

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/11/84

8:15 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Maloney  
Co. Lettre arrived 8:35 P.M.  
Mark Posner, Deputy Town Attorney  
John Costa, Town Attorney arrived later  
Patricia Sheridan, Town Clerk

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

Supervisor announced that the fifth Public Hearing re: Condemnation of strip of property - Congers Lake Road, Congers, New York would not be held this evening and would be rescheduled to January 22, 1985.

Supervisor declared the public portion of the meeting open.

Appearance: Mr. Alex Rosensweig  
Midway Avenue  
Congers, New York 10920

Re: Berms on Midway Avenue

He said the berms are ripped out when road is flooded after snow. He showed photos to the Town Board.

Appearance: Marion Maher  
16 Carolina Drive  
New City, New York 10956

Re: Condominiums on Route 304 and Virginia Street, New City

She did not oppose them but was, in fact, in favor of them. However, it was supposed to be middle income. She presented two ads to the Supervisor which showed the townhouse for \$119,000.00 two months ago and now they are \$129,000.00. She said she hoped that the taxes reflected the price.

She also spoke regarding the buffer zone; compatibility of design with existing structures; flooding, traffic; ingress and egress; early hour the workmen start; and the seven day work week.

She also questioned the space in the basement of these condominiums. She stated that the ZBA variance was for storage only and they could not finish these basements. She felt that was strange in a home of that price.

Supervisor said he would speak to the Assessor regarding the price of the condominiums; speak to Les Bollman regarding the flooding; and speak to the Traffic Safety Advisory Board about the traffic and parking problems. Supervisor said if this had been done differently there could have been a covenant which might have prevented the office building which is there from being built.

Appearance: Cornelius McCarthy  
43 Pine Street  
New City, New York 10956

Re: Pine Hollow Subdivision on Pine Street and relocation of existing stream

He mentioned a memo which he had sent to town officials. He questioned Councilman Lettre's voting on items since he is an employee of the company building the subdivision.

Continued on Next Page

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Supervisor said this was discussed at workshop. Councilman Holbrook said the Planning Board had directed that the Stream be moved because they felt it would be beneficial to the overall development. However, the project is not finished and the residents will not benefit until the project is completed. He said he had written to Mrs. McCarthy explaining that the Planning Board had directed the stream be moved to protect the residents. Councilman Holbrook stated that Mr. Bollman, Director of Environmental Control had stated that this will alleviate the problem in the area.

Supervisor inquired as to when the officials involved will respond to Mr. McCarthy?

(At this point Councilman Lettre arrived - time 8:40 P.M.)

Appearance: Mr. Jack Cuff  
Pheasant Drive  
West Nyack, New York 10944

Re: Item #5 on the agenda - Transferring unexpended balance of appropriations

Supervisor explained, in answer to Mr. Cuff's inquiries regarding this resolution, that this was a pro forma resolution in order to close the books and the money will go into an interest bearing account. Town Board has passed a resolution to stop all spending except emergency spending and all prudent measures will be taken.

Appearance: Ms. Ellen Schwartz, representing  
Strawtown Elementary School

Re: Safety at the Strawtown Elementary School

She said they were circulating a petition re: sidewalks at the school. A copy of this petition was presented to the Town Clerk (there were no signatures on the one presented to the Town Clerk) for filing in her office.

\* \* \* \* \*

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Cerasoli, Nanuet (demolishing and removal of structure) was opened, time: 8:43 P.M.

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Cerasoli, Nanuet (demolishing and removal of structure) was closed, Resolution ADOPTED, and return to regular meeting, time: 8:55 P.M.

\* \* \* \* \*

RESOLUTION NO. (1169-1984)

DIRECTING BUILDING INSPECTOR TO PERFORM CORRECTIVE ACTION WITH REGARD TO DEMOLITION OF BUILDING (MAP 14, BLOCK C, LOT 3 - CERASOLI)

Co. Holbrook offered the following resolution:

WHEREAS, by Resolution No. 1036 dated October 23, 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 14, BLOCK C, LOT 3 to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

RESOLUTION NO. (1169-1984) Continued

WHEREAS, a public hearing was duly held on December 11, 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 October 23, 1984, have not been corrected, and be it

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 January 11, 1985, 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. Maloney

All voted Aye.

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On motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Proposed Local Law re: Littering and Posting, was opened, time: 8:55 P.M.

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Proposed Local Law re: Littering and Posting, was closed, time: 9:10 P.M.

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RESOLUTION NO. (1170-1984)

ADOPTING LOCAL LAW RE:  
LITTERING AND POSTING  
(LOCAL LAW NO. 4-1984)

Co. Carey offered the following resolution:

WHEREAS, a proposed local law entitled, "A LOCAL LAW TO REPEAL CHAPTER 53 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'HANDBILLS AND POSTERS' AND ENACT A NEW CHAPTER OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED 'LITTERING AND POSTING' " was introduced by Councilman Maloney, at a Town Board Meeting held on November 13, 1984, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 13th day of November, 1984, directed that a public hearing be held on the 11th day of December, 1984 at 8:25 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 26, 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 November 13, 1984, and

ABE664

RESOLUTION NO. (1170-1984) Continued

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 11, 1984;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4-1984, entitled, "A LOCAL LAW TO REPEAL CHAPTER 53 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED, 'HANDBILLS AND POSTERS' AND ENACT A NEW CHAPTER OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED 'LITTERING AND POSTING.'" 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.....Abstain
- 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. Maloney

Supervisor stated that he was abstaining because he wished additional research done. He wanted an opinion from the State Audit and Control or the Comptroller. He did not wish to clutter up the courts. He would prefer to handle this matter differently.

Councilman Carey thanked Mrs. Paley (Chairman of the Litter Control Bureau) for her efforts.

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On Motion of Council Maloney seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Proposed local law re: Circus or Carnival, was opened, time: 9:13 P.M.

On Motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Proposed local law re: Circus and Carnival, was closed, RESOLUTION ADOPTED, and return to regular meeting, time: 9:20 P.M.

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RESOLUTION NO. (1171-1984)

ADOPTING LOCAL LAW RE:  
CIRCUS AND CARNIVAL CLEAN-UP  
(LOCAL LAW NO. 5-1984)

Co. Holbrook offered the following resolution:

WHEREAS, a proposed local law entitled, "A LOCAL LAW TO AMEND CHAPTER 34 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN BY AMENDING SECTION 34-4 ENTITLED, 'FEES;' SECTION 34-6 ENTITLED, 'CARE OF PROPERTY;' SECTION 34-8 ENTITLED, 'REVOCATION OF LICENSE;' SECTION 34-9 ENTITLED, 'REVIEW BY TOWN BOARD;' SECTION 34-10 ENTITLED, 'REFUSAL OF LICENSE BY BUILDING INSPECTOR;' AND SECTION 34-13 ENTITLED, 'WHEN EFFECTIVE.' TO PROVIDE FOR GREATER SECURITY FOR CLEAN-UP AS CONDITION FOR ISSUANCE OF PERMIT FOR CIRCUS OR CARNIVAL" was introduced by Councilman Carey, at a Town Board meeting held on November 13, 1984, and

RESOLUTION NO. (1171-1984) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 13th day of November, 1984, directed that a public hearing be held on the 11th day of December, 1984 at 8:30 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 26, 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 November 13, 1984, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 11, 1984;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5, entitled, "A LOCAL TO AMEND CHAPTER 34 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN BY AMENDING SECTION 34-4 ENTITLED 'FEES;' SECTION 34-6 ENTITLED, 'CARE OF PROPERTY;' SECTION 34-8 ENTITLED, 'REVOCATION OF LICENSE;' SECTION 34-9 ENTITLED, 'REVIEW BY TOWN BOARD;' SECTION 34-10 ENTITLED 'REFUSAL OF LICENSE BY BUILDING INSPECTOR;' AND SECTION 34-13 ENTITLED, 'WHEN EFFECTIVE,' TO PROVIDE FOR GREATER SECURITY FOR CLEAN-UP AS CONDITION FOR ISSUANCE OF PERMIT FOR CIRCUS OR CARNIVAL" 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. Maloney

All voted Aye.

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Supervisor said that he had a letter from Marilyn Troy and John Murphy as follows:

(Letterhead of Loeb House, Inc.)

"December 10, 1984

Honorable Theodore R. Dusanenko  
Clarkstown Supervisor  
Town Hall  
10 Maple Avenue  
New City, New York 10956

Dear Supervisor Dusanenko:

In response to your Public Notice in the Journal News on December 6, 1984, regarding an Informational Meeting to be held Tuesday, December 11th at 8:30 P.M. - the site address of 38 Williams Street is incorrect.

In checking our records, this was a typographical error made many months ago, which was unfortunately not caught until placement of the Notice in the newspaper. The correct address is 3 Williams Street.

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"We are truly sorry for this inadvertent error.

Very truly yours,

/s/ Marilyn Troy

Marilyn Troy  
Community Resource Coordinator

MT:mm1

cc's: Bert Pepper, M.D.  
John Murphy  
Mark Doroff  
Susan Batty  
Thomas E. McNee  
Stanely Goldstein  
Howard Grabel"

Town Clerk advised the Supervisor of the dates of the publication of the legal notice.

Supervisor then said there was presently twenty-one facilities in the Town of Clarkstown and noted the incorrect address that was originally submitted for this one.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Informational Meeting re: Community Residence at 3 Williams Street, New City, was opened, time: 9:25 P.M.

\*\* (Please see insert at bottom of page)

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Informational Meeting re: Community Residence at 3 Williams Street, New City, was closed, time: 12:25 P.M.

\* \* \* \* \*

Supervisor suggested that a resolution be made authorizing Town Attorney to hire engineer to make an independent study as to the building at 3 Williams Street to be sure that it is conforming to the building regulations.

Councilman Holbrook said the Town Attorney's office is capable of making that determination.

Supervisor asked the Town Attorney if he felt that he had the qualifications to be able to make that determination to which the Town Attorney replied that he certainly could do so if he had the confidence of the Town Board. Supervisor said let the record show that Mr. Costa indicated that he has the ability as long as he has the cooperation of this Town Board to make a complete written in-depth observation and report back to this Town Board by the next workshop. Town Attorney said he had not indicated that he would have this ready by December 20th. He stated that he would make every effort to do so. Supervisor said that the clock was running on this. Town Attorney stated that he was aware of the time involved, and that he would discharge his responsibilities.

Supervisor then stated that he was going to offer a resolution at the end of the meeting regarding personnel. He stated that it had come to his attention this week that on one or more occasions there have been full-time employees hired by various commissions or agencies or individuals of the Town Board without the knowledge or consent of the Supervisor or perhaps without the knowledge or consent of the Town Board and have been hired for positions of arduous labor which require pre-employment physicals. These people have been placed on the payroll of the Town but have not had the required physicals. One of

\*\* At this point Supervisor returned to the regular meeting in order to appoint Martin Cohen as Town Historian to replace Mr. Alan Heinsohn who has resigned. Mr. Hensohn has relocated to Massachusetts and this was the Supervisor's own appointment to replace him.

\* \* \* \* \*

these persons has already had a Workman's Compensation claim and this person should never have had such a position because they did not have the physical wherewithal. He stated that he and his colleagues in the Legislature had reduced Workman's Compensation premiums by 50%. He did not understand what we were passing rules and regulations for if people are sidetracking them for their own personal gain or when it is convenient.

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RESOLUTION NO. (1172-1984)

RESCHEDULING PUBLIC HEARING  
SET FOR DECEMBER 11, 1984  
TO JANUARY 22, 1984 (ACQUISITION OF PORTIONS OF PARCELS ALONG NORTH SIDE OF LAKE ROAD FOR PURPOSE OF PROVIDING SIDEWALKS IN THE AREA

ABE664

Co. Maloney offered the following resolution:

WHEREAS, on November 13, 1984, the Town Board of the Town of Clarkstown scheduled a public hearing pursuant to the Eminent Domain Procedure Law to consider the acquisition of portions of the parcels along the north side of Lake Road, from Old Haverstraw Road to North Grant Avenue, Congers, New York, described on the attached Schedule "A" for the purpose of providing sidewalks along the north side of Lake Road, from Old Haverstraw Road to North Grant Avenue, Congers, New York, and

WHEREAS, the necessary surveys and legal descriptions were not obtained in time to allow for the required notification of the property owners and public;

NOW, THEREFORE, be it

RESOLVED, that the public hearing scheduled for December 11, 1984, at 8:35 P.M., in connection with the above matter is hereby rescheduled to January 22, 1984, at 8:15 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New York, and be it

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

Seconded by Co. Holbrook

All voted Aye.

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

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RESOLUTION NO. (1173-1984)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND ACTION (LIMINA  
REALTY CORP.)

Co. Maloney offered the following resolution:

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

LIMINA REALTY CORP.,

Plaintiff,

-against-

RESOLUTION NO. (1173-1984) Continued

THEODORE R. DUSANENKO, Supervisor,  
EDWARD LETTRE, EDWARD CAREY, CHARLES  
HOLBROOK and JOHN MALONEY, Councilmen,  
constituting the TOWN BOARD of the  
TOWN OF CLARKSTOWN and the TOWN OF  
CLARKSTOWN,

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1174-1984)

DETERMINING THAT REQUIRE-  
MENTS FOR SUBDIVISION APPROVAL  
MAY BE MET BY OWNER FURNISHING  
OWNER'S BOND SECURED BY LETTER  
OF CREDIT

Co. Maloney offered the following resolution:

WHEREAS, Section 277 of the Town Law which provides for  
subdivision approval by the Planning Board prior to granting final  
approval and filing of subdivision maps that all streets or other  
public places shown on such map be installed in accordance with all  
Town standards and specifications, or, in the alternative that a  
performance bond sufficient to cover the cost of such improvements  
be furnished to the Town, and

