

TOWN CLERK'S OFFICE
TOWN OF CLARKSTOWN

Town Hall

4/26/83

8:14 P.M.

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

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

Supervisor Dusanenko announced that in Census Tract 123 of the Spring Valley Section of Clarkstown there would be a free health check for residents living within that tract. This would be held at the Martin Luther King Multi-Purpose Center. This was to be held in cooperation with the Community Health Services, the Air Force Medical Service, the National Guard and National Health Screening Council for Volunteer Organizations among others. This will be held on April 30, 1983 from 9:00 A.M. until 6:00 P.M.

Supervisor Dusanenko announced that there would also be a free Glaucoma, Diabetes and Blood Pressure check sponsored by the Lions Club of Rockland County. This will be done at the Suffern Junior High School in Suffern on Monday, May 2, 1983 from 7:30 P.M. until 9:00 P.M.; at the Pearl River High School, 275 East Central Avenue, Pearl River, New York on Monday, May 9, 1983 from 7:30 P.M. until 9:00 P.M.; and at the North Garnerville Elementary School in Garnerville, New York on Monday, May 9, 1983 from 7:30 P.M. until 9:00 P.M.

Supervisor Dusanenko stated that he had been requested by Rose Purcell, who is in charge of the Special Olympics to be held at Clarkstown South High School, to announce that this event would be held on Saturday, April 30, 1983 from noon until 5:00 P.M. All members of the Town Board and the public are invited to attend.

Supervisor Dusanenko announced that one of our senior citizens, Shirley Dubonet, had been selected as one of the most outstanding senior citizens in the State of New York and would be travelling to Albany next Wednesday to receive an award from our New York State Legislators.

Supervisor Dusanenko announced that an award would be made on behalf of the Town Board to Darin McMann, a resident of the Town of Clarkstown, who had attained the rank of Eagle Scout. He was not able to attend tonight's meeting but Supervisor said that the award would be mailed to him and he expressed the pride of the Town in Mr. McMann's achievement.

Supervisor Dusanenko announced that the public portion of the Town Board Meeting was now open.

Councilman Lettre stated that he would like to thank all departments who participated in welcoming the First Grade Class of Lakewood Elementary School and making their tour of Town Hall so enjoyable and informative.

Appearance: Mr. Jack Cuff
West Nyack, New York 10994

Mr. Cuff stated he just wanted to bring the Town Board up to date on the problems with Orange and Rockland in his area. He said Les Bollman, Director of Environmental Control, had spoken with Orange and Rockland and had ascertained that the street had been dug up twelve times. They had again covered it up with the gas main still leaking but they informed Mr. Bollman that they would be back again to check it in a few weeks time. It would appear that they mentioned that the Public Service Commission would not find it unusual to have to come back twelve times to repair a leak. Mr. Cuff just wanted the public to be aware of the situation even though he realized that the Town Board could not do much with Orange and Rockland and the Public Service Commission.

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Appearance: Mr. Thomas Bourke, President
Southeast Homeowners Association

Mr. Bourke read the following request to the Town Board:

"We respectfully request that the two resolutions pertaining to Germonds and French Farms Parks be tabled until a proper study is done on the property in question.

On January 20, the Town Board directed our civic association (SECHA) to work with the Parks and Recreation Commission concerning the development of French Farms Park. To date, the following has occurred:

1. SECHA gave a presentation to the Recreation Commission on March 21 (of which only two recreation commission members elected to attend) with plans and background information concerning the French Farms property.
2. Other than our members attending regular public Recreation Commission meetings, no other opportunity for dialogue has been offered to us by the commission.
3. When we learned of the Rotfeld Engineering correspondence, we asked to see a copy and were told that it was "confidential.:

We take exception to this since we are directed to be a working committee, as requested by the Town Board, to work with the Recreation Commission concerning French Farms Park.

Consequently, we find it necessary to comment on the two proposals before you.

1. On the resolution concerning French Farms Park, we question the cost of \$5,000 plus the cost of topographic mapping. What does the \$5,000 cover? What happened to the plan our association submitted? From the tone of the Rotfeld letter, it appears that our plan has not even been considered.
2. Other than our initial presentation to the two Recreation Commission members, there has been no input between our civic association and the Recreation Commission. Because of this, it is with great apprehension that we read the paragraph in the letter from Rotfeld concerning input from citizens groups. We wonder if this will come to be a reality.

Our civic association has done extensive research on the French Farms property and believe this information ~~would~~ be beneficial in assisting in the planning and developing of our local park property.

BEFORE ANY RESOLUTIONS ARE PASSED CONCERNING THE DEVELOPMENT OF ANY RECREATION/PARK AREAS, our association would like to recommend the following to be considered:

We ask the Town Board to:

Form a Parks and Recreation Study Committee (as done in 1963) to analyze all facilities available at all parkland locations in Clarks-town prior to incurring any further costs. The committee should include: The Planning Consultant for the Town; members of the Planning Board, members of the CPBRC, the Parks Supervisor, and citizen representatives

Continued on Next Page

"from such groups as SECHA, West Branch, Congers Civic Association, and Clarkstown School Board representatives. This should be a viable, working committee reporting back directly to the Town Board. The committee should assess the current values of the recreation programs in the town, make projections as to future needs, and then form a Master Plan for Parks. The obvious need for overall planning is there and it cannot be ignored.

Germonds Phase III has been on the drawing board since 1979--French Farms Park has been undeveloped since 1963. Proper and complete planning for our parks has not been done and it cannot continue to be done on a piecemeal basis.

No substantial expenditures for park development should be considered until a master plan has been approved which addresses all of Clarkstown's parklands."

Appearance: Mr. Joel Karp
New City, New York

Mr. Karp spoke regarding the problem with the ambulance corps. He suggested a proposal that the historic boundaries be maintained for the balance of this year and the money be loaned to the ambulance corps to be paid back after the tax district is set up.

Supervisor Dusanenko said that the suggestion would be impossible because the corps are unable to agree on what the historic boundaries are. He said that every member of this Town Board would like the problem solved. He said that perhaps John Costa, Town Attorney could research the question of loaning money to the corps and report back to the Town Board.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing re: increase in impoundment fees was opened, time: 8:27 P.M.

On motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted the Public Hearing was declared closed, and regular Town Board Meeting resumed, time: 8:30 P.M.

RESOLUTION NO. (394-1983)

ADOPTING LOCAL LAW NO.
3-1983 (INCREASING IMPOUND
FEES - CHAPTER 36 OF CODE
OF TOWN OF CLARKSTOWN 'DOGS')

Co. Carey offered the following resolution:

WHEREAS, a proposed local law entitled, "A LOCAL LAW AMENDING CHAPTER 36 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'DOGS'", was introduced by Councilman Maloney, at a Town Board meeting held on March 22, 1983, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 22nd day of March, 1983 directed that a public hearing be held on the 26th day of April, 1983 at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 8, 1983, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and Councilmen at their office at 10 Maple Avenue, New City, New York, on March 17, 1983, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 26, 1983;

RESOLUTION NO. (394-1983) Continued

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3-1983, entitled, "A LOCAL LAW AMENDING CHAPTER 36 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED 'DOGS'", is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Hon. Theodore R. Dusanenko, Supervisor.....	Yes
Councilman William J. Carey.....	Yes
Councilman Edward Lettre.....	Yes
Councilman John R. Maloney.....	Yes
Councilman Charles E. Holbrook.....	Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Holbrook

All voted Aye.

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On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Amending Restrictive Covenants - Associates of Rockland was opened, time: 8:31 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Associates of Rockland, was closed, time: 9:19 P.M. and regular Town Board Meeting was resumed.

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RESOLUTION NO. (395-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT SIGNS "KEEP RIGHT" - EAST AND WEST END OF ISLAND ON SQUADRON BOULEVARD AND TWO SIGNS "DO NOT ENTER" - SOUTH SIDE SQUADRON BOULEVARD GOING WEST AND NORTH SIDE OF SQUADRON BOULEVARD GOING EAST

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to erect two signs to read, "Keep Right", R-30 signs. See section 209.4 of the Manual of Uniform Traffic Control Devices. These signs should be installed at the east and west end of the island (Squadron Boulevard), and be it

FURTHER RESOLVED, that two signs be erected to read, "Do Not Enter." See section 209.7 of the Manual. These signs should be installed on the south side of Squadron Boulevard going west and on the north side of Squadron Boulevard going east (opposite ends of the island).

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (396-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT "NO PARKING" SIGNS NORTH SIDE LAKE ROAD, VALLEY COTTAGE TO BE ERECTED ON INTERIOR SIDE OF ISLAND AND TWO SIGNS TO BE ERECTED "NO STOPPING HERE TO CORNER" SOUTH FROM LAKE ROAD AT BOTH EXIT POINTS

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to erect "No Parking" signs on the north side of Lake Road, Valley Cottage (the crescent cut just west of Route 9W). These signs are P-10 signs per the N.Y.S. Department's Manual of Uniform Traffic Control Devices. These signs should be erected on the interior side of the island, and be it

FURTHER RESOLVED, that two (2) signs be erected to read, "No Stopping Here to Corner", P-14 signs. These signs should be erected 30 ft. south from Lake Road at both exit points. A sketch of area is enclosed.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (397-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PROVIDE CURB CUT ON ONE WAY CONNECTING CAIRNSMUIR LANE WITH NEW CITY/CONGERS ROAD, NEW CITY MIDWAY BETWEEN CAIRNSMUIR LANE AND NEW CITY/CONGERS ROAD EAST SIDE - INSTALL SIGNS "NO STANDING ANYTIME" NORTHERLY SIDE OF CAIRNSMUIR LANE WESTERLY DRIVEWAY INTO CLARKSTOWN HIGH SCHOOL NORTH TO NEW CITY/CONGERS ROAD

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to provide a curb cut on the One Way connecting Cairnsmuir Lane with New City/Congers Road, New City. The curb cut will be mid-way between Cairnsmuir Lane and New City/Congers Road on the east side to provide access to parking, and be it

FURTHER RESOLVED, that signs be installed to read, "No Standing Anytime". These signs should be erected on the northerly side of Cairnsmuir Lane from the westerly driveway going into Clarkstown High School-North to New City/Congers Road.

Seconded by Co. Maloney

All voted Aye.

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There followed extensive discussion regarding resolutions 398 and 399 as to whether this was the proper procedure or if it should be tabled pending further study as requested by Mr. Bourke of the South-east Homeowners Association.

Mr. Ghiazza said this was a first step toward working for all town parks. There followed dialogue between Town Board members and Mr. Ghiazza.

Mrs. Malverne Toll said that the people did not want piecemeal planning and reiterated the need for an overall comprehensive plan for all parks in the Town.

Mr. Ghiazza said that that was why we were hiring an engineer. This is the way the planning has gone in the past. There is a seven member Parks and Recreation Board representing the people of the Town who get input from residents.

Mr. Bourke said he felt that this was not the right way to go. The Town should plan first what they wanted and then they should hire the engineer.

Supervisor Dusanenko said that the needs for recreational facilities do change over the years and that where before there was a great demand for tennis courts now this is changing.

Councilman Lettre said that the Board would have the final say.

RESOLUTION NO. (398-1983)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH DOLPH ROTFELD ENGINEERING FOR PREPARATION OF MASTER PLAN FOR FRENCH FARMS - COST OF MAPPING ALLOCATED FROM MONEY-IN-LIEU-OF-LAND ACCOUNT - TRANSFER OF FUNDS TO PARKLANDS AND IMPROVEMENT ACCOUNT

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission, the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Dolph Rotfeld Engineering, P.C., 555 White Plains Road, Tarrytown, New York, to prepare a Master Plan for French Farms and to obtain the necessary topographic mapping of the site, which agreement shall be in a form satisfactory to the Town Attorney and shall contain a provision that Dolph Rotfeld Engineering shall participate in public meetings to obtain community input prior to formulating any plans, and be it

FURTHER RESOLVED, that the engineering fee in the amount of \$5,000.00, plus the cost of topographic mapping shall be allocated from the Money-in-Lieu-of-Land Account, and be it

FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer said funds to the Parklands and Improvement Account.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (399-1983)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH DOLPH ROTFELD ENGINEERING FOR UPDATING PLANS FOR GERMONDS PARK - COST FOR PRINTING AND REPRODUCTION OF PLANS AND ADDITIONAL SURVEY WORK ALLOCATED FROM MONEY-IN-LIEU-OF-LANDS ACCOUNT - TRANSFER FUNDS TO PARKLANDS AND IMPROVEMENT ACCOUNT

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission, the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Dolph Rotfeld Engineering, P.C., 555 White Plains Road, Tarrytown, New York, to update the plans for Germonds Park in accordance with the Master Plan of 1979, which agreement shall be in a form satisfactory to the Town Attorney and shall contain a provision that Dolph Rotfeld Engineering shall participate in public meetings to obtain community input prior to formulating any plans, and be it

FURTHER RESOLVED, that the engineering fee in the amount of \$7,500.00, plus reimbursement for the cost of printing and reproduction of plans and any additional surveying work which might be required for preparation of these plans be allocated from the Money-in-Lieu-of-Land Account, and be it

FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer said funds to the Parklands and Improvement Account.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

Councilman Carey said that he felt that what the people who were objecting to these resolutions were trying to do was to incorporate all areas of the Town parks.

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RESOLUTION NO. (400-1983)

AUTHORIZING ATTENDANCE AT NATIONAL RECREATION AND PARK ASSOCIATION BOARD OF TRUSTEES MID-YEAR MEETING (EDWARD J. GHIAZZA) - EXPENSES ALLOCATED FROM APPROPRIATION ACCOUNT 1014-414

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission, that Edward J. Ghiazza, Superintendent of Recreation and Parks, is hereby authorized to attend the National Recreation and Park Association Board of Trustees Mid-Year Meeting, to be held in Indianapolis, Indiana, from May 19, 1983 through May 21, 1983, and

RESOLUTION NO. (400-1983) Continued

FURTHER RESOLVED, that expenses not to exceed \$500.00 be allocated from Appropriation Account 1010-414.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (401-1983) RESCINDING RESOLUTION NO. (191-1983) (SHOWMOBILE - VILLAGE OF NYACK)

Co. Lettre offered the following resolution:

RESOLVED, that Resolution No. 191-1983 is hereby rescinded.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (402-1983) AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM DRAINAGE WORK (GERARDINE PLACE, SPRING VALLEY) - CHARGE TO CAPITAL ACCOUNT DRAINAGE

Co. Lettre offered the following resolution:

WHEREAS, a drainage condition exists at Gerardine Place, Spring Valley, New York;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to perform corrective drainage work on the above property, including the installation of a catch basin, 32 feet of CMP and pavement restoration, in a sum not to exceed \$1,500.00, and be it

FURTHER RESOLVED, that the sum of \$1,500.00 shall be taken from Capital Account Drainage.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (403-1093) AUTHORIZING ATTENDANCE AT FIFTH ANNUAL PURCHASING CONFERENCE OF NEW YORK STATE ASSOCIATION OF MUNICIPAL PURCHASING OFFICIALS (LAURENCE KOHLER)

Co. Maloney offered the following resolution:

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend the Fifth Annual Purchasing Conference of the New York State Association of Municipal Purchasing Officials at Saratoga Springs, N.Y. from May 11 - 13, 1983 total expenses shall not exceed \$225.00 to be charged to account A 1010-414.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (404-1983)

MEMORIALIZING NEW YORK STATE
LEGISLATURE TO PROVIDE FUND-
ING TO CHILD FIND, INC. AND
TO PROVIDE FUNDING FOR THE
VOLUNTARY FINGERPRINTING OF
CHILDREN

Co. Lettre offered the following resolution:

WHEREAS, each year approximately 150,000 children are abducted from their homes, about two thirds of which are by non-custodial parents and the remaining third by strangers. Only ten percent of the abducted children are returned and another ten percent are found dead, while the fate of eighty percent remains unknown, and

WHEREAS, Child Find, Inc., a non-profit organization based in New Paltz, currently represents the only national clearinghouse of missing children and searching parents in the United States and has reunited approximately 300 abducted children with their parents during the nearly three years of its existence, and

WHEREAS, Child Find, Inc. operates a 24-hour toll free number which is available for children who want to report they have been separated from their parents and to those who wish to report finding a victim of child abduction, and

WHEREAS, the aforesaid Child Find, Inc. provides a vital and needed service to the citizens of the State of New York, and

WHEREAS, Child Find, Inc. will need funds from the State of New York to continue its 24-hour toll free number for "missing" children, and

WHEREAS, several police departments in Rockland County are conducting volunteer fingerprinting of children so as to assist children and parents if they become lost or missing, and

WHEREAS, this program should become Statewide on a voluntary basis for those children and parents who would like such service,

NOW, THEREFORE, be it

RESOLVED, that the Clarkstown Town Board hereby memorializes the New York State Legislature to appropriate funds for Child Find, Inc. to provide a 24-hour toll free number for children who want to report that they have been separated from their parents and for those who wish to report finding a victim of child abduction, and be it

FURTHER RESOLVED, that the Clarkstown Town Board hereby memorializes the New York State Legislature to provide funding for a voluntary Statewide program for the voluntary fingerprinting of children, and be it

FURTHER RESOLVED, that the Clarkstown Town Board hereby memorializes the N.Y.S. Legislature to pass the New York State Missing Children's Act, and be it

FURTHER RESOLVED, that the Clerk to the Town be and is hereby authorized and directed to send a certified copy of this resolution to Hon. Mario Cuomo, Governor of the State of New York; Hon. Linda Winikow, New York State Senator; Hon. Eugene Levy, Hon. Robert Connor and Hon. William Ryan, N.Y.S. Assemblymen and Hon. Mary Margaret McPhillips, N.Y.S. Assemblywoman; the Majority and Minority Leaders of the N.Y.S. Senate and Assembly; and to such other persons as the Clerk in her discretion may feel proper in order to effectuate the purpose of this resolution.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (405-1983)

AUTHORIZING EXECUTION OF
CONSENT TO CHANGE ATTORNEY
(FROM PAUL, WEISS, RIFKIND,
WHARTON & GARRISON TO WILSON,
ELSER, EDELMAN & DICKER) -
RE: THEODORE R. DUSANENKO,
ET AL V. JOHN R. MALONEY, ET
AL

Co. Maloney offered the following resolution:

RESOLVED, that Councilman John R. Maloney is hereby authorized to execute a Consent to Change Attorney on behalf of the Town of Clarkstown in the case entitled, "Theodore R. Dusanenko, et al v. John R. Maloney, et al", bearing Southern District Court Index No. 82-2223 (CLB) from Paul, Weiss, Rifkind, Wharton & Garrison, Esqs., to Wilson, Elser, Edelman & Dicker, Esqs., the attorneys selected by the Town's insurance carrier to take any and all further steps necessary to defend in said matter, including any possible appeals.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (406-1983)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN (T & T
EXCAVATING CORP. - ANTHONY
PIERI)

Co. Maloney offered the following resolution:

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

T & T Excavating Corp.
Anthony Pieri
Route 303
Valley Cottage, New York 10989

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 83-15 issued to Anthony Pieri
(T & T Excavating Corp.)

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (407-1983)

AMENDING RESOLUTION NO.
261-1983 - TRANSFER OF
APPROPRIATION - APPROPRIATION
ACCOUNT NO. A 1420-409 TO BE
INCREASED AND APPROPRIATION
ACCOUNT NO. A 1990-505 TO BE
DECREASED

Co. Lettre offered the following resolution:

WHEREAS, an error was made on Resolution No. 261 adopted
March 8, 1983, in the transfer of an appropriation;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 261 adopted March 8, 1983,
is amended to read as follows:

FURTHER RESOLVED, that Appropriation Account No. A 1420-
409 be increased by \$10,000.00 and that Appropriation Account No. A
1990-505 be decreased by \$10,000.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (408-1983)

DECREASING APPROPRIATION
ACCOUNT NO. D 5110-190 AND
INCREASING APPROPRIATION
ACCOUNT NO. D 5110-110

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account No. D 5110-190
and increase Appropriation Account No. D 5110-110 by \$30,000.00.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (409-1983)

DECREASING APPROPRIATION
ACCOUNT NO. A 1990-505 AND
INCREASING VARIOUS APPROPRIA-
TION ACCOUNTS

Co. Lettre offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1990-505
by \$54,656 and to increase the following Appropriation Account Nos.:

A 5630-110.....	\$28,800
A 5630-111.....	2,730
A 5630-114.....	13,332
A 5630-311.....	6,448
A 5630-313.....	1,200
A 5630-406.....	250
A 5630-411.....	1,896

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (410-1983)

AUTHORIZING COMPROLLER TO
TRANSFER FUNDS TO APPROPRIA-
TION ACCOUNT NO. 7020-204
FROM APPROPRIATION ACCOUNTS
7020-203 and 7020-313

Co. Lettre offered the following resolution:

RESOLUTION NO. (410-1983) Continued

RESOLVED, that the Comptroller is hereby authorized to transfer \$865.80 to Appropriation Account No. 7020-204 from the following Appropriation Accounts:

7020-203	\$616.00
7020-313	\$249.80

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (411-1983)

CORRECTING RESOLUTION NO. 363-1983 RE PHOTO-ID EQUIPMENT AWARDING BID TO SPIRAL BINDING COMPANY, INC.

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution No. 363-1983 is hereby corrected to read:

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

BID #29-1983
PHOTO-ID EQUIPMENT/SUPPLIES

is hereby awarded to

Spiral Binding Company, Inc.
P.O. Box 997
2 Bridewell Place
Clifton, New Jersey 07014

as per the following schedule:

<u>ITEM</u>	<u>QUANTITY</u>	<u>PRICE</u>	<u>VENDOR</u>
PHOTO-ID Camera	3	\$485.00 ea.	Spiral Binding
Photo Cutter	3	129.00	Spiral Binding
Laminator	3	169.00	Spiral Binding
Carry Case	3	85.00	Spiral Binding
Hot Stamp Validator	3	329.00	Spiral Binding
Laminating Pouches	10,000	49.85/M	Spiral Binding

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (412-1983)

AWARDING BID FOR VENDING MACHINE SERVICE AT TWO TOWN COMMUNITY CENTERS (F & M VENDING CO.)

Co. Holbrook offered the following resolution:

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

BID #40-1983
VENDING MACHINE SERVICE

is hereby awarded to:

RESOLUTION NO. (412-1983) Continued

F & M Vending Co.
10-B Forest Glen Road
Valley Cottage, New York 10989

as per their proposal to provide soft drink vending machines in two Town Community Centers and compensate the Town at the rate of 12% of sales.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (413-1983)

AWARDING BID FOR SALE OF SURPLUS PROPERTY - JACOBSEN TOW BEHIND 3 GANG BLITZER REEL MOWER TO GERALD PALADINO AND A & B SNOWCO TRAILERS TO DAVID ANDOYAN - INCREASE ESTIMATED REVENUE ACCOUNT 01-002665 AND APPROPRIATION ACCOUNT A 7140-222 AND AUTHORIZING DIRECTOR OF PURCHASING TO READVERTISE FOR BIDS FOR SALE OF SURPLUS PROPERTY

Co. Holbrook offered the following resolution:

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

BID #36-1983
SALE OF SURPLUS PROPERTY

is hereby awarded as follows

Item #9 - Jacobsen Tow Behind 3 Gang Blitzer Reel
Mower #58818-588-20

Awarded to: Gerald Paladino
148 Lake Street
East White Plains, N.Y. 10604

as per high bid proposal of \$201.00

Item #10 - A & B Snowco Trailers

Awarded to: David Andoyan
Sunrise Landscaping Co.
52 Arthur Street
Blauvelt, N.Y. 10913

as per high bid proposals of (Item 10A) - \$200.00 and (Item 10B) - \$150.00, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 01-002665 and Appropriation Account No. A 7140-222 by \$551.00.

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

BID #54-1983
SALE OF SURPLUS PROPERTY

RESOLUTION NO. (413-1983) Continued

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, May 13, 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. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (414-1983)

AWARDING BID FOR DEMAREST
MILL STREAM IMPROVEMENT
PROJECT (J. FLETCHER
CREAMER & SON, INC.) -
CHARGE DRAINAGE BOND

Co. Holbrook offered the following resolution:

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

BID #38-1983
DEMAREST MILL STREAM IMPROVEMENT PROJECT

is hereby awarded to:

J. Fletcher Creamer & Son, Inc.
799 River Road
Edgewater, New Jersey 07020

at the low bid proposal of \$94,265.00, and be it

FURTHER RESOLVED, that funds for same be charged to Drainage Bond.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (415-1983)

AWARDING BID FOR IMPROVEMENTS
TO TOWN CUL-DE-SACS (JAMES
PARKER & SON) - INCREASE
ESTIMATED REVENUE ACCOUNT
NO. 04-402999 AND APPROPRIA-
TION ACCOUNT NO. D 5140-379

Co. Holbrook offered the following resolution:

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

BID #47-1983
IMPROVEMENTS TO TOWN CUL-DE-SACS

is hereby awarded to

James Parker & Son
36 Bank Street
Midland Park, New Jersey

as per their low bid proposal of \$24,997.45, and be it

RESOLUTION NO. (415-1983) Continued

FURTHER RESOLVED, to increase Estimated Revenue Account No. 04-402999 and Appropriation Account No. D 5140-379 by \$10,000.00.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (416-1983) AWARDING BID FOR SALE OF SURPLUS DIESEL ENGINE (SAPPAH SHOVEL SERVICE, INC.) CREDIT ACCOUNT A 8160-312

Co. Holbrook offered the following resolution:

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

BID #45-1983
SALE OF SURPLUS DIESEL ENGINE

is hereby awarded to

Sappah Shovel Service, Inc.
86 Hawthorne Avenue
Park Ridge, New Jersey 07656

at the proposed price of \$1010.00, and be it

FURTHER RESOLVED, that funds received be credited into account A 8160-312.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (417-1983) AWARDING BID FOR ONE - USED FOUR WHEEL DRIVE DUMP TRUCK WITH SPREADER AND PLOW (JOHN J. KING OF MONROE, INC.) - CHARGE TO ACCOUNT D 5130-219

Co. Holbrook offered the following resolution:

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

BID #41-1983
ONE-USED FOUR WHEEL DRIVE DUMP TRUCK
with
SPREADER AND PLOW

is hereby awarded to

John J. King of Monroe, Inc.
P.O. Box 235, Route 17M
Monroe, New York 10950

as per the following proposal:

Gross cost of one (1) used 1970 FWD model 3115 with a Heil Dump Body, Air-Flo Spreader, Custom Hitch and a Good Roads #712 Snow Plow

RESOLUTION NO. (417-1983) Continued

Gross Vehicle cost.....	\$ 15,015.00
Less: Trade-in allowance on one 1956 FWD Dump Truck Vin #72123	- 2,510.00
Proposed Net Cost	\$ 12,505.00

and be it

FURTHER RESOLVED, that funds for same to be charged to Account D 5130-219.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (418-1983)

AWARDING BID FOR CHEMICALS
(JERSEY CHEMICAL, INC.,
UTILITY CHEMICAL CO.,
JONES CHEMICAL, INC., ZEP
MANUFACTURING CO. AND
QUICK CHEMICAL CO.)

Co. Holbrook offered the following resolution:

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

BID #35-1983
CHEMICALS

is hereby awarded to

Jersey Chemical, Inc.
775 River Street
Paterson, New Jersey 07524

Utility Chemical Co.
Sixth & Wait Streets
Paterson, New Jersey 07524

Jones Chemical, Inc.
P.O. Box 280
Warwick, New York 10990

Zep Manufacturing Co.
c/o Phil Kugel
10 Fadem Road
Springfield, New Jersey 07081

Quick Chemical Co.
3 Ellen Street
Spring Valley, New York 10977

as per the attached schedule of items and prices.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (419-1983)

AWARDING BID FOR HYDRAULIC
CLAW (TRIUS INC.) - CHARGE
ACCOUNT D 5130-219

Co. Holbrook offered the following resolution:

RESOLUTION NO. (419-1983) Continued

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

BID #42-1983
HYDRAULIC CLAW

is hereby awarded to

Trius Inc.
369 Duffy Avenue
Hicksville, New York 11802

for One (1) "CLAW" Model 700 by Wastequip as per bid specifications as per the proposed cost of \$14,423.00, and be it

FURTHER RESOLVED, that funds for same be charged to account D 5130-219.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (420-1983)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES,
INC. FOR STREET LIGHTING AT
WEST NYACK ROAD, WEST NYACK
AND COLONIAL DRIVE, NEW CITY

Co. Lettre offered the following resolution:

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

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

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

NOW, THEREFORE, be it

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

West Nyack Road	New City
Colonial Drive	New City

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (421-1983)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR PARK EQUIPMENT

Co. Maloney offered the following resolution:

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

BID #55-1983
PARK EQUIPMENT

RESOLUTION NO. (421-1983) Continued

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, May 16, 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 Supv. Dusanenko All voted Aye.

* * * * *

RESOLUTION NO. (422-1983) SETTING PUBLIC HEARING RE PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING CHAPTER 22, SECTION 22-1 OF THE TOWN CODE (ALCOHOLIC BEVERAGES)

Co. Lettre offered the following resolution:

WHEREAS, Councilman Lettre, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "A LOCAL LAW AMENDING CHAPTER 22, SECTION 22-1 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'ALCOHOLIC BEVERAGES' TO PROHIBIT POSSESSION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS WITH INTENT TO CONSUME IN VARIOUS PUBLIC PLACES WITHIN THE TOWN OF CLARKSTOWN", and

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 24th day of May, 1983, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (423-1983) ADOPTING AND ACCEPTING MINUTES OF REGULAR TOWN BOARD MEETING OF MARCH 8, 1983

Co. Holbrook offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting held on March 8, 1983, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

RESOLUTION No. (423-1983) Continued

On roll call the vote was as follows:

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

Supervisor Dusanenko stated that was abstaining due to the fact that he had not had a chance to read these minutes. (It should be noted that Supervisor Dusanenko was married on April 24th and was quite busy with his marriage plans.)

* * * * *

RESOLUTION NO. (424-1983)

AMENDING RESOLUTION NO. 285-1983) LEACHATE COLLECTION SYSTEM FOR THE CLARKSTOWN SANITARY LANDFILL (BID AWARDED TO DALCON INCORPORATED) - AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH DALCON - AUTHORIZING DAILY ON-SITE INSPECTION SERVICES FOR INSPECTOR FROM CHARLES R. VELZY ASSOCIATES, INC. AT SANITARY LANDFILL - FUNDS TO BE CHARGED TO CAPITAL ACCOUNT NO. 2 - LEACHATE BOND

Co. Lettre offered the following resolution:

RESOLVED, that Resolution No. 285 of 1983 is hereby amended to read as follows:

RESOLVED, that based upon the recommendation of the Director of Environmental Control of the Town of Clarkstown that:

BID No. 49-1982
LEACHATE COLLECTION SYSTEM FOR THE CLARKSTOWN
SANITARY LANDFILL

is hereby awarded, subject to the condition set forth below, to:

Dalcon Incorporated
P.O. Box 6694
Bridgewater, New Jersey

at the low bid proposed of \$659,080.00, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Dalcon Incorporated which provides for construction of the leachate collection system to commence immediately on the areas of the Clarkstown Sanitary Landfill currently owned or controlled by the Town of Clarkstown and which further provides for completion of the balance of the project acquisition by the Town of either title or right-of-entry of the lands presently subject to appropriation by exercise of the right of eminent domain, and be it

FURTHER RESOLVED, that a full time inspector from the engineering firm of Charles R. Velzy Associates, Inc., 355 Main Street, Armonk, New York, shall and hereby is authorized to perform daily on-

RESOLUTION NO. (424-1983) Continued

site inspection services at a cost not to exceed \$30,000.00 in accordance with the agreement between the Town of Clarkstown and Charles R. Velzy Associates for engineering services at the Sanitary Landfill dated November 6, 1980, and be it

FURTHER RESOLVED, that funds for same are to be charged to Capital Account No. 2 - Leachate Bond.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (425-1983) AUTHORIZING FIRE LANE DESIGNATIONS AT THE PLAZA ON SOUTH MAIN STREET, NEW CITY (56-B-11 & 12)

Co. Lettre offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown, at the Plaza on South Main Street, New City, New York (56-B-11 & 12) by the installation of fire lane designations, and

WHEREAS, Hanna Price, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

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

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (426-1983) PAYING FOR PREPARATION OF TRANSCRIPT REQUIRED IN SUPREME COURT PROCEEDING (MARGARETANN RIES, SECRETARY TO BOARD OF APPEALS)

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$406.00 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of a transcript required in the Supreme Court proceeding entitled Patsis v. Squillace, et al.

Seconded by Co. Holbrook

On roll call the vote was as follows:

- Supervisor Dusanenko.....Abstain
- Councilman Carey.....Yes
- Councilman Holbrook.....Yes
- Councilman Lettre.....Abstain first then Yes
- Councilman Maloney.....Yes

RESOLUTION NO. (426-1983) Continued

Councilman Lettre asked John Costa, Town Attorney, for his opinion on whether it was proper to pay Mrs. Ries. Mr. Costa said he would advise the Board at the Board's convenience and he would prefer to do so at Executive Session. Councilman Lettre said he could tell the Board in public. Mr. Costa said the question was whether it was proper to pay the Secretary of the Zoning Board of Appeals for the preparation of a transcript. He said it was his understanding that Mrs. Ries had been secretary to the Board of Appeals for many years and has prepared transcripts of ZBA proceedings for litigation and has received payment for the work involved which is done on her own time and away from the Town of Clarkstown. The question is whether this matter was in violation of the Code of Ethics of the Town of Clarkstown and it is his opinion under the Code that these questions are properly presented to the Board of Ethics. This could be presented by the employee involved or any member of the Town Board.

Mr. Costa said that Councilman Lettre also requested that he look into whether there was any violation of law in paying an employee for the preparation of a transcript outside of Town Hall. He said that in his opinion there is no violation of law.

Councilman Lettre said that based upon the opinion of the Town Attorney that Mrs. Ries is not acting as an outside contractor in conflict with the Town Code that he would change his vote to a "Yes."

Supervisor Dusanenko said for the record that this is the second attempt to pay such a voucher and it calls for payment of \$406.00 for twenty hours of work to transcribe three public hearings held on July 12, 1982, November 29, 1982 and December 6, 1982.

Supervisor Dusanenko also stated that he did not think it was in anyone's best interest to discuss matters of this nature in public.

Supervisor Dusanenko said that the employee in question is a "full-time" employee of the Town of Clarkstown and is also a part-time employee of the Town of Clarkstown earning many thousands of dollars a year. Supervisor said that Mrs. Ries may be acting as an outside contractor for the Town of Clarkstown. This has been determined by a local law to be an improper course of action. There are other employees in other Town Departments who have been prohibited from providing such services even though they may have been able to do so for less money.

Supervisor Dusanenko also pointed out that there has been no determination by the Board of Ethics regarding this. He said that we have had an opinion of the Town Attorney but on some matters we accept his opinion and on others we refer to outside counsel from Park Avenue.

Supervisor said he would abstain on this vote. He also said he would refrain from paying. He questioned how the Town Attorney could advise that this be paid if he refused to sign for payment.

Councilman Holbrook requested the Town Attorney to answer that. Mr. Costa said that the Town Board acts as a whole and when five members on the Board vote on a matter it is an action of the Board. When the Supervisor signs a check or a voucher at the request of the Board he is acting in a ministerial capacity representing the Board. Mr. Costa said it would not, in his opinion, be proper for the Supervisor to refuse to carry out the mandate of the Board and in the event the Supervisor did refuse the employee would have legal recourse.

Councilman Carey remarked to the Supervisor that he had mentioned that this should be referred to the Board of Ethics and that the Supervisor should bring the matter to them.

RESOLUTION NO. (426-1983) Continued

Supervisor Dusanenko replied that he would bring this matter to the Board of Ethics and would refrain from signing any check or voucher until the Board of Ethics had rendered their decision.

* * * * *

RESOLUTION NO. (427-1983)

CREATING POSITION OF HEAD
WATER SAFETY INSTRUCTOR
(SEASONAL) - RECREATION
DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 28, 1983 that the position of Head Water Safety Instructor (Seasonal) - Recreation Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Head Water Safety Instructor (Seasonal) - Recreation Department - is hereby created, effective and retroactive to April 14, 1983.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

RESOLUTION NO. (428-1983)

CREATING POSITION OF WATER
SAFETY INSTRUCTOR (SEASONAL)
RECREATION DEPARTMENT -
CLASSIFICATION TO COVER ALL
APPOINTEES NECESSARY TO
PERFORM THIS FUNCTION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 28, 1983, that the Water Safety Instructor (Seasonal) position - Recreation Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Water Safety Instructor (Seasonal) - (this classification covers all appointees necessary to perform this function) - Recreation Department - is hereby created effective and retroactive to April 14, 1983.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

RESOLUTION NO. (429-1983)

APPOINTING POSITION OF
(PROVISIONAL) SERVICE
INVESTIGATION CLERK (GRADE
19) - SUPERVISOR'S OFFICE
(PATRICIA BALKO)

Co. Maloney offered the following resolution:

RESOLVED, that Patricia Balko, 4 Lori Place, New City, New York, is hereby appointed to the position of (provisional) Service Investigation Clerk (Grade 19) - Supervisor's Office - at the annual 1983 salary of \$18,025.00, effective and retroactive to March 14, 1983.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

RESOLUTION NO. (430-1983)

APPOINTING POSITION OF
WEIGHER - SANITARY LANDFILL -
(RICHARD LANDI)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Weigher #82201, which contains the name of Richard Landi,

NOW, THEREFORE, be it

RESOLVED, that Richard Landi, 16 Hemlock Road, Congers, New York is hereby appointed to the position of Weigher - Sanitary Landfill - at the annual 1983 salary of \$11,194.00, effective April 27, 1983.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

RESOLUTION NO. (431-1983)

GRANTING SICK LEAVE OF
ABSENCE AT ONE-HALF PAY
TO MOTOR EQUIPMENT OPERATOR
I - HIGHWAY DEPARTMENT
(HENRY PETERSON)

Co. Maloney offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 3(K) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Henry Peterson, 570 West Nyack Road, West Nyack, New York - Motor Equipment Operator I - Highway Department - is hereby granted a Sick Leave of Absence - at one-half pay, effective and retroactive to April 6, 1983, for a period not to exceed two (2) months.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

RESOLUTION NO. (432-1983)

RESCINDING RESOLUTION NO.
(276-1983) (APPOINTING
PROVISIONAL YOUTH COUNSELOR
I)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. (276-1983), adopted at the Town Board meeting of March 8, 1983, is hereby rescinded.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

RESOLUTION NO. (433-1983)

APPOINTING POSITION OF
(TEMPORARY) COURIER -
SUPERVISOR'S OFFICE (PAUL
TEVNAN)

Co. Maloney offered the following resolution:

RESOLVED, that Paul Tevnan, 14 Foxcroft Drive, Nanuet, New York, is hereby appointed to the position of (temporary) Courier - Supervisor's Office - at the 1983 salary of \$9,300.00, effective and retroactive to April 21, 1983, for a period not to exceed (4) four months.

Seconded by Co. Lettre

RESOLUTION NO. (433-1983) Continued

On roll call the vote was as follows:

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

* * * * *

RESOLUTION NO. (434-1983)

WITHDRAWING PROPOSED MOTIONS
FOR INCREASE OF SALARIES FOR
SECRETARIES OF SHADE TREE
COMMISSION AND CLARKSTOWN
CONSUMER AFFAIRS COMMISSION

Co. Carey offered the following resolution:

RESOLVED, that proposed resolutions having to do with the increase in salary for the secretary of the Shade Tree Commission and the secretary of the Clarkstown Consumer Affairs Commission are hereby withdrawn.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (435-1983)

AUTHORIZING ATTENDANCE AT
ASSOCIATION OF TOWNS -
HIGHWAY SEMINAR (SUPERINTEND-
ENT OF HIGHWAYS, FIRST
DEPUTY AND DISPATCHER)

Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Highways, First Deputy and Dispatcher are hereby authorized to attend the Association of Towns - Highway Seminar - to be held at Cornell University, Ithaca, New York on June 6th, 7th and 8th, 1983. All proper charges to be made to the Town.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

Supervisor Dusanenko announced that the Youth Awards Dinner would be held on May 5, 1983 but there was also a Workshop Meeting scheduled for that evening. He asked if the Board wished to change the date for the Workshop Meeting and attend the dinner. The Board decided to hold the Workshop Meeting.

* * * * *

Supervisor Dusanenko made reference to a letter received from the Congers-Valley Cottage Ambulance Corps, Inc. and it was decided that this matter would be discussed at Workshop.

* * * * *

At this point a recess was called which lasted from 10:10 P.M. to 10:25 P.M. regarding the rewording of a resolution in connection with Associates of Rockland's amending of restrictive covenants.

* * * * *

RESOLUTION NO. (436-1983)

AMENDING RESTRICTIVE COVENANTS
MADE BY ASSOCIATES OF ROCKLAND
COUNTY (4(d))

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 22nd day of March, 1983, provided for a public hearing on the 26th day of April, 1983, at 8:30 P.M., to consider amending the Restrictive Covenants dated November 1, 1982, made by Associates of Rockland County filed in the Rockland County Clerk's Office on November 16, 1983, in Liber 2, at Page 218, in connection with the zone change granted from an L10 District to an R-15 District, by eliminating covenant 4(d) which reads as follows:

"4. (d) Declarant agrees not to request the Planning Board for sectioning for the subdivision referred to in Paragraph '1' herein."

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

NOW, THEREFORE, be it

RESOLVED, that the above-described Restrictive Covenants dated November 1, 1982, made by Associates of Rockland County are hereby amended to read as follows:

"4. (d) Declarant may request the Planning Board for sectioning for the subdivision referred to in Paragraph '1' herein."

and be it

FURTHER RESOLVED, that the amendment to the Restrictive Covenants is upon the condition that:

1. Applicant shall covenant by declaration to post a bond to guaranty the completion of the industrial road located on lands of the applicant adjacent to the lands zoned L10 as described in Paragraph "2", Page 2, of the Declaration of Covenants dated November 1, 1982, and be it

FURTHER RESOLVED, that the Planning Board consider waiving its Subdivision Regulations to permit transfer of the ordinarily withheld lot in the Tilton Road section of the subdivision to another section, and be it

FURTHER RESOLVED, that an amended Restrictive Covenant subject to the approval of the Town Attorney is hereby directed to be filed in the Rockland County Clerk's Office.

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

* * * * *

Supervisor Dusanenko made mention of the fact that there was a surplus of \$1,327,598.00 in the 1981 budget of which \$600,000.00 was used to reduce the 1983 taxes. Now in the 1982 budget there is a surplus of over \$1,000,000.00 which may be used for other important items for the Town.

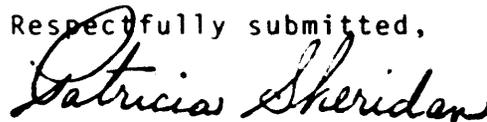
* * * * *

Councilman Maloney wished the Supervisor and his new bride many happy years together.

* * * * *

There being no further business to come before the Town Board on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 10:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/26/83

8:27 P.M.

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

RE: PROPOSED LOCAL LAW AMENDING CHAPTER 36 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'DOGS'

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

Town Attorney read the following letter into the record:

(Letterhead of Department of Agriculture and Markets)

"March 24, 1983

John A. Costa
Town Attorney
10 Maple Avenue
New City, New York 10956

Dear Mr. Costa:

Reference is made to the proposed local law of the town of Clarkstown which you sent to this office with your letter of March 21, 1983.

This law is perfectly acceptable as written and should provide a workable incentive for dog owners to control their dogs.

Sincerely,

/s/ Florence Armer

Florence Armer
Assistant Director

FCA:ph"

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

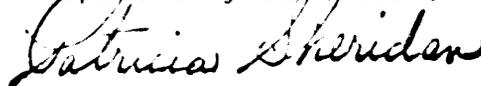
IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, time: 8:31 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/26/83

8:31 P.M.

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

RE: AMENDING RESTRICTIVE COVENANTS - ASSOCIATES OF ROCKLAND

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

Councilman Holbrook requested that Mr. John Hekker, attorney for Associates of Rockland, gave a summation of the history of the zone change which Mr. Hekker did.

Mr. Hekker said that Associates of Rockland had requested from the Planning Board five section but the Planning Board had reduced it to four. At the last Planning Board meeting they approved the proposal for sectioning. Mr. Hekker asked the Town Board not to confuse the zone change with sectioning. He said that the Associates of Rockland had filed the entire map which included sixty-one homes and had paid all Town fees. He had the approval of the Clarkstown Planning Board and the Rockland County Planning Board.

Sectioning was important because Tilton Road had nine lots and they were all sold. There was a commitment to deliver this summer. If they do not receive the sectioning they will have to develop the entire parcel since they have contracts for all nine lots and some lots in Section 2, subject to getting loan approval. The bank cannot guarantee the interest rate past September or October.

Councilman Holbrook inquired as to how many sections there were originally and Mr. Hekker said five but the Planning Board said they wanted four and they wanted a guarantee that the road would go through from Gilchrest to Route 303. Tilton Road was now being improved and was almost completed and it would be an injustice to hold up the sale of these lots.

Councilman Holbrook asked what stage the LIO parcel was in and Mr. Hekker said it had been filed and was now in the SEQR process. Councilman Lettre inquired again whether all Town fees had been paid and Mr. Hekker said "Yes." All fees had been paid and they were getting the road in and trying to build the homes this year.

Councilman Maloney asked if they had to go back to the Planning Board and Mr. Hekker said "Yes."

Councilman Lettre asked Mr. Les Bollman, Director of Environmental Control if he had any problem with this. Mr. Bollman said "No."

Councilman Holbrook asked about the stream running through the property and Mr. Hekker said he was working with Mr. Bollman regarding offsite improvement.

Supervisor Dusanenko inquired as to the way the resolution had been prepared and Mr. Costa said that the resolution had been prepared with the final paragraphs to be filled in by the Town Board.

Supervisor Dusanenko asked if there was anyone wishing to speak in favor of or in opposition to the proposed amending of the restrictive covenants.

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Appearance: Mr. Martus Granirer
New City, New York

Mr. Granirer said that when you talk of the history of this zone change it should be noted that it was to be for the benefit of the Town as well as the applicant. He said when this zone change was granted the Board had certain restrictive covenants to protect the Town. He read them. Mr. Granirer said that while the applicant said all the Town fees had been paid there was \$54,641.00 not paid in taxes by the developer. He was concerned that if the Town Board granted the sectioning that the building may not, after the homes are built and sold, complete the project. The Board should be careful to preserve the security granted by the restrictive covenants.

Appearance: Ms. Mary Gillen
Tilton Road
Valley Cottage, New York

Mrs. Gillen said that the people in the area were against granting the R-15 and they are now opposed to sectioning. She asked why the developer had sold off the lots prior to requesting the sectioning. Why didn't he come before the Board first? He certainly was not new in this business.

Appearance: Mr. Robert Brega
Valley Cottage, New York

Mr. Brega read the following letter into the record on behalf of Mr. Peter Brega:

"April 26, 1983

SUBJECT: DRAINAGE

1. Town Board Meeting - August 3, 1982
2. Town Board Workshop - April 7, 1983
3. Board of Appeals - April 11, 1983
4. Town Board Meeting - April 26, 1983

I'm here to object to any work done on the property of Rockland Associates located on Route 303, Valley Cottage (approximately 105 acres). I would like to quote, "My name is Pete - the reason saying, "Pete, Pete, Pete - Repeat."

I'm objecting to the drainage problem on my land, which, once again today, has 4 feet of water; and I request the Town Board to ask the Town Building Department not to issue any permits on any property east of the railroad and west of the railroad in areas that contain the waters flowing into the Kill Von Beaste River, as the river is approximately two (2) miles long flowing from Congers Lake to the Lake DeForest Reservoir. In that area we have five (5) obstacles - they are under the West Shore Railroad bridge -- Heaton's Dam and four other smaller dams downstream from Heaton's Dam that slows down the flow of water and thus prevents the erosion of the bed stream.

At the Town Board Workshop held April 7, my representative Mr. Bocalini brought up the fact that there was a difference of 35 feet elevation from Mr. Brega's property which was higher than the entrance of the Reservoir. This was proven by professional surveyors, the William Loftus Associates.

I feel that the widening of the Kill Von Beaste River as designated on this same map - to approximately the width of the Kings Highway Bridge and the removal of Heaton's Dam would solve the entire drainage problem of the Kill Von Beaste River area and surrounding streams.

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I also request that the Town Board meet with Rockland Associates Engineers and William Loftus Associates and Mr. Les Bollman to resolve the entire situation. At the Workshop meeting held April 7, Mr. Brega asked Mr. Bollman if he had all the snapshots I sent him and the dam with heavy waters. He said he did, and also had a file including information and photos from other departments which I also sent to him. His final remark was that he wasn't going to do anything about it because he stated my property was designated as wet land. My personal feeling is that he is wrong in his evaluation of this situation and the bottom line is that all streams, rivers, drainage, etc. must have their natural flow to lower levels.

In closing I hope I will not have to "Pete, Pete, and Repeat" about this subject anymore.

/s/ Peter Brega

Peter Brega"

Mr. Les Bollman said the letter was not factual. He said to Mr. Brega that proper drainage improvements could be made but that the Town Board would have to understand and approve them.

Mr. Hekker said that they were handling the drainage on a piecemeal basis as they go along and that they were in no way responsible for exacerbating the Brega situation. He said the developer must complete all the lots and the Town would hold the twenty-four lots. He said he did not know about the back taxes.

Appearance: Mr. John Lodico
New City, New York

Mr. Lodico said that the construction period is now. Interest rates are down and he felt that the project should be expedited.

There was dialogue with the Board regarding the proper wording of the resolution to be presented and it was decided to recess for this purpose at the end of the meeting.

The following letters regarding this amending of restrictive covenants were read into the record:

(Letterhead of Rockland County Planning Board)

"April 22, 1983

Agency
Town Board
Town of Clarkstown
10 Maple Ave.
New City N.Y. 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k)___239(l&m)XX 239(n)___

Map Dated: _____
Item: Amendment to previously granted change of zone
W/S Route 303, Valley Cottage
Associates of Rockland (C-993)

The Rockland County Planning Board reviewed the above item at its meeting of April 19, 1983 and

*approves XX
**approves subject to conditions below ___
**disapproves ___
requests extension of time ___

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Note: The Board found that the deletion of previously required restrictive covenants was a matter for local determination since it was the Town of Clarkstown that had requested these restrictions.

cc: John Costa, Town Attorney, Clarkstown
Ralph Lombardi, member, RCPB
Clarkstown Planning Board

Very truly yours,
Rockland County Planning Board

Bys/s Aaron D. Fried
Aaron D. Fried, Planning Dir.

*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the Action is for Local Determination. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of our municipality.

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

(Letterhead of Town of Clarkstown Planning Board

"April 25, 1983

Honorable Town Board
10 Maple Avenue
New City, New York 10956

Gentlemen: TOWN BOARD REFERRAL: PROPOSED MODIFICATION
TO RESTRICTIVE COVENANT FOR FILED SD 124C27+
WATER MILL ESTATES II, VALLEY COTTAGE

At the Planning Board meeting of April 20, 1983, Member Yacyshyn made a motion which was seconded by Cunningham, carried 5:0 with Ayes of Nest, Smith and Paris, to approve the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has no problem with the request for sectioning for application of Associates of Rockland.

Very truly yours,

/s/ Richard J. Paris

Richard J. Paris
Chairman

cc: Town Attorney
Town Clerk"

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, time: 9:19 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk