

PUBLIC HEARING

Town Hall

December 15, 1976

8:15 PM

Present: Co. D'Antoni, Holbrook, Maloney and Piacentile
Supervisor Gerber
Murray N. Jacobson, Town Attorney
Harold Y. MacCartney, Jr., Deputy Town Attorney
John R. Bradley, Town Clerk

RE: PROPOSED EXTENSION OF THE CLARKSTOWN CONSOLIDATED
WATER SUPPLY DISTRICT #1 TO INCLUDE OLD MILL ACRES,
VALLEY COTTAGE (WEST NYACK), NEW YORK

Supervisor Gerber declared the public hearing to be open.

The Town Clerk read the Notice of Hearing and affirmed as to the publication and posting for the hearing.

Town Attorney, Murray N. Jacobson swore in Town Engineer, Alfred Berg, 4 Kirchner Drive, West Nyack, New York. Mr. Berg testified that the extension of the Water District would be in the best interests of the Town and the people residing therein, in that the extension would provide a safe and sufficient water supply and decrease the rates for fire insurance for those residents effected by the extension.

There being no further discussion, the Town Board members signed the order to extend the Clarkstown Consolidated Water Supply District #1 to include Old Mill Acres, Valley Cottage, (West Nyack), New York.

Submitted by,


JOHN R. BRADLEY
Town Clerk

PUBLIC HEARING

Town Hall

December 15, 1976

8:30 PM

Present: Co. D'Antoni, Holbrook, Maloney and Piacentile
Supervisor Gerber
Murray N. Jacobson, Town Attorney
Harold Y. MacCartney, Jr., Deputy Town Attorney
John R. Bradley, Town Clerk

RE: PROPOSED AMENDMENT TO SECTION 106.15 SITE PLAN
REVIEW AND SECTION 106.30 SITE PLAN APPROVAL OF
THE TOWN ORDINANCE

Supervisor Gerber declared the public hearing to be open.

The Town Clerk read the Notice of Hearing and affirmed as to the publication and posting for the hearing.

Supervisor Gerber explained that this is a technical amendment of the Zoning Ordinance which would replace Home Rule Legislation of the State.

Supervisor Gerber read letter of unanimous approval presented to the Town Board by the Town Planning Board, copy of which is on file.

No further discussion being held, Co. Piacentile moved that the Public Hearing be closed. Seconded by Co. Holbrook. All voted Aye.

Submitted by,


JOHN R. BRADLEY
Town Clerk

TOWN BOARD MEETING

Town Hall

12/15/76

Town Hall

Present: Co. D'Antoni, Holbrook, Maloney, Piacentile, Supv. Gerber
Town Attorney Murray N. Jacobson
Deputy Town Attorney, Harold MacCartney, Jr.
Town Clerk, John R. Bradley

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

(1976-827) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on December 1, 1976, and the Special Town Board Meeting held on December 9, 1976, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Piacentile All voted Aye.

Monthly reports for November, 1976, for Office of the Building Inspector and the Board of Appeals on file in Town Clerk's Office for inspection.

(1976-828) Co. Piacentile offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended, and

WHEREAS, the Town Board of the Town of Clarkstown desires to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec. 264 of the Town Law be had at the auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 26th day of January, 1977 at 8:15 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-10A, Table of General Use Regulations, as follows:

Add to LIO District, Column 2, Item No. 14 as follows:

14. Automotive and machinery repair shops, including body shops, provided that these uses comply with the following requirements:

- (a) All major repairs shall be made within a totally enclosed structure;
- (b) Solid, evergreen screening shall be provided along all lot lines, except for points of driveway access;

(continued)

GEB179

(1976-828 continued)

- (c) Vehicles requiring body work and all machinery shall be parked or stored to the rear of the enclosed structure.

and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of statutory hearing and that the Town Clerk cause the same to be published in the Journal News, 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.

(1976-829) Co. Holbrook offered the following resolution:

WHEREAS, Councilman Holbrook, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled "LICENSING OF SIGN CONTRACTORS IN THE TOWN OF CLARKSTOWN", and

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 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 26th day of January, 1977, at 8:30 P.M., relative to such 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, the official newspaper of the Town, and posted in the manner provided by law, and be it

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

Seconded by Co. Piacentile

All voted Aye.

(1976-830) Co. Maloney offered the following resolution:

RESOLVED, that the Comptroller is hereby authorized to make a temporary transfer of the stated amounts from the Capital Drainage Account to the following accounts:

- A. General Fund - \$200,000.00
- B. Highway Fund - 60,000.00

Seconded by Co. Piacentile

All voted Aye.

PUBLIC HEARING

Town Hall

December 15, 1976

8:45 PM

Present: Co. D'Antoni, Holbrook, Maloney and Piacentile
Supervisor Gerber
Murray N. Jacobson, Town Attorney
Harold Y. MacCartney, Deputy Town Attorney
John R. Bradley, Town Clerk

RE: AMENDMENT TO ZONING ORDINANCE SECTION 106.10A,
CS DISTRICT, COLUMN 2, ITEM 9 (PROVIDING THAT
NO AUTO REPAIRS OR INSTALLATION OF AUTO PARTS
SHALL BE PERMITTED)

Supervisor Gerber declared the Public Hearing open.

The Town Clerk read the Notice of Hearing and affirmed as to the publication and posting for the hearing.

Supervisor Gerber read letter from Town Planning Board recommending adoption of the Amendment. A vote of 4 to 2 in favor was indicated, Paris, Thormann, Nowicki and Coyle voted Aye. Paikin and Yackyshyn voted Nay.

Supervisor Gerber asked for those in favor of the Amendment to speak. A question from the assemblage was raised as to whether or not this Amendment would effect the application of Mr. Castignoli who has application on file for the erection of retail sales and service shop on Main Street, New City. It was determined that this Amendment would govern this application.

Phyllis Bohack--with reference to Castignoli plan, feels it would be aesthetically improper. Believes the Amendment would bring better control over the zoning.

Mr. Leonard Silver, Little Tor Road, New City--Castignoli plan not esthetically an asset. Such establishment would be a traffic hazard.

Mr. Joel Karp, representing Rockland Center Building tenants favors amendment insofar as Castignoli application is concerned for the reason that, in their opinion, there is not enough area set aside for parking.

AGAINST THE AMENDMENT:

Mrs. M. Petersen-- opposed the amendment in that it was directed against the application of Mr. Castignoli. Felt that he had expended monies and effort to present an acceptable plan. Should be permitted to build inasmuch as Town agencies had not indicated that it would not be permitted under CS zone. If Town Board wishes to regulate more specifically, she would approve of such an amendment after the proper surveys were made by Town agencies.

Mr. George Clarkson, owner of the Amoco Station on North Main Street, offered opposition as the Amendment effected the Castignoli application, asserting that the proposed plan would be an improvement esthetically and an asset to the community.

Mrs. Elsie Yuda--owner of property on which Mr. Castignoli plans to build, expressed opposition.

Mr. Anthony Nunziato, Congers, New York--Concedes there would be some congestion if Castignoli application were approved. However, retail auto stores with service area do not present a traffic problem as the service is usually time consuming and there is not a large volume

of customers. The service is needed in our community and should be allowed.

Donald Tracy, Attorney--spoke for Mr. Castignoli in opposition to the amendment. He stated that this amendment is zoning by reaction, that it was using the applicant as a target, and that there was no study or research to warrant such a change. In a traffic survey for $\frac{1}{2}$ hour at 4:00 PM, he stated that a similar establishment in New City generated considerably less traffic than a retail store or a bank in the community. This type of retail-service store is needed in the community.

Robert Bowman, Building Inspector--stated that in his opinion, most generally amendments to the zoning code are referred to the various Town agencies but that this had not been done in this case. He stated that in the CS Zone as it exists, new car sales are permitted and it is inconceivable to him that automobile sales rooms are permitted without auto repairs being permitted as well. He believes that some consideration should be made to take care of that problem.

Dorothy Orlando--opposes the amendment on the opinion that the Costignoli proposed building would enhance the area. The small amount of traffic produced by the plan would not interfere with the flow of traffic on Main Street and would eliminate the sorry looking wooden buildings now there.

Supervisor Gerber recessed the hearing for a short time, after which on reconvening, Co. Maloney offered a motion to close the Public Hearing. Motion was seconded by Co. Holbrook. All voted Aye.

Submitted by,


JOHN R. BRADLEY
Town Clerk

(1976-831) 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 rescind Town Board Resolution 692 - adopted 10/6/76 and install signs reading "No Parking or Standing - 8:00 A.M. to 4:00 P.M., Monday - Friday", to be erected on the East side of Broward Drive from Jodi Lane to Dade Road, New City, and be it

FURTHER RESOLVED, that the signs, "No Parking, No Standing", located North and South of the walking easement (West side of Broward Dr.) are to remain.

Seconded by Co. Maloney

All voted Aye.

(1976-832) Co. Holbrook 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:

Commuter Parking Lot - Nanuet
Roosevelt Place - New City

Seconded by Co. Piacentile

All voted Aye.

(1976-833) Co. Maloney offered the following resolution:

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

Seconded by Co. D'Antoni

All voted Aye.

Public Hearing regarding proposed Extension of the Clarkstown Consolidated Water Supply District #1 to include OLD MILL ACRES, VALLEY COTTAGE (WEST NYACK) held

(1976-834) Co. Maloney offered the following resolution:

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

Seconded by Co. Piacentile

All voted Aye.

Town Board signed ORDER extending Clarkstown Consolidated Water Supply District #1 to include OLD MILL ACRES, VALLEY COTTAGE (WEST NYACK)

GEB179

(1976-835) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown, at Mountainview East - Phase III (135-G-) by the installation of fire lane designations, and

WHEREAS, Peter M. Fragale the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

(1976-836) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown, at House of Pancakes, West Nyack (106-A-19) by the installation of fire lane designations; and

WHEREAS, Anthony Moschella the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

(1976-837) Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law, Sec. 281 in connection with ROCKLAND COUNTRY DAY SCHOOL Subdivision, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be of benefit to the Town of Clarkstown if Town Law, Sec. 281 is used in this subdivision;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to apply Town Law, Sec. 281 in connection with Subdivision SD 112A9+ ROCKLAND COUNTRY DAY SCHOOL subject to the following condition:

1. That the proposed park area situate on the westerly side of Kings Highway be immediately dedicated to the Town of Clarkstown, excepting from this parkland a strip of land 50 feet in width, which shall be retained by the landowner for future road purposes, provided however that the Town of Clarkstown and its inhabitants be immediately granted an easement for ingress and egress over the retained 50 foot strip running through the parkland to be dedicated.

Seconded by Co. Holbrook

All voted Aye.

(1976-838) Co. Piacentile offered the following resolution:

RESOLVED, that Linda Bedner, 43 Route 303, Valley Cottage, is hereby appointed to the position of Office Worker-Student - Town Comptroller's Office, to work on October 8, October 22, December 8, 9, 10, and December 23 through December 30, 1976, at the hourly wage of \$2.30.

Seconded by Co. Holbrook

All voted Aye.

(1976-839) Co. Piacentile offered the following resolution:

RESOLVED, that the following are hereby appointed to the position of Substitute Crossing Guards, at the prevailing salary of the post covered, effective and retroactive to December 13, 1976:

Kathleen O'Connor, 15 South Park Avenue, Nanuet, N.Y.
Joan McLean, 55 Grand Street, New City, N. Y.
Jo Sally Redmond, 6 North William Street, New City, N. Y.
Margie Moloney, 40 Kenwood Lane, New City, N. Y.

Seconded by Co. Maloney

All voted Aye.

GE B179

(1976-840) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission Raymond R. Barbier, 32 Morris Drive, New City, New York is hereby appointed to the position of Assistant Maintenance Mechanic (CETA), at the annual salary for 1976 of \$8,575.00, effective and retroactive to December 13, 1976.

Seconded by Co. Holbrook

All voted Aye.

(1976-841) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission William Mathias, 27 Prides Crossing, New City, New York is hereby appointed to the position of Security Aide (CETA), at the annual salary for 1976 of \$7,497.00, effective and retroactive to December 13, 1976.

Seconded by Co. Piacentile

All voted Aye.

(1976-842) Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7689 Recreation Supervisor which contains the name of Thomas Denning,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Thomas Denning, 22 Linden Court, New City, New York is hereby appointed to the position of Recreation Supervisor - Parks Board & Recreation Commission, at the annual salary for 1976 of \$11,022.00, effective immediately.

Seconded by Co. Piacentile

All voted Aye.

(1976-843) Co. Holbrook offered the following resolution:

WHEREAS, Mary Hall has requested an extension of sick leave, and

WHEREAS, Article XIX, Section 1 provides for an extension for such leave,

NOW, THEREFORE, be it

RESOLVED, that Mary Hall, 26 Crestwood Drive, New City, New York is hereby granted an extension of her Leave of Absence at one-half (1/2) her normal salary, not to exceed thirty days, effective and retroactive to December 11, 1976.

Seconded by Co. Maloney

All voted Aye.

(1976-844) Co. Piacentile offered the following resolution:

WHEREAS, the 1976 salaries for the employees hereinafter names, as carried on the 1976 salary schedule, are incorrect;

NOW, THEREFORE, be it

RESOLVED, that the following named employees shall have their 1976 salary schedule corrected as follows:

<u>Employee</u>	<u>1976 Salary</u>	<u>Corrected 1976 Salary</u>
Berardo, Lorraine	\$11,332.	\$11,861
Cassels, Charles	19,809	20,752
Donaldson, Joseph (for period 1/1/76 through 7/25/76)	14,960	15,666
Knerr, Evelyn	10,818	11,332
Leteria, Elvira	13,646	14,286
Nese, Nancy	7,820	8,401
Pound, Lavarne	10,346	10,818

Seconded by Co. Holbrook

All voted Aye.

(1976-845) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Police Commission, Police Officer Gary Click, 5 Getty Road, Stony Point, New York is hereby promoted to the position of Detective with the Clarkstown Police Department, effective January 3, 1977, at the annual salary for 1977 of \$23,007.

Seconded by Co. Piacentile

All voted Aye.

(1976-846) Co. Piacentile offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to write to the New York State Social Security Agency informing such agency of the desire and intent of the Town of Clarkstown to withdraw from the Social Security System.

Seconded by Co. Holbrook

All voted Aye.

(1976-847) Co. Maloney offered the following resolution:

WHEREAS, the roadbed of Wells Avenue, Congers, New York, appears to be surplus and of no further use to the Town of Clarkstown, and

WHEREAS, a proposal has been made to offer same for sale;

(continued)

GEB179

(1976-847 continued)

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to appoint an appraiser for the purpose of evaluating the roadbed of Wells Avenue, Congers, New York.

Seconded by Co. Piacentile All voted Aye.

(1976-848) Co. Piacentile offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland in connection with the reimbursement for services performed by the Clarkstown Mini-Trans.

Seconded by Co. Holbrook All voted Aye.

(1976-849) Co. Piacentile offered the following resolution:

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

Seconded by Co. Holbrook All voted Aye.

(1976-850) Co. Maloney offered the following resolution:

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

Seconded by Co. Piacentile All voted Aye.

(1976-851) Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 1st day of December, 1976, provided for a public hearing on the 15th day of December, 1976, at 8:30 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown, and

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 Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

(continued)

(1976-851 continued)

Amend Section 106.15 SITE PLAN REVIEW, to read as follows:

Section 106.15. Site Plan Review

Pursuant to the authority granted by Town Law Section 274(a), the Planning Board of the Town of Clarkstown is hereby authorized to review and approve, approve with modifications, or disapprove site plans prepared pursuant to specifications set forth in the Site Plan Regulations of the Planning Board of the Town of Clarkstown, showing the arrangement, layout and design of the proposed use of the land shown on such plan. No building permit except those enumerated in Section 106.30C (2) shall be issued in the Town of Clarkstown without site plan approval or waiver thereof.

Provided, however, that if any site plan application requires a special permit or variance, such special permit or variance shall be subject to an advisory review by the Planning Board, the results of which review shall be reported to the Town Board or Board of Appeals in order to aid the appropriate Board in considering the application for the special permit or variance.

Amend Section 106.30C. Site Plan approval required in applications for building permits.

1. All applications for building permits other than those excepted under subsection 2 below, shall be accompanied by either (a) a site plan bearing the approval of the Planning Board of the Town of Clarkstown, or (b) said Board's waiver.

2. Exceptions:

A. One or two-family buildings, structures and uses connected thereto.

B. Signs, alterations, or changes in use conforming to the Zoning Ordinance.

C. Any special permit or variance granted by the Town Board or the Board of Appeals.

Seconded by Co. Piacentile

All voted Aye.

GE B1 79

(1976-852) Co. Maloney offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK,
AMENDING THE BOND RESOLUTION HERETOFORE ADOPTED
ON APRIL 2, 1975.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown has heretofore on the 2nd day of April, 1975, adopted the bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted April 2, 1975, authorizing the purchase and installation of a new telephone system for the Town Hall and the Hall of Justice in said Town, stating the estimated maximum cost of said specific object or purpose is \$100,000, appropriating said amount therefor, and authorizing the issuance of \$100,000 serial bonds of said Town to finance said appropriation."

WHEREAS, it now appears that the estimated maximum cost of the purchase of said telephone system will exceed the \$100,000 appropriated therefor to the extent of \$11,000 and it is now necessary for the Town Board to amend that Bond Resolution adopted April 2, 1975 to provide for payment of such additional sum ; now, therefore, be it

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

Section 1. The Bond Resolution duly adopted by the Town Board of the Town of Clarkstown, New York, hereinabove referred to in the Recitals hereof, is hereby amended to read as follows:

(continued)

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED APRIL 2, 1975 AND AMENDED
DECEMBER 15, 1976, AUTHORIZING THE PURCHASE
AND INSTALLATION OF A NEW TELEPHONE SYSTEM
FOR THE TOWN HALL AND THE HALL OF JUSTICE,
IN SAID TOWN, STATING THE ESTIMATED MAXIMUM
COST OF SAID SPECIFIC OBJECT OR PURPOSE IS
\$111,000, APPROPRIATING SAID AMOUNT THEREFOR,
INCLUDING \$11,000 CURRENT FUNDS AND AUTHORIZING
THE ISSUANCE OF \$100,000 SERIAL BONDS TO FINANCE
THE BALANCE OF SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of
Rockland, New York ("Town"), is hereby authorized to purchase
and have installed a new telephone system for the Town Hall
and the Hall of Justice, in the Town, including the purchase of
equipment, machinery and apparatus required for the purpose for
which said telephone system is to be used. The estimated
maximum cost of said specific object or purpose, including pre-
liminary costs and costs incidental thereto and the financing
thereof, is \$111,000 and the said amount is hereby appropriated
therefor, including the appropriation of \$11,000 current funds
available in the current budget of the Town. The plan of
financing includes the use of said \$11,000 current funds, the
issuance of \$100,000 serial bonds of the Town to finance the
balance of said appropriation and the levy of a tax on all the
taxable real property within the Town to pay the principal of
said bonds and the interest thereon as the same shall become
due and payable.

(continued)

GEB179

Section 2. Serial bonds of the Town in the principal amount of \$100,000 are hereby authorized to be issued 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"), to finance the balance of said appropriation.

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. 25 of the Law, is ten (10) years.

(b) Current funds are not required to be provided as a down payment prior to the issuance of the bonds hereby authorized or of any notes issued in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00 d. 4.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five years.

Section 4. Each of the bonds authorized pursuant to 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 a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal 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.

(continued)

(1976-052 continued)

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 said 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 the 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.

(continued)

GEB179

(1976-852 continued)

Section 2. The amendment of the bond resolution set forth in Section 1 of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution as herein amended.

Section 3. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, as amended, in full, in the "JOURNAL NEWS," a newspaper published in Nyack, New York, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, to gether with the Town Clerk's statutory notice in substantially the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 4. 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: Messrs. Gerber, D'Antoni, Maloney,
Holbrook and Piacentile

NOES: None

The resolution was declared unanimously adopted.

(1976-853) Co. Holbrook offered the following resolution:

WHEREAS, on April 29, 1976, the Town of Clarkstown entered into a contract with Pacesetter Telephone Systems, Inc., for the installation of a telephone system in the Town Hall and Hall of Justice, and

WHEREAS, certain additions and deletions are proposed to said basic contract;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a change order for the additions and deletions shown on Schedule "A" attached hereto. The amount of this change order shall be a charge upon BAN Capital Account.

Seconded by Co. Piacentile

All voted Aye.

SCHEDULE "A"

ADDITIONS:

22 KV
2 K10
1 9L ICMD
1 19L ICMD

DELETIONS:

18 CV
1 MANUAL INTERCOM
5 Line Relay Controls

TOTAL:

\$6,490.00 Additional

END SCHEDULE "A"

(1976-854) Co. Piacentile offered the following resolution:

WHEREAS, on April 29, 1976, the Town of Clarkstown entered into a contract with Pacesetter Telephone Systems, Inc., for the installation of a telephone system in the Town Hall and Hall of Justice, and

WHEREAS, additional telephone equipment is required in the Town Hall and Hall of Justice of the Town of Clarkstown;

NOW, THEREFORE, be it

(continued)

GEBI 79

(1976-854 continued)

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a change order for the installation of additional equipment required in the Town Hall and Hall of Justice of the Town of Clarkstown as shown on Schedule "A" attached hereto. The amount of this change order shall be a charge upon the General Fund.

Seconded by Co. Holbrook

All voted Aye.

SCHEDULE "A"

11	18L Patrician Communications Touch Tone
2	Single Line Jacks
1	Portable Phone-Single Line Touch Tone
1	Dial Dictation Trunk
1	Connection to Existing Answering Set
1	Outdoor Telephone (Bracket & Station only)
5	long cords
3	KV
1	extension relay
1	trunk

Total \$10,510.00 Additional

END SCHEDULE "A"

(1976-855) Co. Piacentile offered the following resolution:

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

RONALD J. TARIGO
5 Capral Lane
New City, New York

WALTER F. HICKS
Chester Avenue
Congers, New York

ROMAINE EXCAVATING, INC.
319 W. Crooked Hill Road
Pearl River, New York

PAUL V. McMANUS EXCAVATING, INC.
110 W. Crooked Hill Road
Pearl River, New York

PETER J. MAYER
27 Old Hempstead Road
New City, New York

(continued)

(1976-855 continued)

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 77-3 to RONALD J. TARIGO
No. 77-4 to WALTER F. HICKS
No. 77-5 to ROMAINE EXCAVATING, INC.
No. 77-6 to PAUL V. McMANUS EXCAVATING, INC.
No. 77-7 to PAUL J. MAYER

Seconded by Co. Holbrook

All voted Aye.

(1976-856) Co. D'Antoni offered the following resolution:

WHEREAS, the Fiat Alis Model 12G Bucket Loader purchased from Romac Equipment, Inc., has required extensive repairs in the amount of \$1,400.00, and

WHEREAS, Romac Equipment, Inc., has refused to pay such amount;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to commence an action against Romac Equipment, Inc., to recover the sum of \$1,400.00.

Seconded by Co. Piacentile

All voted Aye.

(1976-857) Co. Maloney offered the following resolution:

RESOLVED, that a Special Meeting of the Town Board of the Town of Clarkstown be held on December 30, 1976 at 1:00 P.M.

Seconded by Co. Piacentile

All voted Aye.

(1976-858) Co. Piacentile offered the following resolution:

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

Seconded by Co. Holbrook

All voted Aye.

(1976-859) Co. Maloney offered the following resolution:

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

Seconded by Co. Holbrook

All voted Aye.

GEB179

(1976-860) Co. Piacentile offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 1st day of December, 1976, provided for a public hearing on the 15th day of December, 1976, at 8:45 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown, and

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 Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend Section 106.10A, Table of General Use Regulations as follows:

CS District, Column 2, Item 9 to read as follows:

"9. Other retail stores and service establishments, such as automobile salesrooms, auto-supply stores, home appliance stores, jewelry and art shops, upholsterers and commercial printing shops, provided that no auto repairs or installation of auto parts shall be permitted in this district."

Seconded by Co. Holbrook

On roll call the vote was as follows:

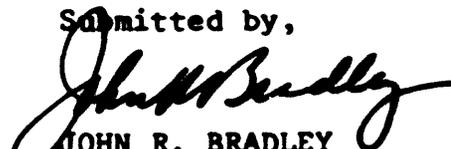
AYES: Co. Holbrook, Maloney, Piacentile, Supv. Gerber
NAYS: Co. D'Antoni

Following vote on above resolution, Councilman Maloney commented that this was a difficult decision -- intent of the law was to prohibit this type of shop in this particular type of zone. Unfortunate that an applicant could go before the Planning Board and Building Inspector and receive a preliminary and has to find himself in this particular situation.

Councilman Holbrook stated the Zoning Ordinance is very specific and it is unfortunate that this situation has occurred. The CS Zone spells it out very clearly -- that's specifically what my vote was predicated on and I think all members of the Board have to predicate it on, what the law is, and what it says, not what people think it should say.

There being no further business before the Town Board, Town Board Meeting was adjourned.

Submitted by,


JOHN R. BRADLEY
Town Clerk