

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/10/84

8:16 P.M.

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

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

Supervisor Dusanenko declared the Public Portion open.

Appearance: David Fromson
139 Brewery Road
New City, NY

Mr. Fromson appeared regarding legislation for tax exemption for veterans. He gave the Board a copy of assembly bill 911-B and said this bill was introduced at the request of Governor Cuomo. Mr. Fromson presented a copy to each member of the Town Board. Copy is on file in the Town Clerk's office.

Appearance: Bert Dahm
West Nyack, NY

Mr. Dahm spoke regarding the Bergen Barracudas swim team and the use of Germond's Pool. Mr. Dahm said he thought an agreement had been reached with one important exception, the charge for use of the swimming pool facility. The Bergen Barracudas would be requesting one Clarkstown lifeguard for one hour which should cost the Town approximately \$10.00 per day. However, I find attached to your resolution tonight is the figure of \$150.00 per session, an unrealistic number and tantamount to a refusal by the Recreation Commission to entertain this proposal. This \$150.00 comes to \$3.00 per person for 150 people. He further stated that those people that pay \$3.00 for admission to the regular pool facility are using a pool that is fully staffed; whereas at 5:30 in the morning, the pool is not staffed. He asked the Board to approve the resolution with the exception of the fee and allow them to negotiate on that issue..

Appearance: Kenneth Resnick
Attorney for TKR

Mr. Resnick said that he had made a submission for his TKR proposal at workshop and there was one line he would prefer to see in different language. He said that while his client was committed to establishing additional studio facilities they could not predict when 55% market development would be reached.

Supervisor stated that he was not aware that TKR had local studio facilities.

Mr. Joyce, another representative from TKR stated that TKR does 15-20 hours of local programming now and will expand those facilities but that he could not predict time because they do not know what the state of the art will be in the future.

Appearance: Jack Cuff
West Nyack, NY

Mr. Cuff requested that after the Public Hearing the Town Board should take items in order of their importance.

The Supervisor inquired what items he considered most important.

Continued on Next Page

Mr. Cuff gave a list of those items he did not believe the people were interested in.

Councilman Lettre said that after the Public Hearings were held the meeting should not take more than twenty minutes and there was no reason to rearrange the agenda.

Appearance: Michael Lynch
Jeffrey Court
West Nyack, NY

He appeared regarding the sewerage that was overflowing in his area.

Supervisor Dusanenko said that the Klein Avenue dike was working very effectively. At the same time, the sewerage and the water on the west side of the dike was also contributing to the sewer lines being backed up even further. We have federal aide to build the Hackensack pumping station but it will be two years before it is fully constructed. Many people have hooked up their gutters and sump pumps etc., to sanitary sewers rather than storm sewers. Millions of gallons of water are going into the streets causing that backup in the sewers. In our 1985 budget we are going to spend an extra \$100,00 for an extra sewer contractor to close up the leaks caused by builders and others for drainage purposes that have been illegally made into the sanitation system. We are trying to get Federal aide to do an open cut on the railroad culvert just north of the newly constructed Fifth Avenue bridge because that acts as a dam. The Town Board hired John Kozma to update that drainage study and those results should be back shortly. Congressman Gilman has been able to get the Federal engineers to give some input. Mr. Les Bollman and the Town Board have received confirmation from the Federal Government that they will use existing data that the Federal and State agencies have rather than starting with new studies.

Mr. Lynch said that the sewers are now their problem.

Appearance: Janet Mathews
Jeffrey Court

Ms. Mathews stated that Old Mill stream is still a problem and that the wall had fallen and the rip-rapping had fallen in.

Les Bollman stated that he had been there in May and at that time the wall had not fallen in.

Appearance: Helen Skjerding
46 Old Mill Road
West Nyack, NY

She said that the sewer is emptying out on her property. The other side of the road is eight feet higher than on the opposite side of the road so because of this she is getting inundated with water, sewerage and everything else. Mrs. Skjerding had a letter to the Spring Valley Water Company from Les Bollman regarding her problem. A copy of this letter was left with the clerk to be forwarded to the Town Board. The Supervisor requested that Les Bollman follow up on that letter. She also said that she was informed that an outlet was closed off in the area and that this is agravating flooding and it is further agravated when Spring Valley Water opened up their flood gates.

Supervisor Dusanenko said that Spring Valley Water Company should start releasing water before a major storm

Continued on Next Page

because it would alleviate a certain amount of flooding.

Appearance: John Lodico
Birch Street
New City, NY

He spoke regarding Item 22 on the agenda and questioned the Board's approval of this item without a master plan. He said that there are 23 acres of Town owned land that the Town wants to use for recreation purposes. It was his recommendation to use it for storage rather than continue to rent space on 303. He further stated that was why the present Town Hall was built - to be able to concentrate all facilities under one roof and not have to rent space. He asked the Board to incorporate the same proposal regarding French Farms. He referred to the present space rented by the Town on 303 and said we are paying \$25,000 a year plus a tax abatement on the property.

Supervisor Dusanenko said there are two more years in the lease and that the Board had a Public Hearing regarding the development of the facilities and an agreement was reached. After two years of debate, they arrived at a compromise and the area referred to will keep that neighborhood passive and also to utilize some of it for active recreation. He further stated that no one would want a warehouse in their neighborhood.

Mr. Lodico said the Town Board was running away from their fiscal responsibilities and that they should serve the Town more and not build a park without space for storage.

Appearance: Gerard Harris
23 Jeffrey Court
West Nyack, NY

He stated that the Spring Valley Water Company said it would be two years before this problem could be corrected properly and since Spring Valley Water Company has been less than cooperative, could the Town Attorney take a class action against Spring Valley Water on behalf of the residents thereby putting Spring Valley Water Company on notice.

Supervisor Dusanenko requested that the Town Attorney research this matter

Appearance: Y. R. Loonka
Lederle Labs.

He spoke regarding item 24 and objected to the Public Hearing proposed granting the Town Attorney the authority to acquire by condemnation the Nanuet Railroad Station. He said that his proposition had been made for permanent commuter parking and he thought that was being negotiated.

Councilman Holbrook said that was just one of the options.

Mr. Loonka said that there had been no dialogue between Lederle and the Town other than the one unsolicited proposal and one informal meeting.

Councilman Carey said that they were mulling over the Lederle offer but had reached no decision.

Councilman Lettre said that they were setting a Public Hearing and at that time Lederle could have input along with the

Continued on Next Page

192

public and that no decision was being made tonight; only the calling of a Public Hearing.

Councilman Holbrook said that he did not want composting from Lederle put at the landfill because we do not know what is in it.

Supervisor said that Plan B calls for a fifteen year lease from the time of completion of the new proposed station platform; no annual rental fee; no payment of taxes by the Town of Clarkstown as we are currently doing, in exchange for accepting 22,500 yards of finished daily cover for the Clarkstown Sanitary Landfill. This would be subject to New York State Department of Environmental control, our conservation approval, of the compost they used as a daily landfill cover. In the event that DEC does not approve this material suitable for daily cover since they monitor our landfill, Plan B would revert back to Plan A. Transportation material would not be provided by Lederle. However, it would be more difficult and costly for the Town of Clarkstown in the future to apply adequately for the daily landfill cover. If this alternative is chosen, it would provide at no cost to the Town, approximately 50% of our daily land cover requirements

Les Bollman requested that \$30 be put on the next workshop meeting and item 15 on the resolution for Shagbark the sentence "in accordance with the plans prepared by the Department of Environmental Control" be put in the resolution.

Appearance: Deanna Saunderson
Strawtown Road
New City, NY

Mrs. Saunderson read the following letter which is on file in the Town Clerk's Office:

"Dear Mr. Dusanenko and Members of the Town Board:

Thank you for the opportunity of sharing our views concerning the proposed French Farms park. While we would look forward hopefully to the park becoming a valuable community asset, its proximity to our homes warrants our sharing the following concerns with you:

1. We ask you to carefully consider the tight residential area that surrounds the park on all sides and weigh carefully the hours of operation. Opening at 9 a.m. on a Sunday morning does sound a bit early. We understand the park will close an hour after dusk.
2. We ask that there be no lights, or PA system, or bleacher seating. This is a small park in a small neighborhood.
3. To avoid trespassing into the park when closed we ask you to erect a fence around its perimeter and maintain a locked entry gate when closed.
4. While it is unfortunate that all the needs of the various sports players cannot be met in this small park, we are appreciative of the fact only one multi-purpose field has been proposed, and we hope it would always stay that way.

If this park becomes a reality we shall look forward to its being enjoyed by a wide segment of the community. And we will be happy to endorse and support it if you can provide the practical controls we refer to herein."

Mrs. Saunderson thanked the Board for the opportunity to work with them and the Clarkstown Parks Board and Recreation Commission.

194

Supervisor Dusanenko thanked the residents for their constructive criticism for what they do want not only for what they don't want.

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing Re: Amendment to zoning ordinance Re: Public Hearing Notices was opened, 9:58 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey, this Public Hearing was CLOSED and ADOPTED, time: 10:05 P.M. and returned to regular meeting.

RESOLUTION NO. (715-1984)

AMENDING ZONING ORDINANCE
OF THE TOWN OF CLARKSTOWN
- SECTION 106-32C

Councilman Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 26th day of June, 1984, provided for a public hearing on July 10, 1984, at 8:35 P.M. to consider the adoption of the following proposed amendment(s) 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;

NOW, THEREFORE, be it

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

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 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

Continued on Next Page

RESOLUTION NO. (715-1984) continued

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."

Seconded by Councilman Carey All voted Aye

Councilman Carey asked if the Board would consider taking items #1 and 2 back to workshop because he thought there was a resolution the last time which was different than what he sees here.

Supervisor said he suggests they do not do that. We have a consent order with DEC which both Mr. Les Bollman and John Costa have spent many hours of the last several months negotiating. In that consent order, in order for the continuation of the Clarkstown Landfill, there are certain things which must be done according to a schedule which we still do not have a confirmation of the exact time.

Town Attorney when asked by the Supervisor to confirm this said that was correct.

The Supervisor said that in order to continue the successful operation of the Clarkstown Sanitary Landfill is for that leachate collection system which this Town Board has been unanimously prescribing and constructing. There are requirements in that consent order which may require us to hook up to these sewers. If we lose more time and a whole construction season, we have a chance of losing the better part of a year's collection; being in violation of that consent order and there are fines and penalties and possible close downs if that is the case. Whether you are for or against on the information provided, I would suggest that you vote for it rather than table it to another meeting.

Mr. Carey asked Mr. Costa what specifically does this resolution do because it is different than the one that was brought before us on July 10. This apparently is not the same.

Mr. Costa stated that the resolution before the Board right now is a resolution which would deny the sewer service along Route 303 under terms and conditions which would impose the cost of that installation on the properties that are going to be served by it. There are 22 properties and the \$335,00 cost estimated would be apportioned against those properties and they would have to pay for that improvement by special assessment over the next 15-40 years as determined by the Board. The next two resolutions in the packet are calling for the setting of a new Public Hearing and the filing of the revised Velzy report which would if adopted have a Public Hearing to consider whether or not the improvement should be assessed against the property by a different formula. As I understand it, that formula would basically apportion approximately 17% of the capital cost on the properties that are going to be served and the balance of the capital costs would be picked up by the properties lying within the master benefitted sewer area #2. They would not have to pay the full cost of the sewerage. There was a resolution before the Board on June 26, which would have adopted the initial proposal which was to assess the properties for the improvement. I think that is not within your packet tonight but that was a resolution that was available at the June 26 meeting.

Councilman Maloney asked if you vote to deny the first resolution you will be approving the second way of assessing the cost on the MBSIA.

196

The Town Attorney said if you vote in favor of adopting the first resolution you are saying that you do not want to apportion the cost solely against those properties and you are eliminating that option that the Town Board has. If you go with the second two resolutions, you're setting in motion the process to create the new sewer line under the other formula.

RESOLUTION NO. (716-1984) DENYING PROPOSAL TO EXTEND SEWER SERVICE TO ROUTE 303 AND THE METHOD OF APPORTIONING SAID COSTS AFTER PUBLIC HEARING

Councilman Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has been concerned with the need for additional sewer improvements in a portion of the unincorporated areas of the Town within the Master Benefitted Sewerage Improvement Area No. 2, and

WHEREAS, by Order of the Town Board a public hearing was held on June 26, 1984, at 8:30 P.M., in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, and

WHEREAS, all interested parties were heard in opposition to and in favor of said improvements, and

WHEREAS, the proposed method of financing said improvements would have imposed by way of special assessment the entire estimated cost of \$335,000 upon the properties to be benefitted, and

WHEREAS, said apportionment of costs in the discretion of the Town Board is undesirable;

NOW, THEREFORE, be it

RESOLVED, that the proposal to extend sewer service to Route 303 and the method of apportioning said costs, after public hearing, be and hereby is denied.

Seconded by Supervisor Dusanenko

On roll call the vote was as follows:

- Councilman CareyNo
- Councilman HolbrookYes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Supervisor Dusanenko.....Yes

RESOLUTION NO. (717-1984) SETTING PUBLIC HEARING RE: SEWER IMPROVEMENT (MBSIA NO. 2)

Councilman Maloney offered the following resolution:

WHEREAS, on July 10, 1984, the Town Board of the Town of Clarkstown duly adopted a resolution accepting for filing in the Town Clerk's Office a revised report entitled, "Engineering Report and Cost Estimates for Route 303 Sanitary Sewers and Pump Station" prepared by Charles R. Velzy Associates, Inc., dated January 1984 which report contained a proposal for providing a sewer improvement

RESOLUTION NO. (717-1984) Continued

in an area of the Town of Clarkstown described below, and

WHEREAS, the boundaries of the proposed benefitted area are as follows:

<u>MAP</u>	<u>BLOCK</u>	<u>LOTS</u>
105	A	19
105	A	20
105	A	20.01
105	A	20.02
105	A	21
105	A	21.01
105	A	22
105	A	22.02
105	A	22.03
105	A	22.04
105	A	23
105	A	24
105	A	25
105	A	26.01
105	A	26.02
105	A	27
105	A	33
105	A	33.02
105	A	33.05
119	A	32.01
119	A	32.02

WHEREAS, the improvements proposed are the installation of an eight inch sewer main of 2,820+ lineal feet, a force main of approximately 1,000 feet and a pumping station to serve the area adjacent to Route 303 from Route 59 to the Orangetown Town line, as described above, and

WHEREAS, the maximum amount proposed to be expended for such improvement is Three Hundred Thirty-Five Thousand (\$335,000.00) Dollars, and

WHEREAS, the proposed method of apportioning the costs of such improvement is as follows:

(Schedule A on file in Town Clerk's Office)

WHEREAS, the proposed method for financing such improvement shall be as provided by Article 15 of the Town Law, and

WHEREAS, a map, plan and report describing such improvement are on file in the office of the Town Clerk of the Town of Clarkstown, for public inspection, it is

ORDERED, that the Town Board of the Town of Clarkstown shall meet at the Town Hall, 10 Maple Avenue, New City, New York, on the 7th day of August, 1984 at 8:20 P.M., for the purpose of conducting a public hearing on the proposal to provide such sewer improvement, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Clarkstown is hereby authorized and directed to publish a copy of this order in the Journal News and post a copy of the same on a bulletin board in the office of the said Town Clerk, in the time and manner required

198

RESOLUTION NO. (717-1984) Continued

by law, and in at least five (5) public places within the area proposed to be benefitted as herein described, a copy of this Order certified by said Town Clerk, and by mailing a copy of this Order to the property owners of record in the Tax Assessor's Office.

Seconded by Councilman Lettre All voted Aye

RESOLUTION NO. (718-1984) FILING REPORT OF CHARLES R. VELZY RE: SEWER IMPROVEMENTS (MBSIA NO. 2)

Councilman Maloney offered the following resolution:

WHEREAS, a revised engineering report entitled, "Engineering Report and Cost Estimates for Route 303 Sanitary Sewers and Pump Station" dated January 1984 prepared by Charles R. Velzy Associates, Inc., Consulting Engineers has been made to the Town Board of the Town of Clarkstown as a proposal to provide for an extension to the collection system in a portion of the Master Benefitted Sewerage Improvement Area No. 2 in the Town of Clarkstown for an area in the vicinity of Route 303, south of Route 59, West Nyack, to the Orangetown Town line which shall benefit properties designated on the Clarkstown Tax Map as follows:

<u>MAP</u>	<u>BLOCK</u>	<u>LOTS</u>
105	A	19
105	A	20
105	A	20.01
105	A	20.02
105	A	21
105	A	21.01
105	A	22
105	A	22.02
105	A	22.03
105	A	22.04
105	A	23
105	A	24
105	A	25
105	A	26.01
105	A	26.02
1051	A	27
105	A	33
105	A	33.02
105	A	33.05
119	A	32.01
119	A	32.02

NOW, THEREFORE, be it,

RESOLVED, that the reasonable cost of preparing said general plan, report and map for providing said improvement in the above described area of the Town of Clarkstown, and shall be a charge to Capital No. 2 Fund No. 8150-07-409, and be

FURTHER RESOLVED, that said report is ordered filed in the office of the Town Clerk, and be it

FURTHER RESOLVED, that this resolution shall not be subject to either a permissive or mandatory referendum since the maximum proposed expenditure of \$335,000.00 will not result in sewer improvement costs exceeding the amount provided in 209-q(11) of the Town Law.

Seconded by Councilman Lettre All voted Aye

RESOLUTION NO. (719-1984)

SETTING PUBLIC HEARING TO REMOVE FROM TOWN CODE THE FOLLOWING OBSOLETE SECTIONS: SECTION 74-1: DISORDERLY ACTS; SECTION 74-2: PUBLIC ASSEMBLY; LOITERING; SECTION 74-5: UNNECESSARY NOISE; SECTION 74-7: PENALTIES FOR OFFENSES; SECTION 91-10: ATTIRE

Councilman Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CLARKSTOWN TO ELIMINATE CERTAIN OBSOLETE PROVISIONS WHICH ARE INCONSISTENT WITH THE PROVISIONS OF THE PENAL LAW DEALING WITH DISORDERLY CONDUCT BY DELETING PARAGRAPHS 1, 2 and 5 AND AMENDING PARAGRAPH 7 of CHAPTER 74 ENTITLED, 'PEACE AND GOOD ORDER' AND TO AMEND SAID CODE TO ELIMINATE AN ANTIQUATED SECTION REGULATING ATTIRE BY DELETING SECTION 91-10 ENTITLED, 'ATTIRE FROM CHAPTER 91."

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 7th day of August, 1984, at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Councilman Carey

All voted Aye

RESOLUTION NO. (720-1984)

AUTHORIZING SUPERVISOR TO EXECUTE A MODIFIED CONSENT ORDER FOR CLARKSTOWN SANITARY LANDFILL

Councilman Lettre offered the following resolution:

WHEREAS, the Town of Clarkstown operates a sanitary landfill in the vicinity of Route 59 and Route 303 in West Nyack, New York, and

WHEREAS, the Town has attempted to obtain a permit to continue to operate this facility in accordance with the regulations of the New York State Department of Environmental Conservation and has, to date, been unable to satisfy the requirements of the New York State Department of Environmental Conservation to obtain said permit, and

RESOLUTION NO. (720-1984) Continued

WHEREAS, on or about May 13, 1980, the Town entered into an Order on Consent with the New York State Department of Environmental Conservation, which Order provided for, among other things, the closure of the sanitary landfill on or about March 31, 1983, and

WHEREAS, the New York State Department of Environmental Conservation has allowed the Town of Clarkstown to continue to operate its sanitary landfill without an operating permit upon the conditions set forth in the said Order on Consent, and

WHEREAS, the Department of Environmental Conservation has tendered a modified Order on Consent which extends for an indefinite period the Town's ability to continue to operate its sanitary landfill provided certain conditions are complied with which relate to alleged violations of Section 24-0701 of the Environmental Conservation Law and Part 360 of the Official Compilation of Codes, Rules and Regulations of the State of New York, and

WHEREAS, nothing in said Consent Order precludes the Town from applying for a permit to operate a solid waste management facility provided the Town can comply with all applicable regulations;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the Modified Order on Consent referred to herein, provided written confirmation of change of inappropriate compliance dates contained therein is obtained.

Seconded by Councilman Holbrook

All voted Aye

RESOLUTION NO. (721-1984)

AUTHORIZING THE
INSTALLATION OF TWO FIRE
HYDRANTS: ONE ON WEST
SIDE OF SPRING ROAD; ONE
ON SOUTHWEST CURVE OF
SASSOON TERRACE

Councilman Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install two (2) fire hydrants, one on the west side of Spring Road approximately 250' north of the centerline of the intersection of Emerald Drive and Spring Road and another on the west side of Sassoon Terrace on the southwest curve of Sassoon Terrace between Lots 33 and 34. Investigation Number 9333.

Seconded by Councilman Maloney

All voted Aye

RESOLUTION NO. (722-1984)

AUTHORIZING THE
INSTALLATION OF ONE FIRE
HYDRANT ON WEST SIDE OF
OVERLOOK ROAD, BARDONIA

RESOLUTION NO. (722-1984) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install one (1) fire hydrant on the west side of Overlook Road, Bardonia, approximately 530 feet south of the centerline of Clearview Road. Investigation number 9521.

Seconded by Councilman Maloney All voted Aye

RESOLUTION NO. (723-1984) AUTHORIZING TRAFFIC SIGNS
- LEXINGTON ROAD, NEW CITY

Councilman Maloney 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 curve warning sign at the South property line of #10 Lexington Road, New City. Also a panel is to be affixed beneath to read "20 M.P.H." This panel should also be added to the existing curve sign.

Seconded by Councilman Holbrook All voted Aye

RESOLUTION NO. (724-1984) AUTHORIZING TRAFFIC
CONTROL SIGNS OR
MODIFICATIONS TO
INTERSECTION OF ZUKOR RD.,
BONTECOU LANE AND
SOUTHERLY ENTRANCE TO
DELLWOOD COUNTRY CLUB,
SUBJECT TO APPROVAL OF
TRAFFIC AND TRAFFIC SAFETY
ADVISORY BOARD

Councilman Maloney offered the following resolution:

RESOLVED, that subject to the approval of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to implement traffic control signs or modifications to the intersection of Zukor Road, Bontecou Lane and the southerly entrance to Dellwood Country Club.

Seconded by Councilman Holbrook All voted Aye.

RESOLUTION NO. (725-1984) AUTHORIZING THE
INSTALLATION OF "NO
PARKING" SIGNS ON MAIN
ST., NEW CITY FROM COLLYER
AVE. TO THIRD ST., AND
INSTALL LEFT HAND TURNS ON
MAIN ST., NEW CITY FROM
COLLYER AVE. NORTH TO NEW
HEMPSTEAD ROAD, SUBJECT TO
APPROVAL OF TRAFFIC AND
TRAFFIC FIRE SAFETY
ADVISORY BOARD

RESOLUTION NO. (725-1984) Continued

Councilman Maloney offered the following resolution:

RESOLVED, that subject to the approval of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install "No Parking" signs on Main Street, New City from Collyer Avenue to Third Street and to install left hand turns on Main Street, New City, from Collyer Avenue, North to New Hempstead Road.

Seconded by Councilman Holbrook

All voted Aye

Pursuant to the following resolution, the Supervisor asked if there was any desire to modify the fee schedule

Councilman Lettre commented that the Town Board has the authority to set the fees not the Recreation Commission.

Supervisor Dusanenko asked the Town Attorney if he could answer that question and he said he could not give a definitive answer at this time. Supervisor asked Mr. Proffena and he said no. Supervisor asked Mr. Ghiazza. Mr. Carey said the only one to answer that is the Town Attorney. The Town Attorney said the latest resolution is drafted. The Town Attorney said that it was his understanding having talked to Mr. Ghiazza's secretary today that it was to be subject to a favorable recommendation by the Parks Board & Recreation Commission so that it would require not only the Town Board's favorable action but also the Parks Board & Recreation Commission's favorable action as well. As to whether you could do it without Parks & Recreation's approval or they could do it without yours that was not contemplated until tonight.

Supervisor referred to the resolution and said that what this resolution is calling for is that we cannot authorize it on its own. It still has to have concurrence by the Recreation Commission. My only suggestion so that we do not have to debate this issue, is we not make any reference to the rental conditions and the prescribed top resolutions so that they have some latitude to negotiate.

Councilman Lettre asked how the residents requirements are going to be monitored?

Councilman Holbrook said the non-residents should pay the \$3.00 fee.

Councilman Lettre asked are you willing to let the non-residents use the pool?

Councilman Holbrook said that when a person brings a guest to the pool, they pay a fee.

Councilman Maloney said it was already subject to the 60% residency which they already agreed upon.

Supervisor said that he would be the third to support Mr. Holbrook and Mr. Maloney in this instance and that we allow them to do it but it would be subject to the approval of the Recreation Commission but not mention a specific fee. At the same time if there are non-residents using the facility that they pay the regular daily user fee as any outside pool visitor would have to and the residents would be subject to their own negotiations.

Councilman Carey asked if this resolution is minus item #8.

Continued on Next Page

TBM - 7/10/84
Page - 15

Supervisor said that would not specifically lock them into that rate schedule

RESOLUTION NO. (726-1984) AUTHORIZING THE BERGEN BARRACUDA SWIM TEAM (CLARKSTOWN BRANCH) TO USE GERMONDS POOL

Councilman Holbrook offered the following resolution:

WHEREAS, the Bergen Barracuda Swim Team (Clarkstown Branch) has requested use of Germonds Pool for swimming workouts from July 16, 1984 through August 17, 1984,

NOW, therefore, be it

RESOLVED, with the approval of the Clarkstown Parks Board and Recreation Commission, the Bergen Barracuda Swim Team (Clarkstown Branch) is hereby authorized to use Germonds Pool on the above dates in accordance with rental conditions as shown in Schedule A (attached).

Seconded by Councilman Maloney

On roll call the vote was as follows:

Councilman CareyNo
Councilman Holbrook.....Yes
Councilman Lettre.....No
Councilman MaloneyYes
Supervisor Dusanenko.....Yes

RESOLUTION NO. (727-1984) AUTHORIZING AND DIRECTING VARIOUS DEPARTMENTS TO COOPERATE TO ELIMINATE VARIOUS PROBLEMS AFFECTING RESIDENTS ON FENNER LANE , NANUET

Councilman Lettre offered the following resolution:

RESOLVED, that the Department of Environmental Control and the Building Department of the Town of Clarkstown, the Nanuet Fire Department and the Rockland County Health Department plus various concerned Town departments and agencies are hereby authorized and directed to work together to eliminate the problems affecting residents of Fenner Lane, Nanuet.

Seconded by Councilman Maloney All voted Aye

On item #9 on the agenda, authorizing retention of Kevin M. Daily for litigation against the State of New York in order to obtain our fair share of State Revenue Sharing Aid the following comments were made:

Supervisor Dusanenko said that legislative remedies have not worked. The Assembly and Senate is out of session and this Town is losing, as are many Towns throughout the State of New York, between one quarter and one million dollars a year in what is supposed to be called State Revenue Sharing.

Continued on Next Page

Councilman Lettre said he would like to table this resolution and have some member of the firm we are contemplating bringing in here come before the next workshop meeting and explain what their procedure is going to be. He said he would like to know what the Town is going to get for their \$5,500 and make sure that it is adequate and we are not just flushing it away. It is possible that we may have to spend more than that.

Councilman Carey said he would like to have someone from the State come down.

Supervisor Dusanenko said the State has been non-responsive for four years for two sessions.

Councilman Carey asked if we could get our State Legislator or our State Senator.

Supervisor Dusanenko said that all state legislators regardless of their politics have been unable to get the leadership of both political parties to change this State Revenue Sharing concept while other monies are going to other communities to the tune of millions of dollars of bailouts. Basically, in a nutshell, the suburbs are getting screwed financially and the cities are getting the aid.

It was the consensus of opinion to request attorney Kevin Daley to come to Clarkstown and the Town would pay for his carfare and his room for the night.

RESOLUTION NO. (728-1984)

GRANTING PERMISSION TO TOWN CLERK TO ATTEND 16TH ANNUAL INSTITUTE FOR MUNICIPAL CLERKS - CHARGE TO ACCOUNT A 1010-414

Co. Carey offered the following resolution:

RESOLVED, that permission is hereby granted to Town Clerk, Patricia Sheridan, to enroll in the 16th Annual Institute for Professional Clerks, sponsored by the International Institute of Municipal Clerks and the Continuing Education Center for Public Service of Syracuse University, to be conducted at the Washington Arms Conference Center, Syracuse, New York, August 12th through 17th, 1984, and be it

FURTHER RESOLVED, that all necessary and actual expenses not to exceed \$350.00 plus mileage be allocated against Account No. A 1010-414.

Seconded by Councilman Holbrook

All voted Aye

RESOLUTION NO. (729-1984)

TRANSFERRING FUNDS FROM ACCOUNT NO. A1990-505 TO ACCOUNT NO. A1420-409 FOR LEGAL SERVICES BY PHILIP FURGANG, ESQ.

Co. Holbrook offered the following resolution:

RESOLVED, that the sum of \$4,477.69 be transferred from Account No. A1990-505 to Account No. A1420-409 for legal services rendered by PHILIP FURGANG, ESQ., in the matter of Town of Clarkstown v. Reeder, et al.

Seconded by Councilman Maloney

All voted Aye.

RESOLUTION NO. (730-1984)

TRANSFERRING FUNDS FROM
CONTINGENCY ACCOUNT NO. A
1990-505 TO ACCOUNT NO.
A1420-313 - FILE CABINETS

Councilman Holbrook offered the following resolution:

RESOLVED, that the sum of \$575.00 for file cabinets be transferred from Contingency Account No. A 1990-505 to Account No. A 1420-313.

Seconded by Councilman Maloney All voted Aye

RESOLUTION NO. (731-1984)

DECREASING ACCOUNT A
1355-114 AND INCREASING A
1355-404

Councilman Holbrook offered the following resolution:

WHEREAS, the assessor's Office is overdrawn in the following Appropriation Account;

NOW, THEREFORE, be it

RESOLVED to

Decrease: A 1355-114\$1000.00

Increase: A 1355-404\$1000.00

Seconded by Councilman Maloney All voted Aye

RESOLUTION NO. (732-1984)

DECREASING APPROPRIATION
ACCOUNT B 8020-313 AND
INCREASING APPROPRIATION
ACCOUNT B 8020-201

Councilman Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account B 8020-313 and increase Appropriation Account B 8020-201 by \$163.00.

Seconded by Councilman Maloney All voted Aye

RESOLUTION NO. (733-1984)

AWARDING BID #47-1984 AIR
CONDITIONING OF CLARKSTOWN
HIGHWAY DEPARTMENT OFFICES
- TO TROJAN REFRIGERATION,
INC., AND INCREASING
ESTIMATED REVENUE ACCOUNT
NO. 01-003005 AND
APPROPRIATION ACCOUNT NO.
A 5132-219

RESOLUTION NO. (733-1984) Continued

Co. Maloney offered the following resolution:

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

BID #47-1984

Air-Conditioning of Clarkstown Highway Department Offices is hereby awarded to:

Trojan Refrigeration, Inc.
57 South Main Street
Pearl River, NY 10965

as per their proposal in the amount of \$10,389., and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 01-003005 and Appropriation Account No. A 5132-219 by \$10,389.

Seconded by Councilman Holbrook

All voted Aye

Supervisor Dusanenko: "Lou, the increased revenue account - where are we getting more revenue from?"

Mr. Profenna: "It's miscellaneous."

Supervisor: "What miscellaneous revenue does Highway get?"

Mr. Profenna: "That's in the general fund. This is an improvement to the Highway garage that has to be charged to the general fund."

Supervisor: "Okay, thank you for that answer."

RESOLUTION NO. (734-1984)

AWARDING BID #45-1984 -
FENCING FOR PARKS &
RECREATION DEPT. - TO
CRESTWOOD FENCE CO., INC.,
YABOO FENCE CO., INC., AND
UNIVERSAL PLAY SYSTEMS,
INC.

Councilman Maloney offered the following resolutions:

RESOLVED, that based upon the Supt. of Recreation and Parks and the Director of Purchasing that

BID #45-1984
FENCING FOR PARKS & RECREATION DEPT.

is hereby awarded to

CRESTWOOD FENCE CO., INC.
9 N. Airmont Road
Suffern, N.Y. 10901

Yaboo Fence Co., Inc.
10 High Street
West Nyack, N.Y. 10994

Universal Play Systems, Inc.
739 Main Street
New Rochelle, N.Y. 10801

as per the following schedule:

TBM - 7/10/84
Page 19

RESOLUTION NO. (734-1984) Continued

Projects A&B Chain Link Fencing at Lake Nanuet Park
Awarded to Yaboo Fence at the proposed costs of
Project A - \$2800.00
Project B - \$ 940.00

Project C - Wood Fencing at Lake Nanuet Park
Awarded to Crestwood Fence at the proposed cost of \$4537.50

Project D - Wood Fencing at Congers Lake Park
Awarded to Crestwood Fence at the proposed cost of \$8926.50

Project E - Wood Fencing at Street School Community Center
Awarded to Crestwood Fence at the proposed cost of \$1155.00

Project F - Cedar Gate at Congers Lake Park
Awarded to Universal Play Systems at the proposed cost of
\$1245.00

and be it

FURTHER RESOLVED, that this award is subject to
successful bidders presenting liability insurance coverage, save
harmless clause and certificate of workers compensation coverage as
outlined in bid specifications.

Seconded by Councilman Holbrook

All voted Aye

RESOLUTION NO. (735-1984)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
AGAINST TOWN OF CLARKSTOWN
- PLOTZKE, McCROCKLIN &
HEFFERNAN

Councilman Holbrook offered the following resolution:

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

In the Matter of the Application of

CARL A. PLOTZKE, DONALD C. McCROCKLIN
and JOHN M. HEFFERNAN,

Petitioners,

for a Judgment pursuant to Article 78 of
the Civil Practice Law and Rules

-against-

ELIZABETH J. SQUILLACE, EDWARD GRAYBOW,
PHYLLIS BULHACK, DAVID KRAUSHAAR, CATHARINE
McDOUGALL, JOSEPH MARAIA, WILLIAM NIEHAUS,
constituting the Zoning Board of Appeals
of the Town of Clarkstown.

Respondents.

Continued on Next Page

RESOLUTION NO. (735-1984)Continued

NOW, THEREFORE, be it

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

Seconded by Councilman Carey All voted Aye

RESOLUTION NO. (736-1984) AUTHORIZING NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO BUILD AN AT-GRADE INTERSECTION -- ROUTE 303 & 9W

Councilman Maloney offered the following resolution:

WHEREAS, the Rebuild New York Bond Issue Program was passed, and

WHEREAS, there are Federal and State funds available for project PIN 8039.43, and

WHEREAS, the New York State Department of Transportation recommends Alternate 3 for Project 8039.43, Route 9W at Route 303 (northbound), Town of Clarkstown, Rockland County, and

WHEREAS, Alternate 3 provides two additional turning movements not provided by the other alternates, and

WHEREAS, Alternate 3 will result in the removal of the existing deteriorated structure and will be in the best interests of the Town of Clarkstown regarding the safety of its residents

NOW, THEREFORE, be it

RESOLVED, that the Town Board, Town of Clarkstown concurs with the New York State Department of Transportation's recommendation that Alternate 3 be selected for this project.

Seconded by Councilman Carey All voted Aye

RESOLUTION NO. (737-1984) RESCINDING RESOLUTION #557/1984 REGARDING GREENVIEW PARK (SHAGBARK & LOCHNESS) AND AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO HIRE NECESSARY EQUIPMENT REGARDING DRAINAGE WORK

Councilman Maloney offered the following resolution:

WHEREAS, a drainage condition exists in the vicinity of Shagbark Court, New City, New York;

WHEREAS, the Town Board adopted Resolution #557-1984;

NOW, THEREFORE, be it

RESOLUTION NO. (737-1984) Continued

RESOLVED, that Resolution #557 is rescinded, 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 in accordance with the plans prepared by the Department of Environmental Control, and be it

FURTHER RESOLVED, that the sum of \$41,500.00 be charged to Drainage Bond Capital Account #2.

Seconded by Councilman Carey

All voted Aye

RESOLUTION NO. (738-1984)

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ACCOUNTING FIRM OF KORN, ROSENBAUM, PHILLIPS & JAUNTIG (CHARGE TO ACCOUNT NO. A 1320-409)

Councilman Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown shall enter into an agreement with the accounting firm of Korn, Rosenbaum, Phillips & Jauntig, 117 Route 9W, Haverstraw, New York, in accordance with the proposal dated June 26, 1984, to conduct an independent audit and a compliance audit for the Town of Clarkstown for the years 1984 and 1985 for the sum of \$22,000 for the year 1984 and for the sum of \$24,000 for the year 1985, said sums shall be charged to Account No. A-1320-409.

Seconded by Councilman Holbrook

All voted Aye

RESOLUTION NO. (739-1984)

AUTHORIZING AND DIRECTING SUPERVISOR TO ENTER INTO FRANCHISE AGREEMENT WITH TKR CABLE CO.

Co. Lettre 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 for a five year period commencing June 27, 1984, and

WHEREAS a public hearing pursuant to Section 64(7) of the Town Law was held at the Town Hall on the 8th day of May, 1984;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and he hereby is directed and authorized to enter into said franchise agreement in a form approved by the Town Attorney, subject to the following provisions:

- 1) That notice in writing of any change in any contract between the franchisee and any other municipality within the County of Rockland which is more favorable to such municipality be given

Continued on Next Page

RESOLUTION NO. (739-1984) Continued

to the Town of Clarkstown within thirty (30) days of the effective date of said change;

2) That the Town of Clarkstown be granted the right to renegotiate clauses 10(c) and 16(a) of said agreement upon the franchisee achieving market penetration of fifty-five (55%) percent or more, where market penetration is defined as the number of actual installations expressed as a percentage of possible installations capable of being made along the cable runs of the franchisee already in place.

Seconded by Councilman Carey

On roll call the vote was as follows:

- Councilman CareyYes
- Councilman Holbrook.....Yes
- Councilman LettreYes
- Councilman Maloney.....Yes
- Supervisor Dusanenko.....Abstained

Supervisor said that he hoped that we do not have any problems with the continuation of service or the infusion of capital necessary to increase and improve both the facilities for transmission and service and programming.

Mr. Resnick said, "may I approach the Board?"

Supervisor Dusanenko said not at this time.

Councilman Lettre said TKR approved and accepted it so why should we have any problems.

Mr. Resnick said no sir; not that one. We submitted a ten year agreement; not a five year agreement. A five year agreement was never discussed. Quite frankly, this is unacceptable to us.

Councilman Carey said he was only interested in going along with a one year or two year renewal.

Mr. Resnick repeated, this was unacceptable.

Supervisor Dusanenko said you have just heard the Town Board members say they will give a five year agreement. You are saying that is unacceptable to your client. What does that mean, if anything?

Mr. Resnick said he did not think it would be appropriate for him to comment

Councilman Lettre said that means we will see you at the next Workshop.

Mr. Resnick said I don't know that that is accurate. I wouldn't count on it. I must advise you that our existing contract expires on the 26th of June. We must now go to table talk.

Continued on Next Page

RESOLUTION NO. (740-1984)

ACCEPTING AUDIT REPORT OF THE FIRM OF KORN, ROSENBAUM, PHILLIPS & JAUNTIG AND FILING SAID REPORT IN TOWN CLERK'S OFFICE

Councilman Lettre offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the audit report of the firm of Korn, Rosenbaum, Phillips & Jauntig, dated June 11, 1984, for the period ending December 31, 1983, and be it

FURTHER RESOLVED, that a copy of this report shall be filed in the Office of the Town Clerk and be available for public inspection according to law.

Seconded by Councilman Carey

All voted Aye

RESOLUTION NO. (741-1094)

GRANTING USE OF SHOWMOBILE TO THE MARTIN LUTHER KING CENTER

Councilman Maloney offered the following resolution:

WHEREAS, the Martin Luther King Center of Spring Valley, New York, has requested use of the Town of Clarkstown showmobile on three dates for 1984 summer concerts,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Martin Luther King Center to use the Town of Clarkstown showmobile on three dates subject to the approval of the Superintendent of Recreation and Parks for the above purposes and subject to the provision of the necessary insurance policies.

Seconded by Councilman Holbrook

All voted Aye

RESOLUTION NO. (742-1984)

INCREASING ESTIMATED REVENUE ACCOUNT NO. 01-002770 AND APPROPRIATION ACCOUNT NO. A 1320-409

Councilman Holbrook offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002770 and Appropriation Account No. A 1320-409 by \$3,850.

Seconded by Councilman Maloney

All voted Aye

Supervisor Dusanenko asked Mr. Profenna "what was this revenue due from?"

Mr. Profenna said "that was from miscellaneous revenue. On that past one on the Highway - that was from mortgage tax revenue. I did say miscellaneous - this is the miscellaneous revenue."

Supervisor said "this first one was for motgage tax - this one is from where?"

Mr. Profenna replied "this one is from miscellaneous revenue, which has excess in it obviously to cover the \$3,850.00."

Supervisor requested that Mr. Profenna let him know tomorrow what the sources of that were.

Mr. Profenna said he would.

RESOLUTION NO. (743-1984)

AUTHORIZING CONTINUATION
OF TRANSPORTATION
AGREEMENT WITH CLARKSTOWN
CENTRAL SCHOOL DISTRICT
FOR SENIOR CITIZENS

Councilman Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a lease agreement with the Clarkstown Central School District for the period September 1, 1984, to June 30, 1985, for the rental of school buses for the transporting of senior citizens to and from school for the sum of \$1.00, providing there is adequate liability coverage to the Town of Clarkstown.

Seconded by Councilman Carey

All voted Aye

Supervisor Dusanenko asked the Town Attorney if the supervisor was authorized to sign the County Transportation Aid.

The Town Attorney said yes but New York State has not been authorized as yet. The Town Attorney stated that the first one that Mr. Davidson was reviewing with the Transportation Coordinator, you are authorized to sign it and we sent out a memo to you concerning all the information that we determined in the works. The second one arrived on Monday and hasn't been reviewed in my office.

The Supervisor explained to the Board that he has been attempting to have authorization to sign these agreements for the last several months - that's delaying the County to implement its agreements. What it probably will do is cause us a delay of payment next year of quarterly payments from both the State and Federal Government which amounts to several hundred thousand dollars because of small technical differences in language. The Supervisor again urged the Town Attorney to do what he could so that the Supervisor could be authorized to sign it and that he would like to be able to be authorized to sign both of them tonight.

The Town Attorney stated that with respect to the first agreement basically it comes down to a policy decision and that has been referred to the Town Board and you have the authorization to sign that as soon as the Board agrees. The second one all you would need is a resolution subject to the review in our office.

The Supervisor asked if the basic difference is that the Mini Bus would have to advertize its tour routes

The Town Attorney said not only advertize them but have the information available for all inquiries to give out tour scheduled information.

After much discussion, the following resolution was offered:

RESOLUTION NO. (744-1984) AUTHORIZING THE SUPERVISOR TO SIGN A CONTRACT FOR A MASS TRANSPORTATION OPERATING SYSTEM OF THE STATE OF NEW YORK

Councilman Holbrook offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to sign a contract for a Mass Transportation Operating System of the State of New York, said contract to be in a form acceptable to the Town Attorney and if there is any difference in policy the Town Attorney will poll the members of the Town Board.

Seconded by Councilman Maloney All voted Aye

RESOLUTION NO. (745-1984) AUTHORIZING ENGINEERING FIRM (DOLPH ROTFELD) TO PROCEED WITH AGREEMENT FOR UPDATE OF GERMONDS PARK

Councilman Maloney offered the following resolution:

RESOLVED, that Dolph Rotfeld Engineering, P.C., of 555 White Plains Road, Tarrytown, New York, is hereby authorized to proceed in accordance with an Agreement dated September 8, 1983, with the updated Master Plan of 1979 for Germonds Park, as approved in concept at the meeting of June 21, 1984 with the additional proviso that the goal posts be relocated in order that they may be permanently installed.

Seconded by Councilman Holbrook All voted Aye

RESOLUTION NO. (746-1984) AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH DOLPH ROTFELD FOR THE PREPARATION OF PLANS AND SPECIFICATIONS IN ACCORDANCE WITH FRENCH FARMS. ALLOCATING FROM THE MONEY-IN-LIEU-OF-LAND ACCOUNT AND AUTHORIZING THE TOWN COMPTROLLER TO TRANSFER FUNDS TO THE PARKLANDS AND IMPROVEMENT ACCOUNT

Councilman Holbrook offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Dolph Rotfeld Engineering, P.C., of 55 White Plains Road, Tarrytown, New York, to prepare the necessary plans and bid specifications for recreational facilities as shown in the Master Plan for French Farms approved in concept at the meeting of June 21, 1984. The intent of the Town Board is for a single multi-purpose recreational field with the remainder to be left in an essentially natural state, and be it

214

TBM - 7/10/84
Page 26

FURTHER RESOLVED, that community input will be continually sought in the operation of the park, and be it

FURTHER RESOLVED, that this agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the engineering fee shall be 8% of the construction costs of the above project, said fee to be allocated from the Money-in-Lieu-of-Land Account, and

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

Seconded by Councilman Maloney

All voted Aye

RESOLUTION NO. (747-1984)

SETTING DATE FOR PUBLIC HEARING NECESSARY FOR ACQUISITION OF ADDITIONAL PROPERTY ADJACENT TO CLARKSTOWN HIGHWAY GARAGE (BROWN-GRAY PROPERTY, NANUET)

Councilman Maloney offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown, shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the acquisition of approximately 1.6 acres of land adjacent to the Clarkstown Highway Department facility located at the end of Seeger Drive, Nanuet, New York, which property consists of a vacant portion of the lot designated on the Clarkstown Tax Map as Map 33, Block B, Lot 20.0502, consisting of approximately 1.63 acres as shown on attached Schedule "A" for the purpose of constructing for general municipal purposes a building to house the storage and repair facilities for Town owned vehicles including Mini-Trans buses, Highway Department vehicles, and other Town vehicles, which public hearing shall be held on September 11, 1984, at 8:00 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney obtain a perimeter description of the subject parcel and prepare and serve notice of such statutory hearing and that the Town Clerk cause the same to be published at least five consecutive days in the official newspaper of the Town of Clarkstown and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Carey

All voted Aye

RESOLUTION NO. (748-1984)

SETTING DATE FOR PUBLIC HEARING NECESSARY FOR ACQUISITION OF NANUET RAILROAD STATION PARKING, CURRENTLY OWNED BY LEDERLE LABS

Councilman Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (748-1984)Continued

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the acquisition of land adjacent to the Nanuet Railroad Station consisting of approximately 10.664 acres designated on the Clarkstown Tax Map as Map 13, Block D, Lot 23.01 for the purpose of providing permanent commuter parking in conjunction with the proposed expansion of the Nanuet Railroad Station, which public hearing will be held on August 7, 1984, at 8:25 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney prepare and serve notice of such statutory hearing and that the Town Clerk cause the same to be published at least five consecutive days in the official newspaper of the Town of Clarkstown and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Carey

On roll call the vote was as follows:

- Councilman Cary.....Yes
- Councilman Holbrook.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Supervisor Dusanenko.....Abstained

Supervisor Dusanenko said that he would rather negotiate and that he thought that there were alternatives in negotiating that were more palatable and of no cost to the tax payers of Clarkstown; rather than buying the property and going through the legal cost of acquiring it.

RESOLUTION NO. (749-1984)

OFFERING SURPLUS PROPERTY OF THE TOWN OF CLARKSTOWN FOR SALE (PORTION OF THIRD STREET, NANUET) - SUBJECT TO PERMISSIVE REFERENDUM

Councilman Holbrook offered the following resolution:

WHEREAS, by deed dated June 5, 1873, the Town of Clarkstown acquired title to the bed of Third Street, Nanuet, New York, and

WHEREAS, by action of the Town Board of the Town of Clarkstown on October 18, 1981, the Town of Clarkstown abandoned Third Street for highway purposes, and

WHEREAS, Third Street is no longer necessary for municipal purposes, and

WHEREAS, a portion of the former right-of-way was sold on January 21, 1983, to Alfred Weissman, Sheldon S. Goldstein, and Sidney Winoker for the sum of \$34,000.00 which was in excess of the market value indicated by then current appraisals, and

WHEREAS, the owners of the property contiguous to the remaining Town owned portion of the former Third Street have offered to purchase same;

Continued on Next Page

RESOLUTION NO. (749-1984)Continued

NOW, THEREFORE, be it

RESOLVED, that the property shown on Schedule "A" attached as "Third Street R.O.W." is hereby declared surplus property, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Town Attorney to offer the premises described in the attached Schedule "A" for sale by quitclaim deed to abutting property owners for the highest price obtainable, provided same meets or exceeds the lowest value placed on said property by the appraisals obtained by the Town of Clarkstown to estimate the current fair market value of said surplus property, subject to the following:

1. Easements, covenants and restrictions of record, if any;
2. Zoning Ordinance of the Town of Clarkstown;
3. The sale provide that the purchaser indemnify and save harmless the Town of Clarkstown from any liability it may have to anyone as a result of the sale of said surplus property;
4. Such state of facts as an accurate survey or personal inspection may reveal, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a deed in a form satisfactory to the Town Attorney for delivery to the Purchasers in accordance with the terms of this resolution, and be it

FURTHER RESOLVED, that this resolution and sale, if any is subject to permissive referendum.

Seconded by Councilman Carey

On roll call the vote was as follows:

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

Supervisor Dusanenko asked the Town Attorney how much is this for?

The Town Attorney said this is for a figure that meets or exceeds the lowest appraisal obtained by the Town.

The Supervisor asked if the \$33,000 was for the other portion.

The Town Attorney said that is right. He said so far we have received one but I have been in touch with the other appraiser. The Town Attorney read that portion of the resolution covering the sale of the property.

The Supervisor asked the Town Attorney to translate in laymans terms what he had just read.

The Town Attorney said it means that the buyer will have to take over all the problems and it will be sold to the highest bidder. He said it was his understanding that the Board wanted in the first instance to see that the adjacent property owners have a crack at this property and that's what this provides for - no third party at this point.

The Supervisor stated so it will not be sold to a particular person but the highest offer from both adjacent property owners or anyone else.

The Town Attorney said, no, that's not in here.

The Supervisor said, only for the adjacent properties.

The Town Attorney said that is correct.

The Supervisor asked suppose both of them get together and say what are we doing going \$32,000 a piece. You bid two and I'll bid three. Would it be subject to our review?

The Town Attorney answered, it has to meet or exceed the reasonable market value determined by the Town's lowest appraisal

The supervisor said he abstained because there will probably be lots of litigation and lots of expense on this matter in the event either of those two adjacent properties are not successful.

RESOLUTION NO. (750-1984)

GRANTING RICKLI EXCAVATING A
CERTIFICATE OF REGISTRATION

Councilman Holbrook 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:

RICKLI EXCAVING
Michael Rickli
58 Basswood Court
Bardonia, New York 10954

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 84-16 issued to RICKLI ESCAVATING.

Seconded by Councilman Maloney

All voted Aye

RESOLUTION NO. (751-1984)

AUTHORIZING SUPERVISOR TO
ENTER INTO AN AGREEMENT
WITH ROCAC RE: INSTITUTING
A SUMMER YOUTH EMPLOYMENT
PROGRAM (V.E.P.)
EFFECTIVE ON JULY 9, 1984
- TERMINATE ON AUGUST 17,
1984

Councilman Lettre offered the following resolution:

Continued on Next Page

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the Rockland Community Action Council for the purpose of instituting a summer youth employment program (Y.E.P), and be it,

FURTHER RESOLVED, that the agreement shall take effect on July 9, 1984 and terminate on August 17, 1984.

Seconded by Councilman Maloney All voted Aye

RESOLUTION NO. (752-1984) AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE ALL DEBRIS AND RUBBISH FROM CARNIVAL SITE AT THEATRE-GO-ROUND

Councilman Maloney offered the following resolution:

WHEREAS, the Building Inspector has reported that the applicant for a permit to conduct a carnival at the Theatre-Go-Round site in Nanuet has failed to remove trash and rubbish at the end of the carnival;

NOW THEREFORE, be it

RESOLVED, that the sum of \$500 posted with the Building Inspector to insure compliance with Chapter 34-6 of the Code of the Town of Clarkstown is hereby forfeited and said sum shall be used to reimburse the Highway Department for any and all costs associated with the clean-up of the site, and be it

FURTHER RESOLVED, that the Superintendent of Highways be and he hereby is authorized to remove all debris and rubbish from said site, and be it

FURTHER RESOLVED, that this resolution shall not take effect until 48 hours after service of notice upon the operators of the carnival requesting clean-up of the site in accordance with the terms of the permit.

Seconded by Councilman Lettre All voted Aye

Supervisor asked the Town Attorney if the person has to be notified in writing 48 hours first.

The Town Attorney said yes and he thought they should give him one last chance.

The Supervisor said he told him again today. If we adopt this he has to be notified in writing. Is that correct?

The Town Attorney said he believed he has already been served with notice.

It was agreeded to table item 3la and b. In question was the para legal's salary.

RESOLUTION NO. (753-1984)

APPOINTING DAVID McLEOD TO
THE POSITION OF ASSISTANT
BUILDING INSPECTOR,
BUILDING DEPARTMENT

Councilman Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certificate of Eligibles Assistant Building Inspector
#83111 which contains the name of David McLeod,

Now, therefore, be it

RESOLVED, that David McLeod, 42 Second Avenue, Nyack,
New York is hereby appointed to the position of Assistant Building
Inspector - Building Department - at the current salary of \$14,788,
effective pending return of a satisfactory pre-employment physical
examination.

Seconded by Councilman Carey

All voted Aye

RESOLUTION NO. (754-1984)

APPOINTING LINDA CANNON TO
THE POSITION OF TEMPORARY
COUNSELING AIDE -
COUNSELING CENTER TO COVER
LEAVE OF ABSENCE OF
CORINNE KATZ

Councilman Carey offered the following resolution:

RESOLVED, that Linda Cannon, 14 Irion Drive, New City,
New York, is hereby appointed to the position of (temporary)
Counseling Aide - Counseling Center - to cover the leave of absence
of Corinne Katz - at the current salary of \$11,726., for the period
July 16, 1984 to January 12, 1985.

Seconded by Councilman Carey

All voted Aye

RESOLUTION NO. (755-1984)

AUTHORIZING TOWN
COMPTROLLER TO TRANSFER
FUNDS FROM
MONEY-IN-LIEU-OF LAND
ACCOUNT TO THE PARKLANDS
AND IMPROVEMENT ACCOUNT

Councilman Maloney offered the following resolution:

WHEREAS, Town Board Resolution No 845 dated September
27, 1983, authorized needed renovations to Congers Lake Memorial
Park and Pool in the amount of \$15,000., and

WHEREAS, additional work including fencing, paving and
landscaping is required,

NOW, therefore, be it

RESOLVED, that the Town Comptroller is hereby authorized
to transfer \$20,000. from Money-in-Lieu-of-Land Account to the
Parklands and Improvement Account to cover the additional
renovations.

Seconded by Councilman Lettre

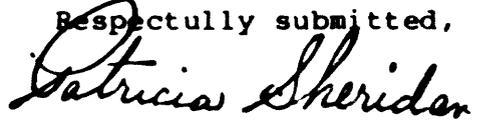
All voted Aye

TBM 7/10/84
Page 32

Supervisor Dusanenko announced that the Town Board will meet with the Town Planning Board on Tuesday, July 17, 1984, at 7:00 P.M. in the Andrew Jackson room to discuss matters relating to Kingsgate. He said he may not be able to be there but he would not be an obstructionist so the Town Board will conduct the meeting.

Supervisor declared the Town Board Meeting ended, time:
11:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/10/84

9:12 P.M.

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

RE: PROPOSED AMENDMENTS TO ZONING ORDINANCE - THEATRES
(CONTINUATION FROM JUNE 12 MEETING)

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted to continue the Public Hearing, recessed from the June 12 Town Board Meeting, was declared open, time: 9:12 P.M.

Town Clerk read notice of Public Hearing and testified as to proper posting and publication.

Supervisor Dusanenko called upon David Silverman to answer questions regarding the proposed amendment.

Councilman Lettre then stated that Mr. Silverman had nothing to do with this Public Hearing.

Supervisor Dusanenko said let him speak later.

Councilman Lettre said no that this Public Hearing was called to consider amending the zoning ordinance. There is no application from a petitioner.

Appearance: John Lodico

He said the Town Board's first concern should be to protect the property rights and the right to develop to the highest potential. The Uris Building in Orangetown was unoccupied and it subsequently cost the Town of Orangetown millions of dollars. The Theatre-Go-Round should be developed with the scope of protecting business rights. The Theatre-Go-Round was one of the finest theatres built in the United States but it could not operate successfully from the onset. The County could have purchased it thereby saving 8-15 million dollars rather than build the center they built at the college. To chop up this theatre would be a shame but the owner has a right to develop it. The Board's response to the people here should be long range and they should think of the future or the tax ratables will go to its demise.

Appearance: Mary Maher
Thorn Drive
Nanuet

Ms. Maher said that this used to be a golf course. Mr. Vines, the Supervisor at that time, wanted to turn it into a Recreation Park called "Adventurers' Inn" and we told him then it would not work in Nanuet or in Rockland County. One year later a proposal came for a live theatre. We tried to tell him the do's and do not's. The project went ahead and became a white elephant. Mrs. Maher suggested that they put an office building, senior citizen housing, or private housing on that site. Traffic conditions will not permit eight theatres. She said a survey had been done in Comack, Long Island and the residents there said there had been an

Continued on Next Page

increase in crime and the traffic conditions were a nightmare since the multiplex theatres had been put in. There are no residential housing within five miles of that theatre. There is another multiplex theatre in New Jersey and that has created traffic jams also. She further stated that you cannot get out on Route 59 on Christmas and you cannot get out on Saturdays and Sundays. She has difficulty getting to and from church and it takes her twenty minutes to make a three minute ride. What she wanted there was a business that would need the least police and operate from nine to five.

Supervisor Dusanenko thanked her for her critical comments and also her guidance.

Appearance: John Mauro
13 North Park Avenue
Nanuet

Mr. Mauro said he lives in an area contingent to the Theatre-Go-Round. Mr. Mauro cited an incident when the Theatre-Go-Round was previously in use and a gate was left open and all the traffic exited into his street. He mentioned the lights on the Theatre-Go-Round which he felt were against the zoning code. He felt that this resolution not only affects Nanuet but the whole Town, therefore, there should be another Public Hearing with more advertising and all of Clarkstown should be notified. He referred to item #8 in the amendments that stated the Town Board may waive items 1, 2, and 5 as set forth above and leaves the decision up to the Town Board. He requested that item #8 be deleted. He inquired as to the provisions regarding Drive-In Theatres.

The Town Attorney explained the intent of the ordinance was to eliminate Drive-In Theatres. There is one theatre in the Town which would become non-conforming use if the proposed ordinance is passed. The Town Planning Consultant indicated that in his opinion that the use of land as a Drive-In Theatre in a residential Town like Clarkstown was passe.

The Supervisor said that the amendment would not allow Drive-In Theatres and would eliminate them.

Mr. Mauro again reiterated his comments previously with the traffic problem

John Cauley
50 Lexow Avenue
Nanuet

Mr. Cauley spoke regarding the traffic problem and that the covenants placed on property were not adhered to and that the fence was not effective because people parked on his street and walked. He then inquired (1) if RKO owned the property and (2) what would be done with the facility if the amendment were not approved.

Appearance: David Silverman, Attorney for RKO

Mr. Silverman answered that the property would be used in accordance with the permitted uses in the ordinance. There are uses that are permitted by the Zoning Board of Appeals and one of them is a theatre. If it cannot be developed as a theatre as now would be the subject of an application for special permit, it would be used as a theatre and with the permission of the ZBA there's two theatres with approximately 1700 seats each.

Continued on Next Page

TBM - 7/26/84
Page 3

Mr. Cauley said he would like to know how RKO plans on handling traffic out of that area? He said he would like to ask if the retaining wall could be something like a brick wall that could not be easily removed for the entire perimeter of the property.

Mr. Silverman said he would answer his question that the means of ingress and egress if a special permit were granted if the ordinance were amended would provide for ingress and egress only through Route 59. I know there are gates and all of the roads to the south are through residential areas and are only for emergency use - police, fire, etc. Those gates would be either strengthened or what-have-you. There is no intention, as far as I have seen, from these traffic studies to make use of any roads other than 59. I can only say that if the Town Board when somebody says now if a special permit is granted then that is a condition of the permit and you break the condition, I'm a smart enough lawyer to know that you don't have a permit anymore. As far as the retaining wall is concerned, if a condition of the special permit indicates that the retaining walls are to be built, and the Town Engineer says this is how they are to be built, and if you like the special permit, then that's how you are going to build them.

Appearance: Richard Caunitz
45 Sturbridge Court
Nanuet

Mr. Caunitz referred to an article published in the Journal News. He further stated that no one had appeared in favor of this proposal except the attorney. He further referred to the people quoted in the article. He made reference to Councilman Lettre and Maloney who were against it. He said that if the ordinance was denied that according to the newspaper article, Mr. Granick said that if the theatres were not allowed RKO would develop the space for shopping or office space knowing that both could be built under the areas current commercial shopping zone. So there appears there is a nice compromise for the council and the Town tonight by denying this change that would permit eight theatres and then seeing if the council would approve any zoning permits for a nice office building. An office building going up would provide jobs for the people and he felt with a little creativity they could come up with better ideas than eight movie theatres for Nanuet.

Appearance: Marjorie Russo
President, Nanuet Civic Association

Ms. Russo said she had documentation gathered with the blood, sweat, and tears of her association and was presenting a petition under article 264 Town Law.

There was an inquiry made of the Town Attorney who read the Town law and he said it did not contain any limitation of action of the Town Board on the basis of any petition submitted in opposition to proposed ordinance change.

Supervisor Dusanenko said let it be noted that Ms. Russo filed a petition in opposition in provisions of 264 Town law and let it also be noted that Mr. Costa in his interpretation of the cursory interpretation of that section, doesn't deem it as relevant.

Councilman Lettre then asked if there is anyone in favor of this petition because if not, this hearing has gone on long enough and he made a motion to close and deny the ordinance regarding the matter. Councilman Maloney seconded it.

Continued on Next Page

David Silverman, attorney for RKO said he wanted a chance to speak.

Councilman Lettre said he made a motion.

Supervisor Dusanenko said he would like to poll the Councilman and see if they would like input from Mr. Silverman.

Mr. Carey said yes.

Councilman Holbrook said he would like the Public Hearing to continue to its conclusion. Then we can have a vote.

Councilman Lettre said this meeting has come to a conclusion. He wanted to close the meeting and let the Board vote on it.

Councilman Maloney said no he did not want any more input because Mr. Granick made it clear two weeks ago that he was not here for any applicant. He was here just to speak on behalf of the zone that would affect the whole Town. Councilman Maloney said this is our Public Hearing and we have a right to determine who will speak. It is not germane to this hearing.

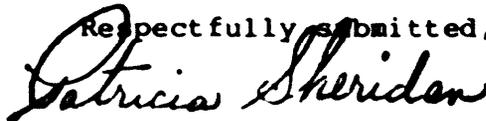
Supervisor Dusanenko said he wanted to have further input and he concurred with his two colleagues and said he was recognizing David Silverman to speak.

Councilman Lettre commented that if your going to do that, let's not close but allow everyone to speak.

Mr. Silverman said he would respectfully submit that this is a statement with respect to being in favor of the amendment to the zoning ordinance made by a property owner in the Town. In the event that the amendment is passed, that RKO will make an application for a special permit. This Board should keep in mind that this is a very substantial building which has been built. He said the statement that Mr. Lodico made was a very interesting one. When the buildings in the Town of Orangetown, which were mentioned by him, were reduced in their taxes to practically zero because they were empty and there was a white elephant there, I was very familiar with it because I represented the Bank of California and those buildings stayed empty. Now look at the buildings in Blue Hills today and you will find that people are moving in. There is only one thing that made the difference in those buildings and that was the infusion of a vast amount of capital and I am talking in multi-millions of dollars for that type of development. Now you are saying just because it is RKO, you are going to bring in crime and x-rated pictures. They have a big economic stake in this and want to be good neighbors. To come before a Board and say they will be responsible for crime, traffic, and everything else transcends the imagination. I think they will do whatever has to be done and I would respectfully submit that this amendment should be passed.

There being no one further wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, time: 9:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/10/84

9:58 P.M.

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

RE: AMENDMENT TO ZONING ORDINANCE RE: PUBLIC HEARING NOTICES

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open, time: 9:58 P.M.

Town Clerk read notice calling Public Hearing and testified to proper posting and publication.

Town Attorney said they received a telephone call from Mr. Dan Weisberg of the Rockland County Planning Board who indicated that this matter was on the agenda for this afternoon of the Rockland County Planning Board meeting and that it was his opinion that the Board would have no recommendation except to say that the matter was for local determination

The Supervisor said that was only his opinion.

The Town Attorney said yes it was only his opinion. It was not an official recommendation. No official communication was received as of the close of business today.

The Supervisor asked Mr. Costa if he could explain what is the intention of this other than additional notification.

The Town Attorney said this would clarify that notices being sent whenever there is a Public Hearing to change the official map of the Town of Clarkstown or to declare an abandonment pursuant to section 205 of the Highway Law. That's the main change contained in this proposed change. In addition to that, there is a change deleting the requirement that an applicant send that notice by certified mail in place of regular mail with an affidavit of service. In the past certified mail would have to be sent to every resident within 500 feet. That can result in hundreds of notices going out at times. At a cost to the applicant of approximately \$1.55 or \$1.35 per letter and this would delete that requirement in place of a regular mailing with an affidavit of mailing which the courts have deemed acceptable for service of notice.

Supervisor said to clarify it for our audience. If you are changing a mapped street, it would be required that you have to be notified by regular mail rather than by certified mail.

The Town Attorney said that has been the practice for the past two or three years and it has been done but it has not been a requirement to do so.

The Supervisor said that basically for people who are living on adjacent or adjoining roads that will be added or deleted to the official map, it will be a requirement that they have notification by mail in the future and that will of benefit to those people.

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of this amendment.

IN FAVOR: No one appeared.

Continued on Next Page

230

PH 7/10/84
Page 2

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to this proposed amendment.

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 and ADOPTED, time: 10:05 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN
Town Clerk