

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/7/84

8:55 P.M.

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

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

Supervisor Dusanenko declared Public Portion of the meeting open.

Appearance: Ms. Connie Voetig
5 Evan Drive
New City, New York

Mrs. Voetig said she was also speaking for her neighbor, Mrs. Pacheco. She stated they lived on a cul-de-sac with three houses and for the past two years they have been trying through the Building Department and through the Zoning Board to see about horses. They are zoned for one acre and they can have one horse. Mrs. Voetig gave a lengthy history of problems they have had with a neighbor keeping more horses than are allowed to be kept on one acre of land. She said there were pictures filed in the Building Department but these pictures have disappeared. She said the horses are still there despite the fact that she went to the Building Inspector's Office and complained. She thinks that the Supervisor's car was there one day to inspect the complaint but matters have not improved. She stated that she was told by the Building Inspector's personnel that their hands are tied. She wanted to know what the Town's laws are for if they cannot be enforced? (Mrs. Voetig presented a prepared statement to be filed in Town Clerk's Office.)

Supervisor Dusanenko noted that Mr. Colucci (Clarkstown Building Inspector) was present here tonight and he suggested that Mrs. Voetig speak to him now. He stated that he would like this resolved on behalf of all of the members of the Town Board and that the necessary prosecutions take place for the enforcement of the Building and Zoning codes.

Appearance: Ms. Denise Mortillaro
114 Snedecker Avenue
Congers, New York 10920

Ms. Mortillaro read the following letter:

"(Letterhead of Bergen Barracuda Swim Team)

Ausust 1984

Mr. Dusanenko
c/o Town Hall
Maple Avenue
New City, New York 10956

Dear Mr. Dusanenko and Councilmen:

On behalf of the Bergen Barracuda Swim Team we would like to thank you for giving us permission to use Germonds Pool for our daily workouts. We have used the pool twice and are expecting to do so again tomorrow. It is indeed a beautiful facility and inspires us to swim fast. We are very grateful for the opportunity you have given us. Every member of our team wishes to convey his/her thanks.

Sincerely,

The Clarkstown Swimmers
and
Members of the Bergen
Barracuda Swim Team

Supervisor Dusanenko thanked Miss Mortillaro for reading the letter and wanted it noted that the team is not using the Germonds facility for free. They are paying for it dearly.

Appearance: Mr. Irving Litt
Owner of Parcel D (Kingsgate)

He stated he was one of the owners of Whispering Winds. He said that he was shocked and surprised that the matter of Kingsgate was not on the agenda. He said that anyone who attended the last joint meeting between the Planning Board and the Town Board had the understanding that within the next three weeks or month after that meeting the Board would come to a conclusion, one way or another, on site plan approval for Lots C and D and for various other matters which they felt were essential. He said they had offered to put up almost \$500,00.00 for the building of a road which is badly needed by the Town. He stated that they had understood that they would know one way or the other by today. He stated that otherwise they would have to pursue their legal and equitable remedies. He asked directly if it was not going to come up tonight?

Councilman Carey said that he felt Item 28 on the agenda related to Treetops but that there was nothing regarding it in their packets. He inquired why it was not in the packet?

Supervisor said that it would be distributed shortly and that it had come in late in the afternoon after the office staff was supposed to go home.

Mr. Litt inquired of Councilman Carey if the Board will instruct the Planning Board to proceed with the applications for site plan approval for Lot C, Lot D, to make the change in the sequence arrangement to provide for the construction of 480 units per year, etc. Is that going to be considered and voted upon tonight under Item 28?

Councilman Holbrook said that what the Town has here is a resolution to indicate the layout of the road. He did not think that the Town Board had the authority to direct the Planning Board to do anything. The Planning Board is an autonomous body. The indication of the importance of a road connecting West Clarkstown Road and Smith Road to Route 59 is reflected in this resolution. He said he was prepared to introduce that resolution this evening.

Mr. Litt asked Mr. Holbrook if that resolution in any way answered the request made in a letter to the Town Board which was the subject and the basis of the understanding. He asked how this resolution responded to the yes or no position they had requested?

Councilman Holbrook said he felt it meant that the Town understood how important the road was and that it be put into effect. In addition there is a letter from Mr. Granik dated August 2nd 1984 in which he indicates the willingness of his clients to enter into a road improvement district if it were created by the Town. Councilman Holbrook said that on the basis of that he felt the Town Board was prepared to move ahead with the design of this road. He said it was desperately needed regardless of how many units are constructed on that site. He felt that the resolution in question coupled with the paragraph of the letter from Mr. Granik answers Mr. Litt's question.

Mr. Litt disagreed. He said it did not tell whether the items in that letter referred to (Items 1, 2, 3, 4 and 5) will in fact be enacted by this Board.

Councilman Lettre said that at the meeting that was held between the Planning Board and the Town Board Mr. Paris, the Chairman

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of the Planning Board, very clearly stated that he wanted some type of guidance from the Town Board as elected officials of the Town. He said he did not mean that their decisions had any legal power at all but that they should make a recommendation one way or the other. The Town Board had stated at that meeting that they would make some sort of recommendation to the Planning Board as to which direction they should proceed.

Mr. Litt said he wanted it made clear that they had an understanding and had made an agreement. He said they would live up to that understanding. If the Board fails to do so then their offer to put up almost a half a million dollars will be withdrawn and they will have to pursue their remedies in Court. They will have to proceed with the opening of Baylor Road and do the best they can. He said he has been the owner of that property since 1966 and has been paying taxes since that time and he felt it was time something was done.

Appearance: Mr. Walter Fleisher
443 Buena Vista Road
New City, New York 10956

Mr. Fleisher said that it has been the policy for as long as he has been in this Town that the Town does not build roads for builders or developers and he thought they should stick to that. He felt that what they were being asked to do was to get the builder out of a hole he had dug himself. No one told him he had to go there. Its been a disaster from the beginning and it is getting worse with time. He did not believe that the Town should in any way charge the people of this Town to build a road so that this developer can go ahead and make money. We are not in the charity business and we should not do it. He also said that he had heard about the formation of a Town-wide district, which in his opinion was illegal. He did not think a local district should be formed either in order to enable a builder to get out of something. If the builder cannot do it under his own steam it should not be done at all. Builders should not be bailed out by the Town especially not now when we have environmental impact studies. We are going to spend hundreds of thousands of dollars to fix up their mistakes just as we did at Mountainview.

Appearance: Ms. Eleanor Burlingham
Suffern 202
Ramapo, New York

She stated that she was the Acting Chairman of the Environmental Management Council of Rockland County and a Board Member of the Rockland County Conservation Association. There are two Clarkstown members on the Environmental Council - Mr. Fleisher, who just spoke and Mr. Charles Schweb of West Nyack. Both the Environmental Management Council and the Conservation Association feel that an environmental impact study under the SEQR laws of New York State is very important in any case and particularly when you have a major road. All particulars should be aired in one of these environmental impact statements. She stated she had been in attendance at many hearings of lead agencies when preliminary approval was not granted. She has also been in attendance at the hearings in Ramapo for the great microwave towers ITT wanted to install. In that case they did give preliminary approval. The difference in the two hearings is unbelievable. In Nyack, the applicant, his lawyer, the engineer are extremely polite and they want to know what the public thinks. In Ramapo, where they have already gotten preliminary approval, it is entirely confrontational. It is a real disaster. If you people want to have the upper hand in what goes on in your Town definitely the environmental impact statement should come before the preliminary approval. If it is true that there is a gift of money involved she could only quote William Shakespeare in the final scene of Romeo and Juliet - Romeo wants the poison and he hands the apothecary a purse of gold and says "I hand you poison, you give me none."

Appearance: Mr. Ed Jones
North Gate Gardens
17 B
Central Nyack, New York

Mr. Jones stated that he was speaking for approximately 60 people at North Gate Gardens who on July 31st had received a notice which informed us that within one month we would be paying 36% more in rent. Instead of \$367.00 many of us would now be paying \$500.00. This increase was not a proportional one so if your rent was \$400.00 it would also now be \$500.00. If it was \$366.00 it would also now be \$500.00. There were no reasons given why this rent was being raised. We are in a difficult position and are being forced to move out. The people who can stay will obviously be suffering quite a bit of financial hardship. He understood that there is no rent control. They have come to their local government because there is no legal recourse. He hoped the Board would be able to help them in some way. This particular set of apartments has undergone many new ownerships, each with different promises. Mr. Jones stated that he had already spoken to Councilman Holbrook about this and in fact, Councilman Holbrook has already followed through.

Councilman Holbrook stated that he had called Mrs. Squillace at the Councilmen's office and requested that she contact the owner who is willing to sit down and meet with representatives of the Town and from the complex itself. Perhaps they will be able to discuss some of the problems of the residents at that time, including the rent question.

Appearance: Mr. Kent Cabey
North Gate Gardens
Central Nyack, New York

Mr. Cabey stated that he was very much in agreement with the previous speaker's comments. He said he would like to see something done in the future to shield tenants as they were being taken advantage of in his opinion.

Appearance: Mrs. Lee Pound, President
CSEA - Clarkstown Unit
Rockland Local 844

Mrs. Pound requested that her statement be transcribed verbatim in the minutes as was the policy of the Town Board. Town Clerk Patricia Sheridan stated that it was important to note that verbatim statements are not the policy of the Town Board. While it has been done in some cases it very definitely is not the policy of the Board nor is it required by any other laws governing Town Board minutes. Mrs. Pound stated that on July 10, 1984 the Town's negotiator and the CSEA Negotiating Committee signed a memo of agreement for a proposed contract between the Town of Clarkstown and the CSEA membership. The Town's negotiating attorney was also present. On July 25, 1984 the membership ratified the proposals as listed and agreed to and signed. The vote was 197 for and 10 against. Mrs. Pound stated that when an agreement is signed between two parties it should not be altered in any way. The resolution which she had seen definitely altered the memo of agreement. She asked the Town Board members how the members of her unit could ratify this contract if the Town Board members had altered the memo of agreement? She made an official protest against the resolution. She would contact her CSEA staff, the field representative and the CSEA counsel tomorrow morning. She said she would have to file an improper practice procedure and charge the Town Board members with negotiating in bad faith.

Appearance: Ms. Jacqueline Cadet
North Gate Garden - Apt. 9D
Central Nyack, New York

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Ms. Cadet spoke regarding her situation with regard to the raise in rent at North Gate Garden apartments and requested the Board's assistance.

Appearance: Mr. Martus Granirer
South Mountain Road
New City, New York 10956

Mr. Granirer said that he was here to speak about Kingsgate and did not feel the Town should accept any of the offer that has been made by anyone. He felt there should be no limit to the assistance to paying for the road. He felt the Board should accept no limit to the increase in the rate of construction or change in the sequence of construction or urge the Planning Board to give any preliminary approvals without a complete investigation of the potential damage that could be caused by the project. He felt that increasing the rate of construction or changing the sequence may have very real consequences. He went on to say that although many people believe that solving the problem of the road is the only way you will solve the problem of Kingsgate. In Clarkstown when preliminary approval is given you also usually allow the developer to go ahead with footings. Once the footings are in you won't have much left to argue about. If this is done there will be a brand new formula for troubled projects and that will be to get preliminary approval before your environmental impact study. He did not want to see Clarkstown give any approval before ascertaining just what such approval would mean to the rest of the residents.

Appearance: Mrs. Rosemarie Seery
11 South Greenbush Road
West Nyack, New York 10994

She stated that she was here to speak about the sewer hook-ups and the sewer pumping station. She said they have questions but feel they are not being represented properly because people in the area are on vacation. Before they give approval or disapproval they would like to see what the pumping station looks like.

Supervisor interrupted Mrs. Seery to state that she would have an opportunity to speak and ask questions at the third public hearing to be held this evening.

Appearance: Mrs. Marlena Paone
15 South Greenbush Road
West Nyack, New York 10994

Mrs. Paone stated that she had come to inquire about asbestos being dumped in the Clarkstown Landfill but had since been told that was not so. She now wanted to know why drums of toxic waste that had been found in Blauvelt are being allowed to be dumped in the Landfill? She wanted the drums taken upstate to a proper toxic waste dump. Clarkstown Landfill cannot take any more toxics.

Supervisor asked Mr. Les Bollman, Director of Environmental Control to comment on this and Mr. Bollman stated that he had letters from the Health Department and from the Department of Conservation that the drums contained nothing more than a plaster mix and they had been placed in the landfill. There was nothing to worry about since the material was completely inert.

Mrs. Paone then asked where the asbestos was going. Mr. Bollman said that he had asked that question and the Board agreed that it would be discussed tonight. Supervisor Dusanenko told Mr. Bollman that was something they wanted to hear from him about because they had to make a policy decision on it. Councilman Lettre stated that it was not going into the Landfill. Mrs. Paone said the Landfill was not the place for asbestos even if wrapped "properly". All you have to do is

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have one truck hit it and it would be exposed to the air and then it would blow all over the place. There is a brakeshoe factory in Mahwah and right next to the factory they dumped asbestos and now you have a cancer pocket in that area just from the dust spreading all over the area. We cannot have that in our area - the way the winds prevail we will have it all over our homes. She felt that the asbestos should be transported to one of the toxic waste dumps upstate.

Appearance: Mr. Joseph Pantano
New City, New York

Mr. Pantano said he wanted to speak on whatever you want to call it - Elinor Homes, Treetops, Kingsgate. He said many years ago the developer and the same attorney (Mr. Granik) had made many promises to this Town, most of which were not kept. He felt that the Town should not spend any money to help a developer even if he does contribute an amount of money. He felt it was a mistake for the Town to go through with another road to accommodate Mr. Granik and his participants who are involved in the development. This project should never have been built to this capacity. Covenants were made and not kept. He urged the Town Board to vote no and not put the new road through and not give anything more to the developers and to Mr. Granik.

Appearance: Mr. Stanley Heuer
Strathmore Drive
Spring Valley, New York 10977

Mr. Heuer said he agreed that Kingsgate should not be built but there may be a legal right to build it. He said if Mr. Costa could guarantee that we will win in court if Mr. Granik goes to court, by all means say "No" but if he goes to court then Baylor Road is open; the Town is out \$500,000.00; and Kingsgate gets built. He asked Mr. Costa just how confident he was about winning in court. He stated that he was confused about the "grandfathering."

Mr. Costa asked that they bear in mind that the issues with respect to Kingsgate are very complex. Many areas could wind up in litigation, only one of which involves Baylor Road. Others involve the issue of contract zoning and its implications to the developer's rights; the SEQR issue; the issue with respect to labor, if labor is appropriate to covenant, etc. He said it was not appropriate for any attorney to guarantee to a client success in court. He can weigh the factors involved and give advice to the Town Board. The issue with respect to the Baylor Road opening does not necessarily result from litigation. The developers may not want to see that road open; they may pursue that in another direction. There can be no simple yes or no answer.

Mr. Heuer asked if we go to court and lose does Baylor Road get opened? Mr. Costa said it depended on what issues they go to court on and what remedies may be granted. Mr. Heuer said if they have a legal right to build then this whole thing may backfire and that is what he wanted to impress upon the Town Board. Mr. Costa said there is risk taking involved in any decision of this type. Mr. Heuer asked if Mr. Costa was confident they should go to court. Mr. Costa said he was confident of his abilities but there could be no guarantee of the outcome.

Appearance: Mr. Bruce Cohen
265 Treetop Circle
Nanuet, New York 10977

Mr. Cohen said the residents of Treetop Circle wholeheartedly support the Board's efforts in securing a road from West Clarkstown Road to Route 59 but at what price? There seems to be several conditions based upon the offered contribution of the builders. These conditions are not in the best interests of either the

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residents or the entire town. There should be no trade-offs with these builders; no preliminary site plan approval; no watering down of the Town's authority to control the sane and orderly development of the rapidly vanishing undeveloped land. This proposed plan calls for much more than the ordinary scrutiny. SEQR must be adhered to and be satisfied before any further action is taken on Kingsgate. Mr. Cohen urged the Board not to let an offer of money cloud their vision and judgment. He said they need the road but not badly enough to sacrifice their homes and that's exactly what might happen if you accept this or any of the conditions placed upon this contribution.

Appearance: Mr. John Mauro
13 North Park Avenue
Nanuet, New York 10954

Mr. Mauro inquired about a continuation of the public hearing regarding theatres. He asked for a clarification on this. Supervisor Dusanenko stated that there would be no discussion on this matter at this meeting and there would be no further extension of the discussion regarding this matter.

Appearance: Mrs. Alice Bory
Valley Cottage, New York 10989

Mrs. Bory thanked the Board for their vote on July 10th against changing the amendment to allow for more than two theatres on one site. Many people from all areas of Clarkstown agree with that decision and she urged the Board not to ever bend to any pressure to allow that decision to be changed.

Appearance: Mr. Norman Burd
143 Treetop Circle
Nanuet, New York 10954

Mr. Burd said he could well understand the position of Mr. Granik and his associates. They want to make as much profit as possible but along comes government - in this case SEQR and SEQR cuts into their profits. If SEQR cuts into the profits of developers then so be it. We are talking here about dollars. We are talking about a development of \$100,000,000.00 and any small percentage of that is still a lot of money. He stated that he has been on the Board of Treetops for many years and is familiar with their problems. Many of these problems are the mistakes of past Town Boards. Approvals were given that should not have been given and we are on the verge on doing it again. More than 500 people live at Treetops. If this plan goes through there will be between 3,600 and 4,000 people living on those few acres. That will be 4,000 people riding up and down the bends in Smith Road; 4,000 people riding up and down Kingsgate Parkway. Parkway is a poor name - it is really a country road and a poor one at that. He said if members of this Town Board lived in Treetops they would not tolerate this situation and if Mr. Granik and his group lived in Treetops they would not tolerate this situation.

Mr. Burd stated that he hoped that this Board had learned from history and from mistakes of past boards. Permitting construction without SEQR is not acceptable; permitting construction with the proposed density is not acceptable; permitting construction without correcting the road situation is not acceptable. We are not trying to block further construction but we want it done in such a manner that the safety and welfare of thousands of Clarkstown residents is not in jeopardy. He said that the Board knows what to do, how to do it and they must do it.

Supervisor Dusanenko stated that he had been given five photographs of conditions of sewer facilities and drainage on Continental Drive, West Nyack. Mr. Cantor of Continental Drive, West Nyack had presented these pictures. Supervisor Dusanenko asked that this be noted for the record and forwarded to Highway Department and Sewer Department because someone will fall into a collapsed sewer there.

Supervisor Dusanenko read the following proclamation:

"COMMUNITY ACTION WEEK
August 19-25, 1984

- WHEREAS, the Economic Opportunity Act was enacted on August 20, 1964 as a primary weapon in the "War on Poverty;" and
- WHEREAS, the purpose of the Economic Opportunity Act of 1964 was to eliminate the paradox of poverty in the midst of plenty; and
- WHEREAS, the Economic Opportunity Act of 1964 authorized local Community Action Agencies throughout the United States; and
- WHEREAS, these Community Action Agencies have provided creative and effective programs to battle poverty in their communities for the past twenty years; and
- WHEREAS, the New York State Department of State is sponsoring a statewide conference, "Community Action - Twenty Years and More," on August 20, 1984 at the Empire State Plaza in Albany, New York to commemorate the 20th Anniversary of the enactment of the Economic Opportunity Act; and
- WHEREAS, Rockland Community Action Council, Inc. is so designated as the Community Action Agency for Rockland County; and
- WHEREAS, Rockland Community Action Council, over the last twenty years, has constantly demonstrated its concern for the poor, elderly and young of Clarkstown and all of Rockland County;

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown on behalf of the Town Board, do hereby proclaim the week of August 19-25, 1984 as COMMUNITY ACTION WEEK and urge all residents to recognize the importance of Community Action to our Community and to pay special tribute and give thanks to the directors and staff of ROCKLAND COMMUNITY ACTION COUNCIL.

IN WITNESS WHEREOF, I
HEREUNTO SET MY HAND AND
CAUSE THE SEAL OF THE TOWN OF
CLARKSTOWN TO BE AFFIXED THIS
7TH DAY OF AUGUST, 1984.

S E A L

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

Mr. Joseph Lundy, Deputy Executor accepted the proclamation on behalf of the Board of the Community Action Council.

On motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Local Law No. 2-1984 - Elimination of Various Obsolete Sections of the Town Code was opened, time: 9:50 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: :Local Law No. 2 - 1984 - Elimination of Various Obsolete Sections of the Town Code was closed, ADOPTED, time: 9:55 P.M. and return to regular Town Board Meeting.

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RESOLUTION NO. (756-1984)

ADOPTING LOCAL LAW NO. 2-1984
RE: ELIMINATION OF CERTAIN
OBSOLETE PROVISIONS OF TOWN
CODE DEALING WITH DISORDERLY
CONDUCT - PEACE AND GOOD
ORDER - ATTIRE

Co. Maloney offered the following resolution:

WHEREAS, 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" was introduced by Councilman Maloney, at a Town Board Meeting held on July 10, 1984, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 10th day of July, 1984 directed that a public hearing be held on the 7th day of August, 1984 at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on July 23, 1984, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and Councilmen at their office at 10 Maple Avenue, New City, New York, on July 9, 1984, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 7, 1984;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2-1984, 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" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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

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

Seconded by Co. Holbrook

All voted Aye.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Violation Notice - Brown, was opened, time: 9:55 P.M.

On motion of Councilman Holbrook, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Violation Notice - Brown, was closed, time: 10:02 P.M. and return to regular Town Board Meeting.

RESOLUTION NO. (757-1984)

DIRECTING BUILDING INSPECTOR OF TOWN OF CLARKSTOWN TO PERFORM CORRECTIVE ACTION WITH RESPECT TO NOTICE OF VIOLATION (BROWN) - TOWN ATTORNEY AND BUILDING INSPECTOR EXPENSES ASSESSED AGAINST PROPERTY - DIRECTING RECEIVER OF TAXES TO COLLECT SUCH EXPENSES

Co. Maloney offered the following resolution:

WHEREAS, by Resolution NO. 626 dated June 12, 1984, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 31 of the Town Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 15, BLOCK A, LOT 19, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on August 7, 1984, after notice and opportunity to be heard at said hearing was provided to the owner of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Notice pursuant to Town Code Section 31-5 dated June 12, 1984, have not been corrected, and it is

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown be and he hereby is directed to perform the corrective action ordered in said Notice if such condition continues uncorrected on or after August 24, 1984; and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective action be assessed against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector and the Town Attorney.

Seconded by Co. Holbrook

All voted Aye.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Extension of MBSIA #2, was opened, time: 10:02 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook (Councilman Lettre being absent for the closing vote) and adopted, the Public Hearing was closed, time: 10:40 P.M. and return to regular Town Board meeting.

Supervisor Dusanenko asked Town Attorney John Costa if there were several items that had to be addressed. Town Attorney said the first resolution in the packet is the resolution to adopt the proposal; the second resolution is a bonding resolution, which, if adopted, would arrange for the funding of the proposal. Supervisor stated then it would be necessary to have four out of five votes minimum. Town Attorney said on the bonding resolution four votes are required to bond.

RESOLUTION NO. (758-1984)(FAILED)

BONDING RESOLUTION FOR
EXTENSION OF MBSIA #2

Co. Maloney offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN
THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that

(a) the notice of public hearing was published and posted
as required by law, and is otherwise sufficient; and

(b) all the property and property owners included within
the proposed Master Benefited Sewerage Improvement Area No. 2
hereinabove referred to in the Recitals hereof are benefited thereby;
and

(c) all the property and property owners benefited are
included within the limits of said proposed Master Benefited Sewerage
Improvement Area No. 2; and

(d) it is in the public interest to improve said area.

Section 2. The additional sewer improvements of the Master
Benefited Sewerage Improvement Area No. 2 are hereby approved as
hereinabove described and shall be constructed as set forth in said
order calling the public hearing and the Master Benefited Sewerage
Improvement Area No. 2 in the Town, situate wholly outside of any
incorporated village or city, shall be bounded and described as follows:

All areas of the Town of Clarkstown outside of any village
not included in Master Benefited Sewerage Improvement Area
No. 1

Section 3. The maximum amount proposed to be expended for
said proposed additional sewer improvements for the Master Benefited
Sewerage Improvement Area No. 2, is \$335,000.00, which is planned to be
financed by the issuance of serial bonds of the Town and the
assessment, levy and collection of special assessments upon the several
lots and parcels of land in the Master Benefited Sewerage Improvement
Area No. 2, as set forth in Schedule A attached hereto and made a part
hereof, which the Town Board hereby determines to be especially
benefited thereby, so much upon and from each as shall be in just
proportion to the amount of benefits which the improvement shall confer
upon the same, in accordance with the provisions of Schedule "AA".

Section 4. This resolution shall take effect immediately.

Seconded by Supv. Dusanenko

On roll call the vote was as follows:

Councilman Carey.....	No
Councilman Holbrook.....	No
Councilman Lettre.....	No
Councilman Maloney.....	Yes
Supervisor Dusanenko.....	Abstain (later yes)

Councilman Carey said that he was voting "No" as he was
voting in consistency with the last time around when he felt that the
people benefitting directly in this situation were the people on the
commercial property due south on Route 303. He felt that any burden
that is placed on anyone should be on the commercial people who can
well afford to pay for it.

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RESOLUTION NO . (758-1984) Continued

Councilman Maloney said that he was voting "Yes" because he felt that the sewers were needed and this is the way we have always operated. People have requested sewers and the people in that area would benefit.

Supervisor Dusanenko said he was abstaining as this was futile.

Supervisor Dusanenko asked if the Town Attorney would recommend a secondary course of action at this time. Town Attorney said the Board had before it, at an earlier public hearing, a proposal which would have set forth against the benefited property entirely along the same lines as discussed by Mr. Suttie by the issuance of bonds paid over a period of perhaps twenty years and the Board turned that down. This proposal is the alternative which is consistent with what has been done in the past with respect to Master Benefited Sewer Area No. 2.

Supervisor Dusanenko at this point changed his abstention to a "Yes" vote and asked the other councilmen to reconsider since the only other legal alternative was voted down at the last public hearing. Town Attorney said that he did not mean to imply that that was the only legal alternative. The Town Board does have a great deal of discretion as to determine the benefited parcels. The MBSIA No. 2 formula is something that has been exercised at the discretion of the Board but it could be done differently.

Mr. Bollman, Director of Environmental Conservation, said that the other way had 19 parcels, 8 of which belonged to the Town of Clarkstown. They would all share in accordance with their assessed valuation. The 8 parcels of the Town of Clarkstown would be distributed over all of the people in the Town rather than MBSIA No. 2 and that was his basic objection. He felt that the people who were already in and a part of it should not be obliged to pay again. That is why he wanted to keep it in #2. He said he did not understand unless nobody wants sewers there and that's fine. He stated that if he could refer to Mrs. Paone and Mrs. Seery his recommendation is, whether you put sewers in or not, if that's what leachate looks like he would recommend that they put a pump station in on the Landfill, run the line up to the sewers in Route 59 if that is the most economical and logical way to get rid of the leachate. He went on to say that the whole discussion with Mr. Suttie does not change at all. You either bond for a \$10,000,000.00 treatment plant or whatever it would cost and you discharge it into the Hackensack and go through those hearings or you put in whatever pretreatment you need and you discharge it into Rockland County Sewer District No. 1. He said one really has nothing to do with the other but we must take care of the leachate and you have to treat it and you have to dispose of it.

Councilman Carey asked Mr. Bollman if there were any guarantees that the County Sewer District would say yes. Mr. Bollman said absolutely not. Councilman Carey said then we are buying a pig in a poke. Mr. Bollman said that as Mr. Suttie said we are providing only the pump sizers and only the sewers that are necessary for Route 303. If we were able to go in with a leachate collection system, pumps would have to be enlarged and a whole different system would have to be worked out.

Mr. Bollman also said that for example we have a builder who has a partially completed building and he doesn't know what to do. He is waiting for the sewers. He will either have to put in some mammoth type of septic system to satisfy the Health Department or he hooks into the sewers. It was mostly for the areas there. It would certainly be a benefit, as Mr. Suttie said, if we can go into it we

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RESOLUTION NO. (758-1984) Continued

would only need some modification and we could go into Rockland County Sewer District No. 1 if as we believe now it would be just a minor modification of the leachate to make it acceptable for treatment in Rockland County Sewer District No. 1.

Supervisor Dusanenko said to clarify - is it correct to say that if this alternative, which does not have sufficient votes at this time, is adopted, commercial or residential people from MBSIA No. 1 will not have to pay any additional sewer taxes. Mr. Bollman said that was correct. On the other hand, if the other alternative, on which we had a public hearing about a month ago, were to be implemented a greater portion would have to be paid by the assessable land of the Town of Clarkstown Landfill. Therefore, people in MBSIA No. 1 which arose out of MBSIA No. 2 would be paying a greater contribution to this. Is that correct? Mr. Bollman said that was correct. By taking this one only residents of MBSIA No. 2 pay. Our other alternative is to have residents of MBSIA No. 1 and No. 2 pay. Supervisor asked if there was any reconsideration before we go on to the next item.

Councilman Carey said "No."

Councilman Holbrook said if we can arrive at an acceptable method whereby we safely dispose of the leachate we might consider it but as of right now, "No."

Councilman Lettre said "No."

Councilman Maloney said he thinks there are two things here. One was just a request to see that the people in the area who requested it, get sewer service. The question of leachate is something else down the line again. He said that he had lived across from a pumping station for many years and he could attest that there was no noise and rarely was there ever an odor. He said he would also attest to the fact that it was serviced. We are talking now about providing service to people who are requesting it and also people who are in a commercial area. We are talking about attracting ratables in this Town and if people find out that there are no sewers and they cannot hook up they are not going to bring their businesses into this part of Town. This is one of the reasons he said he had voted for it. The other reason was that the tax would be based on the people in MBSIA No. 2 and would not be against the people in MBSIA No.1 who have already paid their tax.

Supervisor Dusanenko said in hopes that he could get one or more of the other councilmen to change their vote he offered the following: He met as a member of the Rockland County Sewer Commission last evening and a project that was designed for \$30,000,000.00 in 1973 due to law suits and delays and changing regulations of the State and Federal government the latest estimate for doing approximately the same work has gone to \$151,000,000.00 because people fiddled while prices escalated. He said those estimates performed by First Boston will be less than what it will actually be if it is ever built, if people can afford that kind of cost escalation. No action tonight may delay this several months to a year into the construction season. The lack of these sewers will prevent any kind of ratable increase which will not increase the tax base which will adversely affect sewer taxes as well as property taxes within the Town as well as property taxes within those school districts. This is similar to what has existed in the Town of Orangetown. The people who have complained the most about environmental problems in West Nyack from the Landfill, from sewer facility locations or from sewer effluent - Councilmen may be listening to some of those people this evening and not be willing to expend those funds to remove and improve the environmental problems. There is sewerage there right now. When Route 303 flooded at the entrance to the Landfill this year, which is most unusual, our Landfill had to be

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RESOLUTION NO. (758-1984) Continued

closed down temporarily. Whatever toilets or septics existed in that area failed. They could not function because you could flush the toilet and watch it come up outside the window. If that is a healthy environment, the Supervisor said then he does not know what he is talking about. He said everybody in West Nyack whatever smells and odors emanate for the people who are immediately living next to it on South Greenbush Road or Alleghany or any area of Clarkstown within West Nyack - they deserve the best environmental quality so long as they have to have the Landfill there and as long as there are no sewers in that particular area.

Supervisor Dusanenko again asked if there was one or more of the Councilmen who would reconsider at this time.

Councilman Holbrook said his feeling was that by constructing it now you are predetermining the method by which the leachate will be collected and that may not necessarily be the best way. He felt we should wait until the DEC orders removal of the leachate one way or the other and if that is the way we have to do it then we will reconsider it. He could not see rushing into it.

Supervisor Dusanenko said he could concur with him if this was solely for the hook-up of the Clarkstown Sanitary Landfill but it involves nineteen properties right now including three existing commercial properties and two residential properties. There are existing places right now that have septics and every time the water table rises they have problems and the odor permeates the West Nyack area.

Councilman Carey said he had heard a statement about ratables and the attraction of them to certain spots. He said he remembered a place in Congers-Valley Cottage where there was a hundred acres and we started to hack away at that and God knows where we are now. He said he was just as interested in ratables as anyone else but he could see no one gaining any benefit except those people who are down there and could well afford to pay any increase in the tax. The way we are talking here is that nobody exists in MBSIA No. 2 anywhere else except down in that local area. What about the people in other areas?

Supervisor Dusanenko said that he had said it was scattered. Councilman Carey said that he felt that MBSIA No. 1 here was off the hook. MBSIA No. 2 are not off the hook. They are paying their taxes and they are not going to derive any benefit.

Supervisor Dusanenko said that Mr. Bollman had stated earlier and also that Mr. Suttie had said that all of these people in MBSIA No. 1 and MBSIA No. 2 - do they not pay at the present time county area benefit charges; do they not pay at the present time town area benefit charges?

Mr. Suttie said that MBSIA No. 1 members pay the tax rate on their debt which is based on assessed valuation...

Supervisor said he wanted to rephrase the question. Everybody in this Town, whether in MBSIA No. 1 or 2 pays county sewer benefit charges. Do the people in this area from Route 59 south pay any sewer tax to the Town of Clarkstown at present?

Mr. Suttie said that the people we are talking about now pay MBSIA No. 2 secondary benefit tax.

Supervisor said these people are paying a county tax which is more than a unit tax and a town tax now and do not have any sewer service. Mr. Suttie said they pay the town tax now because

RESOLUTION NO. (760-1984) Continued

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is authorized to determine and set the dates for the Federal Revenue Sharing Proposed Use Hearing for 1985, which coincides with a regularly scheduled Town Board meeting and which otherwise is in conformity with all applicable federal regulations and requirements of law, subject to the concurrence of the Supervisor.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (761-1984)

AUTHORIZING TOWN ATTORNEY TO DEFEND PROCEEDING AGAINST TOWN OF CLARKSTOWN (STARTERS REALTY CORP.)

Co. Carey offered the following resolution:

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

"STARTERS REALTY CORP.,

Plaintiff,

-against-

TOWN OF CLARKSTOWN,

Defendant."

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (762-1984)

AUTHORIZING REPROGRAMMING OF 1983 COMMUNITY DEVELOPMENT FUNDS FROM PROJECT #83-10-454 (RESURFACING OF MASSACHUSETTS AVENUE AND LAKE ROAD, CONGERS SUPERINTENDENT OF HIGHWAYS TO SUPPLY JUSTIFICATION AND DOCUMENTATION AFTER APPROVAL OF REPROGRAMMING BY COMMUNITY DEVELOPMENT OFFICE

Co. Holbrook offered the following resolution:

WHEREAS, in 1983 Community Development funds allocated to the Clarkstown Highway Department were not utilized during 1983, and

WHEREAS, Project #83-10-454, calling for the resurfacing of Massachusetts Avenue and Lake Road, Congers is not necessary, and

WHEREAS, the Superintendent of Highways, Nicholas A. Longo, has requested a reprogramming of these funds for other streets in the Hamlet of Congers;

NOW, THEREFORE, be it

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RESOLUTION NO. (762-1984) Continued

RESOLVED, that the Supervisor is authorized to request a reprogramming of \$16,699.00 of 1983 Community Development funds from Project #83-10-454 resurfacing of Massachusetts Avenue and Lake Road, Congers to general street resurfacing in the hamlet of Congers for the same \$16,699.00, and be it

FURTHER RESOLVED, that the Superintendent of Highways is directed to supply the necessary justification and documentation, including the names of streets and lineal footage along with the vouchers for payment after approval of this reprogramming by the Community Development office of Rockland County.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (763-1984)

ACCEPTING PROPOSALS FROM ORANGE AND ROCKLAND UTILITIES, INC., FOR STREET LIGHTING (ACCESS ROAD - ROUTE 304, NEW CITY - BOCES BEAUTIFICATION PROJECT)

Co. Lettre offered the following resolution:

WHEREAS, BOCES (Board of Cooperative Educational Services) has undertaken and completed a beautification project located at the access road to Route 304, New City;

NOW, THEREFORE, be it

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 location:

Access Road - Route 304 New City
(Existing pole #59426/41337 - 1 46,000 lumen
sodium vapor street light on 15' foot UPS)

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (764-1984)

INCREASING ESTIMATED REVENUE ACCOUNT NO. 01-002680 (INSURANCE RECOVERIES) AND APPROPRIATION ACCOUNT NO. A 1420-409 (TOWN ATTORNEY-FEES FOR SERVICES)

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002680 (Insurance Recoveries) and Appropriation Account No. A 1420-409 (Town Attorney-Fees for Services) by \$17,606.50.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (765-1984)

DECREASING CONTINGENCY ACCOUNT NO. A 1990-505 AND INCREASING APPROPRIATION ACCOUNT NO. A 1010-414 (COUNCILMEN'S OFFICE)

Co. Maloney offered the following resolution:

RESOLUTION NO. (765-1984) Continued

WHEREAS, educational services were required for the Wang Word Processor;

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1010-414 by \$2,100.00.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (766-1984) DECREASING APPROPRIATION ACCOUNT NO. A 1010-409 AND INCREASING APPROPRIATION ACCOUNT NO. A 1010-313

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1010-409 and increase Appropriation Account No. A 1010-313 by \$50.00.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (767-1984) INCREASING LINE 1450-401 AND INCREASING LINE 1450-114 - CHARGING TO CONTINGENCY ACCOUNT

Co. Maloney offered the following resolution:

WHEREAS, there is a deficiency in Line 1450-401 due to an increase in the rental fee of leased premises for voting machines due to a change in the provider of this service, and

WHEREAS, there is a deficiency in Line 1450-114 due to an increase in the monies to be paid to Election Inspectors for the year 1984;

NOW, THEREFORE, be it

RESOLVED, to increase Line 1450-401 in the amount of \$2,500.00, and be it

FURTHER RESOLVED, to increase Line 1450-114 in the amount of \$4,100.00, and be it

FURTHER RESOLVED, that these funds shall be charged to Congingency Account.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (768-1984) TRANSFER OF FUNDS FROM LINE 1450-424 TO LINE 1450-114 (SALARIES OF VOTING MACHINE CUSTODIANS)

Co. Maloney offered the following resolution:

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RESOLUTION NO. (768-1984) Continued

RESOLVED, to transfer the sum of \$11,430.00 from Line 1450-424 to cover the salaries of Voting Machine Custodians, which salaries were formerly paid from Contractual Expenses.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (769-1984)

AUTHORIZING SUPERVISOR TO RENEW LEASE WITH SPRING VALLEY HOMES ASSOCIATES (AGENT- ARCO MANAGEMENT) FOR CONTINUED USE OF COMMUNITY BUILDING IN THE LAKEVIEW SENIOR CITIZEN HOUSING COMPLEX

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is presently leasing the Community Building in the Lakeview Senior Citizen Housing Complex for the use of the senior citizen clubs sponsored by the Clarkstown Parks Board and Recreation Commission;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to renew said lease with Spring Valley Homes Associates through their managing agents, Arco Management Corp., for the continued use of the Community Building, at a rental fee of \$16,000.00 per annum, which renewal shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$16,000.00 be taken from Account No. A 8840-505.

Seconded by Co. Carey All voted Aye.

With regard to the following resolution (Establishing Open Development Area for property located Middletown Road and Convent Road, Nanuet, New York) Councilman Holbrook requested that this be taken off tonight's agenda as he had spoken with some of the residents in the area and there are still some drainage problems. He said he had no objection to the 281 but was just concerned with the drainage. Supervisor Dusanenko said that the drainage was part of the 281 and we either accept it or we take it off.

Councilman Lettre said this was in the purview of the Planning Board. All we do is allow them to use Section 281.

Councilman Maloney said it will go back to the Planning Board anyway for site review, etc.

Town Attorney said there are some very specific provisions in this resolution dealing with not only the drainage but the open development area as well. It would authorized the Planning Board to go forward but within the context of those specific proposals. It is conditional approval.

Councilman Holbrook, when asked whether he would pass this or send it back to workshop, said he would prefer to hold it off.

An unidentified resident spoke from the audience and said that she just wanted assurance that the drainage problem would be taken care of. She spoke at length about the meetings she had attended and the amount of time spent trying to ascertain just what would be done.

Councilman Holbrook asked if this drainage problem would be addressed back at the Planning Board?

Town Attorney said there was one provision in this resolution that deals specifically with the drainage and he read this provision. This provision is consistent with what the Director of Environmental Control, Les Bollman, said at the Workshop Meeting last Thursday evening.

Mr. Bollman then asked could this now force the Planning Board to do it under the standard density... Town Attorney said the applicant would have the ability to do so. Mr. Bollman said he did not think that anyone wanted that. Now, it will be another whole month if we hold this off for next workshop.

Town Attorney said there was another unresolved question as of Thursday night and that had to do with an initial request for a conservation easement on a portion of the property. That would have to go if the detention pond is built.

Mr. Bollman said he believed that because of the drainage the Planning Board would understand why we modified that and put in a retention pond rather than leaving it in its natural state.

Mrs. Catherine Nowicki, member of the Clarkstown Planning Board said that she would like to clarify what happened the night the woman (Mrs. Ferreti) spoke before the Planning Board. She had asked her what she was present for and Mrs. Ferreti told her. Mrs. Nowicki said that when Mr. Yacyshyn asked if there was anyone who wished to speak Mrs. Ferreti apparently misunderstood and did not speak. Mrs. Nowicki said that the Planning Board certainly did want to give anyone who wished to speak that opportunity.

RESOLUTION NO. (770-1984)

GRANTING PERMISSION TO
CLARKSTOWN PLANNING BOARD TO
USE TOWN LAW SECTION 281 IN
CONNECTION WITH OPEN
DEVELOPMENT AREA FOR PROPERTY
LOCATED MIDDLETOWN ROAD AND
CONVENT ROAD, NANUET, NEW
YORK - NANUET WEST AND
GRANTING PUBLIC FURTHER INPUT
REGARDING DRAINAGE AND OTHER
ISSUES

Co. Maloney offered the following resolution:

RESOLVED, under the provisions of Section 281 and 280-a(4) of the Town Law, the Town Board hereby grants to the Clarkstown Planning Board permission to allow development by average density and establishes an "open development area" for property located in the vicinity of Middletown Road and Convent Road, Nanuet, New York, more particularly described on the Clarkstown Tax Map as Map 13, Block C, Lots 1-6, 8, 9, 27-31, consisting of approximately 1.897 acres which property may be subdivided as a result of the application of Israel Herskowitz presently pending before the Clarkstown Planning Board as shown on a proposed subdivision map entitled, "Density Nanuet West, Nanuet, Town of Clarkstown, Rockland County, New York" dated July 1, 1984, last revised July 31, 1984, prepared by Henry Horowitz, Inc., provided, however, that prior to the filing of said subdivision map the following conditions shall be met:

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RESOLUTION NO. (770-1984) Continued

(1) The open development area shall consist of that area shown on the proposed subdivision map referred to above which is intended to be owned by a homeowners association and consist of the entire parcel, other than the area designated for lots 1 through 5 inclusive, and including the driveway, the parking area and all the remaining vacant land. The said balance of the premises shall consist of five lots for which building permits for five attached one-family dwellings may be issued upon obtaining final subdivision approval of the Clarkstown Planning Board and meeting all other requirements of law. The access to lots 1 through 5 shall be by private right-of-way or easement, the fee to said access being owned and under the control of the homeowner's association as shown on said proposed subdivision map.

(2) Prior to final subdivision approval, the applicant shall obtain the review and approval of the Director of the Department of Environmental Control so as to provide for an open drainage detention pond for that portion of the premises which fronts on a mapped but un-opened street known as Nyack Avenue.

(3) The applicant shall obtain the review and approval of the Superintendent of Highways as to the adequacy of the private right-of-way or driveway for use by emergency vehicles should the need arise.

(4) That all utilities shall be underground.

(5) That the pavement of the right-of-way and parking area shall be sufficient to meet the specifications of the Town of Clarkstown as determined by the Director of the Department of Environmental Control and the Superintendent of Highways.

(6) That prior to final approval and filing of the subdivision map, the certified record owner shall provide a declaration of covenants and reciprocal easement agreement which shall run with the land, in a form acceptable to the Town Attorney, and which declaration of covenants shall be recorded in the Rockland County Clerk's Office prior to or simultaneously with the filing of said subdivision map and which shall contain the following provisions:

(a) That property owner(s) acknowledge that access to the nearest public road for lots 1 through 5 has been obtained by private easement or right-of-way and that approval for the issuance of building permits has been obtained pursuant to Section 280-a(4) of the Town Law which created an open development area and that the said open development area shall be in the ownership of a homeowners association which the owners of lots 1 through 5 shall be required to be members of and said declaration shall further provide that the property owner(s) acknowledge that they or their successors are not entitled to receive any municipal services such as road maintenance and resurfacing, snow plowing and sanding, pothole repairs or any similar services on said easement or right-of-way as is provided to residents of the Town of Clarkstown whose property has access by way of a dedicated or publicly maintained road.

(b) That any deed of conveyance for lots 1 through 5 in the subject subdivision shall recite that the conveyance is subject to the requirements of said declaration of covenants, reciprocal easement and membership in the homeowners association.

(c) That the declaration shall further contain provision for required maintenance, repair, snow plowing and other necessary services on the right-of-way and parking area with the users of the right-of-way sharing equitably in the cost of same.

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RESOLUTION NO. (770-1984) Continued

(d) That any certificate of occupancy for any of the premises shall be conditioned upon the observance and subject to the declaration herein required.

(e) That in the event the property owner(s) or the homeowners association at any time in the future shall request establishment of a road improvement district or otherwise seek to dedicate the private right-of-way or easement as a public street, the owner(s) shall be bound by said covenant to gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner or user in the easement or right-of-way and any property adjacent thereto to accomplish the widening of the easement or right-of-way to the then existing standards for public roads, and said owner(s) or users shall covenant ;in said declaration of covenants to participate in any such road improvement district at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such road improvement district being assessed in accordance with the provisions of Town Law.

(7) That any subdivision map approved by the Planning Board shall contain a map note referring to this resolution establishing the open development area by date and number, which map note shall also state that the issuance of building permits and certificates of occupancy are subject to the declaration of covenants herein required and refer to the recording of same by liber and page number, and be it

FURTHER RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 (average density) in connection with the subdivision as shown on the subdivision map entitled, "Density Nanuet West, Nanuet, Town of Clarkstown, Rockland County, New York" dated July 1, 1984, last revised July 31, 1984, prepared by Henry Horowitz, Inc., subject to, however, and in conformity to the above stated modifications which are required by the Town Board for approval of the open development area concept under Section 280-a(4) of the Town Law, and be it

FURTHER RESOLVED, that the Planning Board is requested and directed to allow the public further input regarding the planning for drainage and other issues to be considered by said Board.

Seconded by Co. Lettre

All voted Aye.

Councilman Carey said that he would vote "yes" provided there is input.

Councilman Holbrook said "yes" but he wanted to be sure there was an opportunity to have input.

Mr. Bollman said the Planning Board has to address the issue of the retention basin.

Councilman Lettre said that we should ask the Chairman of the Planning Board since technically he did not think that the Chairman had to allow input once the public hearing has taken place. It was agreed that Councilman Lettre's idea was an excellent one and the Chairman would be formally asked to allow input at the next meeting of the Planning Board regarding this issue. Councilman Lettre voted "yes."

RESOLUTION NO. (771-1984)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL FIRE
HYDRANTS (NORTH SIDE BREMMER
APTS. ROAD EAST OF CENTERLINE

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RESOLUTION NO. (771-1984) Continued

OF BREMMER APTS. ROAD AND
WEST SIDE OF BREMMER APTS.
ROAD SOUTH OF CENTERLINE OF
BREMMER APTS. ROAD, NANUET

Co. Maloney offered the following resolution:

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

- (1) North side of Bremmer Apts. Road approximately 30 feet east of the centerline of Bremmer Apts. Road, and
- (2) West side of Bremmer Apts. Road approximately 10 feet south of the centerline of Bremmer Apts. Road.

These hydrants are located in the Hamlet of Nanuet.

Investigation No. 9369

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (772-1984)

AUTHORIZING ATTENDANCE AT
EXECUTIVE COMMITTEE MEETING
OF THE NATIONAL RECREATION
AND PARKS ASSOCIATION BOARD
OF TRUSTEES (EDWARD GHIAZZA)
- CHARGE TO APPROPRIATION
ACCOUNT 7020-414

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission, that Edward J. Ghiazza, Superintendent of Recreation and Parks, is hereby authorized to attend the Executive Committee Meeting of the National Recreation and Parks Association Board of Trustees from August 16, 1984 through August 19, 1984 in Hershey, Pennsylvania, and

FURTHER RESOLVED, that expenses not to exceed \$275.00 be allocated from Appropriation Account 7020-414.

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (773-1984)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #46-1984 SALE OF
SURPLUS VEHICLES

Co. Maloney offered the following resolution:

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

BID #46-1984
SALE OF SURPLUS VEHICLES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, September 4, 1984 at which time bids will be opened and read, and be it

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RESOLUTION NO. (773-1984) Continued

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

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (774-1094) ACCEPTING ROADS AND RELATED IMPROVEMENTS (JOHN A. FEICK) -STILL POND TERRACE

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deed(s) from JOHN A. FEICK, dated January 14, 1981, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Subdivision Plat of Property of John A. Feick" filed in the Rockland County Clerk's Office on 1/22/81 in Book 96 of Maps at Page 58 as Map No. 5227, as follows:

STILL POND TERRACE 890 L.F.

is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office subject to receipt by the Town Attorney of a continuation of Title Report No. RC-1376 of Rockwest Abstract Ltd. showing clear title to date of acceptance, and be it

FURTHER RESOLVED, that the agreement guaranteeing the roads and improvements for a period of one (1) year in the amount of \$5,720.00 is hereby accepted, and be it

FURTHER RESOLVED, that the written guarantee with security posted by the developer consisting of a Certificate of Deposit in the sum of \$2,000.00 for the completion of certain items is hereby accepted.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (775-1984) AUTHORIZING RETURN OF ESCROW DEPOSIT RE DEDICATION SUBDIVISION (RIDGE VIEW ESTATES)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow for incomplete items secured by a passbook in the sum of \$6,100.00 furnished to the Town in connection with dedication of the road(s) and improvements on January 24, 1984, in a subdivision known as RIDGE VIEW ESTATES is terminated and the passbook be released to the guarantor.

Seconded by Co. Holbrook All voted Aye.

RESOLUTION NO. (776-1984) AMENDING AGENDA ITEM NO. 15 RE: SUPERINTENDENT OF HIGHWAYS APPOINTING TWO DEPUTIES TO ATTEND NEW YORK STATE ASSOCIATION OF TOWN SUPERINTENDENTS OF HIGHWAYS SCHOOL AND SEMINAR

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RESOLUTION NO. (776-1094) Continued

Co. Lettre offered the following resolution:

RESOLVED, that Agenda Item No. 15 be amended to allow Nicholas A. Longo, Superintendent of Highways to appoint two deputies of his choosing to accompany him in attendance at the New York State Association of Town Superintendents of Highways school and seminar.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (777-1984)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS AND TWO DEPUTIES OF HIS CHOOSING TO ATTEND NEW YORK STATE ASSOCIATION OF TOWNS SCHOOL AND SEMINAR - CHARGE TO ACCOUNT D 5110-404

Co. Lettre offered the following resolution:

RESOLVED, that Nicholas A. Longo, Superintendent of Highways, is hereby authorized to attend the New York State Association of Town Superintendents of Highway, Inc., school and seminar to be held at Swan Lake, New York from September 18th to September 21st, 1984; and be it

FURTHER RESOLVED, that Nicholas A. Longo, Superintendent of Highways is hereby authorized to appoint two deputies of his choosing to accompany him to said school and seminar, and be it

FURTHER RESOLVED, that all proper charges be charged to account #D 5110-404.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (778-1984)

AUTHORIZING AND DIRECTING DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL CONTROL TO RETAIN ATZL AND SCATASSA ASSOCIATES TO DESIGN COMMUNITY PARKING LOT IN HAMLET OF CONGERS (MAP 127, BLOCK D, LOT 15)

Co. Lettre offered the following resolution:

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to retain Atzl

RESOLUTION NO. (778-1984)

and Scatassa Associates, P.C., 248C North Main Street, New City, New York, for a sum not to exceed \$500.00 to design a community parking lot in the hamlet of Congers, to be located on the parcel designated on the Clarkstown Tax Map as Map 127, Block D, Lot 15.

Seconded by Co. Holbrook All voted Aye.

Agenda Item No. 17 regarding new base station for Town Hall was taken off pending input from Mr. Morty Leifer.

With regard to the following resolution Town Attorney stated that this was just a resolution of intent. Supervisor Dusanenko made a suggestion that Mr. Bollman ascertain the value of the materials and labor and that should be a fair price rather than going out to an appraiser. Town Attorney said that could be done if Mr. Bollman is qualified to make such an appraisal. Supervisor Dusanenko said we are getting the land for nothing so we should not have to have an expensive appraisal for labor and materials. Town Attorney John Costa said that at a future date the Tax Assessor might be able to supply an appraisal as well. There is nothing in the resolution that requires an appraiser be hired.

Supervisor Dusanenko said that he understands that we are getting the land on which this road will be built for nothing. All we have to do is ascertain the cost of the labor and materials by the owners of Airport Executive Park of what they will actually have to spend on the materials and construction costs. Why should we have to spend money on an appraisal of land we are getting for zero dollars?

Town Attorney stated that the Town should not acquire property for more than its value or worth to the Town. Using an appraiser determines what the value of the property is and would ensure that the Town does not acquire something for \$30,000.00 which is not worth \$30,000.00. Mr. Costa said the cost of the materials for the road could be \$200,000.00 but that does not mean that the road itself would be worth \$30,000.00 or more. Supervisor said that is why he has asked Mr. Bollman to estimate the cost of labor and materials for the owners of Airport Executive Park to build that section of the road. We just want to determine if the bills we would be getting would be fair and reasonable.

RESOLUTION NO. (779-1984)

RESOLUTION OF INTENT TO
PURCHASE PORTION OF PROPERTY
(MAP 164, BLOCK A, LOT 17)
WITH CERTAIN CONDITIONS BEING
MET

Co. Holbrook offered the following resolution:

WHEREAS, by Resolution No. 540 dated June 6, 1983, after a public hearing, the Official Map of the Town of Clarkstown was amended to show a north-south road from the vicinity of Mirror Lake Road and West Clarkstown Road through lands owned by the State of New York and others to a point of intersection with Route 59 in the vicinity of the New York State Thruway it being the intention of the Town Board to plan for the proposed road to eliminate a serious bottleneck now caused by an undersized tunnel beneath the railroad right of way at Pascack Road, Spring Valley, New York, and

WHEREAS, the Town Board has been informed by letter dated July 23, 1984, that a group of investors have obtained property rights

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RESOLUTION NO.(779-1984) Continued

in a portion of the planned right-of-way of the proposed north-south roadway at or near property now owned by Airport Executive Park, Inc., and

WHEREAS, said investors have offered to build a road conforming to town specifications on property they now own or shall acquire;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown by this resolution intends to authorize the purchase of a portion of the property shown on the attached Schedule "A" and described on the Clarkstown Tax Map as Map 164, Block A, Lot 17, provided, however, that the parcel to be purchased shall be first improved to the satisfaction of the Director of Environmental Control to meet all town specifications for the construction of a 40 foot road in a 60 foot right-of-way, and provided further, that the reasonable market value of said parcel as determined after appraisal shall meet or exceed the value of \$30,000.00 and provided further that the property to be purchased by the Town of Clarkstown shall be conveyed free and clear of all liens and encumbrances, and provided further that a declaration of covenants by the owners of property adjacent to said parcel to the north presently owned by Airport Executive Park, Inc., shall be provided to the Town of Clarkstown in a form acceptable to the Town Attorney which declaration shall offer to gratuitously dedicate to the Town of Clarkstown that portion of the proposed north-south road which runs through properties now owned by Airport Executive Park, Inc., to its intersection with Smith Road.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (780-1984)

DIRECTING THAT ASBESTOS BEING REMOVED FROM PUBLIC BUILDINGS WITHIN THE TOWN OF CLARKSTOWN SHALL NOT BE DISPOSED OF WITHIN THE CLARKSTOWN SANITARY LANDFILL

Supv. Dusanenko offered the following resolution:

WHEREAS, asbestos, which is a known carcinogen, is presently being removed from public buildings within the Town of Clarkstown, and

WHEREAS, Section 63-6 of the Town Code of the Town of Clarkstown provides that materials labeled of a hazardous nature by the United States Environmental Protection Agency or New York State Department of Environmental Conservation are not permitted to be disposed of in the Clarkstown Sanitary Landfill;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby directs that asbestos shall not be disposed of within the Clarkstown Sanitary Landfill.

Seconded by Co. Holbrook

All voted Aye.

With regard to the following resolution Supervisor asked if this included a transfer of funds. Town Attorney said that it states

that it is to come out of the drainage bond. Supervisor said that it should not come out of the drainage bond. Councilman Holbrook said that it should come out of a different drainage bond than the one we already have. Supervisor asked how we could be reimbursed? Mr. Bollman said if we go over we could still get reimbursed. Supervisor said he did not think so. Mr. Bollman said that he was looking for a place to move on the job. He said if you take it out of the drainage bond the big intent they look for is that that bond is still used for drainage and that if you go over you can add to a drainage bond - Supervisor Dusanenko said do you want to go along with that? Mr. Bollman said he thought it was important that they move on this.

Town Attorney asked if \$107,000.00 would be fully expended before the end of the year? Mr. Bollman said he did not think so. Councilman Holbrook asked if they would still have money in the drainage bond to complete the project in Valley Cottage if we do this? Mr. Bollman said that he could not state that. He said that what he had done to satisfy himself was that if the project in Valley Cottage went over by \$200,000.00 we could still add to that in two ways - we could take out a BAN or we could take it out of unexpended surplus and add it to it so that the Valley Cottage project would not be jeopardized by this. Councilman Holbrook asked if the Valley Cottage project would still go ahead this fall and Mr. Bollman replied in the affirmative.

RESOLUTION NO. (781-1984)

DIRECTING PREPARATION OF
GENERAL PLAN, REPORT,
CONTRACT DRAWINGS AND
SPECIFICATIONS AND MAP FOR
DRAINAGE IMPROVEMENT FOR WEST
NYACK DRAINAGE (VICINITY OF
ROUTES 59 AND 303 WEST NYACK
(KOZMA ASSOCIATES CONSULTING
ENGINEERS, P.C.)- SUBJECT TO
PERMISSIVE REFERENDUM

Co. Maloney offered the following resolution:

WHEREAS, a proposal has been made by Kozma Associates Consulting Engineers, P.C., dated August 6, 1984 entitled "Flood Alleviation Project West Nyack, New York" to the Town of Clarkstown to provide for a general plan, report, contract drawings, specifications, topographical survey of all properties affected or benefited and a general map of the West Nyack Drainage Basin located in the vicinity of Routes 59 and 303, West Nyack, New York, northward to the spillway of the Lake Deforest Dam and south to the boundary lines between the Towns of Orangetown and Clarkstown along the natural drainage course of the Hackensack River;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$107,000.00 is hereby appropriated from the Drainage Bond to pay the cost of preparing said general plan, report, contract drawings, specifications, topographical surveys of all properties affected or benefited and a general map and to plan for said improvement in the above described area of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to supervise the preparation of such plan, report, contract drawings, specifications, topographical surveys of all properties affected or benefited and a general map within the limitations of the amounts appropriated therefore and upon completion thereof to file the same in the Office of the Town Clerk, and be it

RESOLUTION NO. (781-1984) Continued

FURTHER RESOLVED, that this resolution shall be subject to permissive referendum in the manner prescribed in Article 7 of the Town Law and Section 209g of the Town Law.

Seconded by Co. Holbrook

All voted Aye.

Supervisor Dusanenko moved agenda item No. 21 but did not receive a second. Councilman Carey asked for back-up information. He said he had asked at workshop who the agent was and Supervisor said he had written a reply and had it sent to the Councilmen's Office. He said in case Councilman Carey had not received the letter that the answer from Mr. Hoffman is that this coverage does not go through any local broker in the County. The current policy or the new proposed ones which will save us \$6,000.00 go through the major insurance brokers outside the county. That will be \$6,000.00 less for the same coverage.

Supervisor Dusanenko stated that he did not know at this time when the polices expire and he did not know if any delay at this time would preclude any savings from happening but he would not debate it further.

With regard to the following resolution Supervisor asked if this was for having both advertised. Town Attorney said this was just for the PED. The legal description attached is a perimeter description of the entire parcel. The perimeter description of that portion which is presently zoned LO was not available and a resolution could not be prepared without that description. He said he had discussed that with Mr. Montalbano and Mr. Montalbano had said that we would have that by the next Town Board meeting. We could then schedule a further public hearing, if necessary, for the early part of October. This would be to change the LO portion to LIO and make the whole portion...Mr. Montalbano is here and said that would be acceptable.

RESOLUTION NO. (782-1984)

SETTING PUBLIC HEARING RE
PROPOSED AMENDMENT TO ZONING
ORDINANCE - CHANGE LIO ZONE
AND LO ZONE TO PED - REFERRAL
TO TOWN AND COUNTY PLANNING
BOARDS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board wishes to consider amending the Zoning Ordinance of the Town of Clarkstown as follows:

Change from an LIO zone and an LO zone to a PED zone property designated on the Clarkstown tax map as Map 129, Block A, Lot 5.03 and Map 142, Block A, Lot 35.01, and as more particularly described on the attached Schedule "A".

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be held on September 25, 1984, at 8:05 P.M., or as soon thereafter as possible, at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, in connection with said proposed amendment, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be

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RESOLUTION NO. (782-1984) Continued

published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the said Town Clerk, and be it

FURTHER RESOLVED, that this resolution be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their reports and recommendations

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

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (783-1984)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES - JOLLIFFE
STREET, CONGERS, NEW YORK
(ALFRED FESTA AND CLAUS C.
STEGMANN)

Co. Holbrook offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision of Stegmann, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Jolliffe Street, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Town Attorney, deed dated April 11, 1984, from E. ALFRED FESTA and CLAUS C. STEGMANN gratuitously conveying a strip of land along Jolliffe Street, Congers, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Councilman Maloney

All voted Aye

RESOLUTION NO. (784-1984)

AUTHORIZING CLARKSTOWN
PLANNING BOARD MEMBERS TO
ATTEND ANNUAL PLANNING &
ZONING INSTITUTE OF THE NY
PLANNING FEDERATION AND
APPROPRIATING \$400 FROM LINE
313 TO LINE 404

The following resolution was offered by Co. Maloney:

RESOLVED, that the members of the Clarkstown Planning Board are hereby authorized to attend the Annual Planning & Zoning Institute of the N.Y. Planning Federation from September 30 - October 2, 1984 and be it

FURTHER RESOLVED, that \$400 be appropriated for attendance and funds be transferred from line 313 to line 404 to accommodate that cost.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (785-1984)

GRANTING USE OF CLARKSTOWN
SHOWMOBILE (ROCKLAND'S
MENTALLY RETARDED &
DEVELOPMENTALLY DISABLED)

Co. Holbrook offered the following resolution:

WHEREAS, the Alliance for Rockland's Mentally Retarded & Developmentally Disabled (ARMRDD) has requested use of the Town of

RESOLUTION NO. (785-1984) Continued

Clarkstown showmobile on Sunday, September 9, 1984 for a program for their picnic at the Camp Venture Campsite, Thiells, on the grounds of Letchworth Development Center,

NOW, THEREFORE, be it

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

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (786-1984)

GRANTING PERMISSION FOR DISPENSING OF ALCOHOLIC BEVERAGES TO NEW CITY FIRE ENGINE COMPANY NO. 1 FOR SEPTEMBER 7, 1985

Co. Carey offered the following resolution:

WHEREAS, on September 7, 1985, the New City Fire Engine Company No. 1 will host the Annual Rockland County Volunteer Firemens Association parade, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the New City Fire Engine Company No. 1 to dispense alcoholic beverages in the vicinity of the fire house from 10:00 a.m. on September 7, 1985 until 1:00 a.m. on September 7, 1985 in accordance with the provisions of Local Law No. 6-1977, which includes the securing of a proper license from the appropriate Alcoholic Control Board.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (787-1984)

AUTHORIZING SUPERVISOR TO AMEND AGREEMENT BETWEEN TOWN OF CLARKSTOWN AND DOLPH ROTFELD, P.C. TO INCREASE SURVEY WORK

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks that the Supervisor is authorized to amend the agreement between the Town of Clarkstown and Dolph Rotfeld, P.C., 555 White Plains Road, Tarrytown, New York dated September 8, 1983 to increase the survey work to \$5,530.00.

Seconded by Co. Holbrook

All voted Aye.

Supervisor Dusanenko asked some questions of the Town Attorney with regard to the following resolution. He said it was his understanding that all of this road is on private property. Town

Attorney said this resolution deals with the portion of the property that is on the official map. Mr. Costa said his understanding was that most of the right-of-way runs through state owned property. Supervisor asked if we have a license of the ownership. Mr. Costa said the answer to that question is "No." He said we have requested consideration by the state that that license be renewed and was told that it was under consideration. He said he had been told informally that it would be granted but he said he had no information beyond what has already been reported to the Town Board. Supervisor said that some of the property is privately owned and some might be on the State 45 By-Pass. Town Attorney said that most of it is on the 45 By-Pass.

Supervisor asked whether it was proper for the Town to design and engineer a road in the middle of a subdivision whether it is on private property or state licensed property - is this a proper Town charge? Town Attorney said he did not believe it was accurate to say that this road is being designed in the middle of a subdivision. It is being designed on property that is largely owned by the State of New York. It is adjacent to undeveloped property known as Kingsgate and is for planning and design purposes only. Supervisor Dusanenko asked for a "Yes" or "No" - is it a proper Town charge so he did not have to debate it? Supervisor said is this resolution as drafted with its latest revision a proper Town charge? Town Attorney said he believed that it is. Supervisor said "Thank you and let the record reflect such."

RESOLUTION NO. (788-1984)

AUTHORIZING APPROPRIATION OF FUNDS TO PAY COST OF PREPARATION OF PLAN FOR IMPROVEMENT IN KINGSGATE - AUTHORIZING DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL CONTROL TO HIRE NECESSARY PROFESSIONALS TO SUPERVISE PREPARATION OF SUCH PLAN - CHARGE TO ACCOUNT NO. A 1420-409 - NOT SUBJECT TO REFERENDUM

Co. Holbrook offered the following resolution:

WHEREAS, proposals have been submitted to the Clarkstown Planning Board for site plan approval which would result in a development of phases D, E-1 and E-2 on a plan of condominium commonly known as Kingsgate lying within the hamlet of Nanuet, in the Town of Clarkstown, and

WHEREAS, the attorney for the developer of phases D, E-1 and E-2 has informed the Town Board of his client's willingness to contribute towards the cost of a needed road improvement, shown on a map as a 60 foot right-of-way, adjacent to and otherwise in the vicinity of said planned site development, and

WHEREAS, a proposal has been made by the Town Board of the Town of Clarkstown to provide for the construction of a 60 foot wide road shown on the Official Map of the Town of Clarkstown as amended by Resolution No. 540 adopted on June 6, 1983 for the following described area in the Town:

A north-south road beginning at West Clarkstown Road at or near its intersection with Mirror Lake Road running in a southerly direction through the lands owned by the State of New York formerly intended and designated as the Route 45 By-pass adjacent to or near property designated on the Clarkstown Tax Map as Map 165, Block A, Lots 4.01, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.09, 4.10, 4.11, 4.12, 4.13

Continued on Next Page

RESOLUTION NO. (788-1984) Continued

and Map 165, Block B, Lots 3 and 4 and then through the westerly portion of the parcel designated on the Clarkstown Tax Map as Map 164, Block A, Lot 32 to intersect with Smith Road.

NOW, THEREFORE, be it

RESOLVED, that the sum of \$75,000.00 (without signalization and traffic studies) is hereby appropriated to pay the cost of preparing a plan with contract drawings and specifications, report, map and survey(s) for planning for said improvement in the above described area of the Town of Clarkstown and to identify the parcels or portions of parcels of property benefited and those parcels or portions which must be acquired for the purpose of constructing said roadway, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control of the Town of Clarkstown is hereby authorized and directed to hire necessary professionals and to supervise the preparation of the general plan, report, contract drawings and specifications, map and survey within the limits of the amounts appropriated therefore and upon completion thereof to file the same in the Office of the Town Clerk of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fees for the above shall be charged to Account No. A 1420-409.

FURTHER RESOLVED, that this resolution is not subject to referendum.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (789-1984)

AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH ALAN DENKER FOR EMERGENCY ROOF REPAIRS

Co. Holbrook offered the following resolution:

WHEREAS, Mr. John Bradley, Maintenance Supervisor of the Town Hall Complex, has determined that there is need for emergency roof repairs;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to execute an Agreement with Alan Denker for a fee of \$500.00.

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (790-1984)

ADOPTING AND ACCEPTING THE MINUTES OF REGULAR TOWN BOARD MEETINGS OF JUNE 12TH AND 26TH AND JULY 10TH

Co. Carey offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meetings held on June 12th, June 26th and July 10th, 1984, are hereby adopted and accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (790-1984) Continued

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

RESOLUTION NO. (791-1984)

ACCEPTING PROPOSALS FOR
STREET LIGHTING FROM ORANGE &
ROCKLAND UTILITIES, INC.
(FRANK FOLEY SUBDIVISION)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following location:

Frank Foley Subdivision	Upper Nyack
-------------------------	-------------

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (792-1984)

AUTHORIZING SUPERINTENDENT OF
HIGHWAYS TO INSTALL SIGNS "NO
PARKING BETWEEN SIGNS" WITH
APPROPRIATE ARROWS NORTH AND
SOUTH OF DRIVEWAY OF #35
SOUTH MIDDLETOWN ROAD, NANUET

Co. 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 signs to read "No Parking Between Signs" with appropriate arrows 20 feet. north and 20 feet. south of the driveway of #35 South Middletown Road, Nanuet.

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (793-1984)

AUTHORIZING SUPERINTENDENT OF
HIGHWAYS TO INSTALL SIGNS "NO
STANDING" NORTH END OF LOREN
COURT, NANUET AT GUIDE RAIL
AREA

Co. 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 signs to read, "No Standing" at the north end of Loren Court, Nanuet, at the guide rail area.

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (794-1984)

SETTING PUBLIC HEARING ON
PROPOSED LOCAL LAW TO AMEND
CHAPTER 102 OF THE CODE OF
THE TOWN OF CLARKSTOWN
ENTITLED "VEHICLE AND
TRAFFIC" BY AMENDING SECTION
102-12 AND SECTION 102-13

Co. 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 CHAPTER 102 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED, "VEHICLE AND TRAFFIC" BY AMENDING SECTION 102-12 ENTITLED, "PARKING" AND SECTION 102-13 ENTITLED, "REMOVAL AND STORAGE OF VEHICLE" TO PROVIDE FOR RESTRICTED PARKING OF VEHICLES ON TOWN STREETS AND INCREASED PENALTIES FOR VIOLATION THEREOF",

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 25th day of September, 1984, at 8:10 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (795-1984)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES FROM ALFRED
L. MAGNATTA, JR. AND DEBORAH
A. MAGNATTA - (ZBA APPEAL NO.
1664)

Co. Maloney offered the following resolution:

RESOLVED, that the Declaration of Covenant dated May 4, 1984, by Alfred L. Magnatta, Jr. and Deborah A. Magnatta for road widening purposes in connection with ZBA Appeal No. 1664, is hereby accepted upon the recommendation of the Town Attorney and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that this resolution is retroactive to July 19, 1984.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (796-1984)

AUTHORIZING SUPERVISOR TO
CONTINUE COMMUNITY
DEVELOPMENT AGREEMENTS FOR
1985-1986-1987 ON BEHALF OF
TOWN OF CLARKSTOWN

RESOLUTION NO. (796-1984) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Chairman of the Rockland County Legislature has requested the Town of Clarkstown to join the Community Development Consortium for Program Years 1985-1986-1987, and

WHEREAS, the Town of Clarkstown has been a member of the Community Development Consortium for many years and is desirous of continuing with the Program, and

WHEREAS, the Town of Clarkstown understands that by signing Cooperation Agreements with the County of Rockland for Program Years 1985-1986 and 1987, it cannot opt out of the Program for said period;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves participation in the Rockland County Community Development Program for Program Years 1985-1986 and 1987, and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute Cooperation Agreements with the County of Rockland for said period and to take all actions necessary to implement this resolution.

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (797-1984)

AUTHORIZING TOWN ATTORNEY TO DEFEND PROCEEDING (DLR ENTERPRISES, INC. AGAINST ZBA)

Co. Carey offered the following resolution:

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

DLR ENTERPRISES, INC.,

Petitioner,

For a Judgment Pursuant to Article 78 of the CPLR,

-against-

ELIZABETH R. SQUILLACE, Chairperson, WILLIAM NIEHAUS, CATHERINE McDOUGALL, DAVID KRAUSHAAR, PHYLLIS BULHACK, JOSEPH MARAIA and EDWARD GRAYBOW, constituting the BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN,

Respondents.

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. 799-1984) Continued

Snedeker Avenue Congers
(Existing pole number 45/65 (98) - 1 5,800 lumen sodium vapor)

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (800-1984)

AUTHORIZING ATTENDANCE AT
MAINTENANCE SCHOOL FOR
FAREBOXES - MINI-TRANS
DEPARTMENT (RALPH MOCHI) -
CHARGE TO ACCOUNT # 5630-414

Co. Holbrook offered the following resolution:

RESOLVED, that Ralph Mochi of the Clarkstown Mini Trans attend the Maintenance School for Fareboxes in Elk Grove Village, Illinois - August 22nd, 23rd and 24th. Not to exceed \$900.00 and charged to Account #5630-414.

Seconded by Co. Maloney

All voted Aye.

With regard to the following resolution Supervisor Dusanenko asked if this payment was not premature at this time since we did not have the exact figure. Town Attorney said he did not feel it was premature but if that was the Board's feeling this could be put off. Town Attorney explained that this was the aftermath of the Dusanenko vs. Maloney case where the law firm of Wilson, Elser, Edelman & Dicker made application for counsel fees. They estimated the cost of their application to be \$2,000.00 and they went over that figure. They said that their actual fee would be slightly under \$3,000 00. They have requested authorization for the additional legal fee.

RESOLUTION NO. (801-1984)

AUTHORIZING PAYMENT OF LEGAL
FEES TO WILSON, ELSER,
EDELMAN & DICKER, ESQS.,
(DUSANENKO VS. MALONEY) -
CHARGE TO ACCOUNT NO. A
1420-409)

Co. Maloney offered the following resolution:

WHEREAS, Resolution No. 231 adopted on February 14, 1984, authorized the expenditure of the sum of \$2,000.00 as legal fees for an application in United States District Court to reimburse the Town of Clarkstown for court awarded attorneys fees which were incurred to successfully defend the matter of Theodore R. Dusanenko, et al v. John R. Maloney, et al (82 Civ. 2223), and

WHEREAS, a judgment in the sum of \$4,699.06 has been obtained against one of the plaintiffs, and

WHEREAS, THE Town of Clarkstown has been informed that the actual cost of said application is approximately \$3,000.00;

NOW, THEREFORE, be it

RESOLVED, that the firm of Wilson, Elser, Edelman & Dicker, Esqs., 420 Lexington Avenue, New York, shall be paid up to \$3,000.00 for fees upon for the above application for reimbursement of legal fees, upon submission of a duly completed voucher and record of services provided, which fees shall be charged against Account No. A 1420-409.

RESOLUTION NO. (801-1984) Continued

Seconded by Co. Lettre

On roll call the vote was as follows:

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

Supervisor Dusanenko said this Town had an opportunity to sue the State of New York for \$413,000.00 for this year and the preceding three years for a minimal cost of \$7,000.00 or \$5,500.00. That prudent decision was not exercised by the other members of the Town Board. Early this evening we could have saved \$6,000.00 at no cost or expenditure for getting the same insurance coverage for our police department for which we have a contractual obligation. Mr. Carey, an employee of one of the subsidiaries of the New York Telephone Company has been frustrating me and this Town Board for six months with telephone audits for erroneous overcharges and payments which this Town has been successful for in the past to the tune of almost \$20,000.00. But when it comes to political attacks on people who are dedicated to getting the best services at the least expense, this Town Board by the passage of this resolution, will pay \$3,000.00 to get a measly less than \$5,000.00 back when it is a political gain.

Councilman Carey said that we did not institute this.

Supervisor Dusanenko continued and said that Mr. Carey and the other Town Board members did not institute the suit but for those who are literate and read all the law cases he (the Supervisor) was deprived of an opportunity to appeal his case because as the three judge Federal panel stated he did not have the evidence of the other Board members' handwritten notes submitted in his initial papers. It was never a question of whether the Supervisor was correct or not or whether the majority was correct or not because the initial papers of that case were not submitted at my request via my counsel.

Councilman Lettre said that was irrelevant because the Supervisor had initiated the suit the same as the Supervisor provoked and instituted the suit against myself and another by Mrs. Erard which again the Town had to waste money on because that was another frivolous suit. If it is not in agreement with you (the Supervisor) take a suit out.

Councilman Carey said that suit, as far as the State is concerned, we did even better. We didn't lay out \$5,500.00 - we got someone to fight it for us for free.

Supervisor said that type of legal action will only derive benefit not as a class action for all communities but only for those communities who are involved and join in that law suit. If any benefit of success comes from those parties who do sue the state they and only they will receive those funds which was mentioned several times.

With regard to the following resolution, Mr. Reeder stated that to the best of his knowledge all requirements for dedication of the streets in Astrid Hills have been completed with the exception of some paper work. He said this dedication was of particular importance to the community He said that he had a DEC report and Town Attorney said that he had not seen it. Mr. Reeder said that according to that report everything was in order except for four or five minor items.

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The DEC recommends dedication. The problem is that your next meeting is one month from now. There is a house ready for delivery but it cannot be delivered until you accept the roads or at least authorize the issuance of a CO we cannot get a CO. Councilman Holbrook asked if they could pass this resolution subject to the approval of the Town Attorney. Town Attorney stated that we had done that on one other occasion and Mr. Bollman, Director of Environmental Control, had an objection to that format. Town Attorney said it could be done legally.

RESOLUTION NO. (802-1984) ACCEPTING ROADS AND RELATED IMPROVEMENTS IN A SUBDIVISION FOR BIONDI AND SCHNEIDER (APRIL LANE AND SUMMER COURT)

Co. Holbrook offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of Environmental Control and the Town Attorney, deed dated April 4, 1984, from Astrid Hills Associates to the Town of Clarkstown, and deed dated April 3, 1984, from Alexander Giannotti and Adele Post conveying roads and other improvements to the Town of Clarkstown, in a subdivision as shown on Final Plat of Subdivision of Property for Biondi and Schneider, filed in the Rockland County Clerk's Office on May 12, 1983, in Map Book No. 100, at Page No. 19, as Map No. 5487, as follows:

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are hereby conditionally accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, subject to the 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 subject to the receipt by the Town Attorney of a duly executed agreement guaranteeing the roads and improvements for a period of one (1) year in the amount of \$7,150.00.

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

Seconded by Co. Maloney All voted Aye.

RESOLUTION NO. (803-1984) ACCEPTING RESIGNATION OF LABORER - SANITARY LANDFILL (MITCHEL TAYLOR)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Mitchel Taylor, 42 The Rise, Congers, New York - Laborer - Sanitary Landfill - is hereby accepted - effective and retroactive to July 13, 1984.

Seconded By Supv. Dusanenko All voted Aye.

RESOLUTION NO. (804-1984) APPOINTING POSITION OF LABORER - SANITARY LANDFILL (RAYMOND S. McIVOR)

Co. Maloney offered the following resolution:

RESOLVED, that Raymond S. McIvor, 21 Foxcroft Drive, Nanuet, New York is hereby appointed to the position of Laborer - Sanitary Landfill - at the current 1984 salary of \$11,194.00, effective and retroactive to July 17, 1984.

Seconded by Supv. Dusanenko All voted Aye.

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RESOLUTION NO. (805-1984)

APPOINTING POSITION OF
DETECTIVE - POLICE DEPARTMENT
(CHARLES QUINN)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Police Officer Charles Quinn, 91 Washington Avenue, Montgomery, New York, is hereby appointed to the position of Detective - Police Department - at the annual base salary of \$34,315.00, effective August 13, 1984.

Seconded by Supv. Dusanenko

All voted Aye.

RESOLUTION NO. (806-1984)

APPOINTING POSITION OF
DETECTIVE - POLICE DEPARTMENT
(ANDREW GARY CLICK)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Police officer Andrew Gary Click, 5 Getty Road, Stony Point, New York is hereby appointed to the position of Detective - Police Department - at the annual base salary of \$34,315.00, effective August 13, 1984.

Seconded by Supv. Dusanenko

All voted Aye.

RESOLUTION NO. (807-1984)

APPOINTING POSITION OF POLICE
SERGEANT - POLICE DEPARTMENT
(HEREBERT STECK)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Sergeant #81042A which contains the name of Herbert Steck,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Herbert Steck, Huffman Road, Valley Cottage, New York is hereby appointed to the position of Police Sergeant - Police Department - at the annual base salary of \$36,409.00, effective August 13, 1984.

Seconded by Supv. Dusanenko

All voted Aye.

RESOLUTION NO. (808-1984)

APPOINTING POSITION OF POLICE
SERGEANT (DETECTIVE) - POLICE
DEPARTMENT (FLORANCE SULLIVAN)

Co. Maloney offered the following resolution:

WHEREAS, THE Rockland County Personnel Office has furnished Certification of Eligibles Police Sergeant #81042A which contains the name of Florance Sullivan,

NOW, THEREFORE, be it

RESOLUTION NO. (808-1984) Continued

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Florance Sullivan, 82 South Conger Avenue, Congers, New York, is hereby appointed to the position of Police Sergeant (Detective) - Police Department - at the annual base salary of \$38,503.00, effective August 13, 1984.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (809-1984) APPOINTING POSITION OF POLICE LIEUTENANT - POLICE DEPARTMENT (VERNON STEINMANN)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Lieutenant #80071A which contains the name of Vernon Steinmann,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Vernon Steinmann, 2 Blue Willow Lane, New City, New York, is hereby appointed to the position of Police Lieutenant - Police Department - at the annual base salary of \$41,142.00, effective August 13, 1984.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (810-1984) ACCEPTING RESIGNATION OF MEMBER - LITTER CONTROL BUREAU (ANGELA ABRUZESE)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Angela Abruzese, 847 Tulip Drive, Valley Cottage, New York - Member - Litter Control Bureau - is hereby accepted - effective and retroactive to July 11, 1984.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (811-1984) ACCEPTING RESIGNATION OF SECRETARY (PART-TIME) - LITTER CONTROL BUREAU (RITA KELLY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Rita Kelly, 32 Red Hill Road, New City, New York - Secretary (part-time) Litter Control Bureau - is hereby accepted - effective and retroactive to July 20, 1984.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (812-1984) ACCEPTING RESIGNATION OF CODE INSPECTOR - BUILDING DEPARTMENT (JEROME J. LENNON)

Co. Maloney offered the following resolution:

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RESOLUTION NO. (812-1984) Continued

RESOLVED, that the resignation of Jerome J. Lennon, 192 Foxwood Road, West Nyack, New York - Code Inspector - Building Department - is hereby accepted - effective and retroactive to July 25, 1984.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (813-1984) APPOINTING POSITION OF (TEMPORARY) CODE INSPECTOR - BUILDING DEPARTMENT (WILLIAM F. BOWLER)

Co. Maloney offered the following resolution:

RESOLVED, that William F. Bowler, 13 Pigeon Hill Road, Nanuet, New York, is hereby appointed to the position of (temporary) Code Inspector - Building Department - at the current 1984 salary of \$14,788.00, effective and retroactive to August 6, 1984.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (814-1984) APPOINTING POSITION OF (PROVISIONAL) EMPLOYMENT ASSISTANT - COUNSELING CENTER (EILEEN CAVANAGH)

Co. Maloney offered the following resolution:

RESOLVED, that Eileen Cavanagh, 29 Deerfield Drive, New City, New York is hereby appointed to the position of (provisional) Employment Assistant - Counseling Center - at the current 1984 salary of \$10,204.00, effective and retroactive to July 30, 1984.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (815-1984) APPOINTING POSITION OF (FULL-TIME) BUS DRIVER - MINI TRANS DEPARTMENT (FRANK FUCHS)

Co. Maloney offered the following resolution:

RESOLVED, that Frank Fuchs, 344 West Clarkstown Road, Spring Valley, New York, is hereby appointed to the position of (full-time) Bus Driver - Mini Trans Department - at the current 1984 salary of \$14,423.00, effective and retroactive to August 6, 1984.

Seconded by Supv. Dusanenko All voted Aye.

RESOLUTION NO. (816-1984) AUTHORIZING SUPERVISOR TO EXTEND SUMMER YOUTH EMPLOYMENT PROGRAM FOR ADDITIONAL TWO WEEKS (AUGUST 20 TO AUGUST 30, 1984)

Co. Maloney offered the following resolution:

RESOLUTION NO. (816-1984) Continued

WHEREAS, the Rockland Community Action Council, Inc. (ROAC) has received additional funding for the Summer Youth Employment Program,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to extend the Summer Youth Employment Program for an additional two week period (August 20, 1984 to August 30, 1984).

Seconded by Supv. Dusanenko

All voted Aye.

RESOLUTION NO. (817-1984)(FAILED)

REAPPOINTING POSITION OF
MEMBER OF PARKS BOARD AND
RECREATION COMMISSION (SUSAN
COVELLO)

Co. Maloney offered the following resolution:

RESOLVED, that Susan Covello, 5 Buttermilk Falls Lane, Central Nyack, New York - is hereby re-appointed to the position of Member - Parks Board and Recreation Commission - to serve without compensation - term to commence on September 1, 1984 and to expire on August 31, 1989.

Seconded by Supv. Dusanenko

(No Vote see Res. # 818)

RESOLUTION NO. (818-1984)

TABLING RESOLUTION NO.
(817-1984) RE: REAPPOINTMENT
OF MEMBER OF PARKS BOARD AND
RECREATION COMMISSION

Co. Lettre offered the following resolution:

RESOLVED, that resolution No. 817-1984 (appointment to Parks Board and Recreation Commission) is hereby tabled.

Seconded by Co. Carey

On roll call the vote was as follows:

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

Mr. Ghiazza, Supt. of Parks and Recreation, wanted it noted that there was still one other position open on the Parks Board and Recreation Commission, in addition to this one.

RESOLUTION NO. (819-1984)(FAILED)

CREATING POSITION OF LESS
THAN FULL-TIME PARA LEGAL
SPECIALIST (MUNICIPAL LAW) -
TOWN ATTORNEY'S OFFICE

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 26, 1984 that the position of less than full time Para Legal Specialist (Municipal Law) can be created,

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RESOLUTION NO. (819-1984) Continued

NOW, THEREFORE, be it

RESOLVED, that the position of less than full time Para Legal Specialist (Municipal Law) - Town Attorney's Office - is hereby created, effective August 8, 1984.

Seconded by Co. Maloney

RESOLUTION NO. (820-1984)

TABLING RESOLUTION NO. 819-1984) RE: APPOINTMENT TO TOWN ATTORNEY'S OFFICE)

Co. Lettre offered the following resolution:

RESOLVED, that Resolution No. (819-1984) (appointment to Town Attorney's Office) is hereby tabled.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (821-1984)

AUTHORIZING AND DIRECTING SUPERVISOR OF TOWN OF CLARKSTOWN TO ENTER INTO FRANCHISE AGREEMENT WITH TKR CABLE COMPANY FOR TEN YEAR PERIOD BEGINNING JUNE 27, 1984 SUBJECT TO PROVISIONS AGREED UPON BY TOWN BOARD MEMBERS

Co. Holbrook 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 ten 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 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

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RESOLUTION NO. (821-1984) Continued

franchise achieving 36,000 subscribers or within two years from July 1, 1984, whichever occurs sooner, to provide for enhanced cable cast capability by providing a studio facility available for public access.

Seconded by Co. Maloney

All voted Aye.

Mr. Les Bollman Director of Environmental Control said that he would write to all persons concerned with the dumping of asbestos that it could not be dumped at the Clarkstown Landfill. He mentioned that the school district had a contract for dumping refuse at the Landfill and if they made inquiries regarding the asbestos removal to whom should he direct their inquiries. The Board said that Mr. Bollman should take care of it and inform them that the asbestos could not be mixed with their regular refuse and could not be disposed of at the Clarkstown Sanitary Landfill. Mr. Bollman said that they wanted it at the Landfill because in that way they would know where it is. This way they are afraid that it will be improperly disposed of and be a hazard. Supervisor Dusanenko said "No - case closed."

There being no further business to come before the Town Board and no one wishing to be heard, the Town Board Meeting was adjourned, time: 12:02 A.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk