

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/14/82

8:15 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
(Councilman Lettre arrived 8:25 P.M.)  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

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

Supervisor Dusanenko read the following proclamation:

"COLLEEN O'CONNOR DAY  
December 14th, 1982

WHEREAS, COLLEEN O'CONNOR, resident of New City and student at the Kenny Verlin School of Irish Dancing, has distinguished herself by placing first in the EASTERN REGIONAL IRISH DANCING Championships held at the Meadowlands Hilton over Thanksgiving weekend; and

WHEREAS, having achieved this success, Colleen will now travel to Ireland to compete in the World Championships held at Easter time; and

WHEREAS, although many years of dedicated hard work and study have gone into this achievement, Colleen, an honor student at Albertus Magnus High School, has also devoted her time to numerous other activities in her school and community; and

WHEREAS, in addition to the above accomplishments, Colleen is a violin student at the Mary O'Callaghan School of Music, a member of the Cheerleading Team and Drama Club at Albertus Magnus High School, plays guitar and is a member of the Folk Group at St. Augustine's Church, works at a part-time job and is involved in other activities too numerous to mention;

NOW, THEREFORE, be it resolved that I, THEODORE R. DUSANENKO, Supervisor of the Town of Clarkstown, on behalf of the Town Board, hereby proclaim December 14, 1982 COLLEEN O'CONNOR DAY in the Town of Clarkstown, in recognition of the honor she has brought to our Town, her family and her friends and I urge all Clarkstown residents to join with me in saluting her remarkable achievements.

IN WITNESS WHEREOF, I HAVE HEREUNTO  
SET MY HAND AND CAUSED THE SEAL OF  
THE TOWN OF CLARKSTOWN TO BE AFFIXED  
THIS 14TH DAY OF DECEMBER, 1982.

/s/ Theodore R. Dusanenko  
THEODORE R. DUSANENKO, Supervisor  
Town of Clarkstown"

\* \* \* \* \*

Supervisor Dusanenko then read the following proclamation:

"DAY OF SOLIDARITY  
December 13, 1982"

- WHEREAS, the Polish Nation is being oppressed and deprived of of its human rights, and
- WHEREAS, the Polish people have been striving for independence and democracy and are fighting and dying for the principles of liberty and freedom, and
- WHEREAS, the men and women of Polish descent in Rockland County, in support of the struggle of their people, have requested that a "DAY OF SOLIDARITY" between the United States and the Polish Nation be declared, and
- WHEREAS, the Clarkstown Town Board, mindful of the Polish people's valiant struggle, support this request, not only for the Polish people but for all nations under suppression;

NOW, THEREFORE, BE IT RESOLVED THAT I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim December 13, 1982 as "DAY OF SOLIDARITY" between the United States and the Polish Nation, in support of the struggle of the Polish people for freedom and justice which are basic principles of our own society.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 13TH DAY OF DECEMBER, 1982.

/s/ Theodore R. Dusanenko  
THEODORE R. DUSANENKO, Supervisor  
Town of Clarkstown"

\* \* \* \* \*

Supervisor Dusanenko mentioned that a plaque had been erected on the wall in the hallway of Town Hall in recognition of the people who had contributed to make the Youth Court possible.

Supervisor Dusanenko also stated that the Police Commissioners of the Town of Clarkstown, Michael Higgins, John Maloney and himself had given recognition to Mr. Andrew Urbinato who had donated \$10,000.00 for the purchase of bullet-proof vests for the members of the Clarkstown Police Department.

Supervisor Dusanenko stated that Item No. 1 on tonight's agenda pertaining to Employees Wellness Program had been pulled as there were some unanswered questions regarding this.

\* \* \* \* \*

Appearance: Dr. Carrie Weinberg  
18 Hollow Drive  
New City, New York 10956

Dr. Weinberg spoke regarding street lights and said her request had been made in June. She said she and various neighbors had collected petitions and had also obtained the numbers on the poles. She has now been informed that the poles to get lights will be numbers 16 and 28. The pole she is interested in is number 18 which is not scheduled to get a light. The area is very dark and she would like the board to consider giving her a light. Most of her neighbors had signed the petition as there has been a great deal of vandalism.

\* \* \* \* \*

Appearance: Mr. Raymond Hiller  
9 Hollow Drive  
New City, New York 10956

Mr. Hiller also spoke regarding street lights and agreed with Dr. Weinberg. He requested that the area receive the street lights that had been requested.

Appearance: Mr. Malcolm Lauder  
341 Phillips Hill Road  
New City, New York 10956

Mr. Lauder said that he had submitted a resume for the position of Superintendent of Highways and that he understood it was the Board's intention to appoint Nicholas Longo. He objected to that and felt that everyone who submitted a resume whould be considered. If not, a Deputy should be appointed in the interim until an election could be conducted.

Councilman Holbrook said he was ready to submit a resolution to appoint as Deputy, Charles Burgio of Congers to fill the position on an interim basis.

Appearance: Mr. Joel Karp  
New City, New York

Mr. Karp spoke regarding Cable T.V. and the status of the franchise.

Supervisor Dusanenko said the hearing that was held on the Master Plan on December 13th including a special Town Board Meeting for which a waiver had been signed so that the Board could approve heaters at the Town Highway Garage.

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RESOLUTION NO. (1138-1982) CANCELLING REGULAR TOWN BOARD MEETING OF DECEMBER 28, 1982 AND RE-SCHEDULING IT FOR NOON ON DECEMBER 30, 1982

Co. Carey offered the following resolution:

RESOLVED, that the regular Town Board Meeting of December 28, 1982 be cancelled and rescheduled for noon on December 30, 1982.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1139-1982) AUTHORIZING SUPERVISOR TO IMPLEMENT FREE CHECKING ACCOUNTS FOR EMPLOYEES, APPOINTED OFFICIALS AND ELECTED OFFICIALS AT CHEMICAL BANK

Co. Maloney offered the following resolution:

WHEREAS, Chemical Bank has proposed to the Town of Clarkstown the privilege of free checking accounts for Town employees,  
NOW, THEREFORE, be it

RESOLUTION NO. (1139-1982) Continued

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to implement these said free checking accounts for its employees, and be it

FURTHER RESOLVED, all full time employees, appointed officials and elected officials are eligible to partake of this plan.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1140-1982)

ALL DEPARTMENTS TO CEASE EXPENDING ANY FUNDS EXCEPT EMERGENCY AND CONTRACTUAL UNLESS AUTHORIZED BY THE COMPTROLLER

Co. Maloney offered the following resolution:

WHEREAS, to insure that the 1982 books can be closed promptly and efficiently within a reasonable time, be it

RESOLVED, that, with the exception of the Sewer Dept., all departments cease expending any funds with the exception of emergency and contractual expenses unless authorized by the Comptroller.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1141-1982)

AUTHORIZING AMENDING 1982 BUDGET FOR TRANSFERRING UNEXPENDED BALANCE OF APPROPRIATIONS AMONG VARIOUS ACCOUNTS AND INCREASING AND DECREASING REVENUE ACCOUNTS FOR ALL FUNDS

Co. Maloney offered the following resolution:

RESOLVED, that pursuant to Section 112 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1982 budget for transferring unexpended balance of appropriations among various accounts and by increasing and decreasing revenue accounts for all funds, and be it

FURTHER RESOLVED, that the 1982 budget is hereby amended.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

Councilman Carey asked how much was involved in this resolution and Supervisor Dusanenko stated that it was whatever funds were not spent in any account of any department or agency.

\* \* \* \* \*

RESOLUTION NO. (1142-1982)

AUTHORIZING HANDICAPPED PARKING SPACES AT BEEF-STEAK CHARLIE (NANUET)

Co. Carey offered the following resolution:

TBM - 12/14/82  
Page 5

RESOLUTION NO. (1142-1982) Continued

WHEREAS, the Building Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended by Local Law #4, 1978, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102-12D of the Code of the Town of Clarkstown, at Route 59, Nanuet, New York by the installation of handicapped parking spaces, and

WHEREAS, Samuel E. Sullivan, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said handicapped parking spaces;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended by Local Law #4, 1978, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector with regard to the installation of certain handicapped parking spaces shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1143-1982)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REPLACE AND REPAIR DAMAGED SIGNS AND TO MANUFACTURE TEN ADDITIONAL TRASH RECEPTACLES

Co. Holbrook offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to replace and repair any damaged signs that have been listed and be it

FURTHER RESOLVED, that the Superintendent of Highways be authorized to manufacture ten additional trash receptacles.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1144-1982)

DIRECTING SUPERVISOR TO COMPROMISE AND SETTLE CLAIM OF PACESETTER COMMUNICATION CORP.

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby directed to compromise and settle the claim of Pacesetter Communication Corp. for the sum of \$848.84 for service and maintenance to the Town's communication equipment for the period from January 1, 1979 to January 1, 1981, subject to the provisions of Town Law Section 68.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1145-1982)

AUTHORIZING PLANNING BOARD TO APPLY TOWN LAW SECTION 281 (LENORE HUMMEL)

Co. Maloney offered the following resolution:

RESOLUTION NO. (1145-1982) Continued

WHEREAS, Leonore Hummel has made written application for the use of Town Law, Section 281 in connection with the subdivision known as "Lenore Hummel", and

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

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 is used in this subdivision to allow for the resolution of drainage problems, elimination of long driveways and house connections, additional buffer from Route 303, less highway noise and less clearing of trees;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this proposed subdivision as shown on map dated August 4, 1982, revised November 3, 1982, entitled, "Density Layout, Subdivision of Property for Leonore Hummel" by Atzl and Scatassa Associates, P.C., provided that the said proposed subdivision map be amended to add a map note providing that the applicant shall install approximately 400 feet of drain pipe with materials supplied by the Town of Clarkstown in accordance with standards established by the Director of Environmental Control of the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1146-1982)

AUTHORIZING ATTENDANCE  
AT PROGRAM AT PACE  
UNIVERSITY SCHOOL OF LAW  
(COSTA, FOGEL AND  
KALARICKAL)

Co. Maloney offered the following resolution:

RESOLVED, that John A. Costa, Town Attorney, Philip B. Fogel, 1st Deputy Town Attorney and Kurian L. Kalarickal, are hereby authorized to attend a program at Pace University School of Law, White Plains, New York, on January 14, 1983, at a registration fee of \$37.00 each to be charged to Appropriation Account No. 1010-414.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1147-1982)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND PROCEEDING  
AGAINST PLANNING BOARD OF  
TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

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

JAKLA CONSTRUCTION CORP., JOSEPH KOLKA,  
RICHARD KOLKA and JOHN KOLKA,

Petitioners,

-against-

RESOLUTION NO. (1147-1982) Continued

RICHARD PARIS, Chairman, CATHERINE NOWICKI,  
RICHARD HOWELL, RUDOLPH YACYSHYN, ANNEMARIE  
SMITH, ROBERT CUNNINGHAM and FRANCIS FALLON,  
Constituting the PLANNING BOARD OF THE TOWN  
OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1148-1982)

APPROVING REDUCTION  
IN AMOUNT OF PERFORMANCE  
BOND (TARRY HILL - DEMAR  
DEVELOPMENT CORP.)

Co. Maloney offered the following resolution:

WHEREAS, Performance Bond No. 932062, Demar Development  
Corp. as Principal, and Louis Nardone and Abe Stern, as Co-Principals,  
and Republic Insurance Company, as Surety, dated November 17, 1980, in  
the amount of \$136,000.00, covering the improvements and other facilities  
as shown on the Final Plat of "Tarry Hill" dated and revised through  
July 14, 1980 was furnished to the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control of  
the Town of Clarkstown has recommended that Bond No. 932062 be reduced  
to \$46,000.00 as much of the work has been completed to Town specifica-  
tions;

NOW, THEREFORE, be it

RESOLVED, that Performance Bond No. 932062 is hereby  
reduced to \$46,000.00.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1149-1982)

AUTHORIZING CHAIRMAN OF  
PLANNING BOARD (RICHARD  
PARIS) TO EXECUTE STIPULA-  
TION OF SETTLEMENT  
(LEDERLE LABORATORIES)

Co. Maloney offered the following resolution:

RESOLVED, that Richard Paris, Chairman of the Planning  
Board, is hereby authorized to execute a stipulation of settlement in  
connection with the preadjudicatory hearing conducted by the New York  
State Department of Environmental Conservation in connection with the  
application of Lederle Laboratories for a New York State Department of  
Environmental Conservation permit to conduct a composting operation.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1150-1982)

RELEASING PASSBOOK  
AS SECURITY FOR MAINTEN-  
ANCE BOND (PHILIP WOLIKOW  
& DAUGHTERS)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, Maintenance Bond secured by a Passbook No. 22-5140056 in the sum of \$6,565.00 furnished to the Town in connection with dedication of the road(s) and improvements on September 22, 1981, in a subdivision known as Philip Wolikow and Daughters is terminated and the Passbook released to the guarantor.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1151-1982)

GRANTING 280-a (NEW  
CITY ESTATES, INC.)  
WITH RESTRICTIVE  
COVENANTS

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a Subd. (2) of the Town Law and pursuant to the recommendation of the Director of Environmental Control building permits for the erection of two one-family residences may be issued to New City Estates, Inc., for property situate on the north and south sides of Norfolk Avenue, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 114, Block A, Lots 29.32 and 29.33, provided the owner shall be required prior to the issuance of such building permit to execute and record a Declaration of Covenant which shall run with the land and shall provide:

1. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on a mapped street when and if required by the Town Board of the Town of Clarkstown.

2. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of Norfolk Avenue and Beacon Street to 50 feet in width.

3. That the application or owner shall extend the road pavement in Norfolk Avenue to a distance 10 feet beyond the driveway shown on plot plans by Atzl & Scatassa Associates, P.C., dated March 16, 1982, for a width of 24 feet (attached as Schedules A" and "B") in accordance with the Town of Clarkstown street specifications, it being understood that both houses shall have driveways which exit onto Norfolk Avenue with side entry garages.

4. Any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein.

5. That the Certificate of Occupancy issued for said premises be conditioned upon observance and subject to the Declaration of Covenant provided herein.

Seconded by Co. Holbrook

All voted Aye.

(Schedules "A" and "B" on file in Town Clerk's Office.)

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RESOLUTION NO. (1152-1982)

AUTHORIZING TOWN ATTORNEY TO OBTAIN SERVICES OF AN APPRAISER IN CONNECTION WITH PROPOSED SALE OF SURPLUS PROPERTY (SEWER TREATMENT PLANT NO. 8- MAP 16-1, BLOCK A, LOT 26.61)

Co. Lettre offered the following resolution:

WHEREAS, the Town of Clarkstown is the owner of the premises designated on the Clarkstown Tax Map as Map 16-1, Block A, Lot 26.61, and

WHEREAS, the premises were used by the Town of Clarkstown as Sewer Treatment Plant No. 8, and

WHEREAS, said premises is no longer necessary for municipal purposes;

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of an appraiser in connection with the proposed sale of the above premises as surplus property, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1420-409.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1153-1982)

AMENDING RESOLUTION NO. 601-1982 (TORNE BROOK ESTATES, III - JMK BUILDING CORP. AND F.S.B. PROPERTIES) RELEASE OF TWO BONDS AND REDUCTION OF ANOTHER

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 601 adopted June 22, 1982, be amended to read as follows:

WHEREAS, Performance Bonds Nos. 926742, 926743 and 926744 in the sums of \$291,000.00, \$267,919.00 and \$14,081.00, respectively, totalling \$700,000.00; Torne Brook Associates, JMK Building Corp. and F.S.B. Properties, as Principal, John Knutsen, Magny Knutsen and John Knutsen, Jr., as Co-principals, and Republic Insurance Company as Surety, all dated June 1, 1979, covering the improvements and other facilities as shown on the Final Plat of Torne Brook Estates, III, recorded in the Rockland County Clerk's Office on March 2, 1979, were furnished to the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the aforesaid bonds be reduced to a total of \$143,000.00 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Performance Bonds Nos. 926743 and 926744 be considered released, and Bond No. 926742 be reduced to \$143,000.00.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1154-1982)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BIDS FOR COMPUTER  
ROOM AIR PROCESSOR

Co. Lettre offered the following resolution:

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

BID # 9-1983  
COMPUTER ROOM AIR PROCESSOR

bids to be returnable to the Office of the Director of Purchasing, 10  
Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, December  
28, 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. Holbrook

All voted Aye.

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RESOLUTION NO. (1155-1982)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BIDS FOR TIRES &  
TUBES

Co. Lettre offered the following resolution:

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

BID #10-1983  
TIRES & TUBES

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  
12, 1983 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1156-1982)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BIDS FOR LEACHATE  
COLLECTION SYSTEM FOR  
CLARKSTOWN SANITARY LANDFILL

Co. Lettre offered the following resolution:

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

BID #49-1982  
LEACHATE COLLECTION SYSTEM FOR  
CLARKSTOWN SANITARY LANDFILL

bids to be returnable to the Office of the Director of Purchasing, 10  
Maple Avenue, New City, New York by 10:00 A.M. on Tuesday, February 1,  
1983 at which time bids will be opened and read, and be it

RESOLUTION NO. (1156-1982) Continued

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

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1157-1982)

AWARDING BID FOR BID #1-1983 FOR PAPER & PLASTIC SUPPLIES (TOTAL PAPER & SUPPLY, MT. ELLIS PAPER CO., STRAUSS PAPER CO., M & I CLEANING SUPPLY CO. AND CENTURY PAPER BOX & TAPE CO.)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing that

BID #1-1983  
PAPER & PLASTIC SUPPLIES

is hereby awarded to the following companies as per the attached price schedule:

Total Paper & Supply  
44 Hudson Drive  
Stony Point, NY 10980

M & I Cleaning Supply Co.  
37 New Main Street  
Haverstraw, NY 10927

Mt. Ellis Paper Co.  
P.O. Box 4083  
Newburgh, NY 12550

Century Paper Box & Tape Co.  
25 Lincoln St.  
Haverstraw, NY 10927

Strauss Paper Co.  
10 Slater St.  
Port Chester, NY 10573

Seconded by Co. Carey

All voted Aye.

(Schedule of Prices on file in Purchasing Department)

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RESOLUTION NO. (1158-1982)

AWARDING BID FOR BID #2 FOR STATIONERY SUPPLIES (SUFFERN STATIONERY, NEW CITY STATIONERY, ORPHAN PAPER & ENVELOPE CO., ALLWIN STATIONERS, STAR-CREST ENTERPRISES INC. AND BOUTON'S OFFICE PRODUCTS)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing that

BID #2  
STATIONERY SUPPLIES

is hereby awarded to the following suppliers as per schedule of prices on file in the Purchasing Department:

RESOLUTION NO. (1158-1982) Continued

- |   |  |
|---|--|
| 1) Suffern Stationery<br>68 Lafayette Ave.<br>Suffern, N.Y. 10901                 | 4) Allwin Stationers<br>15 E. Central Ave.<br>Pearl River, N.Y. 10965              |
| 2) New City Stationery<br>64 So. Main Street<br>New City, N.Y. 10956              | 5) Starcrest Enterprises Inc.<br>46-48 N. Main Street<br>New City, N.Y. 10956      |
| 3) Orhan Paper & Envelope Co.<br>32 So. Central Ave.<br>Spring Valley, N.Y. 10977 | 6) Bouton's Office Products<br>P.O. Box 148<br>Rt. 59<br>Spring Valley, N.Y. 10977 |

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1159-1982)

AWARDING BID FOR BID  
#54A-1982 - SALE OF  
SURPLUS SCRAP METAL  
(BROOKFIELD METAL CO.)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Supterintendent of Highways and the Director of Purchasing that

BID #54A-1982  
SALE OF SURPLUS SCRAP METAL

is hereby awarded to:

Brookfield Metal Co.  
280 Lamont St.  
Elmsford, New York 10523

as per the proposed price of 1/2 cent per pound, and be it

FURTHER RESOLVED, that funds received from said sale  
shall be credited to the Highway Fund Account.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1160-1982)

RETURN OF FUNDS TO MONEY-  
IN LIEU OF LAND AND CLOSING  
OF RESOLUTIONS (PARKLANDS  
AND IMPROVEMENT ACCOUNT)

Co. Maloney offered the following resolution:

WHEREAS, various projects in the Parklands and  
Improvement Account have been completed, and there is no longer a need  
for the monies to remain in this account, and based upon the recommenda-  
tion of the Superintendent of Parks and Recreation,

BE IT RESOLVED, that the remaining funds be returned to  
Money-in-Lieu of Land and,

BE IT FURTHER RESOLVED, that the following resolutions  
be closed, and all remaining funds be deposited in Money-In-Lieu of Land  
for future use:

RESOLUTION NO. (1160-1982) Continued

Resolution #163-80	Lake Nanuet	\$ 414.13
	Park Equipment	3,387.22
	Tennyson Park	331.52
	Congers Lake	9,847.59
	Contingency	5,000.00
Resolution #1050-80 & #172-82	Heaton Pond	.80

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (1161-1982)

TRANSFER OF FUNDS  
FROM ACCOUNT NO. A  
1450-407 TO ACCOUNT NO.  
A 1450-219 (DENIM  
COVERS FOR VOTING MACHINES)

Co. Holbrook offered the following resolution:

RESOLVED, that the sum of \$1,100.00 be transferred  
from Account No. A 1450-407 to Account No. A 1450-219 to cover the  
cost of denim covers for voting machines.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1162-1982)

TRANSFER OF FUNDS FROM  
APPROPRIATION ACCOUNT  
NO. A 1430-313 TO  
APPROPRIATION ACCOUNT  
NO. A 1430-407 (PERSONNEL)

Co. Holbrook offered the following resolution:

RESOLVED, to transfer \$39.00 from Appropriation  
Account No. A 1430-313 to Appropriation Account No. A 1430-407.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1163-1982)

INCREASE OF APPROPRIATION  
ACCOUNT B 3620-201 AND  
DECREASE OF APPROPRIATION  
ACCOUNTS B 3620-409 AND  
B 3620-416 (BUILDING)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Account B 3620-201  
by \$252.00 and decrease Appropriation Account:

- B 3620-409 by \$127.00
- B 3620-416 by \$125.00

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1164-1982)

TRANSFER OF FUNDS FROM  
ACCOUNT NO. 1420-409 TO  
ACCOUNT NO. 1420-211  
(TOWN ATTORNEY'S OFFICE)

Co. Holbrook offered the following resolution:

RESOLVED, that the sum of \$250.00 be transferred from Town Attorney's Account No. 1420-409 to Account No. 1420-211 to cover subscription costs for lawbooks for the remainder of the year 1982.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1165-1982)

TRANSFER OF FUNDS FROM  
ACCOUNT NO. 1420-409  
TO ACCOUNT NO. 1420-211  
(TOWN ATTORNEY'S OFFICE)

Co. Holbrook offered the following resolution:

RESOLVED, that the sum of \$750.00 be transferred from Town Attorney's Account No. 1420-409 to Account No. 1420-211 to renew its subscription to the Municipal Law Resource Center (MLRC) for the year 1983.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1166-1982)

INCREASE APPROPRIATION  
ACCOUNT B 8110-409 AND  
DECREASE APPROPRIATION  
ACCOUNT B 8110-219  
(SEWER DEPARTMENT)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Account B 8110-409 by \$2,700.00 and decrease Appropriation Account B 8110-219 by \$2,700.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1167-1982)

INCREASE APPROPRIATION  
ACCOUNT A 1010-313 AND  
A 1010-319 AND INCREASE  
ESTIMATED REVENUE ACCOUNT  
1-2401 (COUNCIL MEN)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Account A 1010-313 by \$120.00 and A 1010-319 by \$109.00 and increase Estimated Revenue Account 1-2401 by \$229.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1168-1982)

INCREASE APPROPRIATION  
ACCOUNTS A 1220-301,  
A 1220-313 AND A 1220-328  
AND INCREASE ESTIMATED  
REVENUE ACCOUNT 1-2401  
(SUPERVISOR)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Accounts:

- A 1220-301 by \$428.00
- A 1220-313 by \$200.00
- A 1220-328 by \$ 25.00

and increase Estimated Revenue Account 1-2401 by \$653.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1169-1982)

INCREASE APPROPRIATION  
ACCOUNTS A 1670-114 AND  
A 1670-405 AND INCREASE  
ESTIMATED REVENUE ACCOUNT  
1-2401 (MAIL & COPY)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Accounts:

- A 1670-114 by \$400.00
- A 1670-405 by \$150.00

and increase Estimated Revenue Account 1-2401 by \$550.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1170-1982)

INCREASE APPROPRIATION  
ACCOUNT D 5110-381 AND  
DECREASE APPROPRIATION  
ACCOUNT D 5110-199  
(HIGHWAY DEPARTMENT)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Account D 5110-381  
by \$50,000.00 and decrease Appropriation Account D 5110-199 by \$50,000.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1171-1982)

INCREASE APPROPRIATION  
ACCOUNT A 1410-313 AND  
DECREASE APPROPRIATION  
ACCOUNT A 1410-423  
(TOWN CLERK)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Account A 1410-313  
by \$75.00 and decrease Appropriation Account A 1410-423 by \$75.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1172-1982)

AMENDING VARIOUS  
APPROPRIATION ACCOUNTS  
(RECREATION)

RESOLVED, that the following Appropriation Accounts  
are hereby amended:

<u>AMOUNT</u>	<u>APPROPRIATION DECREASE</u>	<u>APPROPRIATION INCREASE</u>
\$ 900.00	7310-404	7180-438
723.00	7310-409	7310-329
2,876.00	7610-114	7140-114
74.00	7610-114	7141-222
150.00	7610-114	7210-113
680.00	7610-301	7180-408
5.00	7610-313	7610-230
14,129.00	7610-404	7180-461
2,000.00	7610-404	7210-301
139.00	7610-409	7141-306
896.00	7610-409	7210-301
450.00	7610-409	7210-319
1,047.00	7610-409	7610-329
49.00	7610-410	7141-306
106.00	7610-410	7610-222
310.00	7610-420	7141-306
8,195.00	7610-424	7180-113
265.00	7610-424	7180-408
1,938.00	7610-424	7180-427

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1173-1982)

INCREASE APPROPRIATION  
ACCOUNTS A 3120-230 AND  
A 3120-307 AND DECREASE  
APPROPRIATION ACCOUNTS  
A 3120-402, A 3120-406,  
A 3120-409 AND A 3120-416  
(POLICE)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Accounts:

A 3120-230 by \$744.00  
A 3120-307 by \$1577.00, and

decrease Appropriation Accounts:

A 3120-402 by \$ 744.00  
A 3120-406 by \$ 700.00  
A 3120-409 by \$ 477.00  
A 3120-416 by \$ 400.00

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1174-1982)

INCREASE ESTIMATED REVENUE  
ACCOUNT NO. 01-2401 AND  
APPROPRIATION ACCOUNT NO.  
A 1620-407 (MAINTENANCE)

Co. Holbrook offered the following resolution:

RESOLUTION NO. (1174-1982) Continued

RESOLVED, to increase Estimated Revenue Account No. 01-2401 and Appropriation Account No. A 1620-407 by \$1,100.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1175-1982)

GRANTING CERTIFICATE OF REGISTRATION PURSUANT TO SECTION 83-65 OF CODE OF TOWN OF CLARKSTOWN CAL MART CONSTRUCTION CORP. (83-2 CAL MART CONSTRUCTION CORP.- MARTIN WORTENDYKE)

Co. Holbrook 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:

Cal Mart Construction Corp.  
Martin Wortendyke  
11 Seeger Drive  
Nanuet, New York 10954

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 83-2 issued to Cal Mart Construction Corp.  
(Martin Wortendyke)

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1176-1982)

AUTHORIZING ATTENDANCE AT CLASSES FOR TRAINING IN THE BURROUGHS COMPUTER (ERARD, FOGEL, KORN, LODICO, CERESNAK AND D'ANTONI)

Co. Holbrook offered the following resolution:

WHEREAS, the computer installation requires training provided in the contract with Burroughs Corporation, be it

RESOLVED, that the following are authorized to attend classes, and that all proper expenses be charged to the 1983 budgetary account of Data Processing A 1680-414:

Operations - Dorothy Erard  
Doris Fogel  
Fran Korn  
Dolores Lodico

Budgetary - Dorothy Erard  
Doris Fogel  
Fran Korn  
Dolores Lodico

RESOLUTION NO. (1176-1982) Continued

plus additional personnel from Comptroller's Office and Purchasing Department when necessary

Payroll - Dorothy Erard  
Doris Fogel  
Fran Korn  
Dolores Lodico  
Antoinette Ceresnak

Tax collection - Dorothy Erard  
Doris Fogel  
Fran Korn  
Dolores Lodico  
Anthony D'Antoni

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1177-1982)

AUTHORIZING COMPTROLLER TO PAY RETROACTIVE SALARY ADJUSTMENTS TO POLICE OFFICERS (GRADE 5 THROUGH 2 - JOSEPH GULLOTTA)

Co. Holbrook offered the following resolution:

RESOLVED, that the American Arbitration Association Award dated April 29, 1982, bearing Case No. 19 39 0199 81 issued by Joseph Gullotta be and the same is hereby settled, and be it

FURTHER RESOLVED, that the Comptroller is hereby authorized to pay retroactive salary adjustments for the fiscal years 1981 and 1982 to those police officers in Grade 5 through Grade 2 inclusive in conformity with the aforementioned award.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1178-1982)

ACCEPTING PROPOSALS FROM ORANGE & ROCKLAND UTILITIES, INC. FOR STREET LIGHTING AT BUENA VISTA ROAD, NEW CITY

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 of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc., for street lighting at the following location:

Buena Vista Road                      New City

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1179-1982)

AMENDING TOWN BOARD  
RESOLUTION NO. 147-1982  
FOR CONGERS LAKE DAM  
RECONSTRUCTION - CHARGE  
TO MONEY-IN-LIEU-OF-LAND  
ACCOUNT AND TRANSFER TO  
PARKLANDS AND IMPROVEMENTS

Co. Lettre offered the following resolution:

RESOLVED, to amend Town Board Resolution No. 147 dated February 9, 1982 that all charges for Mayo, Lynch and Associates, Inc. for the Congers Lake Dam Reconstruction at a cost not to exceed \$11,000.00 be charged to Money-in-Lieu-of-Land Account and transferred to Parklands and Improvements.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1180-1982)

CREATING FULL-TIME BUS  
DRIVER - MINI-TRANS

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on November 30, 1982, that the full-time Bus Driver position, Mini-Trans Department, can be created,

NOW, THEREFORE, be it

RESOLVED, that the full-time Bus Driver position - Mini-Trans Department, is hereby created, effective and retroactive to December 13, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1181-1982)

ACCEPTING RESIGNATION OF  
BUS DRIVER (PART-TIME) -  
MINI-TRANS (MEHERNOSH  
MUBARAKI)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Mehernosh Mubarak, 476 North Middletown Road, Pearl River, New York as Bus Driver (part-time) - Mini Trans Department - is hereby accepted, effective and retroactive to October 2, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1182-1982)

ACCEPTING RESIGNATION OF  
BUS DRIVER (PART-TIME) -  
MINI-TRANS (URI YELIN)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Uri Yellin, 11 Elliot Place, Spring Valley, New York, Bus Driver (part-time) - Mini Trans Department - is hereby accepted, effective and retroactive to October 25, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1183-1982)

APPOINTING POSITION OF  
BUS DRIVER (PART-TIME) -  
MINI-TRANS (CAROL LANTON)

Co. Holbrook offered the following resolution:

RESOLVED, that Carol Lanton, 113 North Middletown Road, Nanuet, New York, is hereby appointed to the position of Bus Driver (part-time) - Mini-Trans Department - at the hourly rate of \$5.50, effective and retroactive to December 1, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1184-1982)

ACCEPTING RESIGNATION OF  
CUSTODIAL WORKER -  
MAINTENANCE DEPARTMENT  
(EDWARD LARKE)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Edward Larke, 258 South Main Street, New City, New York- Custodial Worker - Maintenance Department - is hereby accepted, effective and retroactive to December 3, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1185-1982)

APPOINTING POSITION OF  
CUSTODIAL WORKER -  
MAINTENANCE DEPARTMENT  
(JOSEPH BERRY)

Co. Holbrook offered the following resolution:

RESOLVED, that Joseph Berry, 47 Vermont Avenue, Congers, New York is hereby appointed to the position of Custodial Worker - Maintenance Department - at the annual 1982 salary of \$9,988.00, effective and retroactive to December 6, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1186-1982)

APPOINTING (PROVISIONALLY)  
POSITION OF RADIO OPERATOR -  
POLICE DEPARTMENT (RICHARD  
M. GELBMAN)

Co. Holbrook offered the following resolution:

RESOLVED, that Richard M. Gelbman, 160 No. Main Street, New City, New York, Apt. 8B is hereby appointed provisionally to the position of Radio Operator - Police Department - at the annual salary for 1982 of \$11,480.00, effective and retroactive to November 29, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1187-1982)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (MARY McDINE)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Mary McDine, Pondview Drive, Congers, New York as Crossing Guard - Police Department - is hereby accepted, effective and retroactive to December 4, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1188-1982)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (DOROTHY  
SCHAFFER)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Dorothy Schaffer, Valley Road, Valley Cottage, New York as Crossing Guard - Police Department - is hereby accepted, effective and retroactive to November 26, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1189-1982)

APPOINTING POSITION OF  
SUBSTITUTE CROSSING GUARD -  
POLICE DEPARTMENT (JOANNE  
P. KOSSAMEDES)

Co. Holbrook offered the following resolution:

RESOLVED, that Joanne P. Kossamedes, 14 Homestead Lane, New City, New York is hereby appointed to the position of Substitute Crossing Guard - Police Department - at the rate of \$5.00 per post covered, effective and retroactive to December 3, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1190-1982)

APPOINTING POSITION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (SUSAN M. SHARKEY)

Co. Holbrook offered the following resolution:

RESOLVED, that Susan M. Sharkey, 264 Cottage Road, Valley Cottage, New York is hereby appointed to the position of Crossing Guard - Police Department - at the rate of \$5.00 per crossing, effective and retroactive to December 3, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1191-1982)

ACCEPTING RESIGNATION OF  
MEMBER OF SHADE TREE  
COMMISSION (ANTHONY CAMILLI)

Co. Holbrook offered the following resolution:

RESOLUTION NO. (1191-1982) Continued

RESOLVED, that the resignation of Anthony Camilli, 5 Freedman Avenue, Nanuet, New York, Member - Shade Tree Commission - is hereby accepted, effective and retroactive to November 30, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1192-1982)

APPOINTING (PROVISIONALLY) POSITION OF RECREATION LEADER - PARKS & RECREATION (JOHN YACIUK)

Co. Holbrook offered the following resolution:

RESOLVED, that John Yaciuk, 50 North Pascack Road, Spring Valley, New York, is hereby appointed (provisionally) to the position of Recreation Leader - Parks & Recreation - at the annual 1983 salary of \$12,868.00, effective January 3, 1983.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1193-1982)

APPOINTING POSITION OF (TEMPORARY) CLERK - HIGHWAY DEPARTMENT TO COVER LEAVE OF DONNA BUTSON (CHRISTINE ORO)

Co. Holbrook offered the following resolution:

RESOLVED, that Christine Oro, 20 Courtney Drive, New City, New York, is hereby appointed to the position of (temporary) clerk (to cover the leave of absence of Donna Butson) - Highway Department - at the hourly rate of \$4.16 - effective and retroactive to December 1, 1982 to cover the period up to April 30, 1983.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1194-1982)

CREATING POSITION OF ASSISTANT AUTOMOTIVE MECHANIC - MINI TRANS DEPARTMENT

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 1, 1982, that the Assistant Automotive Mechanic position - Mini Trans Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the Assistant Automotive Mechanic position - Mini Trans Department - is hereby created, effective and retroactive to December 13, 1982.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1195-1982)

TRANSFERRING PART-TIME  
BUS DRIVER TO FULL-TIME  
BUS DRIVER - MINI TRANS  
DEPARTMENT (GEORGE KENT)

Co. Maloney offered the following resolution:

RESOLVED, that George Kent, 26 Lake Road, Congers, New York, is hereby transferred from part-time Bus Driver to full-time Bus Driver - Mini Trans Department - at the annual 1982 salary of \$11,480.00, effective and retroactive to December 13, 1982.

Seconded by Co. Carey

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (1196-1982)

AUTHORIZING SUBMISSION  
OF HOME RULE REQUEST  
SEEKING AMENDMENT OF  
SECTION 274(a) OF TOWN  
LAW AUTHORIZING PLANNING  
BOARD TO OBTAIN MONEY-IN-  
LIEU-OF-LAND FOR APPROVAL  
OF SITE PLANS SUBJECT TO  
PLANNING BOARD SITE PLAN  
APPROVAL

Co. Maloney offered the following resolution:

WHEREAS, the Court of Appeals has determined that the practice of obtaining money-in-lieu-of-lands from developers seeking approval of the Planning Board for site plans for multi-family developments is illegal, and

WHEREAS, the loss of revenues to the Money-in-Lieu-of-Lands Trust and Agency Fund would be detrimental to the community at large and affects the ability to provide for recreational facilities for citizens of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby authorizes the Town Clerk of the Town of Clarkstown to submit a Home Rule Request seeking amendment of Section 274(a) of the Town Law to specifically authorize that the Planning Board may obtain money-in-lieu-of-land for the approval of site plans subject to Planning Board site plan approval, and be it

FURTHER RESOLVED, that the Home Rule Request provided for herein shall be forwarded to the Assembly and Senate of the State of New York and to the respective state legislators representing the Town of Clarkstown.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1197-1982)

DECLARING THIRD STREET,  
NANUET, NEW YORK SURPLUS  
PROPERTY - AUTHORIZING  
SALE OF SAME TO WEISSMAN,  
GOLDSTEIN AND WINOKER -  
AUTHORIZING SUPERVISOR TO  
EXECUTE A DEED - THIS  
RESOLUTION SUBJECT TO  
PERMISSIVE REFERENDUM

Co. Maloney offered the following resolution:

WHEREAS, by deed dated June 5, 1873, the Town of  
Clarkstown acquired title to the bed of Third Street, Nanuet, New York,  
and

WHEREAS, by action of the Town Board of the Town of  
Clarkstown on October 13, 1981, the Town of Clarkstown abandoned Third  
Street for highway purposes, and  
municipal purposes, and

WHEREAS, Third Street is no longer necessary for any  
WHEREAS, a current appraisal of the property indicates  
that its present market value is \$33,200.00, and

WHEREAS, the owners of the property contiguous to Third  
Street have offered to purchase Third Street for the sum of \$33,200.00  
plus the cost of the appraisal at \$1,000.00, making a total of \$34,200.00;

NOW, THEREFORE, be it

RESOLVED, that the property described in Schedule "A"  
attached is hereby declared surplus property, and be it

FURTHER RESOLVED, that the Town Board hereby sells  
to Alfred Weissman, Sheldon S. Goldstein and Sidney Winoker the Town  
of Clarkstown's interest in Third Street as described on the attached  
Schedule "A" for the sum of \$34,200.00, being the fair market value  
of said surplus property, subject to the following:

- 1. Easements, covenants and restrictions of record,  
if any;
- 2. Zoning Ordinance of the Town of Clarkstown;
- 3. Such state of facts as an accurate survey or  
personal inspection may reveal, and be it

FURTHER RESOLVED, that the Supervisor of the Town of  
Clarkstown is hereby directed to execute a deed in a form satisfactory  
to the Town Attorney for delivery to the purchasers in accordance with  
the terms of this resolution, and be it

FURTHER RESOLVED, that this resolution is subject to  
permissive referendum.

Seconded by Co. Holbrook

All voted Aye.

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

\* \* \* \* \*

RESOLUTION NO. (1198-1982)

DIRECTING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
METROPOLITAN LIFE INSURANCE  
CO. RE: LIFE INSURANCE  
PROGRAMS - PAYROLL DEDUC-  
TIONS FOR SAME - DIRECTING  
COMPTROLLER TO IMPLEMENT  
SYSTEM FOR AUTOMATIC PAY-  
ROLL DEDUCTIONS

Co. Lettre offered the following resolution:

RESOLUTION NO. (1198-1982) Continued

WHEREAS, the Town Board of the Town of Clarkstown wishes to provide benefits to employees of the Town of Clarkstown by providing a means for payroll deductions to be made for various insurance programs, individual retirement accounts, savings plans and similar programs, and

WHEREAS, the Town Board of the Town of Clarkstown has adopted Local Law No. 14 of 1982, which authorizes the adoption by resolution of such program when found to be in the best interest of the Town and its employees;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown has reviewed the plan submitted by Metropolitan Life Insurance Co. for solicitation of employees for personal life insurance programs and after due consideration determines the following:

1. The proposed payroll deduction plan is designed to provide for payment of life insurance premiums without contribution by the Town of Clarkstown.

2. Metropolitan Life Insurance Co., will provide a bond in an amount of at least twelve (12) months of estimated payroll deductions to assure the safety of the employees' funds. This bond amount shall be subject to annual review and renewal.

3. The payroll deduction plan will be without cost to the Town of Clarkstown, including but not limited to any costs incurred in implementing and administering such program.

4. That no exclusivity is granted to Metropolitan Life Insurance Co.

5. That there is no objection to the establishment of the proposed plan by any collective bargaining unit having a collective bargaining agreement with the Town of Clarkstown.

6. That this resolution authorizing such payroll deduction and any agreement implementing same shall be subject to termination on sixty (60) days' notice without cause, and be it

FURTHER RESOLVED, that the Supervisor is hereby directed to enter into an agreement with Metropolitan Life Insurance Co., in a form acceptable to the Town Attorney providing for the payroll deduction for life insurance programs when duly requested in writing by Town employees, and be it

FURTHER RESOLVED, that the Comptroller of the Town of Clarkstown is hereby directed to implement a system for automatic payroll deductions upon due execution of the agreement described above.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1199-1982)

SETTING PUBLIC HEARING  
FOR MASTER PLAN (NANUET)  
AMENDMENTS TO ZONING  
ORDINANCE

Co. Maloney offered the following resolution:

RESOLUTION NO. (1199-1982) Continued

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 Nanuet 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 December 20, 1982 and be it

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 December 20, 1982, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown will hold a public hearing on the 31st day of January, 1983, 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. Holbrook

All voted Aye.

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

\* \* \* \* \*

RESOLUTION NO. (1200-1982) (FAILED)

APPOINTING CHARLES BURGIO HIGHWAY MAINTENANCE SUPERVISOR III TO BE ACTING SUPERINTENDENT OF HIGHWAYS

Co. Holbrook offered the following resolution:

WHEREAS, the Superintendent of Highways of the Town of Clarkstown has indicated his intention to resign his position effective midnight December 31, 1982, and

RESOLUTION NO. (1200-1982) Continued

WHEREAS, it is in the best interests of the Town of Clarkstown that an experienced person knowledgeable in the requirements of the office and the day to day operations of the Highway Department be designated as Acting Superintendent of Highways immediately upon the creation of a vacancy described above, and

WHEREAS, it is in the best interests of the community to have an Acting Superintendent of Highways who can provide assurance to the community that town roads will be maintained in safe and passable condition during inclement winter weather;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown intends to appoint Charles Burgio, 22 Oak Road, Congers, New York, Highway Maintenance Supervisor III, to be Acting Superintendent of Highways upon the creation of the vacancy described above for the interim period commencing January 1, 1983 until his successor shall be elected in accordance with Town Law.

Seconded by Co. Maloney

\* \* \* \* \*

RESOLUTION NO. (1201-1982)

TABLING RESOLUTION NO. (1200-1982) REGARDING APPOINTMENT OF ACTING SUPERINTENDENT OF HIGHWAYS

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. (1200-1982) regarding appointment of Acting Superintendent of Highways is hereby tabled.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

Councilman Maloney said he thought that what was attempted tonight was to guarantee to the people of Clarkstown the uninterrupted service of a Highway Department they deserve. It makes sense to appoint an individual who has the experience and the qualifications of Mr. Burgio as a provisional appointment. He felt Mr. Burgio could keep things moving until the people had a chance to elect someone to the position.

Supervisor Dusanenko said that Mr. Burgio was the Deputy and as such had the powers of the Superintendent in the Superintendent's absence. This appointing resolution is unnecessary. There could be action taken at a meeting on December 30, 1982 or at any subsequent time.

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RESOLUTION NO. (1202-1982)

ADJOURNING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULED PUBLIC HEARING RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT TO INCLUDE EDEN ROC ESTATES

Co. Carey offered the following resolution:

RESOLUTION NO. (1202-1982) Continued

RESOLVED, that regular Town Board Meeting be adjourned, in order to hold scheduled Public Hearing re: Extension of Clarkstown Consolidated Water Supply District to include Eden Roc Estates, time: 9:10 P.M.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (1203-1982)

CLOSING SCHEDULED PUBLIC HEARING RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT TO INCLUDE EDEN ROC ESTATES

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Extension of Clarkstown Consolidated Water Supply District to include Eden Roc Estates be closed, ORDER SIGNED, time: 9:12 P.M.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1204-1982)

OPENING SCHEDULED PUBLIC HEARING RE: ESTABLISHMENT OF VILLAGE GREEN DRAINAGE DISTRICT IN THE TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Establishment of the Village Green Drainage District in the Town of Clarkstown, be opened, time: 9:13 P.M.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (1205-1982)

CLOSING SCHEDULED PUBLIC HEARING RE: ESTABLISHMENT OF VILLAGE GREEN DRAINAGE DISTRICT IN THE TOWN OF CLARKSTOWN

Co. Carey offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Establishment of the Village Green Drainage District in the Town of Clarkstown, be closed, time: 10:00 P.M. - DECISION RESERVED.

Seconded by Co. Holbrook All voted Aye.

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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Town Board Meeting was declared closed, time: 10:01 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

200

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/14/82

9:10 P.M.

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

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER DISTRICT IN THE TOWN OF CLARKSTOWN TO INCLUDE EDEN ROC ESTATES

On motion of Councilman Carey seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared open; Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Town Clerk testified to the fact that the favorable comments of the Director of Environmental Control were on file in the Town Clerk's Office.

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

IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 9:12 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/14/82

9:13 P.M.

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

RE: PETITION FOR THE ESTABLISHMENT OF THE VILLAGE GREEN DRAINAGE  
DISTRICT IN THE TOWN OF CLARKSTOWN

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On motion of Councilman Maloney, seconded by Councilman Holbrook 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 asked Town Attorney John Costa if he had any correspondence. Town Attorney said no but requested that Mr. Levine be allowed to speak on behalf of his client.

Mr. Levine presented an affidavit of Henry Horowitz, the attorney for the petitioner concerning section 194 of the Town Law. Supervisor Dusanenko read the following affidavit:

"In the Matter of the Petition for the  
Establishment of the Village Green  
Drainage District in the Town of  
Clarkstown, Rockland County, New York

State of New York  
County of Rockland SSP

Henry Horowitz, being duly sworn, deposes and says:

I am a professional engineer and attorney at law and represent the petitioner in the above matter.

The Petition is signed and acknowledged as required by law and is otherwise sufficient.

All the property and property owners within the proposed district are benefited thereby.

All the property and property owners benefited are included within the limits of the proposed district.

It is in the public interest to grant the relief sought.

/s/ Henry Horowitz

Sworn to before me  
December 14th, 1982

/s/ Paul J. Levine

Paul J. Levine  
Notary Public, State of New York  
Qualified in Rockland County  
Commission Exp. March 30, 1984

Supervisor Dusanenko asked who was going to speak on behalf of the petitioner. Mr. Horowitz said that the petitioner is the sole property owner and there would be no detriment to surrounding property owners or any residents of the Town of Clarkstown.

Councilman Holbrook asked if there was sufficient drainage for the project as it is now planned?

Town Attorney asked Mr. Horowitz if he would affirm to tell the truth and Mr. Horowitz said "I do."

Mr. Horowitz said the subject project known as Village Green is a proposed condominium project to be developed in accordance with the present zoning. The reason it is being presented to the Board is because the drainage of the parcel itself discharges into the system which is owned and operated by the Palisades Interstate Parkway. It discharges from there into other systems within the Town of Clarkstown. The drainage had been approved by the Town of Clarkstown and by the Palisades Interstate Parkway Commission. The reason we are making this proposal is because we must obtain an easement from the PIP Comm. The Commission is willing to do this but will only grant the easement to the Town of Clarkstown. It is their policy to grant easements only to a municipal agency or to a quasi-municipal agency such as a utility company. The Town had been concerned about the cost of any repairs, if necessary, to this system. Since there are no working parts to this system it is anticipated that any maintenance would be minimal. It was decided to form a drainage district so that all costs in connection with the maintenance of this system would be borne by those who reside within the district area. He said the drainage system would be adequate to handle the site and the full and complete expense would be borne by the developer. The maintenance of the drainage system would be in the offering statement of the condominiums.

Councilman Holbrook said if the Town approves shouldn't the project stand or fall on its own without a drainage district? He felt that what they were in effect saying was that we don't really trust the drainage in this area and we are putting the onus on the people who will reside there should anything happen.

Mr. Horowitz said "No". For example if you give permission to put in a private road it in no way means that the Town is responsible for the maintenance of that private road. The only purpose of the formation of the district is to ensure that if anything comes up with regard to expenses of the maintenance of this district it would be borne by the district itself and not by the community at large.

Councilman Holbrook inquired about liability and Mr. Horowitz said that there was a question of liability. He said that the Board had mentioned that a bond be posted in the amount of approximately \$5,000.00. Now with inflation this figure could in years to come be inadequate to cover expenses and the only way to insure against that would be to have the Town completely free of liability and having the district itself bear all costs.

Mr. Bollman said he believed that this district was being extended only to the boundaries of the applicant's property. There are properties which drain into this and it was his understanding that the district would have to be extended to provide drainage for them.

Mr. Horowitz said the drainage district is strictly to the boundaries of Village Green Condominium itself. Anyone who wanted to come into the drainage system being installed by Village Green would have to appear before this Board and apply for an extension of the district. The system has been designed so that it could take the drainage of those properties. However, they are not included at this time because they are not benefactors of the district. They cannot become benefactors until such time as the Board allows the extension of the district to admit them.

Councilman Holbrook asked Mr. Bollman if the drainage as proposed, from the Town's standpoint, would be adequate and Mr. Bollman said they had reviewed it and he said that the development of this basin would not increase the flows coming from the PIP onto our drainage system on the east side. We have a retention basin and from that point of view we are satisfied. He said they have provided a drainage system that the Town can be satisfied with.

Councilman Lettre asked if the PIP still required that the Town of Clarkstown sign a "hold harmless clause?" He said the reason we are here is because this Town Board did not want to take the responsibility for a "hold harmless" clause that would take full responsibility for any accident that might occur on the Palisades Parkway resulting from this drainage district. The PIP obviously thought that there might be some chance of accident.

Mr. Horowitz said the PIP requirements are the same whether it be for a drainage system or anything else. These are standard requirements. It is a standard clause that the PIP has. He said that that clause would now be signed by the Town of Clarkstown on behalf of the district itself. It is the district that will be taking the liabilities and incurring all the costs.

Councilman Lettre said that would only be if the people residing within that district take the responsibility and maintain a policy. If the people who come into the Village Green complex decide not to take that policy the responsibility would then fall back on the Town of Clarkstown.

Mr. Horowitz said that was not the case. Presently there is only one owner. The offering statement for the condominiums would have all of this spelled out. This is not something they could opt for. The requirement is there and he believed it would be for 50 years. This requirement will have to be executed prior to any of these people moving in and it cannot be done away with.

Councilman Lettre said that someone could decide not to pay and although there might be repercussions the burden still could conceivably fall upon the shoulders of every person living in the Town of Clarkstown.

Mr. Horowitz said that was stretching it a bit. It is the same as every other district and in fact was similar to the one formed here just a few minutes ago (he was referring to Eden Roc Water Extension). There is no difference.

Supervisor Dusanenko inquired if Mr. Horowitz had been the engineer a few years ago when the districts here were all merged into one zone. Mr. Horowitz said he may have been but he could not recall. He said let's assume that he was.

In 1979, Supervisor Dusanenko mentioned, four zones were merged into one which could allow for a possible 135 condominium units. Our concern is to do things properly. The PIP cannot have negotiations with any individual or business or firm. They can only deal with municipalities. When the builder originally requested assistance to have his drainage flow as it does right now over the undeveloped land down under the PIP and then off the PIP into Town owned land which traverses Germonds Road and down into West Nyack, the concern raised by the then Town Attorney was that in the agreement there is a liability for the Town of Clarkstown if we were to take this easement from the PIP and give it to the builder. That liability could not be transferred from the Town. Not for only the cost of maintenance but the cost of any liability as Councilman Lettre mentioned.

If at some future time there is an accident on the PIP due to freezing, for example, and it could be traced to improper maintenance of the drainage system, the Town of Clarkstown could conceivably be liable. That is why we mentioned the formation of this drainage district.

Mr. Horowitz said he had checked with the Attorney General's Office and they said that you may have in an offering statement the indication that there may be the formation of a drainage district and it may be spelled out just how much it would cost any individual

condominium owner to share in the liability, if any, which may occur because of a drainage district.

Supervisor Dusanenko asked if the Attorney General's Office had indicated that maintenance could be made a part of the offering. Mr. Horowitz said he would check with Mr. Levine who had actually spoken to someone in the Attorney General's office.

Mr. Horowitz said that right now they have 108 units planned. He said the drainage developed at this site, whether developed in the four zones which previously existed or whether it is developed as proposed would go in the same direction. It is still Town of Clarkstown land. It would still drain into the PIP and we are in no way making any kind of change in the natural run-off pattern. The only essential difference we're making is to put in a pond to hold back so that any water which would get onto the parkway would in no way be increased as a result of the proposed development.

Supervisor Dusanenko said right now there is no agreement between the Town of Clarkstown and the PIP but if in the future the volume of water is increased that is what makes it essential to have that easement. Mr. Horowitz said we are putting the same amount of water and the purpose of the easement is that we are not letting it overflow on the parkway but we are putting it in a pipe which is connected to the parkway. Because of the installation of a pipe we need the easement from the PIP.

Mr. Costa at this point asked Mr. Levine if he would affirm that the statements he would make are true. Mr. Levine replied affirmatively. Mr. Levine said he spoke to the engineer in the Attorney General's Office regarding the easement and he said that this could be part of an offering plan for the conversion of the property to condominium use. Mr. Levine said with regard to the question of liability he had sat down with Mr. Fogel of our Town Attorney's Office on behalf of the builder of the condominiums. We agreed that the condominium could accept the placing of whatever liability insurance coverage on there which the Board felt was requisite. The petition reflects that and if that is so then the insurance becomes a charge payable by the owners of the condominium. If you foresee a need in the future to increase the insurance you can do that. The idea is not to hurt the Town.

Supervisor Dusanenko asked Mr. Levine if he were saying that the liability insurance is a charge to be levied on the condominium owners or the residents living within this drainage district and Mr. Levine said absolutely. It is part of the cost of operating the district.

Supervisor Dusanenko asked if the engineer to whom Mr. Levine had spoken makes all decisions for the Attorney General's Office and Mr. Levine said no, he does not. If the Attorney General does not like any offering plan submitted to them they can throw it out.

Supervisor Dusanenko asked if there was anyone from the public wishing to speak.

Appearance: Mr. Thomas Trevor  
16 Parker Avenue  
New City, New York 10956

He stated he was a former member and director of New City Condominium Association and currently sits on the Condominium Information Board. It was his impression that the proposal for Village Green attempts to put an on-going burden and potential liability on the unit owners through the purchase of an insurance policy covering a flood hazard. This is a policy which could be cancelled by the company with no renewal offer by any other carrier. PIP will not issue an easement

for drainage unless it is indemnified for damages caused by this easement during flooding conditions. The Town of Clarkstown also wants to be held harmless for such liability. Unfortunately the buyer will not know his liability from increasing insurance premiums and possible law suits. He said he had experienced the downplaying or misrepresentation of the liability faced by a condominium owner on several occasions when he had visited several new developments and had asked pertinent questions about common charges, roadway expenses, water expenses and relationships between unit owners and utility companies. These were either misrepresented or not made clear. He said he was not talking about the developer in the instant case but said he had had these experiences. These situations may have been unintentional but the result is still a misinformed buyer. The potential hazards of drainage would be even less evident to a condo buyer especially if he were from out of the county or had counsel from out of the county. If the Town does not want the responsibility of approving the development as proposed maybe the land should not be developed as proposed or not at all. He said he had no objection to any developer making a profit but that the taxpayers of Clarkstown should not be required to underwrite that profit - not even the new people who move into Village Green. There should be no hidden expenses in the operation of this condominium. If the plans can't stand the test of currently accepted building and development standards they shouldn't be approved. If you don't want the Town of Clarkstown to be held responsible for approving a hazard don't approve the implementation of the hazard. If the request of the PIP is unreasonable let it be settled in court by the builders now - not the future residents. Let us learn from the folly of approving developments in flood areas in other parts of the Town - in New City and in West Nyack. If you feel the potential hazard of Village Green is too great to be assumed by all the taxpayers of Clarkstown even with the benefit of the expertise at your disposal then it is certainly a far greater liability for unsuspecting buyers to assume when they lack your resources to protect their interests. He suggested that if the Town can't approve this development without the hidden liability from potential flood hazard don't approve it at all. However, if the Board decides to approve Village Green he had a very strong recommendation regarding the sales material and prospectus. It should include the history of the Village Green drainage district - specifically the reason for its necessity and its relation to the PIP. It should include a good faith estimate of the tax burden to each unit owner detailing major expense items to the district's budget. The cost of insurance to satisfy the PIP should be broken out no matter how little the cost. This information along with the names of appropriate Town officials should be printed on a separate sheet of paper and distributed to the prospective buyers. My reason for these recommendations are that it will better inform the buyer about his purchase, protect the buyer from his own ignorance if he or his attorney is unfamiliar with Rockland County or Clarkstown. If you approve Village Green I ask that this Board give the future purchaser the opportunity to make a fully informed decision.

Appearance: Mr. Lee Slattery  
Bardonia, New York

He said this has been under discussion for a few years. As of today's date the PIP is still not in agreement with the plans. They still want a save harmless clause. They have said, after consultation with a U.S. Congressman, an attorney from the District of Columbia, that if such an authority was set up - a drainage district - it would be totally legal as long as it is granted by the Attorney General of the State of New York. If it is set up for the due process of taxation for the residents of this property it is possible that judge could throw it out on due process that it would not be totally proper to set up a district for the private profit of a person. There concern is that this could be thrown out of court and the Town of Clarkstown would be held responsible. The PIP, Department of Transportation of the State of New York is still asking for a held harmless clause from the Town of Clarkstown not from

the drainage district. Mr. Bollman has stated that this is the same type of plan that was proposed a year ago. If it is the PIP this afternoon and the Department of Transportation this afternoon said they do not approve it. They still want the held harmless clause from this Town.

Appearance: Mr. Joel Karp  
New City, New York

He said his concern was that a tremendous amount of development proposed in the Town of Clarkstown always revolves around water. He said it was his understanding that a major concern was to find a vehicle to be sure that the insurance payment was going to be made. Many condominium developments go bankrupt somewhere along the way and many agreements and contracts made with the Town, County, etc., are somehow abridged because that is the nature of the bankruptcy proceeding. The vehicle of the drainage district is one which would not be affected if for some reason the developer ran into financial problems or difficulties. Unless another vehicle can be found to guarantee that these insurance payments will be made this district should be approved. It should be spelled out very specifically that if this district is thrown out that the liability to maintain this should reside with each and every individual unit owner in that condominium. The Attorney General does not approve condominiums. He states that what is presented is presumed true. He does not say it is a good condo or a bad condo. If the Town Board decides to set up a district, and he hopes they will, it should also put in there and request of the Attorney General a clause spelled out and not hidden. If the district is thrown out the developer agrees that the condominium will bear full responsibility for any cost that the Town may incur.

Mr. Horowitz then gave a summary statement. He said they have documents from the Palisades Park Commission. Town Attorney has them and Mr. Bollman has them. They indicate that the plans have been approved. They have no objections and they indicate precisely what they want. He read a resolved clause from these documents. RESOLVED, that the Commission authorize management to grant an easement for a term of fifty years to the Town of Clarkstown for a 15 inch RCP drain line connection to the Parkway drainage system to serve the Village Green development with the understanding that the Town will be responsible for all maintenance including corrective measures if necessary of the proposed interconnection.

Mr. Horowitz said all we are discussing is the formation of a district and that is all. Anything additional which the Town wants must be provided. Mr. Bollman must give a final review of the specifics. Whatever additional is requested that will have to be complied with. The only purpose for the creation of the district is for that request of the PIP which indicates that they want the Town to be responsible for the maintenance including any corrective measures. The burden was placed on the Town by the PIP and the Town did not want to assume that burden placed on it by a state agency. Everything is being done to minimize any future burden. In the future there will be absolutely no burden to the Town of Clarkstown. He agreed with all speakers that this should be very clear and very pronounced.

Supervisor Dusanenko asked Mr. Bollman if this district was at the request of and the benefit for the owner of the property in question? What portion of the entire watershed area from the Palisades culvert north or south or west, upstream, is not contained in this special drainage district which may have to have hookups at a later point in time?

Mr. Bollman said he would defer to Mr. Horowitz on this. His guess would be about 50%. He said there are properties which drain into this.

Mr. Horowitz said that Mr. Bollman was correct. There are many properties which drain into this area. They are not part of the district because even after the creation of the district they will still drain the same way. There is about ten or fifteen acres contiguous to us which may eventually put in a subsurface drainage system which could tie into this particular system. They could not do so until they came before the Board and asked permission to do so.

Supervisor Dusanenko asked would the same mechanisms be used for a special district as for a town wide district for an extension at a later point in time? What mechanics would be used as a guideline in this instance for the other 50% of the people to tie in if needed or desired at a later time?

Mr. Bollman said it was his understanding that all districts are guided by the same rules whether they be water, drainage, sewer, etc. Town Attorney said that was his understanding also.

Mr. Horowitz said that was correct. Fifty-one percent of those people desiring to come in would have to petition for it. The ultimate determination would be this Town Board as to whether it is in the public interest to extend a particular district.

Supervisor Dusanenko asked if sometime in the future say there were 104 homeowners and suppose the surrounding people which may number 30 homes - if you added up the assessed valuations the condominiums would have much more value than the 30 homes.

Mr. Horowitz said no because those people are within the district. They are not an applicant to the district extension. The only ones to be concerned with the extension of the district is the additional 30 homeowners. If 51% of them come to you and petition, you will then decide whether they are to come in or not. You may decide that if they want to come in a 15 inch pipe would not be big enough - it would have to be an 18 inch pipe. You may decide, no, you can't come in at all because the system can't take you as it is and to extend it adequately to take care of you would be too expensive. But those who are already within the district will not have the power to keep them out. That ultimate decision is yours. They could give an opinion but would have no power.

There being no one further wishing to be heard, on motion of Councilman Carey, seconded by Councilman Holbrook, and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 10:00 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk