

TOWN BOARD MEETING

Town Hall

12/17/75

8:00 PM

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.

(1975-842) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on December 3rd, 1975 and the Minutes of the Special Town Board Meeting held on December 11th, 1975, are hereby adopted and accepted as submitted by the Deputy Town Clerk.

Seconded by Co. Maloney

All voted Aye.

(1975-843) Co. Lodico offered the following resolution:

WHEREAS, on May 29, 1973, an agreement was entered into between the Town of Clarkstown and the Village of Nyack for a sanitary landfill to be conducted by the Village of Nyack on property owned by said Village and shown on Clarkstown Tax Map as Map 106, Block A, Lot 46, and

WHEREAS, part of said lease contained an agreement to install a road as a continuation westerly of Virginia Avenue, and

WHEREAS, it appears that said road is no longer necessary;

NOW, THEREFORE, be it

RESOLVED, that the Town Board agrees to the deletion from said agreement of the requirement for the installation of the continuation westerly of Virginia Avenue, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute any documents required to affectuate such deletion.

Seconded by Co. D'Antoni

All voted Aye.

(1975-844) Co. Maloney offered the following resolution:

WHEREAS, JOSEPH F. X. NOWICKI and CATHERINE M. NOWICKI are the owners of 2.5 acres, zoned R-15 located to the west side of North Middletown Road, North of Greenhouse Manor Subdivision, opposite Pigeon Hill Road, Nanuet, Town of Clarkstown, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown has reviewed the proposed use of said parcel, together with the offices of the Town Engineer, Building and Zoning Inspector, Superintendent of Highways, and other applicable municipal agencies, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended the approval of the establishment of an "open development area" pursuant to Section 280-a(4) of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that in accordance with the provisions of Section 280-a(4) of the Town Law an "open development area" for the area is hereby established wherein permits may be issued for the erection of structures, dwellings and buildings, to which access is given by right of way or easement, subject to any limitations prescribed by the Clarkstown Planning Board as indicated on a final approved map by the said Planning Board, and be it

FURTHER RESOLVED, that the application of JOSEPH F.X. NOWICKI and CATHERINE M. NOWICKI, is hereby granted only upon compliance by JOSEPH F. X. NOWICKI and CATHERINE M. NOWICKI with the following express conditions:

1. JOSEPH F. X. NOWICKI and CATHERINE M. NOWICKI, their agents, employees, successors, and/or assigns, shall comply with all applicable building and zoning ordinances and all requirements of the Planning Board of the Town of Clarkstown as set forth by a final approved map by the Planning Board.

2. JOSEPH F. X. NOWICKI and CATHERINE M. NOWICKI, their agents, employees, successors and assigns, shall record a declaration in the Rockland County Clerk's Office affecting the premises shown on the aforementioned map, which declaration shall obligate the owner of the premises to maintain the said road and to pay therefor, including the snow plowing and maintenance of the road, the storm and sanitary drainage and sewers, and each and all contracts of sale and deeds of conveyance shall specifically state that they are subject to said declaration. A copy of said recorded declaration shall be filed with the office of the Building Inspector.

3. that JOSEPH F. X. NOWICKI and CATHERINE M. NOWICKI, their agents, employees, successors and assigns shall record a declaration in the Rockland County Clerk's Office providing that Lot 4 on the said subject subdivision being 49,000 sq. ft. shall not be further subdivided at any future time.

Seconded by Co. Lodico

All voted Aye.

(1975-845) Co. Maloney offered the following resolution:

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

J & R D'ONOFRIO PLUMBING & HEATING, INC.
129 S. MIDDLETOWN ROAD
NANUET, NEW YORK

MARIO LEPORI
55 GROVE STREET
MONSEY, NEW YORK

ROY LAMBORN, INC.
88 STRAWTOWN ROAD
NEW CITY, NEW YORK

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 76-3 to J & R D'ONOFRIO PLUMBING & HEATING, INC.
No. 76-4 to MARIO LEPORI
No. 76-5 to ROY LAMBORN, INC.

Seconded by Co. D'Antoni

All voted Aye.

(1975-846) Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings to rectify violation of Chapter 106 of the Code of the Town of Clarkstown on premises purportedly owned by Arthur F. Kunz in the Town of Clarkstown more particularly described on the Tax Map of the Town of Clarkstown as Map 76, Block A, Lot 15.

Seconded by Co. Pizzutello

All voted Aye.

(1975-847) Co. Pizzutello offered the following resolution:

WHEREAS, the Planning Board has approved amendments to the Subdivision Regulations, Section 31.1 concerning Inspection Fees; and

(1975-847 continued)

WHEREAS, it appears that it would be in the best interest of the Town of Clarkstown to approve said amendments;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the following amendments to Section 31.1 of the Subdivision Regulations:

Section 31.1 General Procedure and Fees

The Planning Board shall provide for inspection of required improvements during construction and ensure their satisfactory completion.

31.11 The applicant shall pay to the Town Engineer an inspection fee of four percent of the amount of the estimated cost of required improvements.

31.12 Plats shall not be signed by the Chairman of the Planning Board unless and until such fee, or part thereof as determined by general resolution of the Town Board, shall have been paid.

31.13 If the Town Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the Town's Construction Plans, the applicant shall be responsible for completion of said improvements.

31.14 Wherever the cost of improvements is covered by a performance bond the applicant and the bonding company shall be severally and jointly liable for completion of said improvements according to specifications.

31.18 In the event that approval lapses because the plat is not filed in due time with the County Clerk, or because such map is unfiled before construction is commenced, the said inspection fee shall be funded to the applicant."

Seconded by Co. Maloney

All voted Aye.

(1975-848) Co. D'Antoni offered the following resolution:

WHEREAS, Councilman D'Antoni, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "AMENDMENT TO LOCAL LAW NO. 3-1964, AS AMENDED, ENTITLED 'LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF

(1975-848 continued)

WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK", which law is designated in the Code of the Town of Clarkstown as Chapter 83. Said amendment is as follows:

Amend Section 83-35 by deleting entire sub-paragraph C. and replacing therein as follows:

"C. An inspection fee shall be established in accordance with the site/subdivision regulations of the Town of Clarkstown."

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec. 20 of the Municipal Home Rule Law be had at the auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 21st Day of January, 1976 at 8:15 P.M. relative to such proposed local law, and be it

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

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

Seconded by Co. Lodico

All voted Aye.

(1975-849) Co. Pizzutello offered the following resolution:

WHEREAS, the NANUET LITTLE LEAGUE, INC., has requested the use of a portion of Lake Nanuet Park, as located on the Master Plan, Lake Nanuet Drive, Nanuet, N. Y.; and

WHEREAS, the Parks Board & Recreation Commission recommends the use of these premises by the NANUET LITTLE LEAGUE, INC.,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby empowered to enter into a lease agreement with the NANUET LITTLE LEAGUE, INC., for the use of the aforesaid premises under the following conditions:

1. The rental for said use shall be \$1.00 per year.

(1975-849 continued)

2. The NANUET LITTLE LEAGUE, INC., will do all construction and maintenance necessary for the use of the premises by said organization.
3. The NANUET LITTLE LEAGUE, INC., will provide adequate insurance to the Town of Clarkstown in order to hold the Town harmless from suits for personal injury and property damage.
4. At such periods of the year during which the NANUET LITTLE LEAGUE, INC., is not using the premises, the premises will be available for use by other organizations and citizens of the Town of Clarkstown, subject to the direction of the Parks Board & Recreation Commission.
5. This lease shall be for five years with a renewable five-year option, subject to termination by the Town of Clarkstown upon one year's notice.

Seconded by Co. Lodico

All voted Aye.

(1975-850) Co. Pizzutello offered the following resolution:

WHEREAS, the NANUET-WEST NYACK BABE RUTH BASEBALL ORGANIZATION has requested a portion of Germonds Park, as located on the Master Plan of Germonds Park, Germonds Road, West Nyack, N. Y.; and

WHEREAS, the Parks Board & Recreation Commission recommends the use of these premises by the NANUET - WEST NYACK BABE RUTH BASEBALL ORGANIZATION;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby empowered to enter into a lease agreement with the NANUET-WEST NYACK BABE RUTH BASEBALL ORGANIZATION for the use of the aforesaid premises under the following conditions:

1. The rental for said use shall be \$1.00 per year.
2. The NANUET-WEST NYACK BABE RUTH BASEBALL ORGANIZATION will do all construction and maintenance necessary for the use of the premises by said organization.

(continued)

(1975-850 continued)

3. The NANUET-WEST NYACK MADE RUTH BASEBALL ORGANIZATION will provide adequate insurance to the Town of Clarkstown in order to hold the Town harmless from suits for personal injury and property damage.
4. At such periods of the year during which the NANUET-WEST NYACK BABE RUTH BASEBALL ORGANIZATION is not using the premises, the premises will be available for use by organizations and citizens of the Town of Clarkstown, subject to the direction of the Parks Board & Recreation Commission.
5. This lease shall be for five years with a renewable five-year option, subject to termination by the Town of Clarkstown upon one year's notice.

Seconded by Co. D'Antoni

All voted Aye.

(1975-851) 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:

Jodi Lane and Harmon Place, New City
Salem Road, New City
Springview Estates, Sundbury Drive, New City
Christian Herald Road, Valley Cottage
Della Court, Congers
Gilchrest Road, Congers

Seconded by Co. D'Antoni

All voted Aye.

(1975-852) Co. Pizzutello offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids to supply the Town of Clarkstown with stationery supplies; said bids to be returnable at the Office of the Director of Purchasing, Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 12, 1976, before 4:00 p.m. at which time they will be opened, and be it

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

Seconded by Co. Maloney

All voted Aye.

(1975-853) Co. Pizzutello offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for the printing of the Bicentennial Commission publication; said bids to be returnable at the office of the Director of Purchasing, Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on December 30, 1975, before 4:00 P.M. at which time they will be opened, and be it

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

Seconded by Co. Maloney

All voted Aye.

(1975-854) Co. Lodico offered the following resolution:

WHEREAS, the taxpayers of the Town of Clarkstown and other municipalities have had to bear the burden of maintaining and improving certain county roads, and

WHEREAS, the County Highway Department duplicates much of the work that is presently being done more economically and efficiently by the Town of Clarkstown and the other municipalities of Rockland County, and

WHEREAS, this duplicated effort has resulted in a cost of hundreds of thousands of dollars to the Town of Clarkstown in the form of increased county budgets, and

WHEREAS, the taxpayers of Clarkstown and other municipalities within the County of Rockland would be better served by the abolition of the County Highway Department with the provision that equipment now owned by the County of Rockland be distributed on an equitable basis with the various municipalities,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown memorialize the County Legislature that the County Highway Department be abolished and the functions of the County Highway Department and its system of roads and other public improvements be transferred to the various towns in Rockland County in which such roads and improvements are situate together with their proportionate share of equipment owned and operated by the County Highway Department, and be it

FURTHER RESOLVED, that a certified copy of this resolution be sent to the Clerk of the County Legislature.

Seconded by Co. Maloney

All voted Aye.

Following vote on the foregoing resolution, Co. Lodico stated that the Town of Clarkstown has 225.2 miles of roads with a 69 member highway department, budget of \$1,841,841 -- cost per mile of road -- \$8,185.97 --- Town of Ramapo has 165.2 miles of road -- 48 employees and budget of \$1,080,000 and cost per mile of \$6,545.45 --- Town of Orangetown has 129 miles of road, 41 employees and budget of \$1,425,717 - cost per mile of \$11,052.06 and the County of Rockland has 140 miles of road, 117 employees and budget of \$2,890,534. and cost per mile of \$20,558.56.

(1975-855) Co. D'Antoni offered the following resolution:

RESOLVED, that Eileen Paletta, 16 Tucker Avenue, New City, New York is hereby reappointed as Office Worker-Student - Town Justice Office - at the hourly wage of \$2.20, effective January 1, 1976 through June 30, 1976.

Seconded by Co. Maloney

All voted Aye.

(1975-856) Co. Lodico offered the following resolution:

RESOLVED, that Karen McElroy, 11 Oak Road, New City, New York, is hereby reappointed to the position of Office Worker-Student - Sanitary Landfill - at the hourly wage of \$2.20, effective January 1, 1976 through June 30, 1976.

Seconded by Co. Maloney

All voted Aye.

(1975-857) Co. Maloney offered the following resolution:

RESOLVED, that Lorayne Pardo, 46 Gail Drive, New City, New York is hereby reappointed to the position of Office Worker-Student - Counseling Center - at the hourly wage of \$2.20, effective January 1, 1976 through June 30, 1976.

Seconded by Co. Lodico

All voted Aye.

(1975-858) Co. Maloney offered the following resolution:

RESOLVED, that Lori Rogers, 10 Donna Street, New City, New York is hereby reappointed to the position of Office Worker-Student - Clarkstown Counseling Center - at the hourly wage of \$2.20, effective January 1, 1976 through June 30, 1976.

Seconded by Co. Lodico

All voted Aye.

(1975-859) Co. Maloney offered the following resolution:

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

NOW, THEREFORE, be it

RESOLVED, that the following CETA positions are hereby created, effective immediately:

Two (2) Security Aide (CETA) positions (Non-competitive)

One (1) Groundworker (CETA) position (Labor).

One (1) Assistant Maintenance Mechanic position CETA (Non-competitive).

Seconded by Co. Pizzutello

All voted Aye.

(1975-860) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Thomas Nebel, 23 Brewery Road, New City, New York is hereby appointed to the position of Security Aide (CETA) with the Parks Board & Recreation Commission, effective January 5, 1976, at the annual salary of \$7,494.00.

Seconded by Co. Maloney

All voted Aye.

(1975-861) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Jay Flagg, 20 Ardsley Drive, New City, New York is hereby appointed to the position of Security Aide (CETA) with the Parks Board & Recreation Commission, effective January 5, 1976, at the annual salary of \$7,494.00.

Seconded by Co. Maloney

All voted Aye.

(1975-862) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Bruce Knarich, 661 Sierra Vista Lane, Valley Cottage, New York is hereby appointed to the position of Assistant Maintenance Mechanic (CETA) with the Parks Board & Recreation Commission, effective January 5, 1976, at the annual salary of \$8,575.00.

Seconded by Co. Maloney

All voted Aye.

(1975-863) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, John H. Manganaro, Sr., 43 West Broadway, Central Nyack, New York is hereby appointed to the position of Groundswoker (CETA) with the Parks Board & Recreation Commission, effective January 5, 1976, at the annual salary of \$8,575.00.

Seconded by Co. Maloney

All voted Aye.

(1975-864) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of C. Elsie Monneret, Receiver of Taxes, the following are reappointed to the position of Clerk (Seasonal) in the Receiver of Taxes office, effective January 1, 1976:

(1975-864 continued)

Betty Snyder, 126 S. Harrison Avenue, Congers
Florence Pratt, 30 North Middletown Rd., Nanuet
Anna M. Selke, 95 Mass. Avenue, Congers
Frances Knarich, 648 Route 59A, West Nyack
Marie P. Joyce, 2 Pepperill Court, New City
Gaston L. Monneret, 714 Route 59A, West Nyack

at the rate of the Salary Schedule to be adopted on January 1, 1976.

Seconded by Co. Maloney

All voted Aye.

(1975-865) Co. Lodico offered the following resolution:

WHEREAS, John R. Bradley, 29 Primrose Lane, New City, New York has requested a Leave of Absence,

NOW, THEREFORE, be it

RESOLVED, that in accordance with Article XIX Section 1 of the Labor Agreement of the Town of Clarkstown and the Clarkstown Unit of the CSEA, Inc., John Bradley - Maintenance Department - is hereby granted a one year Leave of Absence, without compensation, effective January 1, 1976.

Seconded by Co. Maloney

All voted Aye.

(1975-866) Co. Pizzutello offered the following resolution:

WHEREAS, it has been proposed that the Coe Homestead located at the south west corner of South Mountain Road and Zukor Road, New City, Rockland County, New York, be designated as a historical site pursuant to Chapter 12, Section 3, sub-paragraph C, of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, Rockland County, New York, on the 21st day of January, 1976 at 8:30 P. M. to consider the designation of the aforesaid property as a historical site, and be it

(1975-866 continued)

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 of Clarkstown as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Co. Maloney

All voted Aye.

(1975-867) Co. Lodico offered the following resolution:

WHEREAS, the Town of Clarkstown has recently completed conversion of its financial books and records to double entry accounting on an accrual basis, in conformity with the uniform system of accounts for town as prescribed by the New York State Department of Audit and Control,

NOW, THEREFORE, be it

RESOLVED, that the fund balances of the various funds of the Town of Clarkstown at January 1, 1975 be modified as follows:

	<u>Existing</u> <u>Balance</u>	<u>Increase</u>	<u>Decrease</u>	<u>Modified</u> <u>Balance</u>
General Fund-Town Wide	\$ (653,641)	\$ 620,000	\$	\$ (33,641)
General Fund-Town outside Villages	462,954		460,000	2,954
Highway Fund-Repairs and Improvements	89,010		80,000	9,010
Special Districts:				
Water	13,863		11,000	2,863
Fire	(345)	6,000		5,655
Lighting	82,357		79,000	3,357
Sewer	(3,834)	4,000		166
Totals	<u>\$ (9,636)</u>	<u>\$ (630,000)</u>	<u>\$630,000</u>	<u>\$ (9,636)</u>

Seconded by Co. Pizzutello

All voted Aye.

(1975-868) Co. Pizzutello offered the following resolution:

WHEREAS, Leonard J. Napach, 2 Almond Court, New City, New York is desirous of granting a drainage easement to the Town of Clarkstown, located at the northwesterly portion of Clarkstown Tax Map 24, Block A, Lot 3.07, in New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown accepts the said drainage easement from Leonard J. Napach, covering the above-mentioned property, more particularly described in the said easement dated December 16, 1975.

Seconded by Co. D'Antoni

All voted Aye.

(1975-869) Co. Pizzutello offered the following resolution:

RESOLVED, That upon recommendation of the Highway Superintendent and the Town Engineer, deed(s) from:

BUCKINGHAM DEVELOPMENT CORP. DATED OCTOBER 3, 1975
(c/o Joseph Deutsch, Esq., 49 South Main Street,
Spring Valley, N. Y.)

conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Subdivision Plat for Buckingham Estates, Town of Clarkstown, Rockland County, New York" dated April 9, 1973 and last revised June 29, 1973, and which said map was filed in the Rockland County Clerk's Office on July 13, 1973 in Book 86 of Maps at Page 7 as Map #4431.

as follows:

Pennsylvania Avenue	1050 L.F.	Connecticut Court	450 L.F.
Wisconsin Avenue,	135 L.F.	Massachusetts Ave.	1270 L.F.
Virginia St.	145 L.F.	Michigan Court	1150 L.F.

Road Widening strip along Ridge Road & Easements

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

FURTHER RESOLVED, that Maintenance Bonds Nos. 915261 and 915262 dated the 20th day of August 1975 BUCKINGHAM DEVELOPMENT CORP. and PHILIP WOLIKOW and PAUL APPLERAUM as Principal and REPUBLIC INSURANCE COMPANY, as Surety, are hereby accepted.

Seconded by Co. Maloney

All voted Aye.

(1975-870) Co. Pizzutello offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from:

ELDORADO DEVELOPING CORP., DATED NOVEMBER 29, 1975
(Box 233, Spring Valley, N. Y.)

conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on final plat of

"WAGON WHEEL ACRES" filed in the Rockland County Clerk's Office on June 5, 1973 in Map Book 85 at Page 69 as Map No. 4416.

as follows:

LARIAT COURT 713 L.F.

13.5 foot road widening strip along West Clarkstown Road Parcel for Municipal Purposes

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

FURTHER RESOLVED, that Maintenance Bonds Nos. 915873 and 915874 dated the 4th day of December 1965 ELDORADO DEVELOPING CORP. as Principal and Sidney Marcus as Co-Principal and REPUBLIC INSURANCE COMPANY, as Surety, are hereby accepted.

Seconded by Co. Lodico

All voted Aye.

(1975-871) Co. Pizzutello offered the following resolution:

WHEREAS, actions and proceedings have been commenced and consolidated in Supreme Court, Rockland County, for a joint trial entitled:

TOWN OF CLARKSTOWN,
Plaintiff

-against-

PASCACK MOTEL, INC.,
Defendant.

-----X
PASCACK MOTEL, INC., petitioner

-against-

MR. & MRS. AUGUSTONI,
Respondents. _X

AND 97 OTHER SUMMARY PROCEEDINGS

-----X

(1975-871 continued)

WHEREAS, a proposed compromise and settlement of said actions and proceedings have been agreed upon by all parties thereto, and

WHEREAS, it is in the best interest of the Town of Clarkstown to compromise and settle said actions and proceedings upon certain terms and conditions;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to execute a stipulation discontinuing said actions and proceedings without costs and with prejudice in a form satisfactory to the Town Attorney's office, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a general release as to all matters affecting said actions and proceedings in a form satisfactory to the Town Attorney's office, and be it

FURTHER RESOLVED, that the Supervisor is authorized to deliver a letter to Hopf Enterprises, Inc. dated the date of the Stipulation, stating that no rent control legislation is presently pending or contemplated by the Town of Clarkstown which affects trailer parks and/or mobile home space rentals, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute an amendment to a Declaration of Restrictive Covenants dated January 24, 1967, recorded in the Office of the Clerk of the County of Rockland on February 9, 1967, in Liber 822 of Deeds, at Page 582, as amended by certain Amended Declaration of Restrictive Covenants dated July 27, 1967, recorded in the Office of the Clerk of the County of Rockland in July, 1967 in Liber 829 of Deeds, at Page 785, eliminating paragraph "THIRD" of said Declaration of Restrictive Covenants and providing that, except for the elimination of the aforesaid paragraph "THIRD" of said Declaration of Restrictive Covenants, as amended, the said Declaration of Restrictive Covenants, as amended, shall remain in full force and effect and shall be binding on the owner and each subsequent owner of the said premises.

Seconded by Co. D'Antoni

All voted Aye.

(1975-872) Co. Maloney offered the following resolution:

RESOLVED, that the Organization Meeting of the Town Board of the Town of Clarkstown shall be held on January 5, 1976 at 7:30 P.M. in the auditorium of the Town Hall.

Seconded by Co. D'Antoni

All voted Aye.

(1975-873) Co. D'Antoni offered the following resolution:

RESOLVED, that a Special Meeting of the Town Board be held on December 31, 1975 at 12:00 Noon.

Seconded by Co. Lodico

All voted Aye.

Mr. Martus Granirer addressed the Town Board regarding the Davenport Preserve, as follows:

"I'd like to talk to you about the Davenport Preserve problem that we've all been going through lately, and in a moment to introduce to you a guest of West Branch who is down here from Boston -- Mr. Brad Northrup, who is Regional Director of the Nature Conservancy, who will speak to you a little bit about why his organization takes an interest in a piece of land in Clarkstown. Where we all left off last Thursday night at 11:00 o'clock -- you passed a resolution to abandon the effort to turn the Camp Norge property into town property and make it part of the Charles B. Davenport Preserve, which would also have the effect of abandoning a Federal Grant of \$234,000, plus \$30,000 in demolition money which could be applied to the acquisition if you took it in condemnation, plus \$73,000 in money gifts, plus the gift of 22 acres approximately of land and two houses. Your reasons at that time were that you have worries about the abilities of the town to provide a bond or the money that the Court required you deposit in the amount of your appraisal of the land to be taken -- \$325,000. You were worried further that the cost of the property would be more than the \$325,000, that it would be perhaps as much as half a million dollars, and this excess might be a lot for the town to spend at this time and you didn't know where it would come from and wherever it came from might be subject to a referendum and the voters would decline it and the town would then be stuck with a judgement and a bad debt....."

Supervisor Gerber: -- " let me interrupt you --- that's your interpretation -- clearly understand that, that was not said at the meeting to the best of my recollection"

(continued)

Mr. Granirer: I took some notes, sir, but...it is my recollection of the meeting, and the circumstance, but I will withdraw that, not trying to make an issue about it. There was, nevertheless, the three issues of where the money for the deposit would come from, where the money for the over-run would come from and where the town's share would come from.

We believe we have assurances that the town can share its cost in an over-run with the state if that over-run occurs in condemnation proceedings and if those proceedings are appealed, that is, if the award is appealed. We also believe we have located for the town a possible source of that \$325,000 and a way the town can take it without any of the legal complications that may have been your worry.

We also think that we know where the town's share of an over-run or whatever cost of acquiring this land could come from, and I'd like to mention that before I introduce Mr. Northrup. Specifically, it was my hope that if the town acquired this property, and I'm here to urge you to do it, that you pay your share of it out of your Money-in-Lieu of Land Account. Now, I'm aware that this is a question of what you would like to do with your money-in-lieu of land, however, the Town Board passed a resolution in 1973, when all this began, which said..."therefore be it resolved -- resolution #939 -- 11/28/73... that the Town Attorney's office be and it is hereby authorized to enter into negotiations with the owners of the aforesaid property to acquire same for the Town of Clarkstown with the use of local monies as matching funds to the state and federal grant, and be it FURTHER RESOLVED, that the monies to be used by the town for said purchase be taken from the money in lieu of land account, and be it FURTHER RESOLVED, that in the event said negotiations are unsuccessful, the Town Attorney's office be and it is hereby directed to institute condemnation proceedings. Just for information, in terms of possibility of use of money in lieu of land, there were yesterday morning in your passbook for money in lieu of land \$29,250.96, and you have now at the Planning Board in preliminary approval projects which have gone through preliminary \$8,400 in lots or apartments that would produce money in lieu of land -- that's yield you would have. I am mentioning this to point out there's a way to go about this thing without using taxpayers money at all...I'd like to introduce Mr. Northrup, he's Regional Director of the Nature Conservancy in Boston and he could be very helpful in terms of our providing \$325,000 in question and perhaps why his sort of organization would take an interest in our kind of land.....

Mr. Northrup -- Mr. Granirer has asked me to appear before you tonight to tell you a little bit about my organization and how our work may relate to what the town is considering in terms of the Davenport Preserve. I am staff member of the Nature Conservancy, which is a national, non-profit land conservation organization which deals across the country with the question of land of natural quality. We have regional office in Boston, of which I am director, and service 13 states out of that office, including New York -- 5 chapters in New York State, and one of the most active programs in the country in this state. Of relevance to the Town is our program, in addition to gifts of land which we receive, and purchases which the

(continued)

the Conservancy does on its own to buy nature sanctuaries, very active in broad programs of assisting town, state and federal governments, in the protection of land of open space and natural quality. We have, over the 25 year history of our organization completed some 140 separate acquisitions on behalf of these governmental bodies.

I wanted to talk a little bit about the criteria which we use in evaluating land acquisition projects that the Nature Conservancy is involved in and how that may relate to what this town is considering with the Davenport Preserve. My feeling, based on information I do have is that the kind of land involved here warrants the attention of our organization for a number of reasons -- the quality of the land is obviously representative of natural landscape, although abused over the years, natural landscape of what once remained in this area. It is land which warrants preservation in its natural quality standpoint alone. Secondly, when we examine properties for involvement with the Nature Conservancy we look at involvement of funding sources available to the town, local governments, for the preservation of these lands. The chief funding source in the United States is the Bureau of Outdoor Recreation Land and Water Conservation Fund. This fund is made available to towns in matching dollars to allow them to acquire open space at lower costs. That program is a very sound program and we respect what it's doing in the United States and we feel if they are backing this, that this land must have the kind of value that program is meant to protect. I might, in addition to comments in regard to BOR program, indicate to you that as of right now, the Office of Management of Budget has struck all moneys from the Land and Water Conservation Fund for 1977 and these funds are not necessarily perpetual and if you have commitments for these monies, they are not necessarily always there, and although we are fighting a lot along with our sister organizations to have these funds put back in, and although this is not going to affect your existing commitment for funds from BOR, if this project is passed by now, it does not necessarily mean those monies will be available in the future.

Third, when we look at a piece of property which the organization can assist a local government in acquiring, the question of impactation by population...the question of threat by population over-run is always important. There are simply lands in this country which are more important, in terms of time, to preserve, than other properties because they simply are not going to be there sooner than other lands are going to be there. Towns who have some ability through these funding sources to control the destiny of their land use, which are in urban areas, are high priority for acquisition areas because this organization...we simply know that when towns such as this one, where a few miles down the road you can look at the Empire State Building, are not going to have these lands around very long, and it is our goal to assist these communities first.

That is why we have 25 sanctuaries in Westchester County alone...why we were involved in Clausland Mountain acquisition in Rockland County...why the Conservancy assisted the State of New York in the purchase of Minowaska. We have

a great commitment to this metropolitan area of New York State, New York City, and urge you to look seriously at this acquisition for the reasons that I have stated here tonight...to state that we are prepared, as an organization which has assisted many towns such as yours in acquisition, to lend whatever assistance we can to help you solve the problems involved and to prepare to put forth resource if this acquisition can be done by this town, to assist in its preservation. Thank you.

Councilman Lodico: I didn't hear a promise, or guarantee of money -- are you guaranteeing the money or guaranteeing assistance in the hopes to get it?

Mr. Northrup: We, from the information I have, understand that there is, possibly, a way where the Nature Conservancy can put forth the \$325,000 required...we have not come to any definite conclusion on that now, but we think there is a way to keep the dialogue open, and perhaps solve the problem and make the money available.

Supervisor Gerber: I appreciate your attendance here, and I think I speak for the entire Town Board. I also think this Town Board has shown its good faith, and I believe Mr. Northrup met with the Deputy Town Attorney earlier this week up in Boston, and I don't think we send our Deputy Town Attorneys on frivolous trips to leave the State of New York if we didn't have some sincerity about the whole project.....Mr. Granirer and some of the others were in attendance at a workshop session, which later turned into an official Town Board meeting. They were carefully told that the areas regarding contractual arrangements, and especially involving the purchase or condemnation of property, was a very sensitive area, and this Town Board, certainly in the past two years, and I believe any Town Board in the past, has generally upheld the practice that you don't discuss negotiations, especially with the people that you are going to buy land from, either directly or through condemnation, as a public policy as a protection, especially in the case of the taxpayers of this town.

If two individuals are negotiating amongst themselves for the purchase of a piece of land, they would not stand on a street corner and shout their offers at each other. This Town Board, has found itself in this position within the last few days, that every minute detail of all the negotiations have become public record, thereby diminishing the efforts of many people, both in government and outside, in their attempts to secure and purchase, either by condemnation and through grants and donations of public spirited people of land and money....diminishing those efforts -- so that while we were still dealing, certain resolutions were passed as actions of this Town Board to protect our rights, we had to read them in the local newspaper..on the radio...thereby, as far as I'm concerned, diminishing the efforts and making it more difficult to reach a satisfactory conclusion, especially with the property known as Camp Norge.

You cannot go, with one hand and attempt to negotiate with an owner of a property, either in Court or outside a Court, and then discover other details in the newspapers or on the radio....I want to publicly state that here and now....this Town Board has done everything in its power, as far as I'm concerned, and certainly since I've been in office on this Town Board, to protect and make sure the Davenport Preserve proceeded according to the stipulations of the federal government and any other agency of government, so that we would protect that area. And while I have unfortunately found, especially within the last few days, is that while we have many actions and many irons in the fire, we have been subject to almost a grandstanding act of having to read of our actions almost before they have taken place, and I personally resent that and I think the public should be aware, and the people who are involved, that all negotiations and all the efforts should be aware of just what has happened. As far as I'm concerned the actions, despite the fact that we had no objection to trying to secure funds from almost any source, and sent Mr. Fogel up to Boston to find the means, we find ourselves behind the 8-ball because everything we have done has almost appeared in the local press before we have done it. Too many people, certainly outside of government have devoted a lot of time, effort and probably a lot of money, and certainly this Board and preceding Town Boards have shown their good faith in their efforts to preserve this land, but I'm getting a little sick and tired of having to compete, in effect, against some of the very people who propose that they are doing good for this town. If this project falls by the wayside, it will not because of the efforts of this Town Board.

Mr. Granirer: I'm one of the people who has worked a long time to get this project through -- I'd say as long as any of you. I have not done anything that I believe would jeopardize this project. I also hope that you will understand that our attempt to show support for this project tonight has disclosed nothing that wasn't widely known already, what occurred in open Court. The request for the \$325,000 was reiterated in your resolution of last Thursday night...it was part of your minutes. These were public matters all along -- the fact that we offered to assist the town in finding the \$325,000 is also public...I did it at a meeting of this Board...that we have had some success in finding the \$325,000 I don't believe weakens your position in terms of your wish to go thru with Court -- I'm really glad that you still feel strongly about this project because, of course, it means a great deal to all of us, that's why we're here...I think nearly everyone out here that I see except town officials, is here for this reason. I thought that it might be reassuring for all of you to know that although we heard about this problem of raising the \$325,000 on Thursday at 11:00 o'clock, with Mr. Fogel's help in Boston on Monday, here it is Wednesday evening, less than a week, and there may be an answer to that particular question. We say this because we would like you to feel optimistic too. I hope you'll realize I think there's an answer to your money problems and we can discuss the details in private with you, if you'd like, and of course, Mr. Fogel knows most of it, and I would be very glad of a chance to talk to you myself, because you know I care about this one, and I don't think that prejudices your case. I think the money problems are solved...I think the legal ones can be solved...I think the other problems can be solved. Our purpose here tonight is to give you some reason for optimism and to encourage you. Thank you.

TBM - 12/17/75
Page 22

Mr. Ted Dusanenko, Sr. addressed the Town Board and requested that the guard rails on Little Tor Road and on West Clarkstown Road be repaired.

There being no further business before the Town Board, Town Board Meeting was adjourned -- next Town Board Meeting to be held on December 31, 1975 at 12:00 Noon at the Board Room of the Town Hall.

Organization Meeting of the Town Board to be held on January 5, 1976 at 7:30 PM.

Signed,



Alice Weber
Deputy Town Clerk