PUBLIC HEARING

Town Hall 9/7/77 8:05 PM

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

RE: PROPOSED DESIGNATION OF THE SOLON HOUSE, 224 PHILLIPS HILL ROAD, NEW CITY, NEW YORK AS AN HISTORICAL SITE IN THE TOWN OF CLARKSTOWN

Supervisor Gerber declared Public Hearing open; Town Clerk read Notice of Hearing and testified as to proper publication for the hearing.

Supervisor Gerber read letter from the Town of Clarkstown Planning Board dated August 29, 1977 into the record. (Copy on file in Town Clerk's Office) The Planning Board's conclusions were that the house is of historic interest; that the site shown on "alternate sketch, Phillips Hill Manor, 8/9/77", on lots 3 & 4 be made a single parcel; that adjustment of layout is deemed necessary by the Planning Board for preservation of natural features, improvement of road layout and a reasonable averaging of lot sizes under Town Law 281.

Supervisor Gerber read the following description of the property, as submitted by Eleanor Fitch - researcher - Clarkstown Historic Review Board:

Solon House -- 224 Phillips Hill Road, New City

This house probably dates from the second quarter of the 18th century. It is of hand cut (rough) red sandstone. The upper story construction is mortise and tenon, held together with hand carved wooden pegs.

An addition was added, noteably the north enclosed frame portion, probably in the early 1900's. The house stands on a part of the North Moiety of the Kakiat Patent. This moiety had been sold to a group of men from Hempstead, Long Island, who took steps for its division and survey in 1713. From men of English descent it soon passed into hand of Dutch settlers.

A number of generations of Blauvelts held title to this land. In 1852, Peter Blauvelt acquired the portion of a larger land area that included the house. In 1887, Robert Sewell acquired 103.5 A including the house for $2,050.00 from Peter Blauvelt by foreclosure.

A Sarah W. Sewell sold the above acreage and house to Chas. E. Jersey, George S. Jersey & Serena, his wife and Ina L. Smith. In 1925, Ina L. Smith sold 12.46 A that included the house to Israel Solon & Sara Solon, his wife. In 1940, George M. Smith & Ina L. Smith, his wife sold another 6.66 A to Israel & Sara Solon. This Solon property was sold in 1977 to Lief Bergstol.

Because of its early history and authentic construction, the Historic Review Board of Clarkstown recommends it being designated as a historic site.

Eleanor Fitch

(continued)

Councilman Holbrook stated that the people living in the immediate vicinity are most anxious to preserve the site in as close to its original condition as possible and that it be retained as a historical residence. Even though the house has been vacant for several months, it is in good condition and can be easily lived in with minor improvements.

Jacob Ebeling-Konig, New City -- member of the Historic Review Board addressed the Town Board. This house is one of the oldest houses that we have in Rockland County and is part of our heritage. There are not that many of these pre-revolutionary houses left and we should cherish and preserve them wherever possible. Requested that the designation be considered apart from any decision of the subdivision of the land because regardless of any other recommendation the house itself should be designated as an Historical Site.

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

Submitted by,

John R. Bradley

JOHN R. BRADLEY
Town Clerk

PUBLIC HEARING

Town Hall 9/7/77 8:15 PM

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

RE: PROPOSED LOCAL LAW CONCERNING PARENTAL RESPONSIBILITY FOR THE ACTS OF MINORS WHO CAUSE INJURY TO PROPERTY SITUATE WITHIN THE TOWN OF CLARKSTOWN

Supervisor Gerber called Public Hearing to order; Town Clerk read Notice of Hearing and testified as to proper posting and publication for the hearing.

Murray N. Jacobson, Town Attorney offered the following statement as to why the Local Law was proposed:

The Clarkstown Committee on Vandalism recommended that the Town Board adopt parental responsibility legislation. They offered as a model, an ordinance adopted in the Village of Deerfield, Ill., and I was requested to put this local law into a form suitable for introduction and discussion.

Although I was familiar with statutes making parents liable in tort for the actions of their children, the idea of parental criminal liability for offenses committed by their children raised questions in my mind. Therefore, I examined the New York statutes to see if the concept was presently being used.

