

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

2/21/79

8:05 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Philip Fogel, Deputy Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

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

RESOLUTION NO. (1979-150)

RESOLUTION ADOPTING AND  
ACCEPTING MINUTES OF  
SPECIAL TOWN BOARD  
MEETING (2/1/79) AND  
REGULAR TOWN BOARD  
MEETING (2/7/79)

Co. Longo offered the following resolution:

RESOLVED, that the minutes of the Special Town Board Meeting  
of February 1, 1979 and the regular Town Board meeting of February 7,  
1979, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-151)

RESOLUTION ACCEPTING  
PROPOSALS FROM ORANGE &  
ROCKLAND UTILITIES, INC.  
FOR STREET LIGHTING,  
(PLEASANT HILL DRIVE,  
NEW CITY - YALE DRIVE,  
NEW CITY)

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:

Pleasant Hill Drive  
Yale Drive

New City  
New City

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

Monthly Reports -- January, 1979 -- from the Office of the  
Building Inspector and the Board of Appeals received and on file in  
the Town Clerk's Office.

\* \* \* \* \*

RESOLUTION NO. (1979-152)

RESOLUTION AUTHORIZING  
DIRECTOR OF PURCHASING  
TO ADVERTISE FOR BIDS FOR  
WASHED SAND AND GRAVEL

Co. Piacentile offered the following resolution:

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

Washed Sand and Gravel

RESOLUTION NO. (1979-152) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, March 5, 1979 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-153)

RESOLUTION AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BITUMINOUS CONCRETE

Co. Piacentile offered the following resolution:

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

Bituminous Concrete

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 10:30 A.M. on Monday, March 5, 1979 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-154)

RESOLUTION AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR REINFORCED CONCRETE CULVERT PIPE AND CONCRETE CATCH BASIN BLOCK AND BRICK

Co. Piacentile offered the following resolution:

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

Reinforced Concrete Culvert Pipe and Concrete Catch Basin Block and Brick

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, March 12, 1979 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-155)

RESOLUTION AUTHORIZING  
SUPERINTENDENT OF HIGHWAYS  
TO INSTALL "NO TURN ON RED"  
SIGN ON EAST SIDE MAIN  
STREET AT FIRST STREET,  
NANUET, NEW YORK

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendations of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a "No Turn on Red" sign on the east side of Main Street at First Street, Nanuet, New York.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-156)

RESOLUTION AUTHORIZING  
SUPERINTENDENT OF HIGHWAYS  
TO REMOVE "NO PARKING  
BETWEEN SIGNS" SOUTHERLY  
END OF EAST SIDE OF  
EVERGREEN STREET, NEW CITY,  
NEW YORK

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to remove the signs "No Parking Between Signs" located at the southerly end of East side of Evergreen Street, New City, New York.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-157)

RESOLUTION AUTHORIZING  
SUPERINTENDENT OF HIGHWAYS  
TO INSTALL TWO (2) "NO  
PARKING BETWEEN SIGNS"  
WEST SIDE VERDIN DRIVE  
20 FEET NORTH AND SOUTH  
OF SCHOOL STAIRWAY

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install two (2) "No Parking Between Signs" to be erected on the west side of Verdin Drive, 20 feet North and South of the school stairway.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-158)

RESOLUTION REFERRING  
PETITION FOR CHANGE OF  
ZONE (MACRI)

Co. Maloney offered the following resolution:

RESOLUTION NO. (1979-158) Continued

RESOLVED, that the application of Giovanni Macri and Theresa Macri for a change of zoning from R-15 District to P0 District, on property located at the southwesterly corner of intersection of Clarkstown Road and North Middletown Road, New City, New York be referred to the Town Planning Board for report within 45 days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-159)

RESOLUTION REFERRING PETITION FOR SPECIAL PERMIT TO OPERATE A SPECIAL CARE HOME (31 WEST GERMONDS ROAD, NEW CITY, NEW YORK

Co. Maloney offered the following resolution:

RESOLVED, that the petition of Rockland Family Shelter for a Special Permit for the operation of a Special Care Home pursuant to Section 106.10A of the Town of Clarkstown Zoning Ordinance for property located at 31 West Germonds Road, New City, New York, be referred to the Clarkstown Planning Board and the Rockland County Planning Board for report.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1979-160)

RESOLUTION ACCEPTING SEWER EASEMENT TO THE TOWN OF CLARKSTOWN (ELSIE A. STERNS)

Co. Piacentile offered the following resolution:

WHEREAS, Elsie A. Sterns is desirous of granting a sewer easement to the Town of Clarkstown located on property designated on the Clarkstown Tax Map as Map 170, Block A, Lot 2.02;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts a sewer easement from Elsie A. Sterns as more particularly described in easement agreement dated February 13, 1979.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-161)

RESOLUTION REGARDING DEMOLITION OF BUILDING (53 CLINTON STREET, SPRING VALLEY, NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, a condition dangerous to life and health exists at premises situate at 53 Clinton Street, Spring Valley, Town of Clarkstown, New York (Tax Map 7, Block E, Lot 5), being a building destroyed by fire;

RESOLUTION NO. (1979-161) Continued

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector of the Town of Clarkstown that the building be demolished, and be it

FURTHER RESOLVED, that the Building Inspector obtain a contractor to demolish the building, and be it

FURTHER RESOLVED, that the cost of such demolition shall be a lien and charge upon the premises.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-162)

RESOLUTION CLOSING  
REGULAR MEETING IN ORDER  
TO HOLD SCHEDULED PUBLIC  
HEARING

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing, time: 8:17 P.M.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-163)

RESOLUTION RESUMING  
REGULAR TOWN BOARD  
MEETING, SCHEDULED PUBLIC  
HEARINGS HAVING BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that Regular Town Board Meeting be resumed, scheduled Public Hearings having been held, time: 8:35 P.M.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-164)

RESOLUTION AMENDING  
CHAPTER 85 OF THE CODE  
OF THE TOWN OF CLARKSTOWN

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 7th day of February, 1979, provided for a public hearing on the 21st day of February, 1979, at 8:20 P.M., to consider an amendment to Chapter 85 of the Code of the Town of Clarkstown entitled "Shopping Center Parking Areas", 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

RESOLUTION NO. (1979-164) Continued

RESOLVED, that Section 85-4 of Chapter 85 of the Code of the Town of Clarkstown entitled "Shopping Center Parking Areas" be and is hereby amended as follows:

Sec. 85-4. Repair and Maintenance.

Every owner shall maintain the shopping center parking area clear and free from snow, ice, dirt, debris, rubbish and other obstructions. Every owner shall repair and maintain the surface of said areas so that they will be free from holes, obstructions and other hazards that will impair the health, safety and welfare of persons using such areas. Snow and ice shall be removed and cleaned away from shopping center parking areas and sidewalks within 36 hours after such snow or ice shall have fallen or formed.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-165)

RESOLUTION CLOSING  
REGULAR TOWN BOARD  
MEETING IN ORDER TO  
HOLD SCHEDULED PUBLIC  
HEARINGS

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearings, time: 8:38 P.M.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-166)

RESOLUTION RESUMING  
REGULAR TOWN BOARD  
MEETING, SCHEDULED  
PUBLIC HEARINGS HAVING  
BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed, scheduled Public Hearings having been held, time: 8:47 P.M.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-167)

RESOLUTION REPEALING  
CHAPTER 31 OF THE CODE  
ENTITLED ("BUILDING,  
UNSAFE")

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 7th day of February, 1979, provided for a public hearing on the 21st day of February, 1979, at 8:30 P.M., to consider the repeal of Chapter 31 of the Code of the Town of Clarkstown entitled, "Building, Unsafe", and

RESOLUTION NO. (1979-167) Continued

WHEREAS, notice of the public hearing was duly published as required by law and was duly held at the time and place specified in the notice;

NOW, THEREFORE, be it

RESOLVED, that Chapter 31 of the Code of the Town of Clarkstown is hereby REPEALED.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-168)

RESOLUTION CLOSING  
REGULAR TOWN BOARD  
MEETING IN ORDER TO  
HOLD SCHEDULED PUBLIC  
HEARINGS

Co. Maloney offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearings, time: 8:50 P.M.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-169)

RESOLUTION RESUMING  
REGULAR TOWN BOARD  
MEETING, SCHEDULED PUBLIC  
HEARINGS HAVING BEEN HELD

Co. Maloney offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed, scheduled Public Hearings having been held, time: 8:51 P.M.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-170)

RESOLUTION ADOPTING  
LOCAL LAW NO. 1 - 1979

Co. Holbrook offered the following resolution:

WHEREAS, a proposed local law entitled "A LOCAL LAW CONCERNING UNSAFE BUILDINGS IN THE TOWN OF CLARKSTOWN" was introduced by Councilman Holbrook at at Town Board meeting held February 7, 1979, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 7th day of February, 1979, directed that a public hearing be held on the 21st day of February, 1979 at 8:35 P.M., to consider the adoption of the local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 11, 1979, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Town Board members on February 7, 1979, and

RESOLUTION NO. (1979-170) Continued

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on the 21st day of February, 1979;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1-1979 entitled, " A LOCAL LAW CONCERNING UNSAFE BUILDINGS IN THE TOWN OF CLARKSTOWN" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the votes for adoption being as follows:

Hon. George S. Gerber, Supervisor.....Yes  
Councilman John R. Maloney.....Yes  
Councilman Charles E. Holbrook.....Yes  
Councilman Nicholas A. Longo.....Yes  
Councilman John T. Piacentile.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-171)

RESOLUTION AWARING  
BID FOR CRUSHED STONE  
(KEAHON BROS., INC.)

Co. Piacentile offered the following resolution:

RESOLVED, that resolution 1979-85 awarding the bid for crushed stone is hereby amended as follows:

F.O.B.: Delivered to job site in vendor's trucks - unloaded.

Awarded entirely to:

Keahon Bros., Inc.  
165 South Main Street  
Pearl River, New York 10965

Proposal of WARD PAVEMENT, INC. should not have appeared in resolution.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-172)

RESOLUTION AMENDING  
RESOLUTION 1979-131  
CETA SALARY SCHEDULE

Co. Maloney offered the following resolution:

RESOLVED, that resolution 1979-131 be amended as per the attached CETA salary schedule in accordance with CETA Rules and Regulations, Section 93.2, Article A (3).

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

SCHEDULE SET FORTH ON NEXT PAGE

CETA EMPLOYEES - SALARY FOR 1979

Armano, Carl	Bus Driver	\$11,054	Title VI	
Bullerdick, Carol	Radio Operator	10,074	VI	
Chadwick, Brian	Bus Driver	11,054	VI	
Collins, Kenneth	Laborer	10,074	II	
Duffy, Patrick	Bus Driver	11,054	VI	
Feldi, Marco	Maintenance Helper	10,553	VI	
Handler, Neil	Groundswoker	11,054	VI	
Kirkland, Edward	Laborer	10,074	VI	
Koch, Michael	Bus Driver	11,054	VI	
Lanton, Carol	Bus Driver	10,553	II	
Malecot, George	Bus Driver	10,553	II	
Monroe, Charles	Shade Tree Ins.	11,054	VI	
Muller, Karl	Radio Operator	10,553	VI	
Myles, Robert	Storekeeper	12,129	VI	
Nebel, Thomas	Sr. Security Aide	10,553	II	
Rist, George	Asst. Main. Mech.	10,074	VI	
Ross, Claire	Trans. Oper. Super	15,297	VI	
Tapp, Joan	Radio Operator	10,553	VI	
Tobin, John	Radio Operator	10,074	VI	
Pojafsky, Paul	Asst. Main. Mech.	10,074	VI	
Gallagher, Edwin	Laborer	10,074	VI	Project
Memis, George	Laborer	10,074	VI	"
Osborne, Robert	Laborer	10,074	VI	"
Jones, Alvin	Laborer	10,074	VI	"
Shockley, Herman	Laborer	10,074	VI	"
Washington, Ronald	Laborer	10,074	VI	"
Williams, James	Laborer	10,074	VI	"
Altman, Ronald	Laborer	10,074	VI	"
Holland, Joseph	Laborer	10,074	VI	"
Laws, Maurice	Laborer	10,074	VI	"
Meyer, August	Laborer	10,074	VI	"
Moriarity, James E.	Laborer	10,074	VI	"
Ross, Kevin	Laborer	10,074	VI	"
Whittingham, Glen	Laborer	10,074	VI	"
Bowser, Douglas	Groundswoker	11,054	VI	"
Maloney, Robert J.	Groundswoker	11,054	VI	"
Presta, Louis	Groundswoker	11,054	VI	"
Ferguson, Brian	Laborer	10,074	VI	"
Flamino, Rocco	Laborer	10,074	VI	"
Hogan, Stanley	Laborer	10,074	VI	"
Sultan, Floyd	Laborer	10,074	VI	"
Pizzutello, Vincent	Social Services	10,650	II	"
Reynolds, Joseph	District Atty.'s Off.	10,650	VI	"

\* \* \* \* \*

CETA RULES & REGULATIONS

Section 93.2, Article A (3)

(3) Any person in a public service employment position on September 30, 1978, who was receiving wages on September 30, 1978, less than \$10,000 may have such wages supplemented above \$10,000 from non-CETA sources after September 30, 1978, if such increase is a bona-fide cost of living increase or a scheduled raise, and the person remains in the same position.

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RESOLUTION NO. (1979-173)

RESOLUTION AUTHORIZING  
RECREATION SUPERVISOR TO  
ATTEND REVENUE SOURCES  
MANAGEMENT SCHOOL  
(CHARLES CONNINGTON)

Co. Maloney offered the following resolution:

RESOLUTION NO. (1979-173) Continued

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission, that Charles F. Connington, Recreation Supervisor, is hereby authorized to attend the second year of the Revenue Sources Management School from March 11, 1979 to March 15, 1979 to be held at Oglebay Park, Wheeling, West Virginia. FURTHER RESOLVED, that all necessary and actual expenses not to exceed \$280.00 be allocated against account 7310-414.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (1979-174)

RESOLUTION SETTING PUBLIC HEARING ON PROPOSED AMENDMENT TO LOCAL LAW NO. 5-1971

Co. Piacentile offered the following resolution:

WHEREAS, Councilman John T. Piacentile, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled, "AMENDMENT TO LOCAL LAW NO. 5-1971 ENTITLED 'LOCAL LAW ESTABLISHING OFFICE OF ASSESSOR' ", and

WHEREAS, the Town Board of the Town of Clarkstown considers 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 held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 7th day of March, 1979, at 8:25 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 of Clarkstown, 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.

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RESOLUTION NO. (1979-175)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM CORRECTIVE DRAINAGE WORK (DRAINAGE ACCOUNT)

Co. Longo offered the following resolution:

WHEREAS, heavy rainfall experienced in January 1979 has adversely affected various areas in the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the Highway Superintendent of the Town of Clarkstown is hereby authorized to perform corrective drainage work as per Schedule "A" attached, and be it

RESOLUTION NO. (1979-175) Continued

FURTHER RESOLVED, that the cost of the corrective drainage work shall be made a charge against the Drainage Account.

Seconded by Co. Holbrook

All voted Aye.

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SCHEDULE "A"

Transfer of Funds to Correct Drainage Complaints

Due to the rain storms of January 1979 the following areas were found to have drainage problems and corrective action is required.

The following is a list of those jobs we consider of the highest priority since they pose a potential threat to public safety.

1. Parrott Road - Dogwood Lane Intersection.  
Inadequate drainage results in an icy condition at this intersection. The installation of approximately 140 feet of 18 inch pipe and three (3) catch basins are required to alleviate this condition.  
Estimated Cost \$ 5,500.00
2. South Greenbush Road, Central Nyack (near DeGroat Property) Inadequate drainage results in a severe icy condition on South Greenbush Road. Install drains under DeGroat and Rockland Art Center driveways. Fill and regrade shoulder between Rockland Art Center and Park Lane.  
Estimated Cost \$ 2,500.00

The following is a list of those jobs we consider to have a high priority since they pose a threat to private property:

1. Olson, 49 Endicott Street, Congers  
Backyard floods because of a lack of a drainage system in Endicott Street to relieve this condition.  
Estimated Cost \$ 6,000.00
2. Eaton, Joseph Lane, Bardonia  
Rip-rap walls in drainage easement are undermined and a portion of the wall has collapsed. Repair the above condition.  
Estimated Cost 1,000.00
3. Dellolio, Dickinson Avenue, Central Nyack  
Property floods due to runoff on Dickinson Avenue. Install approximately 175 feet of pipe on the south side of Dickinson Avenue.  
Estimated Cost 6,000.00
4. Moloney and Baeri, Birchwood Drive, Nanuet  
Flooding caused by runoff from Eri Lane. The builder of the Nowicki subdivision is willing to install the required drainage to Birchwood Drive. Since there is no drainage on Birchwood Drive at this location, approximately 225 feet of pipe is required.  
Estimated Cost 8,000.00

CONTINUED ON NEXT PAGE

- 5. Stankard, No. Park Avenue, Nanuet  
Water ponding at rear of property between Demarest and Fairview Avenues because of a lack of a drainage system. Install approximately 500 feet of pipe to correct this situation.  
Estimated Cost \$ 14,000.00
  - 6. Handwerger, Yale Drive, New City  
Water ponds in front of driveway. Patch turn-around, remove 5 feet of asphalt berm and excavate 100 feet of an earth swale.  
Estimated Cost \$ 1,000.00
- Total \$44,000.00

\* \* \* \* \*

RESOLUTION NO. (1979-176)

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO DEFEND A PROCEEDING AGAINST THE TOWN OF CLARKSTOWN (DEER TOR SHOPPING CENTER AND PRB ENTERPRISES, INC.)

Co. Maloney 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 DEER TOR SHOPPING CENTER, INC. and PRB ENTERPRISES, INC.,

Petitioners,

For an Order Pursuant to Article 78 of the CPLR,

-against-

JEROME PAIKIN, RICHARD PARIS, RUDOLPH J. YACYSHYN, SHIRLEY THORMANN, FRANCIS FALLON, RICHARD HOWELL and CATHERINE NOWICKI, constituting the PLANNING BOARD OF THE TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1979-177)

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO DEFEND A PROCEEDING AGAINST THE TOWN OF CLARKSTOWN (MIELE)

Co. Longo offered the following resolution:

RESOLUTION NO. (1979-177)

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

In the Matter of the Application of  
JOSEPH MIELE, JR.,

Petitioner,

For an Order Under Article 78 of the  
CPLR,

-against-

GEORGE GERBER, JOHN MALONEY, CHARLES E.  
HOLBROOK, NICHOLAS A. LONGO and JOHN  
PIACENTILE, constituting the Town Board  
of the Town of Clarkstown; and the TOWN  
OF CLARKSTOWN,

Respondents.

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NOW, THEREFORE, be it

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

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1979-178)

RESOLUTION AUTHORIZING  
THE TOWN ATTORNEY TO  
DEFEND AN ACTION  
(CLARKSTOWN RECYCLING  
CENTER, INC. AND  
JOSEPH MIELE, JR.)

Co. Longo offered the following resolution:

WHEREAS, an action has been instituted against the Town of Clarkstown entitled as follows:

CLARKSTOWN RECYCLING CENTER, INC. and  
JOSEPH MIELE, JR.,

Plaintiff,

-against-

GEORGE GERBER, JOHN MALONEY, CHARLES E.  
HOLBROOK, NICHOLAS A. LONGO and JOHN  
PIACENTILE, constituting the Town Board  
of the Town of Clarkstown; and the TOWN  
OF CLARKSTOWN,

Defendants.

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.

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RESOLUTION NO. (1979-179)

RESOLUTION ACCEPTING  
RESIGNATION OF SECRETARY  
OF HISTORICAL REVIEW  
BOARD (JOSEPHINE HEALY)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Josephine Healy, 6  
Milich Lane, New City, New York, as Secretary of the Clarkstown  
Historical Review Board, is hereby accepted, with regret, effective  
February 14, 1979.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-180)

RESOLUTION APPOINTING  
CHAIRMAN OF DRUG ABUSE  
PREVENTION COUNCIL  
(JOSEPH HAZUCHA)

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Hazucha, Cedar Avenue, Upper Nyack,  
New York, is hereby appointed Chairman of the Clarkstown Drug Abuse  
Prevention Council, effective February 21, 1979, for a period of  
one year.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-181)

RESOLUTION WAIVING  
STREET SPECIFICATIONS  
WITH REGARD TO LARGE  
CENTRAL CUL-DE-SAC  
(TORNE BROOK ESTATES,  
SECTION III)

Co. Maloney offered the following resolution:

WHEREAS, the Clarkstown Street Specifications provide on  
Page 26 under the paragraph entitled, Cul-de-Sacs, that the circular  
shaped turn-around shall be completely paved with no center island,  
and

WHEREAS, in the Torne Brook Estates Subdivision, Section  
III, it has been proposed that a circular island shall be planted  
and landscaped in a large central cul-de-sac;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the  
Clarkstown Shade Tree Commission and the Clarkstown Planning Board  
and in accordance with the plan presented by the developer, the Town  
Board hereby waives the provision of the Street Specifications above  
described in relation to such large central cul-de-sac and agrees to  
the planting and landscaping of the center island in that cul-de-sac.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

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There being no further business to come before the Board,  
Town Board Meeting was adjourned, time: 9:03 P.M. Next scheduled  
Town Board Meeting is March 7, 1979.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/21/79

8:17 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Philip Fogel, Deputy Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED  
WATER SUPPLY DISTRICT #1 TO INCLUDE BEECHWOOD ESTATES, WEST  
NYACK, NEW YORK

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Supervisor Gerber declared the Public Hearing open; Town Clerk read notice calling Public Hearing and testified as to proper posting and publication for Public Hearing.

Due to the fact that the necessary party was not able to attend the Public Hearing to testify the Public Hearing was adjourned to March 7, 1979 at 8:15 P.M.

Motion was made to adjourn the Public Hearing by Co. Maloney, seconded by Co. Longo and unanimously adopted, time: 8:19 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/21/79

8:19 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Philip Fogel, Deputy Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: PROPOSED LOCAL LAW CONCERNING ADVERTISING MATERIALS WITHIN  
THE TOWN OF CLARKSTOWN

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Supervisor Gerber declared the Public Hearing open; Town Clerk read notice calling Public Hearing and testified as to proper posting and publication for Public Hearing.

Philip Fogel, Deputy Town Attorney, gave an explanation of the proposed law stating that unsolicited material would be prohibited from being distributed without the consent of the owners of premises.

Mr. Robert Bowman, Building Inspector raised the question as to the exceptions under Section 2 of the proposed law. He asked whether this would apply to telephone books and would political material be treated the same as unsolicited advertising material. He then mentioned that our local ordinance generally called for a \$250.00 fine or an alternative jail sentence and he suggested that the penalty for violation of this law be the same as for violations of other laws. He then asked who would enforce the law for violation of the ordinance - the police department or another agency?

APPEARANCE:

IN OPPOSITION: Bernard Kleinert  
9 Crabapple Lane  
Nanuet, New York 10954

He asked what the differentiation was between commercial leaflets and newspapers. Leaflets go back to colonial times and he doubts the constitutionality of the Town Board to prohibit them.

Robert Liebman  
1 Secora Road  
Monsey, New York 10952

Mr. Liebman is the publisher of Consumer Weekly. He stated that there would be four publications affected by this law: Pennysaver, The Rockland Review, The Rockland Reporter and Consumer Weekly. He said that there was literally millions of dollars at stake and that people relied on these publications. He added that he would not like to see their right to distribute taken away.

Howard Kaplan  
General Manager of National Pennysaver  
and The Rockland Reporter Publications

He felt that the passage of this amendment would be a violation of his constitutional right guaranteed by the First Amendment. He said that passage of this resolution would affect numerous people employed in Clarkstown by his publication and would put them out of work. He felt it would destroy a creditable business which helps the small businessman who cannot afford to advertise in his local newspaper.

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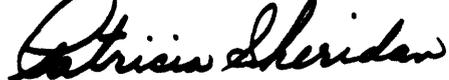
Robert Kolada  
105 Lexow Avenue  
West Nyack, New York

He is the District Manager of the National Pennysaver and the Rockland Reporter. He mentioned the number of children that will be out of jobs if this publication is not allowed to be delivered. He also stated that they are willing to stop delivery on request. He asked a question as to the intent of this ordinance. The answer to this question was to prevent littering.

Supervisor Gerber stated that this proposal has been adopted elsewhere and they have been dealing with complaints as to littering. The sole purpose of this ordinance would be to prevent such littering.

There being no one further wishing to be heard, the Public Hearing was declared closed upon motion of Co. Longo, seconded by Co. Holbrook and unanimously adopted. DECISION RESERVED. Time: 8:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/21/79

8:32 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Philip Fogel, Deputy Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: PROPOSED AMENDMENT TO CHAPTER 85 OF THE CODE OF THE TOWN OF  
CLARKSTOWN ENTITLED "SHOPPING CENTER PARKING AREAS"

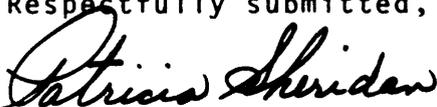
Supervisor Gerber declared the Public Hearing open; Town Clerk read notice calling Public Hearing and testified as to proper posting and publication for Public Hearing.

Mr. Robert Bowman, Building Inspector for the Town of Clarkstown said that the change in this ordinance would bring it into line with the ordinance passed by the Town regarding sidewalks.

There were no appearances.

Motion was made to adjourn the Public Hearing by Co. Longo, seconded by Co. Maloney and unanimously adopted, time: 8:35 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

(Following the Public Hearing a resolution was passed amending Chapter 85 - Resolution No. (1979-164)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/21/79

8:35 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Philip Fogel, Deputy Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: TO CONSIDER DESIGNATION OF AN HISTORICAL SITE - MAJOR JOHN SMITH HOUSE, 61 WEST GERMONDS ROAD, NEW CITY, NEW YORK

Supervisor Gerber declared the Public Hearing open; Town Clerk read notice calling Public Hearing and testified as to proper posting and publication for Public Hearing.

Supervisor read the following description of the property:

LOCATION: The house is on the southside of Germonds Road, west of the Germonds Cemetery and on a sharp bend in the road.

OWNER: The first known owner of this house is Major John Smith. He built or possibly purchased it. Major Smith was born in 1743 and died in 1833. In 1778 he was appointed Major of the First Regiment of Orange Co. Militia. Missing deeds make it impossible to trace the history of the house, a receipt proves that Major John Smith divided his lands between his many children. In 1865, Karl H. Gerlach purchased the house from Henry Schrever. In turn it went to his son George and today is owned by George's son Karl Gerlach.

DESCRIPTION: From the exterior hand-cut sandstone it may be assumed the house belongs to the mid or second quarter of the 18th century. The north doorway is not centrally placed. In later years, houses had a more balanced composition. The beams in the cellar are of great size. There is an inside smoke house. There is also a double chimney the flues of which curve and join in the attic. The inside of the house has been changed considerably. However, a southwest room shows much of the original architecture.

APPEARANCE:

IN FAVOR:

Miss Eleanor Fitch, Chairman  
Historical Reveiw Board  
Phillips Hill Road  
New City, New York 10956

Mrs. Fitch spoke regarding the site and said it represented a bit of history and that it was in the Bellow's Book of History. It enjoys a Dutch-type architecture and is worthy of being designated an historical site.

Mr. Karl Gerlach  
61 Germonds Road  
New City, New York 10956

Mr. Gerlach requested a withdrawal of the request for the property to be designated an historical site for personal reasons.

There being no one further wishing to be heard motion was made to adjourn the Public Hearing by Co. Holbrook, seconded by Co. Maloney and unanimously adopted. DECISION RESERVED. Time: 8:42 P.M.

Respectfully submitted

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/21/79

8:35 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Philip Fogel, Deputy Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: TO CONSIDER DESIGNATION OF AN HISTORICAL SITE - MAJOR JOHN SMITH BARN, 60 WEST GERMONDS ROAD, NEW CITY, NEW YORK

(PLEASE NOTE THAT THIS IS AN AMENDMENT TO THE MINUTES OF THE PUBLIC HEARING ON THE MAJOR JOHN SMITH PROPERTY - PUBLIC HEARING HELD ON 2/21/79)

Supervisor Gerber read the following description of the property:

LOCATION: The barn is on the north side of Germonds Road directly opposite the Major John Smith house

OWNER: C. E. Fessenden

HISTORY: It is notable as the only red sandstone barn in the county still in existence. It is said that the date 1735 could once be deciphered.

DESCRIPTION: The proportions of its gambrel roof are markedly different from the houses of this period. Because of its unusual height, it provided a much larger space for hay. The roof extends comparatively close to the ground and thus provided greater warmth for housed animals.

APPEARANCE:

IN FAVOR: Miss Eleanor Fitch, Chairman  
Historial Review Board  
Phillips Hill Road  
New City, New York 10956

Miss Fitch stated that the barn is the only red sandstone pre-revolutionary barn in the county. She did not wish to be that exact but thought it might be pre-revolutionary. If you have ever noticed it it is a most unusual barn in that the sandstone goes up only a short distance and has a gambrel roof typical of the Dutch building. It was a wonderful place for a storage of hay, very economically planned building. These two buildings, to the minds of the Historical Review Board, are worthy of being designated as historical sites and we highly recommend that the Board consider such designation.

At this point Mr. Gerlach requested that the property not be considered an historical site and the public hearing was closed  
DECISION RESERVED.

(Please note that the Major John Smith Barn and House were presented together in one Public Hearing.)

*Patricia Sheridan*

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/21/79

8:43 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Philip Fogel, Deputy Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: REPEAL OF CHAPTER 31 OF THE CODE OF THE TOWN OF CLARKSTOWN  
ENTITLED "BUILDING - UNSAFE".

Supervisor Gerber declared the Public Hearing open; Town Clerk read notice calling Public Hearing and testified as to proper posting and publication for Public Hearing.

Mr. Robert Bowman, Building Inspector, said that the proposed new local law would provide for the repair or removal of unsafe buildings and collapsed structures. This proposal has come about because of recent conditions in the Town over the last several years and the primary change that is proposed here is to take care of emergency type situations. Basically, the proposal that you have before you is repetitive of the present existing law although put into a little more formal language by the Town Attorney's Office to make a provision to define other hazardous conditions which could possibly render a building unsafe and therefore a hazard. This primarily concerns occupation by vagrants and transients and in places of rodent infestation, etc. The specific change is covered in Section 10 for emergency cases where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building is immediately repaired and secured or demolished. The Town Board may, by resolution, authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building. Such repair or demolition shall be a charge against the land on which it is located and should be assessed, levied and collected as provided in the previous section.

There being no one further wishing to be heard motion was made to adjourn the Public Hearing by Co. Longo, seconded by Co. Maloney and unanimously adopted. Time: 8:47 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

(Following the Public Hearing a resolution was passed repealing Chapter 31 of the Code of the Town of Clarkstown - Resolution No. (1979-167))

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/21/79

8:50 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Philip Fogel, Deputy Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW CONCERNING UNSAFE  
BUILDINGS IN THE TOWN OF CLARKSTOWN".

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

Mr. Robert Bowman, Building Inspector, said that he was  
in favor of this proposed local law.

There being no one further wishing to be heard motion was  
made to adjourn the Public Hearing by Co. Maloney, seconded by Co.  
Longo and unanimously adopted. Time: 8:51 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(Following the Public Hearing a resolution was passed adopting  
the Local Law Concerning Unsafe Buildings in the Town of Clarkstown -  
Resolution No. (1979-171)