

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/26/84

8:10 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Maloney
(Councilman Carey absent as he was privileged to be
escort for Olympic Torch being carried to games in
California)
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor read the following letter:

"DOROTHY A. ERARD
7 ORCHARD AVENUE
NEW CITY, NEW YORK 10956

(914) 634/9002

June 15, 1984

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

Dear Supervisor Dusanenko:

Effective June 15, 1984, I hereby tender my resignation as Budget
Officer for the Town of Clarkstown.

I would like to thank Supervisor Dusanenko and Councilman Maloney
for their support and cooperation in the financial management of the
Town.

It has been a pleasure to serve the Town of Clarkstown in both the
capacity of Comptroller and Budget Officer.

Due to my pending appointment June 18, 1984 as Commissioner of
Finance for the City of White Plains, it is necessary to resign at
this time.

Sincerely,

/s/ Dorothy Erard

Dorothy A. Erard"

Supervisor then introduced the new Budget Officer, Mr.
Phillip Tirino. Supervisor said Mr. Tirino was a CPA and a resident
of the Town of Clarkstown.

Appearance: Mr. Roger Ridenour

Mr. Ridenour stated that he was a new resident of
Rockland County and he is trying to get a swimming program going at
Ramapo College and hopefully in Rockland County. He said he was
trying to get some useage of Germonds Pool. He would like to have
the use of the pool when it is not in use by the residents between
the hours of 6:00 A.M. and 8:00 A.M.

Appearance: Mr. Bert Dahm
West Nyack, New York

Mr. Dahm supported Mr. Ridenour. He said that he has three daughters and presently has to drive them to Ramsey, New Jersey to swim while the Town pool lies fallow part of the day. He felt the Town would benefit from such a program because there would be a professional coach to supervise the swimming. He stated that the Bergen Barracudas could use the pool and there would be a structured program for adults. He said the majority of the members of the team are Clarkstown residents.

Appearance: Dr. Efram Olivo

Dr. Olivo stated that he is a resident of the Town of Clarkstown and has three children in the Bergen Barracudas. He must get up at 4:30 A.M. to drive them to Ramsey and he supports this proposed program for the use of the Town pool. He stated that most of the members of the Barracudas live in Rockland County and many are residents of the Town of Clarkstown. It would not interfere with the Town program.

Appearance: Mr. Mike Natal, Member of Board of
Bergen Barracudas

He stated that he was a resident of the Town of Clarkstown and has been a member for the past fourteen years. He said he also has children participating in this program and also in the Town's programs. He asked for the Board's support in allowing the Bergen team to use the Clarkstown pool. He said they needed the use of a 50 meter pool for approximately six weeks during the summer.

Appearance: Mr. Edward Ghiazza, Supt.
Parks and Recreation
Town of Clarkstown

Mr. Ghiazza said this is not a new problem. Clarkstown recreation is for Clarkstown residents. The Town turned down three or four Federal grants for ballfields in order to keep the Town facilities exclusively for Clarkstown residents. He said only 30% of the members of the Bergen swim team are residents of Clarkstown. Seventy per cent are non residents. Clarkstown's first class starts at 8:45 A.M. and the maintenance of the pool starts at 6:30 A.M. There are 10,000 people waiting to use the Town pools when they open.

Mr. Ghiazza stated that he had had a conversation with Mr. Dahm and that the proposal as submitted was not acceptable. This was mainly because of the non-resident problem. He stated that he had been willing to listen to a proposal but this one came into his office on June 12, 1984. Our plans for the summer were made long before that date. He said he did realize that these were residents who had chosen to join the Bergen Barracudas to further the swimming abilities of their children and that is their choice. He mentioned that the Town does conduct competitive swimming during the summer but we also have to consider all of the ramifications that this proposal presents. We are talking here about non-residents and the Town Board has set the policy even going so far as to refuse Federal grants to limit the use to residents. Backed by the Parks Board and Recreation Commission in refusing this proposal that was all he had to say.

Supervisor asked Mr. Ghiazza if he would get together with the leaders of the Bergen swim team and work something out. Mr. Ghiazza said that he had spoken with Mr. Dahm and told him that he had to review this with his aquatic director and staff and see what impact and implications this would have. After that he would sit down with Mr. Dahm and some people from the Bergen organization and see what the possibilities are.

Councilman Maloney asked if the Recreation Commission had reviewed this.

Mr. Ghiazza said the Board backs him up but that he would be willing to consider changes in this proposal if it is viable.

Councilman Holbrook requested that this be reviewed and see if something could be worked out. Mr. Ghiazza said he would meet with them after discussions with his staff.

Supervisor said this is not for the exclusive use of a team. However, it might be possible to do this for town residents who are members of that team.

An unidentified resident said that she wanted it understood that they are not asking for it as the Bergen Barracudas but rather are just asking that Clarkstown extend their facilities.

Supervisor Dusanenko asked Mr. Ghiazza if he would either give a definite "No" or else come up with some sort of a proposal before the next Town Board Meeting scheduled for July 10, 1984.

Appearance: Mr. Jerrold Sholtz
7 Pecan Valley Drive
New City, New York 10956

Mr. Sholtz spoke regarding the installation of a substreet between his house and his neighbor's. He asked that the installation of such a street be delayed until it was needed. He would be willing to put up a bond to insure that it would be built if it was needed but not before.

Supervisor said the decision would be made by the Planning Board - is that correct? Town Attorney John Costa said that was correct. He said it would undoubtedly be in consultation with his office. Supervisor asked Town Attorney if he would pursue Mr. Sholtz' proposal with the Planning Board. Councilman Lettre said Town Board endorsed the approval of that substreet going in.

Mr. Geneslaw stated that he has found that if the Town does not get these roads when the subdivision is put in they just don't get them.

Supervisor asked if Mr. Geneslaw and the Town Attorney would communicate Mr. Sholtz' proposal to the Planning Board. Councilman Maloney said this had been discussed by the Planning Board on a number of occasions and they had decided in favor of the substreet.

Mr. Sholtz said that it was his understanding that Dellwood Country Club had closed its membership and so a possible use of that road in the near future, say even five years, would be very doubtful. He stated again that he wanted to put the money in escrow for the road.

Councilman Holbrook stated that the Planning Board is the only one with authority to take that note off the map and they have indicated that they want it put in. He said the chances of getting it removed are very remote.

Appearance: Mr. Armand Miele
Nanuet, New York 10954

Mr. Miele said that Clarkstown is a very big town and we have a part-time planner. We need a full-time planner. He felt

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that a full-time planner would decide who gets a building permit or not and then go to the Building Inspector and be given that permit. The Town Planner should be the lead agency and he should be the one to report to the Town Board. He said it has taken him approximately eleven months to get something done in this town. He felt a full-time Town Planner would do away with all of the red tape that a resident currently is faced with when they want to do something.

Appearance: Mr. Charles Eustis
West Nyack, New York 10994

He said that he was here with two of his neighbors because he had nowhere else to turn except to the Town Board. He said that he lives in the swampy area of West Street - Klein Avenue - Theresa Drive. He said they are disgusted and discouraged. All of the Town's Highway Superintendents have been aware of the situation. He stated that the present administrator was called in on this early last spring. Mr. Longo was told to go ahead and correct the situation and he started last fall. He said that they are being totally ignored. Last fall the job was started by the Highway Department but they backed out because they felt their bulldozer was going to get stuck in the muck and the mire. This has been a problem for over fifteen years for him and he said he was sick of it. Why hasn't the Highway Department come back to finish the job.

Mr. Longo, Superintendent of Highways, said that Mr. Bollman of the Environmental Department and himself, had drawn up the plans and had let the job out to Cal-Mart Construction. Cal-Mart has put the equipment in there. We have changed the pipe. We have filled in as far as we can. We have to wait until the ground gets drier. We cannot put expensive equipment into a bog to lose it. We almost lost a machine the last time we were there. They cannot and will not go back there until that ground dries up. No other work can be done until they come up to grade. When they come up to grade they can top soil, seed and replace the driveways that are needed. We cannot do the work until the area is dry. There is still four inches of water sitting there. Cal-Mart or anyone else will not put expensive machinery and equipment in there to lose it.

Supervisor asked when they could reasonably expect the work to be resumed and Mr. Longo said when it dries up. Everytime we think that we can go in there we get another rainstorm. He said that as soon as it is feasible to go in there we will do so. Mr. Longo said that they want West Street finished. They want to pave it.

Mr. Bollman said that they have had the highest water table in years. He is hopeful that with warm weather and high winds it will dry enough so that they can go in there in a few weeks. He said he had spoken to the Cal-Mart people and they had almost lost a truck in there.

Mr. Longo asked if the Town Board would rescind the resolution having to do with the roll-off container trucks and authorize the Purchasing Director to rebid as we cannot get 1984s. Ted Shultz Ford was the only one who met specifications and he is withdrawing his bid because of the unfortunate incident with Don Liebert. Mr. Shultz is leery of doing business with the Town right now and so we have to go back out to bid. Supervisor said they would reject and go back out to bid.

Appearance: Mr. Frank Mure
22 West Street
West Nyack, New York 10994

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Mr. Mure said that he had gone to see Mr. Longo about a month ago and again explained the plight we were in. He said he had told Mr. Longo there was too much debris in the culvert. They seeded over rock and now he can't move. He requested that a fence be installed around the culvert. Mr. Longo said you cannot maintain the culvert if a fence is put around it.

Appearance: Mr. John Stancik, President
Arthur Gallagher & Co.

Mr. Stancik said that following the work session last week on the insurance they had been asked to secure a firm proposal on the Public Officials Errors and Omissions Liability which they would like to submit tonight. The effect of this is to increase our net fixed cost of premium and administration fees to \$128,398.00 to which we must add the paid losses subject to the loss fund outlined in our proposal.

Appearance: Mr. Lloyd
West Nyack, New York 10994

Mr. Lloyd reiterated the problem discussed by Mr. Eustis and Mr. Mure. He said he has lived there for five years. The problem was bad when he moved in and it has gotten progressively worse. He said he wanted the Town Board to consider that Mr. Eustis has been fighting this problem for fifteen years. He would like the problem eliminated once and for all so that he did not have to fight it for fifteen years. He would like the property of all the parties fixed completely. Councilman Holbrook said they were aware of the length of the problem and they hoped that it would be fixed within the next couple of weeks. By the time the next Town Board Meeting rolls around he hoped that action would have been taken.

On motion of Councilman Maloney, seconded by Supervisor Dusanenko and unanimously adopted, the Public Hearing re: Proposed Amendment to Zoning Ordinance - Non-conforming Uses, was opened, time: 9:00 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Proposed Amendment to Zoning Ordinance - Non-conforming Uses, was closed, ADOPTED, time: 9:05 P.M. The Board returned to the regular meeting.

RESOLUTION NO. (670-1984)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN -
DELETE SECTION 106-28D(1)
a AND b - AMEND SECTION
106-28A - DELETE SECTION
106-19F(9)(c)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 22nd day of May, 1985, provided for a public hearing on June 26, 1984 at 8:00 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown, and

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

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RESOLUTION NO. (670-1984) Continued

NOW, THEREFORE, be it

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

Delete from the Zoning Ordinance of the Town of Clarkstown Section 106-28D(1) a and b, Nonconforming uses, extension or enlargements.

Amend Section 106-28A of the Zoning Ordinance of the Town of Clarkstown entitled, "Nonconforming use" to read as follows:

"A. Repair and alteration. Normal maintenance and repair of and incidental alteration to a building occupied by a non-conforming use is permitted if it does not extend the nonconforming use. No structural alteration or enlargement shall be made in a building occupied by a nonconforming use, except when required by law; or to adapt the building to a conforming use or to any other use permitted under Subsection B.

Delete from the Zoning Ordinance of the Town of Clarkstown, Section 106-19F(9)(c), Continuation of nonconforming buildings and nonconformingf uses in multi-family (MF-1, MF-2, and MF-3) districts.

Seconded by Co. Holbrook

All voted Aye.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Proposed Amendment to Zoning Ordinance - Slopes and Wetlands, was opened: time: 9:05 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook, with an abstention of the Supervisor, the Public Hearing re: Proposed Amendment to Zoning Ordinance - Slopes and Wetlands, was closed, ADOPTED, time: 9:16 P.M. The Board returned to regular meeting.

RESOLUTION NO. (671-1984)

AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN - AMEND R-160 ZONING DISTRICT, TABLE 18, GENERAL USE REGULATIONS, COLUMN 8, ITEM 9

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 8th day of May, 1984, provided for a public hearing on June 26, 1984 at 8:15 P.M. to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

Amend R-160 Zoning District, Table 18, General Use Regulations, Column 8, Item 9, to read as follows:

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RESOLUTION NO. (671-1984) Continued

"9. For residences, no more than fifty percent (50%) of any land under ponds or marshes in a natural state, or shown as within the hundred year flood line on the Flood Insurance Rate Maps or with rock outcrops greater than fifty (50) square feet, or with slopes over thirty percent (30%) or within a designated street line of any road shall be counted as part of any minimum lot area requirements of this district. For nonresidential uses, the same provisions shall apply except that slopes over twenty percent (20%) shall be used.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Proposed Improvements to Sewer Facilities in Town of Clarkstown, was opened, time: 9:16 P.M.

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Proposed Improvements to Sewer Facilities in Town of Clarkstown, was closed, DECISION RESERVED, time: 9:32 P.M. The Board returned to regular meeting.

Town Attorney spoke with regard to the foregoing Public Hearing (Improvements to Sewer Facilities). He said that when he prepared the resolutions calling for the Public Hearing tonight he had reviewed Section 209-Q of the Town Law which deals with the apportionment of costs. It indicates that the cost of any such sewer improvement shall be borne partly by the area of the town outside any village and partly by the lands benefitted thereby or by the area of the town outside any village or entirely by the lands benefitted thereby if the Town Board in its discretion shall provide. When Mr. Velzy's report was submitted and the Board acted upon that report in setting the public hearing it did not refer to any apportionment between lands outside of the lands that were listed in that report so that the Order Calling for Public Hearing chose the third alternative which says it should be borne entirely by the lands benefitted thereby as the Town Board in its discretion shall provide.

Supervisor gave an explanation of Plan A which Mr. George Suttie disagreed with. The Supervisor asked him to please make the correction and give an explanation. Mr. Suttie spoke at length stating that they are not talking about MBSIA No. 2 but just a portion of it. The concept was that it would be a new area in MBSIA No. 2 and be taxed the same way as every other area. If you take the annual amount to be paid per year on the amount of the loan, the first year there would be a \$40,000.00 note due. If you take the assessment which Mr. Suttie had given on only 19 houses which puts to a \$50,000.00 house \$196.00 or \$200.00. That total amount only collects \$7,000.00 of the \$40,000.00. You have to collect five and one half times more or \$1,000.00 from that \$50,000.00 house. Mr. Suttie stated "You can't do that." Town Attorney said that it could legally be done. Most of the properties are owned by the Town. Mr. Suttie said maybe eight of the nineteen lots are owned by the Town. The other lots with perhaps homes worth

up to \$200,000.00 would have to pay up to \$268.00 per year but if you made them pay the full \$40,000.00 note as has been done all along that comes to about \$1,300.00.

Supervisor asked Town Attorney if the Order as advertised is proper to accommodate Mr. Suttie for doing it his way. Town Attorney said he was not sure but that he did not think so. Supervisor said then he felt they should take no further action on it. Between now and the July meeting Mr. Suttie and Mr. Costa should resolve this and, if necessary, readvertise this.

Mr. Bollman said if the Board would indicate the direction in which they would like to go and if it is different from what Mr. Costa (Town Attorney) has published then leave enough time to republish so that a public hearing can be held at the next Town Board Meeting. If not, we will lose this year. He said he was sure that the Town Board members had been briefed on how important this was to the entire area.

Supervisor Dusanenko said that basically we have two alternatives. One is to have property owners of these 19 properties pay 100% of the total cost based on assessments of their value. The second alternative would be for those 19 property owners to pay one fifth of the annual cost of these extra expenses and the rest spread over the rest of the users.

Councilman Holbrook said the question here is that we have to find out who is benefitted. He said he was not too sure if it was the Town or the properties.

There was further discussion and comments from Mr. Suttie.

Councilman Lettre asked that we just readvertise under both formulas. Town Attorney said you only have to readvertise if you want to consider the alternative of charging only a portion against the properties to be benefitted.

It was decided to readvertise.

RESOLUTION NO. (672-1984)

AUTHORIZING TOWN ATTORNEY
TO READVERTISE FOR
ALTERNATE COST BASIS UNDER
SECTION 209-Q(8) OF TOWN
LAW (MBSIA NO. 2)

Co. Lettre offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized and directed to re-advertise for alternate cost basis under Section 209-Q(8) of the Town Law.

Seconded by Co. Holbrook

All voted Aye.

On motion of Supervisor Dusanenko, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Proposed Amendment to Zoning Ordinance - Accessory Parking, was opened, time: 9:40 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney, with a "No" vote of Councilman Holbrook, the Public Hearing re: Proposed Amendment to Zoning Ordinance - Accessory Parking, was closed, DENIED, time: 9:44 P.M. The Board returned to the regular meeting.

RESOLUTION NO. (673-1984)

DENYING AMENDMENT TO
ZONING ORDINANCE OF TOWN
OF CLARKSTOWN - SECTION
106.23C (ACCESSORY PARKING)

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution provided for a Public Hearing on the 26th day of June, 1984 at 8:45 P.M., to consider the adoption of the following amendment to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106.23, subsection "C" of the Zoning Ordinance of the Town of Clarkstown to read as follows:

"C" Location and ownership or control of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere within three hundred (300) feet of such lot. In all cases such parking spaces shall conform to all the regulations of the district in which they are located; and in no event shall such parking spaces be located in any residential district, unless the uses to which they are accessory are permitted in such districts. Such spaces shall be in the same ownership as or under lease for parking purposes for a term of at least twenty (20) years to the use to which they are accessory, and, in the case of ownership, shall be subject to deed restriction, filed of record with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the existence of such use to which they are accessory. Such lease or deed restrictions shall be in a form approved by the Town Attorney. Such lease must contain a provision that it may not be amended, rescinded or terminated without the permission of the Town of Clarkstown. In the event of termination of such permission, the Certificate of Occupancy shall be void. Such parking facilities shall be improved to the standards set forth in the site plan regulations of the Town. The location of such parking facilities shall be subject to review and approval by the Planning Board based on the appropriateness of the location and its accessibility for pedestrians to the use to which the parking facility is accessory." and

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

NOW, THEREFORE, be it

RESOLVED, that the above described amendment is hereby DENIED.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Lettre stated that it was his feeling that if you have a private business and your clientele chooses to walk a distance to your place of business that is up to them. That is the way it should be.

Supervisor Dusanenko said that if we would look around our community at the schools, Nanuet Mall, RCC and the County Health

RESOLUTION NO.(673-1984) Continued

Complex, Nyack Hospital and other community health facilities - when there is not enough adjacent land the latitudes that are provided for in this existing ordinance, not the proposed which would reduce it, would stifle people from visiting many medical and educational services even though they are usually exempt from government law as other government institutions. He voted "Yes."

RESOLUTION NO. (674-1984)

AWARDING ENGINEERING PROJECT FOR HEATON'S POND-PHASE II - FUNDS TO BE PROVIDED FROM MONEY-IN-LIEU-OF-LAND ACCOUNT - AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH MAYO LYNCH AND ASSOCIATES, INC.

Co. Holbrook offered the following resolution:

WHEREAS, Mayo Lynch and Associates, Inc., has submitted a proposal dated May 11, 1984 for an engineering project, Phase II on Heaton's Pond which has been reviewed and recommended by the Director of the Department of Environmental Control and the Superintendent of Recreation and Parks,

NOW, THEREFORE, be it

RESOLVED, that Mayo Lynch and Associates, Inc., 89 Hudson Street, Hoboken, New Jersey 07030, is hereby awarded the engineering project for the Heaton's Pond-Phase II, and adjacent acres at a cost not to exceed \$6,250.00, the funds to be provided from the Money-in-Lieu-of-Land Account, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the above firm in a form satisfactory to the Town Attorney.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (675-1984)

AUTHORIZING AND DIRECTING TOWN ATTORNEY TO OBTAIN SERVICES OF KARL F. KIRCHNER IN CONNECTION WITH ACTION ENTITLED "CLARKSTOWN CENTRAL SCHOOL DISTRICT, ET AL V. STATE BAORD OF EQUALIZATION AND ASSESSMENT, ET AL. - DECREASE CONTINGENCY ACCOUNT NO. A 1990-505 AND INCREASE APPROPRIATION ACCOUNT NO. A 1420-409

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized and directed to obtain the services of Karl F. Kirchner to provide an appraisal report and expert testimony in connection with the action entitled, "Clarkstown Central School District, et al v. State Board of Equalization and Assessment, et al," and be it

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RESOLUTION NO. (675-1984) Continued

FURTHER RESOLVED, that the sum of \$5,000.00 is hereby appropriated for the appraisal report and court appearances, and be it

FURTHER RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1420-409 by \$5,000.00.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (676-1984) AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM DRAINAGE VICINITY OF SOUTH MOUNTAIN ROAD, NEW CITY -CHARGE TO DRAINAGE BOND CAPITAL ACCOUNT #2

Co. Holbrook offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of South Mountain Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways be authorized to perform drainage work to upgrade the drainage system in the vicinity of 430 South Mountain Road, New City, New York in accordance with the design prepared by the Department of Environmental Control for a sum not to exceed \$8,100.00, and be it

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

FURTHER RESOLVED, that the sum of \$8,100.00 be charged to drainage Bond Capital Account #2.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (677-1984) SETTING PUBLIC HEARING FOR EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT (B.V.S. ENTERPRISES)

Co. Holbrook offered the following resolution:

WHEREAS, a written Petition dated June 4, 1984 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 said 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

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RESOLUTION NO. (677-1984) Continued

County, New York, in said Town of Clarkstown, on the 10th day of July, 1984, at 8:20 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. Maloney All voted Aye.

RESOLUTION NO. (678-1984) AUTHORIZING TOWN ATTORNEY TO PREPARE NECESSARY LEGISLATION FOR ESTABLISHMENT OF COMMUTER PARKING PERMITS

Co. Lettre offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized and directed to prepare the necessary legislation for the establishment of commuter parking permits.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (679-1984) DECREASING APPROPRIATION ACCOUNT A 1010-114 AND INCREASING APPROPRIATION ACCOUNT A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1010-114 and increase Appropriation Account A 1010-414 by \$1,700.00.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (680-1984) DECREASING APPROPRIATION ACCOUNT NO. D 5110-449 AND INCREASING APPROPRIATION ACCOUNT NO. D 5130-447

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. D 5110-449 and increase Appropriation Account No. D 5130-447 by \$10,000.00.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (681-1984) DECREASING APPROPRIATION ACCOUNT NO. A 5630-312 AND INCREASING APPROPRIATION ACCOUNT NO. A 5630-406

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 5630-312 and increase Appropriation Account No. A 5630-406 by \$5,000.00.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (685-1984) Continued

1984 at the Fin & Claw Restaurant, Pascack Road, Washington Township, New Jersey, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account # A 1010-414.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (686-1984) AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH COUNTY OF ROCKLAND FOR STREAM MAINTENANCE

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown desires to enter into an agreement with the County of Rockland for stream maintenance;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into an agreement with the County of Rockland in a form satisfactory to the Town Attorney and which shall provide that the Town of Clarkstown shall receive the sum of \$12,000.00.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (687-1984) AUTHORIZING TOWN ATTORNEY TO DEFEND PROCEEDING (SWIFT HOLDING CORP. AND SWIFT ELECTRICAL SUPPLY CO., INC. V. TOWN OF CLARKSTOWN)

Co. Holbrook offered the following resolution:

WHEREAS, an action has been instituted against the Town of Clarkstown entitled as follows:

SWIFT HOLDING CORP. and SWIFT ELECTRICAL SUPPLY CO., INC.,

Plaintiffs,

-against-

TOWN OF CLARKSTOWN,

Defendant.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (688-1984)

AWARDING BID #44-1984
(FARE COLLECTION BOXES
FOR MINI-TRANS)(GENERAL
FAREBOX, INC.) - CHARGE TO
ACCOUNT A 5630-209

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Supervisor of Mini-Trans and the Director of Purchasing that

BID #44-1984
FARE COLLECTION BOXES FOR
CLARKSTOWN MINI-TRANS

is hereby awarded to:

GENERAL FAREBOX, INC.
751 Pratt Blvd.
Elk Grove Village
Illinois 60007

for ten (10) Cents a Bill Electronic Fare Collection Boxes as per
bid proposal at proposed cost of \$4,065.00 each, and be it

FURTHER RESOLVED, that funds for same be charged to
Account A 5630-209.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (689-1984)

SETTING PUBLIC HEARING ON
PROPOSED AMENDMENT TO
ZONING ORDINANCE OF TOWN
OF CLARKSTOWN (SECTION
106-32C (NOTICE OF HEARING)

Co. Lettre offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning
Ordinance of the Town of Clarkstown was adopted on June 30, 1967,
and further amended, and

WHEREAS, the Town Board of the Town of Clarkstown
desires to further amend the said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264
of the Town Law be had at the Auditorium of the Town Hall, 10 Maple
Avenue, New City, New York, on the 10th day of July, 1984 at 8:35
P.M., to consider the adoption of the following proposed amendment
to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-32C of the Zoning Ordinance of the Town of
Clarkstown to read as follows:

"C. Notice of Hearing.

Notice of any public hearing on all proposals to amend the text
of this chapter, the Zoning Map, and Official Map including any
proposed abandonment pursuant to Section 205 of the Highway Law
shall be as required in the Town Law, and in the case of amendments
to the Zoning Map, Official Map and any abandonment pursuant to
Section 205 of the Highway Law, at least ten (10) days before such
hearing distinctive posters furnished by the Town Clerk or the
Building Inspector, giving notice of such hearing, shall be posted
at least once every one hundred (100) feet (and not more than

Continued on Next Page

RESOLUTION NO. (689-1984) Continued

twenty-five (25) feet from the street) along the street frontage affected by such proposal. The posters shall be clearly legible and shall remain in plain sight until after the hearing. The applicant shall be responsible for putting up and maintaining such posters and shall file an affidavit of compliance with the provisions of this section with the Town Clerk. In addition, the applicant shall mail a copy of the notice of hearing at least ten (10) days before such hearing by regular first class mail to all property owners listed on the latest assessment roll of the town whose property or any portion thereof lies within five hundred (500) feet of any boundary line of any property affected by the proposed change. An affidavit of mailing of the above notices shall be sworn by the applicant containing the names and addresses of the property owners to which such notice was mailed and shall be filed with the Town Clerk on or before the date of the hearing. Failure to mail such notice or failure of any addressee to receive such notice shall not in any manner affect any proceeding taken thereon."

and be it

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

FURTHER RESOLVED, that the above proposed amendment be referred to the Clarkstown Planning Board and Rockland County Planning Board for their recommendations and report.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (690-1984)

ADOPTING AND ACCEPTING
MINUTES OF REGULAR TOWN
BOARD MEETINGS OF APRIL
24, 1984 AND MAY 8, 1984

Co. Holbrook offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meeting held on April 24 and May 8, 1984, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (691-1984)

AUTHORIZING INSTALLATION
OF TWO (2) HYDRANTS (NORTH
SIDE OF KING ARTHURS COURT
WEST OF ORIOLE ROAD AND
NORTH SIDE OF LADY GODIVA
WAY, WEST OF NEW
CITY/CONGERS ROAD (SECTION
II OF CAMELOT, NEW CITY)

Co. Holbrook offered the following resolution:

Continued on Next Page

RESOLUTION NO. (691-1984) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install two (2) hydrants at the following locations:

- 1) North side of King Arthurs Court approximately 50 feet west of the centerline of Oriole Road,
- 2) North side of Lady Godiva Way approximately 50 feet west of the centerline of New City/Congers Road, Section II of Camelot, New City.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO (692-1984)

AUTHORIZING INSTALLATION OF TWO (2) HYDRANTS - NORTH SIDE QUARRY DRIVE EAST OF LITTLE TOR ROAD, SECTION II AND NORTH SIDE OF SOUTH MOUNTAIN ROAD, EAST OF CENTERLINE OF LITTLE TOR ROAD, SEC. IV, NEW CITY (SOUTH OF THE MOUNTAIN SUBDIVISION)

Co. Holbrook 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 in the following locations:

- 1) North side of Quarry Drive approximately 410 feet east of the centerline of Little Tor Road, Section II and
- 2) North side of South Mountain Road approximately 780 feet east of the centerline of Little Tor Road, Sec. IV, New City. (South of the Mountain Subdivision)

Hydrant Investigation Number 9073

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (693-1983)

ACCEPTING PROPOSALS FROM ORANGE AND ROCKLAND UTILITIES, INC. FOR STREET LIGHTING (BUENA VISTA ROAD, NEW CITY)

Co. Maloney offered the following resolution:

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

WHEREAS, a survey of surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Balko, Service Investigation Clerk, and

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

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (693-1984) Continued

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

Buena Vista Road New City
(Existing pole number 58583/41895 -
5,800 lumen sodium vapor)

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (694-1984)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING (ZUKOR ROAD, NEW
CITY)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Historical Society has requested the Town Board to install street lighting on Zukor Road in the vicinity of the Historical Society and the intersection of Old Route 304, New City to improve traffic safety conditions at this site,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A. Balko, Service Investigation Clerk, the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc., for street lighting at the following locations:

Zukor Road New City
(Existing pole number 59497/42655
9,500 lumen sodium vapor)

Seconded by Co. Holbrook

All voted Aye.

At this point there was extensive dialogue regarding insurance coverage for the Town. It was mentioned that there had not been enough time for all members of the Town Board to review the packages presented by the companies who have taken the time to make insurance proposals to the Town. Supervisor Dusanenko asked Town Attorney the following: He said the Town's insurance, no matter what, expires the end of this month. (1) Would it be a smart idea for the Town Board to not make a decision prior to the expiration of that insurance? Is it a prudent move for this Town not to bind insurance prior to the expiration of our current policy? Town Attorney said it would expose the Town to liability. Town Attorney said that he had a list of the policies that would expire on July 1, 1984. It includes the automobile policy as well as the umbrella policy. Town Attorney said it was not prudent at any time to go without insurance. If the Board defers taking action tonight it would be incumbent upon the Board to take action before midnight on June 30th. If for any reason the Board is not able to do that he would hope that a majority of the Board could authorize the necessary insurance contracts to be in place in time to prevent any lapse in coverage. It is a policy decision for the Board to make - whether it wants to risk that or not.

Supervisor Dusanenko then asked: (2) In the event this Town Board tables this action this evening to choose a carrier and he did not care which carrier so long as they had the best

protection for the money and does not direct himself or Mr. Hoffman, in writing, in sufficient time to secure the necessary insurance, would he, (the Supervisor) be empowered under Town Law, under an emergency situation, to make that determination in the absence of a recommendation of this Town to make sure that we have insurance coverage? Town Attorney said that he doubted it but that he could research that question in the morning. As a general rule, a self created emergency by dilatory behavior is not sufficient to avoid the legal responsibility.

Supervisor asked: (3) Since it is not determined at this time from your response to question (2) whether or not I have that legal authority to protect the insurance coverage for the Town of Clarkstown and all the facilities within the Town, what liability would I have and to what amounts would I have in the event that I do take such action in order to protect the insurance needs of the Town - would I be personally responsible for that insurance coverage and that premium? If you do not know the answer to that question I would like the answer in writing long before the close of the business day on the last day of June before the present coverage expires. Town Attorney said he thought that question could be resolved by taking a look at whether or not the Town Board has the authority to self insure for any period of time, possibly a day, two days, a week or two weeks. He felt that the Town Board would have the legal authority to self-insure and if it failed to take an action to provide for liability coverage within the time frame required then it has made, by its decision, a decision to self-insure and the Town would be responsible for any losses that accrued during that length of time. One of the packages before the Board has that feature in it which the Town Attorney believed was wholly proper. He stated that the Town Board, in his belief, had that option and he did not think that the Supervisor would be authorized to purchase insurance coverage if the Board is indicating a desire that there be no coverage. Whether or not that is prudent or whether the voters would approve is something that involves the decision for the Board to make.

Supervisor Dusanenko said that besides the questions and responses there have been communities in the recent past who have not had the proper amounts of insurance and it is impossible for them to raise sufficient taxes in order to meet those insurance claims against the community unless total divesture and forfeiture of property is accomplished.

Supervisor said he did not expect any emergencies to occur in the next day or two but if it did just what did the Town Board expect him to do? How is that rationalized for the taxpayers when we demand that everyone else who does business with the Town of Clarkstown has millions of dollars of liability coverage in order to do business with the Town and we are not securing the coverage we need. How do you justify that?

Councilman Maloney suggested that the Town Board meet on Friday, the last business day of June, for a Special Town Board Meeting.

Councilman Lettre said he thought it was outrageous that this Town Board had to have a gun put to its head saying a decision must be made within approximately a week or ten days time and spend \$300,000.00 on an insurance carrier when it took six months to decide to spend \$10,000.00 on a drainage problem. He said if his suggestion that this go out to bid months ago with a deadline date for return so that they could be properly reviewed we would not have to be sitting here now questioning which policy is better than another and hearing that members of this Town Board are being negligent and remiss and looking to put this Town in jeopardy. No one is doing that.

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Supervisor asked Mr. Robert Hoffman, Director of Finance, to tell what the procedure was, if notification came in and also about which companies chose not to enter proposals.

Mr. Hoffman said the process was begun in the first week of March. Agents and brokers in Rockland County were contacted about the Town of Clarkstown's needs for insurance for 1984-85. After that a letter went out on March 14, 1984 asking if they were interested in bidding on the Town's insurance. There were only a few agents responding. Kilby and Lake, one of the agents contacted, declined to submit a quote. The deadline was set to receive proposals on May 29th so that the Town Board could review the proposals at the first workshop and then if they wanted to they could take a look at it during the second workshop. Between March and May information that was requested was provided to the different brokers and we awaited the proposals. On May 29th we received a phone call from one of the brokers that they had declined to quote and we were left with three proposals.

Councilman Lettre said in his opinion this was not adequate time to reflect on these proposals. He said one month's time was what was supposed to be given to the Board to make an intelligent decision and then we did not receive these proposals until last Thursday (June 21st). Whoever was responsible for obtaining these proposals on behalf of the Town was remiss and negligent and has a lot of explaining to do.

Mr. Hoffman said that luckily this is a free country. Part of the problem lays in the fact that the Town was unable to obtain the necessary documentation from its current broker and the information that was obtained was in fragments, was unreadable and it had to be put together. That takes time and then it had to go back to the underwriters and the actuaries and the people who are going to decide whether the Town of Clarkstown is a good risk or not.

Councilman Lettre said if the process had been started earlier there wouldn't be any problem. Excuses don't cut the mustard. It should have been done. It wasn't done and now this Town Board is being asked to make a very important decision in ten days time or less and he doesn't feel it is proper. He feels it was negligent.

Mr. Hoffman said then perhaps next year there could be a process that would give the Supervisor's office a little leverage with the broker, whoever it may be so that we may get our loss experience on time. When you get loss experience that is fragmented and it comes in in dribs and drabs and is illegible you cannot do anything with it.

Councilman Lettre said to Mr. Hoffman with the experience you had last year a good manager, a good administrator, a good supervisor would make sure that the process was started long in advance so that they wouldn't have to stand before their superiors and tell why it wasn't done. It should have been done.

Supervisor Dusanenko said to Councilman Lettre that the suggestion which Councilman Lettre had made regarding having a special board was not accepted by a majority of the Town Board, unusual as that was with the new realignment of voting - in view of the fact that we need data from our current broker which we did not have. The delays were not in the Supervisor's office, the delays were not in Mr. Hoffman's office and I am not here to discuss where the delays were at this time.

Councilman Lettre stated that after this process started if the information was not coming in properly and if you felt that

this information was not being sent to you and you felt you could not process things properly it should have been brought to the full Town Board's attention. The full Town Board could then have taken appropriate action to make sure that Mr. Liebert did produce the vital information necessary - to just not get it and then come ten days before time and say I didn't have it and now you have to make a decision.

Supervisor Dusanenko asked what could this Town Board do other than ask for the information? Councilman Lettre said perhaps, in light of some of the conflicts that have occurred, if the full Town Board had asked the information might have come in quicker than it did and in a more cooperative spirit.

Supervisor Dusanenko asked Mr. Costa: other than the full Town Board asking for that information, what could they do? Mr. Costa said he could speculate on a number of courses of action such as withholding payment of premiums, such as taking an action against the broker for breach of contract if it were warranted, and other actions which might have been taken if the facts warranted it. He said it was pure speculation on his part whether any of those things would have been necessary.

Supervisor said at that time we had every understanding that the broker we had at that time would be entering a quote for this year.

Councilman Holbrook said of the ones who have submitted bids here - do all three of them provide suitable coverage for the Town? Mr. Hoffman said he did not believe the Marsh McLennon proposal provided full coverage for the Town. It does not have an umbrella policy. Supervisor Dusanenko asked Mr. Hoffman if it was correct to say that the coverage provided by Arthur Gallagher and the coverage provided by ISU Heritage Broker Limited are the same other than premium costs and the method of payment? Mr. Hoffman said there is one difference - the ISU proposal calls for a \$30,000,00.00 umbrella and and Gallagher proposal calls for a \$20,000,000.00 umbrella. Other than that they are the same. Councilman Holbrook said the Gallagher proposal runs a little more toward self-insurance, is that right. Mr. Hoffman said that was correct.

RESOLUTION NO. (695-1984)

SETTING SPECIAL TOWN BOARD
MEETING FOR JUNE 29, 1984
AT 9:00 A.M. ANDREW
JACKSON ROOM

Co. Holbrook offered the following resolution:

RESOLVED, that a Special Town Board Meeting will be held on June 29, 1984, at 9:00 A.M., in the Andrew Jackson Room of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send written notice to Councilman Carey of said meeting.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (696-1984)

AUTHORIZING ATTENDANCE AT
SEMINAR OFFERED BY
DEPARTMENT OF STATE'S
OFFICE OF FIRE PREVENTION
AND CONTROL AND NEW YORK
STATE L.P. GAS ASSOCIATION

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RESOLUTION NO. (696-1984) Continued

(COLUCCI, CONKLIN,
FLORENCE, LAWRENCE,
MAHONEY, MILICH, JR.,
COTTLE, PAPANMEYER)

Co. Maloney offered the following resolution:

RESOLVED, that the following personnel from the Building Department are authorized to attend a seminar offered by the Department of State's Office of Fire Prevention and Control and the New York State L.P. Gas Association at a cost of \$80.00 to be held in Poughkeepsie, New York on July 12, 1984. (G.Colucci, A.Conklin, P.Florence, E. Lawrence, B. Mahoney, A. Milich, Jr., J. Cottle, M. Papenmeyer)

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (697-1984)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
AGAINST TOWN OF CLARKSTOWN
(GORDON V. ZBA AND TOWN OF
CLARKSTOWN)

Co. Maloney offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

GLORIA GORDON,

Petitioner,

-against-

THE ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN, AND ELIZABETH J. SQUILLACE, JOSEPH MARAIA, CATHERINE McDOUGALL, DAVID KRAUSHAAR, WILLIAM NIEHAUS, PHYLLIS BULHACK and EDWARD GRAYBOW as members of the ZONING BOARD OF APPEALS and the TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney be and he hereby is authorized to take all necessary steps to defend said proceeding.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (698-1984)

ACCEPTING RESIGNATION OF
PART-TIME BUS DRIVER -
MINI-TRANS DEPARTMENT
(EUGENE FOLEY)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Eugene Foley, 22 Freund Drive, Nanuet, New York - part-time Bus Driver - Mini Trans Department - is hereby accepted - effective and retroactive to June 7, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (699-1984)

EXTENDING TWO (2)
TEMPORARY REAL PROPERTY
DATA COLLECTOR POSITIONS -
ASSESSOR'S OFFICE

Co. Lettre offered the following resolution:

WHEREAS, THE Rockland County Personnel Office has certified, by letter dated June 15, 1984, that two (2) temporary Real Property Data Collector positions can be extended,

NOW, THEREFORE, be it

RESOLVED, that the two (2) temporary positions of Real Property Data Collector (established October 17, 1983) - Assessor's Office - are hereby extended to September 1, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (700-1984)

EXTENDING TEMPORARY
APPOINTMENT OF REAL
PROPERTY DATA COLLECTOR -
ASSESSOR'S OFFICE (SUZANNE
SCHWARTZ)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified by letter (June 15, 1984) that two (2) positions of temporary Real Property Data Collector - Assessor's Office - can be extended to September 1, 1984,

NOW, THEREFORE, be it

RESOLVED, that the temporary appointment of Suzanne Schwartz, 5 Saxony Court, New City, New York - Real Property Data Collector - is hereby extended to September 1, 1984 - at the current salary of \$9,741.00, effective June 27, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (701-1984)

EXTENDING TEMPORARY
APPOINTMENT OF REAL
PROPERTY DATA COLLECTOR -
ASSESSOR'S OFFICE (GARY
BECKER)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified by letter (June 15, 1984) that two (2) positions of temporary Real Property Data Collector - Assessor's Office - can be extended to September 1, 1984,

NOW, THEREFORE, be it

RESOLVED, that the temporary appointment of Gary Becker, 44 Maple Drive, Stony Point, New York - Real Property Data Collector (Trainee) - is hereby extended to September 1, 1984 - at the current salary of \$9,300.00, effective June 27, 1984.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (702-1984)

APPOINTING POSITION OF
PRINCIPAL CLERK
STENOGRAPHER - DEPARTMENT
OF ENVIRONMENTAL CONTROL
(GERALDINE KELLY)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Principal Clerk Stenographer #84020 which contains the name of Geraldine Kelly,

NOW, THEREFORE, be it

RESOLVED, that Geraldine Kelly, 39 Twin Elms Lane, New City, New York, is hereby appointed to the position of Principal Clerk Stenographer - Department of Environmental Control, at the current salary of \$16,512.00, effective June 27, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (703-1984)

APPOINTING POSITION OF
(PROVISIONAL) ENGINEERING
TECHNICIAN - GRADE 21 -
DEPARTMENT OF
ENVIRONMENTAL CONTROL
(DAVID SECOR)

Co. Lettre offered the following resolution:

RESOLVED, that David Secor, 6 New Lake Road, Valley Cottage, New York - is hereby appointed to the position of (provisional) Engineering Technician - Grade 21 - Department of Environmental Control - at the current salary of \$14,119.00. effective July 2, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (704-1984)

APPOINTING POSITION OF
CLERK - BUILDING
DEPARTMENT (PATRICIA
MURPHY)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk #83073 which contains the name of Patricia Murphy,

NOW, THEREFORE, be it

RESOLVED, thatr Patricia Murphy, 13 Homestead Lane, New City, New York, is hereby appointed to the position of Clerk - Building Department - at the current salary of \$9,300.00, effective July 9, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (705-1984)

GRANTING LEAVE OF ABSENCE
TO TYPIST - PARKS BOARD
AND RECREATION COMMISSION
(ANN MARIE KELLY)

RESOLUTION NO. (705-1984) Continued

Co. Lettre offered the following resolution:

WHEREAS, Ann Marie Kelly, has requested a leave of absence without pay, and

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

NOW, THEREFORE, be it

RESOLVED, that Ann Marie Kelly, 15 Christie Drive, New City, New York - Typist - Parks Board and Recreation Commission - is hereby granted a leave of absence, without pay, effective July 10, 1984 to August 24, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (706-1984)

GRANTING LEAVE OF ABSENCE
TO COURT ATTENDANT - TOWN
JUSTICE DEPARTMENT (ROBERT
F. ROY, JR.)

Co. Lettre offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that Robert F. Roy, Jr., 107 Massachusetts Avenue, Congers, New York - Court Attendant - Town Justice Department - is hereby granted a nine (9) day leave of absence - without pay - for the period effective and retroactive to June 25, 1984 to and including July 6, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (707-1984)

CREATING POSITION OF
POLICE LIEUTENANT - POLICE
DEPARTMENT

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 19, 1984 that the position of Police Lieutenant can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Police Lieutenant - Police Department - is hereby created, effective June 27, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (708-1984)

CREATING POSITION OF
POLICE SERGEANT - POLICE
DEPARTMENT

Continued on Next Page

RESOLUTION NO. (708-1984) Continued

WHEREAS, the Rockland County Personnel Office has certified on June 19, 1984 that the position of Police Sergeant can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Police Sergeant - Police Department - is hereby created, effective June 27, 1984.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (709-1984)

EXPRESSING GRATITUDE AND APPRECIATION OF TOWN BOARD FOR PAST SERVICES OF DON LIEBERT INC.

Co. Holbrook offered the following resolution:

WHEREAS, Don Liebert Inc. has been the Town of Clarkstown's insurance agent for many years, and

WHEREAS, Don Liebert, his employees and agents have provided prompt, courteous, and efficient service to the Town of Clarkstown for all those years,

NOW, THEREFORE, be it

RESOLVED, that the Town Board expresses its regrets that Don Liebert Inc. chose not to compete for the Town's insurance coverage for 1984/85, and be it

FURTHER RESOLVED, that the Town Board expresses its gratitude and appreciation for the past services provided by Don Liebert Inc.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Supervisor Dusanenko requested that this item be deferred until we obtain our insurance coverage for this year before we give thanks and accolades. He also said, in view of other things which he had no desire to discuss at this time, he felt the resolution might be premature.

RESOLUTION NO. (710-1984)

AUTHORIZING DIRECTOR OF PURCHASING AND MR. MORTY LIEFER TO OBTAIN AND PRESENT A PLAN TO TOWN BOARD FOR REPLACEMENT OF SOUND SYSTEM IN THE AUDITORIUM OF THE CLARKSTOWN TOWN HALL

Co. Lettre offered the following resolution:

RESOLVED, that the Director of Purchasing and Mr. Morty Liefer, are hereby authorized and directed to obtain and present a

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Page 27

RESOLUTION NO. (710-1984) Continued

plan to the Town Board for replacement of the sound system in the Auditorium of the Clarkstown Town Hall as soon as possible.

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (711-1984) AUTHORIZING AND DIRECTING DIRECTOR OF PURCHASING TO, NOTIFY ALL BIDDERS OF REJECTION OF BIDS FOR ROLL-OFF TRUCKS AND DIRECTING REVISION OF BID SPECIFICATIONS AND SOLICITATION OF NEW BIDS FOR SAME

Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized and directed to notify all bidders that the Town Board has rejected all bids for the roll-off trucks, and be it

FURTHER RESOLVED, that the Director of Purchasing is hereby authorized and directed to revise the bid specifications and solicit new bids.

Seconded by Co. Holbrook All voted Aye.

There was some discussion between Councilman Holbrook and Mr. Les Bollman, Director of Environmental Control regarding the shopping area in Congers and the commuter parking.

RESOLUTION NO. (712-1984) AMENDING RESOLUTION NO. (704-1984) RE APPOINTMENT OF CLERK - BUILDING DEPARTMENT (PATRICIA MURPHY)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 704 adopted by the Town Board of the Town of Clarkstown on June 26, 1984, is hereby amended to read as follows:

"WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk #83073 which contains the name of Patricia Murphy,

NOW, THEREFORE, be it

RESOLVED, that Patricia Murphy, 13 Homestead Lane, New City, New York, is hereby appointed to the position of Clerk - Building Department - at the current salary of \$9,300.00, effective July 2, 1984.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (713-1984)

ACCEPTING ROADS AND
RELATED IMPROVEMENTS RE
PELHAM MANOR, TOO
SUBDIVISION (APRIL LANE
AND APRIL COURT)

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, deeds from S.R.S. Contracting Co., Inc. dated March 23, 1982, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of PELHAM MANOR, TOO, filed in the Rockland County Clerk's Office on May 6, 1982, in Book No. 98 at Page 46 as Map No. 5365, as follows:

APRIL LANE	1,008 L.F.
APRIL COURT	346 L.F.

are hereby conditionally accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office subject to the review of all documents for legal form, and receipt by the Town Attorney of a duly executed Performance Agreement for Incomplete Items with escrow deposit providing for the completion of the items on the attached Schedule "A", and be it

FURTHER RESOLVED, that Maintenance Bond No. 935730 dated June 25, 1984, S.R.S. Contracting Co., Inc., as Principal, Sidney Schulson, as Co-principal and Republic Insurance Company as Surety, is hereby accepted.

Seconded by Co. Lettre

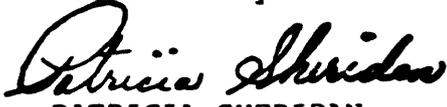
All voted Aye.

Schedule A on file in Town Clerk's Office

Supervisor made mention of the Fireworks Display in Nanuet on July 3, 1984 and also the concert to take place on that same evening at 8:00 P.M.

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 closed, time: 10:30 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/26/84

9:00 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre and Maloney
(Councilman Carey absent as he was privileged to be
escort for Olympic Torch being carried to games in
California)
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE - NON-CONFORMING USES

On motion of Councilman Maloney, seconded by Supervisor Dusanenko, 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 John Costa said that he had correspondence from the Rockand County Planning Board indicating that the matter was for local determination. He said there was also correspondence from the Town of Clarkstown Planning Board indicating that they were in favor of the recommendation as follows:

"...That this subsection (106-28D(2) be eliminated from the Zoning Ordinance. In individual cases, applications may still be made to the Board of Appeals, but a greater burden will be on the applicant."

Supervisor called upon Mr. Robert Geneslaw, Town Planner, and asked him to briefly explain what this proposed amendment would do.

Mr. Geneslaw said several months ago the Town Board adopted an amendment to the ordinance which would eliminate the then 50% increase to buildings that had non-conforming uses. The night of the hearing the Building Inspector furnished a report which suggested cross references in other parts of the ordinance be eliminated. The purpose of tonight's hearing is to eliminate those cross references. It is a technical amendment to the ordinance in that it eliminates the reference to the amendment made several months ago.

Supervisor asked if there was anyone wishing to speak for or against this proposed amendment.

Appearance: 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, time: 9:05 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/26/84

9:05 P.M.

Present: Suprvisor Dusanenko
Councilmen Holbrook, Lettre and Maloney
(Councilman Carey absent as he was privileged to be
escort for Olympic Torch being carried to games in
California)
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE - SLOPES AND WETLANDS

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

Town Attorney John Costa said he had correspondence from the Rockland County Planning Board indicating approval and indicating that the amendment is for local determination. He said there was correspondence from the Town of Clarkstown Planning Board dated June 7, 1984 as follows:

"TOWN BOARD REFERRAL: PROPOSED AMENDMENT TO R-160, Item 9 of Table 18: General Use Regulations.

Planning Consultant explained that what is scheduled for public hearing is to make it (slope restriction) 50% in R-160 as in the other districts: they did not get copy of letter from PB as held it up to incorporate regulations requested by PB, but have not had opportunity due to influx of applications.

Chairman asked that recommendation be sent as in letter dated 4/17/84."

Mr. Costa then mentioned the letter referred to above and it was determined that all Town Board Members had a copy of the letter of April 17, 1984 in their packets. Town Clerk also has a copy of that letter.

Mr. Geneslaw, Town Planner, was asked to give a brief description of what this proposed amendment was intended to do. Mr. Geneslaw stated that in all of the districts, except for the R-160, there is a limitation on the amount of credit that is available for building on lands that is subject to steep slopes or that is subject to flooding. That figure is 50%. At the Public Hearing for the adoption of the R-160 districts, the Town Board adopted a 10% limitation. That means that only 10% of the lands in R-160 could be counted. The Planning Board has been working on a sliding scale that might be appropriate for all the districts. The April 17th letter from the Planning Board refers to that sliding scale. He said he did not think that was ready for public hearing and consideration by the Town Board at this point.

What is before the Town Board tonight is to make the R-160 consistent with the other districts so that it would be a 50% credit for difficult lands in all zoning districts. He said that they had indicated to the Planning Board that they would work along the lines of their recommendation of April 17th and some other suggestions that had been offered to see if we could come up with something that would be workable and administrable.

Supervisor said if there was a parcel that had ten acres of lake right now they would only be able to get one lot. Mr. Geneslaw said they would only be able to get 10%. It would make it consistent with the other districts which have the same 50% credit.

Continued on Next Page

Councilman Maloney asked if the sliding scale principle would be the subject of a future public hearing and Mr. Geneslaw said that was correct. Mr. Geneslaw said they want to experiment with it and see how it would apply and make sure it is something which can be enforced fairly clearly and easily.

Supervisor Dusanenko asked if there was anyone wishing to be heard on this matter.

Appearance: Mr. Martus Granier, President
West Branch Conservation Association

He stated that they have had an interest in the R-160 district for quite some time. They have quite an interest in the idea of credit for slopes, wetlands and rock outcrops. He said he was not sure just how the question of designated street lines of any road fits in as an environmental question but he could see where there would be a question of crediting that. He said they had advocated a kind of sliding scale for credit not the same as the one the Planning Board had advocated and he could see why, in the name of consistency, they had come up with the ratio of 50% at present.

He said they had proposed as a sliding scale, as parcels got larger or as the proportion of effective land got smaller you got a better credit because it took into account planning reality. He said they also advocated something which the Planning Board also recommended. One is that in no case, said the Planning Board, and we, shall any dwelling be built upon lands with slopes, substantial rock outcrops, under water or subject to flooding. That is to say, if you are trying to protect both the Town and the people who live in these houses, it would be a mistake to allow people to build on the environmentally defective land itself. You don't want them to build in the swamp, you don't want them to build on the slope and you don't want them to build in the rock. He said, if it was not too late he hoped that could be included in what you do adopt as soon as possible. If it can't be adopted tonight, he hoped it would be made part of a revision that would come up very soon.

Mr. Granier went on to say that both the Planning Board and the West Branch Conservation group had both recommended that whatever credit is given that the area on which the good land that remains on which the development should occur not be any smaller than the minimum lot size for the next densest zone. That is to say, in the four acre zone, you would not allow anyone to build on less than two acres of good land. He felt this rule could be carried through the rest of the credit arrangements for the other districts. Otherwise, if you had someone building on one acre of good land in the four acre zone or a quarter of an acre of good land in the two acre zone, you would once again have defeated both good planning and environmental protection. He hoped that something could be done about that tonight or soon, when the Board takes up revision.

Councilman Holbrook said that this hearing tonight is merely the first step toward a lot of the suggestions here that the Planning Board is talking about.

Mr. Granier said that the fact that there has been so much deliberation is worthwhile and he could see the virtue of a 50% uniform ratio for an interim step. It is certainly good that you are taking the time.

On motion of Councilman Maloney, seconded by Councilman Holbrook with an abstention of Supervisor Dusanenko, the Public Hearing was declared closed, ADOPTED, time: 9:16 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/26/84

9:16 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre and Maloney
(Councilman Carey absent as he was privileged to be
escort for the Olympic Torch being carried to the games
in California)
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: PROPOSED IMPROVEMENTS TO SEWER FACILITIES IN TOWN OF CLARKSTOWN

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

Supervisor Dusanenko asked how many separate votes need to be taken after an orderly public hearing so that all the proper steps involved will be taken. He said he knew that this was more involved than a normal public hearing. Mr. Costa said that he had conferred with counsel who do the bonding for the Town, prior to tonight's public hearing and they have prepared an extract of minutes plus the resolutions that are required. Mr. Costa said he had reviewed them and he believed that there are three resolutions involved and they are all in the packet.

Supervisor asked if there were any documents to be signed by the Town Board and Mr. Costa said he did not believe so that there were just the three resolutions to be acted upon. Supervisor Dusanenko asked Mr. Costa if he would point them out at the appropriate time and Mr. Costa said he would do that.

Town Attorney stated that he had a number of affidavits in the file for the record. There is an affidavit of posting by the Town Clerk of the Order Calling Public Hearing at public places within the Town. There is an Affidavit of Mailing to the effect that the Order Calling Public Hearing was mailed to all of the property owners of record according to the tax rolls for the properties that are listed in the Charles R. Velzy report as being within the benefitted area. There is also an Affidavit of Posting of the Notice of Public Hearing which was posted in the vicinity of the properties subject to the hearing tonight.

Supervisor Dusanenko called upon Mr. Suttie and asked if he would be agreeable to answer any questions that might come up this evening. He said he would be glad to do that.

Supervisor asked if there were any members of the public who would like to speak for or against this proposal or if they have any questions.

Appearance: Mr. Arnold Garelik

Mr. Garelik asked on what side of Route 303 are the sewers to be run and how are the monies to be appropriated from the affected property owners?

Mr. Suttie said they would be on both sides of Route 303 south of Route 59 to the Town line. Supervisor said he thought it was coming down South Greenbush Road, then crossing Route 303 and then going down the west side. Mr. Bollman said from the Landfill south to the Town line. Supervisor said from the Landfill north it will only be on one side.

Mr. Garelik said there are some 19 affected parcels involved and it was stated that the monies were going to be raised from these parcels - would it be on frontage, on acreage or what? Supervisor said all of those would be considerations.

Mr. Suttie said they would use the same method as is used in MBSIA 2 now. There is a set rate per hundred dollars of AV and there is a set amount per house or per unit of occupancy. There is a set fee per front foot but the pipes have to run by the house. This has been set at a number that is used in MBSIA 2 now to work with which is 14.4¢ per hundred AV, 37¢ per front foot and \$44.91 per unit. When that amount is multiplied out based on the AV front feet and units there an amount is collected from that area. This is deducted from the annual amount due on the note. The remainder of that amount is paid by the rest of the assessment in MBSIA 2 as a secondary benefit tax to them so there is a primary tax and a secondary tax.

Supervisor asked if we still had the offer of \$5,000.00 or \$10,000.00 from one of the owners of the property as a contribution to this above and beyond tax payments. Mr. Bollman said he had a letter stating that there would be contributions if it were done this year.

Councilman Holbrook asked how the cost would be figured if it were to be borne by the properties affected. Les Bollman, Director of Environmental Control stated that the policy of the Town is the same as that of 1975 and which Mr. Bollman had asked Charles R. Velzy to continue with. The direct costs are paid for by the people who directly benefit and the secondary costs are paid for by everybody. There are people on South Mountain Road who pay into MBSIA 2. He gave the example of a \$50,000.00 house directly on benefitted and stated that they would pay \$196.47. A \$50,000.00 house not benefitted in 1985 would pay \$8.65 which would drop to \$5.50 by 1989. Our rationale at that time, which is still valid at this time, is that when a portion of the Town benefits from sewers, ord cleans up an area tthat might have a potential health problem or enables an area to develop in a way it was meant to by zoning to develop it is always considered a benefitd to all of the residents of the Town. He mentioned that Route 59, Christian Herald and Route 9W were all done that way. He did not think it was precluded by what Mr. Costa said because he thought the Town Board would pretty much assess as to the direct and the benefit.

Councilman Holbrook said he thought that when it was drawn up the intention of the Town Board was that the properties which benefitted would be charged the cost.

Supervisor stated that counsel would like to share some information and since this is a sensitive item we should first close this public hearing and then recess with Mr. Bollman and Mr. Costa. Councilman Lettre asked if this was a matter of litigation and the Supervisor said no but he did not think that they wanted to discuss this here.

Mr. Costa stated that he was prepared to advise the Board concerning Town Law and the alternatives that are available.

There being no one wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, time: 9:32 P.M.

Respectfully admitted,



PATRICIA SHERIDAN,
Town Clerk