My research disclosed Section 260.10 of the Penal Law which is entitled "Endangering the welfare of a child" -- pursuant to this section a parent is guilty of a misdemeanor if he fails to properly control his or her child and the child becomes a juvenile delinquent, etc. Therefore, the concept of parental responsibility was not as novel an idea as it might seem at a first reading. There is an interesting discussion of the application of this section in People V. Dailey and other New York cases. Also, cases in Ohio and California which deal with parental responsibility for curfew violations etc. by their children.

The proposed Local Law which we have before the public hearing provides as follows:

A. A parent or Guardian of an unemancipated minor residing with such parent or guardian is presumed to have failed to exercise parental responsibility and be in violation of this act if three prerequisites are present:

(1) Minor adjudicated to be in violation of State or Town ordinance, law, etc. prohibiting willful injury to property in Clarkstown;

(2) Such parent or guardian is notified of such adjudication by the Court or Police Department of Clarkstown.

(3) Within six months after notice of the adjudication, the minor is again adjudicated in violation of a similar ordinance etc.

B. Violation of this act subject the parents to a fine not to exceed $250.00.

(continued)

The District Attorney of Rockland County, Hon. Kenneth Gribetz, has written his comments on the Local Law and this letter shall be read into the record. I feel that all the comments are well taken except the first which would only apply if this was an ordinance. Since this is a Local Law, the use of Section 130 is inapplicable. But if the Town Board should decide to adopt this Local Law, I would recommend that it be amended to include Mr. Gribetz' suggestions, with which I concur.

There is also a letter from the Legal Aid Society which was hand delivered to my office at about 4:30 today. I have had no opportunity to analyze its contents and therefore can make no comment thereon.

Supervisor Gerber read the following letter from Kenneth Gribetz, District Attorney, County of Rockland:

In response to your inquiry, I have reviewed the above proposal. Generally speaking, I see no major difficulties in the implementation of this proposed local law. Nevertheless, I have made some constructive suggestions.

The legislative intent in Section 1 of the proposed ordinance includes adequate reference to the powers under Section 130 of the Town Law to authorize implementation of this ordinance. However, specific references to the language of Section 130 would present an even stronger basis for enacting the legislation.

The proposed ordinance does not clearly state that a parent will be held responsible when their child is again adjudicated as having caused malicious damage to property within six (6) months of a prior like adjudication. Clear language to this effect would be beneficial.

Regarding Section 4, a more direct reference to the non-criminal nature (offense) of the punishment for violation of this proposed local law should be inserted. This could be done by indicating that conviction under this ordinance shall be punished as a violation only with no jail sentences to be prescribed and with a maximum fine of up to $250.00. Such reference will avoid any misunderstanding which might cause such a violation to be treated as a misdemeanor under Section 135 of the Town Law.

Finally, an ameliorating provision providing for restitution in lieu of prosecution might be included to avoid the possibility of double payments by less fortunate parents.

(signed) Kenneth Gribetz, District Attorney

Supervisor Gerber read the following letter from Douglas Good, Director,Legal Aid Society of Rockland County, Inc.

I am writing in response to your letter of August 17, 1977 regarding the above noted topic. Please excuse my delay.

I think that your proposed local law raises some practical and some constitutional problems. Probably most serious of these is that you have constructed a criminal ordinance which carries with it the presumption of guilt. There are also some problems

(continued)

Mr. Good's letter(continued)

regarding the imposition of such a large fine, and what will be done with people who cannot pay. I question whether the proposed law might, in certain situations conflict with the privacy guarantees of the Youthful Offender statute (CPL § 720.10 et seq.).

Some unexpected by-products of such a law might be a drastic increase in the number of PINS petitions filed, and increases in the number of run-a-ways and children being "kicked-out" by their parents. Child abuse might increase, since many parents would find it easier to punish a child who occasioned a fine rather than prevent the occurence of destructive acts by the child.

The ends sought to be achieved by this legislation might be better be accomplished by increased public awareness of their rights under GOL § 3-112 and Article 7 of the Family Court Act. Legislation giving judges the authority to revoke drivers' licenses for youths adjudicated to have committed acts of vandalism involving the use of an automobile might also help.

It seems problematical to criminally punish parents for not being able to control their children in the way you propose.

I thank you for giving us the opportunity to comment.

(signed) Douglas Good.

The following persons addressed the Town Board:

Harry Waitzman, Attorney, New City -- in view of existing criminal statutes and other Civil Law already in the books holding parents responsible for damages up to a thousand dollars, he believes that other criminal statutes will not really help the situation but would rather more arrests, proper sentencing and better rehabilitation of vandals. Prefers legislation in what may be described as a Clarkstown Conservation Law which can be federally funded and designed to require juvenile vandals to work off their debt to society by constructive acts of work and renovation and repairs in our community. He hopes that the Town of Clarkstown would make immediate application to the Dept. of Labor to become a "Prime Sponsor under the Federal Youth Employment Act" which is allocating 1½ billion dollars for projects selected by local governments. Recommends serious consideration to this program in conjunction with or in addition to, the proposed legislation if the Board should pass this Local Law.

Everett Johns, Attorney, New City -- opposed the legislation as he is basically opposed to the philosophy of imposing penalties against the parent. Those persons like himself, who have been assigned by the Courts to represent offenders before the Clarkstown and other courts for the particular acts of vandalism, malicious mischief, etc. are of the opinion that the juveniles will now have a weapon to use against their parents. Those of you who have been fortunate not to have had their children appear in the Courts and have not had to deal with the child or parent directly are not aware of the problems involved. Aside from the questions he has as to other certain sections of the law, such as "Proper Parental Responsibility"-- what is Proper Parental Responsibility"? -- Similar laws have not in New York State received the highest constitutional approval -- urges that the Board think it over -- it will be an easy law to adopt. Difficult to enforce -- you should ask your local justices as to what testimony will be necessary to place the responsibility on the parent. Of principal

(continued)

concern to him is the way in which the law may be used against the parent and this is a concern as a result of his years of experience representing these juveniles. Of course, the law will give the legal profession more work as each defendant will have to be represented. In closing, Mr. Johns asked the Board to consider his remarks -- he has read the report of the Vandalism Committee and listened to the remarks made prior to this -- does not believe we will control vandalism by passing this law and passage will give the juvenile a tool to use for the first time against the parent.

Dr. Arthur Lebofsky, Member of the School Board Vandalism Committee -- in favor of passage of the law as part of the entire program to reduce vandalism. It is not meant to be so much as a punitive measure as it is a way to alert parents to their responsibilities -- it is hoped the law will be a deterent and a means of awakening responsibility of the parent in what their children are doing and where they are. Suggested that Mr. Waitzman's suggestion for a Conservation Law for Youth is very valid and could be worked into the program.

Supervisor Gerber made comment stating that this is a proposed Local Law -- it was hoped by the Town Board that this hearing would stimulate greater discussion in the community; that the Board was not obliged to pass the Law as presented; that we were trying another concept such as the "Drinking in Public Law" and each thing, taking the Vandalism Report as a whole, cannot be accomplished without going down different avenues to reach some kind of goal. This law should not be taken out of context as not being a part of a program. This, as well as the recent State law with regard to schools and public property is meant to bring attention to the public and parents of the concern. All members of the program have some misgivings about the law and as to whether or not it should be adopted as presented or that we should not seek other ways first. We do have to take specific action to draw attention to the problem. The curfew law is a similar legislation which can be used as a tool in certain situations. Proper use of such tools in certain areas can be effective to control vandalism and make the parents aware of what their children are doing.

Mr. William Klein, Chairman - Vandalism Advisiory Committee -- the attitude of the younger people as found out to hold little respect for the authorities, school, police and government. Regarding the issue of this Local Law,passage would indicate that the Town is serious about the problem and is going to do something and do something which is evidently felt to be strong. We have to do something that this is a tool which may be relevant and very useful and a means to approach the problem. It would be a mistake to discard the Law and throw it aside.

Marjorie Wittenberg, New City -- attended the hearing to express her feelings and those of her neighbors. While they have not experienced vandalism in their part of the community they are extremely aware of the problem. If this Local Law will in some way alleviate vandalism, it should be passed.

No further persons wishing to be heard, Councilman Maloney moved that the Public Hearing be closed. Seconded by Councilman D'Antoni and unanimously adopted.

Submitted by,

JOHN R. BRADLEY
Town Clerk

TOWN BOARD MEETING

Town Hall 9/7/77 8:00 P.M.

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

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

Supervisor Gerber made the following statement:

During the summer months, the Town Board had the opportunity, because of enabling legislation by the State, to refinance over 7 million dollars of Serial Bonds by the issuance of Refunding Bonds. This refinancing resulted in a saving over the life of the Bonds of an amount in excess of $1,400,000.00 and lowered our cash outflow as a result. When the original Bonds were issued the financial conditions required the Town to pay a very high interest. The present rate of interest being much lower, the resulting savings occurred. Two persons in the Town were responsible for all the hard work and effort to prepare the necessary documentation, pursue the completion of the refinancing, namely Harold Peterson, Comptroller and Alan Freedman, Director of Finance,and the Town Board wishes to recognize their efforts.

Following his statement, Supervisor Gerber presented a small memento to Mr. Peterson and Mr. Freedman.

(1977-519) Co. Maloney offered the following resolution:

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

Seconded by Co. Piacentile All voted Aye.

(1977-520) 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.

(1977-521) Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted August 3, 1977, provided for a public hearing on the 7th day of September, 1977, at 8:05 P.M., to consider the designation as a historical site the SOLON HOUSE, pursuant to Chapter 12, Sec. 3, sub-paragraph C of the Code of the Town of Clarkstown, which house is located at 224 Phillips Hill Road, New City, New York, and

(continued)

(1977-521 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 the aforesaid SOLON HOUSE, be and the same is hereby designated as a historical site, and be it

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

Seconded by Co. Maloney All voted Aye.

Supervisor Gerber declared Public Hearing open regarding Proposed Local Law Parental Responsibility for Acts of Minors.

(1977-522) Co. Holbrook 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.

(1977-523) Co. Holbrook offered the following resolution:

WHEREAS, ATZL & SCATASSA ASSOCIATES, P.C. as agents for Leif Bergstol have made written application for the use of Town Law, Sec. 281 in connection with subdivision known as PHILLIPS HILL MANOR, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 281 in connection with this subdivision, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law 281 is used in this subdivision subject to the preservation of the Solon House and minimal disturbance of the land keeping streams in their natural state;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law, Sec. 281 in connection with this subdivision.

Seconded by Co. Maloney All voted Aye.

(1977-524) Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the Special Town Board Meetings held on July 28, 1977 and August 22, 1977, are hereby adopted and accepted as submitted by the acting Clerk.

Seconded by Co. Piacentile All voted Aye.

(1977-525) Co. D'Antoni offered the following resolution:

RESOLVED, that the next regular meeting of the Town Board of the Town of Clarkstown scheduled for September 21, 1977, is hereby cancelled, and be it

FURTHER RESOLVED, that the next meeting of the Town Board shall be held on September 28, 1977, at 8:00 P.M., at the Auditorium, Town Hall, New City, New York.

Seconded by Co. Maloney All voted Aye.

Monthly Report -- July, 1977 for the Office of the Building Inspector and the Board of Appeals received and on file in Town Clerk's Office for inspection.

(1977-526) Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Co. is hereby authorized to install one (1) hydrant on the north side of Forest Glen Road (Inves. No. 8319) and one (1) hydrant on the east side of Harrison Avenue (Inves. No. 8550).

Seconded by Co. D'Antoni All voted Aye.

(1977-527) Co. D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Director of Environmental Control, deeds from:

CRAGMERE ESTATES, INC., dated November 20th, 1974 and
CRAGMERE ESTATES INC., dated November 16th, 1976

conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of SAXONY ESTATES, Town of Clarkstown, Rockland County, New York, filed in the Rockland County Clerk's Office on December 20, 1974 in Map Book 88, Page 10, as Map No. 4582 as follows:

(continued)

(1977-527 continued)

SAXONY COURT 425 L.F.
Together with a sanitary sewer and drainage easement;
Together with a sanitary sewer and drainage easement running through lands now or formerly of Monholland;
Together with a road widening strip along West Clarkstown road

are 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. 917987 & 917988 dated the 8th day of November 1976 CRAGMERE ESTATES, INC. as Principal and YALE RAPKIN AND CASPER RAPKIN as Co-Principals and REPUBLIC INSURANCE COMPANY, as Surety, are hereby accepted.

Seconded by Co. Holbrook All voted Aye.

(1977-528) Co. D'Antoni offered the following resolution:

RESOLVED, that Resolution #493 adopted by the Town Board at their meeting of August 3, 1977, is hereby rescinded.

Seconded by Co. Maloney All voted Aye.

(1977-529) Co. D'Antoni offered the following resolution:

WHEREAS, a Subdivision Map entitled "Glen Ridge" filed in the Rockland County Clerk's Office on March 22, 1968, in Book 75 of Maps, at Pages 1 and 2, as Map No. 3690, contains an irrevocable offer of dedication of the public improvements to the Town of Clarkstown, and

WHEREAS, such improvements have been completed, and

WHEREAS, the Director of Environmental Control and the Superintendent of Highways recommend that the improvements in the before-mentioned subdivision be accepted by the Town of Clarkstown;

NOW, THEREFORE, be it

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

Glen Court	375 L.F.
Alpine Court	410 L.F.
Berry Court	435 L.F.
Della Court	380 L.F.
Hazen Lane	250 L.F.

Together with a 13.5 foot road widening strip along Old Haverstraw Road; and drainage and sewer easements as shown on said map.

Seconded by Co. Holbrook All voted Aye.

(1977-530) Co. Piacentile offered the following resolution:

WHEREAS, Resolution No. 76-261 dated April 28, 1976 provided for the hiring of a professional engineer for the purpose of preparing plans and specifications to be used in connection with roadway, drainage and related improvements on Waldron Avenue, Dickinson Avenue and West Broadway in Central Nyack, and

WHEREAS, this surveying and engineering work has been completed to the satisfaction of the Director of the Department of Environmental Control,

NOW, THEREFORE, be it

RESOLVED, that the sum of $14,653.78 be paid to Henry Horowitz, P.E., 55 Virginia Avenue, West Nyack, New York, said amount to be taken from the Capital Account-Drainage.

Seconded by Co. Maloney All voted Aye.

Agenda Item #9 -- tabled.

(1977-531) Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following locations:

Robin Hood Lane, New City
Cranford Drive, New City
Havermill Road, New City
Pleasant Hill Dr., New City

Seconded by Co. Maloney All voted Aye.

(1977-532) Co. D'Antoni offered the following resolution:

RESOLVED, that the Superintendent of Highways is authorized to install a "STOP" sign at the intersection of Gerlach Drive and Germonds Road, New City.

Seconded by Co. Piacentile All voted Aye.

(1977-533) Co. D'Antoni offered the following resolution:

RESOLVED, that the Superintendent of Highways be authorized to install "NO THROUGH TRUCKING" signs at the Second Street entrance to South Harrison Avenue and the Third Street entrance to Sough Harrison Avenue, Congers.

Seconded by Co. Piacentile All voted Aye.

(1977-534) Co. D'Antoni offered the following resolution:

WHEREAS, the New York Telephone Company has requested permission from the Town Board of the Town of Clarkstown to install sidewalk public telephones in the following locations in New City, New York:

1. Main Street (in front of Rockland County Court House)
2. 63 Main Street (in front of Rockland Center Building)
3. Corner of Main Street and Elinor Place
4. 135 Main Street
5. 163 Main Street (across street from Burger King)

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 64 (7) of Town Law, be had at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York,in the said Town of Clarkstown, on the 28th day of September, 1977, at 8:05 P.M., relative to such proposed installation of sidewalk public telephones, and it is

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

Seconded by Co. Holbrook All voted Aye.

(1977-535) Co. Maloney offered the following resolution:

WHEREAS, JOHN A. STEFAN, Trustee, has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a gasoline filling station pursuant to the requirements of Section 106-10A, Dist. RS Column 3, Paragraph B3 and Section 106-16G of the Zoning Ordinance of the Town of Clarkstown for property located on the southeast corner of Route 59 and Middletown Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Ordinance be had at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 28th day of September, 1977, at 8:15 P.M.to consider the application of JOHN A. STEFAN, Trustee, relative to said Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the 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. Holbrook All voted Aye.

(1977-536) 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 the Hall of Justice, and

WHEREAS, maintenance agreements have been reviewed and approved by Philip B. Fogel, First Deputy Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute, on behalf of the Town of Clarkstown, maintenance agreements with Pacesetter Communications Corp., dated April 4, 1977.

Seconded by Co. Holbrook All voted Aye.

(1977-537) Co. Maloney offered the following resolution:

WHEREAS, the County of Rockland and the Town of Clarkstown are desirous of extending the agreement, which expired March 31, 1977, for the operation of the Youthful Drug Abuse Program;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the County of Rockland extending the aforesaid contract for the additional period from April 1, 1977 through June 30, 1977.

Seconded by Co. Holbrook All voted Aye.

(1977-538) Co. Piacentile offered the following resolution:

WHEREAS, Ned A. Besso is the owner of a parcel identified as Map 105, Block A, Lot 33.02 and has consented to the use of this land as a sanitary fill area by lease agreement expiring December 31, 1977, and

WHEREAS, Ned A. Besso has requested that the lease be amended to exclude a parcel of property described as 2.10 acres, and

WHEREAS, the Planning Board has recommended the release of the two-acre parcel, and

WHEREAS, the Director of Environmental Control and the Town Attorney have reviewed the proposed amendment to the lease and found it to be satisfactory;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and he hereby is authorized to execute the amendment to the lease agreement with Ned A. Besso to exclude the foregoing two-acre parcel.

Seconded by Co. Holbrook All voted Aye.

(1977-539) Co. Piacentile offered the following resolution:

WHEREAS, a public hearing was held by the Clarkstown Consumer Affairs Commission at the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 4th day of August, 1977, at 8:30 P.M., to consider the adoption of Rules and Regulations for Conference Panels for the Clarkstown Consumer Affairs Commission, and

WHEREAS, said public hearing was duly published and posted as required by law, and

WHEREAS, said Rules and Regulations for Conference Panels for the Clarkstown Consumer Affairs Commission were adopted by the Commission at their meeting of August 4, 1977;

NOW, THEREFORE, be it

RESOLVED, that the Rules and Regulations for Conference Panels for the Clarkstown Consumer Affairs Commission adopted by the Commission on August 4, 1977, are hereby approved by the Town Board of the Town of Clarkstown.

Seconded by Co. Maloney All voted Aye.

(1977-540) Co. Piacentile offered the following resolution:

WHEREAS, a street shown as "Oak Spring Court" on a final map entitled Brookfield Acres, West Nyack, will eventually join up with an existing street named "Pine Road";

NOW, THEREFORE, be it

RESOLVED, that the name of"Oak Spring Court" is hereby changed to "Pine Road", and be it

FURTHER RESOLVED, that the Highway Superintendent take notice of this resolution and make appropriate changes in the street signs as may be necessary and that a copy of this resolution be forwarded to the residents of the aforementioned subdivision, the developer, Billbee Enterprises Ltd., the Clarkstown Planning Board, the Clarkstown School District, the West Nyack Post Office, the West Nyack Fire Department, the Nanuet Ambulance Corp. and the Clarkstown Police Department.

Seconded by Co. Holbrook All voted Aye.

(1977-541) Co. Piacentile offered the following resolution:

WHEREAS, a number of tax certiorari proceedings are still pending against the Town of Clarkstown;

NOW, THEREFORE, be it

(continued)

(1977-541 continued)

RESOLVED, that Arnold Becker, Esq., is hereby reappointed Special Counsel to the Town of Clarkstown for the purpose of continuing to process all tax certiorari proceedings for the years prior to 1977 still pending against the Town of Clarkstown, excluding those brought by Spring Valley Water Company, Inc. and Corwick Realty Corp., and all tax certiorari proceedings concerning the 1977 tax assessment roll, at a fee for the year August 15, 1977 to August 15, 1978, of $17,000.00

Seconded by Co. Holbrook All voted Aye.

(1977-542) Co. Holbrook offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for a sanitary sewer improvement project entitled:

CONSTRUCTION OF SANITARY SEWER SYSTEM ALONG
NEW YORK STATE ROUTE 9W SOUTH OF LAKE ROAD,
CONGERS, NEW YORK

said bids to be returnable to the office of the Purchasing Director, Room 202, 10 Maple Avenue, New City, New York by 10:00 a.m. on Friday, September 30, 1977, at which time they will be opened and read, and be it

FURTHER RESOLVED, that copies of plans, specifications and bid documents may be obtained at the office of the Director of Environmental Control, Room 102 at the aforementioned address on or after September 15, 1977, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

Seconded by Co. D'Antoni All voted Aye.

(1977-543) Co. Piacentile offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for six (6) new 1978 Patrol Cars for the Clarkstown Police Department with trade-in of six (6) surplus vehicles.

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, September 26, 1977 at 10:00 A.M.D.S.T., at which time they will be opened, and be it

FURTHER RESOLVED, that specifications can be obtained at the office of the Clarkstown Director of Purchasing, Room 202.

Seconded by Co. Maloney All voted Aye.

(1977-544) Co. Maloney offered the following resolution:

WHEREAS, B P OIL, INC., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for a gasoline filling station located at the intersection of the southerly line of NY State Highway Route 59 and the easterly line of College Avenue, Nanuet, New York, pursuant to Sections 106-10A, Dist. RS, Column 3, Paragraph B3 and 106-14 and 106-16G of the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, after due notice published and posted, a public hearing was held by the Town Board on the 6th day of July, 1977, at 8:25 P.M. in the Town Hall, 10 Maple Avenue, New City, New York, to consider such application;

NOW, THEREFORE,the Town Board makes the following Special Findings pursuant to the Zoning Ordinance of the Town of Clarkstown,

THAT, the proposed use as described and represented by the applicant:

(a) Pursuant to Section 106-14 of the Zoning Ordinance:

1. Will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection, and other public facilities;

2. Will not cause undue traffic congestion or create a traffic hazard;

3. Will not create, at any point of determination set forth in Sections 106-12F, G and H, any more dangerous and objectionable elements referred to in Section 106-12A than is characteristic of the uses expressly permitted as of right in the same district;

4. Will not adversely affect the character of, or property values, in the area;

5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the town;

6. Will comply with all other regulations applicable to such use. In the event the Building Inspector interprets Section 106-10A, Par. 8, Col. 4 as applicable to Petitioner's structure, Petitioner's request for a reduction of the buffer areas to 34 feet and 40 feet as shown on Petitioner's Exhibit "B" is granted.

(b) Pursuant to Section 106-16G of the Zoning Ordinance:

1. Petitioner's Schedule "A" shows a parcel of land containing an area of over 20,000 sq. ft. and a minimum lot frontage of more than 150 feet;

2. Compliance with Paragraph (1) in that no repairs will be permitted upon the premises;

3. Compliance with Paragraph (2) in that no more than three licensed vehicles will be permitted on the site;

(continued)

(1977-544 continued)

4. Compliance with Paragraph (3) in that Site Plan shows gas pumps and facilities will be set back 20 feet from front lot line;

5. Compliance with Paragraph (4) in that Vicinity Map shows no school or church or similar place of assembly within 300 feet of the subject site and that no existing gas station or a location that has been issued a Special Permit for a gasoline station is within 1,000 feet of the subject site, property line to property line in any direction on the South Side of New York State Highway Route 59, a four lane highway, divided by a non-crossing median except at designated intersections;

6. Compliance with Paragraph (5) inapplicable as not within 25 feet of residential district as shown on vicinity map.

NOW, THEREFORE, be it

RESOLVED, that a Special Permit for a gasoline filling station pursuant to said application is hereby granted and the reasons for granting such Special Permit are that the proposed use of the premises will be for the convenience, comfort, prosperity and general welfare of the community, and be it

FURTHER RESOLVED, that said Special Permit is granted conditioned upon the execution and recording of a Declaration of Restrictive Covenants in a form and manner satisfactory to the Office of the Town Attorney; said covenants to be as follows:

1. Pursuant to United States Department of Agriculture Soil Conservation Service recommendations, Petitioner shall revise drainage and grading plans so that surface flow from the site and from College Avenue,are diverted to the culvert on the East side of the property. Drainage plans should also include improvement of the College Avenue culvert and the road ditch; eliminate dry well and make provisions to keep sediment out of the storm drainage system during the construction period as determined by the Town Department of Environmental Control.

2. That ingress only will be permitted from College Avenue, Nanuet, New York to the premises, and no egress will be permitted to College Avenue from the premises, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk pursuant to Section 106-31 of the Zoning Ordinance of the Town of Clarkstown.

Seconded by Co. Holbrook All voted Aye.

(1977-545) Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Highways be authorized to correct the following conditions at a cost not to exceed $12,000.00, said sum to be appropriated from Capital Account - Drainage:

(continued)

(1977-545 continued)

Kings Highway, Valley Cottage - construct 27" pipe from culvert to outlet stream.

Loran Court, Nanuet - install new catch basin and connect to existing drainage on Blauvelt Road.

Allison Avenue, Nanuet - lower stream bed to accommodate stream drainage.

Prince Street, Spring Valley - provide adequate erosion control in stream bed.

Seconded by Co. Holbrook All voted Aye.

(1977-546) Co. Piacentile offered the following resolution:

WHEREAS, by Resolution No. 352/77 the Town Board of the Town of Clarkstown required a Restrictive Covenant concerning the property of Robert A. Ries, which provided as follows:

> "During construction, construction vehicles shall enter and exit to Second Street through the strip along Route 304 and no construction vehicles shall enter or exit over Scarlett Court."

WHEREAS, an application has been made to the Town Board to amend such Restrictive Covenants to permit the entrance and exit of construction vehicles over Scarlett Court during the construction phase;

NOW, THEREFORE, be it

RESOLVED, that the Restrictive Covenants may be amended to read as follows:

> "Construction vehicles may enter and exit over Scarlett Court, New City, New York, between the hours of 8:00 A.M. and 3:00 P.M., during the construction phase of the work being performed on the premises of Robert A. Ries, provided that such landowner, his successors or assigns, shall clean and maintain Scarlett Court in a "broom clean" condition during the construction phase."

and be it

FURTHER RESOLVED, that an amendment to the Restrictive Covenants, in a form satisfactory to the Town Attorney, may be prepared and recorded.

Seconded by Co. Holbrook All voted Aye.

(1977-547) Co. Holbrook offered the following resolution:

RESOLVED, that Stuart Pollack, 4 Butternut Lane, Nanuet, New York is hereby appointed Office Worker-Student - Town Attorney's Office - at the hourly wage of $2.30, effective and retroactive to September 6, 1977 through December 31, 1977, not to exceed twenty hours per week.

Seconded by Co. Maloney All voted Aye.

(1977-548) Co. Piacentile offered the following resolution:

RESOLVED, That William A. Hirschfeld, 30 Woodglen Drive, New City, New York is hereby appointed Laborer-Student - Maintenance Department - at the hourly wage of $2.30 effective and retroactive to September 6, 1977 until September 16, 1977 for twenty hours each week.

Seconded by Co. Holbrook All voted Aye.

(1977-549) Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby appointed to the position of Substitute Crossing Guards - Police Department - at the prevailing salary of the post covered, effective September 8, 1977:

Marilyn E. Flaherty, 5 Sable Court, West Nyack, N. Y.
Nora M. Smith, 19 Lyncrest Avenue, New City, N. Y.
Cathleen McCrudden, 27 Badger Street, New City, N. Y.

Seconded by Co. Holbrook All voted Aye.

(1977-550) Co. Holbrook offered the following resolution:

RESOLVED, that Michael Doherty, 2 Shady Lane, New City, New York is hereby appointed to the position of Bus Driver (CETA) at the annual salary for 1977 of $9,634.00, effective and retroactive to August 15, 1977.

Seconded by Co. Piacentile All voted Aye.

(1977-551) Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Sergeant #7392A which contains the name of Michael Dutkowski,

(continued)

(1977-551 continued)

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission, Michael Dutkowski, 263 South Mountain Road, New City, New York is hereby appointed to the position of Police Sergeant (Contingent) at the annual base salary for 1977 of $22,455., effective September 8, 1977.

Seconded by Co. Piacentile All voted Aye.

(1977-552) Co. Piacentile offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to rectify violation on premises owned by

LANE ROSS

in the Town of Clarkstown, more particularly described on Tax Map of the Town of Clarkstown as

MAP 8, BLOCK A, LOT 11

Seconded by Co. Holbrook All voted Aye.

(1977-553) Co. Piacentile offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to rectify violation on premises owned by

JOSEPH A. CARLEO

in the Town of Clarkstown, more particularly described on Tax Map of the Town of Clarkstown as

MAP 106, BLOCK A, LOT 21.01

Seconded by Co. Holbrook All voted Aye.

(1977-554) Co. Piacentile offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to rectify violation on premises owned by

CLAIRE MANZI

in the Town of Clarkstown, more particularly described on Tax Map of the Town of Clarkstown as

MAP 107, BLOCK E, LOT 2

Seconded by Co. Holbrook All voted Aye.

(1977-555) Co. Holbrook offered the following resolution:

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

In the Matter of the Application of

ST. SERAPHIM FOUNDATION, INC.,

Petitioner

for a judgment under Article 78 of the Civil Practice Law and Rules granting tax exemption to certain property,

v.

THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, consisting of Frank W. Foley, Chairman, Dolores Avaras, Olive McRickard, Charles F. Partridge and Margaret Noto,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Piacentile All voted Aye.

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

Submitted by,

John R. Bradley

JOHN R. BRADLEY,
Town Clerk