

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/18/78

8.25 P.M.

Present: Co. Longo, Maloney, Piacentile
Supervisor Gerber
Murray N. Jacobson, Town Attorney
Stanley Burns, Director of Finance
Patricia Sheridan, Town Clerk

Absent: Co. Holbrook

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

RESOLUTION NO. (1978-686)

RESOLUTION ACCEPTING
AND ADOPTING MINUTES
OF TOWN BOARD MEETINGS
OF SEPTEMBER 20 AND
OCTOBER 4, 1978

Co. Longo offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meetings
held on September 20, 1978 and October 4, 1978, are hereby adopted
and accepted as submitted by the Town Clerk.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

Monthly Reports -- September, 1978 from the Office of the
Building Inspector and the Board of Appeals received and on file in
Town Clerk's Office for inspection.

* * * * *

RESOLUTION NO. (1978-687)

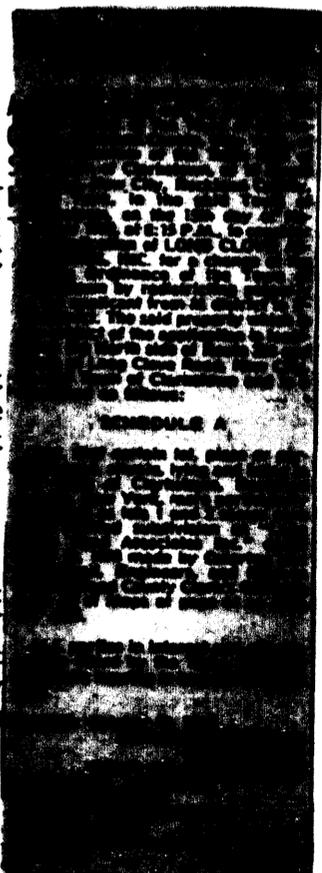
RESOLUTION
TOWN BOARD
CLARKSTOWN
HEARING WITH
ZONING PETITION
CLOVE ASSOCIATES

Co. Maloney offered the following resolution:

WHEREAS, LONG CLOVE ASSOCIATES has petitioned the
Board of the Town of Clarkstown that the Zoning Ordinance
Town be amended by redistricting property of the said pet
described from M district to R-22 district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec
and 265 of the Town Law be had at the Auditorium of the T
the Town of Clarkstown, at 10 Maple Avenue, New City, Roc
New York, in the said Town of Clarkstown, on the 15th day
November, 1978 at 8:15 P.M., relative to such proposed am
and it is



TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/18/78

8.25 P.M.

Present: Co. Longo, Maloney, Piacentile
Supervisor Gerber
Murray N. Jacobson, Town Attorney
Stanley Burns, Director of Finance
Patricia Sheridan, Town Clerk

Absent: Co. Holbrook

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

RESOLUTION NO. (1978-686)

RESOLUTION ACCEPTING
AND ADOPTING MINUTES
OF TOWN BOARD MEETINGS
OF SEPTEMBER 20 AND
OCTOBER 4, 1978

Co. Longo offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meetings
held on September 20, 1978 and October 4, 1978, are hereby adopted
and accepted as submitted by the Town Clerk.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

Monthly Reports -- September, 1978 from the Office of the
Building Inspector and the Board of Appeals received and on file in
Town Clerk's Office for inspection.

* * * * *

RESOLUTION NO. (1978-687)

RESOLUTION ADOPTED BY THE
TOWN BOARD OF THE TOWN OF
CLARKSTOWN SETTING PUBLIC
HEARING WITH REGARD TO
ZONING PETITION (LONG
CLOVE ASSOCIATES)

Co. Maloney offered the following resolution:

WHEREAS, LONG CLOVE ASSOCIATES has petitioned the Town
Board of the Town of Clarkstown that the Zoning Ordinance of the said
Town be amended by redistricting property of the said petitioner
described from M district to R-22 district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264
and 265 of the 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 15th day of
November, 1978 at 8:15 P.M., relative to such proposed amendment;
and it is

RESOLUTION NO. (1978-687) Continued

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

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1978-688)

RESOLUTION SETTING PUBLIC HEARING (SIDEWALK TELEPHONES - LAKE ROAD AND BURNSIDE AVENUE - CONGERS, NEW YORK)

ffered the following resolution:

HEREAS, the New York Telephone Company has requested from the Town Board of the Town of Clarkstown to install public telephones at the following location:

Lake Road and Burnside Avenue (in front of Clarkstown Station Square Plaza), Congers, New York.

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, New York, in the said Town of Clarkstown, on the 15th day of November, 1978, at 8:30 P.M., relative to such proposed installation of the sidewalk public telephone, and be it

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. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1978-689)

RESOLUTION SETTING PUBLIC HEARING (ANNUAL PRELIMINARY BUDGET)

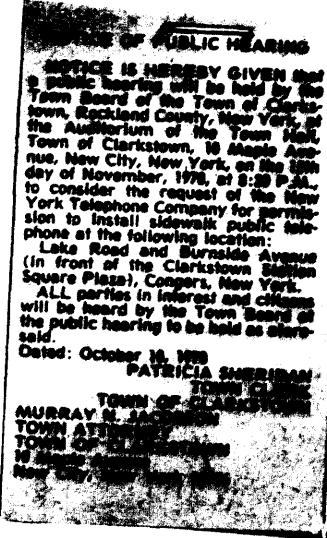
Co. Piacentile offered the following resolution:

RESOLVED, that the annual preliminary budget of the Town of Clarkstown for the year 1979 will be filed in the Office of the Clerk of the Town of Clarkstown on or about November 2, 1978, where it will be available during office hours for inspection and that the Board shall hold a public hearing thereon at a meeting to be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 9th day of November, 1978, at 7:30 P.M., and that notice of said hearing be published in the Journal News, the official newspaper of the Town of Clarkstown at least five (5) days prior to said hearing at which time and place the Town Board will meet and review said preliminary budget, and any persons interested may be heard in favor or against all or any of the items of said preliminary budget.

Seconded by Co. Longo

All voted Aye.

* * * * *



ION NO. (1978-687) Continued

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

by Co. Longo

All voted Aye.

* * * * *

NO. (1978-688)

RESOLUTION SETTING
PUBLIC HEARING (SIDEWALK
TELEPHONES - LAKE ROAD
AND BURNSIDE AVENUE -
CONGERS, NEW YORK)

Co. Longo 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 at the following location:

Lake Road and Burnside Avenue (in front of
Clarkstown Station Square Plaza), Congers, New York.

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, New York, in the said Town of Clarkstown, on the 15th day of November, 1978, at 8:30 P.M., relative to such proposed installation of the sidewalk public telephone, and be it

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. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1978-689)

RESOLUTION SETTING PUBLIC
HEARING (ANNUAL PRELIMINARY
BUDGET)

Co. Piacentile offered the following resolution:

RESOLVED, that the annual preliminary budget of the Town of Clarkstown for the year 1979 will be filed in the Office of the Clerk of the Town of Clarkstown on or about November 2, 1978, where it will be available during office hours for inspection and that the Board shall hold a public hearing thereon at a meeting to be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 9th day of November, 1978, at 7:30 P.M., and that notice of said hearing be published in the Journal News, the official newspaper of the Town of Clarkstown at least five (5) days prior to said hearing at which time and place the Town Board will meet and review said preliminary budget, and any persons interested may be heard in favor or against all or any of the items of said preliminary budget.

Seconded by Co. Longo

All voted Aye.

* * * * *

TBM - 10/18/78
Page 3

RESOLUTION NO. (1978-690)

RESOLUTION AUTHORIZING
PAYMENT OF SETTLED CLAIM
AGAINST TOWN BY ISSUING
\$140,000 SERIAL BONDS OF
TOWN TO FINANCE APPROPRIA-
TION (GUTTMAN, INC.)

Co. Piacentile offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED OCTOBER 18, 1978, AUTHORIZING THE PAYMENT OF A SETTLED CLAIM AGAINST THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$140,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$140,000 SERIAL BONDS OF SAID TOWN TO FINANCE 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 (herein called "Town"), in the County of Rockland, New York, is hereby authorized to pay a compromised and settled claim in connection with the proceedings entitled Nick Guttman, Inc., Petitioner, v. Town Board of the Town of Clarkstown, Respondent, in the Supreme Court of the State of New York, County of Rockland, Index No. 2399/72. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and financing thereof is \$140,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$140,000 serial bonds of the Town to finance said appropriation and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$140,000 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 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.33.a. of the Law, is five (5) 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 Sec. 107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution may not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale thereof, shall contain the recital of validity prescribed by Sec. 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 of rate or amount.

