

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

2/8/83

8:16 P.M.

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

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

Prior to the Public Portion Supervisor Dusanenko presented Dorothy Erard, Town Comptroller, with a check from Good-Vue Cable T.V. in the amount of \$92,327.40 for 1982 franchise fees. He requested this be put in the highest yield account possible.

Appearance: Ms. Eileen Browning
Overlook Road
New City, New York 10956

She spoke regarding the proposed zone change on Route 304 and Germonds Road and suggested an alternative use as proposed by the Rockland County Planning Board using Town Law 281 for cluster zoning and requested that it be kept as R-22.

Supervisor Dusanenko said he had received dozens of letters regarding this but the Town Board has no input before the Planning Board and he was waiting for the final proposal to come before him before speaking to the issue.

Councilman Holbrook said this is just a proposal being suggested by the Planning Board and no action has been taken.

Appearance: Ms. Margaret Pontecorvo
Clearview Road
New City, New York 10956

She also spoke in opposition to any zone change on Route 304 and Germonds Road saying that it was the most dangerous intersection in the county.

Appearance: Ms. Linda Sullivan
Bardonia, New York 10954

She spoke regarding the same proposal. She was opposed because of the traffic problem which would affect schools, churches, etc. The additional traffic would affect this intersection all year round.

Supervisor Dusanenko explained that within the next two years the State will add a left hand turn lane on both the north and south sides of Route 304 and Germonds Road using Federal funds and will add one additional lane on the east and west sides of Germonds Road.

Appearance: Mr. John Lawler
Overlook Road
New City, New York 10956

He was there for the same reason and spoke in opposition. He cited drainage problems and the steep slope of the property. He was concerned with soil erosion and the fact that high density would cause water to come out on to Route 304.

Appearance: Ray Icobelli, Esq., Attorney for
Lederle Laboratories

Mr. Icobelli spoke regarding the Paikin zone change and asked the Town Board to defer voting on the zone change for ninety days because Lederle was negotiating with Mr. Paikin for purchase of the site of the proposed zone change. He stated that Lederle had purchased

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fifty-three acres as a buffer for their compost site and were also interested now in obtaining the Paikin site. Lederle would generate no traffic at all in this area since they would continue to use the existing ingress and egress.

Councilman Maloney inquired as to why no one from Lederle had appeared at the Public Hearing on October 12th to provide this information. Mr. Icobelli said that Lederle was obtaining a permit from the State for the composting at that time and if the permit had not been granted there would have been no need for the additional property if Lederle's compost was shut down.

Councilman Maloney further stated that Lederle was just fortunate that the Board had not moved prior to this evening and again stated that he did not understand why Lederle had not asked the Board for more time immediately after obtaining the permit. Mr. Icobelli said he was sorry that that had not been done.

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Councilman Lettre stated at this point that he would request that the Town Board not even consider the proposal at Germonds Road and Route 304 for change and that it not be included in the Master Plan Hearings.

Appearance: Mr. John Lodico
Birch Lane
New City, New York 10956

He spoke regarding a proposed bid to the Town Board on the leachate collection system and said that this was a case of "caveat emptor" let the buyer beware because should this bid be awarded to the lowest bidder he did not think it could be done without problems that would probably result in litigation. This could delay the project for years. He was critical of the way bid specifications had been drawn and said that the bid that was received was prepared by contractors not engineers. He suggested that the Town Board review the whole procedure as far as the bid specifications were concerned.

Supervisor Dusanenko then inquired as to whether the information which Mr. Lodico was discussing was public information and the Town Attorney said "Yes" since the bids had been opened but he cautioned the Town Board members from commenting.

Mr. Lodico said there was a spread of between \$600,000.00 and \$1,000,000.00 between the lowest and highest bidder and the specifications were not properly drawn.

Supervisor Dusanenko requested that Mr. Lodico, since he was so well informed, talk with the Town Board in the future should something similar arise where his input would be helpful.

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On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared open, time: 8:40 P.M. - Local Law re: Flood Damage Prevention Law.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, time: 8:44 P.M. - Local Law re: Flood Damage Prevention Law - ADOPTED - and return to regular Town Board Meeting.

RESOLUTION NO. (137-1983)

ADOPTING LOCAL LAW NO.1-
1983 RE: CHAPTER , FLOOD
DAMAGE PREVENTION LAW OF THE
TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

RESOLUTION NO. (137-1983) Continued

WHEREAS, a proposed local law entitled, "CHAPTER , FLOOD DAMAGE PREVENTION LAW OF THE TOWN OF CLARKSTOWN" was introduced by Councilman Maloney, at a Town Board Meeting held on January 11, 1983, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 11th day of January, 1983, directed that a public hearing be held on the 8th day of February, 1983, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on January 25, 1983, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and Councilmen at their office at 10 Maple Avenue, New City, New York, on January 6, 1983, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 8, 1983;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1-1983, entitled, "CHAPTER , FLOOD DAMAGE PREVENTION LAW OF THE TOWN OF CLARKSTOWN" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- Hon. Theodore R. Dusanenko, Supervisor.....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. Holbrook

All voted Aye.

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Deleting Abandoned Roads from Official Map - Congers, was declared open, time: 8:45 P.M.

On motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Deleting Abandoned Roads from Official Map - Congers, was declared closed, time: 8:50 P.M. - ADOPTED, and return to regular Town Board Meeting.

RESOLUTION NO. (138-1983)

AMENDING OFFICIAL MAP OF TOWN OF CLARKSTOWN BY DELETING THEREFROM THE ROADS IN CONGERS (SHOWN ON SCHEDULE "A" FILED IN TOWN CLERK'S OFFICE)

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 11th day of January, 1983, provided for a public hearing on the 8th day of February, 1983, at 8:15 P.M. to consider amendments to the Official Map of the Town of Clarkstown by deleting therefrom the roads shown on the attached Schedule "A" which have been abandoned by the Town of Clarkstown within the Hamlet of Congers, and

RESOLUTION NO. (138-1983) Continued

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

NOW, THEREFORE, be it

RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom the roads on the attached Schedule "A".

Seconded by Co. Holbrook

All voted Aye.

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

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RESOLUTION NO. (139-1983)

ELECTING NOT TO ADOPT
"A LOCAL LAW AMENDING
CHAPTER 36 OF THE CODE OF
THE TOWN OF CLARKSTOWN"
(IMPOUNDMENTS)

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown held a public hearing on the 25th day of January, 1983, at 8:30 P.M., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and considered the public comments in support of and in opposition to the attached proposed local law entitled, "A LOCAL LAW AMENDING CHAPTER 36 OF THE CODE OF THE TOWN OF CLARKSTOWN";

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby elects not to adopt the attached local law entitled, "A LOCAL LAW AMENDING CHAPTER 36 OF THE CODE OF THE TOWN OF CLARKSTOWN".

Seconded by Co. Lettre

All voted Aye.

(PROPOSED LOCAL LAW ON FILE IN TOWN CLERK'S OFFICE)

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RESOLUTION NO. (140-1983)

RESCINDING RESOLUTION NO.
133-1983 (NEW CITY
PROFESSIONAL ARTS - AMENDING
RESTRICTIVE COVENANTS)

Co. Lettre offered the following resolution:

RESOLVED, that Resolution No. 133 adopted by the Town Board of the Town of Clarkstown on January 31, 1983, is hereby RESCINDED.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (141-1983)

SETTING PUBLIC HEARING RE:
AMENDING RESTRICTIVE
COVENANTS - NEW CITY PRO-
FESSIONAL ARTS

Co. Lettre offered the following resolution:

RESOLUTION NO. (141-1983) Continued

WHEREAS, by Town Board Resolution No. 614 of 1979, New City Professional Arts was granted a zone change from an LO District to a PO District of property owned by it located on both sides of North Main Street, New City, New York, from its intersection with Phillips Hill Road to a point approximately 428.65 ft. north of said intersection, and

WHEREAS, said zone change was granted subject to several conditions, including the following:

"4. A 14.375 foot widening strip is to be provided along North Main Street." and

WHEREAS, a Declaration of Restrictive Covenants dated the 18th day of September, 1979, was filed in the Rockland County Clerk's Office on September 27, 1979, in Liber 1032 at Page 883, which contained the above covenant, and

WHEREAS, Eli Kohn, a contract purchaser of the premises designated as Map 60, Block A, Lot 8.02 on the Clarkstown Tax Map, located on the north side of North Main Street in the vicinity of Phillips Hill Road, has petitioned the Town Board of the Town of Clarkstown for modification of the covenant so as to only require a widening strip of seven (7) feet fronting on the subject property which is designated on the Clarkstown Tax Map as stated herein;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held on the 8th day of March, 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 amending the Restrictive Covenants dated September 18, 1979, filed in the Rockland County Clerk's Office on September 27, 1979, in Liber 1032 at Page 883 to add to Item "4" in said covenant the following sentence:

"This Restrictive Covenant shall not extend beyond seven feet in width on the premises designated on the Clarkstown Tax Map as Map 60, Block A, Lot 8.02."

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

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

FURTHER RESOLVED, that procedures for notification of area property owners contained in Section 106-32(C) of the Zoning Ordinance of the Town of Clarkstown shall be complied with and the legal description of the property affected shall be supplied by the applicant or his representative.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (142-1983)

DECREASING CONTINGENCY
ACCOUNT A 1990 505 AND
INCREASING APPROPRIATION
ACCOUNT A 1110 110
(JUSTICE COURT)

Co. Lettre offered the following resolution:

RESOLUTION NO. (142-1983) Continued

RESOLVED, to decrease Contingency Account A 1990 505 by \$3,575.00 and increase Appropriation Account A 1110 110 by \$3,575.00.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (143-1983)

DECREASING CONTINGENCY ACCOUNT A 1990 505 AND INCREASING APPROPRIATION ACCOUNT A 1110 212 (JUSTICE COURT)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Contingency Account A 1990 505 by \$800.00 and increase Appropriation Account A 1110 212 by \$800.00.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (144-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL A W45 A SIGN "STOP AHEAD" EAST SIDE OF WEST CLARKSTOWN ROAD - APPROPRIATE DISTANCE SOUTH OF NEW HEMPSTEAD ROAD, NEW CITY

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 W45 A sign, "Stop Ahead" (see section 232.6 of the N.Y.S. Manual of Uniform Traffic Control Devices. This sign should be installed on the east side of West Clarkstown Road, the appropriate distance south of New Hempstead Road, New City.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (145-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT SIGNS "NO PARKING, ANYTIME" - EAST SIDE DYKES PARK 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 erect signs to read, "No Parking, Anytime". These signs should be erected on the east side of Dykes Park Road, Nanuet, starting at a point 60 ft. north of the utility pole #58687-40061 (located on the west side of Dykes Park Road) a distance of 230 feet north, from the starting point.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (146-1983)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
CITIBANK, N.A. FOR PAYROLL
DEDUCTION FOR EMPLOYEE
SAVING PLAN

Co. Maloney offered the following resolution:

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 programs 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 Citibank, N.A., for Employees Savings Plans and after due consideration determines the following:

1. The proposed payroll deduction plan is designed to provide for payment of eight percent interest without contribution by the Town of Clarkstown.
2. Each Employee Savings account is insured up to \$100,000.00 per account via insurance coverage provided by the Federal Deposit Insurance Corporation.
3. The payroll deduction plan will be without cost to the Town of Clarkstown, including but not limited to any cost incurred in implementing and administering such program.
4. That no exclusivity is granted to Citibank, N.A.
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 casuse, and be it

FURTHER RESOLVED, that the Supervisor is hereby directed to enter into an agreement with Citibank, N.A., in a form acceptable to the Town Attorney providing for the payroll deduction for Employee Savings Plan 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.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (147-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BITUMINOUS
CONCRETE

Co. Maloney offered the following resolution:

RESOLUTION NO. (147-1983) Continued

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

BID #25-1983
BITUMINOUS CONCRETE

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, March 1, 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. (148-1983)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR ROUND AND OBLATE CORRUGATED ALUMINUM CULVERT PIPE

Co. Maloney offered the following resolution:

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

BID #27-1983
ROUND & OBLATE CORRUGATED ALUMINUM CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, March 7, 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. (149-1983)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR CAST IRON CURB INLETS, CATCH BASINS FRAMES AND GRATES

Co. Maloney offered the following resolution:

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

BID #26-1983
CAST IRON CURB INLETS, CATCH BASINS FRAMES & GRATES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Tuesday, March 1, 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. (150-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR ROUND AND
OBLATE CORRUGATED STEEL
CULVERT PIPE

Co. Maloney offered the following resolution:

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

BID #28-1983
ROUND & OBLATE CURRUGATED STEEL CULVERT PIPE

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, March 8, 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. (151-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR GROUNDSKEEPING
EQUIPMENT

Co. Maloney offered the following resolution:

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

BID #24-1983
GROUNDSKEEPING EQUIPMENT

bids to be returnable to the Office of the Director of Purchasing, 10
Maple Avenue, New City, New York by 2:00 P.M. on Monday, February 28,
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. (152-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR PHOTO ID EQUIP-
MENT

Co. Maloney offered the following resolution:

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

BID #29-1983
PHOTO-ID EQUIPMENT

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, March 2,
1983 at which time bids will be opened and read, and be it

RESOLUTION NO. (152-1983) Continued

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. (153-1983)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR OFFICE FURNITURE

Co. Maloney offered the following resolution:

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

BID #30-1983
OFFICE FURNITURE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Wednesday, February 23, 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. (154-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM CORRECTIVE DRAINAGE WORK SIERRA VISTA LANE (PROJECT 25P-1-1983) - CHARGE TO CAPITAL NO. 2 DRAINAGE ACCT.

Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists on Sierra Vista Lane at the entrance to Mountainview Avenue, Valley Cottage;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways be authorized to perform corrective drainage work in the vicinity of Sierra Vista Lane in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$2,800.00 and be it

FURTHER RESOLVED, that the sum of \$2,800.00 be charged to Capital No. 2 Drainage Account.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (155-1983)

AUTHORIZING MODEL "A" ROOFING INC. TO REPAIR HIGHWAY GARAGE ROOF

Co. Maloney offered the following resolution:

RESOLUTION NO. (155-1983) Continued

RESOLVED, that the Model "A" Roofing Inc. of 16 Harrison Avenue, Congers, be authorized to repair the Highway Garage roof in accordance with the recommendations of the Superintendent of Highways, for a sum not to exceed \$2,500.00.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (156-1983)

SETTING PUBLIC HEARING
RE: PROPOSED LOCAL LAW
RE: 'DOGS' INCREASING
LICENSING FEES AND RENUMBER-
ING PRESENT SECTIONS OF
CHAPTER 36

Co. Lettre offered the following resolution:

WHEREAS, Councilman Lettre, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "A LOCAL LAW AMENDING CHAPTER 36 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'DOGS' BY ADDING THERETO A NEW SECTION 36-6 PROVIDING FOR INCREASED LICENSING FEES AND RENUMBERING PRESENT SECTIONS 36-6 THROUGH 36-9 TO 36-7 THROUGH 36-10"

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8th day of March, 1983, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (157-1983)

AWARDING BID FOR HIGHWAY
SIGNING AND ROAD SUPPLIES
(SEVEN VENDORS)

Co. Maloney offered the following resolution:

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

BID #13-1983
HIGHWAY SIGNING & ROAD SUPPLIES

is hereby awarded to the following vendors:

RESOLUTION NO. (157-1983) Continued

Chemung Supply Corp.
P.O. Box 527
Elmira, N.Y. 14902

3M Company
3M Center, Bldg. 223-3N
St. Paul, Minn. 55144

Empire Municipal Supply Corp.
250 Route 303
Blauvelt, N.Y. 10913

Columbian Steel Co., Inc.
84 Industrial Ave.
Little Ferry, N.J. 07643

Brighton Steel Co.
Route 52
Hopewell Jct., N.Y. 12533

Signs of Safety
799 River Road
Edgewater, N.J. 07020

Capitol Highway Materials, Inc.
Route 6
Baldwin Place, N.Y. 10505

as per schedule of prices on file in Purchasing Department.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (158-1983)

AWARDING BID FOR MOTOR
VEHICLES (NANUET CHRYSLER/
PLYMOUTH, INC. AND PAL
CHEVROLET, INC.)

Co. Maloney offered the following resolution:

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

BID #12-1983
MOTOR VEHICLES

is hereby partially awarded to

(A) Nanuet Chrysler/Plymouth, Inc.
60 Route 304
Nanuet, N.Y. 10954

Five (5) 1983 Plymouth Horizon (model ME44)
Hatchback-4 dr. Sedans at the low bid proposal
as follows:

Proposed Cost (each).....	\$5,941.99
Plus: Power Steering.....	181.90
H.D. Suspension Pkg.....	28.90
TOTAL COST (each)	<u>\$6,152.79</u>

and

(B) Pal Chevrolet, Inc.
Route 9W
West Haverstraw, N.Y. 10993

for

One (1) 1983 Chevrolet Malibu Station Wagon as per bid
specifications at the low bid proposal of \$9,384.00

(C) Award for One (1) 1983 Pick-up Truck
PENDING

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (159-1983)

AWARDING BID FOR POLICE
VEHICLES (ALBANY DODGE,
INC. AND WARNOCK-RYAN
DODGE, INC.)

Co. Maloney offered the following resolution:

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

BID #14-1983
POLICE VEHICLES

is hereby awarded as follows:

- Item #1 - Nine (9) 1983 Police Patrol Vehicles
and
- Item #2 - One (1) 1983 Unmarked Police Vehicles

All proposals received for ten new vehicles in response to
the above bid are hereby rejected, and be it

RESOLVED, that

Albany Dodge, Inc.
770 Central Avenue
Albany, NY 12206

is hereby awarded an order for

Nine (9) Dodge Diplomat GL41 - 8 cylinder Police Patrol Vehicles at the
net NY State contract price of \$8,763.70 each, and be it

RESOLVED, that the following used Police Vehicles offered for
sale on bid 14-1983 are hereby awarded to

Warnock-Ryan Dodge, Inc.
576 Route 10
Livingston, NJ 07039

at the high bid proposal of

<u>CAR #</u>	<u>OFFERED</u>
228	\$ 850
210	\$2500
216	\$2500
220	\$2500

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (160-1983)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
ONE (1) HYDRANT WEST SIDE
NEW YORK STATE HIGHWAY
ROUTE 9W 1000 FEET NORTH
OF LAKEWOOD DRIVE, CONGERS

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Director
of Environmental Control, the Spring Valley Water Co. is hereby
authorized to install one (1) hydrant on the west side of New York State
Highway Route 9W, approximately 1,000 feet north of Lakewood Drive,
Congers, Town of Clarkstown, New York.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (161-1983)

AUTHORIZING ATTENDANCE AT
DEPARTMENT OF TRANSPORTATION
SPECIAL WORKSHOP ON NEW
FEDERAL/STATE TRANSIT
LEGISLATION (JOSEPH LEWIS)
(CHARGE TO A5630-0414)

Co. Holbrook offered the following resolution:

RESOLVED, that Joseph Lewis, Transit Operations Supervisor of the Town of Clarkstown, is hereby authorized to attend New York Department of Transportation Special Workshop on New Federal/State Transit Legislation, Wednesday, February 16, 1983 in Albany, New York, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$50.00 be charged against A-5630-0414.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (162-1983)

GRANTING PERMISSION FOR USE
OF TOWN OF CLARKSTOWN SHOW-
MOBILE TO ANCIENT ORDER OF
HIBERNIANS

Co. Carey offered the following resolution:

WHEREAS, the Ancient Order of Hibernians have requested use of the Town of Clarkstown showmobile on Sunday, March 20, 1983 for the Annual St. Patrick's Day Parade in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the Ancient Order of Hibernians to use the Town of Clarkstown showmobile on Sunday, March 20, 1983 for the above purposes subject to the provision of the necessary insurance policies.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (163-1983)

ADOPTING AND ACCEPTING
MINUTES OF TOWN BOARD
MEETINGS OF NOVEMBER 23RD,
DECEMBER 14TH, DECEMBER
30TH, 1982 AND JANUARY
5TH, 1983

Co. Holbrook offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meetings held on November 23rd, December 14th and December 30th, 1982 and January 5, 1983, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

* * * * *

Supervisor Dusanenko requested a correction be made on page 273 of the December 30, 1982 minutes - "quarter" to "reporter" which correction was noted and made.

* * * * *

RESOLUTION NO. (164-1983)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES,
INC. FOR STREET LIGHTING AT
COLONIAL DRIVE, PLEASANT
HILL DRIVE AND HOLLOW DRIVE,
NEW CITY AND CALICO PLACE,
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 of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following locations:

Colonial Drive	New City
Pleasant Hill Drive	New City
Hollow Drive	New City
Calico Place	Congers

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (165-1983)

APPOINTING SPECIAL COUNSEL
TO PROTECT INTEREST OF TOWN
WITH RESPECT TO OWNERSHIP
OF CLARKSTOWN YOUTH COURT
HAND BOOK AND MANUAL
(PHILIP FURGANG) -CHARGE
ACCOUNT A 1420-409 - INCREASE
APPROPRIATION ACCOUNT A 1420-
409 AND DECREASE APPROPRIATION
ACCOUNT A 1420-505

Co. Lettre offered the following resolution:

RESOLVED, that Philip Furgang, Esq., 49 South Main Street, Spring Valley, New York, is hereby appointed as Special Counsel on behalf of the Town of Clarkstown to take all necessary steps to protect the interest of the Town of Clarkstown with respect to its ownership of the Clarkstown Youth Court Hand Book and Manual in accordance with the retainer proposal dated February 4, 1983, and be it

FURTHER RESOLVED, that the sum of \$5,000.00 to be charged to Account No. A-1420-409 be paid to Philip Furgang, Esq., in accordance with his retainer proposal dated February 4, 1983, and be it

FURTHER RESOLVED, that Appropriation Account No. A-1420-409 be increased by \$10,000.00 and that Appropriation Account No. A-1420-505 be decreased by \$10,000.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

Supervisor Dusanenko read the heading for Agenda Item No. 17 having to do with a memorializing resolution regarding grandfather benefits for existing postal employees. Councilman Holbrook moved to table.

RESOLUTION NO. (166-1983)

TABLING PROPOSED
MEMORIALIZING RESOLUTION
RE: GRANDFATHER BENEFITS
FOR EXISTING POSTAL EMPLOYEES

Co. Holbrook offered the following resolution:

RESOLVED, to table proposed memorializing resolution re grandfather benefits for existing postal employees.

Seconded by Co. Carey

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (167-1983)

APPROPRIATING SUM TO PAY
FOR PLAQUE PRESENTED TO
FRED J. SEEGER ON OCCASION
OF HIS RETIREMENT AS
SUPERINTENDENT OF HIGHWAYS
CHARGE ACCOUNT NO. A 1010-
409, INCREASE ACCOUNT NO.
A 1010-409 AND DECREASE
ACCOUNT NO. A-1990-505

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby appropriates the sum of \$125.00 to pay for the plaque presented on behalf of the citizens of the Town of Clarkstown to Fred J. Seeger on the occasion of his retirement which plaque was given to him in recognition of his twenty years of service to the citizens of the Town of Clarkstown as Superintendent of Highways, and be it

FURTHER RESOLVED, that the sum of \$125.00 shall be charged to Account No. A-1010-409, and be it

FURTHER RESOLVED, that Account No. A-1010-409 be increased by \$125.00 and that Account No. A-1990-505 be decreased by \$125.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (168-1983)

APPOINTING POSITION OF
SUBSTITUTE CROSSING GUARD -
POLICE DEPARTMENT (LINDA M.
LENZ)

Co. Lettre offered the following resolution:

RESOLVED, that Linda M. Lenz, 14 Highway Avenue, Congers, 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 January 26, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (169-1983)

APPOINTING SPECIAL STUDIES
INTERN - SUPERVISOR'S OFFICE
(FRANK MITOLO)

Co. Lettre offered the following resolution:

RESOLVED, that Frank Mitolo, 338 Blauvelt Road, Blauvelt, New York, is hereby appointed to serve in a training program as a Special Studies Intern - Supervisor's Office - without compensation, effective and retroactive to February 1, 1983.

Seconded by Co. Maloney

All voted Aye.

Councilman Carey asked why no one in Clarkstown was found to fill this position. Supervisor Dusanenko said it was a non-paying position for which the student received college credits. Councilman Carey said that they should inquire as to whether there were students in Clarkstown who might be interested in the position. Mary Loeffler explained the procedure and said that the recommendation is made from the school and not all students choose to take advantage of it. Councilman Lettre said Councilman Carey's inquiry was valid and he asked Mary Loeffler to try to find a student from Clarkstown.

* * * * *

RESOLUTION NO. (170-1983)

APPOINTING POSITION OF
TEMPORARY DATA ENTRY
TERMINAL OPERATOR -
COMPTROLLER'S OFFICE
(GILDA DONOVAN)

Co. Lettre offered the following resolution:

RESOLVED, that Gilda Donovan, 271 Cottage Road, Valley Cottage, New York is hereby appointed to the position of (temporary) Data Entry Terminal Operator - Comptroller's Office - at the hourly rate of \$5.00 - effective and retroactive to February 7, 1983 - for a period up to and including April 31, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (171-1983)

APPOINTING POSITION OF
TEMPORARY DATA ENTRY TERMINAL
OPERATOR - COMPTROLLER'S
OFFICE (EUNICE C. LISAK)

Co. Lettre offered the following resolution:

RESOLVED, that Eunice C. Lisak, 2 Oak Terrace, New City, New York, is hereby appointed to the position of (temporary) Data Entry Terminal Operator - Comptroller's Office - at the hourly rate of \$5.00 - effective and retroactive to February 7, 1983 - for a period up to and including April 31, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (172-1983)

CREATING POSITIONS OF
STENOGRAPHER, AUTOMOTIVE
MECHANIC & WELDER AND MOTOR
EQUIPMENT OPERATOR II -
HIGHWAY DEPARTMENT

Co. Lettre offered the following resolution:

RESOLUTION NO. (172-1983) Continued

WHEREAS, the Rockland County Personnel Office has certified on February 2, 1983, that the following positions can be created:

- Stenographer
- Automotive Mechanic & Welder
- Motor Equipment Operator II (in lieu of a Motor Equipment Operator I position)

NOW, THEREFORE, be it

RESOLVED, that the positions of Stenographer, Automotive Mechanic & Welder, and Motor Equipment Operator II - Highway Department - are hereby created, effective February 8, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (173-1983)

APPOINTING (PROVISIONALLY) POSITION OF WEIGHER (GRADE 16) - SANITARY LANDFILL (RICHARD LANDI)

Co. Lettre offered the following resolution:

RESOLVED, that Richard Landi, 16 Hemlock Road, Congers, New York, is hereby appointed (provisionally) to the position of Weigher (Grade 16) - Sanitary Landfill - at the annual 1983 salary of \$11,194.00, effective and retroactive to February 7, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (174-1983)

APPOINTING POSITION OF MAINTENANCE HELPER (SEWERS) - SEWER DEPARTMENT (FLOYD V. JOHNSON)

Co. Lettre offered the following resolution:

RESOLVED, that Floyd V. Johnson, 1 Waldron Court, Central Nyack, New York, is hereby appointed to the position of Maintenance Helper (Sewers) - Sewer Department - at the annual 1983 salary of \$12,284.00, effective and retroactive to February 7, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (175-1983)

APPOINTING POSITION OF ASSISTANT MAINTENANCE MECHANIC (SEWERS) - SEWER DEPARTMENT (WILLIAM J. BRAUN, JR.)

Co. Lettre offered the following resolution:

RESOLVED, that William J. Braun, Jr., 415 Centre Avenue, Upper Nyack, New York, is hereby appointed to the position of Assistant Maintenance Mechanic (Sewers) - Sewer Department - at the annual 1983 salary of \$18,188.00, effective and retroactive to February 7, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (176-1983)

APPOINTING POSITION OF
CUSTODIAN I - PARKS &
RECREATION (PATRICK
FERGUSON)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Custodian I #82210 which contains the name of Patrick Ferguson,

NOW, THEREFORE, be it

RESOLVED, that Patrick Ferguson, 6 Queens Road, New City, New York, is hereby appointed to the position of Custodian I - Parks & Recreation - at the annual 1983 salary of \$17,275.00, effective and retroactive to January 27, 1983.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (177-1983)

ESTABLISHING PART-TIME
SALARIES - PARKS & RECREA-
TION

Co. Lettre offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks that the following 1983 part-time salaries be established:

<u>PART-TIME POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Recreation Aide.....	\$3.35/hr.	\$4.00/hr.
Recreation Aide (Umpire-depending upon sport/length of game time).....	\$3.35/game	\$6.00/game
Recreation Assistant.....	\$3.50/hr.	\$6.50/hr.
Recreation Leader.....	\$5.25/hr.	\$9.50/hr.
Recreation Specialist.....	\$5.25/session	\$16.00/session
Refreshment Stand Attendant I.....	\$3.35/hr.	\$4.25/hr.
Refreshment Stand Attendant II.....	\$3.75/hr.	\$6.50/hr.
Lifeguard.....	\$3.75/hr.	\$4.50/hr.
Assistant Head Lifeguard.....	\$4.75/hr.	\$5.25/hr.
Head Lifeguard.....	\$5.25/hr.	\$5.75/hr.
Water Safety Instructor.....	\$5.75/hr.	\$6.25/hr.
Head Water Safety Instructor.....	\$6.50/hr.	\$7.00/hr.
Laborer-Student.....	\$3.35/hr.	\$4.25/hr.
Groundswoker(L).....	\$3.75/hr.	\$6.50/hr.
Custodian Worker (Seasonal) (L).....	\$3.75/hr.	\$5.25/hr.
Typist.....	\$4.45/hr	
Swim Area Supervisor (Seasonal).....	\$7,000.	\$9,000. (per season)
Refreshment Stand Manager (Seasonal).....	\$3,000.	\$4,300. (per season)
Senior Recreation Leader (Seasonal).....	\$3,500.	\$4,000. (per season)
Senior Recreation Activity specialist (Seasonal).....	\$2,500.	\$3,000. (per season)

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (178-1983)

GRANTING EXTENSION OF
SICK LEAVE - DUMP ATTENDANT -
SANITARY LANDFILL (JOSEPH
MARSICO)

Co. Lettre offered the following resolution:

RESOLUTION NO. (178-1983) Continued

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Joseph Marsico, 51 West Street, West Nyack, New York - Dump Attendant - Sanitary Landfill, is hereby granted an extension of his sick leave of absence, at one-half pay, effective February 12, 1983 through April 12, 1983.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (179-1983)

GRANTING SIX MONTHS LEAVE OF ABSENCE - REAL PROPERTY DATA COLLECTOR - ASSESSOR'S OFFICE (HAYDEN ROLAND)

Co. Lettre offered the following resolution:

WHEREAS, Hayden Roland has requested a leave of absence of six months, and

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

NOW, THEREFORE, be it

RESOLVED, that Hayden Roland, P.O. Box 651, New City, New York, Real Property Data Collector - Assessor's Office - is hereby granted a six month leave of absence, without pay, effective February 9, 1983.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (180-1983)

AUTHORIZING USE OF TOWN LAW SECTION 281 (WAKEFIELD ESTATES II)

Co. Holbrook offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C., agents for the applicant have made written application for the use of Town Law, Section 281 in connection with subdivision known as Wakefield Estates II, 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 as shown on a map entitled, "Wakefield Estates II" Alternate Density Layout, revised October 14, 1982, which will allow Lot No. 7 to have a detention basin on it to control drainage from the site;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law, Section 281 in connection with this subdivision as shown on the map entitled "Wakefield Estates II" Alternate Density Layout, revised October 14, 1982.

Seconded by Co. Carey

RESOLUTION NO. (180-1983) Continued

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (181-1983)

REAPPOINTING MEMBERS OF
CITIZENS ADVISORY COMMITTEE
FOR DISBURSEMENT OF 1983
COMMUNITY DEVELOPMENT FUNDS

Co. Carey offered the following resolution:

RESOLVED, that the following are reappointed to the Citizens
Advisory Committee for the disbursement of 1983 Community Development
Funds:

Charles Gialombardo
Bernice Glass
Mrs. Melvin Hornbeck
Danny Moscato
Ida Grigsby

Seconded by Co. Holbrook

All voted Aye.

* * * * *

On motion of Councilman Maloney, seconded by Councilman
Lettre and unanimously adopted, the Public Hearing re: Proposed
Amendment to the Zoning Ordinance - Home Occupation was declared open,
time: 9:08 P.M.

On motion of Councilman Maloney, seconded by Councilman
Holbrook and unanimously adopted, the Public Hearing re: Amendment
to the Zoning Ordinance - Home Occupation was declared closed, time:
9:18 P.M. and return to Town Board Meeting.

RESOLUTION NO. (182-1983)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN RE:
SECTION 106-3 DEFINITIONS:
HOME OCCUPATION

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution
adopted on the 11th day of January, 1983, provided for a public hearing
on February 8, 1983, at 9:00 P.M. to consider the adoption of the
following proposed amendment(s) to the Zoning Ordinance of the Town of
Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown
be and it hereby is amended as follows:

RESOLUTION NO. (182-1983) Continued

Amend Section 106-3 Definitions; Home Occupation, sub-paragraph (3) to read as follows:

- (3) Not more than one (1) employee, agent, person, stockholder, outside of the resident family shall be employed in such home occupation.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

* * * * *

Supervisor Dusanenko stated FOR THE RECORD: The Supervisor has raised questions. The Supervisor does not understand the answers to those questions. The Supervisor does agree with this new concept that residential neighborhoods should be used solely, if not primarily, for residential purposes. But since I don't have answers as to enforcement, grandfatherability or other questions, the Supervisor abstains at this time.

* * * * *

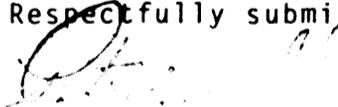
Supervisor Dusanenko called for a recess at this point, time: 9:30 P.M.

The meeting was resumed at 9:45 P.M.

Supervisor Dusanenko stated that the Town Board Meeting has been changed from February 22nd to February 24th because of the Association of Towns Meeting to be held in New York City. The next Town Board Workshop will be held on Thursday, February 17, 1983.

There being no further business to come before the Town Board and no one wishing to be heard, the Town Board Meeting was adjourned on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, time: 9:50 P.M.

Respectfully submitted,


 PATRICIA SHERIDAN,
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/8/83

8:40 P.M.

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

RE: PROPOSED LOCAL LAW ENTITLED, "CHAPTER , FLOOD DAMAGE PREVENTION
LAW OF THE TOWN OF CLARKSTOWN"

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 Town Attorney testified as to proper posting and publication.

Town Attorney stated that this local law is in response to a requirement imposed on the Town by the Federal Government with respect to management of flood prone areas. It is essentially to provide a method whereby the flood hazard insurance program would be effective within the Town. He said that Mr. Bollman, Director of Environmental Control, has worked very closely with the Federal representatives regarding this and would be available to answer any questions.

Town Attorney said that this proposed local law is patterned after the ones suggested by the Federal Flood Prone Areas Management people.

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

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to speak in opposition to the proposed local law.

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 closed, time: 8:44 P.M. ADOPTED

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/8/83

8:45 P.M.

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

RE: DELETING ABANDONED ROADS FROM OFFICIAL MAP - CONGRERS

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 Town Attorney testified as to proper posting and publication.

Town Attorney stated that there had been received from the Rockland County Planning Board a letter dated November 29, 1982 stating that the official map deletions had been reviewed at their meeting of November 23, 1983 and that they approve with the comment that the proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the action is for local determination only.

Councilman Holbrook asked about Terrace Avenue. Town Attorney said that the two portions of Terrace Avenue abandoned were in the vicinity of the catering hall on Route 9W and north of that location. The Town Board was looking into some problem south of that location on a portion of Terrace Avenue that is not abandoned.

Supervisor Dusanenko said to clarify this that it consisted of a portion of Morton Avenue, a portion of Terrace Avenue, an unnamed street to the south of Friend Street and Lake Road, a portion of Crescent Street, two portions of Lawrence Street, a portion of Terrace Avenue, a portion of Beacon Street and Waltham Avenue and a portion of Old Orchard Lane and Homeward Lane. These have been for all practical purposes removed but this public hearing is necessary to legally complete the transaction.

Town Attorney said that these were a part of the review process and implementation of the Master Plan.

Supervisor Dusanenko asked if there was anyone wishing to speak in favor of the proposed abandonment.

IN FAVOR: No one appeared.

Supervisor Dusanenko asked if there was anyone wishing to speak in opposition to the proposed abandonment.

IN OPPOSITION: No one appeared.

There being no one wishing to speak, on motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, time: 8:50 P.M. ADOPTED.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/8/83

9:08 P.M.

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

RE: PROPOSED AMENDMENT TO THE ZONING ORDINANCE - HOME OCCUPATION

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

Town Attorney stated that there is also on file in the Town Attorney's Office a letter dated January 4, 1983 from the Town of Clarkstown Planning Board wherein there is a recommendation to the Town Board that the definition for home occupation be amended to read "Not more than one (1) employee, agent, person, stockholder, outside the resident family shall be employed in such home occupation." Town Attorney stated that he had been advised that this amendment was also on the agenda of the Rockland County Planning Board this afternoon. He stated that the Public Hearing could be held and the Board may wish to defer any action until recommendation is received from the Rockland County Planning Board.

Mr. Robert Geneslaw of the Clarkstown Planning Office was asked to give an explanation for this proposed amendment. He stated that a few months ago some residents of West Nyack had appeared at a Town Board Workshop meeting to describe a problem they had on their cul-de-sac. There is located there a husband and wife dental practice in the last house on the street. They had advertised in the newspaper that they would be open from 5 P.M. until 9 P.M. five nights a week and on Sunday mornings. It was a serious concern of the residents that the amount of traffic generated from that type of use would destroy the residential character of their street. In addition to the advertisement noting the hours it also included prices. The prices appear to be somewhat less than would be charged by others and thus increase the amount of traffic. The Town Board after some discussion that evening asked us to look into it and work with the Planning Board. We prepared a tentative amendment to the zoning ordinance which was more comprehensive than what is before you this evening. The Planning Board decided that it needed more attention, more work and a more comprehensive approach. The Planning Board was concerned with the kinds of activities and the intensity of the activities. While a single practitioner might be acceptable more than that and the amount of clients coming to the house would generate that much more traffic in the area.

The Planning Board felt that they could work this out possibly with a local law which would take some time but they were rather anxious to have this problem solved in a short time. The basis of that feeling is the amendment which is before you this evening. This would limit the number of outside employees to not more than one (1) outside the resident family.

Supervisor Dusanenko asked if there was anyone wishing to speak in favor of this proposed amendment.

IN FAVOR: Mr. Jerry Steinman
Aberdeen Drive
West Nyack, New York 10994

Mr. Steinman felt that the present zoning ordinance put every resident of Clarkstown in jeopardy because anyone could start a business in their own home. There is no limitation on the amount of traffic that would be generated under the present ordinance. He was in favor of this proposed change.

PH - 2/8/83
Page 2

Appearance: Mr. Joel Karp
New City, New York 10956

Mr. Karp stated he was in favor of this proposed amendment except he wanted to know why "stockholder" was included. He felt it was possible to be a stockholder and not be physically present.

Mr. Costa said it was inserted to eliminate any loopholes which may be used - to say that so and so is not an agent, not an employee - happens to be a stockholder and is paid dividends for working here. The key is the individual who is working in the house whether he is an agent, an employee, stockholder or anyone.

Appearance: Mrs. Steinman
Aberdeen Drive
West Nyack, New York 10994

She mentioned another street in Clarkstown, Johnson Lane, where there is a family running a security business with six outside employees. She stated that there is a large amount of traffic generated from this enterprise. This is a residential house in a residential area and this is the type of thing which can happen if we do not amend the zoning law.

Supervisor Dusanenko asked if there was anyone wishing to speak in opposition to the proposed ordinance.

IN OPPOSITION: No one appeared.

Supervisor Dusanenko asked if this would pertain to doctors who have offices in their homes now. He said they should look into the ramifications of this because of the doctors and dentists and other professionals who are doing this presently. Would they be grandfathered?

Town Attorney said that that question has not as yet been fully considered but he would be inclined to think that they would have the benefit of a prior non-conforming use.

Supervisor Dusanenko stated that three people who have spoken here tonight stated that they would like to eliminate nuisances which exist and recommended approval of this proposal. If the people who are doing this now are grandfathered he failed to see the use of passing this law now.

Town Attorney said it was his understanding from the comments made at the Workshop session where this problem was discussed that Mrs. Steinman and others who spoke were concerned about the apparent change in the nature of these home occupations. Some individuals are beginning to operate out of their homes in a way that is beyond what had been traditionally the method of operation of doctors, dentists, etc. This amendment would have prospective application - it would prevent people from coming in in the future with the expanded type of operation that seems to be what is being criticized. This is strictly a policy decision on the part of the board if it wants to eliminate this for the future. Whether a person presently operating under Section 106-3 can be estopped is still an open question. He said he would have to say that they would have the benefit of a prior non-conforming use.

Supervisor Dusanenko requested that this be tabled until there is further research from our legal department. If it is determined that those presently acting under the present section cannot be grandfathered then tomorrow many doctors, dentists and other professionals will find that they are not in conformity with the law.

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Councilman Holbrook said that the purpose of this law was to prevent future instances of this from happening. What happened on this particular street could happen on any street.

Supervisor Dusanenko said that before voting on this he would like to know all of the ramifications. Will these people who are there now be grandfathered or not. That is his question for the record and if he had the answer he could give the appropriate vote.

Councilman Lettre said that they are not looking to hinder people who are already here with established practices but they just want to prevent expansion of this type of home occupation in the future.

Supervisor Dusanenko again asked Town Attorney if those people already engaged in such type of occupation would be grandfathered or not.

Town Attorney said he could not add to what he said. He said the question has not yet received an in depth legal analysis. However, he was inclined to think that the position would be that those people who are presently involved in home occupation in conformity with Section 106-3 would be in prior non-conforming useage and allowed to continue.

Supervisor Dusanenko inquired if the Town Attorney had consulted with Mr. Colucci, the Building Inspector, to see if he is of the same opinion as the Town Attorney.

Town Attorney said they had exchanged memoranda on this point and he believes the Building Inspector agrees with him.

Supervisor Dusanenko asked if it could be added to the present resolution that anyone engaged in this type of occupation at the present would be grandfathered?

Town Attorney said that could not be done tonight. If there was a problem at a later date you could add a qualifying statement which would clarify that statement. Or you could rescind and replace it with another resolution.

Supervisor Dusanenko asked if this could be first with the understanding that people would not have to run to lawyers or to the Building Inspector to find out where they are but with the understanding that this would allow for grandfathering of existing conditions.

Town Attorney said he thought it would be important to note in the public record the intention of the Board in that respect which would provide guidance to those who would have to interpret the ordinance. He said you must make it clear for the record that you are not authorizing anyone operating outside the present code restrictions. In other words you are not grandfathering an illegal use but one that is in a legal use at the present time.

Councilman Carey said if they are legal now you do not have to amplify that any further.

Councilman Holbrook said it can be qualified later but they should just vote on it now.

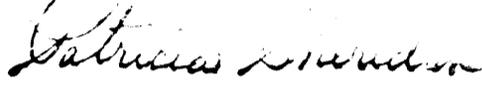
Supervisor Dusanenko said that he did not know what they were voting on. Other people do know. That is why he asked for the record what is their intention? He was told by the councilmen that it could be clarified at a later point in time if it was necessary. Since he did not know what they were voting on, did not know the ramifications he could not answer any questions and directed everyone to ask the Town Attorney.

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Councilman Holbrook said there was no problem with what exists now. It is not an ambiguous law. The effective date is when we pass it.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted the Public Hearing was declared closed, time: 9:18 P.M. ADOPTED with the Supervisor abstaining on motion of Councilman Lettre, seconded by Councilman Holbrook.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk