

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/24/80

8:39 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett J. Johns, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor Dusanenko declared the meeting open; assemblage saluted the Flag.

The following press release was read:

"CLARKSTOWN BEAUTIFICATION PROGRAM

The Supervisor's office, in conjunction with the Highway Department, is changing the procedure of notifying residents of their scheduled date for bulk pickup. An alphabetized listing of all streets in the resident's hamlet will be mailed to each occupant, instead of individually addressed postcards, resulting in a substantial financial savings to the Town. Pickup will begin the week of June 30th, with Central Nyack and Valley Cottage. All items must be placed at curbside, the day before scheduled pickup. The following restrictions apply:

Branches must be less than five (5) feet long, and neatly bundled.

Leaves must be bagged.

Rocks and earth will NOT be picked up.

Household garbage normally collected by sanitation carters will NOT be picked up.

Town residences ONLY (Businesses NOT included).

FOR FURTHER INFORMATION CALL 623-7500.

Fred J. Seeger, Supt. of Highways
Theodore R. Dusanenko, Supervisor"

* * * * *

Supervisor Dusanenko read the following memo from Police Chief George R. Schnakenberg:

"On May 10, 1980 at 5:40 PM this Department received a call reporting an accident in the Shop-Rite parking lot on North Main Street, New City. A woman had accidentally backed up over her 11 year old son and his bicycle and the boy was trapped under the vehicle.

Upon the officer's arrival Joseph Codi the owner of J & L Amoco Station was already on the scene. Through his quick response and the use of his wrecker and jacks the boy was freed from under the vehicle, preventing further serious injury and allowing him to receive immediate first aid and be transported to the hospital.

I feel that Joseph Codi with his fast and professional actions averted what could have been a disastrous incident.

/s/ G. R. Schnakenberg"

Supervisor Dusanenko noted that on behalf of the entire Town Board of the Town of Clarkstown he was proud to make the announcement that a Distinguished Service Award had been presented to Mr. Joseph Codi in grateful appreciation for services rendered for a successful

AAE505

rescue effort. Mr. Codi accepted this award in person and was roundly applauded by all in attendance at the Town Board Meeting.

* * * * *

RESOLUTION NO. (514-1980)

CLOSING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING (HAY ZONE CHANGE)

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing, time: 8:40 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (515-1980)

RESUMING REGULAR MEETING SCHEDULED PUBLIC HEARING HAVING BEEN HELD

Co. Maloney offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed, scheduled Public Hearing having been held, time: 8:50 P.M.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (516-1980)

CLOSING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING (MADELINE M. HUDSON WATER EXTENSION)

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing, time: 8:51 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (517-1980)

RESUMING REGULAR MEETING SCHEDULED PUBLIC HEARING HAVING BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed, scheduled Public Hearing having been held, time: 8:52 P.M.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (518-1980)

CLOSING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING (AUTO LAUNDRIES)

Co. Longo offered the following resolution:

RESOLUTION NO. (518-1980) Continued

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

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (519-1980)

RESUMING REGULAR TOWN BOARD MEETING SCHEDULED PUBLIC HEARING HAVING BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed, scheduled Public Hearing having been held, time: 9:06 P.M.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (520-1980)

CLOSING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING (REPEAL OF DOG ORDINANCE - CHAPTER 36)

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing, time: 9:06 P.M.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (521-1980)

RESUMING REGULAR TOWN BOARD MEETING SCHEDULED PUBLIC HEARING HAVING BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed, scheduled Public Hearing having been held, time: 9:09 P.M.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (522-1980)

CLOSING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING (ADOPTION OF NEW LOCAL LAW PERTAINING TO DOGS)

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing, time: 9:10 P.M.

Seconded by Co. Maloney All voted Aye.

* * * * *

AAE505

RESOLUTION NO. (523-1980)

RESUMING REGULAR TOWN
BOARD MEETING SCHEDULED
PUBLIC HEARING HAVING
BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed,
scheduled Public Hearing having been held, time: 9:15 P.M.

Seconded by Co. Maloney

All voted Aye.

(Please note the following two resolutions should be reversed)

RESOLUTION NO. (525-1980)

AWARDING BID FOR UNIFORM
MAINTENANCE FOR POLICE AND
PARKS AND RECREATION DEPTS.
(SAMAR CLEANERAMA, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing that the bid to supply

Uniform Maintenance Service for the Clarkstown
Police and Parks and Recreation Departments

is hereby awarded to

Samar Cleanerama, Inc.
102 North Middletown Road
Pearl River, New York 10965

as per the following low bid price schedule:

Uniform trousers	per unit	\$.70
Uniform shirts	" "	.70
Leather jacket	" "	3.90
Poplin jacket	" "	.65
White dress shirts	" "	N/C

and repair and services schedule on file in Purchasing Department.

Seconded by Co. Longo

Before the roll call vote the Supervisor requested this
resolution be modified so that the bid would be subject to the approval
of the Supervisor and the Town Attorney.

All voted Aye.

RESOLUTION NO. (524-1980)

AWARDING BID FOR ONE (1)
FOUR WHEEL DRIVE VEHICLE
FOR SEWER DEPARTMENT
(GENSINGER ASSOCIATES, INC.)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing and the Sewer Department Maintenance Foreman
that the bid to purchase one (1) four wheel drive vehicle for the
Clarkstown Sewer Department is hereby awarded to:

RESOLUTION NO. (524-1980) Continued

Gensinger Associates, Inc.
Route 9W
Nyack, New York 10960

for one (1) 1979 International Scout II Vin #J0062JGD21994 as per bid specifications per their low bid of \$6,995.00 and be it

FURTHER RESOLVED, that anticipated revenue Acct. #01-002999 be increased by \$6,995.00 and appropriation account A8110-203 be established to accommodate the above purchase.

Seconded by Co. Lettre

All voted Aye.

* * * * *

AAE505

RESOLUTION NO. (526-1980)

ADOPTING AND ACCEPTING
MINUTES OF REGULAR TOWN
BOARD MEETINGS OF 5/13/80 AND
5/27/80 AND SPECIAL TOWN
BOARD MEETING OF 5/15/80

Co. Long offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meetings of May 13, 1980 and May 27, 1980, and the Special Town Board Meeting of May 15, 1980, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (527-1980)

GRANTING REFUND OF
CERTIFICATE OF OCCUPANCY
(ERNEST T. DICKMAN)

Co. Longo offered the following resolution:

WHEREAS, Mr. Ernest T. Dickman had requested a Building Permit for a swimming pool located at 7 Woodland Road, New City, New York and paid an application fee of \$62.00, and

WHEREAS, said applicant has been unable to build said pool;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$25.00 shall be refunded to Mr. Ernest T. Dickman and the remaining \$37.00 be retained by the Town of Clarkstown as its fee for processing said application.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (528-1980)

AUTHORIZING SUPERVISOR
TO BIND FOR PUBLIC OFFICIALS
LIABILITY INSURANCE

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to purchase Public Officials Liability Insurance coverage through Don Liebert, Inc. for a sum not to exceed \$5,000,000.00.

Seconded by Co. Maloney

RESOLUTION NO. (528-1980) Continued

On roll call the vote was as follows:

Supervisor Dusanenko.....	Yes
Councilman Holbrook.....	Abstain
Councilman Lettre.....	Yes
Councilman Longo.....	Yes
Councilman Maloney.....	Yes

* * * * *

Supervisor Dusanenko noted that the exact amount to be spent would be decided by the Town Board after discussions conducted later in the week.

* * * * *

RESOLUTION NO. (529-1980)

AUTHORIZING REIMBURSEMENT
FOR EXPENSES INCURRED AT
SEMINAR (SGT. PAUL
D'ALESSANDRO)- POLICE DEPT.

Co. Maloney offered the following resolution:

RESOLVED, that Sgt. Paul D'Alessandro of the Clarkstown Police Department be partially reimbursed for expenses incurred while attending the Northeast Auto Theft Investigators Seminar in Toronto, Ontario, on May 20, 21 and 22, 1980, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$225.00 be charged against Account No. 3120-414.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (530-1980)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR XEROGRAPHIC
BOND PAPER

Co. Longo offered the following resolution:

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

Bid #30-1980
Xerographic Bond Paper

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 Wednesday, July 9, 1980 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. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (531-1980)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR PAINTING OF
TRAFFIC LINES ON TOWN ROADS

Co. Longo offered the following resolution:

RESOLUTION NO. (531-1980) Continued

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

Bid #31-1980
Painting of Traffic Lines on Town Roads

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 Tuesday, July 15, 1980 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. Maloney All voted Aye.

* * * * *

AAE505

RESOLUTION NO. (532-1980)

AUTHORIZING CONSENT TO
FINANCING OF PROJECT BY
ORANGE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY
(LAZZARONI SARONNO, LTD.)

Co. Longo offered the following resolution:

WHEREAS, the Orange County Industrial Development Agency has received an application for the financing of a project by Lazzaroni Saronno, Ltd., Saronno, Italy, in the Town of Clarkstown, County of Rockland and State of New York, and

WHEREAS, it has been established that the Town of Clarkstown and the County of Rockland do not have industrial development agencies as contemplated by the General Municipal Law, and

WHEREAS, Article 118A, Section 854, Subdivision 4, provides that the Orange County Industrial Development Agency might assist in the financing and promotion of a project in the County of Rockland conditioned upon the prior consent of the governing body or bodies, of all the other municipalities in which any part of the project is to be located, and

WHEREAS, it is represented that the only municipalities are the town of Clarkstown and the County of Rockland, and their prior consent is requested;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown that it hereby consents to the financing of a project by the Orange County Industrial Development Agency, with the applicant corporation above referred to in their geographic jurisdiction pursuant to Article 18A of the General Municipal Law of the State of New York and more specifically do hereby give their consent as required under Section 854 of such Article to the above recitations of this resolution, and be it

FURTHER RESOLVED, that the facts set forth in the whereas clauses herein are hereby incorporated herein and are to be read as a factual part of this resolution, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (533-1980)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDINGS
IN ACCORDANCE WITH CHAPTER
31 OF THE CODE OF TOWN OF
CLARKSTOWN (WILLIAM MULDERIG)

Co. Longo 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 remove or rectify violation on premises owned by:

William Mulderig
321 Route 59
Tallman, New York 10982

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

Map 58, Block G, Lot 31

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (534-1980)

REFERRING AMENDMENTS TO
THE ZONING ORDINANCE TO
THE CLARKSTOWN PLANNING
BOARD AND THE ROCKLAND
COUNTY PLANNING BOARD
AND SETTING PUBLIC HEARING

Co. Longo offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown is considering the amendment to the said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 12th day of August, 1980, at 8:30 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown, 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 official newspaper of the Town as aforesaid and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the following proposed amendments to the Zoning Ordinance be referred to the Planning Boards of the Town of Clarkstown and Rockland County for their recommendation and report:

Amend Table 14, L10 District, Column 8, Item 10 by deleting in its entirety.

Amend Table 14, L10 District, Column 2, Item 5 by deleting in its entirety and substituting the following:

RESOLUTION NO. (534-1980) Continued

Item 5. Warehouses and wholesale distribution centers with related offices and showrooms.

Amend Table 15, M District, Column 8, Item 10 by deleting in its entirety.

Amend Table 15, M District, Column 2, Item 5 by deleting in its entirety and substituting the following:

Item 5. Warehouses and wholesale distribution centers with related offices and showrooms.

Seconded by Co. Maloney

All voted Aye.

* * * * *

AAE505

RESOLUTION NO. (535-1980)

AUTHORIZING HANDICAPPED PARKING SPACES (BRIDON REALTY CO. - THE HUB)

Co. Longo offered the following resolution:

WHEREAS, the Building Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended by Local Law #4, 1978, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102-12D of the Code of the Town of Clarkstown, at West Nyack, New York by the installation of handicapped parking spaces, and

WHEREAS, Robert Nelson 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 handicapped parking spaces;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended by Local Law #4, 1978, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector with regard to the installation of certain handicapped parking spaces 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. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (536-1980)

AUTHORIZING FIRE LANE DESIGNATIONS (BRIDON REALTY CO. - THE HUB)

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 Local Law, more particularly designated as Chapter 102, Sec. 14 of the Code of the Town of Clarkstown, at West Nyack, New York by the installation of fire lane designations, and

RESOLUTION NO. (536-1980) Continued

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

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (537-1980)

DISCONTINUING AN ACTION
(VENTURE INN)

Co. Holbrook offered the following resolution:

WHEREAS, an action was commenced by the Town of Clarkstown against Venture Inn, Inc., and the New York State Office of Mental Retardation and Developmental Disabilities to enjoin the use of a group home facility located at 129 Strawtown Road, New City, New York, and

WHEREAS, the town desires to enter into a Stipulation of Settlement with Venture Inn, Inc., and the New York State Office of Mental Retardation and Developmental Disabilities for the purposes of mutually releasing and discharging each other from any and all claims arising out of the establishment of the community residence located at 129 Strawtown Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to execute a Stipulation of Settlement dated June 19, 1980, withdrawing and discontinuing the action and appeal against Venture Inn, Inc., and the New York State Office of Mental Retardation and Developmental Disabilities and mutually releasing and discharging each other from any and all claims arising out of the establishment of the community residence located at 129 Strawtown Road, New City, New York, without costs to any party.

Seconded by Co. Maloney

Before the roll call vote Supervisor Dusanenko read the following letter:

"June 23, 1980

Town Council
Town of Clarkstown
City Hall
Clarkstown, New York

RE: An Open Letter Relative to the Mental Health Facility at 129 Strawtown Road

To the Town Council:

This letter details the events which surround the purchase of 129 Strawtown Road by the State Department of Mental Health for the purpose of the establishment by Venture Inn, Inc. of a mental health

RESOLUTION NO. (537-1980) Continued

facility. In particular, this statement will set out the perspective of the taxpaying residents of this area to the introduction in their community of a facility which adversely affects our property values and quality of life. Furthermore, it is hoped that this statement will serve as a public airing of our grievances against Venture Inn and its allies and the surreptitious manner in which they have chosen to inject their views on a previously tranquil residential area.

On Thursday, April 3, 1980, the residents of the Lakeside Village area heard a rumor to the effect that the State of New York intended to open a facility for the mentally handicapped in a house in our neighborhood located at 129 Strawtown Road. The rumor was met with some disbelief. The house was formerly occupied by Arlene Tucek, a real estate agent for Indian Head Realty, and Frank Tucek, a contractor. We all thought it had been on the real estate market for six months or so. Up until April 3, 1980, there was a "For Sale" sign still on the lawn. Additionally, in conversations with neighbors, Arlene Tucek had lead them to believe that a sale to a doctor or a dentist was imminent. Apparently this was not so.

Over the weekend, rumors increased and Venture Inn was identified as the agency to be assuming control for the house. Persons in the neighborhood called Venture Inn to secure information about what was happening but in all but one case were turned down by those who answered the telephone. When someone was finally able to get a straight answer, it was represented that the house would be used to care for mentally handicapped and emotionally disturbed teenagers.

On the Monday following, a meeting was held at town hall between the Town Council, the residents of the area, and Venture Inn. At that meeting, which was punctuated by extreme verbal abuse of the residents by those responsible for running Venture Inn, it became evident that Venture Inn would do anything to insure that their mission was not stayed. To that end they did the following:

- 1.) Began a campaign in the press accusing neighborhood residents of being "against the retarded." In fact the residents of this area have never been given a chance to, nor expressed an opinion about the mentally retarded, the mentally disturbed, or about group homes. What we have objected to is anything being shoved down our throats.
- 2.) Used those retarded in their care to further their own goals by moving them into 129 Strawtown under cover of darkness, before the facility was ready and in violation of their own certificate of occupancy, and later, a direct court order. In the view of the residents of this area, this casts serious doubts on whether Venture Inn is responsible enough to care for their charges. The question arises what will Venture Inn do when it disagrees with some other court order directed at its care of a specific mental health patient? Will it ignore or seek to avoid the order if its view is contrary?
- 3.) Sought to avoid, at all costs, any public inquiry into their acquisition of 129 Strawtown Road, preferring instead to refer to the concerned neighbors as wolves ready to attack the mentally handicapped sheep.

As to the latter, there are serious legal questions relative to the compliance by Venture Inn with the so called Padavan Act.

RESOLUTION NO. (537-1980) Continued

In particular the Padavan Act details the procedure by which complaints or objections to the proposed location of a group home are to be resolved. That procedure provides that the sponsoring agency, in this case apparently Venture Inn, is to notify the Town Executive of its intent to establish a group home and to detail the particulars concerning that proposed establishment. In this case, in early April, 1979, Venture Inn, by Ms. Lukens, sent a letter to George Gerber indicating its intent to establish such a community residence at 129 Strawtown Road. It is our view, and was the Town's, that the notice is defective since it does not comply with those provisions of the Padavan Act which require a detailed explanation of the type of community residence proposed to be established.

Assuming, however, that that notice was considered effective, Clarkstown, by the town attorney (now judge), Murray Jacobson, responded on or about the second of April to Ms. Lukens that in its view Venture Inn, Inc. would be required to secure a special permit under Section 106-14 of the Town of Clarkstown's zoning ordinance. (Unfortunately, a copy of that letter was refused us by Ms. Lukens at that meeting.) According to Ms. Lukens, that response was forwarded to a Mr. Slezak, counsel for the Department of Mental Health, who responded to the contentions made therein in a letter dated May 8, 1979, and addressed to Mr. George Gerber. (Ms. Lukens also refused us a copy of this letter. On or about May 14, Mr. Jacobson sent a further response to Mr. Slezak's May 8th letter. That letter explained in detail the town's position relative to the impact of the Town of Clarkstown's zoning ordinance's special permit requirement on the establishment of a community residence. He reiterated the position the Town has taken to date that any such community residence could be established only in compliance with the zoning ordinances. In a letter dated May 11, 1979, Ms. Lukens advised Mr. Gerber further with respect to Venture Inn's plans to lease the aforementioned residence. Nowhere in that letter does it appear that either Venture Inn or the State is to condemn that property for the purpose of a community residence. On June 11, 1976, Mr. Slezak again responded to the objections raised by Mr. Jacobson's letter of May 14 and concluded by stating that while they were in obvious disagreement, he hoped the problem could be resolved between the town and the Department of Mental Health.

There was no further correspondence concerning this community residence after June 11, 1979. There was no further indication by either the Department of Mental Health or Venture Inn, to any local elected official, so far as we are aware, that the purchase of this property for use as a community residence was imminent. In fact it appears that what Venture Inn and the Department of Mental Health did was simply to ignore the valid objections of the Gerber administration and proceed apace in secret to acquire the property and hopefully install the residence without informing any elected officials or community residents and certainly without complying with the Padavan Act.

With respect to the Padavan Act it is obvious that the secret manner in which this property was acquired and the intent to install a community residence at 129 Strawtown Road formulated, was calculated to totally avoid any input from the elected representatives in this area, or the persons most affected by this residence: the citizens of this community. Even a cursory reading of the Padavan Act, Section 5, indicates that in the case of a disagreement over a site those differences of opinion are to be resolved after a hearing before a duly appointed hearing examiner or the Commissioner of Mental Health. The persons or agencies responsible for complying with this law have done all in their power to avoid it, thus frustrating the legislative intent as it is set out therein and in the history of this Act that there be community participation in the site selection process for community residences.

RESOLUTION NO. (537-1980) Continued

Furthermore, the unprecedented use of the Padavan Act in connection with the unique device of a condemnation procedure in a town which has a history of having looked favorably in the past on group residences, which were installed out in the open, further indicates the underhanded nature by which this group residence has been established. In our view the situation at 129 Strawtown Road is a harbinger of things to come and was used as a test case for the establishment of further community residences by the avoidance of community input. While we recognize the need for some confidentiality when the state is negotiating for a piece of property, that should not in any way be allowed to interfere with the rights of the citizenry to be informed as to the actions of its government.

AAE505

New York is not Russia and the Department of Mental Health is not an all-knowing dictator with power to make unalterable decisions for the good of the community without community input. If government is to exist it needs the "consent of the governed." In this case, neither the government nor those agencies working with the government have secured even our views never mind our consent. We firmly believe that a community has the right, whether secured by Constitution, Statute or Common Law, to have a say with respect to its development. This is not to say that the community's position is always going to be right or accepted by those charged with making the ultimate decision. Rather, as in the overwhelming majority of other conflict situations, both sides must be given the opportunity to be heard so that their views might be presented. After debate, a decision will be rendered by those delegated the responsibility of choosing between conflicting views. Legislators should recognize that this is the heart of the democratic process. It is from the abrogation of this process by those who have acted in a manner calculated to avoid public input that we appeal.

We sincerely hoped that the Town would work with us to secure the process to which we are due. Instead, we find, that the Town is now about to settle their portion of this dispute with Venture Inn, irrespective of how the community feels. We do not know what secretive pressures or contributions have been made to change the minds of those who now seek to settle this dispute. We are sure, however, that such a settlement has nothing to do with whether a particular legislator is for or against group homes, because as anyone who has any knowledge of what has happened here knows, that is not the issue. Rather, the issue is, do people who have a hundred thousand dollar investment in an area have a right to be heard with respect to a material change to be made in that area. To state the issue is to answer it. That is what the suit currently pending in the New York courts is all about. Whether or not the Town withdraws as a plaintiff, the residents will continue their fight to be heard. No high sounding moralistic or religious or other judgments made by Venture Inn or its supporters, whether in the press or in private, will dissuade us from pressing for what we believe is our right.

By withdrawing from this suit, the Town is not saving anything. Since we believe it is in violation of the law by not enforcing the special permit requirements, as Clarkstown's previous town counsel advised, we will seek to add them, now, as defendants in this suit. In the meantime, Venture East will remain an isolated enclave in our community. And as the residents of that enclave set in their \$200,000+ homes cut off from the rest of our neighborhood, they should ask the executives of Venture Inn why there is community hostility. We only hope that the executives will not deceive them by responding that we are against the retarded because we aren't - we are only against the ignorant.

Executive Board
Strawtown Road Civic Association"

RESOLUTION NO. (537-1980) Continued

Supervisor Dusanenko then read the Stipulation of Settlement proposed:

"IT IS HEREBY STIPULATED AND AGREED by and between the Petitioners, by their attorney, Everett J. Johns, Esq., and the Respondent, Venture Inn, Inc., by its attorney, Charles G. Davis, Esq., Camp Venture, Inc. by its President, Kathleen Lukens, and the Respondent, New York State Office of Mental Retardation and Developmental Disabilities, by its attorney, Robert Abrams, Attorney General of the State of New York, that the proceeding is hereby settled with prejudice upon the following terms and conditions:

WHEREAS, Venture Inn, Inc. had given notice by letters dated April 18, 1979 and May 17, 1979, to former Supervisor George S. Gerber as required by Section 41.34 of the Mental Hygiene Law of the selection of 129 Strawtown Road, New City, New York for a community residence, and

WHEREAS, the present members of the Town Board of the Town of Clarkstown were unaware of this notice or of the site selection of 129 Strawtown Road, New City, New York, until on or about the 9th day of April, 1980, and

WHEREAS, because of this lack of knowledge, substantial misunderstandings developed between the officials of the Town of Clarkstown, Venture Inn, Inc. and neighboring residents, which misunderstandings were not fully addressed until after the community residence became operational at 129 Strawtown Road, New City, New York, and

WHEREAS, the parties fully realize that the continuance of this litigation will only serve to create impediments to future cooperation between the Town of Clarkstown, Venture Inn, Inc. and Camp Venture, Inc., and

WHEREAS, the parties hereto do desire to further process of reconciliation and cooperation;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Venture Inn, Inc. and Camp Venture, Inc. hereby pledge that at any point in time from this day forward that they shall seek to establish a community residence, they shall go beyond the notification required pursuant to the Mental Hygiene Law and shall notify both the Supervisor of the Town of Clarkstown and the Town Board through its clerk.
2. The Petitioners hereby settle, withdraw and discontinue this action and appeal against Venture Inn, Inc. and the New York State Office of Mental Retardation and Developmental Disabilities.
3. The Town of Clarkstown and Venture Inn, Inc. hereby mutually release and discharge each other from any and all claims of any kind arising out of the establishment of the community residence at 129 Strawtown Road, New City, New York.

Dated: June 19, 1980

Everett J. Johns
Attorney for Petitioners

RESOLUTION NO. (537-1980) Continued

Charles G. Davis
Attorney for Venture Inn, Inc.

Robert Abrams, Attorney General
Attorney for New York State Office of
Mental Retardation and Developmental
Disabilities

By: _____
Thomas Dorsey, Assistant Attorney
General

Kathleen Lukens, President
Camp Venture, Inc."

On roll call the vote was as follows:

Supervisor Dusanenko.....	No
Councilman Holbrook.....	Yes
Councilman Lettre.....	Yes
Councilman Longo.....	No
Councilman Maloney.....	Yes

Councilman Lettre stated that he objected to the inuendo in the letter from the Civic Association that he had received any contribution to change his vote. He felt that the manner in which the home had been opened was questionable, which is why he voted "No" so many times in the past but that now that Venture Inn had agreed to apprise all town officials of any future moves he wanted the wounds to heal. He stated that the only thing he received was "peace of mind." He was willing to have the matter end agreeably for both sides and wanted it known that he represented all of the people of Clarkstown and not any special groups.

Councilman Maloney stated that as he has from the beginning he would vote "Yes." He joined with Councilman Lettre in condemning the obnoxious inuendo in the letter placed before the Town Board tonight. He felt the implication that any Town Board member would sell his vote was "terrible."

Supervisor Dusanenko stated that there were many who felt the dropping of this affirmative action by the Town Board would end the legal questions and actions in the courts. Unfortunately, if statements read by citizens are correct, legal actions will be continuing and the Town will have to provide counsel to protect its interests as we are being sued by our own residents who are homeowners in the Town of Clarkstown. Questions which I have raised are yet to be answered. Getting back to point 1 in the stipulation Venture Inn states they will from this day forward go beyond the notification required pursuant to the Mental Hygiene Law and shall notify both the Supervisor and the Town Board through its clerk. "Through its clerk." This would be illegal and contrary to the Padavan Law because the Padavan Law says the Supervisor must be notified not the clerk. This Supervisor has made any and all information available to everyone on this Town Board regardless of their political affiliation, regardless of their residence, regardless of how they feel on an issue. What I am concerned about is I don't care if its the County of Rockland, Venture Inn or any other

RESOLUTION NO. (537-1980) Continued

organization - either we are all going to live up to every provision of every law of the land or we are not - not just some of the provisions of some of the laws, sometimes. I vote "No."

* * * * *

RESOLUTION NO. (538-1980)

GRANTING PERMISSION FOR FIREWORKS DISPLAY TO THE CLARKSTOWN PARKS BOARD & RECREATION COMMISSION (NANUET HIGH SCHOOL-JULY 3, 1980)

Co. Longo offered the following resolution:

RESOLVED, that permission is hereby granted for a fireworks display to be held under the jurisdiction of the Clarkstown Parks Board & Recreation Commission at the Nanuet High School at approximately 8:30 P.M. on July 3, 1980, pursuant to Section 405 of the Penal Law.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (539-1980)

ACCEPTING PROPOSALS FROM ORANGE & ROCKLAND UTILITIES, INC. FOR STREET LIGHTING (CAVALRY DRIVE EAST AND CAIRNSMUIR LANE, NEW CITY AND DAKEN HOMES SUBDIVISION, VALLEY COTTAGE)

Co. Longo 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:

Cavalry Drive East	New City
Cairnsmuir Lane	New City
Daken Homes s/d	Valley Cottage

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (540-1980)

AUTHORIZING SUPERVISOR TO EXECUTE GRANT APPLICATION FOR 1981 HIGHWAY SAFETY FUNDS

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to execute a grant application for 1981 Highway Safety Funds for the purpose of upgrading traffic devices to increase traffic safety and improve traffic control within the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (541-1980)

AUTHORIZING TOWN COMPTROLLER TO TRANSFER ADDITIONAL \$17,000.00 FROM MONEY-IN-LIEU-OF-LAND ACCOUNT TO PARKLANDS AND IMPROVEMENT ACCOUNT (LAKE NANUET RENOVATION)

Co. Longo offered the following resolution:

RESOLVED, based upon the recommendation of the Superintendent of Recreation and Parks, that the Town Comptroller is hereby authorized to transfer an additional \$17,000.00 from the Money-in-Lieu-of-Land Account to the Parklands and Improvement Account for the completion of the Lake Nanuet Renovation project.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (542-1980)

AUTHORIZING TOWN ATTORNEY TO DEFEND ACTION AGAINST TOWN OF CLARKSTOWN (FISCHER V. TOWN OF CLARKSTOWN, ET AL)

Co. Holbrook offered the following:

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

JOSEPH AND EVELYN FISCHER,

Plaintiffs,

-against-

TOWN OF CLARKSTOWN; GENE OSTERTAG; JOHN L. DEBEVOISE; KURY HOMES, INC.; ARTHUR PRICE as President of KURY HOMES, INC.; ADLER CARUSO AND YOUNG, P.C., BERTRAM H. COHEN and JANIS COHEN; DAVID FISHER and HELEN FISHER; and ROBERT and JACQUELINE HENNER,

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.

Councilman Longo wished to have it noted that he was reluctantly voting "Yes."

* * * * *

RESOLUTION NO. (543-1980)

AMENDING BOND RESOLUTION ADOPTED DECEMBER 29, 1978 (IMPROVEMENTS TO TOWN'S SANITARY LANDFILL)

Co. Longo offered the following resolution:

AAE505

RESOLUTION NO. (543-1980) Continued

WHEREAS, the Town Board of the Town of Clarkstown did adopt Bond Resolutions on December 29, 1978, in the sum of \$165,000.00 for various improvements for the Town's Sanitary Landfill, and

WHEREAS, Leslie F. Bollman, Director of Environmental Control, has advised that an additional sum of \$100,000.00 is required to complete the improvements;

NOW, THEREFORE, be it

RESOLVED, that the following Bond Resolution be adopted:

"Bond resolution of the Town of Clarkstown, New York, adopted December 29, 1978, and amended June 24, 1980, authorizing various improvements to the Town Sanitary Landfill site, stating the estimated maximum cost thereof is \$265,000.00, appropriating said amount therefor and authorizing the issuance of \$265,000.00 serial bonds of the Town to finance said appropriation."

Seconded by Co. Maloney

All voted Aye.

* * * * *

The Extract of Minutes is set forth as follows:

Councilman Longo offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK
ADOPTED JUNE 24, 1980, AMENDING THE BOND
RESOLUTION ADOPTED DECEMBER 29, 1978.

Recital

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has heretofore duly authorized various improvements to the Town sanitary landfill site at an estimated maximum cost of \$165,000.00, and has determined that, due to increased costs of labor and materials, it is necessary to increase the estimated maximum cost of such improvements by \$100,000.00, and to provide for the financing thereof;

NOW, THEREFORE, be it

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 bond resolution of said Town of Clarkstown, duly adopted by the Town Board of said Town on December 29, 1978, entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted December 29, 1978, authorizing various improvements to the Town sanitary landfill site, stating the estimated maximum cost thereof is \$165,000.00 appropriating said amount therefor and authorizing the issuance of \$165,000.00 serial bonds of the Town to finance said appropriation."

is hereby amended to read as follows:

RESOLUTION NO. (543-1980) Continued

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED DECEMBER 29, 1978 AND AMENDED JUNE 24, 1980, AUTHORIZING VARIOUS IMPROVEMENTS TO THE TOWN SANITARY LANDFILL SITE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$265,000, APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$265,000 SERIAL BONDS OF THE 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:

AAE505
Section 1. The Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, is hereby authorized to provide necessary improvements for the Town sanitary landfill site, including a truck scale and scale house, construction of leachate monitoring wells and test borings therefor. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$265,000 and said amount is hereby appropriated therefor. The plan of financing is the issuance of serial bonds of the Town in the principal amount of \$265,000 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 \$265,000 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 \$265,000 serial bonds are to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years, but the maturity of the bonds shall not exceed February 13, 1985.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds herein authorized or of any notes issued in anticipation of the sale of such bonds, in accordance with the provisions of Section 107.00 d. 5. of the Law.

(c) The proposed maturity of the bonds herein authorized will not exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial 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 general tax upon all the taxable real property within the Town without limitation of rate or amount. 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.

RESOLUTION NO. (543-1980) Continued

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of Section 50.00 and Sections 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 the sale 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.

* * *

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

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

Section 4. This resolution shall take effect immediately.

* * *

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

AYES: Messrs. Dusanenko, Holbrook, Maloney,
Longo and Lettre

NOES: None

The resolution was declared adopted.

* * * * *

AAE505

RESOLUTION NO. (544-1980)

AMENDING RESOLUTION 504-1980 REGARDING JOSEPH MARAIA - ZONING BOARD OF APPEALS

Co. Long offered the following resolution:

RESOLVED, that Resolution No. 504-1980 adopted at the Town Board Meeting of June 10, 1980 is hereby amended to read:

RESOLVED, that Joseph Maraia, 4 Bonnie Lane, New City, New York, is hereby reappointed as a member of the Zoning Board of Appeals, term to commence on June 1, 1980 and to expire on June 9, 1985 at an annual salary for the year 1980 of \$1,000.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (545-1980)

APPOINTING ACTING SUPERVISOR OF NIGHT SHIFT - MINI TRANS - (JOSEPH LEWIS)

Co. Longo offered the following resolution:

RESOLVED, that Joseph Lewis, 11 Donna Street, New City, New York is hereby appointed acting Supervisor of the night shift - Mini Trans - at the hourly rate of \$5.75, effective and retroactive to June 10, 1980.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (546-1980)

APPOINTING LINDA McDERMOTT FOR REVIEW OF RECORDS FOR DISPOSITION - TOWN CLERK'S OFFICE

Co. Longo offered the following resolution:

RESOLVED, that Linda McDermott, 176 Red Hill Road, New City, New York is hereby appointed for the period retroactive to June 2, 1980 through June 6, 1980 at the hourly rate of \$6.84 - Town Clerk's Office - for review of records for disposition.

Seconded by Co. Maloney

All voted Aye.

* * * * *

Councilman Longo noted that it was nice to have Mrs. McDermott aboard again even though it was only for a few days.

* * * * *

RESOLUTION NO. (547-1980)

APPOINTING SPECIAL STUDIES INTERN - FINANCE DEPARTMENT - (BARBARA O'HALLORAN)

Co. Long offered the following resolution:

RESOLVED, that Barbara O'Halloran, Route 9W, Diplomat Gardens, Apartment A-7, Piermont, New York is hereby appointed to

RESOLUTION NO. (547-1980) Continued

serve in a training program as a Special Studies Intern - Finance Department - without compensation, effective and retroactive to June 23, 1980.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (548-1980) APPOINTING SPECIAL STUDIES INTERN - FINANCE DEPARTMENT - (FRANK ROMEO)

Co. Longo offered the following resolution:

RESOLVED, that Frank Romeo, 2 Rone Court, New City, New York is hereby appointed to serve in a training program as a Special Studies Intern - Finance Department - without compensation, effective and retroactive to June 23, 1980.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (549-1980) APPOINTING YOUTH EMPLOYMENT SERVICE AIDE - COUNSELING CENTER (GRANT KONNO)

Co. Maloney offered the following resolution:

RESOLVED, that Grant Konno, 87 Zukor Road, New City, New York is hereby appointed to the position of Youth Employment Service Aide - Counseling Center - at the annual salary for 1980 of \$9,335., effective and retroactive to June 20, 1980, subject to approval by the Rockland County Personnel Office.

Seconded by Co. Longo All voted Aye.

* * * * *

RESOLUTION NO. (550-1980) APPOINTING (PROVISIONALLY) ASSISTANT DIRECTOR OF MUNICIPAL COUNSELING SERVICES - COUNSELING CENTER (PATRICIA MORITZ)

Co. Maloney offered the following resolution:

WHEREAS, there is a vacancy in the position of Assistant Director of Municipal Counseling Services,

NOW, THEREFORE, be it

RESOLVED, that Patricia Moritz, 19 Washington Lane, West Milford, New Jersey is hereby appointed provisionally to the position of Assistant Director of Municipal Counseling Services - Counseling Center - at the annual salary for 1980 of \$16,000., effective June 30, 1980.

Seconded by Co. Longo All voted Aye.

* * * * *

RESOLUTION NO. (551-1980)

CREATING SIX (6) PART-TIME
POLICE MATRONS - POLICE
DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 19, 1980 that (6) Part-time Police Matron Positions - Police Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that (6) Part-time Police Matron Positions - Police Department - are hereby created effective immediately.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (552-1980)

ACCEPTING RESIGNATION OF
SECRETARY - PART-TIME -
SHADE TREE COMMISSION
(JOAN HOWARD)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Joan Howard, 83 North Grant Avenue, Congers, New York - Secretary - Part-time - Shade Tree Commission - is hereby accepted, with regret, effective and retro-active to June 13, 1980.

Seconded by Co. Maloney

All voted Aye.

* * * * *

Councilman Longo wished to have it noted that Joan Howard served the Commission very well.

* * * * *

RESOLUTION NO. (553-1980)

APPOINTING SECRETARY -
PART-TIME - SHADE TREE
COMMISSION (FAYE SMITH)

Co. Longo offered the following resolution:

RESOLVED, that Faye Smith, Fulle Drive, Valley Cottage, New York is hereby appointed to the position of Secretary, part-time - Shade Tree Commission - at the annual salary for 1980 of \$800.00, effective immediately.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (554-1980)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
TWO (2) FIRE HYDRANTS
(WEST SIDE WHISPERING COURT,
BARDONIA)

Co. Longo offered the following resolution:

AAE505

RESOLUTION NO. (554-1980) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install two (2) fire hydrants, one on the west side of Whispering Court, Bardonia, approximately 170 feet north from the center line of Bardonia Road and one on the west side of Whispering Court, approximately 690 feet north from the center line of Bardonia Road, Bardonia. Investigation No. 8949.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (555-1980) REPEALING RESOLUTION NO. 160-1980 (TARRY HILL)

Co. Longo offered the following resolution:

RESOLVED, that Resolution No. 160-1980 adopted on February 26, 1980 is hereby repealed.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (556-1980) AUTHORIZING PLANNING BOARD TO APPLY TOWN LAW SECTION 281 (TARRY HILL)

Co. Longo offered the following resolution:

WHEREAS, Jack D. Boswell, on behalf of the applicant, has made written application for the use of Town Law Section 281 in connection with a subdivision known as Tarry Hill, and
(Omitted paragraph inserted at * at bottom of page)

WHEREAS, the Planning Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 is used in this subdivision in order to provide for a detention area and more adequate drainage;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision provided a stub road is provided to the property to the west to allow for orderly development of this area, and be it

FURTHER RESOLVED, that the drainage retention easement shall be offered for dedication to the County of Rockland, and if refused, said easement shall be dedicated to the Town of Clarkstown.

Seconded by Co. Maloney All voted Aye.

* * * * *

Supervisor Dusanenko noted that the next scheduled workshop was for July 3, 1980 but due to the fact that the July 4th holiday was approaching the workshop would be rescheduled for June 26, 1980.

* * * * *

Supervisor Dusanenko made mention of Mr. Joseph Luke, Dr. and Mrs. Fred Travaglini, Mr. and Mrs. Edward Holenko, all prominent Clarkstown residents who had passed away recently. They will all be missed.

* * * * *

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

Supervisor Dusanenko asked if there was anyone wishing to be heard.

APPEARANCE: Mrs. Rita Feinberg
New City, New York

Mrs. Feinberg asked if the gentlemen on the Board were aware that another group home on Strawtown Road was being planned by Venture Inn.

Supervisor Dusanenko stated that he had heard rumors of many groups homes being planned for various areas; but there has yet to be one agency to serve the Supervisor with a physical notice of any group home location. Nothing officially happens until the Supervisor is served.

Mrs. Feinberg asked how an organization could approach a homeowner with a view to purchasing a home for use as a group home. There was not a clear or definite answer available at this time.

Councilman Longo questioned whether our zoning ordinance or special permit requirements were going to be effective or not. He felt we were without definite guidelines at the present time. He felt that we should have a judge tell us whether or not our zoning laws were going to be effective. I feel that with the dropping of the law suit we will not find out if our laws would be upheld.

APPEARANCE: Mrs. Marjorie Russo
Nanuet, New York

Mrs. Russo wished to know if it would be within the province of the Town Board to establish guidelines for group homes within the Town.

Supervisor Dusanenko mentioned that the Padavan Law does have a clause relating to saturation. When Mr. Slezak was asked what saturation meant, he replied that it was debatable.

It was pointed out that any group of people could live together in a home and call themselves a family without obtaining a special permit, or at least a group up to fourteen people. He said there were still many unanswered questions but that the Town Board members were trying to do the right thing and hopefully the questions would be resolved to everyone's satisfaction.

* * * * *

Mr. Bowman, Building Inspector, noted that neither he nor Mr. Bollman, Director of Environmental Control, would be present at the workshop meeting on June 26, 1980.

* * * * *

APPEARANCE: Mrs. Mary Princi
Monsey, New York

Mrs. Princi stated that she had a retarded sister, who has become a young adult. Her concern, and the concern of all people who have retarded persons in their family, is what will happen to the retarded when there is no one in their family left to care for them. She complimented Councilman Lettre for his courageous stand in changing his vote regarding Venture Inn.

* * * * *

AAE505

Supervisor Dusanenko noted that the Town of Orangetown has challenged any and all elected, appointed or volunteer officials of the Town of Clarkstown to a softball game at Kings Park North at 1:00 P.M. on Sunday afternoon, June 29th.

* * * * *

There being no further business to come before the Town Board and no one further wishing to be heard, Town Board Meeting was adjourned, time: 10:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

PUBLIC HEARING
TOWN OF CLARKSTOWN

Town Hall

6/24/80

8:40 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett J. Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: CHANGE OF ZONE APPLICATION - L10 TO R-15 - MICHAEL J. AND
KATHLEEN M. HAY

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

Supervisor Dusanenko asked Mr. Johns if he had any correspondence to read regarding the above. Mr. Johns stated that he had a recommendation of approval from the Rockland County Planning Board. He then read recommendation from the Clarkstown Planning Board:

"The Planning Board has examined the above petition in relation to the topography, the surrounding area, the Comprehensive Plan, and the statutory requirements and wishes to make the following recommendations: the Planning Board feels the request for a change to residential use is reasonable, but finds that the request for a change to R-22 would be more appropriate for parcels 33-2B1.01, 27.01, 27.02, 25, 26, 28, 29, 29.01 and 30. It is also recommended that parcels 33-2B31, 32 and 33 be rezoned to R-40 to minimize the number of homes that could be built close to the Thruway. This would allow somewhat more flexibility, which is desirable because of the configuration of the lots and the need for adequate provision for drainage. Development allowed under a residential zoning district is likely to produce less runoff than development under L10.

In response to the statutory requirements, the Planning Board determines the following as applicable:

- a) the uses permitted by the change as recommended above would be appropriate in the area concerned as the change to residential takes into account what is already existing,
- b) adequate public school facilities and other public services do exist,
- c) there will not be a problem with providing public water supply or supply of sanitary sewers in the vicinity,
- d) this area has been improved over the years as residential and it is this special circumstance which lends itself to residential use rather than industrial use. The Town Board also last year granted a zone change for adjacent parcels to RG-2,
- f) we do not see this having any appreciable effect on the Comprehensive Plan,
- g) this will not have any great impact on the total zoned residential capacity of the Town.

Further to the above the Planning Board respectfully recommends that the easterly portions of lots 33-2B22.05 & 22.06 be rezoned from L10 to RG-2 to eliminate the remnant of L10 and provide zoning consistent with the actual development, i.e. Jeanne Marie Apartments. The above statutory determinations would apply. To establish uniformity in the area, it is respectfully recommended that the rear portion of the parcels 33-2B3.01 and 33-2B5.02 be changed from CS/L10 to all CS. The above statutory determinations would apply.

CONTINUED ON NEXT PAGE

AAE505

Mr. Johns further stated that he would like stated for the record that the Board has not received a report from the State Environmental Office which is required so there can be no decision this evening. We must wait until that report comes in.

Supervisor Dusanenko noted that the petitioner had requested the entire zone be upzoned from L10 to R-15. Mr. Johns noted that that was correct. Supervisor Dusanenko then asked if the Planning Board was now recommending that various parcels be changed even further? Mr. Johns replied in the affirmative. Mr. Dusanenko asked if those recommendations were binding and Mr. Johns replied that they were not.

Supervisor Dusanenko asked if it would be appropriate for the Town Board, if it chose to do so, after hearing testimony shortly, to pass this upon the satisfactory receipt of an approval from the State Environmental Quality Report. Mr. Johns said it would be appropriate upon receipt of that report. Supervisor Dusanenko then inquired if it could be passed conditionally this evening and Mr. Johns replied "No." Unless the recommendations are here before the Board we are not allowed to act.

Supervisor Dusanenko asked if the petitioner wished to be heard.

APPEARANCE: Mrs. Kathleen Hay
Dustman Lane
Bardonia, New York 10954

Mrs. Hay stated that in their petition they had asked for the redistricting of the area zoned L10 to be zoned residential to reflect what exists. The area is a rural and totally residential area. It has access only by a ten to fifteen foot private road. Our request has received the approval of the County Planning Board, the Town Planning Board, Palisades Park Commission and the Environmental Control report, which I have seen and filled out. It has been approved; it is just out to the agencies. All agencies will get this approval. I have a copy of this approval with me. We would appreciate your kind consideration of this matter.

Supervisor Dusanenko asked if there was anyone else wishing to be heard in favor.

No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to this petition.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard and on motion of Councilman Maloney, seconded by Councilman Longo and unanimously adopted the Public Hearing was declared closed, time: 8:50 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

PUBLIC HEARING
TOWN OF CLARKSTOWN

Town Hall

6/24/80

8:51 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett J. Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER
SUPPLY DISTRICT #1 TO INCLUDE - MADELINE M. HUDSON

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

Patricia Sheridan presented a signed affidavit of Mr. Leslie F. Bollman, Director of Environmental Control, stating that the proposed extension meets the requirements of all regulations of the Town.

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of or in opposition to the proposed extension.

IN FAVOR: No one appeared.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard and on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, time: 8:52 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

District Extended: 6/24/80 Order signed

AAE505

PUBLIC HEARING
TOWN OF CLARKSTOWN

Town Hall

6/24/80

8:52 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett J. Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE - AUTO LAUNDRIES

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

Supervisor Dusanenko asked Mr. Johns if he had any correspondence to be read. Mr. Johns replied in the affirmative. He stated that this proposed amendment is to place within the CS zoning districts provision for auto laundries where they are not now permitted. There are two requirements for that zone, one of which is that the lot area shall be not less than 20,000 square feet and that the premises shall front on two public streets. The Rockland County Planning Board has recommended approval of the amendment and the Clarkstown Planning Board has made recommendations regarding proposed amendment "to allow the auto laundries in CS and recommends against the proposed change. The CS district in many cases tends to be close to residential districts and single-family homes. Because of problems of traffic generation, automobiles waiting in line with motors running, outside operations such as vacuuming, wiping down cars or simonizing, the Planning Board is concerned of introducing these kinds of influences in areas now zoned CS. The Planning Board is particularly concerned about the potential increases in traffic on streets that might serve auto laundries in CS districts."

Mr. Johns mentioned that he also had a report from the firm of Raymond, Parish, Pine & Weiner, from the local representative Bob Geneslaw: "The CS district, in which the auto laundries are proposed to be extended, is found in such places as the center of New City along both sides of Main Street and extending to Route 304; in the center of Nanuet, Congers, and in West Nyack, Central Nyack, and Valley Cottage, and in a few locations elsewhere in the Town.

"Auto laundries are often found in light industrial areas or in the heavier commercial areas because of some of their attributes: traffic generation; outside operations (vacuuming and drying for example); vehicles waiting in line with motors running; traffic generation; waste water control. In our opinion these factors are appropriate for consideration in establishing locational criteria. WE do not believe these kinds of influences are generally desirable in the area now zoned CS and therefore recommend against the proposed change. We are particularly concerned about the potential increases in traffic on streets that might serve auto laundries in CS districts."

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of the proposed amendment.

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to the proposed amendment.

APPEARANCE

IN OPPOSITION: Mr. Joel Carp
Heritage Drive
New City, New York 10956

Mr. Carp mentioned that he was the President of the Chamber of Commerce although he was not here representing the board. He said it was the unofficial consensus of the Board of the Chamber of Commerce that the Town and County were trying to cooperate on looking at the traffic flow problems within the hamlet of New City. Walking down Main Street in New City there are no fewer than two locations that might conceivably put in car washes which might adversely affect any future planning to improve the traffic flow within New City. The proposed change does not require exclusively 20,000 square feet allotted for a car wash which means that someone could be using a parcel for any other purpose with a little spot on the side and say "Well I've got the 20,000 square feet but I happen to have a gas station or I happen to have a take-out food place at the same time. It is our feeling we should postpone any change in the zoning that would affect traffic flow patterns until such time as true planning can take place in the hamlet center of New City, in particular and that more input should be gathered from the business community on what could be done and where car washes should go.

APPEARANCE: Antonia Vilkelis
8 Elinor Place
New City, New York 10956

Mrs. Vilkelis stated that she represented the residents of Elinor Place in New City and that they are vehemently opposed to this proposal and the change of the town zoning ordinance to CS district. Auto laundries do create traffic problems. Just to give you an idea they do a minimum of 1,000 cars on a weekend. We are talking about an awful lot of cars coming into New City. There are many children walking to religious classes on Saturday mornings at the Parochial School and every corner is a school bus stop. I would like to reiterate that CS zone, although adjoining zone is P0, there are residences. This P0 district was in many cases made by the use of a magic marker. If car washes are allowed in CS districts it is conceivable we will have a line up of cars in front of residences and again potential danger to children playing there.

Another problem is drainage - a minimum of a quart of water is left on every car as it comes out of the car wash. If it cannot drain on the property of the auto laundry it is going to drain in the street. You are talking about 25 gallons an hour going into the street. In the winter this will create extremely hazardous conditions.

Car washes have recycling pits which separate their water from the oil residue. Occasionally this machinery breaks down and there is an overflow. This overflow will go out onto the street.

The Town Planning Board did recommend putting auto laundries into light industry zoning which might be the place for them. New York State recognizes personnel who work in auto laundries as factory personnel because of the machinery they operate. This might be the way to go.

Mrs. Vilkelis felt this zoning would open a Pandora's box as far as Main Street in New City was concerned.

APPEARANCE: Mr. Sydney Krivin
14 Elinor Place
New City, New York 10956

We have a really bad traffic problem now on Elinor Place. It is a terribly congest traffic area. We have a water drainage problem which we have had for twelve years. Mr. Seeger has worked very diligently in the area to resolve our problem and has

PH - 6/24/80
Page 3

made very significant changes. We have had to protect neighbors homes with sandbags many times. I have a sump pump which works well but I do not know what might happen if the drainage problem increases. I think the idea of installing a highly active industry based on increase of vehicular traffic adjacent to a residential district isn't really a part of the plan that we are speaking of (New City Center preliminary plan). If there was a car wash in the area there would not be room for cars to line up to gain entrance. It is not fair to the existing traffic or the people in the area. We feel that a business such as this would certainly not bring any beauty to the area and would cause more of an already existing problem.

APPEARANCE: Mr. John McElligott
Elinor Place
New City, New York 10956

Mr. McElligott stated that while he had heard many reasons against the auto laundries he had not heard any in favor of such an industry. He saw no need for it.

There being no one further wishing to be heard, on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:06 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

AAE505

PUBLIC HEARING
TOWN OF CLARKSTOWN

Town Hall

6/24/80

9:06 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett J. Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: REPEAL OF CHAPTER 36 OF THE CODE - DOGS

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

Supervisor Dusanenko asked Mr. Johns if there was any correspondence to be read regarding this Public Hearing. Mr. Johns stated that there was no correspondence but by way of explanation effective 1980 there has been a complete new amendment to the Agricultural and Markets Law pertaining to dogs, some of which repeal the provisions of the existing code of the Town of Clarkstown pertaining to dogs. There is a definite reason for proposing an effective new regulation according to the new law and we would have to repeal the existing law in order to adopt the new one which will be heard at the next Public Hearing coming up tonight.

Supervisor Dusanenko, in response to Mr. John's asking for questions, stated that there were no comments either pro or con. The action of this Board should be to reserve decision until such time as a replacement is made so that there is some coverage for dog laws.

Mr. Johns agreed with this.

Supervisor Dusanenko asked if there was anyone wishing to be heard for or against this repeal of the existing Chapter 36 of the Code.

APPEARANCE:

IN FAVOR: No one appeared.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Longo, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:09 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

AAE505

PUBLIC HEARING
TOWN OF CLARKSTOWN

Town Hall

6/24/80

9:10 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett J. Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: LOCAL LAW RELATING TO THE "CONTROL, CONFINING AND LEASHING OF
DOGS WITHIN THE TOWN OF CLARKSTOWN"

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

Supervisor Dusanenko asked Mr. Johns if there was any correspondence or if he had any comments.

Mr. Johns stated that he had nothing but the proposed law to be read.

Supervisor Dusanenko requested that the local law as proposed be read.

Mr. Johns read the following:

"Section 1. Purpose.

The Town Board of the Town of Clarkstown finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this local law is to protect the health, safety and wellbeing of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town.

Section 2. Authority.

This local law is enacted pursuant to the provisions of Article Seven of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3. Definition of Terms.

As used in this local law, the following words shall have the following respective meanings:

(a) Dog means male and female, licensed and unlicensed, members of the species *Canis Familiaris*.

(b) Owner means person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog warden and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaints charging a violation of this local law, shall be held and deemed to be the owner of such dog for the purpose of this local law. In the event the owner of any dog found to be in violation of this chapter shall be under eighteen years of age, the head of the household in which

CONTINUED ON NEXT PAGE

AAE505

said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog and violation of this local law.

(c) Run at large means to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

(d) Town means the Town of Clarkstown

(e) Dog Warden means a dog control officer on or after January 1, 1980.

Section 4. Restrictions.

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

(a) Run at large unless the dog is restrained by an adequate leash or unless is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the local law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

(b) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

(c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.

(d) Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

(e) Habitually chase, run alongside or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property.

(f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

(g) If a female dog when in heat, be off the owner's premises unrestrained by a leash.

Section 5. Fees for Seizure of Dogs.

The fee for seizure and impoundment of dogs in violation of paragraph (a) Section 4 of this local law shall be as set forth in Article Seven of the Agriculture and Markets Law.

Section 6. Penalties.

Any person convicted of a violation of this local law shall be liable to a civil penalty not exceeding twenty-five dollars (\$25.00) for a first violation, not exceeding fifty dollars (\$50.00) for a second violation and not exceeding seventy-five dollars (\$75.00) for each subsequent violation.

Section 7. Separability.

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 8. Repealer.

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Clarkstown and they shall be, upon the effectiveness of this local law, null and void.

Section 9. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

* * * * *

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of the proposed local law.

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to be heard against the proposed local law.

IN OPPOSITION: No one appeared.

There was a brief discussion as to hunting dogs but this question was not resolved at this time.

There being no one wishing to be heard and on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted the Public Hearing was declared closed, DECISION RESERVED, time: 9:15 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

AAE505