RESOLUTION NO. (1978-690) Continued

The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Sec. 30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of Sec. 50.00 and Secs. 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 law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This resolution shall take effect immediately.

* * *

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

AYES: Messrs. Gerber, Longo, Maloney and Piacentile

NOES: None

ABSENT: Co. Holbrook

The resolution was declared adopted.

* * * * *

RESOLUTION NO. (1978-691)

RESOLUTION DIRECTING
TOWN CLERK TO PUBLISH
BOND RESOLUTION

Co. Piacentile offered the following resolution:

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

RESOLUTION NO. (1978-690) Continued

The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Sec. 30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of Sec. 50.00 and Secs. 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 law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This resolution shall take effect immediately.

* * *

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

AYES: Messrs. Gerber, Longo, Maloney and Piacentile

NOES: None

ABSENT: Co. Holbrook

The resolution was declared adopted.

* * * * *

RESOLUTION NO. (1978-691)

RESOLUTION DIRECTING
TOWN CLERK TO PUBLISH
BOND RESOLUTION

Co. Piacentile offered the following resolution:

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

RESOLUTION NO. (1978-691) Continued

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

Section 2. This resolution shall take effect immediately.

* * * * *

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

AYES: Messrs. Gerber, Longo, Maloney and Piacentile

NOES: None

ABSENT: Co. Holbrook

The resolution was declared adopted.

* * * * *

RESOLUTION NO. (1978-692)

RESOLUTION AUTHORIZING
PLANNING BOARD TO APPLY
TOWN LAW SEC. 280-a(4)
(ELLWOOD DEVELOPMENT)

Co. Maloney offered the following resolution:

WHEREAS, ELLWOOD DEVELOPMENT is the owner of 5 acres zoned RS located on the South side of West Nyack Road, abutting Caldors, Nanuet, New York, and

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

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the application of ELLWOOD DEVELOPMENT is hereby granted upon their compliance with the following expressed conditions:

1. Applicant to provide 60 foot right-of-way in easement serving the premises.

RESOLUTION NO. (1978-692) Continued

2. 20 foot wide pavement to be provided in easement serving the premises.

3. In the event that this property is used in the future for any other purpose than a radio station, then the property owner shall construct a road to town road specifications within the easement serving the premises and said road shall be forthwith dedicated to the Town of Clarkstown.

4. A covenant in good and recordable form subject to the Town Attorney's approval shall be recorded in the Rockland County Clerk's Office incorporating each of the above three conditions prior to the issuance of any building permits herein.

5. Filing of the appropriate subdivision map in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that building permits pursuant to the provisions of Section 280-a of the Town Law shall be granted to ELLWOOD DEVELOPMENT for property situate on the South side of West Nyack Road, abutting Caldors, Nanuet, New York.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1978-693)

RESOLUTION ACCEPTING RESIGNATION OF JOHN L. RADLEIN - CHAIRMAN - BOARD OF ETHICS

Co. Piacentile offered the following resolution:

RESOLVED, that the resignation of John L. Radlein, 4 Ann Street, New City, New York as Chairman of the Board of Ethics and as a member, is hereby accepted with regret, effect and retroactive to October 15, 1978.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1978-694)

RESOLUTION APPOINTING CHAIRMAN OF THE BOARD OF ETHICS - THOMAS MANNING

Co. Piacentile offered the following resolution:

RESOLVED, that Thomas Manning, 18 Esther Avenue, Congers, New York is hereby appointed Chairman of the Board of Ethics, to serve without compensation, effective and retroactive to October 15, 1978.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1978-695)

RESOLUTION AUTHORIZING TOWN ATTORNEY TO DEFEND A PROCEEDING (KING v. CLARKSTOWN PLANNING BOARD)

Co. Maloney offered the following resolution:

RESOLUTION NO. (1978-695) Continued

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

In the Matter of the Application of
DAVID KING,

Petitioner,

-against-

THE PLANNING BOARD OF THE TOWN OF
CLARKSTOWN, ROCKLAND COUNTY, NEW YORK,

Respondents,

for a Final Judgment reviewing, correcting and annulling a decision and determination made by said Planning Board dated September 12, 1978, and filed in the office of the Town Clerk of the Town of Clarkstown on September 20, 1978 upon an application by David King for a variance waiving the requirement for underground utility installation for Good-Vue Cable TV.

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.

* * * * *

RESOLUTION NO. (1978-696)

RESOLUTION AUTHORIZING
TOWN ATTORNEY TO DEFEND
A PROCEEDING (HOFMANN
v. TOWN OF CLARKSTOWN,
ET AL.)

Co. Piacentile 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

RUDOLPH HOFMANN and ILSE HOFMANN,
Petitioners for a Judgment under
Article 78 of the CPLR,

-against-

TOWN OF CLARKSTOWN, ANTHONY D'ANTONI,
RECEIVER OF TAXES, THE COUNTY OF ROCKLAND,
JOSEPH T. ST. LAWRENCE, ROCKLAND COUNTY
TREASURER, ASSESSOR OF THE TOWN OF
CLARKSTOWN and the CLARKSTOWN CENTRAL
SCHOOL DISTRICT NO. 1,

Respondents.

TBM - 10/18/78
Page 8

RESOLUTION NO. (1978-696) Continued

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1978-697)

RESOLUTION AUTHORIZING
SPRING VALLEY WATER
COMPANY TO INSTALL FIVE
(5) HYDRANTS (SANDSTONE
TRAIL)

Co. Longo 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 five (5) hydrants as follows:

- (1) East side of Sandstone Trail, approximately 550 feet north of the center line of Old Route 304.
- (2) West side of Sandstone Trail, approximately 405 feet south of the center line of Seneca Court.
- (3) North side of Seneca Court, approximately 142 feet west of the center line of Sandstone Trail.
- (4) West side of South Mountain Road, approximately 123 feet north of the center line of Sandstone Trail.
- (5) West side of South Mountain Road, approximately 55 feet south of the center line of Tioga Court New City, Town of Clarkstown, New York.

(Invest. No. 8495)

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1978-698)

RESOLUTION AUTHORIZING
SUPERINTENDENT OF HIGHWAYS
TO INSTALL FIRE LANE
DESIGNATIONS (BLIMPIE'S)

Co. Longo 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 LAW, more particularly designated as Chapter 102 Sec. 14, of the Code of the Town of Clarkstown, at Route 59, Nanuet, New York by the installation of fire lane designations, and

WHEREAS, Stanley Sirota 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

TBM - 10/18/78
Page 9

RESOLUTION NO. (1978-698) Continued

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. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO. (1978-699)

RESOLUTION AUTHORIZING
USE OF ESCROW FUNDS TO
COMPLETE STREETS AND
OTHER PUBLIC IMPROVEMENTS
(ANTOINETTE ESTATES)

Co. Longo offered the following resolution:

WHEREAS, the streets and other public improvements in a subdivision known as Antoinette Estates have not been completed, and

WHEREAS, the Town of Clarkstown is holding \$4,000.00 in escrow to guaranty the completion of said streets and public improvements;

NOW, THEREFORE, be it

RESOLVED, that the \$4,000.00 to complete the streets and other public improvements are hereby defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town of Clarkstown will use the aforesaid escrow funds to complete the streets and public improvements in said subdivision and the funds be transferred to the Highway Fund for that purpose.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO. (1978-700)

RESOLUTION AUTHORIZING
PLANNING BOARD TO APPLY
TOWN LAW, SEC. 281
(ROSENSTEIN, WEST NYACK,
NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, Henry Horowitz, as agent for the applicants has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as Rosenstein, West Nyack, New York, 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

RESOLUTION NO. (1978-700) Continued

281 is used in this subdivision in order to preserve the stream and provide for better layout.

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. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO. (1978-701)

RESOLUTION ADJOURNING
REGULAR MEETING AND
OPENING PUBLIC HEARING

Co. Piacentile offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing, time 8:46 P.M.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1978-702)

RESOLUTION CLOSING
PUBLIC HEARING

Co. Longo offered the following resolution:

RESOLVED, that scheduled Public Hearing be closed in order to resume regular Town Board Meeting, time 8:52 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1978-703)

RESOLUTION REOPENING
REGULAR TOWN BOARD
MEETING, SCHEDULED
PUBLIC HEARING HAVING
BEEN HELD

Co. Piacentile offered the following resolution:

RESOLVED, that the Regular Town Board Meeting be resumed, scheduled Public Hearing having been held, time 8:53 P.M.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1978-704)

RESOLUTION SUSPENDING
USE OF THE SANITARY
LANDFILL (MIELE SANITA-
TION COMPANY)

Co. Piacentile offered the following resolution:

TBM - 10/18/78
Page 11

RESOLUTION NO. (1978-704) Continued

WHEREAS, a hearing was held on July 5, 1978 and continued on July 11, 1978, concerning an investigation of Miele Sanitation Company for two allegations of dumping in violation of the Clarkstown Sanitary Landfill Rules and Regulations at the Clarkstown Sanitary Landfill, Route 303, West Nyack, New York, on June 15 and June 16, 1978;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby finds as follows:

1. The first allegation of dumping by Miele Sanitation Company in violation of the Clarkstown Sanitary Landfill Rules and Regulations shall be dismissed for lack of evidence.

2. On the second allegation of dumping by Miele Sanitation Company in violation of the Clarkstown Sanitary Landfill Rules and Regulations, the Board hereby finds that Miele Sanitation Company did violate Section A115-3(A) of the Sanitary Landfill Rules and Regulations on June 15 and June 16, 1978, and orders the Miele Sanitation Company be suspended from the use of the Clarkstown Sanitary Landfill for a period of thirty (30) days to commence on November 1, 1978, and running to and including November 30, 1978, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby adopts and executes the decision attached.

Seconded by Co. Longo

All voted Aye.

* * * * *

STATE OF NEW YORK
COUNTY OF ROCKLAND
TOWN OF CLARKSTOWN

-----X

In the Matter of

MIELE SANITATION COMPANY

DECISION

AN INVESTIGATION INTO ILLEGAL DUMPING AT THE
SANITARY LANDFILL, ROUTE 303, WEST NYACK, NEW
YORK, BY THE TOWN BOARD OF THE TOWN OF CLARKS-
TOWN.

-----X

The undersigned Town Board members pursuant to the authority granted to them by the Sanitary Landfill Rules and Regulations of the Town of Clarkstown hereby set forth the decision reached by them.

PROCEEDINGS

1. That on June 26, 1978, a statement of allegations was sent to Mield Sanitation Company by the Town Board in which statement it was alleged as follows:

"That Miele Sanitation Company, 745 Closter Dock Road, Closter, New Jersey, did violate the Sanitary Landfill Rules and Regulations of the

Town of Clarkstown, specifically Section A115-3(A) in that it permitted its trucks to dump garbage and refuse into the Clarkstown Sanitary Landfill which was collected outside of the Towns of Clarkstown and Orangetown or any other permitted area. SPECIFICALLY:

Allegation 1. On June 15, 1978, Patrolman Joseph A. Orlandi, Sr., observed a blue Brockway truck with a green compactor body bearing New Jersey Registration XFF-83N registered to Joseph Miele, Jr., and driven by Eugene Faisn pick up a load of garbage from the Bush, Boake & Allen Company place of business located on Walnut Street, Norwood, New Jersey, at approximately 11:59 A.M. and subsequently dump said garbage at the Clarkstown Sanitary Landfill, Route 303, West Nyack, New York, at approximately 12:25 P.M., on the same day. SPECIFICALLY:

Allegation 2. On June 15, 1978, Sgt. Paul D'Alessandro observed a 1977 General Motors Corporation truck bearing New York Registration No. 1306-NC registered to Joseph Miele, Jr., carrying a loaded roll-off Container No. 47 traveling north on Livingston Street, Norwood, New Jersey, 1/2 mile south of the intersection of Broadway and Livingston Street. He followed the vehicle to the Clarkstown Sanitary Landfill, Route 303, West Nyack, New York, where he observed the vehicle pull into the recycling center located at the Clarkstown Sanitary Landfill and park. He observed the container being unloaded from the truck and stored in the recycling center. The container remained in the recycling center during the night of June 15-16, 1978. On June 16, 1978, at approximately 7:15 A.M., Patrolman Joseph Clark observed the loaded garbage Container No. 47 being picked up by a truck bearing New Jersey Registration No. ZNN-71G registered to Joseph Miele, Jr., and driven by William Scott Roberts. He observed the said truck bearing New Jersey Registration No. ZNN-71G dump New Jersey garbage from Container No. 47 into the Clarkstown Sanitary Landfill."

2. That on July 5, 1978, at 8:00 P.M., and continuing on July 11, 1978, at 1:00 P.M., a hearing upon these allegations was held by the Town Board of the Town of Clarkstown at Town Hall, 10 Maple Avenue, New City, New York, at which hearing Joseph Miele, Jr., representative of the Miele Sanitation Company, was present and the company was represented by counsel. Testimony was taken as to the events alleged to have occurred on June 15, and June 16, 1978.

FINDINGS OF FACT

The following findings of fact are based upon the entire record including consideration of the testimony given and exhibits received into evidence. The undersigned find as follows:

That as to Allegation No. 1, insufficient evidence is present as to dumping on June 15, 1978, by Miele Sanitation Company in violation of the Clarkstown Sanitary Landfill Rules and Regulations.

That as to Allegation No. 2, the undersigned find that on June 15, 1978, a truck belonging to Miele Sanitation Company picked up garbage in New Jersey in roll-off container No. 47 and stored this said roll-off container No. 47 at the Recycling Center located in the Clarkstown Sanitary Landfill and on June 16, 1978, roll-off container No. 47 was picked up by another truck owned by Miele Sanitation Company and its contents were dumped into the Clarkstown Sanitary Landfill.

CONCLUSION

It is the conclusion of the undersigned that in regard to Allegation No. 2, Miele Sanitation Company on June 15 and June 16, 1978, did violate Section A115-3(A) of the Sanitary Landfill Rules and Regulations of the Town of Clarkstown in that it permitted its trucks to dump refuse into the Clarkstown Sanitary Landfill which was collected outside of the Towns of Clarkstown and Orange-town or any other permitted area.

DISPOSITION

1. In regard to Allegation No. 1, all charges are hereby dismissed.

2. In regard to Allegation No. 2, it is the decision of the undersigned that Miele Sanitation Company be suspended from the use of the Clarkstown Sanitary Landfill for a period of thirty (30) days for the violation which occurred on June 15, 1978, and June 16, 1978, which thirty (30) day period shall commence on November 1, 1978, running to and including November 30, 1978.

Dated: October 18, 1978

TOWN BOARD OF THE TOWN OF CLARKSTOWN

/s/ George S. Gerber
Supervisor George S. Gerber

/s/ John R. Maloney
Councilman John R. Maloney

/s/ John T. Piacentile
Councilman John T. Piacentile

Councilman Charles E. Holbrook

/s/ Nicholas A. Longo
Councilman Nicholas A. Longo

* * * * *

There being no further business before the Board, Town Board Meeting was adjourned at 9:02 P.M. Next Town Board Meeting scheduled for November 1, 1978.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/18/78

8:46 P.M.

Present: Co. Longo, Maloney, Piacentile
Supervisor Gerber
Murray N. Jacobson, Town Attorney
Stanley Burns, Director of Finance
Patricia Sheridan, Town Clerk

Absent: Co. Holbrook

Supervisor Gerber declared the Public Hearing open; Town Clerk read Notice calling Public Hearing and testified as to proper posting and publication for the Public Hearing. The Sewer Tax Rolls were available for inspection at this meeting.

Supervisor Gerber remarked that if these were adopted they would be included in the 1979 Tax Rolls.

Supervisor Gerber then called upon Harold Peterson, Comptroller, to give the particulars of the Sewer Tax Rolls.

Mr. Peterson said that the Master Benefited Sewer Improvement Area #1 amount to be raised by taxes is \$1,629,000.00. The manner in which it will be collected is based upon 50% assessed valuation, 25% front footage and 25% units. The resulting rates are for the front footage: .2035¢ per foot; the units \$18.40 per unit and the assessed valuation .0717¢ per \$100 of assessed valuation.

The Master Benefited Sewer Improvement Area #2 incorporates two rates. The rates for those people who have the service available to them and the manner in which those tax dollars are collected is again 50% assessed valuation; 25% front footage and 25% units. The rates are: assessed valuation .0717¢ per \$100 of assessed valuation, the front footage is .2035¢ per foot and the unit cost is \$23.40 per unit.

The remaining people in the Master Benefited Sewer Improvement Area #2 who do not have the service available will be paying the remaining amount to be collected by taxes based strictly on assessed valuation and the rate is .0206¢ per \$100 of assessed valuation.

These are the figures for Master Benefited Sewer Improvement Area #1 and Master Benefited Sewer Improvement Area #2.

Supervisor Gerber asked if anyone wished to be heard for or against the adoption of the Sewer Tax Rolls.

APPEARANCE: No one appeared for or against.

There being no one wishing to be heard, Co. Longo offered a resolution to close the Public Hearing which was seconded by Co. Maloney and unanimously adopted. DECISION RESERVED. The Public Hearing was closed at 8:52 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk