

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/9/83

8:10 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 an award was being given to Tina Pihota of 10 Deerfield Drive, New City, New York in recognition of her winning the grand prize in the Fuji Film Contest. She was chosen from among 10,000 schools across the country as the grand prize winner and Supervisor Dusanenko offered the congratulations of himself and the entire Town Board to this prize-winning resident of the Town.

Supervisor Dusanenko then called upon Coaches Mackey and Terminello of the Congers All Stars baseball team. They won the Rockland County championships for little league. The coaches presented certificates to all the participants.

Supervisor Dusanenko then called upon Mr. Edward Ghiazza, Superintendent of Parks and Recreation and Mr. Marty Silverberg, Director of Aquatics for purposes of making presentations to the Clarkstown Swim Team which won the 1983 Rockland County Swimming Championship. Mr. Ghiazza stated that the Germonds Pool is the only olympic sized pool in the County where people not only learn how to swim but we can have a competitive team. Clarkstown is the first municipality in Rockland County to win the championship. Mr. Silverberg presented copies of the proclamation presented to Coaches Tom Allen, Scott Gehsmann, John Neuendorf and Jeff Wanamaker. He stated that 133 children were involved in the meets and they were all wonderful.

"CLARKSTOWN SWIM TEAM
1983 Rockland County Swimming Championship

WHEREAS, the Clarkstown Swim Team, under the expert direction of its Aquatic Director and its Coaches, has distinguished itself by winning the 1983 Rockland County Swimming Championship; and

WHEREAS, the Town of Clarkstown is proud of the Clarkstown Swim Team's remarkable achievement and would like to thank all the participants listed below:

Aquatic Director: Martin Silverberg Coaches: Tom Allen
Scott Gehsmann
Joan Neuendorf
Jeff Wanamaker

Participants:

(Here are listed the names of all the children who took part in the Championships - names on file in Town Clerk's Office)

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on behalf of all its residents, hereby congratulate the Clarkstown Swim Team, its Aquatic Director and its Coaches for their outstanding accomplishment and extend best wishes to them for many future successes.

IN WITNESS WHEREOF I HAVE HEREUNTO
SET MY HAND AND CAUSED THE SEAL OF
THE TOWN OF CLARKSTOWN TO BE AFFIXED
THIS 9TH DAY OF AUGUST, 1983.

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

(S E A L)

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Supervisor Dusanenko announced that the public portion of the meeting was now open and asked if there was anyone wishing to speak on any topic.

Appearance: Mr. Fred Rogoish
8 Tall Oak Lane
New City, New York

Mr. Rogoish spoke regarding Item 36 on the Agenda which concerned the Ambulance Corps and he requested that this item be moved up so that it would be discussed early in the evening.

Appearance: Dr. David Krashaar
6 Woodthrush Drive
West Nyack, New York

Dr. Krashaar spoke regarding the Employee Wellness Program and said he was adamantly opposed to a resolution which was coming up this evening. He specifically mentioned that he had had four patients die of carcinoma of the spine because they had not received medical treatment and were treated by chiropractors. He stated he had first hand knowledge of cases where chiropractors had caused permanent damage. Dr. Krashaar then quoted from "Consumer Reports" - October 1975- Chiropractors - Healers or Quacks? (This article is available in the Town Clerk's Office.) Dr. Krashaar also quoted from an article which appeared recently in the Rockland Journal News in which Mr. Chick Perella made certain claims regarding this Wellness Program. Dr. Krashaar rejected the statements claimed to have been made by Mr. Perella.

Dr. Krashaar went on to quote from two specific books - "Nutrition Cultism" by Dr. Victor Herbert and "Vitamins & Health Foods: The Great American Hustle" by Drs. Victor Herbert and Stephen Barrett. Dr. Krashaar also presented these books to the Town Clerk to be kept in her office for the perusal of any interested person.

Dr. Krashaar said that we should not recognize these people and allow them a forum. He also stated that it was particularly hard to swallow when we are being asked to spend our hard-earned tax money on them.

Appearance: Dr. Nicholas Inglima, President
Rockland County District of New
York State Chiropractic Association

Dr. Inglima stated that he was looking forward to beginning their program with the Town of Clarkstown which is presently slated for just after Labor Day. This program was approved by a resolution passed by the Town Board in March of this year. Dr. Inglima then gave a background of the Chiropractic Association stating that it is licensed in all fifty states. In New York State it is recognized by the Board of Regents, the Division of Professional Licensing. Chiropractors are required to sit for National Board examinations - part one of which is the same as all medical providers must sit for. Part two is a specializing board in the field of chiropractic. Most states require an additional state licensing examination and they are recognized by Workmens Compensation, Medicare and most insurance companies as well as several other self-insured municipalities throughout the country.

Dr. Inglima referred to a letter in regard to the occupational health maintenance program and stated that they would work very closely with the Town Board. Any questions which are raised may be brought to Dr. Inglima's attention. If there is any consultation needed with the State Chiropractic Association, Mr. Holland, the Administrator will be available on August 24th when we set up a workshop for the participating doctors.

Dr. Inglima stated that their primary goal is to see health care in Rockland County and throughout the state move in a more equitable direction for both patients, doctors and those obtaining the bill which someday may be the Town of Clarkstown. More and more municipalities are moving toward self-insurance. He stated that they do not have the scientists and researchers available which other organizations do so they must let the patients and their success speak for itself.

Apperance: Mr. Chick Perella, Representative
Landi Chiropractic

Mr. Perella stated that he is not a practitioner - neither doctor, chiropractor, dentist, etc. but that since his name was mentioned he felt he had the right to speak. He mentioned that to give credibility to this wellness program he wished it noted that in 1980 for the first time chiropractic care was accepted by the United States Olympic Team under the leadership of Dr. Leroy Perry. The program met with such success that the Olympic Committee again asked him this year to conduct the same program. Dr. Landi was mentioned as a possible candidate for this program on a nationwide television program earlier this week.

Mr. Perella said he read an interview in the paper quoting him when in fact he had never been interviewed. The statements were not true. He stated he had refused an interview but that the reporter wrote a story anyway. The only totally correct thing in the article was the spelling of his name.

Mr. Perella said that the town employees would receive benefit from this program. Any time the quality of life is made a little better for someone it is a benefit. The real beneficiary will be the taxpayer. The Town of Clarkstown is paying close to a quarter of a million dollars for simple major medical insurance - not dental coverage and not compensation. The cost of this has been increasing at a rate of three to four times the rate of inflation. The cost of this insurance in the next four years for the same amount of people will reach over one million dollars. The Wellness Program was designed to combat this increase in cost. When you develop a healthier work force the people benefit and develop a high posture of resistance to illness. The people on this program will have less claims and he said he could document that since this program has been in effect there have been less claims. In the near future we can say we have the healthiest work force in the State of New York and the group with the lowest amount of claims. We can say we are a preferred group and we demand lower premiums and it will work. We would like to see the program continued based upon the last three months.

Appearance: Mrs. Catherine Lachapelle
West Nyack, New York

Ms. Lachapelle mentioned that she had been at the workshop meeting on last Thursday and that her husband had presented all of theirs and their neighbors' concerns about the secondary access road through Saymor Estates. Mrs. Lachapelle said that she was back this evening to present a resolution which they had made up and which they would like to see the Board consider. They asked the Planning Board to delete the secondary access road through Saymor Estates and to reduce the project to a four to six foot wide sidewalk which would be from Innwood Drive to Demarest Mill Road. This would be for walking access only. She stated that they also would like the fifty foot wide easement on Lots 9, 10 and 11 reduced to accommodate the sidewalk and the storm drains underneath. They would like the recommendation of the area Fire Chief to be supported that the secondary access road be built on school property on the Strawtown walkway which is already there.

Ms. Lachapelle presented a letter from Mark Papenmeyer, Fire Chief of the West Nyack Fire Engine Co. #1 which reiterated their position. (Letter on file in Town Clerk's Office.)

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein spoke regarding the environmental impact study which the county had decided not to go through with for the Greenburg Property with regard to the proposed jail. At that time the Town Attorney had just received the information and there was a study to be made. He urged the Town Board to press for an environmental study to protect the residents. He said that the County Public Works Committee was meeting tomorrow night (August 10, 1983) and there was a proposal for the county to turn all the property other than what is proposed for the new jail over for park purposes. He would like to see the Town Board pass a resolution encouraging that this be done.

Supervisor Dusanenko inquired of Les Bollman about the environmental impact study and Mr. Bollman stated that this is not a Class 1 action and did not require such a study. Mr. Bernstein said the Town has a right to ask and should press for it.

Councilman Holbrook then asked a question regarding what has been done about a snow fence for Twin Ponds. Mr. Edward Ghiazza said that this would require 2,700 to 3,000 feet of fence. He said it would be high maintenance and he would like to see an alternative explored. He said it should be studied further so that whatever is put up there (hedgerow, chain link, etc.). Councilman Holbrook said what about just along the backyards that border the canal. Mr. Ghiazza said that the people on Mace Drive complained about the geese going into their backyards so the problem exists on both sides. If we are going to do anything we should do the entire job at once.

Councilman Holbrook asked when Mr. Ghiazza would have a recommendation or proposal and he said he would have it for the September meeting.

Councilman Carey then read the following letter into the record:

"1 Northlyn Ct.
Bardonia, N.Y.
July 16, 1983

Councilman W. Carey
Clarkstown, N.Y.

Dear Bill:

I have repeatedly called the cable compny, which recently made a cable installation, to repair the damage which they have made to my property and to repair the town road. They have yet to return my call, nor have they responded to the complaint I have filed with Supervisor Dusanenko's office dated July 8.

The damage to my property was caused by the delay of approximately one week between when they dug the trench on my lawn until when they installed the cable and returned the grass to its original position. I now have about 150 feet by 1 foot of dead grass and numerous indentations in my lawn. The other problem is that there is a trench across the street at the intersection of Eastlyn Court and Eastlyn Drive which is now about 4" deep. My daughter has taken a nasty spill on her bike when she got caught in the trench and reportedly other neighborhood children too have been hurt.

May I suggest that the town photograph these areas and use them as proof that the cable company is not living up to their contract with the town.

Sincerely,

/a/ Robert Slater

Robert Slater"

Appearance: Mr. Joel Karp
New City, New York

Mr. Karp spoke regarding the cable company. He said that what was formerly basic service is no longer "basic" service. It has been broken down into basic and satellite service. This was a unilateral decision on their part and by doing so they have raised the rates trying to circumvent the regulatory powers of this board. He asked that the Town Board look into whether the cable company can do that.

Mr. Karp also wanted to know if they are paying all their fees for the road openings. He also wanted to know if there was any way to audit their revenues so that the Town receives its fair share. He said he trusted that the cable company would be able to keep its promise that all residents who want cable T.V. would have it by December 31st. People have been calling and asking when they are to get cable and are being told they will not be getting it. When Mr. Mills and his attorney Mr. Resnick were present here they unequivocally stated that every resident who wanted cable would have it by December 31, 1983.

Supervisor Dusanenko said that when he was apprised of the increase in cable rates he was incensed and communicated with the Town Attorney's office. He said he had inquired as to what he could do under the terms of the franchise regarding the rate increase. The Town Attorney's office responded that that was not a part of their basic rate and that was the only place that this entire Town Board had the authority - that of setting the basic rate. Supervisor said he asked again about the difference between basic and satellite service and requested Mr. Karp to please being in whatever he knows so that further research could be done.

Supervisor Dusanenko said that all residents probably would not be receiving cable television by December because there are streets in this Town that are not dedicated and they cannot get the permission to go across private property on undedicated streets. Where there are dedicated streets the Supervisor stated that he would use any powers of his office to see that those people received the cable television.

Mr. Karp thanked the Supervisor and also asked that the magazine which is published by TKR be read and noted as it states that the basic service of TKR includes the basic New York City stations plus many of the satellite stations which they claim are not part of it. Supervisor Dusanenko asked Mr. Karp to please bring in, in addition to "Preview" magazine what differentiates the basic services as well as the satellite service which Mr. Karp said should be part of the basic service. Supervisor Dusanenko said if that is the case then he wants to pursue it. Mr. Karp also complained about the fact that telephone calls to the company are not being returned. The lines are constantly busy so that no one can get through and we are all back to square one.

Councilman Maloney said that he did not trust the company representatives when they first came in and he was the only member of the Town Board to vote against the merger and it looks as though he may be proved right.

Appearance: Mr. Emery DeVito
42 Mesa Place
Spring Valley, New York

Mr. DeVito said that the cable company had come in and dug up his lawn and also left him with dead grass and holes varying from two inches down to about eight inches about one month ago. Supervisor Dusanenko said for Mr. DeVito to contact the cable company first and if there is no satisfaction to contact his office and he would see that he received some satisfaction.

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RESOLUTION NO. (689-1983)

AUTHORIZING SUPERVISOR
TO ENTER INTO AGREEMENT
WITH AMBULANCE CORPS
AND THAT THE FUNDS ALLOCATED
BE PAID TO THE CORPS UPON
THEIR SIGNING AND ACCEPTING
AGREEMENT WHICH PROVIDES
FOR AMBULANCE SERVICE ON
A TOWN WIDE BASIS

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 534 adopted by the Town Board of the Town of Clarkstown on May 24, 1983, is hereby rescinded, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the Congers-Valley Cottage Volunteer Ambulance Corps, Inc., New City Volunteer Ambulance Corps. Rescue Squad, Inc., Nanuet Community Ambulance Corps, Inc., and Nyack Community Ambulance Corps to provide for ambulance service within the Town of Clarkstown in accordance with the terms of the agreement annexed hereto as Schedule "A", and be it

FURTHER RESOLVED, that the funds allocated in the amount of \$100,000.00 shall be paid to the corps upon signing and acceptance of the annexed agreement which provides for ambulance service on a town wide basis and in the event that one or more of the corps does not elect to participate then the funds allocated to such corps shall be expended.

Seconded by Co. Lettre

All voted Aye.

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In response to a question from Supervisor Dusanenko Town Attorney John Costa said that we were rescinding Resolution No. 534 and adopting the above resolved clauses. The resolution referred to was one which provided for the five corps to sign an agreement with an appendix which consisted of a map which map has been deleted in this version. The actual agreement is part of the resolution. That agreement has been changed in accordance with the discussions held last Thursday by deleting basically two sentences from the agreement which referred to the attachment (map) which is no longer attached. There is no map associated with this agreement. That is the essential change.

Supervisor Dusanenko asked the Town Attorney if all four corps agreed with this resolution. He inquired if there were representatives from the corps present here this evening. He asked if all were in agreement with this resolution and if they were ready to sign this so that the Town could dispense the \$100,000.00.

Appearance: Mr. Fred Rogoish
Tall Oak Lane
New City, New York

Mr. Rogoish said that he was told that there is an unofficial document being sent to the police to use for dispatching ambulances and they will not accept this unofficial document. All of us agree to accept the contract without Schedule A and it must also be without any unofficial map. Supervisor Dusanenko stated that Nyack Ambulance Corps would not sign without this unofficial document and the other three ambulance corps would not sign with it. We are back to square one.

Councilman Maloney said that we have an agreement and that they have deleted the two sentences which seemed to be a stumbling block. The Police Department shall use its best efforts to equitably divide the calls received by the Town of Clarkstown and there is no mention made of a map here. Let's leave it up to the Police Department without the use of any map.

Councilman Lettre said that this dispute has been going on for one year and the purpose of the contract is not for solving disputes between ambulance corps or any other purpose but to provide service to the Town. The Police Department will dispatch as needed. If an ambulance is not available from Valley Cottage they will call in Nyack or New City without getting involved in a territorial dispute.

Supervisor Dusanenko inquired when the public hearing for the creation of the tax districts would be held. Town Attorney John Costa said required boundaries must be set. This has to be established before the district can be established and this would not be done in time for 1984. The earliest would be 1985.

Supervisor Dusanenko said that he had to adopt a budget for 1984 and he would need an anticipated budget from the ambulance corps for the fiscal year of 1984 and this would have to be ready and given to him by early September.

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On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Condemnation of property designated on Clarkstown Tax Map 58E1 (corner of Route 304 and Congers Road, New City), time: 9:27 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Condemnation of property designated on Clarkstown Tax Map 58E1 (corner of Route 304 and Congers, Road, New City) was closed, time: 9:50 P.M.

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Petition for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include: Fieldstone Farms, was opened, time: 9:50 P.M.

On motion of Councilman Carey, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Petition for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include: Fieldstone Farms, was closed, time 9:52 P.M. ORDER SIGNED.

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Supervisor Dusanenko moved a resolution for outside counsel to defend an action brought by Margaretann Ries. This motion received no second. Supervisor Dusanenko explained that he had been served last week by Mrs. Ries. He said that he had referred this matter to the Ethics Committee and had received their incomplete review and he had asked them to re-review this. However, Jane Murphy, Chairman of the Board of Ethics Committee refused to review this again. Mrs. Ries is a full-time employee and a part-time employee and is also getting paid by voucher which the Town Code expressly prohibits. Supervisor Dusanenko stated that he had okayed payment of any expenses for materials which Mrs. Ries had purchased. He referred to a letter received from James K. Anderson, Personnel Officer of the County of Rockland which states that these services are supposed to be performed under the part-time position of Mrs. Ries and she should not be paid separately. He read the following letter into the record:

(Letterhead of Rockland County Personnel Office)

"June 27, 1983

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

Dear Mr. Dusanenko:

"Recently you queried me concerning the multiple job holding of of on the Town employees - Margaretann Ries.

As I informed you on the telephone, I see no conflict between her position of Senior Stenographer and her position as Secretary (part-time) for the Zoning Board of Appeals. Normally, the Secretary duties for the Board can be handled in the evening and the Senior Stenographer duties, of course, handled during normal business hours during the day. The only conflict I would see would be if the Board met during the day or that Secretary duties on behalf of the Board had to be handled during normal business hours.

With respect to the question of her receiving additional remuneration for transcribing minutes of meetings, I would not think that that would be appropriate in this case. She has employee status as a Secretary for the Zoning Board and the specification clearly indicates that a typical work activity includes "records minutes of meetings and transcribes, duplicates and distributes them." If the Town Board feels that her present compensation of \$4,750 per annum for this Secretary function (which is over and beyond her regular salary of \$17,612 as a Senior Stenographer) is too low, the Town Board certainly may take action to increase the salary of a Secretary provided, of course, there is no bar to same in your labor agreement.

I am enclosing a copy of our current specification for the position of Secretary. This is the position which Ms. Ries holds on a part-time basis in the Town of Clarkstown.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

/a/ James K. Anderson

JAMES K. ANDERSON
Personnel Officer

JKA/am
Enclosure"

Supervisor Dusanenko stated that he wanted it noted that we are paying one person full-time, part-time and on voucher. In previous matters, whether it be members of the Planning Board which have been sued for their decision, the Zoning Board which has been sued for its decisions, various employees and department heads sued for their decisions as well as this Town Board has taken actions to defend itself. He said he found it ironic that this Town Board does not have a second to a motion to defend the Supervisor in an action even though he well realized that all four members of the Board voted on two occasions for payment to Mrs. Ries.

Councilman Holbrook said it was a rhetorical question because the Board had directed him to pay this.

Councilman Maloney said the Board had twice directed him to pay money to Mrs. Ries.

Councilman Holbrook said he found it particularly repugnant that an employee who has worked for the Town for over twenty-five years is being singled out. She has not just been taking minutes for the Board of Appeals but she is preparing court transcripts. He said we are spending more time on items such as this than on things of much greater substance. This is just another example of black jack politics employed here in the Town of Clarkstown. Councilman Holbrook said Mrs. Ries deserves to be paid and deserves an apology for the type of behavior she has had to endure over the last couple of months.

Supervisor Dusanenko said he has no problem with Mrs. Ries' performance but she is the only employee who is paid for a full-time and part-time job plus receives vouchers for money. Other employees have been prohibited by the Town Board and the Board of Ethics from submitting vouchers for work done and all employees should be treated the same. Certain people receive special treatment. Once again, he asked for a second for the motion for outside counsel to defend the Supervisor.

Councilman Holbrook said the Supervisor's position was indefensible.

Councilman Carey said the treatment Mrs. Ries was receiving was reprehensible. This practice was the practice in the Town long before Mrs. Ries was even hired. He said he could not vote for outside counsel because that would be voting against himself.

Councilman Lettre said he thought this was a legal question and he had talked to the Town Attorney and the Town Attorney said Mrs. Ries was grandfathered before the code was revised. He said he was in complete agreement with the Supervisor after the code was revised, but the Town Attorney said to pay Mrs. Ries as she was not affected by the revised code.

Supervisor Dusanenko said that he knew of no situation where an employee was grandfathered in the Town Code. The Town Code is for all persons, not just for some employees. This will probably be decided in a court of law. Mr. Anderson of the Rockland County Personnel Office has suggested that an alternative would be to possibly increase the compensation and the Supervisor was not against doing that but he is not for continuing the voucher process. Vouchers are not counted on W-2 forms and this will not be added to her pension and benefit rights so that hurts her in that way. He said he could not understand why the other members of the Town Board wanted to continue paying an employee on voucher rather than under W-2.

Councilman Lettre was opposed to this because by paying her by voucher she would be paid for work whether it was performed or not. He asked the Town Attorney if he had put his opinion in writing and if not would he please do so. Mr. Costa said he had given his opinion at a public meeting and his remarks were a part of that public meeting. He said he did not use the term "grandfather". He said that he did say in his opinion it was legal to pay Mrs. Ries in the form in which she was requesting payment and that that method of payment has been in existence for a long time. He said at that time he had said this method had been used for over twenty years but he thinks that it has probably been in existence for over thirty years. He said his remarks were in the form of an opinion that there was no illegality in paying Mrs. Ries in the form requested. He said that he did not offer any opinion as to the ethical propriety of it. That was referred to the Board of Ethics. He again repeated that he had never said anything about "grandfathering" and he referred Councilman Lettre to our minutes.

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RESOLUTION NO. (690-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM CORRECTIVE DRAINAGE WORK (ENDICOTT STREET BETWEEN OLD HAVERSTRAW ROAD AND FARM HOUSE ROAD, CONGERS) - CHARGE DRAINAGE BOND ACCOUNT #2

Co. Holbrook offered the following resolution:

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RESOLUTION NO. (690-1983) Continued

WHEREAS, a drainage condition exists in the vicinity of Endicott Street between Old Haverstraw Road and Farm House Road, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways be authorized to perform corrective drainage work in the vicinity of and along Endicott Street between Old Haverstraw Road and Farm House Road in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$15,000.00, and be it

FURTHER RESOLVED, that the Superintendent of Highways is authorized to hire the necessary equipment to accomplish this corrective drainage work and supply the necessary supervision, and be it

FURTHER RESOLVED, that the sum of \$15,000.00 be charged to Drainage Bond Capital Account #2.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (691-1983)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO RETAIN SERVICES OF EVERLASTING CONCRETE, INC. TO INSTALL WALKWAY ACROSS ISLAND AT SQUADRON BOULEVARD FOR USE OF RESIDENTS OF SQUADRON GARDENS AND TO IMPROVE LANDSCAPING - CHARGE ACCOUNT NO. D 5110-386

Co. Lettre offered the following resolution:

RESOLVED, that the Director of Environmental Control is hereby authorized to retain the services of Everlasting Concrete, Inc., to install a walkway for use by the residents of Squadron Gardens in travelling to and from the New City Library across the island at Squadron Boulevard and improve the landscaping of the area for a total cost not to exceed \$2,500.00, and be it

FURTHER RESOLVED, that the cost of the above shall be charged to Account No. D 5110-386.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (692-1983)

AUTHORIZING TOWN ATTORNEY TO PREPARE APPLICATION TO NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND SUPERVISOR TO EXECUTE SAME FOR INSTALLATION OF BUS SHELTER ON ROUTE 304 VICINITY OF MONTEREY GARDENS

Co. Lettre offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to prepare and the Supervisor is hereby authorized to execute an application to the New York State Department of Transportation, if required, to obtain a permit for the installation of a bus shelter on Route 304 in the vicinity of Monterey Gardens.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (693-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT TWO STOP SIGNS (FIVE OAKS LANE AT PARK TERRACE AND FIVE OAKS LANE AT KINGS HIGHWAY, VALLEY COTTAGE)

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 Stop signs. The first sign to be installed on Five Oaks Lane at Park Terrace. The second sign to be installed on Five Oaks Lane at Kings Highway, Valley Cottage.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (694-1983)

ACCEPTANCE BY THE TOWN BOARD OF 1982 AUDIT REPORT FOR TOWN OF CLARKSTOWN SUBMITTED BY KORN, ROSENBAUM, PHILLIPS AND JAUNTING

Co. Lettre offered the following resolution:

WHEREAS, Korn, Rosenbaum, Phillips and Jaunting, Certified Public Accountants, have submitted the 1982 Audit Report for the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the Audit Report be accepted by the Town Board.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (695-1983)

AUTHORIZING PLANNING BOARD OF TOWN OF CLARKSTOWN TO APPLY TOWN LAW SECTION 281 (BARBARA A. FESTA SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, Donald S. Tracy, Esq., attorney for the applicant Barbara A. Festa has made written application for the use of Town Law Section 281 in connection with a subdivision known as "Barbara A. Festa" last revised June 10, 1983, prepared by William A. Yuda Associates, and

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

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law 281 is used in this subdivision as shown on a map entitled, "Barbara A. Festa" last revised June 10, 1983, prepared by William A. Yuda Associates subject to the following provisions:

1. Lots shall conform to Building Department requirements.
2. All drainage requirements shall be in accordance with Environmental Control requests.

RESOLUTION NO. (695-1983) Continued

3. Developer shall install a berm in accordance with the requirements of the Department of Environmental Control along the driveway serving lots 2 and 3 to direct surface water into a swale.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized subject to the above conditions to use Town Law Section 281 in connection with this subdivision as shown on map entitled, "Barbara A. Festa" last revised June 10, 1983, prepared by William A. Yuda Associates.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (696-1983)

AUTHORIZING ATTENDANCE AT
NEW YORK STATE ASSOCIATION
OF MAGISTRATES (KELLY,
JACOBSON, WRAY AND WAITZMAN)

Co. Holbrook offered the following resolution:

WHEREAS, Judges Kelly, Jacobson, Wray and Waitzman will be attending a conference of the New York State Association of Magistrates from September 11 through September 14, 1983 at the Nevele Hotel in Ellenville, New York,

NOW, THEREFORE, be it

RESOLVED, that all authorized charges be charged to Appropriation Account No. A 1010-414.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (697-1983)

TOWN BOARD REQUESTS ROCKLAND
COUNTY HIGHWAY DEPARTMENT TO
PREPARE PLANS AND SPECIFICA-
TIONS FOR IMPROVEMENTS ALONG
LITTLE TOR ROAD AND NORTH
MIDDLETOWN ROAD - REQUESTING
ROCKLAND COUNTY HIGHWAY
DEPARTMENT TO ERECT TRAFFIC
SIGNS AT SIX INTERSECTIONS
ALONG NORTH MIDDLETOWN ROAD
AND LITTLE TOR ROAD

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has been concerned with traffic conditions on Little Tor Road and North Middletown Road, and

WHEREAS, such conditions have received study and consideration by a traffic engineer, the Rockland County Highway Department and the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown, and

WHEREAS, certain recommendations have been made to provide for improvements to traffic control devices located on Little Tor Road and North Middletown Road, and

RESOLUTION NO. (697-1983) Continued

WHEREAS, the Town Board wishes to consider certain improvements and to solicit bids;

NOW, THEREFORE, be it

RESOLVED, that the Town Board requests the Rockland County Highway Department prepare plans and specifications for use by the Town of Clarkstown in soliciting bids for the following improvements along Little Tor Road and North Middletown Road:

1. Replacement of the existing fixed-time traffic control signals with vehicle actuated systems at the intersection of North Middletown Road with West Clarkstown Road, Little Tor Road with Germonds Road, Little Tor Road with Red Hill Road and Little Tor Road with New Hempstead Road.
2. Repair and restoration of actuated controls at the intersection of Little Tor Road with Collyer Avenue which currently operates on a fixed-time basis,

and be it

FURTHER RESOLVED, that the Town Board hereby requests that the Rockland County Highway Department erect traffic signs restricting parking for a distance of 300 feet at each approach to the six referred intersections along North Middletown Road and Little Tor Road.

Seconded by Co. Maloney

All voted Aye.

* * * * *

With regard to proposed agenda item No. 11 Councilman Carey offered and Councilman Lettre seconded but subsequently withdrew the motion because Mr. Tom Fagan said he had recently purchased this property and he was concerned about insurance if the name was changed. He wished the Board would hold off from making their decision until he could check into how it would affect his insurance. Martin Feldi had said it was listed in the County Clerk's Office as Marco Lane.

Supervisor Dusanenko said that Mrs. White had sold the land believing it would be named after her and not after someone else's son.

It was agreed that this would be looked into further before any action was taken.

* * * * *

RESOLUTION NO. (698-1983)

REFERRING CHANGE IN SAYMOR ESTATES SUBDIVISION EMERGENCY RIGHT OF WAY TO CONSTRUCTION OF ALTERNATE EMERGENCY ACCESS THROUGH CLARKSTOWN SCHOOL DISTRICT PROPERTY AND CHANGE IN SIDEWALK PATTERN AND DIRECTING TOWN ATTORNEY TO COMMUNICATE TOWN BOARD CONCERNS TO CLARKSTOWN SCHOOL BOARD AND THE SUPERINTENDENT OF SCHOOLS

Co. Lettre offered the following resolution:

WHEREAS, residents in the vicinity of Demarest Mill Road and Saymor Estates Subdivision have petitioned the Town Board for a change in the Saymor Estates approved subdivision to eliminate or modify an emergency right-of-way to serve the Clarkstown South High School in the

RESOLUTION NO. (698-1983) Continued

event primary access is blocked, as shown on Saymor Estates Subdivision in exchange for construction of alternate emergency access through Clarkstown School District property, and also to change the sidewalk pattern in said approved subdivision,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby refers this matter to the Clarkstown Planning Board for consideration of such proposal and report with recommendation to the Town Board within forty-five (45) days from the date hereof, and be it

FURTHER RESOLVED, that this matter be referred to the Traffic and Fire Safety Advisory Board for study and report with recommendations to the Town Board as soon as practicable, and be it

FURTHER RESOLVED, that the Town Attorney is directed to communicate the concerns of the Town Board in this matter to the Clarkstown School Board and the Superintendent of Schools of the Clarkstown Central School District.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (699-1983)

AUTHORIZING USE OF THE TOWN OF CLARKSTOWN SHOWMOBILE BY MARTIN LUTHER KING MULTI-PURPOSE CENTER, INC. - TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT A 1990-505 TO A-7140-111 AND A 7140-301

Co. Maloney offered the following resolution:

WHEREAS, the Martin Luther King Multi-purpose Center, Inc., has requested use of the Town of Clarkstown showmobile on August 2, 1983, August 19, 1983 and September 1, 1983 for three concerts in Spring Valley,

NOW, THEREFORE, be it

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission, that permission is hereby granted to the Martin Luther King Multi-purpose Center, Inc., for use of the showmobile on the above dates for three concerts, subject to the provision of the necessary insurance policies, and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer \$1,065.00 to cover maintenance costs from Contingency Account A-1990-505 to the following accounts:

A-7140-111: \$ 993.00
A-7140-301: 72.00

Seconded by Co. Holbrook

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. (700-1983)

AUTHORIZING USE OF TOWN OF CLARKSTOWN SHOWMOBILE BY ALLIANCE FOR ROCKLAND'S MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED - TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT A-1990-505 TO A-7140-111 AND A-7140-301

Co. Lettre offered the following resolution:

WHEREAS, the Alliance for Rockland's Mentally Retarded and Developmentally Disabled (ARMRDD) has requested use of the Town of Clarkstown showmobile on Sunday, September 11, 1983 for a program for their picnic at the Camp Venture Campsite, Thiells, on the grounds of Letchworth Developmental Center,

NOW, THEREFORE, be it

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Superintendent of Recreation and Parks, that permission is hereby granted to ARMRDD for use of the showmobile on the above date subject to the provision of the necessary insurance policies, and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer \$600.00 to cover maintenance costs from Contingency Account A-1990-505 to the following accounts:

A-7140-111: \$576.00
A-7140-301: 24.00

Seconded by Co. Maloney

All voted Aye.

Councilman Carey said he thought they had agreed that we would allow organizations to use the showmobile without penalty. Is it going to be Town policy from now on that we say "yes" to the first request and from then on they will have to pay? Supervisor Dusanenko said policy would depend on the policymakers at the point in time in question. If they wish to be consistent they will be and if not they won't.

* * * * *

RESOLUTION NO. (701-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS AND DIRECTOR OF ENVIRONMENTAL CONTROL AND TOWN INSURANCE CARRIER TO OBTAIN SERVICES OF STRUCTURAL ENGINEER FOR REPORT ON SNAKE HILL BRIDGE-CHARGE TO ACCOUNT NO. D-5120-409

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is concerned about the safety of the public who use the Snake Hill Bridge, and

WHEREAS, this bridge has been closed due to concern about its structural integrity, and

WHEREAS, due to the recent tragic collapse in another jurisdiction of a turnpike bridge, the Town Board wants to take all necessary steps to assure the safety of all that use this bridge prior to it being re-opened;

NOW, THEREFORE, be it

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RESOLUTION NO. (701-1983) Continued

RESOLVED, that the Superintendent of Highways is hereby authorized and directed to confer with the Director of the Department of Environmental Control and the Town's insurance carrier to obtain the services of a structural engineer for an inspection, evaluation and report on the condition of the structural supports of the Snake Hill Bridge to support expected traffic loads prior to expanding any funds to reinstall the present deteriorated bridge deck, and be it

FURTHER RESOLVED, that the sum of \$5,800.00 is allocated for such inspection, evaluation and report, and be it

FURTHER RESOLVED, that the sum of \$5,800.00 shall be charged to Account No. D-5120-409.

Seconded by Co. Lettre

All voted Aye.

Councilman Carey inquired if they had received any correspondence from the Rockland County Highway Department. Supervisor Dusanenko read the following letter:

(Letterhead of Rockland County Highway Department)

"August 3, 1983

Re: Snake Hill Road Railroad Bridge (Conrail)

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

Dear Mr. Dusanenko:

As you know, the Snake Hill Railroad Bridge was closed to traffic approximately two months ago to perform repairs to the abutments, superstructure and deck planking. While the bridge is owned by Conrail, which is responsible for the bridge including its foundations, abutments and superstructure, New York State Highway Law places the responsibility for maintaining the riding surface, which consists of timber deck planking on local government.

Conrail recently informed us that they have completed repairs to the abutments and superstructure so that the bridge can safely carry the posted four-ton load until its planned replacement, approximately two years from now. An inspection made by members of my staff and myself at this time corroborates Conrail's position regarding the sufficiency of their structure.

The remaining repairs, which must be done prior to opening the bridge to traffic, consists of replacing some of the wood deck planks that are deteriorated. This work is the responsibility of the local government.

In order to repair the deck and reopen the bridge as quickly as possible to eliminate the hazardous detour, we suggest a joint County-Town venture, whereby the Town supplies the materials consisting primarily of lumber and hardware and the County performs the work with its forces and equipment. This cooperative action would preclude the bridge being closed for approximately two years. It is estimated tha the cost of materials will not exceed \$1,000.

Very truly yours,

/a/ J.W. Hornik, P.E.,L.S.
County Superintendent of Highways

JWF:gf
cc: Mr. Nicholas A. Longo
Clarkstown Supt. of Highways"

Continued on Next Page

RESOLUTION NO. (701-1983) Continued

Councilman Lettre said he had inspected the bridge and he did not consider it safe for traffic. Councilman Maloney said engineers had said the tunnel in Jersey City was safe and look what happened there recently. Councilman Holbrook said that what had been done to buttress this bridge looked like something he would do.

Superintendent of Highways Nicholas Longo presented pictures of the bridge which he gave to the Town Clerk for filing.

Councilman Holbrook said he felt we would be well advised to get a second opinion.

Supervisor Dusanenko said that if there was an accident at that particular place it is better to be safe than sorry. School buses are prohibited from using that bridge. There is a four ton limit on that bridge and it should not be used for anything over that. If it is it should be reported to the Clarkstown Police Department.

Superintendent of Highways Nicholas Longo said the day that he asked Mr. Hornik to have the bridge closed, school buses were going over it.

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RESOLUTION NO. (702-1983)

ADOPTING AND ACCEPTING THE MINUTES OF THE REGULAR TOWN BOARD MEETINGS OF MAY 24, JUNE 14, JUNE 28 AND JULY 12, AND SPECIAL TOWN BOARD MEETING OF JUNE 23RD

Co. Carey offered the following resolution:

RESOLVED, that the minutes of the regular Town Board Meetings of May 23, June 14, June 28 and July 12, and the Special Town Board Meeting of June 23rd, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (703-1983)

REFERRING ZONE CHANGE APPLICATION TO TOWN PLANNING BOARD FOR RECONSIDERATION OF THEIR RECOMMENDATION (DEMARCO AND HOGAN HOLDING CORP.)

Co. Maloney offered the following resolution:

RESOLVED, that the application of DeMarco & Hogan Holding Corp., for a change of zoning from an L10 District to an RS District, on property located in the vicinity of Route 303, West Nyack, New York (Map 107, Block A, Lot 13.04) be referred to the Town Planning Board for reconsideration of their recommendation dated August 3, 1983.

Seconded by Supervisor Dusanenko

All voted Aye.

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RESOLUTION NO. (704-1983)

AUTHORIZING ATTENDANCE AT NEW YORK STATE ASSOCIATION OF TOWNS ANNUAL CONFERENCE - NICHOLAS A. LONGO, CHARLES T. BURGIO, HARRIET A. ROTHERMEL

Co. Maloney offered the following resolution:

RESOLUTION NO. (704-1983) Continued

RESOLVED, that Nicholas A. Longo, Superintendent of Highways, Charles T. Burgio, Deputy Superintendent of Highways, and Harriet A. Rothermel, Service Dispatcher, are hereby authorized to attend the New York State Association of Towns annual conference to be held September 20, 1983 through September 23, 1983 in Monticello, New York, and be it

FURTHER RESOLVED, that the daily expenses incurred at this conference be made proper Town Charges.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (705-1983)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT FOR REVALUATION OF TAX PARCELS IN TOWN OF CLARKSTOWN (ROBERT J. FINNEGAN ASSOCIATES)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form satisfactory to the Town Attorney with Robert J. Finnegan Associates, 201 Great Road, Acton, Massachusetts, for the revaluation of all tax parcels in the Town of Clarkstown in accordance with their proposal dated July 14, 1983, for a total contract price not to exceed \$300,000.00 with payments totalling \$43,200.00 to be paid during calendar year 1983 in accordance with their proposed payment schedule on file in the Town Attorney's Office, and be it

FURTHER RESOLVED, that funds for the payment of the above be appropriated from the proper account as deemed by the Comptroller.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (706-1983)

AUTHORIZING ATTENDANCE AT 1983 CONGRESS OF NATIONAL RECREATION AND PARK ASSOCIATION (EDWARD J. GHIAZZA)

Co. Holbrook 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 1983 Congress of the National Recreation and Park Association to be held October 2, 1983 through October 6, 1983 in Kansas City, Missouri, and

FURTHER RESOLVED, that expenses not to exceed \$850.00 be transferred from Appropriation Account A-7620-409 to Appropriation Account 1010-414.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (707-1983)

GRANTING PERMISSION TO DISPENSE ALCOHOLIC BEVERAGES TO NEW CITY FIRE ENGINE COMPANY NO. 1 ON OCTOBER 1-2, 1983

Co. Carey offered the following resolution:

RESOLUTION NO. (707-1983) Continued

WHEREAS, on October 1, 1983 the New City Fire Engine Company No. 1 will host an Inspection Parade, and

WHEREAS, the New City Fire Engine Company No. 1 has requested permission to dispense alcoholic beverages at the termination of the parade in the vicinity of the fire house,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the New City Fire Engine Company No. 1 to dispense alcoholic beverages in the vicinity of the fire house from 10:00 A.M. on October 1, 1983 until 1:00 A.M. on October 2, 1983, in accordance with the provisions of Local Law No. 6-1977, which includes the securing of a proper license from the appropriate Alcoholic Control Board.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (708-1983)

AWARDING BID FOR TWO (2)
FOUR WHEEL DRIVE UTILITY
VEHICLES FOR DEPARTMENT OF
HIGHWAYS (CORIGLIANO MOTOR
SERVICE, INC.)

Co. Maloney offered the following resolution:

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

BID #62-1983
FOR TWO (2) FOUR WHEEL DRIVE UTILITY VEHICLES

is hereby awarded to:

Corigliano Motor Service, Inc.
P.O. Box 269
Boonton, New Jersey 07005

as per bid proposal for two (2) 1984 Dodge Ramchargers model AW150 equipped per proposal with the following options

- 7-1/2' Fisher Snow Plow, Hydraulic Lift & Power Angle
- Dual Low Mount Mirrors
- Fold Down Rear Seat

at the proposal cost of \$13,610.00.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (709-1983)

AWARDING BID FOR REFLECTIVE
DOOR DECALS FOR CLARKSTOWN
(3M COMPANY)

Co. Maloney offered the following resolution:

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

BID #63-1983
REFLECTIVE DOOR DECALS FOR CLARKSTOWN

is hereby awarded to:

RESOLUTION NO. (709-1983) Continued

3M Company
Traffic Control Materials Div.
3M Center
223-3N
St. Paul, Minnesota 55144

as per their low bid proposal of 7.40 per decal (for 500).

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (710-1983)

RESCINDING BID AWARD FOR
TWO (2) REPLACEMENT DIESEL
ENGINES FOR LEAF VACUUM
MACHINES (HIGHWAY DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, that

BID #17-1983

for the purchase of two (2) Replacement Diesel Engines for Leaf Vacuum
Machines at the Highway Department is hereby rescinded.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (711-1983)

DECREASE CONTINGENCY ACCOUNT
NO. A 1990-505 AND INCREASE
APPROPRIATION ACCOUNT NO. A
1620-201 (MAINTENANCE)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 by
\$1,140.00 and increase Appropriation Account No. A 1620-201 by \$1,140.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (712-1983)

DECREASE APPROPRIATION ACCOUNT
NO. D 5110-382 AND INCREASE
APPROPRIATION ACCOUNT NO.
D 5110-219 (HIGHWAY DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 5110-382 by
\$307.00 and increase Appropriation Account No. D 5110-219 by \$307.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (713-1983)

AMEND RESOLUTION NO. 673-1983
DECREASE ESTIMATED REVENUE
NO. 01-002954 AND INCREASE
ESTIMATED REVENUE ACCOUNT
NO. 01-002999

Co. Maloney offered the following resolution:

RESOLUTION NO. (713-1983) Continued

RESOLVED, to amend Town Board Resolution No. (673-1983) dated July 12, 1983 to decrease Estimated Revenue No. 01-002954 and increase Estimated Revenue Account No. 01-002999 by \$125,000.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (714-1983) DECREASE CONTINGENCY ACCOUNT NO. A 1990-505 AND INCREASE APPROPRIATION ACCOUNTS NOS. A 7140-110 AND A 7141-110 (RECREATION)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 by \$23,067.00 and increase the following Appropriation Account Nos.:

A 7140-110.....\$ 654.00
A 7141-110..... 22,413.00

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (715-1983) RESCIND TOWN BOARD RESOLUTION NO. 550-1983 - DECREASE APPROPRIATION ACCOUNT NO. A 1410-313 AND INCREASE APPROPRIATION ACCOUNT NO. A 1410-209 (TOWN CLERK)

Co. Maloney offered the following resolution:

RESOLVED, to rescind Town Board Resolution No. 550-1983 dated June 14, 1983 and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 1410-313 and increase Appropriation Account No. A 1410-209 by \$400.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (716-1983) DECREASE APPROPRIATION ACCOUNT NO. A 1620-407 AND INCREASE APPROPRIATION ACCOUNT NO. A 1620-306 (MAINTENANCE)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1620-407 and increase Appropriation Account No. A 1620-306 by \$1,000.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (717-1983) DECREASE CONTINGENCY ACCOUNT NO. A 1990-505 AND INCREASE VARIOUS APPROPRIATION ACCOUNTS

Co. Maloney offered the following resolution:

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RESOLUTION NO. (717-1983) Continued

RESOLVED, to decrease Contingency Account No. A 1990-505 by \$8,490.00 and increase the following Appropriation Accounts Nos.:

A 1220-404.....	\$ 25.00
A 1680-201.....	300.00
A 1680-313.....	1,000.00
A 9000-801.....	2,165.00
A 9710-409.....	5,000.00

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (718-1983)

INCREASE ESTIMATED REVENUE
ACCOUNT NO. 04-102999 AND
APPROPRIATION ACCOUNT NO.
D 9000-801 (HIGHWAY DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 04-102999 and Appropriation Account No. D 9000-801 by \$152.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (719-1983)

DECREASE APPROPRIATION ACCOUNT
NO. A 1410-313 AND INCREASE
APPROPRIATION ACCOUNT NO.
A 1410-209 (TOWN CLERK)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1410-313 and increase Appropriation Account No. A 1410-209 by \$250.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (720-1983)

DECREASE APPROPRIATION ACCOUNT
A 5630-312 AND INCREASE
APPROPRIATION ACCOUNT NO. A
5630-406 (MINI-TRANS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 5630-312 and increase Appropriation Account No. A 5630-406 by \$4,000.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (721-1983)

DECREASE APPROPRIATION ACCOUNT
NO. A 1110-327 AND INCREASE
APPROPRIATION ACCOUNT NO. A
1110-204 (JUSTICE COURT)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1110-327 and increase Appropriation Account No. A 1110-204 by \$46.00.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (722-1983)

INCREASE ESTIMATED REVENUE
ACCOUNT NO. 01-002300 AND
APPROPRIATION ACCOUNT NO.
A 3120-111 (REIMBURSEMENT FOR
OVERTIME FOR DWI PROGRAM -
POLICE DEPARTMENT)

Co. Maloney offered the following resolution:

WHEREAS, the County of Rockland has reimbursed the Town of
Clarkstown for overtime in the Police Department for the DWI Program,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-002300
and Appropriation Account No. A 3120-111 by \$4,949.00.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (723-1983)

INCREASE ACCOUNT NO. 1420-409
AND DECREASE ACCOUNT NO.
A 1990-505

Co. Maloney offered the following resolution:

RESOLVED, that Account No. 1420-409 be increased in the sum
of \$6,000.00 and Account No. A 1990-505 be decreased by \$6,000.00.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (724-1983)

AUTHORIZING SUPERVISOR TO
EXPEND MONEY FOR PURCHASE
OF WORD PROCESSOR TERMINAL
AND TWO SHEET FEEDERS -
CHARGE TO CAPITAL #2 FUND
#909-29 (COMPUTER BOND)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to expend
a sum not to exceed \$10,000.00 for the purchase of a word processor
terminal and two sheet feeders, and be it

FURTHER RESOLVED, that these funds be taken from Capital
#2 Fund #909-29 (computer bond).

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (725-1983)

AUTHORIZING RETENTION OF
HEARING OFFICER TO CONDUCT
CIVIL SERVICE HEARING RE:
CHARGES AND SPECIFICATIONS
IN ACCORDANCE WITH SECTION
75 OF CIVIL SERVICE LAW -
THEODORE MILLS, HIGHWAY
MAINTENANCE SUPERVISOR I

Co. Holbrook offered the following resolution:

RESOLUTION NO. (725-1983) Continued

WHEREAS, the Superintendent of Highways has served charges and specifications in accordance with Section 75 of the Civil Service Law upon Theodore Mills, Highway Maintenance Supervisor I;

NOW, THEREFORE, be it

RESOLVED, that Patrick J. Finnegan, Esq., 15 Virginia Avenue, West Nyack, New York, is hereby retained as hearing officer with full authority to conduct a civil service hearing pursuant to Section 75 of the Civil Service Law, make findings of fact, and report with recommendations to the appointing authority as soon as practicable, and be it

FURTHER RESOLVED, that the compensation for the hearing officer shall be \$125.00 per hour for the actual conduct of the hearing and for study time to discharge his responsibilities as hearing officer, and be it

FURTHER RESOLVED, that the fees for the above, not exceeding the sum of \$2,000.00, shall be charged to Account No. 1420-409.

Seconded by Co. Maloney

All voted Aye.

Supervisor Dusanenko stated that this was needed for the proper disciplining of an employee and there should be a non-biased hearing officer rather than the person who brought the charges acting as the hearing officer.

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RESOLUTION NO. (726-1983)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR THREE (3) 1983 TRANSIT TYPE MINI-BUSES

Co. Lettre offered the following resolution:

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

BID #56A-1983
THREE (3) 1983 TRANSIT TYPE
MINI BUSES

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 Thursday, September 1, 1983 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (727-1983)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL ONE (1) HYDRANT NORTH SIDE MARCO DRIVE (WHITE LANE) 160 FEET EAST OF CENTERLINE OF KINGS HIGHWAY, CONGERS - INVESTIGATION NO. 9386

Co. Maloney offered the following resolution:

RESOLUTION NO. (727-1983) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install one (1) fire hydrant on the north side of Marco Drive (White Lane), 160 feet east of the centerline of Kings Highway, Congers, Town of Clarkstown, New York. Investigation No. 9386.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (728-1983)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL TWO (2) HYDRANTS - WEST SIDE FIELDSTONE COURT SOUTH OF CENTER LINE OF JANE FRANCIS WAY, NEW CITY AND ONE WEST SIDE FIELDSTONE COURT SOUTH CENTERLINE OF JANE FRANCIS WAY, NEW CITY - INVESTIGATION NUMBER 9406

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install two (2) fire hydrants, one on the west side of Fieldstone Court, approximately 90 feet south of the centerline of Jane Francis Way, New City and one on the west side of Fieldstone Court, approximately 625 feet south of the centerline of Jane Francis Way, New City. Investigation Number 9406.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (729-1983)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL ONE (1) HYDRANT - NORTH SIDE HILLCREST ROAD EAST OF CENTERLINE OF STRAWTOWN ROAD, WEST NYACK - INVESTIGATION NUMBER 9420

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Co. is hereby authorized to install one (1) fire hydrant on the north side of Hillcrest Road approximately 344 feet east of the centerline of Strawtown Road, West Nyack. Investigation Number 9420.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (730-1983)

SETTING PUBLIC HEARING ON EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 (PELHAM MANOR TOO)

Co. Maloney offered the following resolution:

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RESOLUTION NO. (730-1983) Continued

WHEREAS, a written petition dated March 31, 1982 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 13th day of September, 1983, at 8:20 P.M. DST to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (731-1983)

REFUNDING BUILDING PERMIT
FEE TO THOMAS J. KEMPTON, JR.
INC.

Co. Maloney offered the following resolution:

RESOLVED, that the building permit fee of \$155.00 be refunded to Thomas J. Kempton, Jr., Inc., under Building Permit #33-599.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

Councilman Holbrook asked Town Attorney about potential savings relating to our health premiums. Is there a direct cause and effect relationship so that we can build up a record to reduce premiums. Town Attorney John Costa said it was his understanding that the Town's insurance rates are based on the experience of the downstate area which includes not only Rockland County but Nassau, Suffolk and New York City and a favorable loss experience by the Town of Clarkstown does not directly get reflected in the rates that the Town is currently paying. Indirectly it would because the experience of every participant in the group that would ultimately determine the rates. He said his information was not 100% current but that that was his understanding.

In answer to a question from Councilman Holbrook Supervisor Dusanenko said that the resolution approved in March of this year gave an okay to Dr. Landi and his associates and also to the New York State Chiropractic Association to conduct their programs free of charge for an extended period. Dr. Landi's program has been effect for many months and there are approximately 140 members participating. Now, the Rockland Chiropractic Association would like to start its experimental program at no cost to the Town.

Councilman Holbrook asked if that would truly be at no cost to the Town and Councilman Lettre said it was his understanding that New York Chiropractic Association would bill our insurance carrier for the 80% coverage to which they would be entitled. If that is true then we are not getting anything free of charge because our claims would not be reduced. Councilman Holbrook asked for a clarification of this.

Mr. Perella, representative of Dr. Landi stated that he had a copy of the New York State Chiropractic Association's proposal and in it it was stated that employees would go to the doctor's office and not be treated here at Town Hall. It also stated that it would be free of charge except for anyone coming to them with a specific ailment or injury and then care would be provided under a normal doctor/patient relationship by a doctor chosen by the patient and there would be a customary fee charged.

Councilman Holbrook said it was his feeling that if we could straighten out the fee business he would be willing to give this group a chance also.

Councilman Maloney said he had observed this program and there was no time wasted. He felt we would all benefit from this. In being hooked up with other towns - New York City, etc. - we suffer because while our loss ratio may be very good their's may be poor but this information is not released to us. Whether or not this wellness program goes on Councilman Maloney said he felt we should try to force the state to release this loss ratio information.

Councilman Maloney said that the "Consumer Report" magazine which Dr. Krashaar quoted from was published in 1975. He also said he found very interesting somethings that Dr. Krashaar didn't quote. He read from the same article which Dr. Krashaar had quoted from and which article is on file in the Town Clerk's Office. He felt that both sides should be heard from in all fairness and the article did give some very positive comments regarding chiropractic care.

Mr. Robert Hoffman, Director of Finance, stated that he had had a conversation with Mr. Holland of the New York Chiropractic Association and he said that they would be willing to amend their proposal so that it would be more in line with Dr. Landi's proposal as to price, etc. This was just in a phone conversation and he was waiting to hear from them in writing.

Councilman Holbrook said he thought we should go ahead with the pilot program offered by the New York State Chiropractic Association and then decide if we are going to implement the Wellness Program after that three month period.

Councilman Maloney asked what would happen to the people enrolled in this program now. Mr. Perella said that they had had the same concern. If the program had marginal benefits he said they would stop but that is not the case. Mr. Perella said that the cost factor would have to be clarified but that people would also be treated at various locations around Rockland County outside of Town Hall. He said the concept of in-house treatment is what has made this program successful. He said Landi Associates would continue in-house until the other group gets approval to start at their place. People will not avail themselves of their program and Mr. Perella said he thought that would be evident within one month.

It was decided that the New York Chiropractic Association should be given a three month trial also and then a judgment would be made.

RESOLUTION NO. (732-1983)

AMENDING RESOLUTION NO.
(311-1983) PROVIDING FOR A
THREE (3) MONTH PERIOD OF
CARE TO EMPLOYEES OF THE TOWN
OF CLARKSTOWN BY NEW YORK
STATE CHIROPRACTIC ASSOCIATION
(EMPLOYEES WELLNESS PROGRAM)

Co. Lettre offered the following resolution:

RESOLUTION NO. (732-1983) Continued

RESOLVED, that Resolution No. (311-1983) be amended to provide that a pilot program conducted by the New York State Chiropractic Association be for a period of three (3) months and that there be no charge to employee, Town of Clarkstown or insurance carrier for any treatment rendered to an employee under the Employee Wellness Program.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (733-1983) AUTHORIZING RETURN OF MAINTENANCE DEPOSIT WITH REGARD TO DEDICATED SUBDIVISION (DEMAREST HEIGHTS)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow for incomplete items secured by a Savings Certificate in the sum of \$14,000.00 furnished to the Town in connection with dedication of the roads and improvements on April 12, 1983, in a subdivision known as Demarest Heights is terminated and the Savings Certificate released to the guarantor, retroactive to July 13, 1983.

Seconded by Supv. Dusanenko All voted Aye.

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RESOLUTION NO. (734-1983) AUTHORIZING RETURN OF MAINTENANCE DEPOSIT WITH REGARD TO DEDICATED SUBDIVISION (FOREST BROOK ESTATES)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow for incomplete items secured by check No. 008664 drawn on Washington Federal Savings and Loan Association, in the sum of \$5,000.00 furnished to the Town in connection with dedication of the road and improvements on January 26, 1982, in a subdivision known as Forest Brook Estates, is terminated and the \$5,000.00 released to the guarantor.

Seconded by Supv. Dusanenko All voted Aye.

* * * * *

RESOLUTION NO. (735-1983) AUTHORIZING RETURN OF MAINTENANCE DEPOSIT WITH REGARD TO DEDICATED SUBDIVISION (MILBA HOMES)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, Maintenance Bond secured by a certified check in the sum of \$900.00 furnished to the Town in connection with dedication of the road(s) and improvements on April 27, 1982, in a subdivision known as Milba Homes is terminated and the sum of \$900.00 released to the guarantor.

Seconded by Supv. Dusanenko All voted Aye.

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RESOLUTION NO. (736-1983)

AUTHORIZING RETURN OF ESCROW
DEPOSIT WITH REGARD TO
DEDICATED SUBDIVISION
(NEWPORT ESTATES, SEC. 2)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow for incomplete items secured by a Passbook, No. 22-0000561 in the sum of \$6,913.32 furnished to the Town in connection with dedication of the road(s) and improvements on November 23, 1982, in a subdivision known as Newport Estates, Sec. 2, is terminated and the Passbook released to the guarantor.

Seconded by Supv. Dusanenko

All voted Aye.

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RESOLUTION NO. (737-1983)

AUTHORIZING RETURN OF MAIN-
TENANCE DEPOSIT WITH REGARD
TO DEDICATED SUBDIVISION
(LINK ESTATES)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow for incomplete items secured by a savings certificate in the sum of \$17,500.00 furnished to the Town in connection with dedication of the roads and improvements on April 12, 1983, in a subdivision known as Link Estates is terminated and the savings certificate released to the guarantor, retroactive to July 13, 1983.

Seconded by Supv. Dusanenko

All voted Aye.

* * * * *

There followed a discussion among the Town Board members and Superintendent of Highways Nicholas Longo regarding Flower Lane in Valley Cottage. It seems that the road was not finished in the proper way, there was a problem with holes, etc. The builder was asked to go back and correct the problems. He did but it was not satisfactory. However, in the meantime the Highway Department paved over and at that time Mr. Bollman, Director of Environmental Control dropped the subject. It was determined that the bond was released and Town Board members wanted to have the builder come before them and get this straightened out. Superintendent of Highways said that this road is a two year old road and he went in and paved it in order not to lose it. The road should not have been dedicated. There was a grace period of one year in which the builder could have fixed it but he did not. It was decided that a bill for the work should be obtained and forwarded to the builder.

* * * * *

Supervisor Dusanenko wished it noted for the record that Superintendent of Highways Nicholas A. Longo and Director of Environmental Control had both agreed that deposits could be returned in connection with Resolutions Nos. (733-1983) to and including (737-1983) all work having been satisfactorily accomplished.

* * * * *

RESOLUTION NO. (738-1983)

AMENDING RESOLUTION NO.
(663-1983) PROVIDING FOR
SERVICE OF NOTICE PURSUANT
TO TOWN CODE, SECTION 31-5
(KARTEN)

Co. Lettre offered the following resolution:

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RESOLUTION NO. (738-1983) Continued

RESOLVED, that Resolution No. (663-1983) adopted July 12, 1983, be amended to provide for service of the Notice Pursuant to Town Code, Section 31-5, to be on or before September 1, 1983.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (739-1983) AUTHORIZING SUPERVISOR TO ENTER INTO LEASE AGREEMENT WITH CLARKSTOWN CENTRAL SCHOOL DISTRICT FOR RENTAL OF SCHOOL BUSES FOR TRANSPORTING SENIOR CITIZENS

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a lease agreement with the Clarkstown Central School District for the rental of school buses for the transporting of senior citizens for the sum of \$1.00, providing there is no liability to the Town of Clarkstown.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (740-1983) ACCEPTING PROPOSALS FROM ORANGE & ROCKLAND UTILITIES, INC. FOR STREET LIGHTING AT BROOKLINE MANOR II (CRUM CREEK ROAD AND CRICKET COURT) NEW CITY

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:

- | | |
|---------------------------|----------|
| Brookline Manor II | New City |
| Crum Creek Road - 1 light | |
| Cricket Court - 1 light | |

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (741-1983) RESCINDING RESOLUTION NO. (533-1983) UPON DELIVERY AND ACCEPTANCE OF AGREEMENT (NEWDON SHOPPING CENTER)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board has previously authorized the Town Attorney to bring an action pursuant to Town Law Section 268 against the present owners of the Newdon Shopping Center to secure compliance with the provisions of the site plan dated July 12, 1979, and

RESOLUTION NO. (741-1983) Continued

WHEREAS, the present owners of the shopping center have indicated a willingness to comply with the provisions of said site plan and to enter into an agreement in a form which has been approved by the Town Attorney, the Building Inspector, and the Director of Environmental Control, which agreement provides for the completion of the site improvements on or before November 1, 1983, and which further provides that the deposit of \$100,000.00 shall be made to secure compliance with the agreement,

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 533-1983 is hereby rescinded effective with the delivery and acceptance by the Building Inspector of the agreement referred to herein.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

Councilman Holbrook asked if everything had been done to the Town's satisfaction - is that what this resolution meant? Town Attorney John Costa said that what this is saying is that they are putting up \$100,000.00 cash and signing an agreement which obligates them to complete the site plan improvements by November 1, 1983. If all the work is not completed by that date the agreement provides for the Town to have as a remedy cancellation of the C.O.'s and taking the funds posted and obtaining the services of others to do the work that should have been done originally. This has been discussed with the Building Inspector, the Director of Environmental Control and myself.

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RESOLUTION NO. (742-1983)

ACCEPTING RESIGNATION OF
RECREATION LEADER - PARKS AND
RECREATION DEPARTMENT
(JAMES E. STERNS, JR.)

Co. Carey offered the following resolution:

RESOLVED, that the resignation of James E. Sterns, Jr., 1 Brookdale Court, West Nyack, New York - Recreation Leader - Parks and Recreation Department - is hereby accepted - effective and retroactive to August 1, 1983.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (743-1983)

ACCEPTING RESIGNATION OF
PART-TIME TYPIST - PARKS AND
RECREATION DEPARTMENT
(GERALDINE FELDMAN)

Co. Carey offered the following resolution:

RESOLVED, that the resignation of Geraldine Feldman, 27D Heritage Drive, New City, New York - part-time Typist - Parks and Recreation Department - is hereby accepted - effective August 12, 1983.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (744-1983)

ACCEPTING RESIGNATION BY
RETIREMENT OF COURIER
(JOHN P. GILLEECE)

Co. Carey offered the following resolution:

RESOLVED, that the resignation (by retirement) of John P. Gilleece, Kings Highway, Valley Cottage, New York - Courier - is hereby accepted - effective August 11, 1983.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (745-1983)

GRANTING TWO WEEK LEAVE
OF ABSENCE TO COURT
ATTENDANT - TOWN JUSTICE
(ROBERT ROY)

Co. Carey offered the following resolution:

WHEREAS, Robert Roy has requested a leave of absence without pay, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement of January 1, 1981 provides for a leave of absence without pay,

NOW, THEREFORE, be it

RESOLVED, that Robert Roy, 107 Massachusetts Avenue, Congers, New York - Court Attendant - Town Justice Department - is hereby granted a two week leave of absence, without pay, for the period August 22, 1983 to and including September 2, 1983.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (746-1983)

ADOPTING SALARY SCHEDULE
FOR OFFICE WORKER STUDENTS

Co. Carey offered the following resolution:

RESOLVED, that the following Salary Schedule be adopted for Office Worker Students, effective September 1, 1983, and be it

FURTHER RESOLVED, that a satisfactory evaluation from the department head and Town Supervisor be filed in the Town of Clarkstown Personnel Office prior to moving on the Salary Schedule:

- \$3.35 - Starting Salary (Minimum Wage).
- \$3.50 - One Year
- \$3.75 - Two Years
- \$4.00 - Three Years
- \$4.25 - Four Years (Maximum Step)

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (747-1983)

APPOINTING POSITION OF
LABORER - SANITARY LAND-
FILL (JOSEPH BENDIG)

Co. Carey offered the following resolution:

RESOLUTION NO. (747-1983) Continued

RESOLVED, that Joseph Bendig, 400 Schuyler Road, P.O. Box 758, Central Nyack, New York, is hereby appointed to the position of Laborer - Sanitary Landfill - at the 1983 annual salary of \$11,194.00, (pending Rockland County Personnel approval) - effective August 15, 1983.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (748-1983)

RESCHEDULING PUBLIC HEARING FOR CHANGE OF ZONE FROM R-22 TO R-15 - COLONIAL OPERATING CO. & ANO. (A. GOLDSTEIN), HENGOL AND SEYMOUR HENDERSON

Co. Lettre offered the following resolution:

RESOLVED, that the public hearing scheduled for September 13, 1983, at 8:00 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, in connection with the petition of Colonial Operating Co., & Ano. (A. Goldstein), Hengol and Seymour Henderson for a change of zone from an R-22 district to an R-15 district property located on the north side of New City/Congers Road, New City, New York, is hereby cancelled, and be it

FURTHER RESOLVED, that the public hearing is hereby re-scheduled to November 22, 1983, at 8:00 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, relative to the proposed amendment, and be it

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

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (749-1983)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL APPROVED TRAFFIC CONTROL DEVICES VICINITY OF TWIN PONDS ON MASSACHUSETTS AVENUE, VALLEY COTTAGE - "NO PARKING DUSK TO DAWN"

Co. Holbrook offered the following resolution:

WHEREAS, there is a parking problem in the evening in the vicinity of Twin Ponds on Massachusetts Avenue, Valley Cottage, New York,

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is authorized to install approved traffic control devices which will restrict parking between dusk and dawn.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (750-1983)

AUTHORIZING REPAVING OF
LAKEWOOD DRIVE FROM RT.
303 TO ROUTE 9W IN CONGERS,
NEW YORK - INCREASE ESTIMATED
REVENUE ACCOUNT NO. 04-
01002999 AND INCREASE APPROPRIA-
TION ACCOUNT NO. D-5110-381

Co. Lettre offered the following resolution:

RESOLVED, that Lakewood Drive be repaved from Route 303 to
Route 9W in Congers, New York at a cost not to exceed \$35,000.00, and be
it

FURTHER RESOLVED, that Estimated Revenue Account No. 04-
01002999 be increased in the amount of \$35,000.00 and Appropriation
Account No. D-5110-381 be increased in the amount of \$35,000.00.

Seconded by Co. Maloney

All voted Aye.

* * * * *

There being no further business to come before the Town Board
and no one further wishing to be heard, on motion of Councilman Maloney,
seconded by Councilman Holbrook and unanimously adopted, the Town Board
Meeting was declared closed, time: 11:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/9/83

9:27 P.M.

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

RE: CONDEMNATION OF PROPERTY DESIGNATED ON CLARKSTOWN TAX MAP
58E1 (CORNER OF ROUTE 304 AND CONGERS ROAD, NEW CITY, NEW YORK)

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

Supervisor Dusanenko said the Public Hearing was being held but that no decision would be made tonight.

Appearance: Mr. Martin Bernstein
20 Woodglen Drive
New City, New York 10956

Mr. Bernstein said he had heard about this four or five months ago and he had asked the Planning Board and the Town Planner if they approved of buying this property for a parking lot. Everyone knows this is wrong including the Town Planner. He said the Town Board paid \$750.00 for an appraisal of this property before the decision was reached as to whether or not this was the right place to put a parking lot. Why should there be a public hearing for purpose of condemnation before such decision is made? You are talking about a very expensive corner. A parking lot should be on this side of Route 304 as close to Town Hall as possible and you should not have to cross a major highway. You are spending \$150,000.00 to \$175,000.00 for a half acre of very expensive property for public parking. He said he wanted to go on record saying that this Town Board is making a very serious mistake.

Appearance: Peter Mutino, Esq.
White Plains, New York

Mr. Mutino said he is the attorney for Mrs. Carnegie, the owner of the property. He said that Mrs. Carnegie is opposed to the Town condemning this and taking it over. He said he had spoken to the Town Attorney and was told there was a \$75,000.00 appraisal. He said he had a contract of sale out on this particular piece of property for \$175,000.00 and he wanted the Town to be aware that it was going to cost them more than \$75,000.00 and the Supreme Court will have to determine that. He said the location was poor for a parking lot. There are other pieces of property along Demarest, Maple and other areas which make more sense than taking that piece of property and a full investigation by appropriate commissions and boards should be made before any decision is considered.

Appearance: Mr. Joel Karp
Heritage Drive
New City, New York

Mr. Karp said that this had come up at workshop and the Board was very undecided as to what it would be used for. He suggested other locations for a parking lot closer to Town Hall and which would probably cost less money and he had made these suggestions at the workshop last Thursday evening. He said the Town Board should set its priorities before it spends money and decide just how the hamlet of New City should be developed. Property should be purchased with a definite need in mind not just a desire. This is a good piece of property and should be developed commercially.

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Mr. Bernstein asked if the appraisal was for \$75,000.00 and the Supervisor read the following memo into the record:

"August 16, 1982

FROM: John A. Costa, Town Attorney
TO: Patricia Sheridan, Town Clerk
SUBJECT: Proposed acquisition of property located adjacent to the American Legion Hall, New City, New York, reputedly owned by Eagle Pet Service Company, Inc., and designated on the Clarkstown Tax Map as Map 58, Block E, Lot 1

Pursuant to Chapter 9 of the Code of the Town of Clarkstown, I wish to disclose that my partner, Ricardo A. McKay, Esq., represents Eagle Pet Service Company, Inc., and I will take no part in the proposed acquisition of the above described property.

/s/ John A. Costa

John A. Costa
Town Attorney

JAC:clw
cc: Town Board Members"

After reading this letter the Supervisor said obviously Mr. Costa, because of this disclosure, is not in a position to answer any questions and on the advice of the Deputy Town Attorney, Mr. Fogel, the Town Board has been advised not to discuss price at this point in time since we are in the process of acquisition.

Mr. Bernstein said had he heard that this was not owned by Mrs. Carnegie? Supervisor Dusanenko said he believed that Mrs. Carnegie was the owner of the land and had been for some time. When the Town first decided to look into the property it was prematurely identified as being owned by Eagle Pet Food Company. He said he believed that there were several other persons, including Mrs. Carnegie, who may have some interest or some mortgage on some portion of the property.

Mr. Mutino said that Mrs. Carnegie is the sole owner of the property. Supervisor Dusanenko asked if there were any persons having any liens, etc. on the property and Mr. Mutino said no they have all been extinguished.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff said the Town had saved so much money by bringing down the insurance from \$380,000.00 to \$204,000.00 they should spend the money on anything they want to since they had done such a good job.

Supervisor Dusanenko said the reason for the interest in this piece of property is because it is near the Town Hall and county facilities and one block from shopping. We need additional parking. Sometimes there are meetings in Town Hall and we cannot accommodate cars due to the lack of adequate parking. We feel the responsibility of providing the service and with that goes the parking. This does not eliminate the suggestion made by Mr. Bernstein and Mr. Karp to persue additional properties to the north of the Town Hall. We would like to avoid problems such as New Hempstead Road, Main Street and Congers Road. We are not ready to make a decision but we would like to explore this further so the same mistake is not made as was done in 1979 with regard to Shop-Rite Shopping Plaza.

Continued on Next Page

Supervisor Dusanenko mentioned that the market commonly known as Archie's Acres (though it is now called M & M) is very difficult to enter and exit. This property we are talking about is immediately to the south. If this were to be pursued with some type of commercial establishment at that location there would be complete additional congestion with the east-west corridor traffic through the downtown New City hamlet because there would be an entrance on Congers Road or on Demarest Road adding to the traffic coming to that intersection.

This Town Board has an obligation with regard to safety. There are numerous accidents at that location. The Clarkstown Police Department has certain devices which will enable them to maintain surveillance on this property.

It was agreed that more time would be spent exploring this situation and on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, time: 9:50 P.M. DECISION RESERVED.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/9/83

9:50 P.M.

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

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER
SUPPLY DISTRICT NO. 1 TO INCLUDE - FIELDSTONE FARMS

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

Town Attorney asked if a statement had been filed by the Director of Environmental Control pursuant to Section 194 of the Town Law. Town Clerk answered in the affirmative.

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

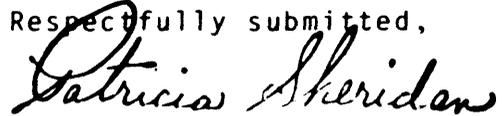
IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Carey, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, time: 9:52 P.M. ORDER SIGNED.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk