

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

4/10/84

8:18 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey - absent due to the untimely death of his  
sister-in-law in Florida, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

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

Supervisor Dusanenko stated that any residents or business  
people in Clarkstown who experienced damage due to the snow storm on  
March 29th or the flood on April 4th and 5th should fill out forms  
available in the Town Hall so that it can be ascertained whether a  
federal disaster can be declared or not. All forms had to be sent  
over to the Rockland County Disaster Agency by April 11th.

Supervisor Dusanenko spoke about the Summer Youth Employment  
and Training Program for Youth between the ages of 14 and 22 years of  
age. To be eligible you have to be handicapped or on public assistance.  
A job lottery will be held for the youths that apply for about 400  
positions. He said he would like the support of the Board for addi-  
tional Town funds for O.J.T. training where the Town will be paying  
approximately  $\frac{1}{2}$  of the salaries as we have done in the past.

Supervisor Dusanenko declared the public portion of the Town  
Board Meeting open.

Appearance: Phillip Bosco  
2 Short Street  
West Nyack, NY

Mr. Bosco stated that he had a business in West Nyack and  
he was appearing regarding the flooding problem that occurred in West  
Nyack on Route 59. He explained that he had taken the time to research  
the properties affected and there were twenty-six properties under  
water and they were assessed at 7.3 million dollars. The surrounding  
properties that were affected in the area were assessed at 10 million  
dollars. He commented about the tremendous contingent impact it had on  
people trying to get to work or businesses trying to operate with a  
loss of income and a loss of revenues. He said he felt that the  
residents of the Town should come first. The residents of the New  
City Condominiums and Klein Avenue have had their properties corrected  
and he was asking the Town Board to pass a resolution to have the  
engineers undertake a study of the valuable commercial areas we have  
in West Nyack.

Supervisor Dusanenko said that he and Mr. Bollman did speak  
about this problem and it was going to be discussed at the next workshop where  
they will discuss the engineering study.

Les Bollman discussed the combination of reasons why the  
flooding was occurring.

Appearance: Tom Hogan  
West Nyack

Mr. Hogan said he came to speak on three points. The first  
being an independent insurance committee to be set up of people with-  
out a vested interest to put together an insurance package. The second  
point was in regard to commuter parking at the Coach Light Theater. He  
was concerned about the commuter parking if the property was sold.

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Councilman Holbrook said that the Town was in the process of negotiating a lease with the Grand Plaza Shopping Center and that the Coach Light Theater was a short range solution.

Supervisor Dusanenko said that for a long range solution he had been in contact with Len Spiegel from the County Transportation Office and Senator Winikow and they have initiated a proposal for a 200 car permanent parking lot on State owned land on Route 303 in West Nyack by the Clover Leaf that they would like to see as permanent commuter parking.

Mr. Hogan said that his third comment would be on the Highway Department. He felt they did a good job of snow plowing and pot hole repairs but there was a poor leaf removal and he felt that he had been lied to by the employees of the Highway Department. The leaves are usually picked up by Thanksgiving but this year it was not picked up until February and they had to be picked up by a Front End Loader and this was not suitable for the job. He also complained that on the first snow fall that we had the commuter parking lot was not plowed and he was told by a Highway Department employee that the parking lot was going to be plowed last. He felt that the routes should be completed before starting a second pass.

Councilman Holbrook said that this year you will see a marked improvement in the leaf pickup and that they would address that problem and get it solved so that there won't be any delays.

Councilman Lettre said that as far as snow removal is concerned, the streets are the Town's first priority. Commuter parking would be the last priority and next year perhaps they would assign a different department the responsibility of the commuter parking lot.

Supervisor Dusanenko said they agreed the through streets should be done but he also felt the parking lot should be done because you can't plow a parking lot if there are cars in it. The Supervisor said he asked that a resolution be adopted by the Board directing that the commuter parking lots be done before 6:00 A.M.

Appearance: Hill Brindle  
5 South Greenbush Road  
West Nyack, NY

He spoke regarding the meeting held last week between the Sewer Commission and the Town Board about the sludge plant being located in West Nyack and inquired what the Board's position was on this.

Councilman Lettre said that he was not present at the meeting, however, he had discussed this with those members that were present and he understands that the committee wants to push this down their throats and that he would use every means to fight the sludge plant from locating in the landfill or properties adjacent to the landfill.

Mr. Brindle said that on August 25, 1983 Mr. Lettre said (meaning the Town Council) we are obligated to solve this problem relating to the Landfill - not compound it. Of course, I'm hoping that you intend to keep your word. He said that he remembers that Councilman Holbrook has constantly been emphasizing the matter of an alternative waste disposal plan. In fact, time after time he has reiterated this and time after time we have heard no one address themselves to it. I remember Councilman Holbrook also very succinctly saying that the days of the landfill are over. Mr. Brindle said that he had a resolution that stated the Council was going to back us in the amount of \$5,000 in terms of Council fees etc., if this was not resolved, and so I would just like to know what exactly Mr. Lettre means by the Council and him doing everything in their power.

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Co. Lettre said that his position is consistent to what it was then and that they would take whatever necessary and appropriate action whether it be legal or otherwise preventive.

Mr. Brindle presented the Town Board with a petition of 500 names concerning this landfill.

Co. Lettre said that the position of the Town Board has been consistent all along. He said that he thought the Sewer Commission is attempting to bring this up again and bring us back a year in time and is trying to have the past repeat itself and that he understood that Mr. Brindle was asking for a reclarification on the issue.

Co. Holbrook said that he was at the Sewer Commission meeting and the feeling was that they would lose Federal Funding to construct the sludge plant so that if the people of Clarkstown prevented this from happening they would jeopardize the funding. The Commission asked us for our response and we gave none because we felt that we would reserve our comments for some other time. He said that he felt the same way as Councilman Lettre and that they intended to oppose this vigorously and with legal action if necessary.

Co. Maloney said he was at the meeting and that they didn't give any decision as they came to listen. They were given some documents to pursue and to read and it was obvious that the location of the site would be adjacent to the Clarkstown landfill. Co. Maloney said that there is something like nine and a half million dollars involved and that money could be lost if the timing is lost and if we have to go the long route with the County then each Town would have to pay part of that nine and a half million dollars.

Mr. Brindle said that frankly he hoped that the Board has not sold out. That he hoped they were still with them because this has been going on for a long time. Mr. Brindle said he was not only interested in Clarkstown but was interested in all of Rockland County.

Supervisor Dusanenko said that nothing was resolved at the Sewer Commission meeting. The entire matter was discussed and also the impact of potential loss of 8 or 9 million dollars of Federal funds. The reason why the Sewer Commission came back to the Town Board is two-fold. 1. The final up-date of engineering that this Town Board and the Sewer Commission had requested of its engineers to look for alternative sites was completed and up-dated. 2. We are coming closer and closer to a situation of time where a decision must be made and the Sewer Commission wanted the input of the Town Board where a suitable alternative would be and they would like to know by the end of this month. An additional site which was not considered before which is on Town owned land known as 1A, which Mr. Bollman had suggested, further away from the residents is also being considered.

There was dialogue between the various residents and the Supervisor regarding this matter.

Mr. Stewart from the Rockland County Sewer Commission said that the engineer has not completed his study on site 1A. Mr. Stewart said that he would like to reinforce what Supervisor Dusanenko said that any delay on the study of and planning for a compost facility or other facility at some of the locations will delay the project at least 18 months. That means without question that the grant which the Sewer District expects for construction of that facility will be lost.

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Co. Holbrook said wouldn't it make more sense to have the sludge plant located where the sludge is, at the plant and not truck it up 303.

Appearance: John Cuff  
West Nyack

Mr. Cuff said that about a month ago when the public was informed that there were some Federal funds that had to be spent in Clarkstown on specific projects, he had suggested that on the Strawtown side of the West Nyack library that money be used for a beautification project. He wanted to know if any progress had been made on those lines.

Supervisor Dusanenko said that area is not eligible for Federal assistance. Mr. Joseph Hornick received a copy of your comments requesting that right-of-way which is a County Road and a County right-of-way be improved.

Mr. Cuff said that the Rockland County of the Arts received \$10,000.

Supervisor Dusanenko said the reason they got \$10,000 was not because of the arts or the cultural aspect but because of the removal of architectural barriers which entitled them to the Federal funds.

Mr. Cuff said that the Rockland Center of the Arts membership was not just for Clarkstown residents.

Superintendent of Highways, Nick Longo said he wished to thank the Town Board for their kind words and new equipment and he said that nothing was being done differently now as far as leaf pickup is concerned than was done in the past. The leaves are picked up by route. They are picked up by snow plow route. Everything in the Town is done by snow plow route. The beautification program is done by snow plow route. None of that has been changed. We're looking to make change but it has not been done to date. He felt that the Highway Department has done an admirable job. He said that it was his job to plow the roads so that the people would have safe roads to drive on and they couldn't reach the commuter parking lot if the roads were not plowed and you can't put a time limit on a storm.

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RESOLUTION NO. (399-1984)

OPPOSING PLACEMENT OF THE  
ROCKLAND COUNTY SLUDGE  
TREATMENT FACILITY

Co. Lettre offered the following resolution:

RESOLVED, that the Clarkstown Town Board goes on record as being opposed to siting the Rockland County sludge treatment facility within Town owned land and/or private property in or adjacent to the Clarkstown Sanitary Landfill.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (399-1984) Continued

Supervisor Dusanenko stated for the record: The Rockland County Sewer Commission requested an alternative site in cooperation with this Town Board prior to the end of April. As mentioned this evening, Mr. Charles Stewart, Executive Director, said that there is a very strong potential because of the delay being achieved of eighteen months for any other locations other than those which were presented to us which include five sites. Mr. Les Bollman, Director of Environmental Control of the Town of Clarkstown proposed a sixth site. Mr. Stewart also mentioned a higher figure. Somewhere between eight and nine and a quarter million of federal and state aid will be lost to the residents of the Towns of Clarkstown and Ramapo and Spring Valley if a decision is not made. As unpopular as flooding may be all the resolutions in the world to have water flow uphill will not solve the problem and I am not locked into any particular location myself but I know I'm looking for alternatives rather than reach that point in time when federal and state aid may be in jeopardy.

Councilman Holbrook stated that he could think of an alternative site where the sludge plant should have been in the first place and that's where the County Sewer Plant is. That is where the problem is and that's where the sludge problem should be addressed. If the plant were expanded and the sludge plant was there on the property the odor problem in Orangetown would be alleviated and you wouldn't have the problem of the health hazard in trucking sludge up Route 303 to the Clarkstown Landfill which has enough problems already.

Councilman Lettre stated that as the maker of the resolution he wholeheartedly concurred with Councilman Holbrook. He said he thinks for the Supervisor of the Sewer Commission to continuously turn around and lay it in the lap of the Clarkstown Town Board and say well find an alternative location because we want to use your township or we are going to use your township is ludicrous and if nothing else, unfair. The onus is upon them as the so-called experts to find alternative solutions and alternative locations in conjunction with the Rockland County Legislature and not continuously come and put the onus on this Town Board to find the alternative.

Councilman Maloney said that his position is unchanged from what it was in the summer. The fact that we vote this resolution tonight might make the powers that be to look more quickly for an alternative site.

Supervisor Dusanenko stated that prior to voting in case there is any change of mind before the Town Clerk announces the vote he said he would like to share for the record the following: This site indicated as Site 1 was substituted at a potential savings by Valley Engineers to the Orangeburg facility. This did happen. It would have been out of the Town, closer to the sludge. This, in fact, did happen but unfortunately the Town of Orangetown has been suing the sewer district. The Town of Orangetown has spent close to one quarter of a million dollars in suing the sewer district playing obstructionist. The taxpayers of Ramapo, Clarkstown and Spring Valley have not felt it yet but the price of the sewers have gone to \$162,000,000.00. Construction is not complete and there is procrastination because people are playing politics with the sewers. Ramapo has spent close to \$200,000.00 as a result of federal reports. We have prevailed time after time on Orangetown but Orangetown doesn't give alternatives just as this Town Board does not give alternatives.

Councilman Holbrook said "I did give you an alternative." Supervisor Dusanenko stated that that alternative has been defeated.

Supervisor Dusanenko said the Town of Orangetown built houses next to the sewer plant and then complained that they were next to the sewer plant. That is why in West Nyack I, for one, am trying to amass property to provide a buffer zone rather than bring more type human services into the area.

RESOLUTION NO. (399-1984) Continued

Supervisor Dusanenko said "I have stated my case. I am not going to change any minds here but I wanted it for the record that while people are playing politics and procrastinating here the fees are going up millions of dollars, like our jail. Since 1971 the price of the jail went up tenfold for half as much.

If people can afford these types of governmental services I don't know what I am talking about and I abstain on this issue."

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On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted the Public Hearing re: Amendment to Official Map - Tram Quill Associates, Inc. was declared open, time: 9:10 P.M.

On motion of Councilman Holbrook, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Amendment to the Official Map - Tramquill Associates, Inc. was declared recessed, RECESSED, time: 9:38 P.M.

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On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Proposed Local Law re: Sale and Display of Drug Accessories was declared open, time: 9:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Sale and Display of Drug Accessories was declared closed, ADOPTED, time: 9:41 P.M. and return to regular meeting.

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RESOLUTION NO. (400-1984)

ADOPTING LOCAL LAW NO. 1-1984 ENTITLED "A LOCAL LAW CONCERNING THE SALE AND DISPLAY OF DRUG ACCESSORIES"

Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled, "A LOCAL LAW TO REPEAL LOCAL LAW NO. 1-1982 ENTITLED 'A LOCAL LAW CONCERNING THE SALE AND DISPLAY OF DRUG ACCESSORIES.'" was introduced by Councilman Maloney, at a Town Board Meeting held on March 27, 1984, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 27th day of March, 1984, directed that a public hearing be held on the 10th day of April at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on March 31, 1984, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and Councilmen at their office at 10 Maple Avenue, New City, New York, on March 27, 1984, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 10, 1984;

RESOLUTION NO. (400-1984) Continued

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1-1984, entitled, "A LOCAL LAW TO REPEAL LOCAL LAW NO. 1-1982 ENTITLED 'A LOCAL LAW CONCERNING THE SALE AND DISPLAY OF DRUG ACCESSORIES'", is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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

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

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (401-1984) AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN - VARIOUS LOCATIONS IN CONGERS

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 353 adopted on March 27, 1984, the Town Board scheduled a public hearing for the 22nd day of May, 1984, at 8:15 P.M., or as soon thereafter as possible, at the auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider amendments to the Zoning Ordinance of the Town of Clarkstown in accordance with recommendations contained in the Master Plan as revised by the Clarkstown Planning Board on October 14, 1981, and

WHEREAS, the Town Board also wishes to consider the amendments on the attached Schedule "A";

NOW, THEREFORE, be it

RESOLVED, that the amendments described on the attached Schedule "A" are to be included in the amendments scheduled for public hearing as described above. (SCHEDULE A ON FILE IN TOWN CLERK'S OFFICE.)

Seconded by Supv. Dusanenko All voted Aye.

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RESOLUTION NO. (402-1984) AUTHORIZING ISSUANCE OF CERTIFICATE OF OCCUPANCY WITH COVENANTS (MICHAEL AND KATHLEEN CREAN - NORTH AND EAST SIDE HARRISON AVENUE, CONGERS, NEW YORK

Co. Holbrook offered the following resolution:

RESOLVED, that under the provisions of Section 280-a Subd.(2) of the Town Law and pursuant to the recommendation of the Director of Environmental Control and Superintendent of Highways, a permit for the erection of a one family residence may be issued to Michael Crean and

RESOLUTION NO. (402-1984) Continued

Kathleen Crean, as owners, for property situate on the north and east side of Harrison Avenue, Congers, New York, approximately 700 feet north of Third Street, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 125, Block B, Lots 15.05 and 15.0304, provided the owners shall be required prior to the issuance of such building permit to execute and record a Declaration of Covenant in a form satisfactory to the Town Attorney which shall run with the land and which shall provide:

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

2. That the property owners shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owners in the premises or any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to 50 feet in width.

3. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein.

4. That the certificate of occupancy issued for said premises be conditioned upon observance and subject to the Declaration of Covenant provided herein,

and be it

FURTHER RESOLVED, that a certificate of occupancy shall not be issued for the premises to be constructed until the potholes are filled and a one inch (1") wearing course of asphalt is placed over the existing blacktop base along the frontage of said premises on South Harrison Avenue and the installation of a berm to prevent street runoff onto said premises, all subject to the direction, control and satisfaction of the Director of the Department of Environmental Control.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (403-1984)

SETTING PUBLIC HEARING  
CONCERNING RENEWAL OF  
FRANCHISE AGREEMENT WITH  
TKR CABLE COMPANY

Co. Maloney offered the following resolution:

WHEREAS, TKR Cable Company has proposed the renewal of its non-exclusive franchise to operate a cable television service within the Town of Clarkstown and to that effect has tendered a proposed franchise agreement;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 64(7) of the Town Law shall be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8th day of May, 1984, at 8:00 P.M., to consider this proposal, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town

RESOLUTION NO. (403-1984) Continued

Clerk cause the same to be published in the Journal News, the official newspaper of the Town, as required by law, and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that the Town Attorney is authorized, in addition to the legal advertising herein to place a display advertisement in the Journal News for further notification of the public of the application of TKR Cable Company, and be it

FURTHER RESOLVED, that copies of the proposed franchise agreement be referred to the Consumer Affairs Commission of the Town of Clarkstown for their information and recommendation, if any, prior to the public hearing.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (404-1984)

GIVING ECONOMIC ASSISTANCE  
TO MARTIN LUTHER KING  
LIBRARY - CHARGE APPROPRIATION ACCOUNT NO. A 8840-424

Co. Holbrook offered the following resolution:

WHEREAS, the Martin Luther King Library requested economic assistance in the amount of \$6,000.00 for 1984, and

WHEREAS, the Town of Clarkstown forwarded the Martin Luther King Library \$5,000.00,

NOW, THEREFORE, be it

RESOLVED, to give economic assistance of \$1,000.00 to the Martin Luther King Library and charge to Appropriation Account No. A 8840-424.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (405-1984)

REQUESTING NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
TO DECLARE PROPERTY FRONTING  
ON ROUTE 59 VICINITY OF AIRPORT  
EXECUTIVE PARK AS SURPLUS  
STATE LAND - CONSIDERATION BE  
GIVEN TO AIRPORT EXECUTIVE  
PARK, INC. FOR PURCHASE OF  
SAME

Co. Maloney offered the following resolution:

WHEREAS, some years ago, the New York State Department of Transportation acquired property in the Spring Valley area for the purpose of constructing a new road then referred to as the Route 45 By-Pass, and

WHEREAS, plans for the construction of said Route 45 By-Pass were discontinued, and

RESOLUTION NO. (405-1984) Continued

WHEREAS, the property acquired by the New York State Department of Transportation for the said proposed road has become or is about to become classified as surplus state property, and

WHEREAS, the Town of Clarkstown, in accordance with provisions of Town Law, amended the Official Map of the Town of Clarkstown after a public hearing held on June 6, 1983, and

WHEREAS, the said Official Map of the Town of Clarkstown now makes provision for a town road extending from the vicinity of West Clarkstown Road and Mirror Lake Road through the property owned by the State of New York commonly referred to as the Route 45 By-Pass extending southerly through other lands of the New York State Department of Transportation to connect with Route 59 in the vicinity of Spring Valley, and

WHEREAS, the present owners and developers of a project known as Airport Executive Park have informed the Town Board of the Town of Clarkstown that they desire to purchase property located in the Town of Clarkstown fronting on Route 59 adjacent to Airport Executive Park, which property is or may become surplus property of the New York State Department of Transportation, and

WHEREAS, said developers have indicated that should they acquire said property they will develop a portion of the above mentioned town road and dedicate the same to the Town of Clarkstown without cost;

NOW, THEREFORE, be it

RESOLVED, that the Town Board requests that the New York State Department of Transportation declare the property fronting on Route 59 in the vicinity of Airport Executive Park as surplus state land and arrange for the immediate sale of said property consistent with state law subject to the planned town road as shown on the Official Map of the Town of Clarkstown, and be it

FURTHER RESOLVED, that consideration be given to the sale of said property to Airport Executive Park, Inc. provided all requirements of law are met, and be it

FURTHER RESOLVED, that the Town Clerk shall send a certified copy of this resolution to the Director of the New York State Department of Transportation, Senator Linda Winikow, and Assemblyman Robert J. Connor.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (406-1984)

GRANTING PERMISSION FOR  
FIREWORKS DISPLAY - CLARKS-  
TOWN PARKS BOARD AND RECREA-  
TION COMMISSION

Supv. Dusanenko offered the following resolution:

RESOLVED, that permission is hereby granted for a fireworks display to be held by the Clarkstown Parks Board and Recreation Commission at the Nanuet High School at approximately 8:30 P.M., on Tuesday, July 3, 1984, pursuant to Section 405 of the Penal Law.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (407-1984)

AUTHORIZING ATTENDANCE AT  
FOURTH ANNUAL YOUTH FORUM  
AND AWARDS DINNER

Co. Holbrook offered the following resolution:

WHEREAS, the following people are authorized to attend the Fourth Annual Youth Forum and Awards Dinner of the County of Rockland Youth Bureau to be held on May 2, 1984 at the Tappan Zee Towne House, Nyack, New York:

- Thomas J. Manning, Chairman, Clarkstown Youth Commission
- Robert S. Hoffman, Director of Finance
- Edward Ghiazza, Superintendent of Recreation and Parks
- Bruce D. Knarich, Maintenance Supervisor
- Jo Anne Oldenburger, Senior Recreation Leader
- Richard Mathias, Member, Parks Board & Recreation Commission
- John Yaciuk, Recreation Leader
- Wilbur T. Oswald, Member, Parks Board & Recreation Commission
- Dr. David G. Kelly, Member, Parks Board & Recreation Commission
- Susan Covello, Member, Parks Board & Recreation Commission
- Kenneth Voorhis, Member, Parks Board & Recreation Commission
- Charles F. Connington, Recreation Supervisor
- Elaine Apfelbaum
- Michael McDonald
- Curt Settle, Detective, JAB
- Bob McDermott, Detective, JAB
- Patricia Barad, JAB
- James Doyle, Juvenile Officer
- Gerald Stedge, Youth Member, Clarkstown Youth Commission
- Chief Schnakenberg
- Captain Fabis
- Ellen Cohen, Director, Clarkstown Counseling Center
- Patricia Moritz, Assistant Director, Clarkstown Youth Commission
- Corinne Katz, Youth Booth Counselor
- Kerwin McCarthy, P/T Youth Booth Counselor
- Joseph Lanzone, Temporary Youth Employment Worker
- Grant Konno, Y.E.S. Youth Employment Counselor
- Robyn Fiebusch, Counselor
- Robert Hanrehan, Office Worker/Student
- Linda Cannon, Office Worker/Student
- Town Elected Officials

RESOLVED, that all expenses not to exceed \$300.00 be charged against Appropriations Account #A1010-414.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (408-1984)

GRANTING PERMISSION TO  
CLARKSTOWN PARKS BOARD  
AND RECREATION COMMISSION  
TO DISPENSE ALCOHOLIC  
BEVERAGES (ANNUAL SENIOR  
CITIZEN SHOW CAST PARTY AND  
ANNUAL SENIOR CITIZENS  
PICNIC)

Co. Holbrook offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown,

RESOLUTION NO. (408-1984) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Parks Board and Recreation Commission to dispense alcoholic beverages in accordance with and subject to Section 22-2A and 2B of the Town Code at the following events:

1. Annual Senior Citizen Show Cast Party  
Saturday, April 28, 1984  
  
Congers Community Center  
Gilchrest Road  
Congers, New York
2. Annual Senior Citizens Picnic  
Wednesday, June 6, 1984 (Raindate: June 7, 1984)  
  
Congers Lake Memorial Park  
Gilchrest Road  
Congers, New York

Seconded by Supv. Dusanenko

All voted Aye.

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RESOLUTION NO. (409-1984)

ACCEPTING ROADS AND RELATED IMPROVEMENTS IN TOWN OF CLARKSTOWN (EDEN ROC ESTATES - YALE DRIVE -EXTENSION)

Co. Holbrook offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deed from: EDEN ROC ESTATES, INC., dated May 27, 1983, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Section I, Subdivision of EDEN ROC ESTATES, INC. Town of Clarkstown, Rockland County, N.Y." filed in the Rockland County Clerk's Office on November 22, 1982 in Map Book 99, at page 44 as Map No. 5437 and "Section - Two, Subdivision of Property for EDEN ROC ESTATES, INC. Town of Clarkstown, Rockland County, N.Y." filed in the Rockland County Clerk's Office on June 9, 1983, in Map Book 100 at page 33 as Map No. 5501, as follows:

YALE DRIVE (Extension) 650 L.F.

is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the agreement guaranteeing the road(s) and improvements for a period of one (1) year in the amount of \$2,850.00 is hereby accepted, and be it

FURTHER RESOLVED, that the written guarantee with security posted by the developer consisting of a passbook in the sum of \$3,000.00 for the completion of certain items is hereby accepted.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (410-1984)

ACCEPTING DEED FOR ROAD WIDENING (LONG CLOVE ROAD - MARIANNE ESTATES)

Co. Holbrook offered the following resolution:

RESOLUTION NO. (410-1984) Continued

RESOLVED, that deed dated January 23, 1984 from Martin Feldi to the Town of Clarkstown for road widening purposes along Long Clove Road in a subdivision known as Marianne Estates is hereby accepted upon the recommendation of the Department of Environmental Control and the Town Attorney and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (411-1984)

DECREASE APPROPRIATION  
ACCOUNT NO. A 1621-408 AND  
INCREASE APPROPRIATION  
ACCOUNT NOS. A 7141-408  
AND A 7143-408 (RECREATION)

Co. Lettre offered the following resolution:

WHEREAS, a request by Senior Citizens has been made to properly ventilate and reduce heat at the Congers and Street School Community Centers,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1621-408 by \$5,000.00 and increase the following Appropriation Account Nos.:

A 7141-408..... \$1,000.00  
A 7143-408..... 4,000.00

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (412-1984)

AMENDING RESOLUTION NO.  
395-1984 AND DECREASING  
CONTINGENCY ACCOUNT NO.  
A 1990-505 AND INCREASING  
APPROPRIATION ACCOUNT  
NO. 1010-114 (COUNCILMEN'S  
SECRETARY)

Co. Lettre offered the following resolution:

WHEREAS, a position for a part-time Secretary in the Councilmen's Office has been created,

NOW, THEREFORE, be it

RESOLVED, to amend Town Board Resolution No. 395-1984 dated March 27, 1984 to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. 1010-114 by \$7,000.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (413-1984)

DECREASEING CONTINGENCY  
ACCOUNT A 1990-505 AND  
INCREASING APPROPRIATION  
ACCOUNT NO. A 8730-409  
(ENVIRONMENTAL CONTROL)

Co. Lettre offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505  
and increase Appropriation Account No. A 8730-409 by \$2,400.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (414-1984)

INCREASING ESTIMATED REVENUE  
ACCOUNT NO. 01-002300 AND  
APPROPRIATION ACCOUNT NO.  
A 3120-111 (POLICE DEPT.)

Co. Lettre 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 \$9,706.00.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (415-1984)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR REFUSE PICK-UP  
SERVICE

Co. Lettre offered the following resolution:

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

BID #33-1984  
REFUSE PICK-UP SERVICE

bids to be returnable to the Office of the Director of Purchasing, 10  
Maple Avenue, New City, New York by 11:00 A.M. on Monday, April 23,  
1984 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (416-1984)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR CAST IRON CURB IN-  
LETS, CATCH BASINS, FRAMES  
AND GRATES

Co. Lettre offered the following resolution:

RESOLUTION NO. (416-1984)Continued

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

BID #34-1984  
CAST IRON CURB INLETS, CATCH BASINS  
FRAMES AND GRATES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, April 23, 1984 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (417-1984) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR WASHED SAND & GRAVEL

Co. Lettre offered the following resolution:

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

BID #35-1984  
WASHED SAND & GRAVEL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, April 24, 1984 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (418-1984) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR CHEMICALS

Co. Lettre offered the following resolution:

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

BID #36-1984  
CHEMICALS

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, April 26, 1984 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (419-1984)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR SOFT DRINKS - TO BE  
SOLD AT TOWN REFRESHMENT  
STANDS

Co. Lettre offered the following resolution:

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

BID #37-1984  
SOFT DRINKS - TO BE SOLD AT  
TOWN REFRESHMENT STANDS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, April 30, 1984 at which time bids will be opened and read, and be it

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

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (420-1984)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR ICE CREAM - TO BE  
SOLD AT TOWN REFRESHMENT STANDS

Co. Lettre offered the following resolution:

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

BID #38-1984  
ICE CREAM - TO BE SOLD AT TOWN  
REFRESHMENT STANDS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, April 30, 1984 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.

(PLEASE SEE PAGE 24 FOR RESOLUTION NO. (421-1984) - INADVERTENTLY OMITTED)

RESOLUTION NO. (422-1984)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR TELECOMMUNICATION  
CONSULTING SERVICES

Co. Lettre offered the following resolution:

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

BID #40-1984  
TELECOMMUNICATION CONSULTING SERVICES

proposals to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, May 2, 1984 at which time bids will be opened and read, and be it

RESOLUTION NO. (422-1984) Continued

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

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (423-1984) AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL A STOP SIGN (JEAN LANE AT GERMONDS ROAD, NEW CITY)

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 install a Stop sign on Jean Lane at Germonds Road, New City.

Seconded by Co. Maloney All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (424-1984) AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL ONE (1) FIRE HYDRANT NORTH SIDE LADY GODIVA WAY EAST OF ETHEL DRIVE, NEW CITY

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 one (1) fire hydrant on the north side of Lady Godiva Way, just east of Ethel Drive, New City.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (425-1984) AUTHORIZING ATTENDANCE AT OFFICER'S ASSOCIATION TRAINING SEMINAR (CURTIS SETTLE)

Co. Holbrook offered the following resolution:

RESOLVED, that Detective Curtis Settle is hereby authorized to attend New York State Police Juvenile Officer's Association Training Seminar in Binghamton, New York on April 6th and 7th, 1984, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$125.00 be charged against Account A 1010-414.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (426-1984) AWARDING BIDS FOR ARTS & CRAFTS SUPPLIES (DEPARTMENT OF RECREATION) (I.M.C. MANAGEMENT, INC.; ECONOMY HANDICRAFTS; VANGUARD CRAFTS; S/S ARTS AND CRAFTS; J & A HANDY-CRAFTS, INC. - CHARGE ACCOUNTS 7141-329, 7142-329, 7143-329, 7310-329 AND 7610-329

Co. Holbrook offered the following resolution:  
Continued on Next Page

RESOLUTION NO. (426-1984) Continued

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

1. I.M.C. MANAGEMENT INC.
2. ECONOMY HANDICRAFTS
3. VANGUARD CRAFTS
4. S/S ARTS AND CRAFTS
5. J & A HANDY-CRAFTS, INC.

(All pertinent information on file in Town Clerk's Office)

GROSS TOTAL OF ALL ITEMS: \$19,831.92

and be it

FURTHER RESOLVED, that this amount be charged against accounts:

7141-329 -	\$ 1,169.83
7142-329 -	773.90
7143-329 -	1,113.76
7310-329 -	5,719.93
7610-329 -	11,054.50

and be it

FURTHER RESOLVED, that no bids awarded to Item Nos. 7 and 242.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (427-1984)

AWARDING BID FOR MAINTENANCE  
AND IMPROVEMENTS OF TOWN  
CUL-DE-SACS

Co. Holbrook offered the following resolution:

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

BID #28-1984  
MAINTENANCE AND IMPROVEMENTS OF  
TOWN CUL-DE-SACS

is hereby awarded to

CHESTNUT GROVE NURSERY  
365 Little Tor Road  
New City, New York 10956

as per their lowest bid proposal meeting specifications of \$41,595.85,  
and be it

RESOLVED, that funds for same be charged to account D  
5140-384, and be it

FURTHER RESOLVED, that this award is subject to the receipt  
of insurance certificates as stipulated in bid specifications.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

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RESOLUTION NO. (428-1984)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND ACTION AGAINST  
TOWN OF CLARKSTOWN (REISS  
AND WATERBED GALLERY INC.  
V. COUNTY OF ROCKLAND, TOWN  
OF CLARKSTOWN, ET AL)

Co. Holbrook offered the following resolution:

WHEREAS, an action has been instituted in the United States  
District Court for the Southern District of New York entitled as follows:

JONATHAN REISS and THE WATERBED GALLERY INC.

Plaintiff,

-against-

COUNTY OF ROCKLAND, TOWN OF CLARKSTOWN,  
ROCKLAND COUNTY SHERIFF THOMAS J. GOLDRICK,  
SHERIFF'S DEPARTMENT: COUNTY OF ROCKLAND,  
ET AL.

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (429-1984)

GRANTING CERTIFICATE OF  
REGISTRATION PURSUANT TO  
SECTION 83-65 OF CODE OF  
TOWN OF CLARKSTOWN (KEVIN  
STOKES EXCAVATING, INC. -  
NO. 84-14)

Co. Lettre offered the following resolution:

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

KEVIN STOKES EXCAVATING, INC.  
Kevin Stokes  
Box 812  
Pearl River, New York 10965

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be  
issued:

No. 84-14 issued to Kevin Stokes Excavating, Inc.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (430-1984)

MEMORIALIZING FEDERAL  
OFFICIALS TO ADOPT HR3361  
RE: EXEMPTION OF LOCAL  
GOVERNMENT FROM LIABILITY  
AS LONG AS LOCAL OFFICIALS  
ARE ACTING WITHIN GOVERNMENTAL  
AUTHORITY

Co. Maloney offered the following resolution:

WHEREAS, in January of 1984 a Federal District Court in Illinois levied a twenty-eight and one-half million (\$28,500,000.00) judgment against County government and several local officials who were sued under the Sherman Act, and

WHEREAS, Representative Hamilton Fish has introduced HR3361 which would exempt local government from liability as long as local officials are acting within their governmental authority,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown memorializes all of our Federal officials to adopt HR3361, and be it

FURTHER RESOLVED, that the Town Clerk send copies of this resolution to our Federal representatives and to the neighboring towns in Rockland County, the State Association of Towns and the Association of Counties, urging our sister communities to do the same.

Seconded by Co. Lettre

All voted Aye.

Councilman Holbrook asked the Town Attorney if he were familiar with this. Town Attorney John Costa stated that in 1982 the Supreme Court of the United States held that municipalities were not exempt from the Federal anti-trust laws in a case involving a TV company in Boulder, Colorado. That case generated considerable controversy. He said he was not familiar with the case referred to in this resolution but he did know that the Association of Towns had adopted a resolution in substance in favor of this type of legislation.

\* \* \* \* \*

RESOLUTION NO. (431-1984)

APPOINTING TEMPORARY POSITION  
OF REAL PROPERTY DATA COLLECTOR -  
ASSESSOR'S OFFICE (SUZANNE  
SCHWARTZ)

Co. Maloney offered the following resolution:

RESOLVED, that Suzanne Schwartz, 5 Saxony Court, New City, New York, is hereby appointed to the temporary position of Real Property Data Collector - Assessor's Office - at the current salary of \$9,741.00, effective April 17, 1984 - for the period of time up to and including June 29, 1984.

Seconded by Co. Lettre

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (432-1984)

ACCEPTING RESIGNATION OF PART-  
TIME BUS DRIVER - MINI TRANS  
(JEFFREY RION)

Co. Maloney offered the following resolution:

RESOLUTION NO. (432-1984) Continued

RESOLVED, that the resignation of Jeffrey Rion, 66 Rosman Road, Thiells, New York - part-time Bus Driver - Mini Trans - is hereby accepted effective and retroactive to March 10, 1984.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (433-1984) APPOINTING POSITION OF PART-TIME BUS DRIVER - MINI TRANS (THADIEU RIDORE)

Co. Maloney offered the following resolution:

RESOLVED, that Thadieu Ridore, 10 Park Street, Spring Valley, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the hourly rate of \$5.50 - effective and retroactive to March 22, 1984.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (434-1984) REAPPOINTING POSITION OF MEMBER OF CLARKSTOWN CONSUMER AFFAIRS (THEODORE VON ZWEHL)

Co. Maloney offered the following resolution:

RESOLVED, that Theodore Von Zwehl, 13 Inwood Drive, Bardonia, New York, is hereby reappointed to the position of member - Clarkstown Consumer Affairs - to serve without compensation - term to commence on April 16, 1984 and to expire on April 15, 1987.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (435-1984) APPOINTING POSITION OF (PROVISIONAL) - CUSTODIAN I - PARKS BOARD AND RECREATION COMMISSION (CECIL RUIZ)

Co. Maloney offered the following resolution:

RESOLVED, that Cecil Ruiz, 19 Windmill Lane, New City, New York is hereby appointed to the position of (provisional) - Custodian I - Parks Board and Recreation Commission - at the current salary of \$11,726.00, effective and retroactive to April 2, 1984.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (436-1984) SALARY OF PART-TIME BUS DRIVER TO BE MADE EQUAL TO STARTING SALARY FOR FULL-TIME BUS DRIVER (MINI-TRANS)

Co. Maloney offered the following resolution:

RESOLVED, that the salary of part-time Bus Driver - Mini Trans - shall be made equal to the starting salary for full-time Bus Driver, effective April 16, 1984.

Seconded by Co. Lettre All voted Aye.

\* \* \* \* \*



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RESOLUTION NO. (439-1984)

MEMORIALIZING RESOLUTION RE  
TOWN BOARD OPPOSING HIGHER  
FEES TO CHARITABLE AND NON-  
PROFIT ORGANIZATIONS WHO  
DESIRE TO EXHIBIT OR SELL  
AT THE ROCKLAND COUNTY FAIR

Co. Lettre offered the following resolution:

WHEREAS, the fees for exhibitors at the Rockland County Fair have been established for 1984 at \$300.00 for booths which sell products and \$100.00 for booths which disseminate information without product sales, and

WHEREAS, it has come to the attention of the Town Board of the Town of Clarkstown that certain charitable organizations and other nonprofit groups who would sell products at the Rockland County Fair for the purpose of fund raising for recognized charities have been informed that they will have to pay \$300.00 per booth and other nonprofit and charitable organizations have been informed that the fee for exhibition space will be increased from \$50.00 to \$100.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown goes on record as opposing higher fees to all charitable and nonprofit organizations who desire to exhibit or sell products in the 1984 Rockland County Fair provided the funds to be raised by such organization shall be devoted solely to recognized charitable purposes, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown requests the Rockland County Legislature and Rockland County Futures, Inc., to review the fee structure so as to provide reduced exhibition fees to charitable and nonprofit organizations, and be it

FURTHER RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to the Rockland County Legislature, Rockland County Futures, Inc., Senator Linda Winikow and Assemblyman Robert J. Connor.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (440-1984)

MEMORIALIZING RESOLUTION  
CONCERNING SPECIAL PERMIT  
REQUIREMENT FOR MOVIE  
THEATRES

Co. Maloney offered the following resolution:

PREAMBLE: As you all know, back in 1981, we amended our Zoning Ordinance to provide that movie theatres would be permitted by special permit of the Town Board. In restricting the number and location of movie theatres we acted, in my opinion, in the best interests of the community to insure that the movies in Clarkstown remained as family entertainment, and nothing else.

Lately, I have been made aware of the fact that some proposals have been made to the Zoning Board of Appeals in an attempt to vary our special permit requirements and I would, therefore, propose the following resolution to memorialize our intent concerning this Zoning Ordinance, and to reaffirm our resolve that movie theatres in Clarkstown remain as family entertainment.

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RESOLUTION NO. (440-1984) Continued

WHEREAS, the Town Board of the Town of Clarkstown by Amendment to the Zoning Ordinance dated March 10, 1981, did provide for the regulation of the number and location of movie theatres in the Town of Clarkstown by subjecting such use to a special permit of the Town Board, and

WHEREAS, said legislation was and is within the police power of the Town of Clarkstown, and is a legitimate exercise of said power, and

WHEREAS, time has proven that said legislation is achieving its intended goal, which is to keep movie theatres in this Town restricted to family entertainment, and

WHEREAS, it has come to the attention of this Honorable Board that attempts may be made to circumvent the Town Board special permit requirement by recourse to the Zoning Board of Appeals.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby memorialize and reaffirm its intent in passing the legislation referred to above and goes on record as being firmly opposed to any modification for variance thereof, and the Town Clerk of the Town of Clarkstown is hereby directed to address a copy of this Resolution to the Honorable Zoning Board of Appeals so that they may be fully aware and apprised of the intent and feelings of the Town Board on this matter.

Seconded by Co. Lettre

Supervisor Dusanenko introduced a tabling motion regarding this resolution but it did not receive a second.

On roll call the vote on Resolution No. 440-1984 was as follows:

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

Councilman Holbrook said that he would like the Town Attorney to look into this matter in terms of a possible revision of the Code and put the onus of determining theatres squarely in the lap of the Town Board.

\* \* \* \* \*

\*\* (Page 16 resolution inadvertently omitted)

RESOLUTION NO. (421-1948)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR (FOOD PRODUCTS - TO BE SOLD AT TOWN REFRESHMENT STANDS)

Co. Lettre offered the following resolution:

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

BID #39-1984  
FOOD PRODUCTS - TO BE SOLD AT  
TOWN REFRESHMENT STANDS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, May 1, 1984 at which time bids will be opened and read, and be it

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RESOLUTION NO. (421-1984) Continued

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.

\* \* \* \* \*

Councilman Lettre said he wanted to close this meeting with the following:

WHEREAS, Edward Kelly of New City, who has recently passed away, and

WHEREAS, Mr. Kelly was active in community affairs, Little League, American Legion, and local politics for the benefit of the community

NOW, THEREFORE, be it

RESOLVED, that the Town Board closes this meeting with a moment of silence in recognition of the contributions made by Edward Kelly.

There being no further business to come before the Town Board and no one further wishing to be heard, the Town Board meeting was adjourned on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, time: 10:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

4/10/84

9:10 P.M.

Present: Supervisor Dusanenko  
Councilmen Holbrook, Lettre, Maloney (Co. Carey absent)  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: AMENDMENT TO OFFICIAL MAP - TRAM QUILL ASSOCIATES, INC.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice. Town Attorney stated that he had an affidavit of publication for March 31, 1984.

Town Attorney stated that the Town Clerk had informed him just prior to the commencement of tonight's meeting that there was no affidavit filed indicating that written notice of this public hearing had been sent to the adjacent landowners. The resolution which adopted and set this public hearing required, in his opinion, such written notice to be sent. He further stated that he had informed the attorney for the applicant by letter dated March 26, 1984 that such notice was required to be sent in fulfillment of the Town Board's policy and it has not been done as a result of a disagreement between myself and the attorney for the applicant.

Supervisor Dusanenko asked if it would be correct for him to state that on the one hand Town Attorney is stating that there is a requirement that letters be sent to adjacent property owners and is it safe to say also that Mr. Tracy, who is the attorney for the applicant, and who is the author of the law is suggesting that it is not necessary for changing street maps to have an affidavit of mailing to surrounding residents. Is that the difference of opinion here?

Town Attorney John Costa stated that was not quite it. The fact is that public hearings which have been held for changes in the Official Map - it has been the policy of the Town Board since he has been Town Attorney to require these written notices to be sent. Mr. Tracy is taking the position that the Town Code section which is mentioned deals only with zone changes. He said it was his opinion (Mr. Costa's) that the Town Board has the authority to require the notices to be sent in the exercise of its discretion and he believed that was what the resolution requires.

Mr. Tracy stated that he had a problem. It had always been his understanding that the policy of the Town Board is that which is set forth in the ordinance concerned here. The policy of the Town Board - when I get a letter from Mr. Costa - that a literal reading of the section - and he stated that he was paraphrasing but that he did not think he was going to be inaccurate - he might be correct. But I believe that I know the policy of the Town Board. He said he was upset to get a letter like that and perhaps he shouldn't and should take the easy way out and just comply. But the truth of the matter is that Section 16-32(C) (THIS SHOULD BE SECTION 106-32(C)) does not apply to this hearing and we did comply with the notice requirements. He further stated that this was not applicable for additions to the official map.

Mr. Tracy went on to say that this application was filed approximately last August and he knows that he is right and he has to take this stand. This requirement applies to the zoning ordinance. He said that Mr. Costa will not venture an opinion in public that notices must be sent to surrounding homeowners within 500 feet for change to the Official Map.

Continued on Next Page

Town Attorney John Costa said that he had to take issue with the implication that he had determined what should be done and told you that it should be done on my determination. Mr. Costa said that he had by letter to Mr. Tracy dated March 26, 1984 stated what he believed to be the official policy of the Town. He said that we have had at least one Workshop Meeting if not more since that time. He said if there is a necessity to clarify that then Mr. Tracy could certainly have come before this Town Board and sought clarification. Mr. Costa stated that in his opinion, the resolution that was adopted setting this public hearing says that notice pursuant to Town Code 106 be complied with by the applicant. He mentioned that Mr. Tracy had sought clarification of that by letter to Mr. Costa and that Mr. Costa had responded by letter to Mr. Tracy. Mr. Costa said that Mr. Tracy had apparently not been satisfied with that letter but yet took no steps to come before the Town Board and seek a clarification. Mr. Costa said the Town Board has the discretion to require notice beyond which is required under Section 106-32(C) be sent if it wishes that area residents be given written notice that this public hearing was to be held. If the Board chose in its policy decision not to require that certainly it could do that. But to wait until the night of the meeting and come forward and say that Costa told me to do something which I don't believe I have to do and not have sought clarification prior to the meeting - I think it is unfair to the Town Board, it's unfair to me as Town Attorney.

Mr. Tracy said the law is the law. He said this was a step toward anarchy and it should not be laid on the Town Board. If they want to require more than the law it should be put in writing in the Code Book. He said there is a good set of rules for the good guys and a bad set of rules for the bad guys. This Town Board treats everyone like they are bad guys.

Supervisor Dusanenko asked if there was a motion to support the ruling of the Town Attorney.

Councilman Lettre said he is not an attorney and maybe it is not fair for him to judge whether Mr. Tracy or Mr. Costa is interpreting the Code correctly. As an elected official sitting here and knowing that this hearing has had some controversy during the year or year and half it has been before this Town Board, the Zoning Board of Appeals and other town agencies he said he did not think it was being totally unfair if the board asked Mr. Tracy to comply with what the board would like. Councilman Lettre said he did not want to see in a few weeks time irate citizens come forward and say they did not have the opportunity to have their say. If we reschedule this this evening there will be a four week delay and will not be an unfair time limitation. We will put it on for the next possible public hearing. After compliance with the requirement to notify the people in the area you will have your fair day in court which you do deserve. If you are legally correct, and that will have to be checked out, it is going to have to be changed.

Mr. Tracy said he would stake his professional reputation on the fact that he is correct.

Mr. Costa said there was no disagreement between Mr. Tracy and himself on the point that Mr. Tracy had made but that is not dispositive of the issue. He said he agreed with Mr. Tracy that the Town Board is free to dispense with the requirement that written notices be sent.

Councilman Lettre said that sitting up here he was upset and whether it was the Town's fault--

Supervisor Dusanenko said that everyone is agreeing with everyone. Why the dilemma? Whatever we must decide whether or not this hearing is going to go on.

Mr. Tracy said this was filed in August of last year. He said it was a disgrace.

Councilman Lettre said this could be scheduled for the next Town Board Meeting with proper notices being given.

Councilman Holbrook said that is if Mr. Tracy sends the proper notices. They were not sent out the first time. There was dialogue between Mr. Tracy and Councilman Holbrook regarding proper notice and the wording of the section.

Mr. Costa said that the wording of the section was not the issue here. It says that you must comply with Section 106. It must be complied with by the applicant. You felt that you did not have to comply with that section and you wrote me a letter and I wrote you back saying that the notices should be sent.

Mr. Tracy said that Mr. Costa had said it was the policy of the Town Board which infuriated him because the policy of the Town Board is what is set forth in the zoning ordinance. Mr. Costa said as set forth in the resolution and that is what he said. He said if Mr. Tracy took issue with that he should appear before the Town Board because they have the right to dispense with that. Mr. Costa said that Mr. Tracy was at the workshop meeting last time. Mr. Tracy said that was on another matter.

Mr. Tracy said that he would request the Town Board to direct the Town Attorney to amend Section 32(C) to include amendments to the official map. Then it will be complied with not because somebody said you should. He said he was sorry about this because he knew the Board had a lot of problems and the developers were probably the least potent force. He said this application was made in August of 1983 and came on for what was to be a non-public hearing tonight.

There was discussion between Mr. Tracy and Councilman Holbrook and Councilman Holbrook said they had made this resolution because they want the public to be informed.

Town Attorney said that the length of time from the filing of the request and the actual scheduling should not be misconstrued. The Board has the right and the discretion not to ever schedule this matter for a public hearing if it chose not to and the fact that it took several months to make a decision to schedule it should not be subject to implication that there was delay. They are acting in the exercise of their discretion.

Mr. Tracy said that maybe he should use the word indecisiveness rather than delay.

Supervisor Dusanenko stated that they had spent fifteen minutes trying to start a public hearing when there is not sufficient votes to have one tonight. It was officially opened. He asked the Town Clerk to note that this public hearing does not even have to be closed since in the opinion of the Town Attorney, sustained by the Town Board, --

Councilman Lettre said that was incorrect. Supervisor Dusanenko asked what was not correct. The Town Attorney has said that the Town Board has that discretion and the Town Attorney has left it up to the Town Board to make that discretion. The Town Attorney has not said that this must be done this way. The decision is made by the Town Board and he requested that the buck not be passed to the Town Attorney.

Supervisor Dusanenko asked that this be stated for the record so that in future years we will know why this public hearing never came to be.

Councilman Lettre said that this public hearing was being deferred and rescheduled to the next appropriate date because the public was not properly notified, at least in the opinion of the majority of this Town Board. Councilman Lettre said he would ask that the applicant do that and if Mr. Tracy is correct in what he is stating they will ask the Town Attorney to change that section of the code.

Councilman Holbrook said that the bottom line is that the Town Board would like the public to be informed.

Mr. Tracy asked if he could say something as a taxpayer. He said since it is obvious that the Town Board is compelling him to notify all property owners within 500 feet whether that be the law or not that you open the public hearing tonight and adjourn it so as to save the Town the cost of republishing it.

Supervisor Dusanenko stated that it has been opened. He asked if there was any problem with adjourning it. Town Attorney stated that the cost was negligible and he had no legal objection. Supervisor Dusanenko stated that the record should show that the Town Attorney has no legal objection and the members of the Town Board present have no objection to Mr. Tracy notifying by mail those residents within 500 feet of this proposed official map change and that this hearing be recessed until May 8, 1984 at 8:05 P.M.

Town Attorney said that he knew of no legal objection to the suggestion that Mr. Tracy has made. However, it should be clear that if there is a problem with it the applicant would pursue it at his own jeopardy, if later on there is a challengeable defect. He said he had not had a chance to look into this before tonight and he did not think there was a problem but he was not absolutely certain.

Mr. Tracy said he had no objection as he was prepared to pursue a hearing at his own jeopardy tonight.

On motion of Councilman Holbrook, seconded by Councilman Lettre and unanimously adopted, the public hearing was recessed until May 8, 1984 at 8:05 P.M., time: 9:38 P.M.

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

4/10/84

9:40 P.M.

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

RE: PROPOSED LOCAL LAW RE: SALE AND DISPLAY OF DRUG ACCESSORIES

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

Supervisor Dusanenko asked Town Attorney John Costa if it were correct to state that since there is a town law and subsequent to this time Rockland County passed a law providing for different penalties and perhaps a stronger deterrent to the drug paraphernalia sales it is our suggestion at this time to abolish our laws so for police enforcement purposes there will be one law and a stronger law on the books. Town Attorney said that was correct.

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

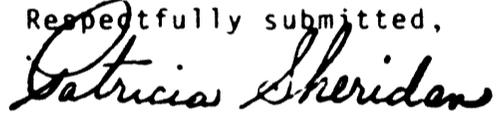
IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the public hearing was declared closed, ADOPTED, time: 9:41 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk