

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall 12/29/81 8:55 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.

Mr. Paul Giacobbe, Rockland County Conservative Chairman stated that he was making a presentation to Nicholas A. Longo, an outstanding conservative and wanted to thank him for his outstanding role. He said the people in Clarkstown were lucky to have him here.

Mr. Michael Downes, member of the Clarkstown Conservative Party Executive Board, made a presentation to Nicholas Longo for his service and hard work for the people of Clarkstown. He said the words are sincere and the thoughts deeply felt.

Mrs. Jean Marie Grund made a presentation to Nicholas Longo on behalf of the Right-to-Life in grateful appreciation for all his work on behalf of the unborn.

RESOLUTION NO. (1174-1981) CLOSING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: ANNA D. BREMER

Co. Longo offered the following resolution:

RESOLVED, that the Public Hearing re: Anna D. Bremer be opened, time: 8:59 P.M.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1175-1981) CLOSING SCHEDULED PUBLIC HEARING RE: ANNA D. BREMER AND RETURNING TO REGULAR TOWN BOARD MEETING

Co. Longo offered the following resolution:

RESOLVED, that the Public Hearing re: Anna D. Bremer be closed, DECISION RESERVED, and return to regular Town Board meeting, time: 9:58 P. M.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1176-1981) POLICY REGARDING USE OF TOWN VEHICLES

Co. Longo offered the following resolution:

RESOLVED, effective January 1, 1982, that employees of the Town of Clarkstown are to use Town vehicles assigned to them for "Official Use Only" as follow :

- 1. When an employee is not working, they are to leave their assigned Town vehicle in a Town owned parking lot as designated by their respective working supervisor.

RESOLUTION NO. (1176-1981) Continued

2. Due to the duty and nature of responsibilities of the following positions, these employees only may have a Town vehicle assigned for their use on a permanent daily 24-hour basis:

- A. Supervisor (Theodore R. Dusanenko).
- B. Police Department -- Chief of Police (George R. Schnakenberg).  
Captain of Police (Ronald Fabis).
- C. Sewer Department -- Maintenance Supervisor II (Michael Franchino)  
Pump Station Operator (John Fay)  
Sewage Systems (Tom Coleman).
- D. Building Department -- Building Inspector - Deputy Emergency  
Service Coordinator (John Maraia).
- E. Highway Department -- Supt. Highways (Fred Seeger).  
Highway Maintenance Supervisor III  
(C. Burgio)  
Highway Maintenance Supervisor II  
(G. Drescher)  
Highway Maintenance Supervisor I  
(K. Gerlack)
- F. Environmental Control - Director DEC (Leslie Bollman).  
Environmental Inspector III (Robert Ross)
- G. Parks & Recreation - Supt. Parks & Recreation (Edward Ghiazza).

and be it

FURTHER RESOLVED, that any Town employee who violates this policy shall be subject to disciplinary actions as outlined by regulation, contract, or Civil Service Law. Exceptions to this policy may be made on a temporary basis by the advanced authorization of respective Department heads and the Supervisor.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1177-1981)

AUTHORIZING SUPERVISOR TO  
ENTER INTO NINETY DAY  
LICENSE AGREEMENT WITH  
NED BESSO FOR USE OF PREMISES  
AS CLARKSTOWN SANITARY LAND-  
FILL AREA (MAP 105, BLOCK A,  
LOT 33.02)

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a ninety day license agreement with Ned A. Besso for use of premises designated on the Clarkstown Tax Map as Map 105, Block A, Lot 33.02 as part of the Clarkstown Sanitary Landfill Area.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

Councilman Holbrook inquired as to what terms were agreed upon and the Supervisor gave an explanation.

John Lodico advised the Board to consider the new contract carefully saying the parcel was landlocked and the zoning should be reviewed by the Planning Board.

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RESOLUTION NO. (1178-1981)

ACCEPTING EASEMENT FROM  
ST. REGIS PAPER COMPANY

Co. Longo offered the following resolution:

RESOLVED, that the Town of Clarkstown hereby accepts an easement from St. Regis Paper Company in connection with their new project and directs that same be recorded in the Rockland County Clerk's Office.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1179-1981)

AUTHORIZING SUPERVISOR  
TO PURCHASE ONE IBM  
MODEL II PHOTO-COPIER  
AND ONE COPIER COIN-OP  
ACCESSORY PACKAGE,  
AUDITRON CONTROL DEVICE

AAJ338

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to purchase one IBM Model II Photo-Copier at a cost of \$2,500.00, and be it

FURTHER RESOLVED, that the Supervisor is further authorized to purchase a Copier Coin-Op accessory package, auditron control device, at an additional cost not to exceed \$1,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (1180-1981)

MEMORIALIZING RESOLUTION  
REGARDING POOLING OF  
INSURANCE

Co. Longo offered the following resolution:

WHEREAS, the Town of Clarkstown was faced in January, 1980 with an increase of 110 percent in two years for liability premium, (From \$477,142 to \$999,754, of a \$17.6 million budget, and

WHEREAS, Clarkstown's experience was not an isolated incident, but rather shared by municipalities across this state, and

WHEREAS, it is feasible that municipalities could reduce insurance costs significantly by pooling their resources into well managed funds,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown does hereby join with many other municipalities across New York State to request the passage

RESOLUTION NO. (1180-1981) Continued

of Senate Bill S-1710 and Assembly Bill A-2149 so that the municipalities may be allowed to have the choice to pool liability insurance costs with one another so as to lessen the cost to our taxpayers, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Warren Anderson, State Senator Kenneth LaValle, State Senator Linda Winkow, State Senator Richard Schermerhorn, Assemblyman Thomas Morahan and Assemblyman Eugene Levy.

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1181-1981) RESCINDING RESOLUTION NO. 381 OF 1981 (SALE TO ISER)

Co. Longo offered the following resolution:

RESOLVED, that Resolution No. 381 of 1981 which authorized the sale by the Town of Clarkstown of Map 21, Block A, Lot 15.13 to William Iser is hereby RESCINDED.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1182-1981) ADOPTING AND ACCEPTING TOWN BOARD MINUTES OF OCTOBER 27 AND NOVEMBER 10 AND SPECIAL TOWN BOARD MINUTES OF NOVEMBER 4 AND NOVEMBER 17

Co. Maloney offered the following resolution:

RESOLVED, that the regular Town Board Minutes of meetings held on October 27 and November 10, 1981 and the Special Town Board Minutes of November 4 and November 17, 1981, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Longo

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (1183-1981) RESCINDING BIDS #60A-1981 AND #61A-1981 (OPERATION OF TOWN MINI-TRANS SYSTEM AND MAINTENANCE OF TOWN MINI-BUSES)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Supervisor of the Town of Clarkstown that

RESOLUTION NO. (1183-1981) Continued

BID #60A-1981  
OPERATION OF TOWN MINI-TRANS SYSTEM

and

BID #61A-1981  
MAINTENANCE OF TOWN MINI BUSES

are both rescinded.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

AAJ338

RESOLUTION NO. (1184-1981)

AUTHORIZING PLANNING  
BOARD OF TOWN OF  
CLARKSTOWN TO APPLY  
TOWN LAW, SEC. 281  
(ESQUIRE VILLAGE)

Co. Longo offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C. agents for the applicant has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as Esquire Village, 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 in order to allow less disturbance of the terrain in the northwest corner;

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.

\* \* \* \* \*

RESOLUTION NO. (1185-1981)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BIDS FOR 1982 POLICE  
VEHICLES

Co. Maloney offered the following resolution:

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

BID #5-1982  
1982 POLICE VEHICLES

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, January 20, 1982 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. Longo

All voted Aye.

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RESOLUTION NO. (1186-1981)

CANCELLING MEETING FOR  
PUBLIC DISCUSSION OF  
MASTER PLAN

Co. Longo offered the following resolution:

RESOLVED, that the meeting for public discussion of the Master Plan scheduled for December 29, 1981, at 9:00 P.M., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, is hereby cancelled.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1187-1981)

AUTHORIZING SUPERVISOR  
TO EXECUTE AGREEMENT RE  
URBAN MASS TRANSPORTATION

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the County of Rockland to provide Urban Mass Transportation funding for the years of January 1, 1981 to December 31, 1981 and January 1, 1982 to December 31, 1982.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1188-1981)

DIRECTING SUPERINTENDENT  
OF HIGHWAYS TO SALT AND  
PLOW TOWN COMMUTER PARKING  
LOTS

Co. Longo offered the following resolution:

WHEREAS, the Town of Clarkstown provides parking lot services and

WHEREAS, it is most difficult to plow and remove snow and ice from these parking lots after the commuters have already parked their vehicles,

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby directed by the Town Board of the Town of Clarkstown to salt and plow all Town commuter parking lots by 6:00 A.M. on those mornings when snow and ice removal is necessitated.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1189-1981)

ACCEPTING RESIGNATION OF  
DOG CONTROL OFFICER  
(TRAINEE)- POLICE  
DEPARTMENT (JOSEPH ROSS)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Joseph Ross, 114 Lexow Avenue, Upper Nyack, New York as Dog Control Officer (Trainee) - Police Department - is hereby accepted, effective December 30, 1981.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

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RESOLUTION NO. (1190-1981)

APPOINTING POSITION OF  
(TEMPORARY) DOG CONTROL  
OFFICER - POLICE DEPARTMENT -  
(PATRICIA McCOY)

Co. Longo offered the following resolution:

RESOLVED, that Patricia McCoy, 298 Old Haverstraw Road, Congers, New York is hereby appointed to the position of (temporary) Dog Control Officer - effective and retroactive to December 19, 1981 through December 31, 1981 - at the annual 1981 salary of \$10,242.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1191-1981)

APPOINTING PERMANENT  
POSITION OF DOG CONTROL  
OFFICER - POLICE DEPART-  
MENT ( PATRICIA McCOY)

Co. Longo offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Dog Control Officer #80029 which contains the name of Patricia McCoy,

NOW, THEREFORE, be it

RESOLVED, that Patricia McCoy, 298 Old Haverstraw Road, Congers, New York is hereby appointed to the (permanent) position of Dog Control Officer - Police Department - at the annual 1982 salary of \$10,959.00, effective January 1, 1982.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1192-1981)

CREATING LABORER POSITION -  
SEWER DEPARTMENT

Co. Longo offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on November 24, 1981 that the Laborer position - Sewer Department - can be created due to a reclassification of an existing position (Maintenance Helper established by the Town Board on April 8, 1980)

NOW, THEREFORE, be it

RESOLVED, that the Laborer position - Sewer Department is hereby created effective December 30, 1981.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1193-1981)

TRANSFERRING FROM  
POSITION OF MAINTENANCE  
HELPER - SEWER DEPARTMENT  
TO POSITION OF LABORER -  
SEWER DEPARTMENT (GEORGE  
MEMIS)

Co. Longo offered the following resolution:

RESOLVED, that Goerge Memis, 61 C Monterey Gardens, Bardonia, New York is hereby transferred from the position of Maintenance Helper, Sewer Department to the position of Laborer, Sewer Department, effective January 1, 1982, at the annual 1982 salary of \$12,284.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

AAJ338

RESOLUTION NO. (1194-1981)

