

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/24/83

8:12 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Sheila Reiter, Deputy Town Clerk

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

Supervisor Dusanenko introduced various students from  
area schools who will be participating in Student Government Day in  
the Town of Clarkstown on March 8, 1983.

Supervisor Dusanenko announced that the 71st Anniversary of  
Girl Scouts of America will take place the week of March 12, 1983. He  
presented the following proclamation to Troop 98 of West Nyack:

"GIRL SCOUTS OF THE U.S.A.  
71st Anniversary - March 12, 1983

WHEREAS, Girl Scouts of the U.S.A. observes the 71st Anniversary of  
its founding on March 12, 1983; and

WHEREAS, since 1912 Girl Scouting has opened new worlds of thought  
and action to more than 45 million members; and

WHEREAS, the organization reaffirms its commitment to addressing the  
constantly changing needs of girls as they meet contemporary  
challenges; and

WHEREAS, Girl Scouting is girls discovering new worlds, creating new  
roles, and exploring new options; and

WHEREAS, Girl Scouting helps girls learn to walk in worlds where no  
woman has walked before; and

WHEREAS, Girl Scout Week will be celebrated by the Girl Scouts of our  
community from March 6-12, 1983,

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of  
Clarkstown, do hereby proclaim March 6th through March 12th, 1983, as  
Girl Scout Week in Clarkstown, and be it

FURTHER RESOLVED, that I call upon all citizens of Clarkstown to give  
their continued interest, cooperation, and support to the Girl Scouts  
through 1983.

IN WITNESS WHEREOF, I have hereunto  
set my hand and caused the seal of  
the Town of Clarkstown to be affixed  
this 24th day of February, 1983

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

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On motion of Councilman Maloney, seconded by Councilman Carey  
and unanimously adopted the Public Hearing re: Citizen's Viewpoint  
regarding 1983 Community Development Funds was opened, time: 8:20 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook  
and unanimously adopted the Public Hearing re: Citizen's Viewpoint  
regarding 1983 Community Development Funds was closed, time: 8:35 P.M.

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Supervisor Dusanenko then opened the public portion of the meeting.

Appearance: Mr. Tom Fagan

Mr. Fagan spoke regarding the Planning Board Meeting which was held at 8:00 P.M. on February 23, 1983. He stated that the meeting did not open until 8:30 although scheduled to begin at 8:00 P.M. The first item on the agenda was held publicly but was not open to the public's comments. It was very lengthy and he requested the Chairman of the Planning Board to please bring up the second item first in order to accommodate the many people who were there for that particular piece of business. The request was refused and the first item was discussed until 10:45 P.M. at which time the Planning Board Meeting was opened to the public regarding item no. 2. At 11 P.M. the Chairman of the Planning Board walked out. Mr. Fagan stated that the people present were not treated fairly. It was close to midnight before the meeting ended.

Mr. Fagan said that Mr. Maloney was there and he felt that Mr. Maloney agreed with him.

Supervisor Dusanenko directed Mrs. Reiter, Deputy Town Clerk, to prepare a copy of Mr. Fagan's remarks and forward them to the Chairman of the Planning Board and to the members of the Planning Board and requested a written response from the Chairman to Mr. Fagan.

Councilman Maloney stated that he had indeed been present at the meeting and had left at 11 P.M., at which time the Chairman was still present. He stated that the lengthy first item was with regard to the change of zoning from RG-1, RG-2 and RG-3 to MF-1, MF-2 and MF-3. This matter could not be interrupted due to its serious nature.

Mr. Fagan reiterated that none of the thirty people or so there was interested in the first item and it was his personal feeling that they should have been heard first and then the other item should have been taken up.

Appearance: Joseph Romano, Esq.  
Atty. for American Cyanamid  
(Lederle Laboratories)

Mr. Romano spoke regarding Agenda Item No. 13 (Paikin Zone Change). He said they had been negotiating with the owner and an offer had been made by Lederle to Mr. Paikin. He asked that the matter be held over for ninety days in order to complete negotiations.

Appearance: John Hekker, Esq.  
Atty. for Mr. Paikin

Mr. Hekker stated that Lederle had not negotiated with Mr. Paikin and indeed Mr. Paikin is not involved in negotiations of any kind with Lederle or its representatives. He felt Lederle was trying to dupe the Town Board into believing that negotiations were going on.

Appearance: Jerome Paikin  
Nanuet, New York

Mr. Paikin stated that he did not intend to sell the property at the present time. He might change his mind at some future date. He said he was not negotiating with Lederle at all. He urged the Board to make their decision based on the facts that have been given to it by Mr. Hekker and himself.

Continued on Next Page

Appearance: Mr. Peter Avaras  
Legislative Chairman of  
the Rockland County Board of Realtors

Mr. Avaras directed his remarks to Item No. 14 on tonight's agenda having to do with the proposed Rockland County jail site. He stated that the Board of Realtors had not been contacted with regard to appropriate sites. He urged the Town Board to take action to ensure that the jail would not be built in a residential area. He did not want Clarkstown to become another Sing Sing. He also expressed fears that if this went through in the area contemplated that many people would come before the Board requesting zone changes in the area along Little Tor Road. He asked if the Town Board could bring legal action against the Rockland County Legislature if the proposal were to be approved.

Town Attorney said that the Town Board could possibly bring such an action but he would not venture a guess as to the potential for success of such a suit.

Mr. Avaras stated that he would be happy to assist the planners in picking a site for the new jail but reiterated that it should not be in the heart of New City and certainly not in the Little Tor area.

Supervisor Dusanenko answered that we do have a resolution proposed for this evening. If that resolution is not strong enough for the Councilmen perhaps it can be reconstructed. With regard to zone changes in the Little Tor area Supervisor said that the only persons able to grant such changes are members of the Town Board and he said he thought he was speaking on behalf of all the members when he said that there was no thought of any zone changes being granted in that particular area. The present jail has the capacity of approximately 100 cells and is not on New Hempstead Road. It is between New Hempstead Road and Twin Elms Drive. It is immediately south of the Sheriff's department which is now under construction. He requested that Mr. Avaras present his remarks to the Jail Construction Committee at the Rockland County Legislature on March 2nd.

Appearance: Mrs. Shirley Thormann  
Valley Cottage, New York

Mrs. Thormann spoke to an item that was on the agenda at Workshop last Thursday evening, namely Kingsgate. Mrs. Thormann read a lengthy prepared statement which she assured the Deputy Town Clerk would be forwarded for filing in the Town Clerk's Office in the near future. She urged that Baylor Road not be opened and also requested that the buffer on the northern and eastern perimeters of this property be maintained. She referred to a covenant and stated that she did not see why this covenant should be amended to build a road. She asked many questions of the Town Board among them: Is it true that the Kingsgate plat was filed as a subdivision; Is it normal procedure for a condominium complex to be filed as a subdivision; Is it normal procedure for such improvements as drainage, sewerage, roads to be shown on the plan prior to the construction of the building; Since it was obviously the intent of the prior Town Board to keep the buffer zone forever in its natural state why should this covenant be amended to build a road when there are alternate layouts possible which would obviate the opening of Baylor Road and violate the buffer zone; If this map is modified to permit violations of the buffer for this section would it not apply with equal force to the rest of the map -(only one section has been built to date); If this Town Board desires to change the covenant is a public hearing required; Should this map be treated as one whole so that it has integrity rather than dealing with it piecemeal as each section is sold off.

Supervisor Dusanenko stated that there would be meeting on this subject on February 28, 1983 in the Andrew Jackson Room of the Town Hall. He requested that Mrs. Thormann be present and offer her suggestions and recommendations at that time.

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Appearance: Mrs. Deborah Calyo  
Spring Brook Road  
Spring Valley, New York

Mrs. Calyo spoke regarding the dedication of the roads in Forest Brook Estates. She felt that the residents should have been advised that their streets had been dedicated. She also mentioned the tremendous drainage problem which is what held up the dedication in the first place. She questioned why the streets were dedicated when the drainage problem still exists. She complained of the ice in the winter and the "sea of mud" which exists in the warmer weather.

Supervisor Dusanenko asked Mrs. Calyo to take some polaroid snap shots and attend a Workshop Meeting at which this would be discussed next Thursday evening. He explained that the original problem lay in the fact that the original owners went through one or more bankruptcies and that sewers, roads and other facilities were up for County tax sales. This is a very complicated problem for which there is no easy solution.

Mrs. Calyo stated that letters to Town officials had gone unanswered.

Appearance: Mr. Irving Mechanic  
New City, New York

He stated that he worked relatively closely with Correction Department Personnel in New York City. After asking their opinion he stated that a jail should never be put where it is now or be expanded there. Undesirables would certainly visit there. This would be happening in New City. Expansion of the jail will increase the crime rate. He asked what the Board had done to publicize their objection to the proposed location of the jail? He requested that the Supervisor make sure that matters of this type are published in the newspapers and also that they be broadcast over the radio. He urged that this jail not be placed among residents whom the police are trying to protect. We lost the streets of New York City. He hoped we would not lose the streets here.

Appearance: Mr. Malcolm Lauder

Mr. Lauder asked if it were customary for the Town to pick up food and liquor bills for different members of the Town when they go on various trips?

Councilman Lettre stated that Mr. Lauder was obviously referring to the recent Association of Towns' Meeting in New York City. A resolution is passed by this Town Board authorizing attendance at different seminars, conventions, etc. throughout the course of the year. Liquor is not permitted.

Supervisor Dusanenko stated that this Town Board unanimously and traditionally and annually since there has been an Association of Towns has picked up the expenses for elected and appointed officials to attend these educational seminars at the Association of Towns. Allowable items are: hotel, transportation, and reasonable amounts for food. There is no provision for liquor or for entertainment. All other 931 towns of the State of New York do likewise. Sixty-seven other counties have similar provisions. It is normal and legal and we only allow what we consider to be reasonable expenses to be reimbursed.

Appearance: Mr. John Lodico  
2 Birch Drive  
New City, New York

Mr. Lodico requested that our Industrial Development Committee try to interest King Kullen into coming into Clarkstown since they are having some difficulty in Orangetown. We could use the 150 or so jobs and the half million dollar ratable. He also asked that consideration

be given to the remarks made by Mrs. Thormann. He was on the Town Board when some of those covenants were made and he supported them. He stated he had opposed the concept of that project because it took the highest commercial land that we had out of our bank of commercial/industrial use at that time. His prime concern tonight was the issue which has come up with regard to L0 zoning. We are removing some type of commercial zoning from our land bank into a residential concept. He felt that the comments of Mr. Romano that it remain a buffer were very pertinent in view of the history of the last situation. A particular area of Lederle emanates a particular odor. If this piece of property is zoned residential a new citizens committee may come before the Board and request that Lederle be closed down because the odor is creeping over the hill. If this is changed from L0 to R-15 it may triple in value and that means that Lederle would have to pay three times as much as if they were to buy it tonight. Let Mr. Paikin sell at the highest price he can get and let Lederle pay for it.

Appearance: Mr. Martus Granirer  
New City, New York

Mr. Granirer stated that he wanted to reinforce what Mrs. Thormann said about Kingsgate (Elinor Homes). He said that when the engineers were planning the drainage for the Naurashaun at the County Legislature meeting they explained that they then would have to revise their plans to allow for the new development. Within about a month or a month and one half another \$1,000,000.00 was added to the County drainage budget. That type of event added to the perception that many of us had that Elinor Homes was the biggest give away that had gone through this Town Hall in many years. Soon after there was a change of covenant on which the zone change had been conditioned and we felt this was a way of changing a zone change without a public hearing. This comes back to haunt us like a bad dream ten years later. He hoped that things would now be worked out that had never been worked out before at the time of the zone change and in particular, the roads.

Supervisor Dusanenko requested that Mr. Granirer be present at the meeting on Monday and give his comments and suggestions at that time.

Mr. Granirer said that when the Town Board sets up the meetings on this, that notice of such meetings be made available to the entire Town.

Appearance: Mr. Ed Bender  
Parliament Drive  
New City, New York

Mr. Bender stated that during the recent blizzard the streets were piled high with snow. The plows did not come through his street until 11 P.M. on Sunday evening. If there had been an emergency no one would have been able to get in or out. This is not the first time this has happened on our street. He felt everyone in the Town should receive equal treatment. We called and were told that some of the snow plows were out of commission.

Supervisor Dusanenko said that he had not received the full report but that out of 55 plows 13 were forced off the road. The State of New York took all of its plows to the PIP and didn't do one State road in the Town of Clarkstown so that five of the additional Town plows had to be commandeered by the Clarkstown Police Chief to do the State roads. There were 23 other breakdowns in our archaic equipment.

Mr. Bender said most of the people he had spoken to were plowed way before his street. I think we were a forgotten community.

Supervisor Dusanenko said that he had suggested that all streets get a plow through at least on one lane. This was done in many places but unfortunately not in all. He stated that he would make Mr. Bender's comments known to the Superintendent of Highways.

RESOLUTION NO. (183-1983)

SETTING PUBLIC HEARING RE  
CHANGE OF STREET NAME FROM  
LAUREL DRIVE TO WESTERLY  
DRIVE, NEW CITY AND AMENDMENT  
OF OFFICIAL MAP TO REFLECT THE  
SAME - REFER TO ROCKLAND  
COUNTY AND TOWN OF CLARKS-  
TOWN PLANNING BOARDS

Co. Holbrook offered the following resolution:

WHEREAS, the street shown as Laurel Drive on the Subdivision Map of "West Rise, Section I" filed in the Rockland County Clerk's Office on May 25, 1967, has been known since 1971 as Westerly Drive, and

WHEREAS, the residents have requested that the name of the street be changed from Laurel Drive to Westerly Drive, and

WHEREAS, the Official Map of the Town of Clarkstown shows the name of the street to be Laurel Drive, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to consider the change of the name of the street from Laurel Drive to Westerly Drive and amendment of the Official Map of the Town of Clarkstown to reflect said change;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown will hold a public hearing on the 22nd day of March, 1983, at 8:00 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider changing the name of the street known as Laurel Drive to Westerly Drive and to amend the Official Map of the Town of Clarkstown to reflect said change of street name, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such hearing and that the Town Clerk cause the same to be published in the Journal News, 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 the proposed amendment be referred to the Clarkstown Planning Board and Rockland County Planning Board for their recommendations and report.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (184-1983)

SETTING PUBLIC HEARING  
RE FURTHER ACTION -  
CHAPTER 31 OF CODE OF TOWN  
OF CLARKSTOWN (MADDAMMA  
ISKANDER MANAGEMENT CORP.)

Co. Holbrook offered the following resolution:

WHEREAS, on September 28, 1982, at 8:30 P.M., the Town Board held a public hearing in accordance with Chapter 31 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector and Fire Inspector of the Town of Clarkstown on premises owned by Maddamma Iskander Management Corp. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 58, Block G, Lot 48, and

RESOLUTION NO. (184-1983) Continued

WHEREAS, as a result of said public hearing Maddamma Iskander Management Corp. was granted six months within which to apply for a building permit to repair the structure and to report in writing its plans for completion of the renovation of the building, and

WHEREAS, the Assistant Fire Inspector advises that a building permit has been issued but no report has been received as to the plans for the completion of the renovation of the building;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown will reconvene the aforesaid public hearing on March 22, 1983, at 8:15 P.M. at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, pursuant to Chapter 31 of the Code of the Town of Clarkstown to consider further action to be taken, and be it

FURTHER RESOLVED, that notice of this reconvened public hearing be forwarded to Maddamma Iskander Management Corp.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (185-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE SNOW AND ICE FROM SIDEWALKS IN FRONT OF GEORGE W. MILLER ELEMENTARY SCHOOL

Co. Maloney offered the following resolution:

WHEREAS, the Principal and Superintendent of Buildings and Grounds for the George W. Miller Elementary School have requested that the Town of Clarkstown remove the snow and ice from the sidewalks in front of the George W. Miller Elementary School at 50 Blauvelt Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that for the health, safety and welfare of the school children the Town Board declares the sidewalks in front of George W. Miller Elementary School to be school sidewalks and authorizes the Superintendent of Highways to remove the snow and ice from the sidewalks in front of the George W. Miller Elementary School when same may be necessary in his discretion for the health, safety and welfare of school children using said sidewalks.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (186-1983)

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

Co. Maloney offered the following resolution:

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

BID #15-1983  
CRAWLER LOADER FOR SANITARY LANDFILL

RESOLUTION NO. (186-1983) Continued

is hereby awarded to

H.O. PENN MACHINERY CO., INC.  
Noxon Road - P.O. Box 3238  
Poughkeepsie, N.Y. 12603

as per the following Total Cost Bid Proposal

1. One (1) Caterpillar Model 973 Loader	\$177,495.00
2. Trade-In Allowance - Fiat-Allis 12GB Serial #96Y0294	<u>6,500.00</u>
3. Difference (Amount Town Will Pay Upon Delivery of New Machine)	\$170,995.00
4. Guaranteed Maximum Total Cost of Repairs for 10,000 Operating Hours or 5 Years Whichever Comes First, as Per Specifications. Repair Costs to be Paid as Incurred. Any Cost Above This Guaranteed Amount to be Paid by Selling Dealer	<u>61,000.00</u>
5. (Item 3 & Item 4)	\$231,995.00
6. Guaranteed Repurchase Price at End of 10,000 Operating Hours or 5 Years, Whichever Comes First	<u>40,500.00</u>
7. Total Cost Bid	\$191,495.00

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (187-1983)

AWARDING BID FOR COMPUTER  
PAPER (BURROUGHS CORPORATION  
AND PRYOR CORPORATION)

Co. Maloney offered the following resolution:

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

BID #19-1983  
COMPUTER PAPER

is hereby awarded to

Burroughs Corporation  
31 W. Century Road  
Paramus, New Jersey 07652

and

Pryor Corporation  
465 Barell Avenue  
Carlstadt, New Jersey 07072

as per the attached schedule of items and prices.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (188-1983)

AWARDING BID FOR PRINTING OF  
1983 PARKS & RECREATION  
BROCHURE (WOOD PRESS, INC.)

Co. Maloney offered the following resolution:

RESOLUTION NO. (188-1983) Continued

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks and the Director of Purchasing that

BID #16-1983  
PRINTING OF THE 1983 PARKS &  
RECREATION BROCHURE

is hereby awarded to:

The Wood Press, Inc.  
515 E. 41st Street  
Patterson, New Jersey 07509

at the low bid proposal of \$7,617.12 plus \$1,221.00 if four additional pages are required.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (189-1983)

AWARDING BIDS FOR ARTS &  
CRAFTS SUPPLIES (VARIOUS  
BIDDERS)

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid for furnishing Arts & Crafts supplies is hereby awarded to the following low bidders who have met the specifications:

1. **I.M.C. MANAGEMENT, INC.**, a subsidiary of Innovation Marketing Corporation (Delaware), 55 Railroad Avenue, Garnerville, N.Y. 10923, Telephone - 914-429-2102

for items #306h, 306i, 306j, 306k, 306L, 306m, 306n, 306o, 306p, 308d, 309, 309a, 309c, as per specifications at a net price of \$2,538.90 and to

2. **ECONOMY HANDICRAFTS**, 50-21 69th Avenue, Woodside, N.Y. 11377, Telephone - 212-426-1600

for items #1d, 6a, 35, 35a, 35b, 35d, 38b, 38c, 38d, 38e, 39, 41f, 44c, 44d, 44e, 52, 94, 94a, 99b, 106a, 106d, 106j, 152h, 157a, 157d, 158a, 159c, 160, 160a, 177, 177c, 177d, 177e, 178a, 188a, 221b, 264c, 290d, 290f, 304d, 304g, 304h, 304i, 304j, 306f, 306g, 306r, 306s, 306s-a, 306x, 307f, 308a, 308c, 309d, 309e, 461-(2), 547, 548, 555, 556, 557, 560, 561, 568c, 568g, 568i, 568k, 568L, 568n, 569, 569b, 571b, as per specifications at a net price of \$4,428.48 and to

3. **S/S ARTS AND CRAFTS**, Colchester, Connecticut, 06415, Telephone - 203-537-3451

for items #1c, 26, 27, 28, 29, 29a, 30, 34, 38f, 41c, 47, 49, 55, 58a, 59, 61c, 61e, 63, 66b, 66c, 94b, 95, 97, 98a, 98b, 98c, 99, 99c, 100, 102, 103, 104, 106, 106b, 106e, 106g, 106i, 108, 110, 115a, 116, 120c, 120e, 120h, 120i, 120j, 120k, 138, 138a, 149a,

RESOLUTION NO. (189-1933) Continued

149b, 149c, 149d, 152g (AT 411 - BROWN ONLY), 157c, 159, 159a, 160b, 162, 163a, 168, 171, 172, 177a, 179, 179b, 182a, 182b, 182d, 187L, 187m, 189, 194a, 194b, 196, 213, 228, 229, 237a, 237c, 247, 248, 249a, 249d, 250, 257a, 264, 264a, 264b, 264d, 264e, 264f, 264g, 264h, 264i, 264L, 265, 286, 287, 288, 290a, 290b, 290c, 290e, 290g, 292a, 292b, 292c, 292d, 292e, 292f, 304c, 304e, 304f, 304k, 304L, 304m, 304n, 304o, 304w, 305c, 305d, 305e, 306d, 306g, 306t, 307, 307c, 307h, 307i, 307m, 308, 308b, 309b, 315, 441, 461-1, 462, 473, 473a, 531c, 538a, 538c, 544b, 544c, 549, 550, 551, 552, 553, 554, 558, 559, 562, 563, 564, 565, 566, 567, 568a, 568b, 568d, 568e, 568f, 568j, 568m, 568o, 568p, 569a, 570, 571a, 573, 574, 575, as per specific at a net price of \$7,850.83 and to

4. J & A HANDY-CRAFTS, INC., 210 Front Street, Hempstead, N.Y. 1155 Telephone - 516-292-1220

for items #1a, 2, 20, 24, 32, 35c, 43j, 45, 48, 50, 58, 58b, 58c, 60, 61d, 64, 96, 115, 148a, 148b, 148c, 152g (all colors except AT 411), 157b, 158, 163, 164, 167a, 167b, 167c, 173, 174, 177b, 177f, 179a, 180, 181, 183, 214, 220, 221a, 234, 244, 264j, 264k, 285, 289, 460, 534d, 544a, 568h, as per specifications at a net price of \$1,728.96.

GROSS TOTAL OF ALL ITEMS: \$16,547.17.

BE IT FURTHER RESOLVED, that this amount be charged against

accounts: 7141-329 - \$3,187.61  
7310-329 - \$5,192.23  
7610-329 - \$8,167.33

BE IT FURTHER RESOLVED, that there be no award on item #38a. All bidders have failed to meet specifications.

RESOLUTION NO. (190-1983)

AWARDING BID FOR OFFICE  
FURNITURE (VARIOUS BIDDERS)

Co. Maloney offered the following resolution:

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

BID #30-1983  
OFFICE FURNITURE

is hereby awarded to the following suppliers as per the attached summary  
of items and prices:

Boutons, Inc.  
Route 59  
Spring Valley, New York 10977

Pride Office Furniture  
49 South Main Street  
Spring Valley, New York 10977

Suffern Stationery  
68 Lafayette Avenue  
Suffern, New York 10901

Seconded by Co. Lettre

All voted Aye.

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(Summary on File in the Town Clerk's Office)

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RESOLUTION NO. (191-1983)

GRANTING PERMISSION TO  
VILLAGE OF NYACK,  
CENTENNIAL COMMITTEE TO  
USE TOWN OF CLARKSTOWN  
SHOWMOBILE - INCREASE  
REVENUE ACCOUNT 2001 AND  
EXPENDITURE ACCOUNT 7140-  
111

Co. Maloney offered the following resolution:

WHEREAS, the Village of Nyack, Centennial Committee, has  
requested use of the Town of Clarkstown showmobile on Saturday,  
May 21, 1983 for a Centennial Picnic in Memorial Park, Nyack, New York,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks  
Board and Recreation Commission, permission is hereby granted to the  
Village of Nyack, Centennial Committee, to use the Town of Clarkstown  
showmobile on Saturday, May 21, 1983, at a fee of \$720.00 for the above  
purposes and subject to the provision of the necessary insurance policies,  
and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized  
to increase Revenue Account No. 2001 by \$720.00 and Expenditure Account  
No. 7140-111 by \$720.00.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (192-1983)

AUTHORIZING ATTENDANCE AT  
NEW YORK STATE RECREATION  
AND PARK ANNUAL CONFERENCE  
(VARIOUS STAFF MEMBERS OF  
RECREATION AND PARKS) -  
TRANSFER OF FUNDS FROM  
APPROPRIATION ACCOUNT NO.  
7620-424 TO ACCOUNT NO.  
1010-414

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission that the following staff members be authorized to attend the 1983 New York State Recreation and Park Annual Conference from April 10, 1983 through April 13, 1983 at Kutshers, Monticello, New York:

- Edward J. Ghiazza, Supt. of Recreation and Parks
- Charles F. Connington, Asst. Supt. of Recreation and Parks
- Bruce D. Knarich, Maintenance Supervisor (Grounds)
- Joy Emanuele, Senior Recreation Leader
- Jo Anne Oldenburger, Senior Recreation Leader
- Alex Gromack, Senior Recreation Leader
- Frank DiMaria, Senior Recreation Leader

FURTHER RESOLVED, that expenses not to exceed \$670.00 be allocated for this conference, and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer \$670.00 from Appropriation Account No. 7620-424 to Account No. 1010-414.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (193-1983)

AUTHORIZING ATTENDANCE AT  
1983 NEW YORK STATE RECREATION  
AND PARK ANNUAL  
CONFERENCE (VARIOUS MEMBERS)-  
TRANSFER OF FUNDS \*

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission that the following Commission members be authorized to attend the 1983 New York State Recreation and Park Annual Conference from April 10, 1983 through April 13, 1983 at Kutshers, Monticello, New York:

- Wilbur T. Oswald
- Richard Mathias
- David G. Kelly

FURTHER RESOLVED, that expenses not to exceed \$520.00 be allocated for this conference, and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer \$520.00 from Appropriation Account No. 7620-424 to Account No. 1010-414.

Seconded by Co. Lettre

All voted Aye.

\* FROM APPROPRIATION ACCOUNT  
NO. 7620-424 TO ACCOUNT NO.  
1010-414

\* \* \* \* \*

RESOLUTION NO. (194-1983)

APPOINTING SPECIAL COUNSEL  
FOR REVIEW OF EQUALIZATION  
BY ROCKLAND COUNTY LEGISLA-  
TURE (KOEPEL, SOMMER &  
MARTONE, P.C.) CHARGE TO  
ACCOUNT NO. 1420-409

Co. Lettre offered the following resolution:

RESOLVED, that the firm of Koepfel, Sommer & Martone, P.C.,  
155 First Street, Mineola, New York, is hereby appointed special counsel  
In the Matter of the Complaint of the Town of Clarkstown for a Review of  
the Equalization made by the Rockland County Legislature on November 4,  
1982, for the Apportionment of 1983 County Taxes before the New York  
State Board of Equalization and Assessment in accordance with the pro-  
posal dated February 11, 1983, and be it

FURTHER RESOLVED, that the firm of Koepfel, Sommer & Martone,  
P.C., is hereby authorized to take all necessary steps, including  
commencing litigation, on behalf of the Town of Clarkstown to attempt  
to obtain a revision of the equalization rates, and be it

FURTHER RESOLVED, that the Comptroller is hereby authorized  
to pay such sums as properly claimed up to and not to exceed \$20,000.00  
without further authorization by the Town Board, which sums shall be  
charged to Account No. 1420-409.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (195-1983)

AUTHORIZING ATTENDANCE  
AT WESTCHESTER MUNICIPAL  
PLANNING FEDERATION PROGRAM -  
CHARGED APPROPRIATIONS  
ACCOUNT NO. A 1010-414

Co. Lettre offered the following resolution:

RESOLVED, that several members of the Clarkstown Planning  
Board are hereby authorized to attend the Westchester Municipal Planning  
Federation Program on March 23, 24 and 30, 1983 at Pace University,  
Pleasantville, New York, and be it

FURTHER RESOLVED, that registration fees, not to exceed  
\$50.00, be charged against appropriations account No. A 1010-414.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (196-1983)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
NYACK, NEW CITY, NANUET AND  
CONGERS-VALLEY COTTAGE  
AMBULANCE CORPS. - DISTRIBU-  
TION OF FUNDS FOR VARIOUS  
AMBULANCE CORPS.

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is  
hereby authorized to enter into an agreement, in the form annexed hereto,  
with the Nyack Community Ambulance Corps, New City Ambulance Corps/Rescue  
Squad, Inc., Nanuet Community Ambulance Corps and the Congers-Valley

RESOLUTION NO. (196-1983) Continued

Cottage Ambulance Corps, Inc., which ambulance corps presently provide ambulance services in the Town of Clarkstown, to provide for distribution of funds pursuant to Section 122(b) of the General Municipal Law, and be it

FURTHER RESOLVED, that the distribution of funds for 1983 for the operation of the various ambulance corps shall be as follows:

Nyack Community Ambulance Corps	\$9,500.00
New City Ambulance Corps/Rescue Squad, Inc.	34,000.00
Manuet Community Ambulance Corps	39,500.00
Congers-Valley Cottage Ambulance Corps, Inc.	17,000.00

and be it

FURTHER RESOLVED, that in the event one or more of the ambulance corps does not enter into said agreement, the Supervisor is hereby authorized the funds which were to be allocated to such ambulance corps to one or more of the ambulance corps who have executed the agreement, providing it agrees to abide by the terms of said agreement and expands its service area.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (197-1983)

AUTHORIZING PLACEMENT OF VOLUNTEER AMBULANCE CORPS SERVICE AREAS ON MAP AND REQUESTING FILING OF SAME IN DEPARTMENT OF ENVIRONMENTAL CONTROL AND TOWN CLERK'S OFFICE

Co. Lettre offered the following resolution:

RESOLVED, that Volunteer Ambulance Corps Service Areas within the Town of Clarkstown for the purposes of distribution of funds allocated pursuant to Section 122(b) of the General Municipal Law shall be as shown on the map entitled, "Volunteer Ambulance Corps Service Areas" dated February 24, 1983, on file in the Office of the Department of Environmental Control and in the Office of the Town Clerk.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (198-1983)

AUTHORIZING AND DIRECTING DEPARTMENT OF ENVIRONMENTAL CONTROL TO PREPARE MAP AND PERIMETER DESCRIPTION FOR AMBULANCE DISTRICT ON A TOWNWIDE BASIS AND SUBJECTING THIS RESOLUTION TO PERMISSIVE REFERENDUM

Co. Lettre offered the following resolution:

WHEREAS, residents of the Town of Clarkstown are benefited by the services of several volunteer ambulance corps, and

RESOLUTION NO. (198-1983) Continued

WHEREAS, these ambulance corps are experiencing financial difficulties due to the fact that costs for equipment and operations have increased at a rate which makes it impossible for such ambulance corps to be sustained entirely by voluntary contributions from the community,

WHEREAS, pursuant to Article 12-A of the Town Law of the State of New York, the Town of Clarkstown may provide for funding for ambulance services by assessment and levy of use taxes rather than relying solely upon voluntary contributions;

NOW, THEREFORE, be it

RESOLVED, that the Department of Environmental Control is hereby authorized and directed to prepare a map and perimeter description by reference to Clarkstown Tax Map for the provision of an ambulance district for the Town of Clarkstown on a townwide basis, and be it

FURTHER RESOLVED, that this resolution is subject to permissive referendum in accordance with Section 209-b of the Town Law of the State of New York and Section 24 of the Municipal Home Rule Law of the State of New York.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (199-1983)

AMENDING ZONING ORDINANCE  
OF TOWN OF CLARKSTOWN  
(JEROME PAIKIN - LO TO R-15)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 14th day of September, 1982, provided for a public hearing on the 12th day of October, 1982, at 8:35 P.M. or as soon thereafter as possible to consider the application of Jerome Paikin to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from LO district to R-15 district, and

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

NOW, THEREFORE, be it

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

1. That before any construction is permitted, the developer should present a viable traffic engineering plan that would demonstrate how adequate ingress and egress is to be achieved.

2. That any improvements to the south side of Convent Road relating to a future subdivision be at a cost borne by the developer.

Seconded by Co. Holbrook

## RESOLUTION NO. (199-1983) Continued

Supervisor Dusanenko made the following remarks before the vote was taken.

FOR THE RECORD: I believe that all items stated earlier this evening by Mr. Romano are correct. I believe that all comments made by Mr. Paikin are correct. I believe that all comments made by Mr. John Hekker are correct and I think they are doing the best for either their clients or themselves. Our responsibility, however, is not to Lederle Laboratories, a major employer of 3,500 hundred people in the Town of Clarkstown nor is it to Mr. Paikin, who has been a long time resident and public participant in the Government of the Town of Clarkstown. Our responsibility has to be to the 82,000 people of the Town of Clarkstown to make the most intelligent decision.

In the last 3 years and perhaps before there were hundreds of telephone complaints from people in that section of Nanuet regarding odors - that have filled, at times, the police emergency lines and the Town Hall department lines, when there have been temperature inversions or other situations. In our consideration of the Master Plan we are supposed to make decisions to help the most amount of people in the Town. When I was advised of this situation Lederle had a landfill composting operation, or I should say, composting operation in the vicinity immediately south of Mr. Paikin's property. This was the contributing factor to odors which also called upon the assistance, occasionally, of the Rockland County Health Department. Mr. Paikin was operating until about a year ago a successful day care operation.

At this point Mr. Paikin said that he is still operating that day care center.

Supervisor Dusanenko stated that he stood to be corrected - Mr. Paikin is still running a successful day care and nursery school at that location. Supervisor Dusanenko asked Mr. Paikin if it was a fact that until recently Mr. Paikin's operation had an harmonious relationship with American Cyanamid, known as Lederle Laboratories, and a barn to the immediate south of his property on Lederle property was utilized by you. Mr. Paikin stated that for many years he had rented the barn from Lederle. He said that they had decided, for whatever reasons, not to continue this.

Supervisor Dusanenko said that what has happened for the past several years is that zone change requests and subdivision requests have been in front of the Planning Board and Town Board of the Town of Clarkstown. One such subdivision was Saga Homes, which he believed would have been between 60 and 100 new homes to be built in an area where there are, occasionally, odors. This means that people would be spending \$100,000 to \$150,000 to buy new homes unbeknownst of a potential odor problem in that area. That would be unconscionable in his opinion. Lederle recently purchased that land to prevent the building of 60 or 100 homes adjacent to that facility which would protect potential new residents as well as satisfying a large buffer for existing residents. He said it was his understanding that Lederle is offering to purchase the property. Another speaker this evening said that this zone change will increase the value of such property and let that be on the record.

Supervisor Dusanenko said he also understood and was only repeating what he has heard at public meetings that there is a traffic problem on Convent Road and at least one additional driveway or the existing one would have to be utilized for the construction of more one third acre homes adjacent to this composting operation.

If there is a spirit of cooperation and harmony between the owner of the property and someone desirous of purchasing this property it is my understanding that the new owner will not use the property for any

RESOLUTION NO. (199-1983) Continued

purposes other than buffering which will not aggravate additional traffic onto Convent Road or contribute eventually additional people to be adversely affected by any occasional odors which may happen.

Supervisor Dusanenko said it was his understanding that American Cyanamid could not negotiate in good conscience on this particular piece of property because it was applying for a continuation of the compost for the necessary permits to do such. Therefore, if the permit could not be extended there would be no need to make a further buffer. Since that has been approved to the best of my knowledge Lederle would like to keep its 3500 people employed. He said that Mr. Paikin would like to continue running a successful day camp for as long as he possibly can. At the same time, changing the zone does not adversely affect the continued operation of that day camp. It has been there for years and it can continue to be there for years whether the zone is changed or not. He said that in the event the day care operation ceases and homes are built next to this operation it is unconscionable that any member of this Town Board would subject additional new residents who may be from urban areas and totally unfamiliar with a potential problem in the area to be subjected to such in the future.

Supervisor Dusanenko then stated that he was recommending that this item be tabled rather than taking precipitous action. If it is approved I am recommending that the map of any subdivision which comes forth after a change of zone will indicate on the deeds of those future property owners that there is in fact a composting operation immediately to their south so that those potential new home owners will be on notice of what does exist in their neighborhood so that the future Supervisor or the present Supervisor of this Town is not inundated with nuisance calls because of poor and irresponsible planning.

Supervisor Dusanenko made a motion to table this resolution but receiving no second stated that they were to vote on the motion already made and seconded.

On roll call the vote was as follows:

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

Councilman Holbrook said that the Supervisor had mentioned the Board taking precipitous action. This zone change application was heard at a public hearing by the Town Board on October 12, 1982 and he felt that the Board had not taken precipitous action but very deliberate action. By listening to what the Planning Board has recommended and by implementing this we are taking a wise step in terms of planning.

Councilman Lettre said that the Board had taken long deliberations for the simple reason that it did not want to make any errors. He felt if the Board passes this zone change this evening it would be making a disasterous error. He said that all the comments which the Supervisor made are real and relevant. There is a unique opportunity this evening to keep a large parcel of land in its natural existing character providing a buffer between Lederle Laboratories with his composting operation and potential homes or the existing homes in the area. We have an horrendous traffic situation on Convent Road. To add another 20 homes when in fact we have an opportunity to add no extra homes would be a disaster and would be very poor planning. This would be a step in a

## RESOLUTION NO. (199-1983) Continued

backward direction. The Board has an opportunity to leave this in its existing zone and to do otherwise would be irresponsible. Under normal circumstances, if in fact we did not have a potential buyer who is willing to stand before the Board and state publicly that they are willing to leave this parcel as a buffer between their existing operation and the homes in the area possibly you might be making a wise decision but again I repeat I think it would be a very irresponsible and foolish decision to make a zone change when we could keep this in its existing zone without adding traffic and congestion in the area.

Councilman Maloney stated that it bothered him the way Lederle like the Seventh Cavalry arriving in the nick of time to save us all from destruction came in just a few weeks ago asking us to hold back for ninety days. It bothers me because at the public hearing we had in October 12th where citizens had a chance to be heard and anyone else who had any complaints or problems we heard not a peep from anyone from Lederle. There is no record of them making any objections anywhere along the line. The zone change could have been made anytime from October 12th to the present time. If we had made the zone change it would have been much too late for them to come in and ask for ninety days. It bothers me that the Supervisor is almost trying to open up the whole public hearing again. We have listened to everybody who spoke that night - anyone who was concerned about it. We are satisfied with the traffic study that has been made.

Supervisor Dusanenko said that he knew that everyone was voting in the best interests of the Town of Clarkstown. He stated that he was placing everyone on record that as long as he is in the Town of Clarkstown that all complaints in this area will be directed to inconvenience you at your home or business because I need more time to do planning and fiscal planning for this Town rather than having added aggravation as a complaint department for a situation that did not exist before but which will be aggravated by your vote. In the best interest of the Town of Clarkstown, not in behalf of Lederle, not in behalf of Mr. Paikin but in behalf of all those people in the Hamlet of Nanuet I vote "No."

\* \* \* \* \*

Supervisor Dusanenko read a proposed memorializing resolution regarding the proposed Rockland County Jail but this resolution was not offered or seconded.

Appearance: Mr. Aaron Sobel

Mr. Sobel stated that the proposed resolution was no good and he gave reasons for his opinion. He felt that this was not a high crime county and he hoped it never would be. He stated that the proposed new jail was just a monument. He said probably 95% of the prisoners in the jail are low-risk prisoners. Most the people arrested are set out on bail and the few that we have can be placed in small premises in very tight confinement. We do not have to have a jail. Other counties are setting up rooms where a judge goes with his clerk and there is no need for a jail or for this resolution. Maybe some improvements could be made at the existing jail for the very few hardened criminals but the rest of the prisoners are weekenders and in no danger of escaping. The drainage is an excuse to say we will approve the jail if you give us a road and you give us the drainage. We need the road and we need the drainage - we don't need the jail. The resolution without the jail would be fine.

Supervisor Dusanenko said he basically concurred with Mr. Sobel's sentiments but he wanted to share the following. He said that over the last 14 years he had suggested to his colleagues on the Legislature

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that a new correctional facility be built. I was told that I was crazy and there was no need for it. The kinds of alternatives like release and recognizance and all other kinds of programs were explored. The abominable conditions for guards, who are public servants, and who are low paid and for those people either awaiting trial who could be innocent or guilty and those people convicted for less than a year it is like the Bastille. Supervisor Dusanenko stated that he had been present on many occasions when prisoners were agitated and needed calming. He said that he was not being sarcastic when he said if you feel these people are low risk you should take them home with you. When people are confined to a cage something happens to them. Most judges do not have discussions or trials in a prisoner's cell.

Someone in the audience said that special rooms were being set up for judges to conduct pretrial hearings, etc. in many jails at the present time. Supervisor Dusanenko stated that he appreciated the clarification. However, wherever a jail is, when the actual trial takes place it will only be conducted in a courtroom. Since prisoners must be moved from jail to a courtroom it is probably safer to have a jail adjacent to the courtroom with connecting corridors so that transportation to and from the jail is secure. To tie up six or seven or more police cars to transport prisoners from a distance is a waste of taxpayers' money not to mention loss of security. He said the jail should be built as close to the courthouse as possible with connecting corridors.

Councilman Holbrook stated that there was a meeting with the County Legislature on the 2nd of March. In reconsidering this resolution he stated that he was unsure how a resolution of this type should be drawn. He felt they should all go to the meeting and be enlightened by what other people have to say and then fashion our resolution accordingly. Councilman Holbrook said he would like to table the resolution pending this upcoming meeting.

Supervisory requested Mr. Sobel to put his suggestions in writing and present them so that the Town Board could have the benefit of all of them.

Mrs. Marilyn Mechanic requested that these meeting notices be published in the newspaper and mentioned on the radio stations so that the public could be made aware of what was going on.

Supervisor Dusanenko stated that Mr. Mike Barlow of the Journal News and Ms. Sheila Berkowitz of WRKL were both present and he would request that they publish these notices and so inform the public whenever possible. Mr. Barlow mentioned where people could presently find the meeting notices in the paper. It was requested that not only the fact of the meeting be published but the content of what will be discussed be put into the notice.

Appearance: Mr. John Lodico  
Birch Drive  
New City, New York

Mr. Lodico said he hoped that the Town Board would not be pressured into fighting a law suit if the new jail is built where it is proposed because such a law suit would be lost and he did not want us to spend one cent fighting a losing battle.

Appearance: Mr. Martin Bernstein  
New City, New York

Mr. Bernstein said objections should have been voiced a long time ago. But as long as you go to this meeting and make up your mind that right after the meeting you come back and at the next meeting of

Continued on Next Page

this Town Board you come in with a strong resolution, quickly. Please don't discuss this for another couple of months. They are in the process of putting that property up on the Greenburg property. Drainage should be included in the resolution. When this property was purchased in 1967-68 there was mention made that part of this property would be used a parkland. When the deed was drawn it was reworded to say for municipal purposes. Plans drawn over the years show that the western part of that property is to be used for a park. If you impress upon them that part of the land is to be used for a park it would make it difficult for them to place a very large penal institution very close to the designated park property.

Appearance: Mr. Peter Kanyuk  
New City, New York

He stated that he has gone over the plans and there very definitely was plans for a park on the Greenburg Property. He said that Mr. Chase told him that the only reason a park isn't going to be made is because it needs State Legislature approval which is very difficult to obtain. The land in question is absolutely beautiful and it should be kept as parkland. When the present jail was built New City was the boondocks. It is not any longer and the new jail should not be put into a residential area.

Appearance: Mr. Len Silver  
New City, New York

He mentioned that there was a man years ago who put aside Central Park for New York City and his foresight benefited the New York City people today. Could we please show some of that foresight here for the people of New City.

RESOLUTION NO. (200-1983) TABLING PROPOSED MEMORIALIZING RESOLUTION RE: PROPOSED ROCKLAND COUNTY JAIL

Co. Holbrook offered the following resolution:

RESOLVED, that memorializing resolution re: proposed Rockland County Jail is hereby tabled pending further input and study by the Clarkstown Town Board.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

Supervisor Dusanenko directed Mrs. Reiter to please notify all Rockland County Legislators in writing that a resolution will shortly follow our next Town Board Meeting. This resolution will be more specific pending additional input.

\* \* \* \* \*

RESOLUTION NO. (201-1983) AUTHORIZING PAYMENT OF PURCHASE ORDERS RE: CURBING AND SIDEWALKS (LITTLE BROOK ROAD, DORCHESTER, NEW CITY - MOUNTAINVIEW AVENUE, WANAMAKER MOUNTAINVIEW AVENUE, CENTRAL NYACK - HORSESHOE COURT, NEW CITY)

Co. Holbrook offered the following resolution:

RESOLVED, that the Comptroller of the Town of Clarkstown is hereby authorized to pay the following purchase orders in connection with the construction of curbing and sidewalks:

RESOLUTION NO. (201-1983) Continued

<u>PURCHASE ORDER</u>	<u>AMOUNT</u>	<u>DESCRIPTION OF WORK</u>
C-9316	\$1,537	Removed and replaced concrete curbing- re: Little Brook Road, New City (\$1,387.50) and re: Dorchester, New City - repaired curb (\$150.00)
C-9380	\$2,794	Raised sunken sidewalk and installed stone base - re: No. 58 Mountainview Avenue, Central Nyack; Re: Wanamaker Mountainview Avenue, Central Nyack; Re: Empty lot from Wanamaker's to corner of Mountainview Avenue, Central Nyack, per invoices dated December 10, 1982
That portion of C-9063 amounting to	\$ 200	Repaired concrete curbing Re: Horseshoe Court, New City (\$200.00)

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (202-1983)

TABLING AGENDA ITEM NO. 16  
RE: PURCHASE ORDERS OF  
JACOB CARUSO CONTRACTING CO.

Co. Holbrook offered the following resolution:

RESOLVED, that Agenda Item No. 16 regarding purchase orders of Jacob Caruso Contracting Co. is hereby tabled.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (203-1983)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE  
FOR BIDS FOR PHOTO-ID  
EQUIPMENT

Co. Maloney offered the following resolution:

RESOLVED, that resolution #152-1983 authorizing the Director of Purchasing to advertise for bids for Photo-ID is hereby amended to read:

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 Monday, March 21, 1983 at which time bids will be opened and read, and be it

RESOLUTION NO. (203-1983) Continued

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

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (204-1983)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR USED FILE CABINETS

Co. Maloney offered the following resolution:

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

BID #31-1983  
USED FILE CABINETS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, March 11, 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. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (205-1983)

AMENDING RESOLUTION NO. 165 TO INCREASE APPROPRIATION ACCOUNT A 1420-505 AND DECREASE APPROPRIATION ACCOUNT NO. A 1990-505

Co. Maloney offered the following resolution:

RESOLVED, to amend Town Board Resolution No. 165 dated February 8, 1983 to increase Appropriation Account No. A 1420-505 by \$10,000 and decrease Appropriation Account No. A 1990-505 by \$10,000.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (206-1983)

AUTHORIZING TOWN COMPTROLLER (DOROTHY ERARD) TO CONFER WITH BONDING ATTORNEYS (HAWKINS, DELAFIELD & WOOD) AND FINANCIAL CONSULTANT (MUNISTAT SERVICES, INC.) FOR PREPARATION OF ISSUANCE OF SERIAL BONDS

Co. Lettre offered the following resolution:

RESOLVED, to authorize Dorothy Erard, Town Comptroller, to confer with Hawkins, Delafield and Wood, bonding attorneys, and Munistat Services, Inc., financial consultant, for the preparation of the issuance of Serial Bonds, which bids will be accepted on March 15, 1983 at Hawkins, Delafield and Wood, 67 Wall Street, New York, New York.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (207-1983)

AUTHORIZING SAFETY COORDINATOR  
(NILS ECKHART) TO SIGN RELEASE  
FROM ORANGE & ROCKLAND  
UTILITIES, INC. FOR POWER  
FAILURE

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Town  
Attorney, Nils Eckhart, Safety Coordinator, is hereby authorized to  
sign a release from Orange & Rockland Utilities for power failure  
occurring on January 12, 1983.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (208-1983)

ACCEPTING PROPOSALS FROM  
ORANGE & ROCKLAND UTILITES,  
INC. FOR STREET LIGHTING  
(CLAL CONSTRUCTION SUBDIVISION)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director  
of the Department of Environmental Control, the Town Board of the Town  
of Clarkstown hereby accepts proposals from Orange & Rockland Utilities,  
Inc. for street lighting at the following location:

CLAL Construction Subdivision

Central Nyack

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (209-1983)

AUTHORIZING ATTENDANCE AT  
SEMINAR ON DEFERRED COMPENSA-  
TION AND MANDATORY BOND  
REGISTRATION (DOROTHY ERARD)  
CHARGE TO APPROPRIATION  
ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

WHEREAS, NYS Municipal Finance Officers Association is having  
a seminar on Deferred Compensation and Mandatory Bond Registration on  
March 24 and 25 at the Albany Hilton Hotel, Albany, New York;

NOW, THEREFORE, be it

RESOLVED, that Dorothy Erard, Comptroller/Budget Officer attend  
said seminar and all expenses charged to Appropriation Account No. A 1010-  
414.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (210-1983)

APPOINTING POLICE OFFICER -  
POLICE DEPARTMENT (KEVIN  
O'CONNOR)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished  
Certification of Eligibles Police Officer #80150 which contains the  
name of Kevin O'Connor,

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RESOLUTION NO. (210-1983) (Continued)

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Kevin O'Connor, 166 Burda Avenue, New City, New York is hereby appointed to the position of Police Officer - Police Department - at the salary of \$20,038.00, effective February 28, 1983.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (211-1983)

APPOINTING POLICE OFFICER -  
POLICE DEPARTMENT (FRANK ROMANO)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #80150 which contains the name of Frank Romano,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Frank Romano, 155 Charles Boulevard, Valley Cottage, New York is hereby appointed to the position of Police Officer - Police Department - at the salary of \$20,038.00 effective February 28, 1983.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (212-1983)

APPOINTING DETECTIVES -  
JUVENILE BUREAU - POLICE  
DEPARTMENT (WILLIAM  
ENGELBRACHT AND JAMES DOYLE)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, the following Police Officers are hereby appointed to Detective - Juvenile Bureau - at the base salary of \$30,286.00, effective February 28, 1983:

William Engelbracht, Hillside Drive, Highland Mills, New York

James Doyle, 10 Elyse Drive, New City, New York

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (213-1983)

APPOINTING DETECTIVES -  
POLICE DEPARTMENT (JOSEPH  
MERCURIO AND WILLIAM  
JOHNSTONE)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, the following Police Officers are hereby appointed to the position of Detective - Police Department - at the base salary of \$30,286.00, effective February 28, 1983:

RESOLUTION NO. (213-1983) Continued

Joseph Mercurio, 563 Piermont Avenue, Piermont,  
New York  
William Johnstone, 51 Elmwood Drive, New City,  
New York

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (214-1983)

APPOINTING POSITION OF  
POLICE SERGEANT - POLICE  
DEPARTMENT (JOHN KUBRAN)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished  
Certification of Eligibles #81042A - Police Sergeant - which contains  
the name of John Kubran,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police  
Commission and Chief Schnakenberg, John Kubran, 30 Demarest Avenue,  
West Nyack, New York is hereby appointed to the position of Police  
Sergeant - Police Department - at the annual base salary for 1983 of  
\$32,135.00, effective February 28, 1983.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (215-1983)

APPOINTING POSITION OF  
REAL PROPERTY DATA COLLECTOR  
(TEMPORARY) - ASSESSOR'S  
OFFICE (NANCY CAPPOLA)

Co. Maloney offered the following resolution:

RESOLVED, that Nancy Cappola, 30 Wheeler Place, West Nyack,  
New York, is hereby appointed to the position of (temporary) Real  
Property Data Collector - to cover the leave of absence of Hayden  
Roland - at the annual 1983 salary of \$9,741.00, effective and retro-  
active to February 14, 1983.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (216-1983)

ACCEPTING RESIGNATION OF  
AUTOMOTIVE MECHANIC -  
MINI TRANS (PAUL POJAFSKY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Paul Pojafsky, 155 Sleepy  
Hollow Road, Congers, New York - Assistant Automotive Mechanic - Mini  
Trans - is hereby accepted effective and retroactive to February 4,  
1983.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

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RESOLUTION NO. (217-1983)

APPOINTMENT OF CUSTODIAN I  
(NIGHTS) - PARKS AND  
RECREATION (PAUL GOZZA)

Co. Maloney offered the following resolution:

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

NOW, THEREFORE, be it

RESOLVED, that Paul Gozza, 277 A Lake Road, Valley Cottage, New York is hereby appointed to the position of Custodian I (nights) - Parks and Recreation - at the annual 1983 salary of \$12,899.00, effective and retroactive to February 21, 1983.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (218-1983)

GRANTING SIX MONTHS LEAVE  
OF ABSENCE - ASSESSOR'S  
OFFICE (SUSAN STEVENSON)

Co. Maloney offered the following resolution:

WHEREAS, Susan Stevenson has requested a leave of absence for six months, and

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

NOW, THEREFORE, be it

RESOLVED, that Susan Stevenson, 9 Inwood Drive, Bardonia, New York, Clerk - Assessor's Office - is hereby granted a six month leave of absence, without pay, effective June 1, 1983.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (219-1983)

APPOINTING POSITION OF  
STENOGRAPHER - TOWN  
ATTORNEY'S OFFICE (CORNELIA  
A. ALEMI)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Stenographer PEL #397, which contains the name of Cornelia A. Alemi,

NOW, THEREFORE, be it

RESOLVED, that Cornelia A. Alemi, 76 Church Street, Nanuet, New York, is hereby appointed to the position of Stenographer - at the annual 1983 salary of \$14,319.00, effective February 24, 1983.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (220-1983)

CREATING PARA-LEGAL  
SPECIALIST (MUNICIPAL  
LAW) (PART-TIME) - TOWN  
ATTORNEY'S OFFICE

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 10, 1983 that the Para Legal Specialist (Municipal Law) (part-time) position can be created,

NOW, THEREFORE, be it

RESOLVED, that the Para-Legal Specialist (Municipal Law) (part-time) position - Town Attorney's Office - is hereby created, effective February 24, 1983.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (221-1983)(FAILED)

APPOINTING MEMBER OF  
SANITATION COMMITTEE  
(ANDREW SCARPULLA)

Co. Carey offered the following resolution:

RESOLVED, that Andrew Scarpulla of 8 Virginia Avenue, New City, New York is hereby appointed as member of the Sanitation Commission at the annual salary of \$1,000.00 with an effective date of February 25, 1983 - term to expire February 25, 1988.

Seconded by Co. Lettre

\* \* \* \* \*

RESOLUTION NO. (222-1983)

TABLING RESOLUTION NO.  
221-1983 RE: APPOINTMENT  
OF SANITATION COMMITTEE  
MEMBER (ANDREW SCARPULLA)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 221-1983 re: appointment of Andrew Scarpulla as member of the Sanitation Commission is hereby tabled.

Seconded by Supv. Dusanenko

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (223-1983)(FAILED)

REAPPOINTING MEMBER OF THE  
SANITATION COMMISSION (ANN  
C. KOZLOWSKI)

Co. Holbrook offered the following resolution:

## RESOLUTION NO. (223-1983) Continued

RESOLVED, that Ann C. Kozlowski of 916 Sierra Vista Lane, Valley Cottage, New York is hereby reappointed as a member of the Sanitation Commission at the annual salary of \$1,000.00 with a term to expire December 31, 1987.

Seconded by Co. Maloney

Supervisor Dusanenko asked if there was anyone wishing to table the foregoing resolution. He inquired that, since there is a person already there who would be a carryover until a new appointment comes in, if a resolution passes not to reappoint the incumbent, does she still serve until a new person is appointed or is she removed? If that is the case the Sanitation Commission would have one less voting member to make quorum - to do the official business of that Board and I am asking that question for the record.

Town Attorney asked for a moment to look through the Code Book for clarification of this point.

Supervisor Dusanenko said that to the best of his knowledge any appointment to a Planning Board, a Commission or any public office until replaced continues in their service to the Town or any municipality.

Town Attorney said that that was not always so. Supervisor Dusanenko said that he thought it was, to the best of his knowledge. Town Attorney said he would like to consult the enabling legislation to see if it says you serve until a successor is appointed or you serve for a specific term. The appropriate section is 50-15 of the Town Code. Supervisor Dusanenko said that that was a statement of fact and that everyone is aware that it is a term appointment. The question that this Town Board needs an answer to is when a term appointment has not been either reappointed or replaced with another person does the service of that person continue? I'd say from my 14 years of experience that that is the case unless there is a specific exception.

Town Attorney said he would defer to the Supervisor's 14 years of experience but he did believe that in some instances when someone is appointed to fill a position for a specific term when that term expires the person no longer serves in that position. However, if you are aware of some specific statutory provision that overrides what it says in the Town Code that I am not aware of I certainly would defer to you and I can offer no opinion. I don't believe that that is the case.

Supervisor Dusanenko asked Mrs. Shirley Thormann if during all her years of service to the Town of Clarkstown did a carryover exist on the Planning Board, Zoning Board or other commission to the best of your knowledge? Mrs. Thormann answered to the best of her knowledge "No."

Supervisor Dusanenko asked Mr. Don Tracy for his opinion and he said it was his opinion that the appointment carries over automatically. Supervisor Dusanenko said, therefore, if you attempt to appoint such person now and it fails we still do not have an answer to the question. It may not say when you fail to be reappointed. It is a new twist in politics. I am suggesting that until the majority of the Town Board determines that this person will be reappointed or someone appointed to replace her that we simply table the matter so that we have continuity.

Mr. John Lodico stated that he felt we should abide by the decision of our Town Attorney and not the opinion of another lawyer or some other Town resident.

RESOLUTION NO. (224-1983)

TABLING RESOLUTION NO.  
(223-1983) RE: REAPPOINTMENT  
OF MEMBER OF SANITATION  
COMMISSION (ANN C. KOZLOWSKI)

Co. Maloney offered the following resolution:

RESOLUTION NO. (224-1983) Continued

RESOLVED, that Resolution No. (223-1983) re: reappointment of Ann C. Kozlowski as member of the Sanitation Commission is hereby tabled.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (225-1983)

AUTHORIZING SUPERVISOR TO  
MAKE APPLICATION TO ROCKLAND  
COUNTY TREASURER FOR EXTENSION  
OF TIME TO COLLECT TAXES

Co. Lettre offered the following resolution:

RESOLVED, that pursuant to Section 938 of the Real Property Tax Law of the State of New York, the Supervisor of the Town of Clarkstown is hereby authorized to make application to the Rockland County Treasurer for an extension of time for the collection of the 1983 taxes by the Clarkstown Receiver of Taxes from April 1, 1983 to June 1, 1983.

Seconded by Supv. Dusanenko

All voted Aye.

\* \* \* \* \*

With regard to the following resolution Supervisor Dusanenko said too often builders and applicants come in with a resquest for a 280-a and yet the professionalism of the Building Inspector and/or the Director of Environmental Control does not have his comments and recommendations in writing. This is what this is all about - that they put their professionalism on the record with their written recommendations. Then in their absence we will be able to make intelligent decisions.

Councilman Lettre asked if this meant that we were passing on the responsibility of the board to the Building Inspector and the Director of Environmental Control? Supervisor Dusanenko said no, but we are requesting that they have written recommendations prior to our consideration.

Mr. Les Bollman, Director of Environmental Control, said that when the Board makes a recommendation on a 280-a it must take into account health, safety and welfare. We have always given a written report specifically stating that it is our belief that these items are for the health, safety and welfare. He was not sure if that was totally the way it should be. He felt there were other people who should be added to this resolution - certainly the Superintendent of Highways would have something to say regarding the health, safety and welfare of a private road.

Town Attorney said he would agree with Mr. Bollman that the Superintendent of Highways should be involved. The reason why he was not mentioned is that in the past the approvals for 280-a requests have come out of the Environmental Department and the Building Inspector's Office. The resolution parallels the language of the statute which tells the Town Board not to take action in approving a building permit

under 280-a(2) until it has satisfied itself that the standards under which they are approving the permit are adequate with respect to public health, safety and welfare. This is just a matter of trying to get the paper work into the files to support the action of the Board. This was not meant to change anything but just to reflect the opinions of the experts in the Town who recommend these things to the Town Board.

Mr. Colucci, Building Inspector, stated that he did not believe that this would be a function of the Building Inspector at all. He should not make a recommendation on how a road is to be approved. The Highway Superintendent is better qualified because he deals with this all the time. Town engineers can make the recommendations. If you are talking about a driveway on a particular lot then he stated that he could make specific recommendations but I'm not an expert on a public highway, a private road or an unimproved road. More and more of these things are coming up lately which take me away from my work as Building Inspector and I should not be involved with roads. Years ago the Building Inspector never got involved in what roads should be improved. In my opinion we should have an adequate space so emergency vehicles can get in.

Councilman Holbrook said that the resolution should read the Director of Environmental Control and the Superintendent of Highways.

Supervisor Dusanenko said that it usually comes down to the Building Inspector to issue the building permit and I would suggest that if for no other purpose that he be involved in this process.

RESOLUTION NO. (226-1983)

REQUESTING WRITTEN RECOMMENDATIONS FROM THE DIRECTOR OF ENVIRONMENTAL CONTROL AND THE SUPERINTENDENT OF HIGHWAYS WITH REGARD TO GRANTING OF 280-A

Co. Carey offered the following resolution:

RESOLVED, that prior to the Town Board acting upon applications for building permits pursuant to Section 280-a(2) of the Town Law, the Director of Environmental Control and the Superintendent of Highways shall make written recommendations as to how the right-of-way to the specific affected parcel should be improved so as to be adequate in respect to the public health, safety and general welfare for the special circumstances of the particular street or highway.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

Supervisor Dusanenko then read the following letter from Letchworth Developmental Disabilities Services:

"February 22, 1983

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

Dear Supervisor Dusanenko:

We have rejected the Fava property, Kings Highway, Valley Cottage which was recommended to our agency by your Town Board as an alternate site to 589 Svahn Drive, Valley Cottage.

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"The owner of the property is not willing to accept the fair market appraisal price offered by Facilities Development Corporation. The architectural feasibility indicates that renovations necessary to bring the property into compliance with our building codes and life/safety criteria would not prove to be cost effective. In addition, regular maintenance projected for the house is above the acceptable norm due to the age (150) years of the structure.

According to 41.34 of the Mental Hygiene Laws, your municipality is accorded a period of 15 days from the receipt of this letter to suggest an alternate site.

If that site is appropriate to meet our needs, our agency will seek to establish a community residential facility at the suggested site. However, if that site is inappropriate to meet our needs, our agency will proceed to develop 589 Svahn Drive, Valley Cottage.

If you have any questions regarding this matter or our residential program, please contact Steven Rubinsky at 357-7311.

Sincerely,

/s/ Edward W. Jennings

Edward W. Jennings  
Director  
Letchworth/D.D.S.O.

\* \* \* \* \*

Supervisor Dusanenko then read the following letter from the County of Rockland - Office of the Transit Coordinator:

"February 18, 1983

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

Dear Supervisor Dusanenko:

The Nanuet Railroad Station Parking Lot project has not been reviewed by all the funding agencies (see copy of meeting memo) and it has been agreed to by all that the project is eligible for funding.

The only step left before implementation begins is to determine the cost of the property. New York State D.O.T. prefers to have the property purchased outright but if this is not at all possible, then long term leasing is the next best alternative.

The construction costs are now estimated to be between \$700,000 and \$800,000. This does not include the cost of the property. The local share of the funding is 6% of the total cost (property plus construction).

In the past, the local share has been borne by the Town or Village where the park-n-ride lot is to be constructed - Mt. Ivy Park-n-Ride lot by Town of Haverstraw; Ramapo Park-n-Ride lots by Town of Ramapo; Suffern Park-n-Ride lots by Village of Suffern; Spring Valley Park-n-Ride lots by Village of Spring Valley; Nyack Park-n-Ride lots by Village of Nyack (urban renewal) and the Pearl River Park-n-Ride lot's total cost was borne by the Town of Orangetown.

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"In view of this history, perhaps the best avenue to pursue would be for the Town to plan on providing the 6% local share and negotiate an agreement for the sale of the property to the Town.

Please give me your thoughts on this proposal.

Sincerely,

/s/ Leonard Spiegel

Leonard Spiegel  
Transit Coordinator

LS:jg"

\* \* \* \* \*

Supervisor Dusanenko stated that the property in question is owned by American Cyanamid, known as Lederle Laboratories. In order for this Town to receive funding of \$7,000.00 or \$8,000.00 we must commence either the acquisition, condemnation or a favorable long-term lease with American Cyanamid or otherwise this project will not benefit the hundreds of commuters who use the Nanuet rail facility. Any suggestions that the Board members would have after tonight's actions would be gratefully appreciated by the Supervisor. We will need more property because we are unable to meet the needs of the commuters now.

\* \* \* \* \*

Supervisor Dusanenko then requested that we return to Item 5(c) on the Agenda.

Councilman Holbrook said this is a question which involves lots and whether or not these lots are conforming.

Mr. Donald Tracy spoke and stated that he is the attorney for the owner and the contract purchaser. Last August we started to process a subdivision which got bogged down in dialogue with the Planning Board. This culminated in a legal action against the Planning Board to determine the invalidity of one of the conditions under which the Planning Board had recommended to this Town Board the approval of average density zoning under Section 281 of the Town Law. The case was decided in February of 1983 in the affirmative for the petitioner stating that the Planning Board lacked jurisdiction. This matter was brought to this Town Board's attention at the last meeting and as Mr. Tracy understood it three resolutions are being proposed which is the rightful option of the Town. Mr. Tracy said what he had requested be done is that the 281 be granted pursuant to the resolution of the Planning Board striking only that condition which the Supreme Court said is illegal. We have three non-conforming lots there - better known as substandard lots. Mr. Tracy gave a history of these lots past and present. He was here to ask that the matter not be delayed any longer.

In response to a question from Supervisor Dusanenko, Mr. Tracy said that the Supreme Court said that the Planning Board which recommended to the Town Board the use of 281 with four conditions was without jurisdiction to recommend the first condition and the first condition is void. Supervisor Dusanenko then asked could it not only be granted with the three conditions which the Court found in order but also that you provide a provision that we recognize the existence of the other three lots in their present form. Mr. Tracy said that they could but that he had no legal problem with it. If the Town Board would like to put it to rest

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once and for all - Supervisor said that was why he was asking for suggested verbiage so that this matter as it affects the Town Board can be closed once and for all. Mr. Tracy said the Town Board does not have the power to do it but only the Building Department can.

Councilman Holbrook asked Mr. Geneslaw, Planning Consultant, the rationale behind this and Mr. Geneslaw said that the feeling of the Planning Board was that where there are lots that may have been legal at one time and the zoning was changed where its possible as part of a review of a subdivision those lots should be included in the lot area to conform to the ordinance as it presently stands.

Councilman Holbrook asked if that would jeopardize the lot count over the subdivision by doing that? Mr. Geneslaw said that in this subdivision it would.

Councilman Carey asked Town Attorney John Costa to comment on this and Mr. Costa clarified the three resolutions which are before the Board this evening. Mr. Costa discussed in detail the ramifications of all three proposals. Mr. Tracy requested that proposal 5(C) be used.

Supervisor Dusanenko asked if the contract purchaser is willing to go along with an additional condition that a boulevard island shown on the map be some type of concrete to avoid maintenance expense for the residents of Clarkstown?

Mr. Tracy said that would be no problem and his client agreed to that additional condition.

RESOLUTION NO. (227-1983)

AUTHORIZING PLANNING BOARD  
TO APPLY TOWN LAW SECTION  
281 (FIELDSTONE FARMS)

Co. Maloney offered the following resolution:

WHEREAS, Donald S. Tracy, Esq., attorney for the applicant has made written application for the use of Town Law Section 281 in connection with a subdivision known as "Fieldstone Farms", 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, "'Density Layout', Subdivision of Property for Fieldstone Farms" dated June 1, 1982, which will allow for better design;

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, "'Density Layout', Subdivision of Property for Fieldstone Farms" dated June 1, 1982, subject to the following conditions:

1. Density plan shall provide for common driveways on the west side of Strawtown Road to minimize access points.

2. Density plan will provide for an entry road on the east side of Strawtown Road with a median.

3. Road widening shall be provided along the entire frontage of Strawtown Road on both sides with appropriate gratuitous dedication note.

RESOLUTION NO. (227-1983) Continued

4. Boulevard island, if any, be concrete and maintenance free.

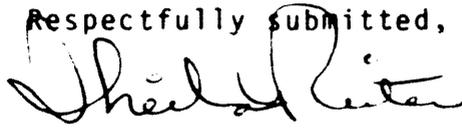
Seconded by Co. Lettre

On roll call the vote was as follows:

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

\* \* \* \* \*

There being no one further wishing to be heard and no further business to come before the Town Board Meeting, on motion of Councilman Lettre, seconded by Councilman Carey and unanimously adopted, the Town Board Meeting was declared closed, time: 11:00 P.M.

Respectfully submitted,  
  
 Sheila Reiter,  
 Deputy Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/24/83

8:20 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Sheila Reiter, Deputy Town Clerk

RE: PUBLIC HEARING - CITIZENS' VIEWPOINT REGARDING 1983 COMMUNITY DEVELOPMENT FUNDS

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. On advice of Town Attorney the reading of the notice of Public Hearing was dispensed with and the Supervisor gave a brief description of the 1983 Community Development Fund program. Some of the funds will be used for administrative purposes in the Rockland County Community Development Office. There will be two county wide programs - one at Jawonio and one for the Association for Retarded Children. There were other requests made but mayors and supervisors chose not to fund these other worthwhile organizations. Approximately \$50,000.00 to \$60,000.00 will be spent by the Town of Clarkstown either on these programs or on other eligible projects brought to our attention at tonight's public hearing. These funds may be used only for certain specific purposes in certain areas of our town.

The funds may be used for the removal of architectural barriers. They can be used for improvements of streets, curbs and sidewalks in certain portions of the town. Architectural barriers may be removed at town owned facilities. The Supervisor cited as an example the removal of architectural barriers between this building and the Police Building to provide a second elevator to allow our handicapped and elderly people to utilize the Justice Court on the second floor of the Police Department. It can be used for the repaving of streets, street lighting, etc.

We have also made donations to Camp Venture, Association for Retarded Children, Rockland Association for the Arts, the Nyack Housing Authority and the improvement of the Central Nyack Community Center. We cannot use these for additional state or matching funds and any projects suggested by the audience here tonight will be considered by an advisory committee some of whom are present in the auditorium.

Supervisor Dusanenko introduced the members of the Advisory Committee: Charles Gialombardo, Daniel Moscato and Mrs. Hornbeck, who were present and Bernice Glass and Ida Grigsby, who were not in attendance.

Supervisor Dusanenko then asked if there was anyone wishing to speak:

Appearance: Mr. Charles Gialombardo  
New City, New York

Mr. Gialombardo stated that a very dangerous condition exists on Squadron Boulevard. He requested that one way arrows be posted and reflector lights installed to aid the senior citizens living in Squadron Gardens.

Appearance: Mr. Alan Koss  
Trustee of Rockland Center for the Arts

Mr. Koss stated that the Center is in the process of making its facilities available to the handicapped. We would like to provide parking areas, entry ways and walkways - well lighted to make them safe especially for the handicapped. Our plan will require about \$60,000.00 to complete.

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The center already has commitments for about \$40,000.00 and we need about \$20,000.00 to complete the project. The additional \$20,000.00 will make all of the school facilities at the center handicapped accessible as well as the entertainment areas. We have put on many programs for the handicapped and although it is difficult for them to get there we have had a very gratifying response. Mr. Koss asked for consideration so that they could complete their program. Mr. Koss left a packet with the Supervisor for his perusal.

Appearance: Mr. Hal Eckes  
Association for Retarded Children

Mr. Eckes, who is Director of Day Programs, stated that some time ago the Rockland Consortium was gracious enough to allot \$12,000.00 for the building of a parking lot in front of our building. This parking lot is in deplorable shape. The handicapped vehicles must park in the mud and the handicapped people must be helped through the mud to reach our buildings. We are grateful for the money but unfortunately it fell \$10,000.00 short of our needs. We need more help and we are asking Clarkstown for \$5,000.00. We are hopeful that other towns will be willing to contribute.

Supervisor Dusanenko then asked if Penny Leonard were present as she wished to make some comments on behalf of the Congers Civic Association. They requested funds for sidewalks - improvements or replacements and he was noting that for the record.

Councilman Maloney stated that he was speaking for Mr. John Anthony of the Martin Luther King Multi-Purpose Center in Spring Valley, New York. Councilman Maloney said that Mr. Anthony would be submitting a letter (which letter was submitted before the end of the meeting and is on file in the Town Clerk's Office) requesting funds for various purposes at the center.

Appearance: Mr. John Lodico  
Birch Drive  
New City, New York

Mr. Lodico stated that he has been vehemently opposed to this type of funding in the general perspective. He said he had no objection to the federal subsidies under the revenue sharing concept because that is based on various factors. He said that Clarkstown continues to be the sucker under this federal program and willing to accept \$60,000.00. His objection was that Clarkstown continues to get stuck on the equalization rate when it comes to us paying our share of the County cost of government. This Town Board should start talking about Clarkstown getting its fair share based on the equalization rate of anything which comes down the tube. Supervisor Dusanenko referred Mr. Lodico to Item 9 on tonight's agenda which is the retention of Special Counsel to take care of the equalization problem.

Mr. Lodico said he would like to see Community Development Funds spent for improvement of the drainage system for our Sanitary Landfill Program. His point about equalization was that if we are paying 31% of the County Program we are entitled to 31% of the Federal Funds. He hoped that next year whoever is on the Town Board will have the courage to say they will not go into the Community Development Program unless we get our fair share.

Supervisor Dusanenko said he would be remiss at this time if he did not point out that twelve of fourteen villages and four of the five towns in Rockland County make up the Rockland County Consortium.

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It is necessary for all these municipalities to be a part of it because in order to qualify we must have over 200,000 persons living in that area of service. Rockland County has approximately 259,000 persons so it is essential for all those communities to be involved. In order for us to qualify, and it is unfortunate that what Mr. Lodico has said is true, that the Village of Spring Valley did do some serious negotiations, if not blackmail, to not participate in this, unless they received approximately \$400,000.00 of this approximately \$1,000,000.00. The four largest towns of the County of Rockland - Ramapo, Clarkstown, Stony Point and Haverstraw receive a mere \$50,000 to \$60,000. But we are fortunate that we do not have some of the suburban blight and lower socio-economic status of many of our residents which is an important crucial factor in order to participate in this program. Most of the villages in Rockland have deteriorating older housing and lower average incomes for many of its residents and are therefore entitled to larger amounts of funds under a formula.

Supervisor Dusanenko stated that if anyone knows of any neighbors who have a handicapped person in their home, in addition to the funds we are discussing this evening, there are funds for grants where, if you have a physically handicapped person, there are funds available for both grants and loans which can be applied for at the County for various purposes. For this you may contact Mr. Louis Kurtz at the Community Development Office.

There are also people in the Town of Clarkstown who are hard pressed who may have single family dwelling units which are owner occupied and if they cannot provide for painting or other improvements in their home there are also grants available from Community Development so that we do not have suburban blight in the Town of Clarkstown. You may contact Mr. Kurtz for this purpose also.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, time: 8:35 P.M.

Respectfully submitted,



Sheila Reiter,  
Deputy Town Clerk

TOWN OF CLARKSTOWN  
INFORMATIONAL WORKSHOP TOWN BOARD MEETING

Town Hall

2/28/83

8:10 P.M.

Present: Supervisor Dusanenko  
Councilman Carey, Holbrook, Maloney, Lettre-absent  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk  
Arthur Conklin, Building Inspector  
Leslie Bollman - Environmental Control

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Supervisor explained that the purpose of the meeting was to determine the concerns and interests regarding the property involved which is Kingsgate (Treetop, Eleanor Homes, Whispering Pines) and to arrive at a possible solution or compromise for further development.

Mr. Martin Cornell presented to the Town Board a proposal for Steve and William Iser who are contract purchasers of Section E-1 and E-2. A copy of the declaration of restrictive covenants and a copy of the notes contained on the filed map is on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Mr. Donald Tracy, Attorney for Mr. Sherman made inquiries regarding the proposed development and Robert Granick spoke regarding Section B and C.

Sheldon Goldstein spoke regarding Section D, Whispering Pines.

Mr. Eugene Bellin, representing Section I and II Treetops, spoke regarding Kingsgate Parkway and the possible changing of the covenants regarding Kingsgate/Treetops also the club house traffic and number of proposed units to be built.

Mr. Serrotto representing Section III said that he was unfamiliar with the proposal submitted by Mr. Cornell as he did not have a chance to study it prior to this meeting. He was also concerned about dead-ending Baylor Road.

The Supervisor explained that the Town wanted to work in harmony with the builders in developing this property in a way that would be in the best interest of the Town. He hoped that tonight's meeting would afford everyone the opportunity to voice their concerns and hopefully resolve many of the problems. He voiced his concern that dead end streets causing a concentration of traffic as apposed to through streets which could disperse the traffic.

Val Dagaev was representing the Russian Orthodox Convent on Smith Road and he endorsed all of the proposals submitted by the various developers of Treetops. He was there because of Smith Road and said the Convent would never relinquish any of their property.

Mr. Goldstein and Mr. Granick agreed that if in developing this property, the builders were to use Kingsgate Parkway for heavy construction equipment, they would pick up the cost of the maintenance of the road. There was further discussion on the roads.

Les Bollman submitted a report to the Town Board for the TAC committee. This report is on file at the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Mr. Degaev asked for a traffic study.

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Mr. Henry Horowitz said someone asked a question regarding the way the covenant was passed in 1974. The covenants are clearly spelled out. They run to the benefit of the Town of Clarkstown. They may be modified by appropriate action of the Town Board. It is entirely within the Town Board's jurisdiction.

Supervisor said the Town Board members are aware of that. A similar situation existed in a shopping center in West Nyack. Restrictive covenants here made it miserable for all concerned. Supervisor said that occasionally covenants are removed for the benefit of the residents.

Mr. Horowitz said if a change of covenant is necessary because conditions have changed since it was put on the property, that's okay. Shock has been expressed that roads were not built to Town specifications. It was not intended at the time it was originally constructed to be built to Town specifications.

The Supervisor said the specifications were meant for a private road and not a Town road. Is that correct? Mr. Horowitz said, "yes." Mr. Horowitz said there has been much controversy on leaving Kingsgate Parkway private or making it public. There is an underlying theory here that we would have the use of Kingsgate Road. We cannot expect Mr. Granick to contribute to the building of the road if he cannot have access to it. What we are coming here for is the advice of the Board. There is no study that can come up with any conclusion which would justify the taking of any property of the church. The comments were raised about a private road where everyone in Clarkstown could go through and that is what would happen. We show a secondary road coming out of Pascack Road just as an emergency exit. It's a tough problem. I don't know the answer. With what you have heard tonight, there is no one who knows the answer. It's got to be a compromise on almost every issue down the line.

John Costa said that the Town Board has to look to the developers to present an overall plan for the area and not allow it to be fragmented.

Mr. Granick said that he and Mr. Goldstein agreed with Mr. Iser's proposal.

Supervisor spoke about the ten acres of Recreation land.

Tape on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.