition paragraph B provides...refers to grounds for suspension or removal or other disciplinary procedure -- serious doubts about efficacy of that particular section of the law. Requirement of Section 9-16 -- to put that burden on elected officials is setting up a double standard, for which I see no fundamental purpose or reasonable background -- I don't think the obligation I have as an elected official is any greater or any less than an appointed town official -- as far as Section 9-15, I don't approve of it going to the Board of Ethics at all -- present system of filing with the Town Clerk and leaving it there -- unless removed as per Paragraph 1 of that section. I think Paragraph 3 is completely superfluous because of the fact that the end says, Paragraph B, if there is an objection by the Town Official to the disclosure voluntarily then whoever wants to go before a Judge of the Court must do so in compliance with sub-paragraph 2 -- which means if I don't agree to release my report, if the attorney general wants it, he's got to go back before a Judge and show cause why it should be given to him -- I would not recommend its passage in its present state, in fact would recommend that the Board retain the present law, modified if you feel it necessary to include appointed officials.

Everett, Johns, Attorney -- representing one of persons who would be effected with harm that would be irreversable if such an amendment exists and is enacted. I ask you to compare the disclosure law and the scope and enlargement of the Proposed law in particular as to the number of employees the disclosure and also call your attention to the scope, which is a continuing disclosure....first disclosure I have ever seen where there is a continuing requirement to amend the disclosure as you change assets (page 5) -- Section 9-12 -- Scope of information -- which refers to the immediate family -- area of family, spouse children and parents is such an invasion of privacy of those

(continued)

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individuals in the disclosure that would interfere with the family rights of those persons -- referred to similar instance which had been proposed in California which was held unconstitutional. (copy of opinion given to Town Attorney) -- One of the questions raised earlier was question of purpose -- if your purposes are not stated as a preamble -- what was the need -- the necessary change in this town that required this amendment there must be such a compelling need for such a disclosure to invade that privacy -- one of the key elements you must consider when you ask for disclosure by a family member -- there is no effort to relate the financial dealings which might be expected to give rise to the conflict -- there is breach of confidentiality by opening of statements by committee of Ethics, which does not have to file such a statement themselves -- they are going to read and search to find out if there is a conflict of interest. The amendment as it is now would not be sustained where you require the family to disclose their assets because they reside in the premises with the employee.

Joseph Pantano -- I think this kind of law has long been needed, though it does not go far enough -- one objection -- find strange this is being done at time its being done - election time should have been done first of year. Don't think goes far enough, one of reasons person may have large stock holding in an industry in the town - if this is not disclosed to the public public has right to know what, if any, conflict might be there if that industry comes before an agency of the town -- all department heads within the town should disclose this statement in the Town Clerk's Office - not in seals before the Board of Ethics -- Town Attorney, Building Inspector, Department of Finance, Purchasing Agent -- these gentlemen have sensitive positions -- disagree with secretaries but do agree all department heads as well as Planning Board, ZRA members should be part of this law and it should have widest possible scope. Disagree about it being a continuing disclosure -- has to be one.

Arthur Huggins, on behalf of Clarkstown Unit of CSEA -- association does not approve of this particular law, though we approve that there should be some guide-lines so far as ethics are concerned in public officials -- would particularly like to state secretaries should be involved in this particular law -- they are hired employees who merely keep records -- they have no responsibility in decision making aspects -- CSEA feels they should not be part of the disclosure law.

Martin Bernstein -- new amended law goes much to far in attempting to try to make certain there is no conflict of interest on part of officials or employees -- if board wishes to extend the present disclosure law to include every department head and possibly the chairmen of all the boards, including the Board of Ethics, that might be proper--don't believe people of the town expect people who serve on advisory boards and members of their family to go thru whats required here -- what is really needed is much tighter conflict of interest law -- at present time the way the Conflict of Interest Law and Code of Ethics is interpreted -- member of board can disclose he's involved in some activity and then go back to discuss and vote on what goes on at these boards -- that's where real problem arises. Secondly, present Conflict of Interest law implies that all that has to happen is that we go to the Board of Ethics and they will either approve or disapprove and that's the end of that -- would stop a lot of potential conflicts of interest if

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anyone who thought an employee or official was in conflict would ask for an opinion and that opinion would be turned over to an agency that could interpret it -- Board of Ethics is group of laymen who should not have the power that they can absolve anyone from any wrong doing -- this proposed law interferes with civil rights of people -- puts tremendous burden on people -- what will eventually happen is that responsible people who wish to serve the town will not.

Fred Hager, Valley Cottage -- whole law very poorly drafted - ambiguous in many areas -- including family members would be thrown out in any Court of law as unconstitutional -- whole question of Board of Ethics is big farce -- recently had experience of present Board of Ethics examining potential Conflict of Interest and accepting as a statement of fact in the matter the statement by the person who was being reviewed as possibly being in conflict -- poorly drafted - go back to the drawing board.

Edward Ghiazza -- no qualms with it including division or department heads, however under 9-12, Scope of Information, should not include over minors and certainly not parents and am against the 9-15 procedures with respect to statements-- sealed envelopes go to Board of Ethics and they open them-- been covered here before -- anything before the Board of Ethics goes to that persons house -- could be available in that household -- would not like to see the complete Board of Ethics with the information which would be submitted them submitted in that manner and those people have that information-- would be against that.

On motion offered by Councilman Maloney, seconded by Councilman D'Antoni, and unanimously adopted, the Public Hearing was closed, with decision reserved.

Signed,



Alice Weber
 Deputy Town Clerk

IB1014

PUBLIC HEARING

Town Hall

10/29/75

9:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Town Attorney Murray N. Jacobson

RE: LOCAL LAW TO REPEAL LOCAL LAW NO. 7-1971 ENTITLED " A
LOCAL LAW CONCERNING FULL DISCLOSURE BY ELECTED OFFICIALS
OF THE TOWN OF CLARKSTOWN

Supervisor Gerber called Public Hearing to order;
Deputy Town Clerk testified as to proper posting and publication
as required by law.

On motion offered by Councilman Maloney, seconded
by Councilman Lodico and unanimously adopted, Public Hearing
was closed with decision reserved.

Signed,



Alice Weber
Deputy Town Clerk

IB1014

PUBLIC HEARING

Town Hall

10/29/75

9:15 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Town Attorney Murray N. Jacobson

RE: LOCAL LAW ESTABLISHING QUALIFICATIONS FOR ELECTED AND APPOINTED OFFICIALS OF THE TOWN OF CLARKSTOWN

Supervisor Gerber called Public Hearing to order; Deputy Town Clerk read notice of Public Hearing, testified as to proper posting and publication.

Councilman D'Antoni stated he felt Proposed Local Law speaks for itself and referred to a letter from the Department of Audit and Control which Supervisor Gerber read into the record as follows:

"This is in reply to your letter of October 7, 1975 in which you ask for our comments on a proposed local law relating to the filling of vacancies, which was submitted by one of the members of the town board.

The proposed local law provides in part that:

"The fact that a member or former member of the Town Board was a member at the time the position was created or became vacant shall not disqualify such person for appointment to such position provided said appointment is made at least two years after the expiration of the said member's original term on the Town Board."

The effect of this law would be to bar town board members from being appointed to fill vacancies for a period of two years, after the expiration of their "original" term. The use of the phrase, "original term", would seem to connote that the qualification applies only for the two years following a person's first term on the board, and would not apply where a person left after 12 years on the board. We do not know if this was the intent of the drafter, but there would not appear to be any basis for such differentiation.

More fundamentally, there are serious legal problems with the local law. The Appellate Division has ruled in the case of Bareham v. Rochester, 221 App. Div. 36, 222 N.Y.S. 141, modified on other grounds and affirmed 246 N.Y. 140 (1927), that a local law was discriminatory and, therefore, unconstitutional where it prohibited any person from being appointed to any office or position in the city government where such person had held elective office in the city within the last year. The same challenge could be made against the local law in question.

In addition, it would appear that the town does not have the power under the Municipal Home Rule Law to adopt this law. Section 10 (1)(ii)(a)(1) of the Municipal Home Rule Law authorizes towns to adopt local laws, not inconsistent with the Constitution or any general law, which relate to the "qualifications" of the officers and employees of the town. Section 64(5) of the Town Law, which is a general law, relating to vacancies, provides in part that "a person, otherwise qualified, who is a member of the town board at the time the vacancy occurs may be appointed to fill the vacancy provided that he shall have resigned prior to such appointment."

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The proposed local law would appear to be in conflict with this provision of the Town Law. Accordingly, in our opinion, it is beyond the home rule power of the Town to adopt such a local law.

We trust that the above will be of assistance to you.
 (signed) Arthur Levitt, State Comptroller, by James C. Cooper,
 Associate Counsel (Copy of letter in T/C file)

Councilman D'Antoni commented he felt it strange that local law on disclosure was not sent to Department of Audit and Control for opinion, because if it was sent they would have had something to say about it.

Supervisor Gerber stated local law (disclosure) has been adopted by the Town of Orangetown and forwarded to the State Comptroller's Office -- we may not like what's in it and may choose to amend it but that Local Law has been adopted by the Town of Orangetown and will go into effect January 1976. If you choose, I will be glad to send up that proposed local law.

Councilman D'Antoni requested that that be done.

THE FOLLOWING PERSONS APPEARED REGARDING PROPOSED LOCAL LAW:

Mr. Martin Bernstein -- was that opinion only related to the Town -- wasn't there a proposal by the County to create the same kind of law (Town Attorney advised this would apply to any municipality).

Mr. Barkin, it says beyond the Home Rule power of the town -- you could ask for Home Rule legislation (Town Attorney stated authorization would have to be obtained from the State Legislature)

Councilman D'Antoni stated he felt intent of the law is excellent and it would allay the fears in this community....

(cross discussion between Supervisor Gerber and Co. D'Antoni)

Mr. Joseph Pantano -- I do agree with Mr. D'Antoni that this law is very well needed -- an elected town official that is on the board should have...and I think it should be part.... a rider to the disclosure law would be a good idea to put on that law, or in this law a law stating that an official cannot fill a vacancy or be put to a new department within the next 2 years -- constructive and important -- there must be some integrity in this town -- if the law cannot be presented in the way Mr. D'Antoni has brought it up, I think it should be redrafted and the general intent put into that law.

Bert Cohen, resident of New City -- what is justification of proposal such as this one -- are we to assume if a man loses an election and is then appointed that there's a deal made but on the other hand if he's not willing to disclose his worth, that's ok.

(continued)

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Councilman D'Antoni stated he is trying to prevent a situation which has occurred in the county -- this is one reason that people lose confidence in their town government -- I thought it might be a good idea to incorporate a local law that would have a prohibition against any elected official currently serving a term of office to be appointed at the expiration of his term to any position in that town for a period of two years after the expiration of the term of his office -- think it's a good local law.....

Mr. Cohen -- this is the same fear that I have when a councilman or supervisor votes on zone change in this town when I don't know what his interest may be --if you are going to protect me on one side, why can't I be protected on the other.

Fred Hager, Valley Cottage -- mixed feelings -- question of constitutional rights of any member of this board to later be employed -- when getting down to statute like this to say that a public official shall not be employed or hired in another capacity -- making an assumption that the man may be fully qualified -- seems I have problem just barring him just because he had served in an official capacity before.

On motion offered by Councilman Pizzutello and seconded by Councilman Maloney, public hearing was closed, with decision reserved.

Signed,



Alice Weber
 Deputy Town Clerk

IB1014

PUBLIC HEARING

Town Hall

10/29/75

9:30 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Town Attorney Murray N. Jacobson

RE: CONSIDER THE DESIGNATION OF MARTINUS HOGENCAMP CEMETERY,
LITTLE TOR ROAD, NEW CITY, NEW YORK, AS AN HISTORICAL SITE

Supervisor Gerber called Public Hearing to order;
Deputy Town Clerk testified as to proper posting and publication
as required by law.

Town Attorney stated cemetery located on corner
of Collyer Avenue at Little Tor Road -- cemetery has buried
in it many figures who played prominent part in early
official and political life of Clarkstown -- many old families
represented there -- stones are of sandstone, marble and
granite -- all in good state of preservation -- two older
stones of sandstone are dated 1723 -- 250th anniversary
of cemetery was observed in 1973.

NO ONE APPEARED IN FAVOR

NO ONE APPEARED OPPOSED

On motion offered by Councilman Maloney, seconded
by Councilman D'Antoni, and unanimously adopted, Public
Hearing was closed.

Signed,



Alice Weber
Deputy Town Clerk

IB1014

PUBLIC HEARING

Town Hall

10/29/75

9:45PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Deputy Town Attorney David Wagner

RE: PROPOSED LOCAL LAW ESTABLISHING DEPARTMENT OF ENVIRONMENTAL CONTROL IN THE TOWN OF CLARKSTOWN

Supervisor Gerber called Public Hearing to order; Deputy Town Clerk testified as to proper posting and publication as required by law.

Councilman Lodico stated in 1972 a Department of Environmental Conservation in the State of New York was created -- he has always been involved in the environmental aspect, and especially in the solid waste area for at least a dozen years -- having attended seminars and training programs, I was aware of the changing conditions of the statutes -- the so called proposal for tonight which was indicated as convenient for the year -- was presented by me in 1972 to the Town Board where the former supervisor held office -- the then Deputy Town Attorney, Martin Friedman at the direction of the Town Board and at my request because I felt it was very important at that time that we get involved in doing our things on the local level and that we be concerned in conserving and controlling our own destiny rather than have "Big Brother" come in from Albany or Washington to do it for us. I indicated in 1972 that if we did not make provisions in our environmental approaches and take precautions so as to protect our environment that someone would come in and do it for us -- last month a publication from New York State Association of Towns Journal there was a publication indicating basically what I had said -- that by July 1976 Big Brother in Albany would take care of some of our problems. I think its important that this proposal be presented and I would be proud to present it and see it enacted. Some of the problems we have had dealing with our environment and also our construction in the area are that we have too many agencies as it is prohibiting the orderly construction in our area where people are put thru 3 or 4 agencies from Drainage, Sanitation, Shade Tree and the rest and may end up as many as 15 and 18 months before we get thru an agency. Part of this concern is to wrap these committees up in one bundle and eliminate at least 9 positions of appointment, take some of those monies away and present a formidable program so that we can do it ourselves before we are told by somebody else -- the timing was 1972...work of general concept of law in effect in the Town of Islep.

Deputy Town Attorney Wagner explained the purpose of this law, basically this pulls together under one department all of the environmentally concerned departments -- Town Code today we have the Shade Tree Commission, Sanitation Commission, Drainage Commission, Sanitary Land Fill - no one control over all of them, which creates a problem since all of these commissions are served by members who are not full time, not available to the public during the day and there are many instances of people getting a run-around when they come in to try to comply with our local laws. This law will pull together all of these items together with ordinances and certain items which are now under the Building Inspector's jurisdiction, such as handbills and posters, property maintenance and shopping carts, all of which are more environmental than building in nature and therefore there would be one department to go to.

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THE FOLLOWING PERSONS APPEARED BEFORE THE TOWN BOARD REGARDING
THE PROPOSED LOCAL LAW:

Robert H. Bowman - have reviewed this proposed local law and note that the law makes no particular provision for the requirements for the commissioner for such an agency. Additionally, no provision is made for establishing the requirements of Deputy Commissioner -- no definitions provided to define any activities that would tend to destroy, damage or infringe upon the natural resources -- is it the intent of this environmental control to be only concerned with the birds and the bees and the trees and the preservation of wild-life or is it the intent of this proposed local law to create a department with such powers and regulations so poorly defined or designated -- no requirements set forth for the director and deputy director -- certain sections of the Town Code have been delegated for enforcement to such director of environmental control -- unable to find enabling legislation that designates such director or deputy director as enforcement officers, particularly lacking any authorization for designation as peace officers for the purpose of enforcing the Code of the Town of Clarkstown. Is it the intent such director or deputy director would enforce the requirements of the State Building Code or Plumbing or Housing Code or Minimum Property Standards as all the enforcement requirements of these codes may be subject to matters pertaining to the environment -- would suggest before this Proposed Local Law is adopted any and all amendments of our existing codes, ordinances and commissions be reviewed to determine if this proposal is of any benefit to the community.

Walter Fleischer, New City -- I find nothing in the law which relates to public participation -- in any environmental law there should be a group of people environmentally concerned who would advise and study any project that came under such a board. I would hope the Town would reactivate the Environmental Board and use its services and then be able to send somebody to the Environmental Management Counsel to represent the town.

Fred Hager, Valley Cottage -- this is one of the worst proposals I've heard this evening -- what you are doing here is eliminating a lot of agencies that are existing and functioning right now -- there may be some questions as to whether you can improve the efficiency in those agencies -- it's a broad umbrella -- has a structure that feeds on itself-- it calls for commissioner, deputy commissioner, executive assistants to the commissioner, directors and deputy directors-- whole area of peace officers very fuzzy --needs tremendous clarification -- what is the impact on taxes for this kind of agency -- salary of commissioner and deputy commissioner and executive assistants -- when we get that kind of picture we can begin to evaluate some of the dimensions that are not apparent -- I think there is an aspect.....there are political implications in this proposal that haven't been laid on the table -- can't see merit in it at all -- if the state is bring pressure on the local level, we have an opportunity within the state level itself to consult and find out what are the areas we are remiss and perhaps get the kind of help to correct it -- to develop this -- I don't think its anything we need at the present time.

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Joseph Pantano -- qualifications of directors -- why are there no cost factors -- number of jobs created, office staff, what about funding departments -- how much will it cost -- why do we need this large department, we have drainage department and Shade Tree Committee that have done an excellent job and have cost the taxpayers zero -- Section 5, page 2 -- why doesn't the Town Board appoint the first deputy commissioner -- Section 6 -- executive assistants to commissioner - how many will be deemed necessary - why not appointed by the Town Board. Sec. D, Page 3 -- what power will commissioner have over the ZBA and Planning Board -- why did we abolish the Drainage Committee (Supervisor stated Drainage Commission has not been in existence for 6 years) -- Page 5, Section A & B -- how many employees will Environmental Facilities Division and Environmental Services Division have -- what will they cost -- page 6 -- other departments go under this -- Page 7, how much power over the Town Engineer's office -- Page 8, Section B - penalties -- this agency was dreamt up.

Jack Boswell, Professional Engineer -- I too am concerned and so are some of the practicing engineers in this county as to the qualifications of someone who would be Commissioner and Deputy Commissioner of such an agency -- concerned with the bringing a professional approach to the town with regard to environmental problems and solutions thereto and would like to be met with someone on a similar level.

Martus Granirer, 100 South Mountain Road, New City -- draft quite sketcy in sense of how the department would function particularly -- number of specialized skills called for -- when you have new department coming up which will take up areas which are also dealt with by an existing department -- unless you define the inter-relations of those departmental functions very carefully, you are either going to have major conflicts or somebody doing something unprofessional -- unless law defines how the new Commission would function with the existing departments or powers dealt with -- I don't think you will have a law which really will work. In the draft you have an unclear relationship between this department and engineering and other departments -- no clear way about how it would function -- would recommend that there be some way of getting environmental questions raised on an advisory basis, the way engineering questions are raised before maps are given to the Planning Board with recommendations -- I would rather see an agency created that would move in on equal footing, as an advisory, technical review before things become maps, before projects are adopted. (cross discussion between Councilman Lodico and Mr. Granirer regarding Islep law) Mr. Granirer stated he didn't feel there was enough clear explanation of the relationships -- without that done clearly you will have power struggle.

Mr. Donald Tracy, Esq. representing Rockland County Builders Association and local Carpenter's Union -- concept of this particular law is not bad concept -- somewhat relieved to see law like this initiated -- gives an opportunity for discussion-- in August, effective September 1st of this year, there was a law passed called Chapter 614 of the Consolidated Laws of the

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State of New York, known as the Fresh Water Wetlands Act, on March 25, 1975, there was a law passed, Chapter 846 of the Consolidated Laws of the State of New York to create Stream Control Act for the County of Rockland, defining its powers and duties -- there happens to be overlapping between both those acts, however, the first act which will be incorporated in the State Conservation Law does state that a town will be given a time-table to establish these environmental procedures and upon its failure to do so the control will go back to the state and the state will take care of it -- so that in the area of environment and environmental conservation the clock is ticking down on taking away from local authority local prerogatives and putting them at a higher level -- I think the explanation prior to this law pinpoints that -- unfortunate timing -- there is going to have to be something done concerning environmental impact statements, fresh water wetland preservation, stream control, and it is the hope of the associations I represent that this be done at a local level in a sane manner so as to expedite matters---there is a reference in here to the fact that the employees may be appointed as peace officers -- Section 1.20 of Criminal Procedure Law defines who peace officers are and if you want to appoint anyone outside of that definition, you need specific and special legislation from Albany...concept of the law should not be overlooked---I think this law is a little burdensome, vague, unconstitutional and also infringes and conflicts with Section 134 of the Town Law of the State of New York, it isn't clear enough in its concept as to what this new position will do, but I do think it's something the Town Board ought to think about and I suggest that the Town Board invite some local environmentalists, local engineers, who practice before these boards and local attorneys and that they sit down and make themselves aware of the fact that the clock is running down on some mandated programs if we are to maintain local control, and that among them all they hammer out a solution to what otherwise could become just another layer of bureaucracy.

Supervisor Gerber stated when he first came into office we had discovered and knew from every-day existence that there were problems in relating from one department to another as new laws were passed either by the State or Federal Government, so I envisioned at that time a new arrangement amongst the existing departments of town to take into account the various environmental requirements as they affected not only on State and Federal level but as they applied particularly here in Clarkstown -- we have problems of related departments with lack of communication -- I too had received copy of Islep law -- it was not and is not my intention to create a super agency or create one single new job. It was and is my intention of using the existing services of the departments we have on hand today with perhaps realignment of some duties. There are those that propose creation of Dept. of Public Works which would be a realignment hopefully without the creation of any new positions -- in that same light, I believe that by the creation of a Department of Environmental Control we could accomplish similar needs in different areas. Mr. Lodico chose to introduce this bill, and I respect him for it -- as we have done on all the other local laws we have heard tonight, they are all subject to review, subject to our own individual opinions and I have clearly indicated here

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tonight that those who wish to make a political connotation out of the discussion of environment or environmental control, that's their privilege -- can't defend something that may be in the future I can only defend what has happened in the past.

On motion offered by Councilman Maloney, seconded by Councilman Lodico and unanimously adopted, Public Hearing was closed with decision reserved.

Signed,



Alice Weber
Deputy Town Clerk

IB1014

TOWN BOARD MEETING

Town Hall

10/29/75

8:00 P.M.

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber
Deputy Town Clerk Alice Weber
Town Attorney Murray N. Jacobson

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

Supervisor Gerber stated that on October 4th the New City Fire Company was scheduled to have its annual Parade and Inspection, which, because of the death of Kevin Landau, was cancelled. Flags have flown throughout the Township for a period of 30 days of mourning. It was the intention of the Town Board to honor an individual who has served the community and fire company and show recognition on behalf of the Town. Tonight I would like to read a Proclamation and make the presentation as our small token to him -- will read the proclamation and we will take a formal vote to formalize it in our minutes.

(1975-755) Co. D'Antoni offered the following Proclamation:

WHEREAS, the New City Fire Engine Company No. 1 has for many years performed a public service to our community and its residents, and by so doing has protected the lives and property of many hundreds of individuals and have done so on a voluntary basis with no recompense other than the satisfaction of having served their community, and

WHEREAS, Vincent Sebastian has served as their chief for two years and who, during that time, has displayed the attributes of leadership, courage and skill so necessary to the successful accomplishment of his duties, and those of the fire company, and

WHEREAS, Chief Sebastian, a twenty year member of the fire company, has over the past two decades risen in the ranks through his personal dedication to duty and achieve his current status, and

WHEREAS, Chief Vincent Sebastian has brought a deep sense of pride to his family, friends, fellow volunteers and his community as a whole by his selection as Fireman of the Year - 1975, at the New York-New Jersey Volunteer Firemen's Convention, and

WHEREAS, this award, given him in recognition of his lifesaving effort that prevented an electrical accident from becoming a tragic event, and

WHEREAS, this award, coupled with his Medal of Valor are a testimonial to his ability to respond without fear and with skill to dangerous situations,

(continued)

1B1014

(1975-755 continued)

NOW, THEREFORE, BE IT RESOLVED THAT I, George S. Gerber, Supervisor of the Town of Clarkstown do hereby present this proclamation as our community's recognition of the dedication to duty, courage in action, and leadership capabilities of Chief Sebastian and ask all our citizens to join with me in recognizing the Chief and all his fellow volunteers for their outstanding achievements.

Seconded by Co. Lodico

All voted Aye.

Supervisor Gerber presented Proclamation to Chief Sebastian on behalf of the Town of Clarkstown.

Supervisor Gerber announced that because of a request from St. Agnes Home for a postponement, since Legal Notices had been published, the Public Hearing will be opened and adjourned and we will then go on with each public hearing.

(1975-756) Co. Maloney offered the following resolution:

RESOLVED, that Town Board Meeting be adjourned in order to hold scheduled Public Hearings.

Seconded by Co. Pizzutello

All voted Aye.

(1975-757) Co. Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called the "Town Board" and "Town", respectively), has for some time been concerned with the need of facilities for the collection of sewage in an unincorporated area in the Town (hereinafter described and herein called the "Master Sewer Improvement Area No. 2) and now proposes to provide such facilities by the construction therein of a sewer system, consisting of sewage collection pipes to connect with Rockland County Interceptor lines, and also including buildings, land or rights in land and the necessary original furnishings, equipment, machinery and apparatus and appurtenances thereto, pursuant to Article 12-C of the Town Law, in accordance with map, plan and report prepared by Charles Velzy Associates, duly licensed by the State of New York, which have been duly filed in the office of the Town Clerk for public inspection, and

(continued)

(1975-757 continued)

WHEREAS, the proposed Master Sewer Improvement Area No. 2 shall include the entire area of the Town outside of any village, not included in Master Sewer Improvement Area No. 1; and

WHEREAS, a public hearing was duly called and held on September 17, 1975 to consider the construction of sewer facilities in Master Sewer Improvement Area No. 2; and

WHEREAS, following said hearing and due to revised plans for the construction to be performed in each of the two project plans, the Town Board determined that the estimates the cost for construction of said system should be revised, and

WHEREAS, the Town Board determined to proceed with the improvement of the Master Sewer Improvement Area No. 2 and the construction of said sewer system therein and adopted an Order Calling Further Public Hearing on October 15, 1975, reciting a description of the boundaries of said proposed benefited area in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying October 29, 1975 at 8:00 o'clock P. M. (E.S.T.) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider said improvement of the Master Sewer Improvement Area No. 2 and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a further public hearing in the matter was duly held by the Town Board on the 29th day of October, 1975, commencing at 8:00 o'clock P. M. (EST) at the Town Hall, at which time all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the improvement of the Master Sewer Improvement Area No. 2;

NOW, THEREFORE, upon the evidence adduced at such further public hearing, be it

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

Section 1. It is hereby determined that:

(a) the notice of further public hearing was published and posted as required by law, and is otherwise sufficient; and

(b) all the property and property owners included within the proposed Master Sewer Improvement Area No. 2 hereinabove referred to in the Recitals hereof are benefited thereby; and

(continued)

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(1975-757 continued)

(c) all the property and property owners benefited are included within the limits of said proposed Master Sewer Improvement Area No. 2; and

(d) it is in the public interest to improve said area.

Section 2. The improvement of the Master Sewer Improvement Area No. 2 is hereby approved as hereinabove described and the proposed sewer system therein shall be constructed as set forth in said order calling the further public hearing and the Master Sewer Improvement Area No. 2, in the Town, situate wholly outside of any incorporated village or city.

Section 3. The maximum amount proposed to be expended for the construction of Phase I, is \$858,000 and for Phase II, is \$1,218,000, which amounts are planned to be financed by the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the Master Sewer Improvement Area No. 2 which the Town Board shall determine to be especially benefited thereby, 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 4. The Town Clerk of the Town is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application by the Town Board, in duplicate, for permission to provide the improvement in said Master Sewer Improvement Area No. 2, in the Town, as herein described, pursuant to the provisions of said Town Law, and such application shall be executed and verified by and in behalf of the Town Board by the Supervisor of the Town.

Section 5. Within ten (10) days of receipt of notification of the approval of the State Comptroller to provide the improvement in the Master Sewer Improvement Area No. 2, the Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution in the office of the Clerk of Rockland County.

Section 6. This resolution shall take effect immediately.

Seconded by Co. D'Antoni

All voted Aye.

(1975-758) Co. Maloney offered the following resolution:

RESOLVED, that Consulting Engineers, Charles R. Velzy Associates, Inc. shall delete from the maps of Master Benefited Sewer Improvement Area No. 2 those lines denoted "future collection system (authorization required)" prior to the forwarding of said maps to the State Department of Audit and Control.

Seconded by Co. D'Antoni

All voted Aye.

(1975-759) Co. Maloney offered the following resolution:

WHEREAS, St. Agnes Home and School for Children, Nanuet, New York, has petitioned the Town Board of the Town of Clarkstown for a Special Permit to operate an Agency Group Home pursuant to Sec. 106-10A, Column 3, sub-paragraph (b) of the Zoning Ordinance of the Town of Clarkstown for property located at 3 Brookside Drive, Nanuet, New York, and

WHEREAS, a letter dated October 15, 1975 from Ralph E. Kelly, Executive Director for St. Agnes Home and School for Children, has been received requesting that the public hearing scheduled for October 29, 1975 be adjourned;

NOW, THEREFORE, be it

RESOLVED, that the said public hearing on the said Special Permit application of St. Agnes Home and School for Children, as aforesaid, be and the same is hereby adjourned to November 19, 1975 at 8:00 P. M., and be it

FURTHER RESOLVED, that the cost of republication for future public hearing shall be borne by the petitioner.

Seconded by Co. D'Antoni

All voted Aye.

(1975-760) Co. Pizzutello offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 15th day of October, 1975, provided for a public hearing on the 29th day of October, 1975 at 9:30 P. M. to consider the designation of MARTINUS HOGENCAMP CEMETERY, Little Tor Road, New City, New York, as an historical site pursuant to Chapter 12, Sec. 3, sub-paragraph C., of the Code of the Town of Clarkstown, and

(continued)

(1975-760 continued)

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

NOW, THEREFORE, be it

RESOLVED, that the aforementioned Martinus Hogencamp Cemetery be and the same is hereby designated as an historical site, and be it

FURTHER RESOLVED, that said historical site be so indicated on the Official Map of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

(1975-761) Co. Pizzutello offered the following resolution:

RESOLVED, that regular Town Board Meeting be resumed, scheduled Public Hearings having been held.

Seconded by Co. Maloney

All voted Aye.

(1975-762) Co. Maloney offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby cancels the regularly scheduled meeting of the Town Board to be held on November 5, 1975.

Seconded by Co. Pizzutello

All voted Aye.

(1975-763) Co. Maloney offered the following resolution:

WHEREAS, Chapter 118, Laws of 1974, Section 18(a) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

(continued)

(1975-763 continued)

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9 of 1974, the County is authorized to contract for mass transportation services to be rendered to the people of the County by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

Seconded by Co. Pizzutello

All voted Aye.

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(1975-764) Co. Lodico offered the following resolution:

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

SINGERS LAKESIDE MANOR, INC.,
Plaintiff
v.
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.

Seconded by Co. Maloney

All voted Aye.

(1975-765) Co. Pizzutello offered the following resolution:

WHEREAS, the Town of Clarkstown and the Department of Transportation of the State of New York desire to enter into a Use and Occupancy Agreement for property within the highway right-of-way of State Highway 1019, Spring Valley-Mount Ivy, and State Highway 1812, New Jersey State Line-Spring Valley, known as the Route 45 Bypass;

(continued)

(1975-765 continued)

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute the said Use and Occupancy Agreement, in a form approved by the Town Attorney, for a yearly rental of one (\$1.00) dollar.

Seconded by Co. Maloney

All voted Aye.

(1975-766) Co. D'Antoni offered the following resolution:

WHEREAS, there is a vacancy in the position of Stenographer - Town Justice office, and

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Stenographer CR-2 75-59 which contains the name of Lorraine Weigold,

NOW, THEREFORE, be it

RESOLVED, that Lorraine Weigold, 8 Greendale Road, New City, New York is hereby appointed to the position of Stenographer, at the annual salary for 1975 of \$6,850.00, effective and retroactive to October 27, 1975.

Seconded by Co. Maloney

All voted Aye.

Councilman Lodico requested that the Town Board recommend that the Town Engineer make provisions to have a study of the drainage aspect going into the Muddy Brook and prepare specifications for continued dredging or draining from the north section of the new pipes installed at the Landfill to continue the drainage into the Green Brook -- no resolution required -- Town Engineer so instructed.

(1975-767) Co. Pizzutello offered the following resolution:

WHEREAS, a county road, known as the Extension of Phillips Hill Road, appears on the Official Map of the Town of Clarkstown; and

(continued)

(1975-767 continued)

WHEREAS, the Town Board proposes to delete that portion of the said county road running easterly from Route 304 to New City - Congers Road,

NOW, THEREFORE, be it

RESOLVED, that the proposal to delete such portion of the Phillips Hill Extension be referred to the Clarkstown Planning Board and the Rockland County Planning Board for report and recommendation.

Seconded by Co. D'Antoni.

On roll call the vote was as follows:

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

MOTION CARRIED.

There being no further business before the Town Board, the Town Board Meeting was adjourned until Thursday, November 6th, 1975 at 8:00 PM, at which time Public Hearings will be held.

Next regularly scheduled Town Board Meeting will be held on Wednesday, November 19, 1975 at 8:00 PM at the Board Room of the Town Hall.

Signed,



Alice Weber
Deputy Town Clerk

181014