CREATING TWO RADIO  
OPERATOR POSITIONS -  
POLICE DEPARTMENT

Co. Longo offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 23, 1981 that (2) two Radio Operator positions - Police Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that (2) two Radio Operator positions - Police Department - are hereby created - effective December 30, 1981.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1195-1981)

APPOINTING POSITION OF  
LABORER STUDENT - MAINTEN-  
ANCE DEPARTMENT (EDWARD J.  
RYAN)

Co. Longo offered the following resolution:

RESOLVED, that Edward J. Ryan, 35 Pondview Drive, Congers, New York is hereby appointed to the position of Laborer Student - Maintenance Department - at the hourly rate of \$3.53 - effective and retroactive to December 28, 1981, for a period not to exceed 30 days.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1196-1981)

CREATING POSITION OF  
TYPIST - TOWN JUSTICE  
DEPARTMENT

Co. Longo offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified, by letter dated December 24, 1981, that the Typist position - Town Justice Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the Typist position - Town Justice Department - is hereby created - effective December 30, 1981.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1197-1981)

APPOINTING POSITION OF  
RECREATION ASSISTANT  
(TIMOTHY J. WILKINS)

Co. Longo offered the following resolution:

RESOLVED, that Timothy J. Wilkins, 617 Waters Edge, Valley Cottage, New York is hereby appointed to the position of Recreation Assistant, at the rate of \$3.00 per game, effective and retroactive to December 1, 1981.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1198-1981)

ACCEPTING RESIGNATION OF  
MEMBER OF SHADE TREE  
COMMISSION (STEPHEN  
SPERMAN)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Stephen Sperman, 7 Jade Street, Spring Valley, New York - as a member of the Shade Tree Commission - is hereby accepted - effective and retroactive to December 25, 1981.

Seconded by Co. Maloney

All voted Aye.

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AAJ338

RESOLUTION NO. (1199-1981)

APPOINTING POSITION OF  
RECREATION AIDE (FLEMING,  
GILLULE, KRANE, WASSERMAN,  
WERTLIEB, SCARNECCHIA,  
REAVIS AND SILBERGLIED)

Co. Longo offered the following resolution:

RESOLVED, that the following are hereby appointed to the position of Recreation Aide at the rate of \$3.35 per game, effective and retroactive to December 10, 1981:

- William J. Fleming, 10 Scott Drive, New City, New York
- Ian Gillule, 11 The Promenade, New City, New York
- Steven S. Krane, 37 Woodhaven Drive, New City, New York
- Michael A. Wasserman, 7 Cardinal Court, West Nyack, New York
- Jordan M. Wertlieb, 25 Hillside Drive, New City, New York
- John P. Scarnecchia, 10 Oak Spring Road, West Nyack, New York
- Vincent S. Reavis, 77 Maple Avenue, New City, New York
- Steven R. Silberglied, 5 Parliment Drive, New City, New York

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1200-1981)

APPOINTING MEMEBER OF  
FIRE BOARD OF APPEALS  
(RAYMOND ROTH)

Co. Longo offered the following resolution:

RESOLVED, that Raymond Roth, 53 Convent Road, Nanuet, New York is hereby appointed to the position of Member - Fire Board of Appeals - to serve without compensation - to fill the unexpired term of Harold Hyde - effective December 30, 1981 with a term to expire on February 27, 1984.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1201-1981)

REAPPOINTING POSITION OF  
MEMBER OF CLARKSTOWN DRUG  
ABUSE PREVENTION COUNCIL  
(JOSEPH MIELE)

Co. Longo offered the following resolution:

RESOLVED, that Joseph Miele, 19 Collyer Avenue, New City, New York is hereby re-appointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - effective and retroactive to December 17, 1981 - with a term to expire on December 16, 1984.

RESOLUTION NO. (1201-1981) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Holbrook wanted it noted that he was abstaining on this resolution because of the dates involved.

\* \* \* \* \*

Mr. Martus Granirer objected to the recess which Supervisor Dusanenko called at this point. Mr. Granirer felt that the Board should discuss whatever they were going to discuss publicly.

After the recess Town Attorney stated that the only matter that was dicussed was the validity of the 265 Petition regarding Associates of Rockland and that he had conferred with Les Bollman, Director of Environmental Control regarding the same subject.

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RESOLUTION NO. (1202-1981)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT FOR ENGINEERING SERVICES FOR CONSTRUCTION OF CONGERS LAKE DAM (MAYO, LYNCH AND ASSOCIATES)

Co. Longo offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Mayo, Lynch and Associates for engineering services for the reconstruction of Congers Lake Dam for the amounts specified in Paragraph "C" of the agreement upon the submission of a certificate of liability insurance with a combined single limit of \$500,000.00 for bodily injury and property damage with a save harmless clause to the Town of Clarkstown and a certificate of insurance for workmen's compensation.

This motion was then tabled for lack of a second.

\* \* \* \* \*

RESOLUTION NO. (1203-1981)

AWARDING BID FOR SANITARY LANDFILL FOR CRAWLER DOZER (H. O. PENN MACHINERY CO., INC.)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Department of Environmental Control and the Director of Purchasing that

BID # 64-1981  
for CRAWLER DOZER FOR SANITARY LANDFILL

is hereby awarded to:

RESOLUTION NO. (1203-1981) Continued

H.O. PENN MACHINERY CO., INC.  
P.O. BOX 3238, NOXON ROAD  
POUGHKEEPSIE, N.Y. 12603

for one (1) NEW Caterpillar Model D8K CRAWLER DOZER as per the following  
TOTAL COST Bid Proposal

AAJ338

- 1. One (1) CATERPILLAR #D8K CRAWLER DOZER \$ 207,000.00
- 2. Trade in: ONE Cat. D-8 s/n 46A21161 \$ 14,337.00
- 3. Difference (item 1 less item 2). This is the amount the Town will pay upon delivery of the machine \$ 192,663.00
- 4. Guaranteed maximum total cost of repairs for 10,000 operating hours or 5 years, whichever comes first, as per attached specifications, will not exceed \$90,000.00. Repair cost to be paid as incurred. Any cost above this guaranteed figure to be paid by selling dealer. \$ 90,000.00
- 5. Item 3 PLUS item 4 \$ 282,663.00
- 6. Guaranteed repurchase price at end of 10,000 operating hours or 5 years, whichever comes first \$ 92,160.00
- 7. TOTAL COST OF BID: Item 5 MINUS item 6 (Award of bid based on this figure) \$ 190,503.00

and be it

FURTHER RESOLVED, that this award is subject to a formal written agreement between the successful bidder and the Town as drawn up by the Town Attorney. Such agreement shall indicate that if circumstances beyond the control of the Town force the Sanitary Landfill to close, that the successful bidder shall agree to honor the guaranteed maximum repair cost and guaranteed maximum repurchase price also proposed for 2, 3 or 4 years.

This motion was tabled for lack of a second.

Mr. Les Bollman and Mr. Michael Araneo explained the difference between various pieces of machinery under discussion.

RESOLUTION NO. (1204-1981) AWARDING BID FOR SANITARY  
LANDFILL FOR COMPACTOR  
(H.O. PENN MACHINERY CO.,  
INC.)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Department of Environmental Control and the Director of Purchasing that

BID # 63-1981  
COMPACTOR FOR SANITARY LANDFILL

is hereby awarded to

RESOLUTION NO. (1204-1981) Continued

H.O. PENN MACHINERY CO., INC.  
P.O. BOX 3238, Noxon Rd.  
Poughkeepsie, N.Y. 12603

for one (1) New Caterpillar Model 826C Compactor as per the following total cost bid proposal

- 1. One (1) New Caterpillar #826C Compactor.....\$ 203,000.00
- 2. Trade in Allowance - Rex 340 x/n H-T-R 246..... 4,758.00
- 3. Difference (Item 1 LESS Item 2). This is the amount the Town will pay upon delivery of the machine..... 198,242.00
- 4. Guaranteed maximum total cost of repairs for 10,000 operating hours or 5 years, whichever comes first, as per attached specifications, will not exceed \$80,000.00. Repair cost to be paid as incurred. Any cost above this guaranteed figure to be paid by selling dealer..... 80,000.00
- 5. Item 3 Plus Item 4..... 278,242.00
- 6. Guaranteed repurchase price at end of 10,000 operating hours or 5 years, whichever comes first..... 59,704.00
- 7. TOTAL COST BID: Item 5 MINUS Item 6 (Award of bid based on this figure).....\$ 218,538.00

and be it

FURTHER RESOLVED, that this award is subject to a formal written agreement between the successful bidder and the Town as drawn up by the Town Attorney. Such agreement shall indicate that if circumstances beyond the control of the Town force the Sanitary Landfill to close, that the successful bidder shall agree to honor the guaranteed maximum repair cost and guaranteed maximum repurchase price also proposed for 2, 3 or 4 years.

This motion was tabled for lack of a second.  
(Please see Page        for discussion on these two preceding bids.)  
\* \* \* \* \*

RESOLUTION NO. (1205-1981)

DENIAL OF ZONE CHANGE  
REQUEST (ANNA D. BREMER)

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on December 8, 1981 provided for a public hearing on the 29th day of December 1981 at 8:45 P.M., to consider the application of Anna D. Bremer, to amend the zoning ordinance of the Town of Clarkstown by redistricting the property of the petitioner from an RS District to an RG-2 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 the Anna D. Bremer zone change from RS District to an RG-2 District be denied.

Seconded by Co. Maloney

RESOLUTION NO. (1205-1981) Continued

On roll call the vote was as follows:

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

\* \* \* \* \*

Councilman Lettre said that he had listed to the information presented and that the Master Plan was not good. There is good reason to approve this request. It is in an area where it will not disturb the tranquil surroundings. If it is left commercial or LIO it will not be utilized. He cited how long the Korvette's store has been empty. These apartments will go where there is shopping, transportation and access to Routes 59 and 304. Traffic will not be a problem.

Councilman Maloney stated that he felt that it was not in compliance with the Master Plan. Apartment use is not desirable. He would not want to live in apartments that were surrounded by a junkyard, an all-night bakery and a gas station.

Supervisor Dusanenko said that this Town had received a very bad reputation because of Reynolds Aluminum and he was proud that this Town Board had reversed that. The decisions made by the Town Board have to be made for all time not just for a decade. For example he used the developments near St. Regis where originally they did not want a through road and now they do. He stated that had the Route 45 and 59 by-pass and Maple Avenue Extension been developed we would have been able to attract and develop industrial parcels like White Plains and New Jersey and that there is a need for residential condominiums and apartments to meet the needs for single people.

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RESOLUTION NO. (1206-1981)

APPROVAL OF ZONE CHANGE  
REQUEST (ANNA D. BREMER)

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on December 8, 1981 provided for a public hearing on the 29th day of December 1981 at 8:45 P.M. to consider the application of Anna D. Bremer, to amend the zoning ordinance of the Town of Clarkstown by redistricting the property of the petitioner from an RS District to an RG-2 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 a RS District to an RG-2 District the property described in said petition in the Hamlet of Nanuet, New York in said Town, said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenant running with the land in a form satisfactory to the office of the Town Attorney and to contain the following covenant made by the certified record owner:

AAJ338

RESOLUTION NO. (1206-1981) Continued

- 1. All restricted units shall be constructed and occupied as single bedroom units only.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

\* \* \* \* \*

Councilman Holbrook said that this last month had been unbelievable. He objected to pushing zone changes through before December 31st. He did not see why the Town Board should be pushed. This petition was not in accordance with the Master Plan.

Councilman Lettre said that he hoped that Councilman Holbrook would have the same type of consistency in following the Master Plan with certain zone changes that are on the Master Plan like the zone change for apartments on Germonds Road and Route 304 coming up; like zone changes on Congers Road and 9W; also the piece on Congers Road and Kings Highway. He hoped that Councilman Holbrook would follow the Master Plan that closely when those petitions come up.

\* \* \* \* \*

RESOLUTION NO. (1207-1981)

APPROVAL OF ZONE CHANGE  
REQUEST (ASSOCIATES OF  
ROCKLAND)

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on November 24, 1981, provided for a public hearing on the 17th day of December 1981 at 8:00 P.M. to consider the application of Associates of Rockland County to amend the zoning ordinance of the Town of Clarkstown by redistricting the property of the petitioner for Parcel 1 from a LIO district to a R-15 District and Parcel 2 from a LIO District to a P.E.D. 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 Parcel 1 from an LIO District to an R-15 District and Parcel 2 from an LIO District to a P.E.D. District; said parcel described in said petition in the Hamlet of Valley Cottage, New York, in said Town, said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenant running with the land binding upon all subsequent owners, in a form satisfactory to the Office of the Town Attorney and to contain the following covenant made by the certified owner.

RESOLUTION NO. (1207-1981) Continued

1. That 30% of the lots of the R-15 described area as subdivided be withheld issuance of building permits until completion of construction of the main interior roadway system within the adjoining P.E.D. described parcel i.e. Route 303 to sewer interceptor to Gilchrist Road, including drainage and sewer.
2. That site plan review be obtained from the Clarkstown Planning Board.

And be it

FURTHER RESOLVED, that the following recommendations be incorporated by the Clarkstown Planning Board in both its site and subdivision approval,

- A. Tilton Road should be dead-ended with a Cul-de-sac.
- B. A new subdivision street in the R-15 area shall connect from Gilchrist Road to Route 303.
- C. That any street connection from the P.E.D. zone be limited to non-commercial traffic.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

\* \* \* \* \*

Councilman Holbrook stated that for all the reasons previously given in the prior decision he was voting "No."

Councilman Lettre stated that there were some very difficult decisions that have to be made. He said we must look at the over-all scope. He said he believed that a PED zone would be beneficial to the entire town. He felt that R-15 would add to the area and would help establish the PED at a much quicker pace. His feeling was that the land would sit barren for another thirty years and the PED that is in our hands now and able to bring tax ratables to the Town which would stabilize the tax base in the Town which everyone cries for will go by the wind and with those things in mind I vote "Yes."

Councilman Maloney said that all members of the Planning Board felt that <sup>what</sup> was needed here was a PED district rather than L10. As liaison to the Industrial Development Commission he knows that what is wanted and needed are clean ratables in the Town. He said the only PED district in the Town presently is the airport complex which is doing very well and is only fifty acres. He reiterated a comment heard earlier that when you make a decision regarding a zone change you must "do what is good for the whole town." We could have seventy-five acres of PED land available so that if someone did come looking for sixty or hundred thousand square feet we will be able to show them something. The Industrial Development Commission is going to become more aggressive next year in trying to attract good, clean ratables in the Town of Clarkstown. We must be able to show PED land and he is willing to take the seventy-five acres rather than accept nothing.

Supervisor Dusanenko asked could the PED application be extended to the R-15 at this time without going through another public hearing. Town Attorney answered "No."

Continued on Next Page

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RESOLUTION NO. (1207-1981) Continued

In an earlier comment, before the vote, Supervisor Dusanenko said that a 265 petition submitted by the residents was not valid since it was for only 16.9% of the surrounding area.

Mr. James Hirschberger said that it was his impression that it was for 25% of the land.

\* \* \* \* \*

RESOLUTION NO. (1208-1981)

SETTING DATE FOR  
ORGANIZATIONAL MEETING  
(JANUARY 4, 1982)

Co. Holbrook offered the following resolution:

RESOLVED, that the 1981 Organizational Meeting of the Town Board of the Town of Clarkstown is hereby scheduled for January 4th, 1982 at 8:00 P.M. in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

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

APPEARANCE: Mr. Ed Haupman

He inquired as to what the Town could do regarding Veteran's exemption.

Supervisor Dusanenko stated that he was in the process of securing more information regarding this question. He was hopeful that some answers would be forthcoming at the Association of Towns Meeting in February.

APPEARANCE: Mr. Steve Hoffman  
President, Organized Taxpayers Association

Mr. Hoffman stated that his organization had backed Theodore Dusanenko for Supervisor. He said while we are still in 1981 he would like to offer Mr. Dusanenko an alternative. He offered suggestions which Councilman Holbrook put in the form of the following motion.

RESOLUTION NO. (1209-1981)

DECLARING POSITION OF  
SUPERVISOR A FULL-TIME  
POSITION

Co. Holbrook offered the following resolution:

WHEREAS, the position of Supervisor in the Town of Clarkstown has been continuously regarded as a full time position for many years, be it

RESOLVED, that effective January 1, 1982 and thereafter, said position is declared a full time position by the Town Board of the Town of Clarkstown commensurate with the salary thereof.

The office of Supervisor will be conducted during the business hours of each working day and whenever else according to need.

Seconded by Co. Maloney

\* \* \* \* \*

RESOLUTION NO. (1210-1981)

TABLING RESOLUTION NO.  
(1209-1981)

Co. Longo offered the following resolution:

RESOLVED, that Resolution 1209 be tabled and discussed at a workshop.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

\* \* \* \* \*

APPEARANCE: Mr. Anthony Cea

Mr. Cea felt that if the Supervisor was to be a part-time Supervisor he should earn a part-time salary such as the other councilmen.

Mr. Cea said he took exception to something said regarding the apartment building in one of the last mentioned zone changes. He said that the Supervisor had said that the Town should be ready to purchase that piece of land from the individual that owns it or let him build the apartment building. He wanted to know if there was anyone on the Town Board who disputed that the real property tax payer must subsidize the services provided to individuals and families who live in apartment houses. If we subsidize those families there will be an additional burden on the taxpayers in this Town. If he was unable to pay the taxes on his home would the Town be ready to step in and buy his home from him?

Councilman Longo said that the Town did not want to buy property for park land and wanted to see the property developed in an orderly manner. He said that there were no buyers for property in RS zones.

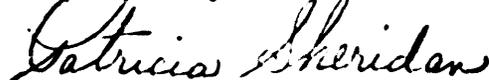
Supervisor Dusanenko answered Mr. Cea's inquiries saying that his home could be sold if it were reasonably priced which is a statement made by a local realtor.

Supervisor Dusanenko also stated that the Bremer zone change would be approved if the 265 petition were not valid. That is up to Town Attorney and Director of Environmental Control to verify. He stated that this Town and the School District of Nanuet had received a recent blow from a certiori case as facilities had been unutilized for some time and he believes there has been a downward assessment of approximately \$1,000,000.00. This is a problem we have with an over-abundance of community shopping and regional shopping.

Supervisor Dusanenko explained that it was not his decision to return to school but that he had no choice because the School Board had refused to grant him a leave of absence.

On motion of Councilman Holbrook, seconded by Councilman Maloney and with a roll call vote of "Yes" by Councilman Holbrook, Lettre and Maloney and "No" of Supervisor Dusanenko and Councilman Longo, the meeting was adjourned, time:

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

AAJ338

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/29/81

8:59 P.M.

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

RE: PETITION FOR CHANGE OF ZONE APPLICATION - RS TO RG-2  
ANNA D. BREMER

On motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted, the public hearing was opened. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Town Attorney Everett J. Johns read the following correspondence:

(Letterhead of County of Rockland Planning Board)

"November 24, 1981

Agency

Clarkstown Town Board  
Town Hall  
New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k) \_\_\_ 239(l&m)XX 239(n) \_\_\_

Map Dated: 9/81

Item:

Change of Zone: RS to RG-2, SW corner of West Nyack Rd. & Smith St.  
Anna Bremer (C\_1018)

The Rockland County Planning Board reviewed the above item at its meeting of November 19, 1981 and

- \*approves \_\_\_
- \*\*approves subject to conditions below \_\_\_
- \*\*disapproves \_\_\_
- requests extension of time \_\_\_

Recommendation: The Board approved the proposed change of zone but noted that it was for a limited area. They recommended that the largely vacant, RS and LIO zoned lands adjacent to the subject parcel be investigated for possible inclusion in the proposed RG-2 district.

cc: E. Johns, Town Attorney  
Mr. Lombardi, member, RCPB

Very truly yours,  
ROCKLAND COUNTY PLANNING BOARD

By /s/ Aaron D. Fried  
Aaron D. Fried, Planning Director

\*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of your municipality.

\*\*The GML requires a vote of "two-thirds of all the members" or "majority plus one" of your agency to act contrary to the above findings."

AAJ338

(Letterhead of Town of Clarkstown Planning Board)

"December 23, 1981

The Honorable Town Board  
Town of Clarkstown  
10 Maple Avenue  
New City, New York 10956

TOWN BOARD REFERRAL: ZONE CHANGE  
REQUEST RS TO RG-2, BREMER 32-2B1  
NANUET (Approx. 5.95 acres to W. side  
Smith Street at intersection West  
Nyack Road)

Gentlemen:

The above matter was discussed at the Planning Board meeting of December 16, 1981. The Master Plan map indicates this area as industrial land use. It was shown as such because of the land uses around it. The Town had a good deal of difficulty finding a site for the Freihoffer Bakery, which is now under construction, because of its night time operation. There had been difficulty in the past with this kind of operation in other parts of the Town. There is also a gas station directly across the street, as well as Swivelier, and a junkyard further to the west.

After considerable discussion, motion was made by Member Howell, seconded by Thormann, carried 6:0 with Ayes of Cunningham, Fallon, Yacyshyn and Paris to approve the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the above petition in relation to the surrounding area, the topography, the updated Comprehensive Plan and finds that the petition should not be granted for the following reasons:

- 1) The proposed change is not in accord with the updated Master Plan in that the plan shows this area as industrial land use, surrounded by commercial uses immediately to the south and west. Higher residential uses are recommended adjacent to established hamlet commercial centers. This site is not in or near a hamlet center as that term has been used in the updating of the Master Plan.
- 2) This site is near a bakery distribution center presently under construction (Freihoffer Baking Co.) which will operate during night-time hours. We do not see this as being compatible with a residential use. North of this parcel the nearby area is zoned L10 and includes a variety of uses, a gasoline station directly across the street, Swivelier, and an auto junkyard some 200 feet away. These uses are not compatible with the proposed requested change of use.
- 3) There will be an increase in the flows to the sewer system in the area, and the continued increase in density and flows will leave an impact on the sewer systems and may cause future problems.
- 4) Approval of this application would constitute a "spot zoning."

In response to the statutory requirements, the Planning Board has made the following determinations:

- a) the residential uses would not be appropriate in the area for reasons cited above, proximity of incompatible uses,

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- b) adequate public school facilities do exist to serve the needs of additional residences, but this area should remain industrial,
- c) public water supply would have to be extended or created, continued increase in density and flows could leave an impact on the sewer system, and may cause future problems,
- d) there are other vacant lands zoned RG-2 within one mile of this parcel, i.e. Degenshein.
- e) there is ample zoned RG-2 land in Nanuet, the Town Board having recently granted zone changes to the Stark property and additional property of Normandy Village developers,
- f) this proposed amendment is not in conformance with the Comprehensive Plan which indicates this area as industrial land use,
- g) this proposed amendment will result in an increase in residentially zoned lands which would certainly require more public services; it would further reduce the industrial land bank use.
- h) if the request is granted, it is possible that there will be other similar requests.

We attach copy of Planning Consultants memorandum for your information and guidance.

Very truly yours,

/s/ Richard J. Paris(TMS)

Richard J. Paris  
Chairman

cc: Town Attorney  
Town Clerk"

(Letterhead of Raymond, Parish, Pine & Weiner, Inc.)

"December 14, 1981

Memo to: Clarkstown Planning Board

From: Robert Geneslaw

Subject: TB Referral: Zone Change Request  
RS to RG-2, Bremer 32-2B1 Nanuet

This is a request for a change of zone for a parcel of approximately 5.95 acres at the north end of Smith Street, at its intersection with West Nyack Road. This intersection was physically closed at the time that Route 304 was improved.

The area to the south and west of the subject is zoned RS, with existing development including the Caldor-Waldbaum Shopping Center and Banta's restaurant on Smith Street. A site plan has been approved for a racquetball facility on the abutting parcel to the south, but this seems dormant. A distribution center is presently under construction for the Freihoffer Baking Company on a parcel about 200 feet west of the subject. This distribution center will operate primarily during night-time hours in order to have baked goods at retail outlets in the morning. North of West Nyack Road, the nearby area is zoned L10, and includes a variety of uses, including a gasoline, the Swivelier building and an auto junkyard to the northwest of the site, just across West Nyack Road.

It has been suggested that the site is a good one for multi-family development, for several reasons set forth in the petition. One of these reasons was that the "granting of the petition would be in conformance with the recommendation of the planning consultants to the Town of Clarkstown wherein small scale multi-family development in or near



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Supervisor Dusanenko asked Mr. Hekker some questions regarding Smith Street and Mr. Hekker's suggestion was that it could be a cul-de-sac. The Supervisor objected to all these cul-de-sacs and asked could it be made a one-way street. Mr. Hekker said "Yes." Supervisor Dusanenko asked if there would be a problem with the traffic to private properties. Mr. Hekker said there would be no problem.

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

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to the proposed zone change or if anyone had any questions.

IN OPPOSITION:

Appearance: Mrs. Margaret Fitton  
11 Spruce Lane  
West Nyack, New York 10944

Mr. Fitton said that while she recognized the need for apartments for young couples there was already a traffic problem in her area. She said that the people who move into this development will very quickly find out that it is easier to cut through her development to get to the Palisades Parkway. She requested that there be no way out from Smith Street and this development into West Nyack Road but that traffic be emptied out on to Route 59. She and the residents in her area objected to any more traffic on West Nyack Road.

Appearance: Mr. Totani  
Bardonia Road  
Bardonia, New York

Mr. Totani said he was the owner of the Classic Auto Body Shop on West Nyack Road. He said that the road in front of his property on West Nyack Road was 18 inches higher and that he was burdened with a drainage problem. He said that a catch basin had been put in to alleviate the problem but that it had not worked.

Councilman Longo suggested that he talk to the Director of Environmental Control regarding the drainage problem.

Appearance: Ted Rush  
Smith Street  
Nanuet, New York

Mr. Rush said that he owned property on Smith Street since 1949 and that he moved twenty-five years ago but he has held on to the property and paid the taxes on it. He said it was a commercial area and that houses should not be built there but that it should be developed commercially. He pointed out the car dealers on Route 304 off West Nyack Road and stated how available industrial and commercial land was becoming scarcer and scarcer.

Appearance: Mr. Neidermur  
20 Smith Street  
Nanuet, New York

Mr. Neidermur said that he lived next to Mr. Rush and that the present owner of this parcel, Mrs. Bremer, spends six months of the year in Florida and he believed that it should be left commercial because it is a business section and garden apartments or condominiums should not be placed there.

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Appearance: Mr. Martus Granirer  
South Mountain Road  
New City, New York 10956

Mr. Granierer said that the land should be left for commercial development and while there might not have been a demand for this property in 1941 or in 1969 this demand is starting to manifest itself now. He said the Planning Board gave good and careful consideration to the development of this area. He asked the Board to try and see the Planning Board's use for this land and turn down this application.

Appearance: Robert Hirsch  
Attorney for Racquet Ball Club

Mr. Hirsh said his clients objected to this land being developed in a residential manner. Garden apartments would not be compatible with the surrounding area and while plans for building the racquet ball club have been dormant changing this abutting property would be detrimental to his clients and it would create a traffic problem. He recommended adhering to the recommendations of the Master Plan and said piece-meal zoning was not in the best interests of the Town. He presented a 265 petition signed by property owners and said he would have additional petitions coming in shortly.

Appearance: Mr. Adolph Walter  
Smith Street  
Nanuet, New York

Mr. Walter questioned how this zone change, if granted, would affect his property.

Mr. Jack Hekker spoke in rebuttal. He said the racquet ball club had paid \$170,000.00 for the property but that it is now up for sale. Mr. Hirsh stated that while the land was for sale, his clients have intentions of developing it if it is not sold. He said that while the Town Planning Board had recommended against it the Rockland County Planning Board had recommended for it. He said that Elmwood Developers had the property and could not do anything with it. Restrictions on the parcel would be imposed at the Planning Board level. He said a drainage easement was given to the County and the State. He stated that the drainage problem of which Classic Auto Body Shop complained was not caused by his client's property. Mr. Hekker reiterated the need for one bedroom rentals and he asked the Town Board to consider this application.

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, time: 9:58 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

The following are comments in connection with the bids for Landfill equipment:

Supervisor Dusanenko stated that we have a consent order with the New York State Department of Environmental Conservation to provide so much compacting if not land cover on a daily basis. If we are in violation of that consent order, the landfill operation is in jeopardy. The cost of leasing equipment is very expensive. When we went out to public bid we received one bid only on the bulldozer and two bids on the compactor. The bids have been scrutinized by the Director of Purchasing, Mr. Kohler, and we also have a recommendation from Mr. Les Bollman, Director of the Town's Environmental Control Department. After award of these bids, if that is your desire, it will take at least sixty days for it to be delivered. Most of the equipment we have for back-up at the land fill is not functioning or is not functioning too well.

Councilman Longo asked if this was the best deal we could get for the Town.

Mr. Les Bollman stated that there were two valid bids, one on each piece of equipment. He stated that the H.O. Penn equipment was an excellent piece of equipment and he recommended it.

Councilman Maloney asked if the Rex trash compactor had been one of the acceptable bids. Mr. Bollman said no, that Rex had come in with the one that did not meet the weight standards, etc. If they would have come in with their bigger machine then they would have met all the requirements.

Councilman Longo requested that Mr. Bollman examine a written statement received by him with regard to the Rex. Mr. Bollman stated that Mr. Mike Araneo would be the person to discuss the differences and Mr. Araneo came forward.

Councilman Longo requested that Mr. Araneo take it point by point for the record.

1. Rex as lower initial cost of \$30,000.00. Mr. Araneo said that this price is for a smaller machine.

2. As to point No.2 Mr. Araneo stated that the Rex has 33% more compaction. Our records show that their tooth does not give the same compaction as a chopper wheel does. We decided to go with the chopper wheel. We did not see the statistics on that. Mr. Bollman stated that the Rex has a smaller track area and obviously if weight is based on a smaller area you get a greater per square inch compaction, but that is not what we specified - we do not want to go back over the thing ten times.

3. It states that Rex is lighter but does more work. We wanted the heavier machine because we wanted the traction. Our landfill is designed to push uphill; some landfills push down. We need the traction. We get 31 yarders instead of 20 yarders and sometimes we get 75 yard trailers.

4. Mr. Araneo said he agreed that the Rex had full width compaction that the Cat doesn't. Rex loses its stability. Rex is a three wheel design - a tricycle design. They do not have stability.

5. It is true that the operator sits sideways. In the Cat you sit straight ahead the way you do in all of our other equipment and you have a mirror to look behind you like you do on trucks. Seating depends upon individual preference. Supervisor asked Mr. Araneo which he preferred and Mr. Araneo said "straight ahead."

6. Rex 3-55 is a landfill machine by design. Mr. Araneo said that that was true but so is the 826C.

Mr. Araneo stated that he did not know where they got \$28,000.00 figure from. We have to deal with Rex which is Callahan, now with Dale & Rankin but we also have to deal with Pensky with GM. We have dealt with Pensky, Callahan and others. I do not know where the \$28,000.00 comes from.

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Mr. Araneo said that he had taken a good hard look at the Rex and upon a question from Councilman Lodico stated that he still preferred the Cat.

Supervisor Dusanenko said that the record should show that Mr. Leslie Bollman and Mr. Mike Araneo recommend the acceptance of these bids.

Mr. John Lodico stated that we are talking about the best interest of the Town of Clarkstown. We are talking about another opportunity. These bids were written around only one machine and therefore are not subject to public bidding. Under the statutes of competitive bidding in the State of New York. Four of the five major companies that participate in landfill equipment did not participate and did not meet the bids either because that bid is only written around Cat equipment.

In his opinion it was a deal and not in the best interest of this Town. The last time this Town purchased equipment we had a demonstration of five various pieces of equipment. Every landfill personnel operated all of the pieces that were on demonstration and we had five different types of equipment. These men at that time chose to keep the equipment they had at that time which was the Rex equipment. It is a three wheel design type and does in fact have more lineal compaction than a compactor. When a compaction effort is made it is a 12 foot strip in deference to two wheels separated by three to four feet which does subject the equipment to additional future damage under the under carriage where you might possible come up into the belly pan. The Town has purchased three Rex machines in the past. Economically this is in the best interest of this Town.

Mr. Lodico commended the Board for taking action and buying new equipment. However, he felt this bid is out of order and the Town should review it very carefully and resubmit to competitive bidding. He felt the Town could do better economically with the Rex.

Supervisor Dusanenko stated that statement came in at approximately \$300,000.00 per each piece of equipment. The bid for the dozer has a total price of not \$300,000.00 but we will have to pay on delivery \$192,663.00. The total cost for the other piece of equipment I believe is \$198,242.00 which is more than \$100,000.00 less than we had anticipated paying. These bids are only good for a specified period of time. The people who have to use these machines and who have the responsibility of the department have recommended them.

Supervisor Dusanenko also said that there were comments from Mr. Lodico earlier stating that we should purchase landfill equipment but at the same time in the event this Town does not have an extension of the landfill beyond 1983 we will have a lot of equipment with nothing to do with it. It is a remote possibility. What we did in this particular case was utilize a process called total cost bidding where we have the price of the machine, the trade-in value, etc. We also have a certain amount that the company will provide for during a five year period for the maintenance, repair and replacement of parts on that equipment. In addition there is a specified price of the value of that machine which they will buy back at the conclusion of the 2nd, 3rd, 4th and 5th year. We have a guaranteed price for a buy-back by the same company doing the bidding. In the event the landfill does not go beyond 1983 or whenever, we will not have lots of equipment which is paid for and then have to go out to regular bidding to dispose of it.