

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/9/80

8:00 P.M.

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

Supervisor Dusanenko declared the Town Board Meeting open; assemblage saluted the Flag.

Councilman Lettre requested a moment of silence in memory of John Lennon (former member of Beatle singing group).

RESOLUTION NO. (1017-1980)

ACCEPTING PROPOSAL FROM  
PACESETTER COMMUNICATION  
CO. RE ELIMINATION OF  
CONNECTING ARRANGEMENT  
INTERFACE DEVICES -  
CHARGE ACCOUNT A 3020-409

AAJ375

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing that the Town of Clarkstown hereby accepts a proposal from

PACESETTER COMMUNICATION CO.  
P.O. Box 938  
Anawana Lake Road  
Monticello, New York 12701

for the elimination of connecting arrangement interface devices from the Town owned telephone system, cost of said project shall not exceed \$2,400 plus New York Telephone Company one time charges, and be it

FURTHER RESOLVED, that funds for same be charged to account A 3020-409.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1018-1980)

AWARDING BID TO PURCHASE  
FIVE (5) 1981 DODGE ST. REGIS  
PATROL VEHICLES (CORIGLIANO  
MOTOR SERVICE, INC.) -  
CHARGE ACCOUNT A 3120-203 AND  
REVENUE ACCOUNT A 01-2401

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Chief of Police, that the bid to purchase

Five (5)-1981 Police Patrol Vehicles less sale/trade in of five (5) surplus vehicles

is hereby awarded as follows:

- (1) Corigliano Motor Service, Inc.  
P.O. Box 269  
Boonton, New Jersey 07005

RESOLUTION NO. (1018-1980) Continued

awarded purchase of five (5) 1981 Dodge St. Regis patrol vehicles  
@ \$8370.00 \$ 41,850.00

LESS: trade in allowances

car #219.....\$ 950  
car #222..... 1,100

Total Trade-in Allowance 2,050.00

Total Net Bid \$ 39,800.00

FURTHER RESOLVED, that funds for same be charged to Account A 3120-203, which shall be increased \$3,230 and Revenue Account A 01-2401 shall be increased \$3,230.00.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1019-1980) ADVERTISING FOR BID FOR STATIONERY SUPPLIES

Co. Longo offered the following resolution:

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

Bid #1 - 1981  
Stationery Supplies

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 Thursday, December 18, 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.

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RESOLUTION NO. (1020-1980) ADVERTISING FOR BID FOR CUSTODIAL SUPPLIES AND EQUIPMENT

Co. Longo offered the following resolution:

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

Bid #2 - 1981  
Custodial Supplies and Equipment

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 10:00 A.M. on Friday, December 19, 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. Lettre All voted Aye.

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RESOLUTION NO. (1021-1980)

ADVERTISING FOR BID FOR  
PAPER AND PLASTIC SUPPLIES

Co. Longo offered the following resolution:

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

Bid #3 - 1981  
Paper and Plastic Supplies

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 Friday, January 9, 1981 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. Lettre

All voted Aye.

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RESOLUTION NO. (1022-1980)

ADVERTISING FOR BID FOR  
ATHLETIC AND RECREATION  
SUPPLIES

Co. Longo offered the following resolution:

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

Bid #4 - 1981  
Athletic and Recreation Supplies

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, January 12, 1981 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. Lettre

All voted Aye.

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RESOLUTION NO. (1023-1980)

REFERRING PETITION FOR SPECIAL  
PERMIT TO CONSTRUCT CONVALESCENT  
HOME (RICHARD E. VOIGT)

Co. Longo offered the following resolution:

RESOLVED, that the petition of Richard E. Voigt for a Special Permit for the operation of a Convalescent Home pursuant to Section 106.10A of the Zoning Ordinance of the Town of Clarkstown for property located at High Tor Road, New City, New York, and more particularly designated on the Clarkstown Tax Map as Map 99, Block A, Lot 14, be referred to the Clarkstown Planning Board and the Rockland County Planning Board for report.

Seconded by Co. Maloney

All voted Aye.

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AAJ375

RESOLUTION NO. (1024-1980)

AUTHORIZING SPRING VALLEY  
WATER COMPANY TO INSTALL  
ONE (1) FIRE HYDRANT -  
WEST SIDE OF FAIRVIEW AVENUE  
380 FEET NORTH OF CENTER  
LINE OF PROSPECT STREET,  
NANUET

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Director of Environmental Control, the Spring Valley Water Company is  
hereby authorized to install one (1) fire hydrant on the west side of  
Fairview Avenue, approximately 380 feet north of the center line of  
Prospect Street, Nanuet.

Investigation No. 9083.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1025-1980)

AUTHORIZING SPRING VALLEY  
WATER COMPANY TO INSTALL  
ONE (1) HYDRANT -BONNIE  
BURN LANE AND TARRY HILL  
DRIVE, NEW CITY

Co. Longo offered the the following resolution:

RESOLVED, that based upon the recommendation of the  
Director of Environmental Control, the Spring Valley Water Company  
is hereby authorized to install one (1) hydrant as follows:

- (1) One Hundred Seventy-Five feet east of the inter-  
section of Bonnier Burn Lane and Tarry Hill Drive.

Investigation No. 9027

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1026-1980)

TRANSFERRING FUNDS FROM  
APPROPRIATION ACCOUNT NO.  
A 1620-408 TO APPROPRIATION  
ACCOUNT NO. A 1620-306  
(MAINTENANCE DEPARTMENT)

Co. Longo offered the following resolution:

RESOLVED, that \$350.00 be transferred from Appropriation  
Account No. A 1620-408 to Appropriation Account No. A 1620-306.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1027-1980)

TRANSFERRING FUNDS FROM  
APPROPRIATION ACCOUNT  
NO. A 8110-460 TO APPROPRIA-  
TION ACCOUNT NO. A 8110-111  
(ENVIRONMENTAL DEPARTMENT)

Co. Longo offered the following resolution:

RESOLUTION NO. (1027-1980) Continued

RESOLVED, that \$2,000.00 be transferred from Appropriation Account No. A 8110-460 to Appropriation Account No. A 8110-111.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1028-1980) TRANSFERRING FUNDS FROM APPROPRIATION ACCOUNT NO. A 8160-312 FROM VARIOUS APPROPRIATION ACCOUNTS (ENVIRONMENTAL CONTROL)

Co. Maloney offered the following resolution:

RESOLVED, that \$5,552.00 be transferred to Appropriation Account No. A 816-312 from the following Appropriation Account Numbers:

A 8160-404	\$ 268.94
A 8160-405	281.34
A 8160-407	308.20
A 8160-423	170.00
A 8160-447	4,523.52

Seconded by Co. Longo All voted Aye.

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RESOLUTION NO. (1029-1980) TRANSFERRING FUNDS FROM APPROPRIATION ACCOUNT NO. A 3120-409 TO APPROPRIATION ACCOUNT NO. A 3120-307 (POLICE DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, that \$850.00 be transferred from Appropriation Account No. A 3120-409 to Appropriation Account No. A 3120-307.

Seconded by Co. Longo All voted Aye.

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RESOLUTION NO. (1030-1980) INCREASING APPROPRIATION ACCOUNT NO. D 5120-409 (HIGHWAY DEPARTMENT)

Co. Longo offered the following resolution:

BE IT AMENDED, to Town Board Resolution No. 950 dated November 25, 1980 to increase Appropriation Account No. D 5120-409 by \$8,050.00.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1031-1980) TRANSFERRING FUNDS FROM APPROPRIATION ACCOUNT NO. A 1640-313 TO APPROPRIATION ACCOUNTS NOS. A 1640-406 AND 1640-409 - FROM APPROPRIATION ACCOUNT NO. A 1640-314 to APPROPRIATION ACCOUNT NO. 1640-406 - FROM APPROPRIATION ACCOUNT NO. A 1640-306 TO APPROPRIATION ACCOUNT NO. A 1640-409

AAJ375

RESOLUTION NO. (1031-1980) Continued

Co. Longo offered the following resolution:

RESOLVED, that \$250.00 be transferred from Appropriation Account No. A 1640-313 to the following Appropriation Account Nos:

A 1640-406	\$100.00
A 1640-409	150.00

BE IT FURTHER RESOLVED, to transfer \$100.00 from Appropriation Account No. A 1640-314 to Appropriation Account No. A 1640-406 and \$338.00 from Appropriation Account No. A 1640-306 to Appropriation Account No. A 1640-409.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1032-1980)

TRANSFERRING FUNDS FROM ACCOUNT NO. 1420-409 TO ACCOUNT NO. 1420-211 AND FROM ACCOUNT NO. 1420-409 TO ACCOUNT NO. 1420-313 (TOWN ATTORNEY)

Co. Longo offered the following resolution:

RESOLVED, that the sum of \$350.00 be transferred from Town Attorney's Account No. 1420-409 to Account No. 1420-211 for regular monthly law book supplements; and be it

FURTHER RESOLVED, that the sum of \$250.00 be transferred from Town Attorney's Account No. 1420-409 to Account No. 1420-313 for office supplies.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1033-1980)

RESCHEDULING PUBLIC HEARING (ISAAC CESLA)

Co. Longo offered the following resolution:

RESOLVED, that the public hearing scheduled for December 23, 1980 at 8:30 P.M. in connection with the application of Isaac Cesla for a change of zone from an R-15 District to a CS District for property located on the easterly side of Route 303, Valley Cottage, New York, and designated on the Clarkstown Tax Map as Map 122, Block C, Lot 10, is hereby cancelled and rescheduled to January 13, 1981, at 8:15 P.M., upon the request of the petitioner's attorney, said hearing to be held in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, 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.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1034-1980)

SETTING PUBLIC HEARING ON  
PROPOSED AMENDMENTS TO  
CHAPTER 83 OF THE CODE OF  
TOWN OF CLARKSTOWN (SEWER  
DISTRICT REGULATIONS)

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers it to be in the interest of the Town that Chapter 83 of the Code of the Town of Clarkstown entitled "SEWER DISTRICT REGULATIONS" be amended as follows:

Amend Sec. 83-63. Permit required for replacement work, to read as follows:

One (1) permit shall be issued to cover the excavation and construction of the house sewer and/or to disconnect the existing house drain or sewer pipe from the cesspool or septic tank and then to connect it to the newly laid house sewer discharging into the street sewer, the fee for which shall be twenty-five dollars (\$25.00) per sewer unit. If no permit is issued within thirty (30) days, the fee shall be returned to the applicant, together with one (1) copy of the filed application with the reasons for rejection noted thereon and signed by the Superintendent.

Amend Sec. 83-64. Owner's responsibilities, Paragraph A, to read as follows:

A. All house sewer construction, including that portion between the main and the curb and/or street line (which shall be of five-inch pipe unless the Superintendent shall direct that a larger size shall be used), shall be done by the owner at his own cost and expense. The district shall charge a fee of twenty-five dollars (\$25.00) for making the physical connection between the house sewer and the main whenever no Y-branch is available. The owner shall furnish all materials required for this connection.

Amend Sec. 83-65, Paragraph B to read as follows:

B. The applicant shall furnish certificate of liability insurance with a combined single limit of \$500,000 for bodily injury and property damage with coverage for collapse, explosion and underground property damage, which shall be for the benefit of any aggrieved party including the town, and indemnify and save harmless the district and town, its officers, agents and employees from all suits and actions for the recovery of damages, money or otherwise, for and on account of any injury or damages resulting in death or otherwise, received or sustained by any person, persons or property as a direct or indirect result of any work, labor or materials used by the applicant and/or as a result of any act of omission or commission of said applicant. Said applicant shall have workmen's compensation insurance as required by law, and the applications shall be accompanied by certificates thereof or by satisfactory proof of the exemption. All of said policies of insurance shall bear an endorsement in favor of the Town of Clarkstown.

Amend Sec. 83-92 Penalties for offenses, Paragraph B, to read as follows:

B. In addition thereto, an action or proceeding may also be maintained in the name of the town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any such provision notwithstanding that the provision may provide a penalty or punishment for such violation. All moneys recovered hereunder by the town shall be credited to the operation and maintenance fund of the district. The Board may at any time in its discretion stop and prevent the discharge into the system of any substance deemed by it

AAJ375

RESOLUTION NO. (1034-1980) Continued

liable to injure the system of any pertinent part thereof or to interfere with the normal operation of the system or any pertinent part thereof, and said Board may at any time without notice and without liability, obligation or recourse, sever the house sewer connection or drain from the system through which said detrimental substances are discharged. Upon proof of the abatement of the detrimental discharge or correction of the cause of such discharge, the Board may cause the disconnected house sewer or drain to be reconnected to the system upon receipt of a fee of twenty-five dollars (\$25.00) for such reconnection.

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 23rd day of December, 1980, at 8:45 P.M., relative to such proposed amendments, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the official newspaper of the Town, and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said 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 Town Clerk.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1035-1980)

AUTHORIZING PLANNING BOARD  
OF THE TOWN TO APPLY TOWN  
LAW, SEC. 281 (MILBA HOMES)

Co. Longo offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C. engineers for applicant has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as Milba Homes, and

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

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law 281 is used in this subdivision to provide for preservation of wetlands into a conservation area;

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1036-1980)

ADOPTING LOCAL LAW NO.  
9-1980 (REGULATING LANDFILLS  
IN TOWN OF CLARKSTOWN)

Co. Longo offered the following resolution:

WHEREAS, a proposed local law entitled "Amendment to Local Law No. 7-1980, Entitled, 'A Local Law Regulating Landfills in the Town of Clarkstown'" was introduced by Councilman Longo, at a Town Board meeting held on October 28, 1980, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 28th day of October, 1980 directed that a public hearing be held on the 25th day of November, 1980, at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 10, 1980, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and Councilmen at their office at 10 Maple Avenue, New City, New York, on October 28, 1980, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 25, 1980;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 9-1980, entitled, "AMENDMENT TO LOCAL LAW NO. 7-1980, ENTITLED, 'A LOCAL LAW REGULATING LANDFILLS IN THE TOWN OF CLARKSTOWN'" is hereby ADOPTED and passed by affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Hon. Theodore R. Dusanenko, Supervisor.....Yes  
Co. Nicholas A. Longo.....Yes  
Co. Edward Lettre.....Yes  
Co. John R. Maloney.....Yes  
Co. Charles E. Holbrook.....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.

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RESOLUTION NO. (1037-1980)

SETTING PUBLIC HEARING ON  
PROPOSED LOCAL LAW (AMEND-  
MENT TO LOCAL LAW NO. 7-  
1980, AS AMENDED, ENTITLED  
'LOCAL LAW REGULATING  
LANDFILLS IN THE TOWN OF  
CLARKSTOWN''

Co. Longo offered the following resolution:

WHEREAS, Councilman Longo, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "AMENDMENT TO LOCAL LAW NO. 7-1980, AS AMENDED, ENTITLED, 'A LOCAL LAW REGULATING LANDFILLS IN THE TOWN OF CLARKSTOWN'", and

AAJ375

RESOLUTION NO. (1037-1980) Continued

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 23rd day of December, 1980, at 8:40 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 said 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. Maloney

All voted Aye.

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RESOLUTION NO. (1038-1980)

ADJOURNING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: VIOLATION PROCEEDINGS AGAINST WILLIAM MULDERIG

Co.Longo offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned, in order to hold scheduled Public Hearing, re: Violation Proceedings against William Mulderig, time: 8:20 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1039-1980)

CLOSING PUBLIC HEARING RE: VIOLATION PROCEEDINGS AGAINST WILLIAM MULDERIG

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Violation Proceedings against William Mulderig be closed, time: 8:33 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1040-1980)

OPENING PUBLIC HEARING RE: VIOLATION PROCEEDINGS AGAINST MARTIN HARRIS, JOHN GARABO AND THOMAS DESIDERIO

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Violation Proceedings against Martin Harris, John Garabo and Thomas Desiderio be opened, time: 8:33 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1041-1980)

CLOSING PUBLIC HEARING RE:  
VIOLATION PROCEEDINGS  
AGAINST HARRIS, GARABO AND  
DESIDERIO

Co. Holbrook offered the following resolution:

RESOLVED, that Public Hearing re: Violation Proceedings  
against Martin Harris, John Garabo and Thomas Desiderio be closed,  
time: 9:24 P.M.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1042-1980)

OPENING PUBLIC HEARING RE:  
VIOLATION PROCEEDINGS  
AGAINST JULIA AND ISADORE  
KARTEN

Co. Holbrook offered the following resolution:

RESOLVED, that Public Hearing re: Violation Proceedings  
against Julia and Isadore Karten be opened, time: 9:24 P.M.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1043-1980)

CLOSING PUBLIC HEARING RE:  
VIOLATION PROCEEDINGS  
AGAINST JULIA AND ISADORE  
KARTEN AND RESUMING REGULAR  
TOWN BOARD MEETING

Co. Longo offered the following resolution:

RESOLVED, that Public Hearing re: Violation Proceedings  
against Julia and Isadore Karten be closed, time: 9:55 P.M. and  
regular Town Board Meeting be resumed.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1044-1980)

SETTING PUBLIC HEARING  
WITH REGARD TO ZONING  
PETITION OF BANKERS TRUST  
COMPANY OF HUDSON VALLEY,  
NA (SIEMENS CONSTRUCTION  
CORP.)

Co. Longo offered the following resolution:

WHEREAS, Bankers Trust Company of Hudson Valley, NA and  
Siemens Construction Corp., have petitioned the Town Board of the Town  
of Clarkstown that the Zoning Ordinance of the Town be amended by  
redistricting property of the petitioners described from PO district  
to RG-2 district;

NOW, THEREFORE, be it

AAJ375

RESOLUTION NO. (1044-1980) Continued

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 23rd day of December, 1980 at 8:30 P.M., relative to the proposed amendment; and it is

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.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1045-1980) GRANTING CERTIFICATE OF REGISTRATION PURSUANT TO SEC. 83-65 (D'ONOFRIO AND TARIGO)

Co. Longo offered the following resolution:

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 83-65 of the Code of the Town of Clarkstown:

RONALD D'ONOFRIO  
J & R D'ONOFRIO PLUMBING & HEATING, INC.  
35 WEST STREET  
SPRING VALLEY, NEW YORK

RONALD J. TARIGO  
5 CAPRAL AVENUE  
NEW CITY, NEW YORK

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 81-1 issued to Ronald D'Onofrio  
(J & R D'Onofrio Plumbing & Heating, Inc.)  
No. 81-2 issued to Ronald J. Tarigo

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1046-1980) AUTHORIZING MORTON LEIFER TO MAINTAIN TOWN RADIO COMMUNICATIONS EQUIPMENT

Co. Longo offered the following resolution:

WHEREAS, Morton Leifer, 16 Tavo Lane, New City, is an employee of the Clarkstown Police Department,

NOW, THEREFORE, be it

RESOLUTION NO. (1046-1980) Continued

RESOLVED, that Morton Leifer is hereby authorized to maintain all Town radio communications equipment.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1047-1980)

AUTHORIZING SUPERVISOR TO AMEND NEW YORK STATE DIVISION FOR YOUTH GRANT

Co. Longo offered the following resolution:

WHEREAS, the Assistant Director of the Clarkstown Counseling Center wishes to attend a grantsmanship seminar for one week, and

WHEREAS, half the cost shall be paid by the Assistant Director of the Clarkstown Counseling Center and half the cost shall be paid by a grant from the New York State Division for Youth,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to amend the present grant with the New York State Division for Youth for the Clarkstown Information Referral Center, and be it

FURTHER RESOLVED, the Assistant Director of the Counseling Center shall make use of due vacation time to attend this grants seminar.

Seconded by Co. Holbrook

All voted Aye.

Supervisor Dusanenko explained that an employee of the Clarkstown Counseling Center requested to attend this conference. Since we do not have funds for such half the cost will be borne by the County and the other half will be picked up by the State Division for Youth. This employee will utilize her own vacation time and will not take any time off from her job.

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RESOLUTION NO. (1048-1980)

AUTHORIZING TOWN ATTORNEY TO FILE ALL NECESSARY CLAIMS AGAINST ORANGE & ROCKLAND UTILITIES, INC. (INCIDENTS AT LITTLE TOR ROAD AND NEW HEMPSTEAD ROAD, NEW CITY, NEW YORK ON 12/2/80)

Co. Longo offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to proceed to file all necessary claims against Orange and Rockland Utilities, Inc., as a result of the failure of electrical service and loss of equipment to the traffic light at the intersection of Little Tor Road and New Hempstead Road, New City, New York which occurred on December 2, 1980.

Seconded by Co. Lettre

All voted Aye.

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AAJ375

RESOLUTION NO. (1049-1980)

AUTHORIZING SUPERVISOR TO  
CHANGE, EXECUTE AND IMPLEMENT  
AGREEMENTS FOR COPYING AND  
PRINTING EQUIPMENT FOR THE  
TOWN OF CLARKSTOWN

Co. Longo offered the following resolution:

WHEREAS, the Director of Finance has recommended changes be made to implement a more efficient copying and printing system for the Town,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to change, execute and implement agreements for copying and printing equipment for the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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Supervisor Dusanenko explained that we would be able to go to off-set printers and save some money by not using expensive xerox machines but using machines that will give us the same features. We should be able to save approximately \$1200.00 next year.

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RESOLUTION NO. (1050-1980)

AUTHORIZING COMPTROLLER TO  
TRANSFER \$5,000.00 FROM  
MONEY-IN-LIEU-OF-LAND ACCOUNT  
TO PARKLANDS AND IMPROVEMENT  
ACCOUNT (HEATON POND-PARK,  
VALLEY COTTAGE)

Co. Longo offered the following resolution:

RESOLVED, that the Comptroller is hereby authorized to transfer \$5,000.00 from the Money-in-Lieu-of-Land Account to the Parklands and Improvement Account for the necessary dredging and repairs to Heaton Pond-Park in Valley Cottage.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1051-1980)

GRANTING SIX MONTH LEAVE OF  
ABSENCE - MAINTENANCE  
SUPERVISOR (PARKS) (ALBERT T.  
MORONI)

Co. Lettre offered the following resolution:

WHEREAS, Albert T. Moroni has requested a leave of absence without pay, and

WHEREAS, ARTICLE XIX, Section 1 of the Town of Clarkstown Labor Agreement of January 1, 1978 provides for a leave of absence without pay,

NOW, THEREFORE, be it

RESOLVED, that Albert T. Moroni, 125 Ridge Road, New City, New York - Maintenance Supervisor (Parks) - is hereby granted a six month leave of absence effective and retroactive to November 14, 1980 through May 14, 1981.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1052-1980)

GRANTING SIX MONTH LEAVE OF  
ABSENCE - ASSESSOR'S OFFICE  
(NANCY MECCHELLA)

Co. Longo offered the following resolution:

WHEREAS, Nancy Mecchella has requested a leave of absence without pay, and

WHEREAS, ARTICLE XIX, Section 1 of the Town of Clarkstown Labor Agreement of January 1, 1978 provides for a leave of absence without pay,

NOW, THEREFORE, be it

RESOLVED, that Nancy Mecchella, 19 Bluebird Drive, Congers, New York, Clerk - Assessor's Office - is hereby granted a six month leave of absence effective and retroactive to December 8, 1980 through June 8, 1981.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

AAJ375

RESOLUTION NO. (1053-1980)

ADOPTING RESIGNATION OF  
SECRETARY - PART-TIME-  
SHADE TREE COMMISSION  
(FAYE SMITH)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Faye Smith, 314 Fulle Drive, Valley Cottage, New York - Secretary - Part-time - Shade Tree Commission - is hereby accepted effective and retroactive to December 1, 1980.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1054-1980)

APPOINTING POSITION OF  
SECRETARY - PART-TIME -  
SHADE TREE COMMISSION  
(IDA GRIGSBY)

Co. Lettre offered the following resolution:

RESOLVED, that Ida Grigsby, Waldron Avenue, Central Nyack, 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 December 9, 1980.

Seconded by Co. Longo

All voted Aye.

Councilman Holbrook wished it noted that he also seconded this motion.

\* \* \* \* \*

RESOLUTION NO. (1055-1980)

APPOINTING MEMBER OF PARKS  
BOARD AND RECREATION  
COMMISSION (JOHN MAURO)

Co. Longo offered the following resolution:

RESOLUTION NO. (1055-1980) Continued

WHEREAS, there is a vacancy in the position of member -  
Parks Board & Recreation Commission,

NOW, THEREFORE, be it

RESOLVED, that John Mauro, 41 Dover Road, Congers, New York  
is hereby appointed a member of the Parks Board and Recreation  
Commission - to serve without compensation - to fill the unexpired  
term of R. Clinton Taplin - commencing December 9, 1980, with a term  
to expire August 31, 1984.

Seconded by Co. Holbrook All voted Aye.

Councilman Lettre wished it noted that he also seconded this  
resolution.

\* \* \* \* \*

RESOLUTION NO. (1056-1980) GRANTING AN EXTENSION OF  
LEAVE OF ABSENCE - MAINTENANCE  
DEPARTMENT (JAMES FERGUSON)

Co. Longo offered the following resolution:

WHEREAS, James Ferguson has requested an extension of his  
leave of absence without pay, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown  
Labor Agreement of January 1, 1978 provides for a leave of absence  
without pay,

NOW, THEREFORE, be it

RESOLVED, that James Ferguson, 12 Old Middletown Road, New  
City, New York - Maintenance Department - is hereby granted an extension  
of his leave of absence, effective and retroactive to November 18, 1980  
through February 18, 1981.

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1057-1980) APPOINTING POSITION OF REAL  
PROPERTY DATA COLLECTOR -  
ASSESSOR'S OFFICE (ROSE ROMEO)

Co. Longo offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished  
Certification of Eligibles - Real Property Data Collection #80092 which  
contains the name of Rose Romeo,

NOW, THEREFORE, be it

RESOLVED, that Rose Romeo, 2 Rone Court, New City, New York  
is hereby appointed to the position of Real Property Data Collector -  
Assessor's Office - at the annual salary for 1980 of \$8,508.00 effective  
and retroactive to November 26, 1980.

Seconded by Co. Holbrook All voted Aye.

Councilman Lettre wished it noted that he also seconded this  
resolution.

\* \* \* \* \*

RESOLUTION NO. (1058-1980)

APPOINTING (PROVISIONALLY)  
PRINCIPAL ACCOUNT CLERK -  
COMPTROLLER'S OFFICE  
(DOLORES LODICO)

Co. Longo offered the following resolution:

RESOLVED, that Dolores Lodico, 2 Birch Lane, New City, New York is hereby appointed (provisionally) to the position of Principal Account Clerk - Comptroller's Office - at the annual salary for 1980 of \$11,773.00, effective December 15, 1980.

Seconded by Co. Holbrook

All voted Aye.

Councilman Maloney wished it noted that he also seconded this resolution.

\* \* \* \* \*

RESOLUTION NO. (1059-1980)

APPOINTING (SECOND PROVISIONAL)  
REAL PROPERTY DATA COLLECTOR -  
ASSESSOR'S OFFICE (HEYDEN  
ROLAND)

Co. Maloney offered the following resolution:

RESOLVED, that Heyden Roland, 349 North Middletown Road, Manuet, New York is hereby appointed to a second provisional appointment - Real Property Data Collector - Assessor's Office - at the annual salary for 1980 of \$8,508.00, effective December 10, 1980.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1060-1980)

APPOINTING CHAIRMAN OF  
CLARKSTOWN DRUG ABUSE  
PREVENTION COUNCIL (JOSEPH  
MIELE)

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Miele, 32 Grant Street, New City, New York is hereby appointed as Chairman of the Clarkstown Drug Abuse Prevention Council effective December 9, 1980 and ending December 31, 1981.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1061-1980)

AUTHORIZING USE OF MINI-  
TRANS FOR SENIOR CITIZEN  
PARTY ON CHRISTMAS DAY

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to make available the use of a mini-trans bus for a senior citizen party on Christmas Day.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

AAJ375

There was a recess from 10:05 P.M. to 10:25 P.M.

RESOLUTION NO. (1062-1980)

AMENDING ZONING ORDINANCE  
OF TOWN OF CLARKSTOWN  
(NYACK RURAL CEMETERY)

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 23rd day of September, 1980, provided for a public hearing on the 25th day of November, 1980, at 8:30 P.M., to consider the application of Nyack Rural Cemetery to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from R-15 district to RS district, and

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

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from R-15 to RS district, the following described property in the Hamlet of Central Nyack, New York, in said Town, described further on the attached Schedule "A"; said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenants in a form and manner satisfactory to the Office of the Town Attorney made by the certified record owner declaring that the premises will be only used for a lumber yard.

(Schedule A referred to herein is on file in  
Town Clerk's Office)

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\* \* \* \* \*

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

APPEARANCE: Mr. James Cropsey  
New City, New York

Mr. Cropsey mentioned that he had attended a previous Town Board Meeting. Some of the items mentioned at that meeting, particularly expenses of the Town impressed him and caused him to be a little bit out of sorts. He thought that good sound business practices would be implemented by the Town to cope with these expenses.

He mentioned the fact that there was no record made of where the gas the town purchased was going. He stated that anything which could be done to correct this situation would be great.

Mr. Cropsey brought up the question of unlimited sick time which had been previously discussed. We cannot do anything about what has transpired but we should be able to do something about this in future contracts. The public should be made aware of the terms and

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conditions of the contracts under which the town employees are working now and also what the terms will be in the future contracts. Mr. Cropsey inquired especially about sick pay.

Councilman Longo gave a brief description of the benefits accrued by the Police Department. There is now such a thing as binding arbitration. If employees do not like what is being offered by the Town they can simply go to binding arbitration. Binding arbitration has never taken anything away. The matter is then taken out of the Town's hands. Councilman Longo stated that the Town Board is just as frustrated over this matter as Mr. Cropsey and all concerned residents are.

Councilman Holbrook gave a further explanation of the Police Department's sick pay. There was an option given to the Police Department members to buy back their sick pay at certain intervals in their career rather than waiting until their retirement when the Town would be paying higher rates for their sick days. In order to do this the Town bonded \$500,000.00. This amount was not sufficient. More policemen came in to get that money at the current pay rate. We then had to borrow another \$360,000.00. We are paying the principal and interest on that as well. It is bonded over a period of years. This is still a savings over what it would have been if each of the men had waited and taken sick pay at their retirement.

Mr. Cropsey felt that when new contracts are proposed they should be published in the newspaper so that each resident knows what is being proposed. Then perhaps if enough people were informed, pressure could be brought to bear to keep these contracts within reason. People should be paid for sick time only if they are sick and they should have to prove that they are indeed "sick" in order to collect those benefits.

Supervisor Dusanenko spoke about the contracts in the works. He stated that he was willing to make these contracts as public as possible and would take suggestions under advisement.

There was further dialogue along these lines with comments from the Supervisor and Councilmen as to how these problems arose and what might be done about solving them in the future.

Supervisor Dusanenko mentioned that this coming Thursday there would be a SCOUT Conference which is a coalition of suburban supervisors. There should be between ten and thirty supervisors present. We hope to come up with memorializing legislation for both the state and the federal government as it affects our towns.

Councilman Holbrook then asked Mr. Cropsey if, as one of the few remaining farmers in the Town of Clarkstown, he would be willing to give some thought to how to preserve farmland in the Town of Clarkstown. He would like to have this presented at a workshop in the future in order to try to preserve farmland in the County as a natural resource.

With regard to the violation proceedings earlier in the evening Town Attorney Everett Johns said that no Town Board action was needed. The people involved were given additional time in order to comply with the notices and no action was needed until such time as they did not comply.

There being no further business to come before the Town Board and no one further wishing to be heard, Town Board Meeting was declared closed, time: 10:43 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

AAJ375

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/9/80

8:20 P.M.

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

RE: NOTICE OF UNSAFE STRUCTURE - WILLIAM MULDERIG

Mr. Johns, Town Attorney read notice calling for hearing and noted that a copy of the notice was served upon Mr. Mulderig by certified mail.

Mr. Johns called upon Adolph Milich and swore him in as a witness for the Town. Mr. Milich stated that he is an Assistant Building Inspector and was such on or about May 19, 1980. Mr. Milich answered in the affirmative. Asked if he prepared an inspection of premises owned by Mr. Mulderig (Map 58, Block G, Lot 31) Mr. Milich answered in the affirmative.

Mr. Milich stated he had found a garage almost in a state of decay. He also found the existing one family dwelling open and in such condition that children could enter and possibly be hurt. The main structure was structurally sound. The garage was leaning. Photographs were presented which had been taken in December of 1980 and in June of 1980.

The subject of this hearing is the garage.

Mr. Milich stated that he had issued an order to correct the structure on June 19, 1980 stating in such order that the structure was in an unsafe condition. Copies of the certified mailing and posting of this notice were entered into the record by Mr. Johns.

In answer to a query by Mr. Johns as to inspection of the structure at a later date Mr. Milich stated that he had inspected the premises just this morning (12/9/80). One building had already fallen down (the garage). It is almost completely collapsed but portions of the structure are still standing.

Mr. Johns asked Mr. Milich what his opinion was concerning the building and Mr. Milich stated that he believed the building was still an unsafe structure because children can still walk around the building and the remaining portions could still collapse on them.

Councilman Lettre asked Mr. Milich if he felt the structures were a health hazard to the community. Mr. Milich said the garage was. The house should be secured a little bit more. Precautions were taken in so far as boarding up the house windows and door. This morning (12/9/80) everything was boarded up except the door. Entrance could be gained through that door into the structure.

Mr. Johns then swore in Mark Papenmeyer, Assistant Fire Inspector of the Town of Clarkstown. When asked if he was familiar with the subject structure Mr. Papenmeyer replied in the affirmative. Mr. Papenmeyer stated he had examined the structures on the same date as Mr. Milich. He also stated that he had personally taken the photographs. He said the garage at that time was showing a state of collapse and that one wall was pulling away from the main section. At that time it was determined that it was an unsafe structure.

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AAJ375

Mr. Papenmeyer stated that he had examined the structure again on December 4, 1980. Photographs were taken at that time (said photos on file in Building Department files), These showed that the garage had collapsed with a portion of the roof still remaining. In his opinion he said this could be considered a fire hazard.

Supervisor Dusanenko asked if Mr. Mulderig (the owner) would be allowed to speak. Mr. Johns said he would, after the Town had made its case. Mr. Johns said that Mr. Mulderig had notified him that he would be unavailable this evening and had asked for an adjournment. I told him that he should send a representative here this evening due to the condition of the structure and the prior notices he has received would not warrant any further adjournments.

Supervisor Dusanenko asked if any action would be taken before the conclusion of this hearing and Mr. Johns stated that no action would be required of the Board at this time. Supervisor Dusanenko asked what action should be taken by the Board at the conclusion of this hearing.

Mr. Johns stated that from the date of the notice Mr. Mulderig has from thirty to sixty days to remedy this defect and if he does not then the Town can, by resolution, order the structure removed. Mr. Johns noted that Mr. Mulderig's time started from the date of his receipt of the notice, which was November 26, 1980. Mr. Mulderig then has until January 26, 1981 to remedy this condition.

The Board may declare an emergency situation and have the structure removed immediately but only, and Mr. Johns stressed only, if an emergency condition exists.

Councilman Longo asked if the witnesses could be recalled to determine if, in their opinion, an emergency situation exists.

Councilman Longo asked Mr. Milich if a health and safety hazard existed at this time. Mr. Milich stated that it did exist especially now with the possibility of a snow load added to the poor condition of the structure.

The same question was asked of Mr. Papenmeyer by Councilman Longo. Mr. Papenmeyer stated "Yes, sir."

Supervisor Dusanenko asked if before we conclude the public hearing if the Town Board so deems appropriate action necessary could the repairs or securing of the house be made immediate and the removal of the garage be made immediate in the event the owner refuses to do such securing immediately.

Mr. Johns stated that the answer was "Yes" if the Town Board declared an emergency and directed the Building Inspector to cause the repair or demolition and the expenses would, of course, be a charge against the land. Mr. Johns emphasized that he was speaking only of the garage.

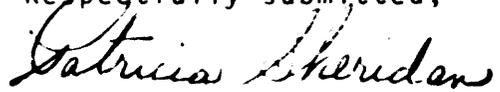
Supervisor Dusanenko said he was inquiring about two things - the securing of the house and the removal of the garage. Mr. Johns said he had not heard testimony as to the securing of the house because of its being in an emergency condition.

Councilman Longo said the question he had asked included the condition of the House. Councilman Holbrook asked if it were not just a violation at present. Supervisor Dusanenko determined that the only entrance and exit at the house at present was the one door, the rest of the house being boarded up. If there were a collapse or a fire only one doorway was open and that seemed to the Supervisor to represent a true emergency situation.

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Page 3

There being no one further wishing to be heard and on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, time: 8:33 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

AAJ375

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/9/80

8:33 P.M.

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

RE: NOTICE OF UNSAFE STRUCTURE - MARTIN HARRIS, JOHN GARABO AND  
THOMAS DESIDERIO

Mr. Johns, Town Attorney read notice calling for hearing and noted that a copy of the notice was served upon Messrs. Harris, Garabo and Desiderio by certified mail.

Alan Simon, Esq. stated that he was appearing as attorney for the three parties mentioned and he inquired if a record was being made of the hearing, to which Mr. Johns replied in the affirmative. Mr. Simon also asked the extent to which he would be allowed to examine and cross-examine witnesses who will testify before the Board.

He was told he would be able to examine and cross-examine all witnesses as well as his own clients. If there is a question asked by the Town Attorney to which Mr. Simon objected, he wanted to know who would make the determination as to whether or not his objection had any validity. Supervisor Dusanenko stated that he would, with the advice of counsel for the simple reason that this is not a court hearing but a public hearing. Mr. Simon said he felt that it was questionable for our Town Attorney to be able to rule on his testimony since he felt the Town Attorney was an adversary. Mr. Johns corrected him and stated he was not an adversary but was here to make the record. Supervisor Dusanenko reiterated that he would rule.

Mr. Johns called Mr. Mark Papenmeyer as the first witness for the Town. He was sworn in. Mr. Papenmeyer stated he was Assistant Fire Inspector for the Town of Clarkstown. Mr. Johns asked Mr. Papenmeyer if he had occasion to examine the property in question (Map 33, Block B, Lot 19). Mr. Papenmeyer stated that he examined the property on July 21, 1980. Mr. Papenmyer stated that he had examined two structures on the premises, one a multiple residence which had been damaged by fire. The second building was a garage in a serious state of collapse and showed signs of total disrepair. Mr. Papenmeyer stated that he had taken photographs at that time. Mr. Papenmeyer wished it noted that the hearing tonight was concerning the garage only.

Mr. Simon stated that he wanted only photographs depicting the garage shown and nothing else. Mr. Papenmeyer stated that only the garage was shown in the pictures but at different angles. Mr. Papenmeyer stated that the pictures could best describe the condition rather than his words. The location of the garage is on West Nyack Road in Nanuet. The pictures were then shown to all interested persons.

Mr. Simon wanted to ask questions with regard to the photos. It was his contention that these pictures were not representative of the building as it looks today or at the date of the notice of hearing or at the time the picture was taken, for some reason. He wanted a description given as to why they are not representative.

Mr. Simon asked if there was a fence in front of these premises and Mr. Papenmeyer said yes there was a fence in front of the garage. Mr. Papenmeyer said these pictures depict the property at the time the violation was issued.

CONTINUED ON NEXT PAGE

AAJ375

Mr. Simon asked if there was, at that time, a fence around any portion of this property. Mr. Papenmeyer said there was a fence around the junk yard which adjoins the garage. After more dialogue concerning fences Mr. Johns interrupted with the remark that he saw nothing in these questions pertaining to the structure which is the subject of this hearing.

Supervisor Dusanenko also noted that these pictures were black and white and of necessity lacked the color which an on site viewing of the structures would render.

In answer to questions raised by Mr. Johns, Mr. Papenmeyer stated that on July 21st an order was issued to Messrs. Harris, Garabo and Desiderio to remove the building. He also stated that he had a signed certified receipt which he submitted in evidence.

Mr. Johns asked Mr. Papenmeyer if had reexamined the building and Mr. Papenmeyer stated that a reinspection occurred on December 4, 1980. The structure remains basically unchanged. In the pictures taken in July there appears a vehicle in the garage. That vehicle has since been removed.

After close examination of photographs Mr. Johns asked Mr. Papenmeyer if, in his opinion, this structure was unsafe. Mr. Papenmeyer stated that the garage in its present condition presents a severe fire hazard as well as being a threat to the surrounding community. He recommended that the structure be secured or removed.

Councilman Longo asked if the fence went all around the building. Mr. Papenmeyer stated that there was no fence limiting access to the garage but there was a fence around the junkyard which adjoins the garage.

There was much dialouge with respect to fences, residential areas, surrounding properties and Mr. Johns finally stated that they were getting away from the subject of the hearing which was the garage. Is the garage safe or is it a hazard?

Supervisor Dusanenko stated that Mr. Simon might be insinuating that there might be protective devices in the area. Mr. Simon was then asked by the Supervisor if there were such devices rather than alluding to same.

Mr. Simon said he would prove the relevance of this when his witnesses were called on behalf of his clients.

It was established the Mr. Papenmeyer had testified as to unsafe structures but that he was not an expert. It was established that no tests were made of the structure but just a visual examination was made. Councilman Longo stated that he would just like to see the structure destroyed and Mr. Simon stated that they did not want to do that because they might not be allowed to rebuild another structure. He felt if it were fenced all around that would be enough of a deterrent. Mr. Papenmeyer stated that, in his opinion, that would not change the nature of the unsafe structure and that it still could collapse.

Mr. Johns then swore in Mr. Ron Beckley, 299 West Washington Avenue, Pearl River, New York.

Mr. Simon questioned Mr. Beckley as to occupation, etc. It was established that Mr. Beckley was a builder and had been for approximately twenty-five years.

Mr. Simon asked Mr. Beckley for his opinion as to the soundness of the structure. Mr. Beckley stated that the basic frame was sound although in serious disrepair. The wood is not rotten. He stated that it was unlikely that the building would fall down for quite some time.

In answer to questions from Mr. Simon, Mr. Beckley stated that he had looked at the structure within the last six months to a year and that if properly secured it should last many more years. He stated that he did not know for how long the building had been standing in its present condition.

Mr. Simon said he had no more questions for Mr. Beckley.

Councilman Holbrook then asked Mr. Beckley if he considered himself an expert in construction. Mr. Beckley said he was in certain phases but certainly not in all phases. Councilman Holbrook asked him if he had written any papers on construction or if he had taken any tests which qualified him as an expert. Mr. Beckley answered "No."

Councilman Longo asked Mr. Beckley if he was licensed by the Town of Clarkstown as a builder. He asked him if he held any current licenses. Mr. Beckley said "No."

Councilman Longo showed Mr. Beckley the photographs and Mr. Beckley said that he had not said the building was not in a rotten condition but he did say that it was not going to fall down.

Councilman Longo stated that from the pictures it appeared that the building was a wild west set that would fall down at the next brush applied to it.

Councilman Lettre stated that from the pictures there appeared to be a large amount of debris inside the structure. It was answered that the building was used for storage. Councilman Lettre then asked if this "storage" could be considered a fire hazard. When asked what was stored there Mr. Beckley said from his observations, nothing of value was stored there.

Mr. Beckley said his original reason for inspecting the building was for purposes of refurbishing the building. When asked if the building was planned for future use Mr. Beckley said that it would be if that was the owner's intention. He also said that the beams would have to be reinforced if a roof were to be put on because that would mean added weight. He also stated after repeated questions by Councilman Longo that he had not visually examined the structure since sometime last summer.

Mr. Johns asked if Mr. Beckley had any firemanic experience. Mr. Beckley said "None." Mr. Johns asked Mr. Beckley if it was a correct assumption that all his testimony given here today had to do with the soundness of the structure and not with regard to its being a fire hazard. Mr. Beckley answered in the affirmative.

Mr. Simon called upon Mr. Martin Harris who stated that they have been in that yard for two and one half years and had expended huge sums of money to clean it up. If the Town wants a fence put up a fence will be erected so that no one can enter the structure. Mr. Martin said he wanted to rebuild the structure but that he wanted to do it eight months from now when he has the money to do it. He stated that the structure was not a hazard and is safe. It will be improved within a year.

In response to an inquiry from Councilman Longo Mr. Harris said he would be willing to erect a fence in front of the structure.

Supervisor Dusanenko stated that as the owner Mr. Harris had the right to rebuild a structure at some future time so long as the present structure remains. If the structure is removed the owner does not have the option to rebuild.

Councilman Holbrook asked that an agreement be made with the Town stipulating an agreed upon time to correct this condition. Mr. Harris said he would commence this by next September. He said he would sign an agreement to that effect.

After much discussion Supervisor Dusanenko asked Mr. Johns if this matter could be held off until another inspection were made. Mr. Johns replied affirmatively.

Mr. Johns then swore/<sup>in</sup>Mr. John Lodico of 2 Birch Lane, New City, New York.

Mr. Lodico said he was concerned that there be a uniform procedure with regard to our enforcement of the Town Code. If you grant this gentleman a delay of any more time than any one else you are practicing discrimination and are diluting the Code. Will each party be granted a delay.

Mr. Johns stated that each case would be decided on its own merits. Mr. Lodico said that our building inspectors and our fire inspectors should be supported by the Town Board and their findings should be the determining factor not an owner's attorney's allegations.

Mr. Simon, on recall, stated that they would have no objection to leveling the building if the the Board would, by resolution, grant them permission to rebuild within one year. That question would be researched and answer given at a later time.

There being no one further wishing to be heard and on motion of Councilman Holbrook, seconded by Councilman Longo and unanimously adopted, the Public Hearing was declared closed, time: 9:24 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/9/80

9:25 P.M.

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

RE: NOTICE OF UNSAFE STRUCTURE - JULIA AND ISADORE KARTEN

Mr. Johns, Town Attorney read notice calling for hearing and noted that a copy of the notice was served upon Mr. and Mrs. Isadore Karten.

Mr. Johns swore in Mr. Papenmeyer, Assistant Fire Inspector, Town of Clarkstown. It was established that the property in question was Map 124, Block A, Lot 2 of the Clarkstown Tax Map. (Joy Acres, Lake Road, Valley Cottage, New York). This property was examined on or about October 17, 1980.

There followed an extensive hearing in which it was established that one structure on the premises was damaged approximately 95% by fire. It was requested that that building be removed. It was also established that there many bungalows on the property which were easily accesible to minors, vagrants, etc. These constituted a danger to health and safety.

Also appearing was Mr. Barry Fury, Fire Chief of the Valley Cottage Fire District. Mr. Fury gave extensive testimony with regard to the subject premises.

Milton Shapiro, Esq., appeared as attorney for the owners. Mr. Shapiro spoke as to the condition of the premises and also requested permission to rebuild within one year.

Questions were raised by the Councilmen and the Supervisor. Mr. Shapiro gave additional testimony. Mr. Shapiro gave assurances that the premises would be secured.

Mr. Papenmeyer spoke again.

Mr. Fury spoke again.

(There is a tape of this public hearing maintained in the Town Clerk's Office.)

There being no one further wishing to be heard, public hearing was adjourned on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted, time: 9:55 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

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