

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/28/82

8:10 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor Dusanenko opened the public portion of the meeting and asked if there was anyone wishing to be heard.

Appearance: Mr. Robert Hayes, President
Clarkstown Gridiron Club

Mr. Hayes addressed the Town Board regarding a change in policy by the Clarkstown School Board for the use of the school field by the New City Rams. The games are played each Sunday at the North High School. There is now a limit to the number of hours that the field can be used by the New City Rams and that is four hours. There is a further limitation that only two games may be played in any one day at one field. As we have five teams it is complicated. The School Board has allowed us to use the field at the South High School at the same time as we are using the one at the North High. However, the Gridiron Club is primarily a family organization and there is usually more than one boy from a family on these teams. The difficulty arises as one family might have boys or girls playing at both fields. We are calling upon the Town Board to assist us in having the time extended at the North High School. We would like to use the field from 9:00 A.M. until 4:00 P.M. rather than 10:30 to 3:00 as we have at the present time. The boys are from eight to thirteen years old. They are only little boys. More than half of our boys weigh under 100 pounds so there would not be that much damage to the field. We would be very appreciative of whatever assistance the Board can give us.

Supervisor Dusanenko said that he had conferred with his colleagues on the Town Board and that a resolution would be drawn prior to the end of the meeting.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein addressed the Board about the expansion of a building on Main Street and Demarest Avenue that was done without a variance. He questioned the legality of a building permit being issued and said he was awaiting an answer in writing from the Building Inspector's Office regarding many of his questions.

Mr. Milich, Building Inspector for the Town of Clarkstown said that he had a letter almost completed in answer to Mr. Bernstein's questions and stated that there had been no error in issuing the building permit since the property involved had an existing non-conforming use.

Appearance: Mr. John Hekker
Nyack, New York

Mr. Hekker spoke regarding Item No. 16 on the agenda for tonight's meeting (Associates of Rockland) and said that it was his understanding that this item might be a reconsideration of a previous motion adopted 3 to 2 by this Board on September 14, 1982. At that time a 265 petition had been filed without the knowledge of the petitioner and without the knowledge of the Town Board. He did not

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know whether a 265 petition had again been filed which might affect the vote here tonight. Mr. Hekker was told that none had been filed.

Supervisor Dusanenko then stated that he would be reading a resolution under Special Order of the Day regarding the Building Inspector.

RESOLUTION NO. (892-1982)

TOWN BOARD TO REQUEST
DIRECTOR OF PERSONNEL OF
ROCKLAND COUNTY TO HAVE
A PHYSICAL EXAMINATION MADE
OF MR. GERALD COLUCCI -
MEDICAL PERSONNEL OF THE
ROCKLAND COUNTY COMPENSATION
COMMITTEE ALSO MAKE PHYSICAL
EXAMINATION OF MR. GERALD
COLUCCI - DIRECTOR OF PERSONNEL
TO ADVISE TOWN BOARD AS TO
APPROPRIATE ACTION TO BE TAKEN

Supv. Dusanenko offered the following resolution:

WHEREAS, it is timely for the Town Board to appoint a building inspector off the civil service list of the County of Rockland, and

WHEREAS, to date a doctor's visit and physical examination ordered by the Town Board has been concluded wherein the doctor states that Mr. Gerald Colucci is fit for duty and may return to work, and

WHEREAS, the Town Board held a workshop meeting last Thursday evening at which time Mr. Colucci was unable to hear questions from members of the Town Board and was unable to be attracted after repeated attempts by the Supervisor and Deputy Supervisor, and

WHEREAS, it has been customary for the Building Inspector to act as the Deputy Director of Emergency Services for the Town of Clarkstown working with the Supervisor and in his absence in matters of emergencies, floods, fires, etc., and

WHEREAS, it is necessary on occasion for the Building Inspector to assist members of our Police Department on inspections of bars and places of public assembly,

NOW, THEREFORE, be it

RESOLVED, that the Town Board request the Director of Personnel of Rockland County to have a physical examination of Mr. Colucci, and be it

FURTHER RESOLVED, that the medical personnel of the Rockland County Compensation Committee have a physical examination also, and be it

FURTHER RESOLVED, that the Director of Personnel advise this Town Board as soon as possible as to the appropriate action it must take.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (895-1982)

APPOINTING POSITION OF
BUILDING INSPECTOR II -
BUILDING DEPARTMENT
(GERALD D. COLUCCI)

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Building Inspector II No. 82108 which contains the name of Gerald D. Colucci;

NOW, THEREFORE, be it

RESOLVED, that Gerald D. Colucci, 91A Lake Road, Valley Cottage, New York, is hereby appointed to the position of Building Inspector II - Building Department - at the annual salary for 1982 of \$27,791 plus longevity due Mr. Colucci, effective immediately.

Seconded by Co. Carey

On roll call the vote was as follows:

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

Supervisor Dusanenko said before the Town Board were to make such a decision he had a letter from the Director of Personnel in Rockland County dated September 10, 1982. Supervisor Dusanenko introduced the following letter into the record:

(Letterhead of Rockland County Personnel Office)

"September 10, 1982

Theodore R. Dusanenko, Supervisor
Town of Clarkstown
Office of the Supervisor
Town Hall
10 Maple Avenue
New City, New York 10956

Dear Mr. Dusanenko:

Reference is made to your letter of August 19, 1982 concerning Mr. Gerald Colucci, Deputy Building Inspector.

Before acting on your letter to require a physical examination of Mr. Colucci, would you please respond to the following:

- a. Has the physical disability evidenced by Mr. Colucci prevented his performance of the normal duties of Deputy Building Inspector? If not, what reason does the Town Believe he would not be able to perform the duties of Building Inspector II? If so, what action has the Town taken with respect to the matter?
- b. Has the Town had Mr. Colucci examined by an appropriate medical specialist? If so, what were the results? If not, why not?

"Upon receiving your response to the above, we will review the question of whether or not it would be appropriate for this office to schedule Mr. Colucci for a medical examination.

Sincerely,

/s/ James K. Anderson

JAMES K. ANDERSON
Personnel Officer"

Supervisor Dusanenko said FOR THE RECORD: "Earlier I mentioned the fact that this Town Board required Mr. Colucci to take a medical examination. For reasons of confusion, taking orders from different people, other than the Supervisor or his immediate staff, there was a delay in Mr. Colucci finally having a complete medical examination. Examinations were held by two doctors. One was Dr. Bernard H. Berson whose report reads as follows:

(Letterhead of Mr. Bernard H. Berson)

'September 20, 1982

Philip B. Fogel
First Deputy Town Attorney
Town of Clarkstown
10 Maple Avenue
New City, NY, 10956

RE: Gerald Colucci

Dear Mr. Fogel,

I have examined Mr. Colucci, at your request. I have also, carefully reviewed your job description of the Deputy Building Inspector, and a second description, dated July 30, 70.

You had asked if Mr. Colucci is or is not disabled from the performance of his normal duties. Mr. Colucci has suffered a severe hearing loss, but his ability to compensate for this handicap, has been remarkable. As I review the job description and see his performance as an individual, I have no doubt but that he can perform the job, as described and parenthetically, I feel he will perform in an outstanding manner.

Sincerely yours,

/s/ Bernard H. Berson

Bernard H. Berson, M.D.

BHB/lg
cc/l'

Supervisor Dusanenko said there was another doctor, Doctor Joseph A. Salerno. He read the following letter:

(Letterhead of Dr. Joseph A. Salerno)

'September 13, 1982

To Whom It May Concern:
Re: Gerald Colucci

Mr. Colucci was examined today in my office and he is able to return to work on a full time basis.

/s/ Joseph A. Salerno, M.D.'

"The reason why, ladies and gentlemen and members of this Town Board, I did not respond to Mr. Anderson's letter was the fact that on one meeting - prior to one meeting of the Town Board, I received that day, or the day before, the response from one doctor. Prior to a subsequent meeting of the Town Board I had received the response from another doctor. The Supervisor had no time to respond to the Director of Personnel to make a detailed and complete examination which he requested on resolution No. 1 this evening - SPECIAL ORDER OF THE DAY - Item A, which was not used to malign or insult the honesty and integrity and the hard work of the person which you are about to appoint to such position but my concerns from the very beginning were not along any other motives other than having a person who is physically able to handle all of the functions of the job for all of the people of the Town of Clarkstown. If somebody has to deal in sign language - in the event somebody has to deal in written letters - in the event somebody is handling emergency operations due to staff being out to lunch or vacation which is the case in the Town - and is unable to use a telephone then we are not doing justice to all the people of the Town of Clarkstown. I cast no personal aspersions upon the performance of Mr. Colucci in the past, present or his job in the future. At the same time there are other sensitive jobs where certain skills are necessary and I have not been able to answer Mr. Anderson's letter because over the last two weeks some of the other items going on here - I did not have Doctor Salerno's letter which was delivered by hand finally on September 14th and that's why I had requested with this Town Board this evening that consideration of the first item.

"Now, I stated earlier in my first resolution that we had an executive session of this Town Board on some very sensitive litigation this past Thursday evening. Speaking quite loud, and I will let Councilman Lettre speak for himself as I do not want to write anyone's script for them. Okay? Mr. Lettre and I - Mr. Colucci was - it was attempted to get his attention on several occasions. There were few, if any other, people in the room. He was sitting at the other end of the long table at the Jackson room and was not able to hear one of the Councilmen and the Supervisor of the this Town was attempting to get his attention. After asking a question of Mr. Colucci on very sensitive litigation he did give an answer but the answer had little or nothing to do with the question other than the fact that he was not prepared at this time to offer a comment on the question. So I do not believe, to the best of my knowledge, that he heard the question. If this is going to be a case of having a person who will be the Deputy Director of Emergency Services for this Town and somebody who will need the assistance of several other people for the normal performance of that position I do not think, once again, that that is in the best interests of the citizens of the Town of Clarkstown.

"I would like to refer to a Rockland County Times article for the record dated 8/26/82 'Clarkstown Gets List for Building Inspector'. In that there were several references which I think were germane to both the body of politics, the welfare of the Town of Clarkstown and this issue."

Supervisor Dusanenko also referred to an article printed regarding this in the Rockland Journal News sometime during that same week. In these articles Councilmen of this Town Board were quoted as stating that other people could assist to do the job of the Building Inspector in view of such handicap. Supervisor said he had no other comments. Whatever actions are taken I'm sure are ordained and will be concluded. He said that he just wanted to state his case for the benefit and safety of all of the people of the Town of Clarkstown.

On the roll call vote Councilman Carey stated that he was very honored to cast his vote for Mr. Colucci.

Councilman Lettre said FOR THE RECORD: This evening we are again faced with the chore - a most difficult chore - of appointing a permanent Building Inspector to the Town of Clarkstown. As I stated earlier, I think that position is a very important position and we must put someone into this position who can handle it and serve the people of the Town of Clarkstown well in all capacities. I do not choose to sit here this evening and cast aspersions on Mr. Colucci's abilities as far as knowing the duties of the position of Building Inspector. Mr. Colucci has been the Deputy Building Inspector for a number of years and has done a good job and has served the position well. But I feel that it would be a sham and a disgrace and an injustice to the people of the Town of Clarkstown to this evening appoint Mr. Colucci to become the permanent Building Inspector of the Town of Clarkstown. As the Supervisor stated earlier last Thursday evening at a workshop meeting I asked Mr. Colucci numerous questions and Mr. Colucci, unfortunately, did not have the ability to answer, not because he didn't know the answer I'm sure as far as content but because he wasn't able to hear the question. During most of the workshop meeting the other evening Mr. Colucci had the assistance of his lovely wife taking notes for him during the entire meeting. I don't think that Mrs. Colucci is going to be willing to spend eight hours a day in the Town of Clarkstown taking minutes for the Building Inspector so that he can answer questions from the public or any elected official in the Town of Clarkstown. I just think that this evening that this Town Board is making a grave error and is making an error that we all will have to pay the price for in the long run. I just question why Mr. Holbrook is so eager, so anxious to put Mr. Colucci into the position knowing full well he does not have the physical capabilities to handle the job. I myself have a personal preference for this position as I stated earlier - Mr. Maraia but unfortunately Mr. Maraia is not able to go into this position tonight but I would have hoped that Mr. Holbrook would have used the same type of common sense and would have yielded to common sense and had voted for one of the other two gentlemen who came in number one, two and three on the Civil Service test. Mr. Milich, who I moved this evening for this position was the number one vote getter, and is eminently qualified for this position and would have been able to serve the Town of Clarkstown well.

Councilman Maloney said that he would like to thank John Maraia for the job that he did in running the office of the Building Inspector as a provisional Building Inspector. Councilman Maloney questioned the Supervisor in bringing up a memo dated September 10th - communication between himself and Mr. Anderson - that we are hearing about now for the first time with some of the questions that were asked. I also want to emphasize the fact that on his own Mr. Colucci did submit to physical examinations that were requested by Mr. Fogel, acting on behalf of the Town Board. Dr. Berson, who is a specialist in audiological problems has indicated that he can do the job and sees no reason why he cannot fulfill the job and also mentioned, as Mr. Dusanenko read, that he has overcome his handicap in a very remarkable way. We are talking about someone who has a severe hearing loss. Hopefully, that hearing loss will improve. It may never be 100% but there are indications that it can improve and would improve. Anybody who has a handicap, as I work with people who are handicapped, have to operate in different ways. They have to operate in a different way because of their handicap, whether that be physical or mental, and that people realize that and be willing to work with them in a different way. It's ironic that this being National Hire the Handicapped Week that we are talking about someone who is handicapped and we are talking about not being willing to work in a different way with that individual.

Of course, the person in question cannot answer a phone but it doesn't mean that he still doesn't have the capacity - the intellectual capacity - the knowledge to see and to speak and to give answers when they are needed. It may mean that his secretary may have to write him a memo but that individual can still read. Councilman Maloney said that he also objects to what happened on Thursday night. I say that Mr. Colucci was deliberately set up at that particular meeting with the councilman asking a question knowing full well when that question was asked that Mr. Colucci was engaged in conversation with Mr. Harold MacCartney on some questions and that anybody being asked a question at that time would not have heard. The persons asking the questions knew damn well that Mr. Colucci would not hear so there was nothing proved. When Mr. Colucci was nudged and he looked at the person who was asking the question he was able to answer the question. Even though he was not familiar with the question that was asked and he said he would have to research that because that is something we have to look into. Mr. Colucci has learned how to lip read and he can. I think the question of being patient is a question of being concerned - it's a question of having to work another way with someone who is handicapped and perhaps that handicap will pass. Councilman Maloney said he hoped that the people in the office will take the time to work with him - the time and the effort - to do the job that is needed.

Supervisor Dusanenko said FOR THE RECORD: For over two and one half years I have had the opportunity to work with Mr. Colucci and many times I've had the opportunity to hear his responses. He is not one quick to jump to conclusions. He usually says it needs more study and more questioning prior to giving a response. As I said earlier I am attempting to cast no aspersions upon Mr. Colucci because I believe he has been a faithful Town employee of many years standing. He has done an excellent job as second in command to several Building Inspectors. The point is will this handicap affect Mr. Colucci's performance in being the chief code enforcement officer and the Building Inspector whose duties are not limited to nine to five. He does not receive overtime. He is the Deputy in charge of Emergency Services in my absence in the Town of Clarkstown. In no way is this Town Board or any of its members attempting to remove Mr. Colucci from the position which he does hold within the Town of Clarkstown. This vote is about making him the head of the Building Department on a permanent basis. If we're going to all of a sudden, because of personalities or favoritism or whatever, hire persons who cannot do a total and full job beyond their own physical - within what's considered normal, physical abilities to handle a position then we would have policemen and firemen and other competitive persons who would not be able to best serve the citizens of the Town of Clarkstown. Mr. Lettre had reminded me earlier that in no shape, manner or form is this any move against Mr. Colucci personally or the handicapped. I would like to further add a comment that I know that I don't like to bring things up unless you have to. I am raising a question. I am not making a statement. I would like the Town Attorney or I would like any litigation with regard to this position which may or may not follow - I would like to have the Personnel Office of the County of Rockland at least be able to respond in writing to the members of the Town Board the answer to the following question: At the time this test was taken, which I believe was taken within the last twelve months, an application had to be filed. On that application it had to be stated by the applicant or anyone who took the test for this position: Are there any physical defects or situations or something around about physical defects which will prevent you from performing all of the services of that particular job? I am paraphrasing it because I do not have a copy of the Rockland County application. I would like to know what the answer of that incumbent was at the time he took the test before he had made miraculous recovery as attested to by his doctors. The Supervisor would rather abstain but I believe, after the comments, stated for record will vote "No" in this issue and will now recognize Councilman Lettre for the purposes of a motion.

Councilman Lettre said that since we now have a new permanent Building Inspector in the Town of Clarkstown he wanted to make a motion appointing a permanent Deputy Building Inspector to the Town of Clarkstown. Councilman Lettre said that we cannot wait in case there is some time of emergency or some type of tragedy or inability of Mr. Colucci to be able to handle the duties. There has to be someone in that office who would officially be able to carry on the duties.

RESOLUTION NO. (896-1982)

APPOINTING POSITION OF
DEPUTY BUILDING INSPECTOR
(PROVISIONAL) ADOLPH MILICH

Co. Lettre offered the following resolution:

RESOLVED, that Adolph Milich, 29 New Valley Road, New City, New York is hereby appointed to the position of Deputy Building Inspector (provisional) - at the annual 1982 salary of \$22,239.00, effective September 29, 1982.

Seconded by Co. Carey

All voted Aye.

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Councilman Holbrook said that he was going to cast his vote for Mr. Milich but not for the reasons Mr. Lettre has offered here. I sat here and listened to the biggest crock of nonsense, about Mr. Colucci and the handicap, that I have witnessed here in seven years on the Town Board. I find it personally repulsive - the arguments and the professions of not wanting to impugn Mr. Colucci. It's also embarrassing to sit up here and listen to it and to have my name associated with, even in an offhanded way, some of the comments here. These two gentlemen stand on their own. They took the test and they finished one, two. I don't think we have to sit up here and make apologies for their performances or their abilities. I think it's about time the Town of Clarkstown recognized that. I think these men are capable of performing their duties in the Building Department admirably and they should rest on their own merits and for that reason, and that reason alone, I cast my vote for Mr. Colucci and I cast it for Adolph Milich as Deputy Building Inspector.

Councilman Lettre said that Mr. Holbrook wants to throw around the rhetoric and the big words and the fancy words that seemingly cover up. In response to laughter from the audience Councilman Lettre asked if it was that funny. He said he guessed it was funny when the Town Board of the Town of Clarkstown appoints a person to a position who I feel does not have the ability to carry out that position properly for all the people in the Town of Clarkstown and I guess it is funny and there was no chuckles coming from the Democratic caucus sitting out front when Mr. Holbrook was pushing so hard for Mr. Colucci to get the position. I would have wanted to see Mr. Milich in the top position because I feel he had the ability to handle that position to to it properly and to do a good job, a full job for all the people of the Town of Clarkstown but since Mr. Holbrook persuasion over two other members on this Town Board was so great I guess we'll have to go for second best.

Councilman Maloney said that he was happy to vote for Mr. Milich as Deputy and also I'm appalled at what's happened here tonight. Let's let it go at that. We have two capable men in the department and that's why I voted for them - for no other reason.

Supervisor Dusanenko said that a moment of levity is almost needed but that may be misconstrued as well. All I can say FOR THE RECORD is I wish Dolph Milich and Jerry Colucci the best of luck in performing their services. I mean that sincerely - the fait accompli as it is now. I wish them both a long life and the best kind of service for all the people of the Town of Clarkstown and I vote "Yes."

RESOLUTION NO. (897-1982)

APPOINTING DEPUTY DIRECTOR
OF EMERGENCY SERVICES
(GERALD D. COLUCCI)

Co. Holbrook offered the following resolution:

RESOLVED, that Gerald D. Colucci, 91A Lake Road, Valley Cottage, New York, is hereby appointed Deputy Director of Emergency Services, effective September 28, 1982, to serve without compensation at the pleasure of the Town Board.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Supervisor Dusanenko asked if it was customary for the Supervisor to appoint such person or is it customary for the Town Board to appoint such person. Town Attorney said that he thought it could certainly be an appointment made by the Town Board. Supervisor made a suggestion that until the Town Attorney researches this that on a temporary basis until the next Town Board meeting that I request Mr. Junie Milich as the Deputy Director of Emergency Services until the report comes forward from Mr. Costa at the next Town Board Meeting.

Town Attorney asked the Supervisor if he was asking for legal opinion or if it was customary for the Supervisor to make this appointment? Supervisor Dusanenko said he was asking for both. Town Attorney said the Personnel Office should be able to answer the question of what is customary in the Town. Supervisor said he was making the request so that further debate would be avoided.

Councilman Lettre asked if they could appoint Mr. Gerald Colucci on a temporary basis until an opinion could be handed down by the Town Attorney and if, in fact, it is the prerogative of the Supervisor then it would be his choice and if it is the prerogative of the Town Board that we would just ratify this on a permanent basis.

Councilman Carey pointed out that it says in the resolution "at the pleasure of the Town Board". Therefore, he felt they had the right for any reason at any time we decide we want to reverse the situation we can. I think it would be best under the circumstances to go right ahead with the motion and we can take other action if it is necessary.

Supervisor Dusanenko stated that there was no compensation for this particular position. Mr. Colucci - it would be difficult for him probably to be able to perform some of these emergency service functions in my absence or together with me as has been the case on several occasions with prior Building Inspectors or Acting Building Inspectors and at the same time, since he was not going to be deprived of any additional compensation I am pleading with you, gentlemen, to give me somebody that in the event there is a flood, in the event there is an ice storm, in the event that there is a building burning in the middle of the night which may need condemnation which we then bring back to you gentlemen at a later point in time for ratification, that I have somebody that I am not going to be personally handicapped to work with somebody whose safety may be

RESOLUTION NO. (903-1982)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO PERFORM
DRAINAGE WORK (GILCHREST
ROAD AND CONGERS LAKE PARK
MONEY TO BE TAKEN FROM
CAPITAL ACCOUNT DRAINAGE

Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of
Gilchrest Road and Congers Lake Park,

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby
authorized to perform the corrective drainage work at the above
location in accordance with the recommendations of the Department
of Environmental Control for a sum not to exceed \$2000.00, and
be it

FURTHER RESOLVED, that the sum of \$2,000.00 shall be taken
from Capital Account Drainage.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (904-1982)

GRANTING PERMISSION FOR USE
OF CLARKSTOWN SHOWMOBILE FOR
COLUMBUS DAY PARADE - SUFFERN,
NEW YORK - OCTOBER 10, 1982

Co. Lettre offered the following resolution:

WHEREAS, the Columbus Day Parade Committee has requested use
of the Town of Clarkstown showmobile on Sunday, October 10, 1982
(raindate: October 17, 1982) for the 9th Annual Columbus Day Parade
to be held in Suffern, New York,

NOW, THEREFORE, be it

RESOLVED, based upon the recommendation of the Superintendent
of Recreation and Parks, that permission is hereby granted to the
Columbus Day Parade Committee to use the Town of Clarkstown showmobile
on October 10, 1982 (raindate: October 17, 1982) for the above purposes
subject to the provision of the necessary insurance policies.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (905-1982)

AUTHORIZING THE DIRECTOR
OF ENVIRONMENTAL CONTROL
TO PERFORM DRAINAGE WORK
AT FRINGE COURT, NEW CITY,
NEW YORK

Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists at Fringe Court, New
City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is
hereby authorized to perform corrective drainage work at the above
location in accordance with the plans on file in said office for

RESOLUTION NO. (905-1982)Continued

a sum not to exceed \$4,500.00, and be it

FURTHER RESOLVED, that the sum of \$4,500.00 shall be charged to the Drainage Bond Capital #2 Account.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (906-1982) RESCINDING RESOLUTION NO. 756-1980 (RE: GRANTING OF 281 - CLAL CONSTRUCTION CORP. - ATZL & SCATASSA ASSOCIATES, AGENTS)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Clarkstown Planning Board, Resolution No. 756 adopted by the Town Board of the Town of Clarkstown on September 9, 1980, is hereby rescinded.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (907-1982) AUTHORIZING PLANNING BOARD TO APPLY TOWN LAW SECTION 281 TO CLAL CONSTRUCTION CORP. - ATZL & SCATASSA ASSOCIATES, AGENT

Co. Maloney offered the following resolution:

WHEREAS, Atzl & Scatassa Ssociates, P.C., agents for the owner has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as CLAL CONSTRUCTION CORP., 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 for the following reasons:

1. Provide for less road for the Town to maintain.
2. Allow for less disturbance to the land.
3. Provide a buffer of the noise level from traffic along Route 59.

NOW, THEREFORE, be it

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

Seconded by Supv. Dusanenko All voted Aye.

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RESOLUTION NO. (901-1982)

CLOSING SCHEDULED PUBLIC HEARING RE: AMENDMENT TO LOCAL LAW NO. 7-1980 RE: LANDFILLS (LOCAL LAW NO. 13-1982) AND RETURN TO REGULAR MEETING

Co. Holbrook offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Amendment to Local Law No. 7-1980 re: Landfills, be closed, (LOCAL LAW NO. 13-1982) ADOPTED, time: 9:20 P.M. and return to regular Town Board Meeting.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (902-1982)

ADOPTING LOCAL LAW NO. 13-1982 RE: LANDFILLS

Co. Holbrook offered the following resolution:

WHEREAS, a proposed local law entitled "A LOCAL LAW TO AMEND LOCAL LAW NO. 7-1980 ENTITLED 'A LOCAL LAW REGULATING LANDFILLS IN THE TOWN OF CLARKSTOWN'" was introduced by Councilman Lettre, at a Town Board meeting held on September 14, 1982, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 14th day of September, 1982, directed that a public hearing be held on the 28th day of September, 1982, at 8:35 P.M., and

WHEREAS, a notice of said hearing was duly prepared published in the Journal News on September 21, 1982, and

WHEREAS, a copy of the proposed local law in final form was placed on the desk of the Supervisor at his office at 10 Maple Avenue, New City, New York, and mailed to the Councilmen at their home addresses, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 28, 1982;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 13-1982, entitled, "A LOCAL LAW TO AMEND LOCAL LAW NO. 7-1980 ENTITLED, 'A LOCAL LAW REGULATING LANDFILLS IN THE TOWN OF CLARKSTOWN'" is hereby ADOPTED and passed by an affirmative vote of the Town Board of Clarkstown, the vote for adoption being as follows:

Hon. Theodore R. Dusanenko.....Yes
Councilman William J. Carey.....Yes
Councilman Edward Lettre.....Yes
Councilman John R. Maloney.....Yes
Councilman 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.

* * * * *

RESOLUTION NO. (908-1982)

CORRECTING RESOLUTION
NO. 793-1982

Co. Maloney offered the following resolution:

RESOLVED, that so much of Resolution No. 703 at the Town Board meeting of August 31, 1982, which referred to Map 125, Block A, Lots 2 and 3 is corrected to read as follows:

Map 125, Block A, Lots 16.01 and 16.02

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (909-1982)

AUTHORIZING SUPERVISOR
TO ENTER INTO AGREEMENT
WITH COUNTY OF ROCKLAND
FOR STREAM MAINTENANCE

Co. Lettre offered the following resolution:

WHEREAS, the Town of Clarkstown desires to enter into an agreement with the County of Rockland for stream maintenance;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland in a form satisfactory to the Town Attorney and which shall provide that the Town of Clarkstown receive \$12,000.00.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

RESOLUTION NO. (910-1982)

SETTING PUBLIC HEARING ON
PROPOSED AMENDMENTS TO
ZONING ORDINANCE OF TOWN OF
CLARKSTOWN FOR THE HAMLET
OF VALLEY COTTAGE

Co. Lettre offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has adopted a Master Plan, and

WHEREAS, the Town's Planning Consultant, by direction of the Town Board, has identified certain parcels of land in the Hamlet of Valley Cottage having present zoning designations inconsistent with the Master Plan and has suggested that certain amendments to the Zoning Ordinance of the Town of Clarkstown may be required to implement the Master Plan, and

WHEREAS, the Town Board wishes to consider the zoning amendments so as to bring these areas into conformity with the Master Plan;

NOW, THEREFORE, be it

RESOLVED, that the proposed amendments to the Zoning Ordinance of the Town of Clarkstown identified on the attached Schedule "A" are hereby referred to the Clarkstown Planning Board for their review, recommendation and report to the Town Board of the Town of Clarkstown by October 14, 1982, and be it

RESOLUTION NO. (910-1982) Continued

FURTHER RESOLVED, that the proposed amendments to the Zoning Ordinance set forth on the attached Schedule "A" are hereby referred to the Town Planning Consultant for on-site inspection, specific identification of parcels by a perimeter description of the area affected and tax map description of the parcels involved and recommended to be considered for amendment, and for report by October 14, 1982, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown will hold a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, at the auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the proposed amendments to the Zoning Ordinance of the Town of Clarkstown shown on the attached Schedule "A", and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such hearings and that the Town Clerk cause the notice of same to be published in the official newspaper of the Town and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the Rockland County Planning Board for their report and recommendation.

Seconded by Co. Maloney

All voted Aye.

(Schedule "A" and maps on file in Town Clerk's Office.)

* * * * *

RESOLUTION NO. (911-1982)

AUTHORIZING TOWN ATTORNEY
TO DEFEND AN ACTION AGAINST
TOWN OF CLARKSTOWN (TEPLITZ
STEEL CORPORATION)

Co. Lettre offered the following resolution:

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

TEPLITZ STEEL CORPORATION,

Plaintiff,

-against-

TOWN OF CLARKSTOWN, P.C.S. HOLDING
CORPORATION, FRENCHY'S AUTO SALVAGE,
INC., and DAVID SPECTOR,

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (912-1982)

SETTING PUBLIC HEARINGS RE
AMENDMENTS TO ZONING ORDINANCE
AND OFFICIAL MAP - HAMLETS OF
VALLEY COTTAGE, NEW CITY,
NANUET, WEST NYACK AND CENTRAL
NYACK AND BARDONIA AND SPRING
VALLEY

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board intends to hold public hearings to consider conforming amendments to the Zoning Ordinance and Official Map concerning the implementation of the 1981 Master Plan Update in accordance with the following schedule:

Hamlet of Valley Cottage	November 8, 1982
Hamlet of New City	December 6, 1982
Hamlet of Nanuet	January 10, 1983
Hamlets of West Nyack and Central Nyack	February 8, 1983
Hamlet of Bardonia and Spring Valley Section	March 8, 1982

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (913-1982)

ACCEPTING ROADS AND RELATED
IMPROVEMENTS IN TOWN OF
CLARKSTOWN (PELHAM COURT AND
PELHAM AVENUE - SUBDIVISION
OF PELHAM MANOR)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from S.R.S. CONTRACTING COMPANY, INC., dated September 13, 1982, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Section I, Subdivision of Property of Pelham Manor", and the second entitled "Section II Subdivision of Property of Pelham Manor", which maps were filed in the Rockland County Clerk's Office on October 31, 1980 in Book 96 of Maps at Page 29 as Map No. 5198 and on June 10, 1981 in Book 97 of Maps at Page 16 as Map No. 5260, as follows:

Pelham Court	325 L.F.
Pelham Avenue	1,275 L.F.

are hereby accepted by the Town of Clarkstown provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the written guaranty with security posted by the developer is hereby accepted.

Seconded by Co. Lettre

All voted Aye.

Town Attorney noted that all requirements have been met and all items have been filed with regard to the above resolution.

* * * * *

RESOLUTION NO. (914-1982)

EXTENDING LICENSE AGREEMENT
WITH MERCURIO AND LEVY

Co. Lettre offered the following resolution:

RESOLVED, that the Town of Clarkstown hereby extends the license agreement with John A. Mercurio and William B. Levy subject to termination at the pleasure of the Town Board.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (915-1982)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL TWO
WINDING ROAD SIGNS (MOUNTAIN
VIEW AVENUE SOUTH CHRISTIAN
HERALD ROAD AND EAST SIDE OF
MOUNTAINVIEW AVENUE NORTH
MOUNTAINVIEW CONDOMINIUMS -
VALLEY COTTAGE, NEW YORK

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install two (2) Winding Road signs: one, W6-R sign to be erected on the West side of Mountainview Avenue 75 feet south of Christian Herald Road and one (1), W6-L sign to be erected on the east side of Mountainview Avenue about 50 feet north of Mountainview Condominiums. Refer to Section 231.7 of the NYS DOT, Manual of Uniform Traffic Control Devices. Location is in hamlet of Valley Cottage.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (916-1982)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL STOP
SIGN ON BEECH STREET AT
BUCKINGHAM ROAD, NANUET

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a Stop sign on Beech Street at Buckingham Road, Nanuet.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (917-1982)

ADOPTING AND ACCEPTING
MINUTES OF TOWN BOARD
MEETING OF AUGUST 3, 1982
AND SPECIAL TOWN BOARD
MEETING OF AUGUST 31, 1982

Co. Lettre offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting held on August 3rd and the Special Town Board Meeting of August 31st, 1982, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

Supervisor requested correction of "Superintendent" to "Supervisor" on page 168 of the meeting on August 3, 1982. Town Clerk assured him it would be taken care of.

* * * * *

RESOLUTION NO. (918-1982)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES
FOR STREET LIGHTING AT
VARIOUS LOCATIONS IN NEW
CITY, VALLEY COTTAGE AND
CONGERS

Co. Lettre offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of surrounding property owners directly affected by this proposed lighting was conducted and,

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following locations:

Little Tor Oval	New City
Hillside Drive	New City
North Little Tor Road	New City
Milich's Lane	New City
Storms Road	Valley Cottage
Beauregard Terrace	Congers

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (919-1982)

ADOPTING RESOLUTION AMENDING
ZONING ORDINANCE OF TOWN OF
CLARKSTOWN RE ASSOCIATES OF
ROCKLAND (PARCEL 1 - LIO TO
R-15)

Co. Lettte offered the following resolution:

RESOLVED, that Resolution No. 799 adopted by the Town Board of the Town of Clarkstown on September 14, 1982, is hereby rescinded, and be it

FURTHER RESOLVED, that the following resolution is hereby ADOPTED.

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of July, 1982, provided for a public hearing on the 3rd day of August, 1982, at 8:35 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 designated as Parcel 1 from an LIO District to an R-15 District and property of the petitioner designated as Parcel 2 from an LIO and R-15 District to a PED District, and

WHEREAS, notice of the 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;

RESOLUTION NO. (919-1982) Continued

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 the property of the petitioner designated as Parcel 1 from an LIO District to an R-15 District, as described on the attached Schedule "A", 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 covenants made by the certified record owner:

1. That 30% of the lots of the R-15 District described parcel as subdivided be withheld issuance of building permits until completion of construction of the main interior roadway system within the adjoining PED and/or LIO District described parcel i.e., Route 303 to the sewer interceptor that goes to Gilchrist Road, including drainage and sewer. This provision shall be in addition to any provisions of the Town Code or regulations which require, permit or authorize building permits to be withheld until completion of the public improvements within the subdivision.
2. That subdivision approval be obtained from the Clarkstown Planning Board, and be it

FURTHER RESOLVED, that the following recommendations be incorporated by the Clarkstown Planning Board into its subdivision approval:

1. Tilton Road should be dead-ended with a cul-de-sac.
2. A new subdivision street in the R-15 District described parcel shall connect from Gilchrist Road to Route 303.
3. That any street connection from the PED District and/or LIO District described parcel be limited to non-commercial traffic.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

(Schedule "A" on file in the Town Clerk's Office.)

Councilman Holbrook asked if the applicant considered the other vote to be a valid vote. He referred to the vote a couple of weeks ago.

Councilman Lettre said that the reason this was being brought up now was because it was the Town Attorney's opinion that the majority of the Town Board wanted this zone change to be valid. It was his opinion that the 265 petition obtained was not valid because of the removal of the signature of Mr. Procino and that the resolution that was voted on should be rescinded and a new one brought up.

After futher discussion the Supervisor said that this resolution was being introduced to clear up any question that may be brought up and would rectify any possible error previously made.

* * * * *

RESOLUTION NO. (920-1982)

AUTHORIZING TOWN ATTORNEY TO
ENTER INTO NEGOTIATIONS WITH
OWNER OF GRAND PLAZA SHOPPING
CENTER RE: COMMUTER PARKING
LOT

Co. Carey offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized by the
Town Board of the Town of Clarkstown to enter into negotiations with Mr.
Davis, owner of the Grand Plaza Shopping Center, for an agreement with
regard to the commuter parking lot to be located behind the shopping
center on the west side and adjacent to Middletown Road, Manuet, for a
period of five years and to take all necessary action to accomplish this.

Seconded by Co. Maloney

All voted Aye.

There was considerable discussion regarding the above
resolution as the original proposal was for a period of two years with
a one year renewable clause. However, in a spirit of cooperation all
Town Board members agreed to the above resolution in the hope that Mr.
Davis would agree to a longer term.

* * * * *

RESOLUTION NO. (921-1982)

AUTHORIZING ATTENDANCE AT
TWO-DAY CONFERENCE ON SOLID
WASTE MANAGEMENT (LESLIE F.
BOLLMAN - ENVIRONMENTAL
CONTROL) - CHARGE TO
APPROPRIATIONS ACCOUNT
A-1010-414

Co. Lettre offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director of the Department
of Environmental Control of the Town of Clarkstown, is hereby authorized
to attend a two-day conference on Solid Waste Management to be held at
Bear Mountain Inn, Bear Mountain, New York on October 18 and 19, 1982,
and be it

FURTHER RESOLVED, that all proper charges be charged against
appropriations account #A-1010-414.

Seconded by Co. Carey

All voted Aye.

* * * * *

RESOLUTION NO. (922-1982)

AUTHORIZING ATTENDANCE AT
STATE BUILDING OFFICIALS
CONFERENCE (MILICH AND
FLORENCE)

Co. Lettre offered the following resolution:

RESOLVED, that Adolph Milich and Peter Florence, Assistant
Building Inspectors of the Town of Clarkstown, are hereby authorized
to attend the New York State Building Officials Conference to be held
in Ellenville, New York, and be it

FURTHER RESOLVED, that all proper charges not to exceed
\$50.00 to be charged against 1010-414.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (923-1982)

ACCEPTING RESIGNATION OF
OFFICE WORKER STUDENT -
COUNSELING CENTER (SUSAN
LEKOW)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Susan Lekow, 64 Briar Road, Nanuet, New York - Office Worker Student - Counseling Center - is hereby accepted, effective and retroactive to September 15, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (924-1982)

APPOINTING POSITION OF
OFFICE WORKER STUDENT -
COUNSELING CENTER (LINDA
CANNON)

Co. Maloney offered the following resolution:

RESOLVED, that Linda Cannon, 14 Irion Drive, New City, New York, is hereby appointed to the position of Office Worker Student - Counseling Center, at the hourly rate of \$3.35, effective and retroactive to September 27, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (925-1982)

APPOINTING POSITION OF
SENIOR RECREATION LEADER -
PARKS & RECREATION (JO ANN
OLDENBURGER)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Recreation Leader #80057 which contains the name of Jo Ann Oldenburger,

NOW, THEREFORE, be it

RESOLVED, that Jo Ann Oldenburger, 39 South Greenbush Road, Blauvelt, New York, is hereby appointed to the position of Senior Recreation Leader - Parks & Recreation - at the annual salary of \$14,778.00, effective October 4, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (926-1982)

CREATING TWO POSITIONS OF
CUSTODIAN OF VOTING MACHINES

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on September 16, 1982, that two (2) Custodian of Voting Machines positions can be created,

NOW, THEREFORE, be it

RESOLVED, that two (2) Custodian of Voting Machines positions are hereby created effective and retroactive to September 17, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (927-1982)

APPOINTING POSITION OF
CUSTODIAN OF VOTING MACHINES
(VINCENT PIZZUTELLO)

Co. Maloney offered the following resolution:

RESOLVED, that Vincent Pizzutello, 16 Bradley Drive, New City, New York is hereby appointed to the position of Custodian of Voting Machines for the Town of Clarkstown for the year 1982 - at the wage of \$20.00 per machine each voting day, effective and retroactive to September 17, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (928-1982)

APPOINTING POSITION OF
CUSTODIAN OF VOTING MACHINES
(HAROLD H. ROTH)

Co. Maloney offered the following resolution:

RESOLVED, that Harold H. Roth, 9 Will Rogers Lane, Nanuet, New York is hereby appointed to the position of Custodian of Voting Machines for the Town of Clarkstown for the year 1982 - at the wage of \$20.00 per machine each voting day, plus an additional \$5.00 per machine for repair and maintenance, effective and retroactive to September 17, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (929-1982)

APPOINTING POSITION OF
AUTOMOTIVE MECHANIC - MINI
TRANS (CARL ORICHT)

Co. Maloney offered the following resolution:

RESOLVED, that Carl Oricht, 35 Carolina Drive, New City, New York, is hereby appointed to the position of Automotive Mechanic - Mini Trans - at the annual 1982 salary of \$13,821.00, effective and retroactive to September 20, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (930-1982)

REAPPOINTING POSITION OF
MEMBER - ASSESSMENT AND
REVIEW BOARD (DOLORES AVARAS)

Co. Maloney offered the following resolution:

RESOLVED, that Dolores Avaras, 145 Little Tor Road, New City, New York is hereby reappointed to the position of Member - Assessment and Review Board - with a term to expire on September 30, 1987 - at the per diem rate of \$50.00, per meeting, when the Board is in session.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (931-1982)

GRANTING OF CERTIFICATE
OF REGISTRATION (PAUL DE
SIMONE - NO. 82-15)

Co. Lettre offered the following resolution:

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

PAUL DE SIMONE
35 Madison Avenue
Garnerville, New York

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration
be issued:

No. 82-15 issued to Paul DeSimone

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (932-1982)

REQUESTING CLARKSTOWN
SCHOOL DISTRICT AND BOARD
OF EDUCATION TO RECONSIDER
POSITION RE: CLARKSTOWN
GRIDIRON CLUB'S USE OF
FACILITIES

Co. Lettre offered the following resolution:

WHEREAS, certain agreements between the Town of Clarkstown
and the Clarkstown School District have existed for many years, and

WHEREAS, the Town has collected the School District taxes
at no charge to the District, in return for the use of their athletic
fields and buildings, and

WHEREAS, the Clarkstown Gridiron Club has had use of the
Clarkstown North High School field since 1969 and has maintained that
it has not received prior notification effecting this changed policy,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown
requests that the Clarkstown School District and its Board of Education
immediately reconsider its position and allow the Clarkstown Gridiron
Club to use their facilities as they and other organizations have in the
past.

Seconded by Co. Maloney

All voted Aye.

* * * * *

There being no further business to come before the Town
Board and no one further wishing to be heard, on motion of Councilman
Carey, seconded by Councilman Maloney and unanimously adopted, the Town
Board Meeting was declared closed, time: 10:50 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

57

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/82

9:05 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Malone
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: INSTITUTING PROCEEDINGS FOR REMOVAL OF VIOLATIONS ON PREMISES
OWNED BY MADDAMMA ISKANDER MANAGEMENT CORP.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open.

The meeting was turned over to Town Attorney Costa who gave an explanation for the hearing. The Town Attorney was authorized to institute proceedings under Chapter 31 of the Town Code to make the premises of Maddamma Iskander Management Corp. safe. He stated that there is on file in the Town Clerk's Office an affidavit of posting signed by Mark Papenmeyer indicating that on the 20th day of July, 1982 he caused to be posted a notice containing a description of the premises and a statement of the particulars in which the building as structured is unsafe and dangerous. Town Attorney said there is also on file in the Town Clerk's Office an affidavit of service dated July 19, 1982 wherein it is stated that Edmundo Maddamma was given notice of the Town's proceedings.

Mr. Costa said that also on file in the Town Clerk's Office is an affidavit of service dated July 19, 1982 wherein it is stated that Raoux Iskander was given similar notice of this proceeding. Further, the Town of Clarkstown has, as required by the Town Code, filed a notice pursuant to the Town Code with the County of Rockland - Index No. 9095/1982.

Mr. Costa called upon Mark Papenmeyer who is Deputy Fire Inspector for the Town of Clarkstown. Mr. Costa ascertained that Mr. Maddamma was present. Mr. Costa asked Mr. Papenmeyer to make his report to the Town Board which report may obviate the necessity of proceeding further with tonight's hearing.

Mr. Papenmeyer gave a brief history of the building in question. Early in the year fire destroyed a great part of this building. An order was issued the same day from the Building Department requesting that repairs or removal of the building be made immediately. Subsequent follow-ups revealed that the building had not been made safe. We then approached the Town Board to institute proceedings under Chapter 31 of the Town Code. Subsequent to that a report was given to the Town Board which he then read. This report detailed the unsafe nature of the premises.

Mr. Papenmeyer stated that he had met with Mr. Maddamma yesterday and Mr. Maddamma informed him that the partnership had been dissolved. Because of problems with the partnership the repairs to the building had been delayed. The building has now been secured to our satisfaction. It should remain secured so that no trespassers can gain access to the premises. Mr. Maddamma is going to obtain a building permit to make repairs to the building. At this time Mr. Papenmeyer felt no further action was needed by the Town Board.

At Mr. Costa's request Mr. Maddamma stated that everything necessary for the repair of the building would be undertaken promptly. Mr. Maddamma stated that hopefully within six months he would be able to finish up the repairs to the building. He stated that the building would be kept secure in the future. He requested time of the Town Board to institute the repairs necessary.

Mr. Costa said that subject to Town Board approval there was nothing further that needed to be done at this particular time.

Continued on Next Page

Mr. Costa felt that the hearing could be concluded. Supervisor Dusanenko asked how much time would be allowed for the completion of this project.

Mr. Costa said the purpose of the hearing was to be sure that the building was made safe. It would appear that that requirement has been met. Mr. Maddamma must be sure that the building remains safe. Should there be any change in the structure that would require further action by the Town Board that would have to be taken up under a separate Chapter 31 proceeding.

Supervisor Dusanenko asked if they could recess the Public Hearing. Town Attorney said that would be permissible provided the Town Board did not recess for an unusual length of time. A decision should be rendered within a reasonable length of time be it dismissal or whatever the Town Board decides. Thirty to sixty days would not be unusual.

Supervisor Dusanenko said that rather than just securing the building they would like to see it rebuilt and improved. In the event a determination is made in the future that the building is not safe again we would have to go through the entire process again - of readvertising, on-site inspection, etc. On advice of Town Attorney, Supervisor requested a recess of three to six months before rendering a final decision in order to give Mr. Maddamma time to make the repairs.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared recessed, WITHOUT DECISION, for a reasonable period of time, time: 9:15 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/82

9:15 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Maloney (Lettre returned at 9:18 P.M.)
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: AMENDMENT TO LOCAL LAW #7/1980 RE: LANDFILLS (LOCAL LAW NO. 13-1982)

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Supervisor Dusanenko gave an explanation of the proposed local law saying that we will be able to have better compliance with regard to our local law at the Landfill in the Town of Clarkstown because a document must be furnished by all drivers upon request as to source and origin of the refuse and debris. This must be furnished upon demand by the Director of the Department of Environmental Control or his agent which will make enforcement much easier in the collection of subsequent fines.

Town Attorney said it would authorize criminal sanctions against a refuse hauler who would fill out the questionnaire improperly and put down the wrong information. It would provide the Town Board with the ability to conduct a hearing under the Town Code against the employer. The employee could be subject to arrest for perjury. The driver, if he falsely states the source of the refuse, would be subject to arrest and prosecution. It would also provide the grounds for the Town to proceed against the carter for violating the Landfill regulations but would not per se subject the carter to criminal prosecution.

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

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to this proposed local law.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, ADOPTED, time: 9:20 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk