

TOWN BOARD MEETING

Town Hall

2/2/77

8:00 PM

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

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

(1977-70) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on January 26, 1977, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Piacentile.

All Voted Aye.

(1977-71) Co. Piacentile offered the following resolution:

RESOLVED, that based upon the recommendation of the Department of Environmental Control, the Spring Valley Water Co. is hereby authorized to install one (1) hydrant on the West side of Route 9W, approximately 646 feet north of the center line of Lakewood Drive, Congers (Inves. No. 8487).

Seconded by Co. Maloney.

All Voted Aye.

(1977-72) Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled "AMENDMENT TO LOCAL LAW NO. 2-1964, AS AMENDED, ENTITLED 'LOCAL LAW PROVIDING FOR REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION'", 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 2nd day of March, 1977, 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, 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 aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Co. Holbrook.

All Voted Aye.

Town Board signed ORDER calling Public Hearing in the matter of Petition of the Extension of Clarkstown Consolidated Water Supply District No. to include: SICKLETOWN GREEN, WEST NYACK, NEW YORK. Public Hearing to be rescheduled. ORDER FOLLOWS.

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Ave., New City, in said Town of Clarkstown on the 2nd day of February 1977.

PRESENT:

GEORGE S. GERBER,	Supervisor	
JOHN R. MALONEY,	Councilman	ORDER CALLING
ANTHONY D'ANTONI,	Councilman	
CHARLES E. HOLBROOK,	Councilman	PUBLIC HEARING
JOHN T. PIACENTILE,	Councilman	

IN THE MATTER OF:

PETITION for the EXTENSION of the CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 to include SICKLETOWN GREEN, WEST NYACK, NEW YORK in the Town of Clarkstown, Rockland County, New York

WHEREAS, a written Petition dated Nov. 5, 1976 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the EXTENSION of the Clarkstown Consolidated Water Supply District #1 in the said Town, to be bounded and described as follows:

(INSERT DESCRIPTION)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 2nd day of March 1977, at 8:20 P.M. time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action as may be required by law or proper in the premises.

DATED: February 2, 1977

John Piacentile  
Councilman

George S. Gerber  
SUPERVISOR

Anthony D'Antoni  
Councilman

Charles E. Holbrook  
Councilman

John R. Maloney  
Councilman

STATE OF NEW YORK  
COUNTY OF ROCKLAND SS:  
TOWN OF CLARKSTOWN

I, JOHN R. BRADLEY, Town Clerk of said Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy of an ORDER SETTING PUBLIC HEARING RE: Extension of the Clarkstown Consolidated Water Supply District #1 with the original now on file in said office, and find same to be a true and correct transcript therefrom and of the whole of such original. IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Town of Clarkstown, this 2nd day of February, 1977.

John R. Bradley  
Town Clerk

(SEAL)

EXHIBIT A

All that plot, piece, parcel of land, lying situate and being in the Town of Clarkstown, County of Rockland, State of New York, more particularly bounded and described as follows:

BEGINNING at a point located on the westerly right of way of Sickletown Road, said point being formed by the intersection of the westerly right of way of Sickletown Road and the common boundary line of the land described herein and lands N/F Evans; thence,

1. N75° 03' 58"W, 624.27 feet; thence,
2. N1° 48' 22"E, 407.22 feet; thence,
3. N88° 46' 26"W, 1,843.82 feet; thence,
4. S0° 49' 14"W, 274.80 feet; thence,
5. N84° 09' 29"W, 650.28 feet; thence,
6. S5° 49' 26"W, 358.67 feet; thence,
7. N88° 12' 29"W, 241.72 feet; thence,
8. S0° 37' 46"W, 345.16 feet; thence,
9. S88° 47' 39"E, 1,112.55 feet to a concrete monument; thence,
10. S28° 06' 08"W, 865.16 feet; thence,
11. N72° 49' 28"W, 403.39 feet; thence,
12. N15° 59' 07"E, 200.23 feet; thence,
13. N42° 24' 29"W, 51.96 feet; thence,
14. N0° 36' 14"W, 183.18 feet; thence,
15. S87° 44' 46"W, 224.99 feet; thence,
16. S38° 27' 49"W, 120.09 feet; thence,
17. S6° 43' 53"W, 176.02 feet; thence,
18. S34° 36' 27"E, 127.68 feet; thence,
19. S85° 51' 27"W, 88.60 feet to a point on the right of way of the Palisades Interstate Parkway; thence,
20. On a curve to the left having a radius of 736.00 feet and a length of 71.41 feet to a granite monument; thence,
21. N34° 20' 47"W, 950.93 feet along the Palisades Interstate Parkway; thence,
22. N4° 53' 08"E, 885.71 feet along the Palisades Interstate Parkway to a granite monument; thence,
23. N0° 50' 01"W, 249.31 feet along the Palisades Interstate Parkway to a granite monument; thence,
24. S87° 43' 44"E, 296.42 feet along the Palisades Interstate Parkway to a granite monument; thence,

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25. S88° 41' 59"E, 478.91 feet along the Palisades Interstate Parkway to a granite monument; thence,
26. S89° 17' 23"E, 715.54 feet along the Palisades Interstate Parkway to a granite monument; thence,
27. S89° 06' 43"E, 1,334.83 feet to a monument; thence,
28. S88° 17' 17"E, 136.47 feet; thence,
29. S1° 15' 18"W, 177.20 feet; thence,
30. S88° 44' 42"E, 334.62 feet; thence,
31. On a curve to the right having a radius of 229.18 feet and a length of 359.99 feet; thence,
32. S1° 15' 18"W, 118.21 feet; thence,
33. On a curve to the left having a radius of 100.00 feet and a length of 161.72 feet; thence,
34. N88° 35' 38"E, 351.96 feet to a point on the westerly right of way of Sickletown Road; thence,
35. On a curve to the right having a radius of 557.70 feet and a length of 50.49 feet; thence,
36. S88° 35' 38"W, 345.20 feet; thence,
37. S1° 20' 52"E, 135.50 feet; thence,
38. N73° 52' 16"E, 147.87 feet; thence,
39. S72° 00' 04"E, 165.00 feet to a point on the westerly right of way of Sickletown Road; thence,
40. S17° 59' 56"W, 155.52 feet to a Rockland County Monument; thence,
41. S8° 48' 11"W, 1.78 feet back to the point or place of BEGINNING.

*Excluding therefrom any portion lying in a previously established Water District. H.H.  
1/20/76*

Town Board signed ORDER calling Public Hearing in the matter of Petition of the Extension of Clarkstown Consolidated Water Supply District No. 1 to include: SUBDIVISION PLAT THOMAS J. KING, NEW CITY, NEW YORK. Public Hearing to be rescheduled. ORDER FOLLOWS.

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Ave., New City, in said Town of Clarkstown on the 2nd day of February 19 77.

PRESENT:

GEORGE S. GERBER,	Supervisor	
JOHN R. MALONEY,	Councilman	ORDER CALLING
ANTHONY D'ANTONI,	Councilman	
CHARLES E. HOLBROOK,	Councilman	PUBLIC HEARING
JOHN T. PIACENTILE,	Councilman	

IN THE MATTER OF:

PETITION for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Subdivision Plat Thomas J. King in the Town of Clarkstown, Rockland County, New York

WHEREAS, a written Petition dated Dec. 22, 1976 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the EXTENSION of the CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT #1 in the said Town, to be bounded and described as follows:

(INSERT DESCRIPTION)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 2nd day of March 1977, at 8:25 P.M. time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

DATED: February 2, 1977

John Piacentile  
Councilman

Charles E. Holbrook  
Councilman

George S. Gerber  
SUPERVISOR

Anthony D'Antoni  
Councilman

John R. Maloney  
Councilman

STATE OF NEW YORK  
COUNTY OF ROCKLAND SS:  
TOWN OF CLARKSTOWN

I, JOHN R. BRADLEY, Town Clerk of said Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy of an ORDER SETTING PUBLIC HEARING RE: Extension of the Clarkstown Consolidated Water Supply District #1 with the original now on file in said office, and find same to be a true and correct transcript therefrom and of the whole of such original. IN TESTIMONY WHEREOF, I have hereto subscribed my name and affixed the seal of said Town of Clarkstown, this 2nd day of February, 1977.

John R. Bradley  
Town Clerk

(SEAL)

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Clarkstown, County of Rockland, State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Saw Mill Road at the southwest corner of the within described premises and the southeast corner of premises now or formerly of Camp Norge; thence (1) along said premises now or formerly of Camp Norge north 19° 40' 57" east 1079.55 feet to lands now or formerly of Maxtone-Graham; thence (2) along said lands north 73° 19' 00" east 450.33 feet to lands now or formerly of Goto; thence (3) along said lands south 81° 56' 28" east 71.97 feet; thence (4) south 75° 39' 50" east 506.22 feet along said lands and other lands of 1269-71 First Avenue Realty Corp. and Robert Alderisio to lands now or formerly of William Smith; thence (5) south 18° 05' 10" west along said lands of Smith and Dubin 237.40 feet; thence (6) north 75° 39' 50" west 408.70 feet along lands of Brody; thence (7) south 17° 32' 0" west 121.48 feet; thence (8) south 36° 22' 20" west 66.78 feet; thence (9) south 1° 24' 54" east 104.94 feet; thence (10) south 88° 33' 58" west 34.32 feet; thence (12) south 13° 02' 32" west 70.77 feet; thence (13) south 39° 10' 34" east 54.77 feet; thence (14) south 44° 58' 27" west 102.82 feet; thence (15) south 27° 24' 30" west 60.38 feet; thence (16) south 31° 25' 11" west 61.04 feet; thence (17) north 71° 05' 50" west 261.81 feet; thence (18) south 35° 49' 10" west 41.79 feet; thence (19) south 18° 39' 0" west 463.33 feet to the northerly line of Saw Mill Road; thence (20) north 74° 37' 20" west along the northerly side of Saw Mill Road 254.23 feet to the point or place of beginning.

Said premises intended to be all the premises shown on a subdivision map entitled "Subdivision Plat of Thomas J. King", dated December 5, 1975, made by Ostertag & McDougall and to be filed in the Rockland County Clerk's Office.

Excluding from said premises any part thereof already included in Clarkstown Consolidated Water District #1.

#### EXHIBIT A

(1977-73) Co. Piacentile offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown adopted Sanitary Landfill Rules and Regulations, and

WHEREAS, the Town Board of the Town of Clarkstown desires to further amend said Rules and Regulations by amending Section All5-5. Fees, Item 2 to read as follows:

Sec. All5-5. Fees.

2. An additional charge by cubic yard at forty cents (\$0.40) 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 a 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, New York, on the 9th day of March, 1977, at 8:15 P.M., relative to amending said Sanitary Landfill Rules and Regulations, and be it

(Continued on next page)

(1977-73 Continued)

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 the said Town Clerk.

Seconded by Co. Maloney.

All Voted Aye.

(1977-74) Co. D'Antoni offered the following resolution:

RESOLVED, that upon the recommendation of the Highway Superintendent and the Department of Environmental Control, deed from:

GERALD R. GUTERL and TORMOD LANGMYR, dated May 9, 1975

conveying roads and other improvements to the Town of Clarkstown in a subdivision shown on Final Plat of Avon Estates, dated December 23, 1969, and last revised December 8, 1970, filed December 9, 1970, in the Rockland County Clerk's Office in Book 81, at Page 28 as Map No. 4094. as follows:

Chisholm Court 240 L.F.

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 in the form of Assignments of Escrow Accounts being held by the Town of Clarkstown in the Total Amount of \$1,290.00 to the extent of \$605.00 for roads and related improvements and to the extent of \$150.00 for sewers are hereby accepted.

Seconded by Co. Holbrook.

All Voted Aye.

(1977-75) Co. D'Antoni offered the following resolution:

RESOLVED, that upon the recommendation of the Highway Superintendent and the Department of Environmental Control, deed from:

BILLBEE ENTERPRISES, LTD. (40 Halley Drive, Pomona, NY)  
Dated December 9, 1976

conveying roads and other improvements to the Town of Clarkstown is a subdivision as shown on Final Plat of "Subdivision, JAVLYN HOMES, Town of Clarkstown Rockland County, New York" filed in the Rockland County Clerk's Office on June 3, 1976, in Map Book 90 at Page 17 as Map No. 4736 as follows:

Gerlach Drive 925 L.F.  
8.50' wide Road Widening Strip  
Together with drainage 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. 918198 and 919199 dated the 7th day of December 1976, BILLBEE ENTERPRISES, LTD. as Principal and Alan Rattner as Co-Principal and Republic Insurance Company as Surety, are hereby accepted.

Seconded by Co. Holbrook.

All Voted Aye.

(1977-76) Co. D'Antoni offered the following resolution:

RESOLVED, that upon the recommendation of the Highway Superintendent and the Department of Environmental Control, deed from:

VAILSHIRE, INC. (400 East Route 59, Nanuet, New York) dated September 30, 1976

Conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Subdivision Plat, VAILSHIRE, Town of Clarkstown, Rockland County, New York" last dated January 24, 1969, and filed in the Office of the Clerk of Rockland County, in Book 79 of Maps, Page 47, as Map No. 3970. as follows:

Vailshire Circle 925 L.F.  
Together with a Greenway and Drainage Area (3.0266 acres)

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. 354299 and 345300 dated the 2nd day of October 1975 VAILSHIRE, INC., Lester Clark and George DeJong as Principal and American Empire Insurance Company as Surety, are hereby accepted.

Seconded by Co. Maloney.

All Voted Aye.

Agenda Item No. 6-4 Withdrawn.

(1977-77) Co. D'Antoni offered the following resolution:

RESOLVED, that upon the recommendation of the Highway Superintendent and the Department of Environmental Control, deed from:

NAVA CONSTRUCTION CORP. (109 Scotland Hill Road, Spring Valley, New York, 10977) Dated August 11, 1976

conveying roads and other improvements to the Town of Clarkstown in a subdivision shown on Final Plat of "Subdivison plat of HIGH MEADOW PARK WEST" filed in the Rockland County Clerk's Office on September 6, 1974, in Book 87 of Maps at Page 52 as Map No. 4549, as follows:

Bluejay Circle 460 L.F.  
Together with stream and drainage 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 in the form of Assignments of Escrow Accounts being held by the Town of Clarkstown in the Total Amount of \$4,600.00 to the extent of \$2,881.00 for roads and related improvements and to the extent of \$237.00 for sewers are hereby accepted.

Seconded by Co. Piacentile.

All Voted Aye.

(1977-78) Co. D'Antoni offered the following resolution:

WHEREAS, an offer of dedication has been made to the Town of Clarkstown for a parcel of land for a road widening strip as shown on a certain subdivision map entitled "Minor Subidivision Prepared for Dr. John Goebel."

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a deed dated August 26, 1974 from Dr. John Goebel conveying said parcel of land designated as "Minor Subdivision Prepared for Dr. John Goebel in New City, Town of Clarkstown, County of Rockland, New York", made by Ostertag & McDougall, Engineers and Surveyors, dated December 1971, revised 4/20/72 and filed in the Rockland County Clerk's Office on 5/11/72 in Book 84 of Maps at Page 7 as Map No. 4280, and be it

FURTHER RESOLVED, that the Town Attorney's Office is hereby directed to file said deed in the Rockland County Clerk's Office.

Seconded by Co. Piacentile.

All Voted Aye.

(1977-79) Co. D'Antoni offered the following resolution:

RESOLVED, that the sum of \$1,768.02 be allocated from the Capital Account - Drainage to perform necessary corrective measures to prevent future flooding on Stream NJ 1-10.

Seconded by Co. Holbrook.

All Voted Aye.

(1977-80) Co. D'Antoni offered the following resolution:

RESOLVED, that Resolution number 555 of August 25, 1976 be amended to read as follows:

RESOLVED, that pursuant to Resolution number 723-1975, that the Superintendent of Highways be authorized to install a fire hydrant and water main to be located westerly from Ridge Road to the easterly side of Route 303, Valley Cottage, New York.

Seconded by Co. Maloney.

All Voted Aye.

(1977-81) Co. Piacentile offered the following resolution:

RESOLVED, that account number A-1440 be transferred to account number A-8730 as follows:

<u>Account Number</u>	<u>Increase</u>	<u>Decrease</u>
8730-110	66,322	
8730-221	70	
8730-313	700	
8730-319	300	
8730-328	200	
8730-404	100	
8730-406	300	
8730-409	29,430	
8730-423	100	

(Continued on next page)

(1977-81 Continued)

<u>Account Number</u>	<u>Increase</u>	<u>Decrease</u>
1440-110		94,252
1440-221		70
1440-313		700
1440-319		300
1440-328		200
1440-404		100
1440-406		300
1440-409		1,500
1440-423		100

Seconded by Co. Holbrook.

All Voted Aye.

(1977-82) Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown recognizes that our senior citizens, young married couples and young single men and women are a vital part of our community, and

WHEREAS, despite the best efforts of the Town, including such measures as the Mini-Trans, the Senior Citizen Discount Program, tax exemptions, limited housing and other programs designed to relieve the burden on these people insofar as possible, the Town Board recognizes that both our elderly and youthful citizens still face great hardships in retaining or acquiring homes in the face of ever-increasing costs, and

WHEREAS, it is incumbent upon this Board to take whatever action it is empowered by law to do to search out new solutions to meet the housing needs of all our citizens,

NOW, THEREFORE, be it

RESOLVED, that there be established a Citizen's Housing Task Force charged with the responsibility to determine the housing needs of our senior citizens, young married couples and young single men and women and to recommend to the Town Board solutions to those needs, including proposals for senior citizen apartments, changes in the Zoning Ordinance to permit two-family houses, and whatever other measures are appropriate to permit all our citizens to live in dignity and without financial hardship in the Town of Clarkstown.

Seconded by Co. Piacentile.

All Voted Aye.

(1977-83) Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 1st day of December, 1976, provided for a public hearing on the 12th day of January, 1977, at 8:15 P.M., to consider the application of SCHREMER HOLDING CORP. and ALFRED & ROBERT SCHREMER to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an R-40 district to a R-15 district; and

(Continued on next page)

(1977-83 Continued)

WHEREAS, notice of said public hearing was duly published 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 for reasons of public health, safety and welfare, the application be DENIED.

Seconded by Co. Piacentile.

All Voted Aye.

(1977-84) Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, be resolution duly adopted on the 19th day of May, 1976, provided for a public hearing on the 9th day of June, 1976, at 9:30 P.M., to consider the application of JOSEPH CALABRESE and J. H. DEW, JR., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of said petitioners from R-40 district to R-22 district, and

WHEREAS, notice of said public hearing was duly published 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 for reasons of public health safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from R-40 district to R-22 district, the following described property situate at Brewery Road, New City, New York; said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenants in a form satisfactory to the Office of the Town Attorney and to contain the following covenants:

1. That in connection with the amendment to the Zoning Ordinance from R-40 to R-22 the use of the land shall be limited to a maximum of 68 lots.
2. Building permits to be issued shall not exceed 33 1/3% of said 68 lots in any one calendar year.
3. All lots along the north property line of the premises shall conform to R-40 rear yard bulk requirements.
4. There shall be no ingress or egress from these premises to Parrot Road.
5. A suitable access shall be installed providing walking access to Laurel Plains School for school children.
6. The property shall contain a retention area sufficient to contain the runoff designed and constructed for a 50 year storm of 10 hours duration, all specifications and construction details to be approved by the Town and installed by the owner, and the owner is to post as security a cash bond, bank account or irrevocable letter of credit in form satisfactory to the Town Attorney in the amount of \$50,000.00 to guarantee said installation.

Seconded by Co. D'Antoni.

(Continued on next page)

GER179

(1977-84 Continued)

On roll call the vote was as follows:

- Co. Maloney.....Yes
- Co. D'Antoni.....Yes
- Co. Holbrook.....No
- Co. Piacentile.....No
- Supervisor Gerber....Yes

MOTION NOT CARRIED.

Supervisor Gerber explained proposed resolution failed Section 265 of the Town Law requiring four (4) affirmative votes.

(1977-85) Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has heretofore entered into an Agreement dated April 29, 1974 with the Commissioner of Parks and Recreation, New York State Executive Department, designated as Comptroller's Contract No. C-80992 in connection with Project 36-00262, Camp Norge, and

WHEREAS, the parties to said Agreement desire to amend same;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the aforesaid Commissioner extending the project period from December 31, 1976 to December 31, 1977.

Seconded by Co. D'Antoni.

All Voted Aye.

(1977-86) Co. Piacentile offered the following resolution:

WHEREAS, a complaint has been received alleging that a Town drainage pipe is not located within the confines of a 25 foot drainage easement which runs along a paper street called Rockland Avenue, between North Little Tor Road and Lake Lucille;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and he hereby is authorized to engage the services of a reputable surveyor to determine the exact location of the drainage pipe.

Seconded by Co. Maloney.

All voted Aye.

(1977-87) Co. Maloney offered the following resolution:

RESOLVED, that a Building Permit under provisions of Section 280-a of the Town Law is hereby granted to ALBERT G. LAMBORN for property situate on the west side of Lamborn Avenue, commencing 80 feet northerly from the intersection of Southward Avenue, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 127, Block N, Lots 20.01, 20.02, 20.04, 20.05, 20.06 and 24.

Seconded by Co. Piacentile.

All Voted Aye.

(1977-88) Co. D'Antoni offered the following resolution:

WHEREAS, the State of New York, Department of Public Works has suggested that a certain portion of Main Street in New City, New York, be maintained by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, County of Rockland, State of New York, hereby requests the Commissioner of Transportation to abandon to the said Town of Clarkstown Old Route 304 which is also known as Main Street, New City, New York, and which is also designated as Old State Highway 9005, pursuant to the authority vested in Section 10, Subdivision 32 of the Highway Law, said road to be maintained as part of the highway system of the Town of Clarkstown. The portion of said road which is covered by this resolution is from the barricade located at the southerly end of Main Street and designated as center line station 133+05+ to New Hempstead Road which is designated as center line station 187+05+.

Seconded by Co. Piacentile. All Voted Aye.

(1977-89) Co. Maloney offered the following resolution:

WHEREAS, by resolution number 780 adopted November 17, 1976, in connection with the acceptance of the improvements in Muller Estates subdivision maintenance bonds in the form of certified checks were accepted in the amount of \$8,024.00 for roads and related improvements and in the amount of \$976.00 for sewers, and

WHEREAS, the developer at this time wishes the Town of Clarkstown to accept maintenance bonds in like amounts;

NOW, THEREFORE, be it

RESOLVED, that maintenance bonds numbers 918563 and 918562 dated January 25, 1977, J. M. K. Building Corp., as principal and John Knutsen, John Knutsen, Jr., and Magny Knutsen as co-principals, and Republic Insurance Company as surety, are hereby accepted in place of the certified checks.

Seconded by Co. Piacentile. All Voted Aye.

(1977-90) Co. Piacentile offered the following resolution:

RESOLVED, that the 1977 salary schedule be amended to include the salaries of the following "Court Clerks" effective and retroactive to January 1, 1977:

Lois Johnson	\$13,535.00
Frances Bowman	12,947.00

Seconded by Co. D'Antoni. All Voted Aye.

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(1977-91) Co. D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified that the positions of Highway Maintenance Supervisor II, Highway Maintenance Supervisor III, Service Dispatcher (Public Works) and Storekeeper in the Highway Department can be established,

NOW, THEREFORE, be it

RESOLVED, that the following titles are hereby established, effective and retroactive to September 23, 1976 and made part of the Grade Allocation List of the Labor Agreement between the Town of Clarkstown and Clarkstown Unit of the CSEA dated January 1, 1975:

Highway Maintenance Supervisor II - Grade 25 -  
2 positions.

Highway Maintenance Supervisor III - Grade 26 -  
1 position.

Service Dispatcher (Public Works) - Grade 19 -  
1 position.

Storekeeper - Grade 18 - 1 Position.

Seconded by Co. Holbrook.

All Voted Aye.

(1977-92) Co. D'Antoni offered the following resolution:

WHEREAS, a Grade Allocation list has been established for certain positions in the Clarkstown Highway Department which are effective and retroactive to September 23, 1976,

NOW, THEREFORE, be it

RESOLVED, that the following named employees shall have their 1976 and 1977 salary schedule adjusted as follows:

<u>Employee</u>	<u>1976 Salary</u>	<u>1977 Salary</u>
Edward Lundgren Highway Maintenance Supervisor III - Grade 26	\$18,024	\$19,833
Theodore Mills Highway Maintenance Supervisor II - Grade 25	18,024	19,833
William Venezia Highway Maintenance Supervisor II - Grade 25	18,024	19,833
Bernard McKeever Service Dispatcher (Public Works) - Grade 19	10,148	11,256
Kenneth Harniman Storekeeper - Grade 18	9,175	10,019

Seconded by Co. Holbrook.

All Voted Aye.

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(1977-93) Co. Piacentile offered the following resolution:

WHEREAS, it is in the interest of the Town of Clarkstown and its employees to establish a safety committee in compliance with the recommendation of the insurance carriers in order to prevent and correct any hazardous situation existing on Town property.

NOW, THEREFORE, be it

RESOLVED, that a Safety Committee be established and that its membership shall be composed of Town Employees from various departments in the Town and that the members shall be designated by the Supervisor of the Town of Clarkstown, and be it

FURTHER RESOLVED, that this Safety Committee shall recommend to the Town Board those measures necessary to protect the Town's property and personnel.

Seconded by Co. Maloney.

All Voted Aye.

(1977-94) Co. Holbrook offered the following resolution:

RESOLVED, that the following are hereby reappointed members of the Fire Board of Appeals, term to expire on February 27, 1980, to serve without compensation:

Harold Hyde, 55 Ridge Road, Valley Cottage, New York

Joseph Natale, 19 Torview Avenue, New City, New York

Seconded by Co. Piacentile.

All Voted Aye.

AGENDA ITEM NO. 18E DEFERRED.

(1977-95) Co. Piacentile offered the following resolution:

WHEREAS, as part of the drainage project on the Demarest Kill in northern New City, the Town of Clarkstown acquired for the sum of \$77,500.00 premises described on Schedule "A" attached hereto and made a part hereof, and

WHEREAS, upon the completion of such drainage project the said premises will be surplus except for the maintenance of drainage easements upon such premises, and

WHEREAS, Cragmere Estates, Inc., has offered to purchase said premises subject to the required drainage easements for the sum of \$77,500.00, and conditional upon the terms and conditions set forth in their offer, and

WHEREAS, it is in the best interest of the taxpayers of the Town of Clarkstown to sell and convey these premises for the sum of \$77,500.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes and directs the Supervisor of the Town of Clarkstown to execute a contract of sale for the sale to Cragmere Estates, Inc., of the premises described on Schedule "A" for the sum of \$77,500.00, retaining to the Town of Clarkstown drainage easements across subject premises, and which contract is conditional upon the

(Continued on next page)

GEB179

(1977-95 Continued)

Town Planning Board's approval of the amendment of the Final Subdivision Map of Long Meadow West, so as to incorporate the premises described on Schedule "A" as one lot thereon, and by virtue of the granting of averaging pursuant to Section 281 of the Town Law as the result of the inclusion of the premises described on Schedule "A" to increase the number of lots already contained therein, by four (4) lots, so that the total number of lots in said subdivision, as officially amended, shall be one hundred eighty-five (185), in place and stead of the present one hundred eighty (180) lots. If the Town Planning Board, in its discretion, grants the aforesaid applications, and Cragmere receives an officially approved Amended Subdivision Map, as aforesaid, containing one hundred eighty-five (185) lots as laid out above, then the contract shall be absolute. However, if such approvals are not granted by the Town, then the contract, at Cragmere's option, may be cancelled and any deposit made thereunder will be promptly returned to Cragmere, and be it

FURTHER RESOLVED, that this resolution shall take effect thirty (30) days after its adoption, unless within thirty (30) days after its adoption there shall be filed with the Town Clerk, in accordance with Article 7 of the Town Law, petition signed and acknowledged by electors of the Town of the number required by law, qualified to vote upon a proposition to raise and expend money, protesting against this resolution and requesting that it be submitted to the electors of the Town voting on a proposition for its approval at a referendum or election held in accordance with said Town Law, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown and County of Rockland shall within ten (10) days after the adoption of this resolution cause to be published at least once in the Journal News, a newspaper published in the Town of Clarkstown, New York, and hereby designated as the official newspaper of the Town for such publication, and to be posted in at least five (5) public places in the Town, in addition the Town Clerk shall post or cause to be posted a copy of said on the signboard of the Town, a notice which shall set forth an abstract of said foregoing resolution concisely stating the purpose and effect thereof.

Schedule "A" follows:

All that certain piece or parcel of land, together with the buildings and improvements thereon erected, situate, lying and being in the Town of Clarkstown, County of Rockland, State of New York, bounded and described as follows:

BEGINNING at a point of intersection of the west line of the premises herein described and the center line of a right-of-way running easterly from New York State Highway Route 304, said point being measured the following eight courses and distances from the intersection of the center line of Phillips Hill Road, if extended easterly with the center line of New York State Highway 304, thence along the center line of New York State Highway 304; (a) South 1° 42' 33" West 16.61 feet; (b) South 3° 28' 50" West 80.79 feet to the center line of a right-of-way if extended westerly with the center line of New York State Highway Route 304; (c) North 74° 24' east 77.83 feet; (d) north 77° 46' 05" east 97.04 feet;

(Continued on next page)

(1977-95 Continued)

(e) north 81° 19' 05" east 262.36 feet; (f) north 84° 22' 45" east 127.61 feet; (g) north 88° 15' 00" east 481.22 feet; (h) north 88° 15' 00" east 21.14 feet to the west line of the premises herein described and the point or place of beginning; running thence (1) north 6° 32' 45" east 163.06 feet; thence (2) south 86° 27' 15" east 396.00 feet; thence (3) south 6° 32' 45" west 330.00 feet; thence (4) north 86° 27' 15" west 396.00 feet; thence (5) north 6° 32' 45" east 166.94 feet to the point or place of beginning

Together with a right-of-way or road as now built, beginning at the swing gate near a large black walnut tree on the easterly side of the public road which leads from New City to Haverstraw, reserving to Florent Verdin the right to use said road for ingress and egress with horses, cattle and vehicles, which center line of said right-of-way is more particularly bounded and described as follows:

BEGINNING at a point in the center line of said right-of-way which point is the beginning point of the premises hereinabove described, thence running (1) south 88° 15' 00" west 21.14 feet; thence (2) south 88° 15' 00" west 481.22 feet; thence (3) south 84° 22' 45" west 127.61 feet; thence (4) south 81° 19' 05" west 262.36 feet; thence (5) south 77° 46' 05" west 97.04 feet; thence (6) south 74° 24' east 56.01 feet to the east line of New York State Highway Route 304.

Seconded by Co. Maloney.

All Voted Aye.

(1977-96) Co. Holbrook offered the following resolution:

RESOLVED, that the Director of Environmental Control be authorized to engage the professional services of an engineering firm for the purpose of preparing construction plans for the drainage easement on the north side of the subdivision know as Havermill Estates, at a cost not to exceed \$2,500.00, said funds to come from the Capital Account - Drainage.

Seconded by Co. Piacentile.

All Voted Aye.

(1977-97) Co. Piacentile offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids on:

- Washed Sand and Gravel
- Crushed Stone
- Cast Iron Curb Inlets, Catch Basins and Frames and Grates,

Said bids to be returnable to the Office of the Director of Purchasing, Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on Monday, February 14, 1976, at the times indicated below:

- 2:00 PM EST for Washed Sand and Gravel
- 2:30 PM EST for Crushed Stone
- 2:45 PM EST for Cast Iron Curb Inlets, Catch Basins, Frames and Grates

and be it

FURTHER RESOLVED, that Specifications for same can be obtained at the office of the Clarkstown Director of Purchasing.

Seconded by Co. Maloney.

All Voted Aye.

(1977-98) Co. Piacentile offered the following resolution:

WHEREAS, on June 30, 1967, the Town Board adopted a Zoning Map for the Town of Clarkstown, which map has been amended and revised from time to time thereafter by the Town Board, and

WHEREAS, it appears that the zoning line as shown on the latest revision of the Clarkstown Zoning Map between the CS Zone and R-15 Zone affecting Map 57, Block M, Lot 12.01 on the Tax Map of the Town of Clarkstown is presently in error;

NOW, THEREFORE, be it

RESOLVED, that the Senior Draftsman of the Town of Clarkstown is hereby directed to correct the zone line between the CS and R-15 zones affecting Map 57, Block M, Lot 12.01 in the following manner:

By correcting the Zoning Map to show the zone line moved in a westerly direction approximately 70 feet so that the zone line between the CS and R-15 zones runs through the northerly property corner between the easterly line of lands formerly of Taggart and the westerly line of lands formerly of Myers, which two premises together now constitute Map 57, Block M, Lot 12.01

Seconded by Co. Holbrook.

\*All Voted Aye.

\*Before the vote on the motion was taken, Attorney Everett Johns requested to speak on the motion. Permission was granted. Stating that he represented Robert Ries, owner of the property effected. He stated that the property was purchased by his client in the 70's and that it consisted of residential and commercial zoning. After purchase, the property was subdivided and the subdivision processed and approved by the proper Town agencies, the Building Department making the determination as to where the line in question was located. The owner has since paid about \$25,000 in taxes on the lot in question. He stated that in his opinion, the motion to move the line on the official map as a correction, would be an illegal move as it would actually be a change of zoning without a public hearing having been held for an amendment to the zoning map.

He further advised the Town Board that it should consider waiving judgement on this matter until professional opinions are obtained.

In reply, Town Attorney, Murray Jacobson voiced his opinion that a Public Hearing was not required to correct a map.

A discussion ensued between Mr. Johns, Co. Piacentile, Supervisor Gerber, and Co. D'Antoni presenting various opinions pro and con.

When asked for his comment, Building Inspector, Robert Bowman stated that it was his opinion that the line was established by the Town Engineer and Mr. Colucci of the Building Dept. as of June 30, 1967, the date of the Official Map.

John Lodico, representing the Independent Contractor Association spoke with reference to the necessity of developing what commercial property should not be deprived of any of their rights, and that the correct line should be determined before the resolution is voted upon.

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Councilman Piacentile replied that he was concerned about the rights of the adjoining property owners and the resulting conditions that would occur when this property is developed.

After a short recess was declared to discuss the matter in executive session and after reconvening, roll call was held and the vote to pass was unanimous.

(1977-99) Co. Maloney offered the following resolution:

WHEREAS, there is litigation between the County of Rockland and the Town of Clarkstown regarding the "\$1,746,061.04 tax error" which occurred on December 28, 1973, which action is entitled, "County of Rockland vs. Town of Clarkstown, et al", Index No. 5199/1975, and

WHEREAS, the case is presently being appealed to the Court of Appeals by the Town of Clarkstown, and

WHEREAS, the Supreme Court decision in this case authorized the County Legislature to adopt such legislation as it deems necessary to correct the error without interest or costs, and

WHEREAS, a settlement has been proposed that is in the best interests of the taxpayers of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Attorney to enter into a stipulation of settlement of the action entitled, "County of Rockland vs. Town of Clarkstown, et al", Index No. 5199/1975, upon the following terms and conditions:

- a) The County of Rockland shall relevy one million, seven hundred forty-six thousand, sixty-one dollars and four cents (\$1,746,061.04) upon the Town of Clarkstown in five equal annual installments beginning January 1, 1978 and continuing annually thereafter up to and including January 1, 1982.
- b) There shall be no interest and costs paid by the Town of Clarkstown in addition to the annual payments hereinbefore set forth.
- c) The Town of Clarkstown shall withdraw their appeal to the Court of Appeals with prejudice, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to make an application to the Supreme Court for approval of the aforesaid settlement, in the event such court approval is required.

Seconded by Co. Piacentile

All voted Aye.

IB1014

\* (1977-100) Co. Holbrook offered the following resolution:

WHEREAS, there is litigation between the Town of Clarkstown and the County of Rockland regarding the payment of approximately \$1,200,000.00 for sewer lines sold and conveyed by the Town of Clarkstown to Rockland County Sewer District No. 1 and the cost of maintenance of such sewer lines, and a counter claim by Rockland County Sewer District No. 1 against the Town of Clarkstown for \$100,000.00 in past sewer charges, which action is entitled TOWN OF CLARKSTOWN v. COUNTY OF ROCKLAND, Et al, Index No. 1655/75; and

WHEREAS, this case is presently pending before the Supreme Court, Rockland County, and

WHEREAS, a settlement has been proposed that is in the best interest of the taxpayers of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Attorney to enter into a Stipulation of Settlement with the County of Rockland in the action entitled TOWN OF CLARKSTOWN v. COUNTY OF ROCKLAND, Et al, Index No. 1655/75, upon the following terms and conditions:

1. The County of Rockland shall immediately pay to the Town of Clarkstown the sum of \$1,250,000.00 in full settlement of all claims by the Town of Clarkstown for payment for sewer lines and maintenance of the sewer lines;
2. The Town of Clarkstown will pay to Rockland County Sewer District No. 1 the sum of \$50,000.00 in settlement of the claim of the Sewer District for past sewer charges, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to make application to the Supreme Court, Rockland County for approval of the aforesaid settlement.

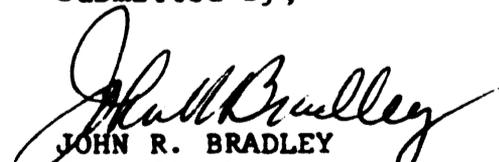
Seconded by Co. Piacentile

All voted Aye.

\* Amended 8/22/77. Res. # 570

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

Submitted by,

  
JOHN R. BRADLEY  
Town Clerk