

TOWN BOARD MEETING

Town Hall

8:15 PM

February 18, 1976

Present: Counc. D'Antoni, Holbrook, Maloney, Piacentile, Super. Gerber, Town Attorney, Murray Jacobsen, Ass't. Town Attorney, Philip Fogel, Town Clerk John R. Bradley.

Supervisor Gerber called Town Board Meeting to order. Assemblage saluted flag.

8:20 PM. BID OPENINGS: Bids were recieved from Ted Schultz Ford and Parry's Garaga on three (3) four-yard dump trucks for the Highway Dept.. Bids were opened and then given to the Supt. of Highways for his recommendations.

X-(1976-65) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bid to supply paper and plastic supplies is hereby awarded as follows:

Cross Siclare Co., 150 Granite Avenue, Staten I. New York, 10303.

Items No. 3,4,6,12,13---Total \$1,219.70 all other items are held pending receipt of samples and bid awards will be made at a future date, and be it

FURTHER RESOLVED: that funds for same be taken from Department 7610, Line 329 and Department 1620, Line 306.

Dated February 18, 1976.

Secended by Co..Holbrook.

All voted Aye.

X-(1976-66) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bid to supply six (6) 4-door sedans to the Police Department is hereby awarded to Rockland Chrysler Plymouth, Inc. Route 304, Nanuet, N. Y. at the following low bid:

Gross Bid:	\$28,857.34
Less 5 Car Trade-In:	<u>\$ 4,000.00</u>
Net Bid:	\$24,857.34

and be it

FURTHER RESOLVED, that funds for the same be taken from Federal Revenue Sharing.

Secended by Co. Holbrook.

All voted Aye.

X-(1976-67) Co. Piacentile offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bid to supply two (2) 4-door sedans the Town of Clarkstown is hereby awarded to Ted Schultz Ford, 80 Rte. 304, Nanuet, N.Y. at the low bid price of \$7, 490.00 for the two and be it

FURTHER RESOLVED, that funds for the same be taken from Federal Revenue Sharing.

Secended by Co. Maloney.

All voted Aye.

090

X-(1976-68) Co. D'Antoni offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting held on February 4th, 1976, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney.

All voted Aye.

X-(1976-69) Co. Maloney offered the following resolution:

WHEREAS, a proceeding was commenced against the Town of Clarkstown entitled,

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

Petitioners,

against-

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

Respondents.

to recover the approximate sum of \$172,198.80 and

WHEREAS, further litigation in a court of law would involve considerable expense and an uncertainty of outcome, and

WHEREAS, the Petitioners are willing to compromise the proceeding commenced by them for the sum of \$67,896.25 and

WHEREAS, it is believed to be in the best interest of the Town of Clarkstown to accept said offer of compromise in full settlement of said proceeding without further or additional cost or expense;

NOW THEREFORE, be it

RESOLVED, that the Petitioners' offer of compromise in the proceeding in the sum of \$67,896.25 be and it hereby is accepted, subject to the approval of a Justice of the Supreme Court pursuant to Sec. 68 of the Town Law, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown be and he hereby is authorized to execute any and all documents necessary to obtain approval pursuant to the aforesaid Section 68, and be it

FURTHER RESOLVED, that upon approval of a Justice of the Supreme Court, the Supervisor be and he hereby is authorized to pay the the Petitioners the sum of \$67,896.25 pursuant to Town Law, Section 112, in full compromise of any and all claims arising from the captioned proceeding upon receipt of a Stipulation of Discontinuance with prejudice and a general release, in a form satisfactory to the Town Attorney of the Town of Clarkstown.

Seconded by Co. D'Antoni.

All voted Aye.

X-(1976-70) Co. Holbreek 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 and Rockland Utilities, Inc. for street lighting at the following locations:

X-(1976-70) Continued.

Chaparral Estates, Spring Valley
Muller Estates, West Nyack
Jodi Lane, New City
Ross Lane, New City
Bradley Drive, New City

Secended by Co. Piacentile. All voted Aye.

X-(1976-71) Co. Maloney offered the following resolution:

RESOLVED, that the application of Alex N. Zoldan, Esq. agent for Leo Landau, for a change of zoning from R-15 District to "PO" District, on property located at the Southwest corner of the intersection of West Clarkstown Road with North Middletown Road be referred to the Town Planning Board for report pursuant to Sect. 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Secended by Co. Piacentile. All voted Aye

X-(1976-72) Co. Holbreek offered the following resolution:

RESOLVED, that the Building Inspector be and he hereby is authorized to execute a volunteer application and participate in Building Officials and Code Administrators International, Inc., Mutual Aid Program.

Secended by Co. D'Antoni All voted Aye.

X-(1976-73) Co. Piacentile offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown adopted, by resolution dated December 18, 1974, certain Sanitary Landfill Rules and Regulations-1975 and provided that same become effective January 1, 1975, and

WHEREAS, the Town Board of the Town of Clarkstown desires to further amend said Rules and Regulations by amending Section A115.5". Fees. sub-paragraph A-(2) to read as follows:

A 115-5. Fees
A. Fee schedule:

(2) An additional charge by the cubic yard at twenty cents (\$0.20) per yard shall be charged for all open vehicles, standard packers, compactor boxes and all containers of any kind whatsoever. The term "compactor box" shall be defined as that type of container joined to a stationary compactor assembly or portable compactor box with hydraulic ram assembly attached.

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall of the Town of Clarkstown at 10 Maple Avenue, New City, N. Y. on the 24th day of March, 1976 at 8:15 P.M. relative to amending said Sanitary Landfill Rules and Regulations, and be it

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

Secended by Co. D'Antoni.

All voted Aye.

X-(1976-74) Co. Maloney offered the following resolution;

WHEREAS; a written petition having been received and filed with the Town Board of the Town of Clarkstown for the Extension of the Clarkstown Consolidated Water Supply District #1 to include SAW MILL PARK, and

WHEREAS, a Public Hearing is required for same to consider said petition, therefore be it

RESOLVED, to hold said Public Hearing at the meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Ave., New City Rockland County, New York, in said Town of Clarkstown on the 24th day of March, 1976 at 8:30 P.M. EST. to consider said petition.

Seconded by Co. Helbrook.

All voted Aye.

X-(1976-75) Co. Maloney 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,

WHEREAS, the County of Rockland by resolution No. 271 of 1974 has deleted that portion of the County Road from the official map of the County of Rockland, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the deletion of that portion of the said County road running easterly from 304 to New City-Congers Road;

NOR, THEREFORE be it

RESOLVED, that a public hearing be had at the Board Room of the Town Hall of the Town of Clarkstown, 10 Maple Ave., New City, New York, on the 24th day of March, 1976 at 8:45 P.M., EST. to consider said amendment; and it is

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

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 said Clerk.

Seconded by Co. Piacentile

All voted Aye.

X-(1976-76) Co. Maloney offered the following resolution:

RESOLVED, that Resolution Number 504 dated July 16, 1975, be amended to read as follows:

RESOLVED, that the following Democratic Inspectors of Election for the year 1975 are hereby appointed for a term to expire on June 30, 1976.

Seconded by Co. D'Antoni.

All voted Aye

X-(1976-77) Co. D'Antoni offered the following resolution;

RESOLVED, That Resolution Number 503 dated July 16, 1975, be amended to read as follows:

RESOLVED, that the following Republican Inspectors of Election for the year 1975 are hereby appointed for a term to expire on June 30, 1976.

Seconded by Co. Piacentile.

All voted Aye.

X-(1976-78) Co. D'Antoni offered the following resolution;

WHEREAS, Final Plat of "Section 2-C THE DELLS subdivision of Property of Nick Guttman, Inc., Town of Clarkstown, Rockland County, New York" last revised May 27, 1965 and recorded in the Rockland County Clerk's Office on May 28, 1965 in Map Book No.69 at Page 36 as Map No. 3339 contains a map note which reads as follows:

"The owner, or his representative, hereby irrevocably offers for dedication to the Town of Clarkstown all the streets, easements, parks and required utilities shown on the within subdivision and construction plans."

WHEREAS, the Town of Clarkstown desires to accept the aforesaid improvements;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the following roads and improvements in the aforementioned subdivision:

Woodglen Drive.....1425 L. F.
Findlay Court..... 600 L. F.
Ardsley Drive..... 500 L. F.
together with all the easements and other improvements shown on the aforesaid subdivision maps, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to record a deed dated April 18, 1967 from Nick Guttman, Inc. to the Town of Clarkstown, conveying the aforesaid roads and related improvements in the Rockland County Clerk's Office.

Seconded by Co. Councilman Maloney.

All voted Aye.

X-(1976-79) Co. Piacentile offered the following resolution;

WHEREAS, Final Plat of "Rolling Ridge, New City, Town of Clarkstown, Rockland County, New York: dated April 9, 1968 and recorded in the Rockland County Clerk's Office on June 6, 1968 in Map Book 75 at Page 52 as Map Number 3733 contains a map note which reads as follows;

"The owner hereby irrevocable offers for dedication to the Town of Clarkstown all the streets, easements, parks and required utilities on the within subdivision plat and construction plans."

WHEREAS, the Town of Clarkstown desires to accept the aforesaid improvements, and

WHEREAS, the Superintendent of Highways and the Town Attorney recommend that the Town Board accept the aforesaid improvements;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the following roads and improvements in the aforementioned subdivision as follows,

094 X-(1976-79) Continued.

Rolling Ridge.....2900 L.F.
Trap Rock Circle..... 600 L.F.
Rolling Way..... 175 L.F.
Together with all the easements and the other
Improvements as shown on the said subdivision map.

Seconded by Co. Maloney

All voted Aye.

X-(1976-80) Co. Maloney Offered the following resolution/

WHEREAS, pursuant to Resolution No. 617, dated July 11, 1975, the Performance Bonds in connection with a subdivision known as Knollwood Estates in favor of the Town of Clarkstown were declared in default, and

WHEREAS, by resolution No 248, dated March 20, 1975, Kenneth Zebrowski, Esq. was appointed special counsel to institute the necessary litigation in connections with said bonds, and

WHEREAS, the attorneys for the respective parties to said actions have arrived at a mutual agreement;

NOW THEREFORE, be it

RESOLVED, that Kenneth Zebrowski, Esq. Special Counsel to the Town of Clarkstown, is hereby authorized to execute a Stipulation of Discontinuance of said action, and be it

FURTHER RESOLVED, that deed from EMOS CONSTRUCTION CORP., DATED July 22, 1975, conveying the roads and other improvements to the Town of Clarkstown as shown on Final Plat of KNOLLWOOD ESTATES, filed in the Rockland County Clerk's Office on May 27, 1968 in Book 75 at Page 37 as Map No. 3722, as follows:

Rock Drive Helene Rd.
Quaspeck Boulevard Flint Court
Mica Court

Together with sewer, drainage easements and temporary turn-around easements, is hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office.

Seconded by Councilman Helbreck.

All voted Aye.

X-(1976-81) Co. Maloney offered the following resolution;

095

RESOLVED, THAT upon recommendation of the Superintendent of Highways and the Town Engineer, deed(s) from J.J.F. CONSTRUCTION CORP., dated November 30, 1970, (52 So. Main St., Spring Valley, N.Y.) conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of

BALMORAL ESTATES, dated January 18, 1968, last revised Sept. 9, 1968. filed in the Rockland County Clerk's Office Feb. 5, 1969, in Book 77 of Maps at Page 40, as Map No. 3825. as follows;

BALMORAL DRIVE

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

FURTHER RESOLVED, that Performance Bond Nos. 903267 & 903266 dated the 17th day of January, 1969, J.J.F. CONSTRUCTION CORP., as Principal and JOSEPH J. FRANK & JEANETTE FRANK, as Co-Principals, and REPUBLIC INSURANCE COMPANY, as Surety, for the benefit of the Town of Clarkstown, are hereby released, and be it

FURTHER RESOLVED, that Maintenance Bond Nos. 906043 & 906044 dated the 23rd day of November, 1970, J.J.F. CONSTRUCTION CORP. as Principal and JOSEPH J. FRANK & JEANETTE FRANK, Co-Principals and Republic Insurance Co. as Surety, are hereby accepted.

Seconded by Co. D'Antoni.

All voted Aye.

X-(1976-82) Co. Maloney offered the following resolution;

WHEREAS, final subdivision plat of "SECTION ONE, CAPALL BUILDERS, INC., Town of Clarkstown, Rockland Co., New York," las revised Nov. 5, 1966, and recorded in the Rockland County Clerk's Office on Dec. 28, 1966, in Map Book No. 72, at Page 38, as Map No. 3516, contains a map note which reads as follows:

"The owner, or his representative, hereby irrevocably offers for dedication to the Town of Clarkstown all the streets easements, parks and required utilities shown on the within Subdivision Plat and Construction Plans."

WHEREAS, the Town of Clarkstown desires to accept the aforesaid improvements;

NOW THEREFORE, be it

RESOLVED, that pursuant to the recommendation of the Superintendent of Highways and the Town Attorney, the Town of Clarkstown hereby accepts the following roads and the related improvements in the aforementioned subdivision:

Hearth Court
Cortland Drive
Road Widening Strip on Laurel Road
Together with an Easement from the north side of Laurel Rd. to Hearth Court.

and be it further

RESOLVED, that the Town Attorney is hereby authorized to record a deed dated June 28, 1968 from CAPALL BUILDERS, INC. to the Town of Clarkstown, conveying the aforesaid roads and related improvements in the Rockland County Clerk's Office.

Seconded by Co. Piacentile.

All voted Aye.

X(1976-83)

EXTRACT OF MINUTES

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

February 18, 1976

*

*

*

A regular meeting of the Town Board of the Town of
Clarkstown, in the County of Rockland, New York, was held at the
Town Hall, 10 Maple Avenue, on February 18, 1976, at 8:00
o'clock P.M. (E. S. T.).

There were present: Hon. George S. Gerber, Supervisor,
and
Councilman D'Antoni
Councilman Holbrook
Councilman Maloney
Councilman Piacentile

There were absent: NONE

Also present: JOHN R. BRADLEY, Town Clerk
Murray N. Jacobson, Town Attorney

*

*

*

~~X~~(1976-83) Co. Maloney-----offered the following resolution
and moved its adoption:

RESOLUTION #83 ADOPTED AT TOWN BOARD MEETING - 2/18/76

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,

NEW YORK, ADOPTED February 18, 1976,

APPROPRIATING \$2,076,000 FOR THE CONSTRUCTION

OF A SEWER IMPROVEMENT SYSTEM IN A PORTION

OF AN UNINCORPORATED AREA OF THE TOWN

BENEFITED THEREBY HERETOFORE DESIGNATED AS
MASTER SEWER IMPROVEMENT AREA NO. 2, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS
\$2,076,000, AND AUTHORIZING THE ISSUANCE OF
\$2,076,000 SERIAL BONDS OF THE TOWN TO FINANCE
SAID APPROPRIATION.

Recitals

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 of the Town (herein
called "Master Sewer Improvement Area No. 2"), and now proposes to
provide such facilities by the construction therein of a sewer system, con-
sisting 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, all pursuant to Article 12-C of the Town Law, all as more particu-
larly described in the report prepared by Charles Velzy Associates;

WHEREAS, a Public Hearing was duly called and held on
September 17, 1975; and

WHEREAS, due to revised plans for the construction of the improvements, the Town Board duly called and held a Further Public Hearing on October 29, 1975, and after making the determinations required by law, adopted an Order on such date, authorizing the construction of improvements in the Master Sewer Improvement Area No. 2;

WHEREAS, following submission of an application by the Town Board, the State Comptroller granted permission to construct the improvements in the area to be included in the Master Sewer Improvement Area No. 2 by Order dated January 26, 1976;

WHEREAS, a certified copy of said Order adopted on October 29, 1975, was duly recorded in the office of the Clerk of Rockland County, within ten (10) days after receipt of the Order of the State Comptroller;
now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town Board of the Town hereby appropriates the amount of \$2,076,000 for the construction of a sewer improvement system in the Master Sewer Improvement Area No. 2, pursuant to the report prepared by Charles Velzy Associates, duly licensed by the State of New York, as hereinabove referred to in the Recitals hereof. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,076,000. The plan of financing includes the issuance of \$2,076,000

serial bonds to finance said appropriation 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 for payment of the principal and interest on said bonds.

Section 2. To finance the said appropriation, serial bonds of the Town are hereby authorized to be issued in the principal amount of \$2,076,000, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law").

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

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution, or any notes issued in anticipation thereof, pursuant to Section 107.00 d. 3 (1) of the Law.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by §52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town, without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §§56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of such bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

* * *

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

AYES:

NOES: NONE

The resolution was declared unanimously adopted.

V- 1 (1976-83A)

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

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

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

Section 2. This resolution shall take effect immediately.

*

*

*

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

AYES:

NOES: NONE

The resolution was declared unanimously adopted.

General - No Veto

8/1/74 (2M)

CERTIFICATE

I, JOHN R. BRADLEY, Town Clerk of the Town of Clarkstown,
in the County of Rockland,

State of New York, HEREBY CERTIFY that the foregoing
annexed extract from the minutes of a meeting of the _____
Town Board of said Town,
duly called and held on February 18, 19 76, has been
compared by me with the original minutes as officially recorded in my
office in the Minute Book of said Town Board
and is a true, complete and correct copy thereof and of the whole of said
original minutes so far as the same relate to the subject matters referred
to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of said Town
this 19 day of February, 19 76

John R. Bradley
Town Clerk

(Seal)

X-(1976-84) Co. Maloney offered the following resolution;

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for the purchase of one (1) 3/4 Ton, 4 wheel drive pick-up truck for use by the Parks Board and Recreation Commission, and that specifications for said truck will be available at the office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Ave., New City, New York, and be it

FURTHER RESOLVED, that all bids shall be returnable to the Purchasing Director no later than March 8, 1976 at 3:45 P.M.

Motioned seconded by Co. Piacentile All voted Aye.

X-(1976-85) Co. Maloney offered the following resolution;

RESOLVED, that the Purchasing Director is hereby authorized to advertise for bids for arts and crafts supplies for use by the Parks Board & Recreation Commission, specifications for said supplies to be obtained from the office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that all bids be returnable to the Purchasing Director no later than March 22, 1976, at 4:30 P.M.

Seconded by Co. Piacentile All voted Aye.

X-(1976-86) Co. Maloney offered the following resolution;

RESOLVED, that the Purchasing Director is hereby authorized to advertise for bids for athletic and recreation supplies for use by the Parks Board & Recreation Commission, specifications for said supplies to be obtained from the office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Ave., New City, N.Y., and be it

FURTHER RESOLVED, that all bids be returnable to the Purchasing Director no later than March 22, 1976, at 4:00 PM.

Seconded by Co. Piacentile. All voted Aye.

X-(1976-87) Co. Piacentile offered the following resolution;

WHEREAS, water accumulates at the intersection of Lawrence Street and Valley Drive, Spring Valley, New York, and

WHEREAS, the owner of Kerber Estates, the adjoining subdivision, has proposed that a contribution of \$500.00 be made to the Town of Clarkstown to alleviate said condition, and

WHEREAS, it is recommended by the Senior Engineer of the Town of Clarkstown that said drainage work be performed by the Town of Clarkstown and the contribution of \$500.00 be accepted;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways of the Town of Clarkstown is hereby authorized to perform the necessary work at the intersection of Lawrence Street and Valley Drive, Spring Valley, New York, and be it

FURTHER RESOLVED, that the sum of \$500.00 as aforesaid be used for said purpose.

Seconded by Co. Holbrook. All voted Aye

RESOLUTION ADOPTED AT TOWN BOARD MEETING - 2/18/76
RESOLUTION NO. (1976-88)

Co. Maloney offered the following resolution:

RESOLVED, that subject to the receipt of an appropriate survey, deed of conveyance and evidence of title, the Town of Clarkstown hereby accepts dedication of that portion of Sierra Vista Lane, as shown on the Site Plan and Utilities for the Improvement of "Princess Anne Apartments", Baker-Firestone, Inc., last revised October 30, 1970, now known as Mountain View Condominiums, and be it

FURTHER RESOLVED, that the said deed is hereby ordered filed in the Rockland County Clerk's Office, upon fulfillment of the conditions herein.

Seconded by Co. Holbrook.

On the vote, Co. D'Antoni offered that since there is no filed map designating this road, he was of the opinion that the proper procedure would be to hold a Public Meeting before the Planning Board or the Town Board. He asked the Town Attorney if he was aware of the conditions of the Condominium Act. Real Property Law and Condominium sub-paragraph called "Common Element". He wished to call attention to the fact that this Town Board as well as individual members of the Board may be subject to suit if proper procedures are not followed. He averred that any single owner of a condominium, a taxpayer, or possibly the Attorney General's Office may contest the decision with a suit. He further maintained that acceptance of this road should be done in a proper and legal manner and that this was not the case and suggested the Town Board authorize the Town Attorney to give a full report on the legal questions he raised. He therefore moved to TABLE THE MOTION until such report is made.

On the vote to table the motion Co. D'Antoni voted "Aye" all others voted "Naye". Motion was denied.

Supervisor Gerber commented that the Town Attorney had researched the matter and had drawn the resolution. He emphasized that the motion was subject to meeting certain conditions and requirements. He is of the opinion that the road meets these requirements and should be accepted as well as might any other road in the community.

DISCUSSION:

Mr. Dagaev spoke in opposition to accepting the road.
Mr. Pantano spoke in opposition to accepting the road, as a precedent being set.
Mr. Bernstein suggested that accepting might cause the adjoining buildings to be non-conforming.
Mr. McKenna spoke in opposition.

After discussion was over,

Co. Maloney repeated his motion to accept the resolution; Co. Holbrook seconded the motion.

Co. D'Antoni voted "Nay" all other voted "Aye" motion carried.

X-(1976-88) Co. Maloney offered the following resolution;

RESOLVED, that subject to the receipt of an appropriate survey, deed of conveyance and evidence of title, the Town of Clarkstown hereby accepts dedication of that portion of Sierra Vista Lane, as shown on the Site Plan and Utilities for the Improvement of "Princess Anne Apartments", Baker-Firestone, Inc., last revised October 30, 1970, now known as Mountain View Condominiums, and be it

FURTHER RESOLVED, that the said deed is hereby ordered filed in the Rockland County Clerk's Office, upon fulfillment of the conditions herein.

Seconded by Co. Holbrook.

On the vote, Co. D'Antoni offered that since there is no filed map designating this road, he was of the opinion that the proper procedure would be to hold a Public Meeting before the Planning Board or the Town Board. He asked the Town Attorney if he was aware of the conditions of the Condominium Act. Real Property law and Condominium sub-paragraph called "Common Element". He wished to call attention to the fact that this Town Board as well as individual members of the Board may be subject to suit if proper procedures are not followed. He averred that any single owner of a condominium, a taxpayer, or possibly the Attorney General's Office may contest the decision with a suit. He further maintained that acceptance of this road should be done in a proper and legal manner and that this was not the case and suggested the Town Board authorize the Town Attorney to give a full report on the on the legal questions he raised. He therefore moved to **TABLE THE MOTION** until such report is made.

On the vote to table the motion Co. D'Antoni voted "Aye" all others voted "Naye". Motion was denied.

Supervisor Gerber commented that the Town Attorney had researched the matter and had drawn the resolution. He emphasized that the motion was subject to meeting certain conditions and requirements. He is of the opinion that the road meets these requirements and should be accepted as well as might any other road in the community.

DISCUSSION:

Mr. Dagaev spoke in opposition to accepting the road.
Mr. Pantano spoke in opposition to accepting the road, as a precedent being set.
Mr. Bernstein suggested that acceptance might cause the adjoining buildings to be non-conforming.
Mr. McKenna spoke in opposition.

After discussion was over,

Co. Maloney repeated his motion to accept the resolution;
Co. Holbrook seconded the motion.

Co. D'Antoni voted "Nay" all other voted "Aye" motion carried..

X-(1976-89) Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown and Raymond Parish and Pine, Inc., have contracted for General Planning Services, and

X-(1976-89) Continued.

WHEREAS, it is necessary to extend said contract for an additional period;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an amendment to the aforesaid contract with Raymond, Parish and Pine, Inc., in order to extend said period for professional services, and be it

FURTHER RESOLVED, that the contract be amended to February 15, 1976 without additional compensation and to May 15, 1976 at a fee of \$10,000.00, said sum to be taken from Account No. B-8020-409.

Seconded by Co. Piacentile.

All voted Aye.

X-(1976-90) Co. Maloney offered the following resolution;

WHEREAS, the Town of Clarkstown and Raymond, Parish and Pine, Inc., have contracted for Zoning Studies, and

WHEREAS, it is necessary to extend said contract for an additional period;

NOW, THEREFORE, be it

RESOLVED that the Supervisor of the Town of Clarkstown is hereby authorized to execute an amendment to the aforesaid contract with Raymond, Parish and Pine, Inc., in order to extend said period for professional services to March 1, 1976, on a per diem basis at a cost not to exceed \$7,500, to be charge against account number B-8020-409.

Seconded by Co. Piacentile.

All voted Aye.

X-(1976-91) Co. Maloney offered the following resolution;

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

PERGAMENT DISTRIBUTORS, INC.,
Plaintiff,

-against-

ANTHONY VETERAN, Supervisor of the Town of Greenburgh;
WILLIAM FLEMING, District Attorney of the Town of Greenburgh; ALFRED B. DELBELLIO, County Executive, County of Westchester; GEORGE GENSER, Supervisor, Town of Clarkstown; KENNETH GREVITZ, District Attorney of the Town of Clarkstown and JOHN AMEROSE, Police Chief of the Town of Clarkstown,
Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Piacentile.

All voted Aye.

X-(1976-92) Co. Piacentile offered the following resolution;

RESOLVED, that the Leave of Absence of Louise Maguire, Parker Avenue, New City, New York is hereby terminated, and be it further

RESOLVED, that Louise Maguire - Account Clerk - Comptroller's Office - is hereby reinstated, effective and retroactive to January 26, 1976.

Secended by Co. Holbreek.

All voted Aye.

X-(1976-93) Co. Holbrook offered the following resolution;

RESOLVED, that four (4) Security Guard positions (CETA) are hereby established for Lakeview Village in the Town of Clarkstown, effective immediately, at the annual salary of \$7,494.00.

Secended by Co. Piacentile.

All voted Aye.

X-(1976-94) Co. Maloney offered the following resolution;

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission, that Thomas Denning, 500 South Center Street, Orange, New Jersey, is hereby appointed provisionally, pending examination, to the position of Recreation Supervisor, Parks Board and Recreation Commission, at the 1976 annual salary of \$11,022, effective March 15, 1976.

Secended by Co. Piacentile.

All voted Aye.

X-(1976-95) Co. D'Antoni offered the following resolution;

RESOLVED, that Barbara Ciardullo, 12 Shear Court, Spring Valley, New York is hereby appointed to the position of Typist (CETA) - Personnel Department - at the annual salary of \$6,557., effective and retroactive to February 17, 1976.

Secended by Co. Piacentile.

All voted Aye.

X-(1976-96) Co. D'Antoni offered the following resolution;

RESOLVED, that John Tosi, 8 Windsor Court, Nanuet, New York is hereby appointed to the position of Clerk - (CETA) - Assessor's Office, at the annual salary of \$6,557., effective and retroactive to February 11, 1976.

Secended by Co. Maloney.

All voted Aye.

X-(1976-97) Co. Maloney offered the following resolution;

RESOLVED, that the following are hereby appointed to the position of Typist (CETA), at the annual salary of \$6,557.,

Mary Johnson, 879 Dolten Street, Valley Cottage, NY
Marianne George, 594 South Main Street, New City, NY

Secended by Co. Piacentile.

All voted Aye.

X-(1976-98) Co. Piacentile offered the following resolution;

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

HENRY SMITH, INC.
P.O. Box 24
Monsey, New York

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 76-15 to HENRY SMITH, INC.

Seconded by Co. Holbrook.

All voted Aye.

X-(1976-99) Co. D'Antoni offered the following resolution;

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install four (4) "CURVE" signs on Spruce Lane (one in each direction) and Parkway Drive (one in each direction). Signs reading "20 M.P.H." should also be installed at these locations.

Seconded by Co. Maloney.

All voted Aye.

X-(1976-100) Co. Holbrook offered the following resolution;

WHEREAS, an Order of the Town Board dated December 3, 1975, was directed to VICTOR NIELSEN, Kings Highway, Valley Cottage, New York, to remove the building presently existing upon the premises designated on the Clarkstown Tax Map as Map 111, Block A., Lot 26, and to commence cleaning up of all rubbish and debris within fifteen (15) days from the date thereof, and

WHEREAS, the said Order required completion of the removal of the building and the cleaning up of all rubbish and debris within sixty (60) days from the date of service thereof, and

WHEREAS, said Order was duly served upon Mr. Victor Nielsen on the 4th day of December, and

WHEREAS, the said Victor Nielsen has failed to comply with same;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Chapter 31 of the Code of the Town of Clarkstown and Section 130, subd. 16d of the Town Law of the State of New York, the Building Inspector of the Town of Clarkstown and Frederick G. Busch are hereby named to conduct a survey of the premises pursuant to law and to render a report of such survey in writing, and that an agreed appropriate fee be paid, and that Mr. Victor Nielsen be notified in writing by certified mail, return receipt, to appoint either a practical builder, engineer or architect to serve as their representative on such survey, and be it

X-(1976-100 continued)

FURTHER RESOLVED, that the said Victor Nielsen be notified that in the event the building or other structure shall be reported unsafe or dangerous in such survey, an application will be made at Special Term to the Supreme Court held in and for the County of Rockland for an Order determining that the building or other structure is a public nuisance and directing that it shall be repaired, and secured or taken down and removed as the Court may determine, and be it

FURTHER RESOLVED, that a copy of this resolution be served on the said Victor Nielsen.

Seconded by Co. D'Antoni

All voted Aye.

X-(1976-101) Co. D'Antoni offered the following resolution;

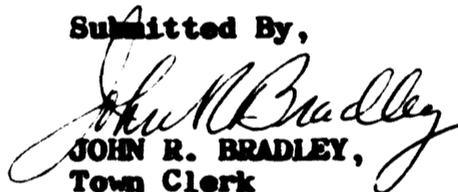
RESOLVED, that based upon the recommendation of the Superintendent of Highways, the bid to supply three, four cubic yard dump trucks are hereby awarded to SCHULTZ FORD INC., 80 Route 304, Nanuet, New York, at the low bid price of \$46,794.00.

Seconded by Co. Piacentile.

All voted Aye.

There being no further business before the Town Board, Town Board meeting was adjourned, next regularly scheduled Board Meeting to be held on February 25, 1976 at 8:00 PM in the Town Hall Auditorium.

Submitted By,


JOHN R. BRADLEY,
Town Clerk