WHEREAS, it has been common practice in the Town to require  
such bond be issued pursuant to Section 277 of Town Law by an approved  
bonding or surety company, and

WHEREAS, Section 277, in the alternative, provides for a bond  
to be issued by the owner with security acceptable to the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown  
determines that the requirements of Town Law Sec. 277 for subdivision  
approval may be met by the owner furnishing to the Town of Clarkstown  
an owner's bond secured by an irrevocable letter of credit issued by  
a commercial bank doing business in Rockland County, the form of said  
bond and letter of credit to be subject to the approval of the Town  
Attorney and the financial institution subject to the approval of the  
Town Comptroller.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1175-1984)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL STOP  
SIGN ON WAGON WHEEL DRIVE AT  
BUENA VISTA ROAD, NEW CITY

Co. Holbrook offered the following resolution:

RESOLUTION NO. (1175-1984) Continued

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a Stop sign on Wagon Wheel Drive at Buena Vista Road, New City, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Nicholas A. Longo, for implementation.

Seconded by Co. Lettre

All voted Aye.

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ABE664

RESOLUTION NO. (1176-1984)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL CURVE SIGN WEST SIDE GOEBEL ROAD, NEW CITY AT ORCHARD AVE. - "20 M.P.H." PANEL TO BE ADDED TO SAME - "20 M.P.H." PANEL ADDED TO CURVE SIGN EAST SIDE GOEBEL ROAD NORTH OF ROUTE 304

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a curve sign on the west side of Goebel Road, New City, at the curve on Goebel north of Orchard Avenue. Beneath the curve, a panel to read, "20 M.P.H." Also, a panel, "20 M.P.H." should be added to the present curve sign located on the east side of Goebel Rd., just north of Rte. 304. (NOTE: signs must be black on yellow- for the Highway Dept.), and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Nicholas A. Longo, for implementation.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1177-1984)

AUTHORIZING COMPTOLLER TO AMEND 1984 BUDGET TRANSFERRING UNEXPENDED BALANCE OF APPROPRIATIONS AMONG VARIOUS ACCOUNTS - INCREASING AND DECREASING REVENUE ACCOUNTS TO BALANCE ALL FUNDS

Co. Holbrook offered the following resolution:

WHEREAS, pursuant to Section 112 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1984 budget for transferring unexpended balance of appropriations among various accounts and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

NOW, THEREFORE, be it

RESOLVED, that the 1984 budget is hereby amended.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1178-1984)

GRANTING USE OF TOWN LAW  
SECTION 281 (COUNTRY RIDGE  
SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C., engineers for the applicant, have made written application for the use of Town Law Section 281 in connection with a subdivision shown on a map entitled, "Average Density Subdivision of Property for Country Ridge, Town of Clarkstown, Rockland County, New York" dated September 4, 1984, last revised December 6, 1984, prepared by Atzl & Scatassa Associates, P.C., and

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

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 is used in this subdivision as shown on a map entitled, "Average Density Subdivision of Property for Country Ridge, Town of Clarkstown, Rockland County, New York" dated September 4, 1984, last revised December 6, 1984, prepared by Atzl & Scatassa Associates, P.C., subject to the following conditions:

1. Applicant shall provide a 50 foot Town road with 24 foot pavement installed in accordance with all other applicable specifications and further subject to the applicant requesting and obtaining a certificate of necessity from the New York State Department of Transportation for the proposed substandard width road, which permission must be obtained prior to final subdivision approval.

2. The Planning Board may provide for reduction of front yards from 20 feet to 15 feet where necessary to accommodate the proposed structures.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision as shown on a map entitled, "Average Density Subdivision of Property for Country Ridge, Town of Clarkstown, Rockland County, New York" dated September 4, 1984, last revised December 6, 1984, prepared by Atzl & Scatassa Associates, P.C., subject to the conditions stated above and all other subdivision requirements.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1179-1984)

ACCEPTING ROADS AND RELATED  
IMPROVEMENTS (DORCHESTER  
ESTATES) - (WHITE BIRCH  
COURT)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of the Department of Environmental Control and the Town Attorney, deed(s) from: BARD ROCK CORP., dated June 17, 1983; ROBERT PANZERA and CONCETTA PANZERA, dated June 16, 1981, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of DORCHESTER ESTATES, filed in the Rockland County Clerk's Office on June 23, 1981, in Book No. 97, Page No. 21 as Map No. 5265, as follows:

RESOLUTION NO. (1179-1984) Continued

WHITE BIRCH COURT 1,625 L.F.

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

FURTHER RESOLVED, that Maintenance Bond No. 938951 dated the 15th day of June, 1983, BARD ROCK CORP., as Principal, LEIF BERGSTOL, as Co-Principal and REPUBLIC INSURANCE COMPANY, as Surety, is hereby accepted.

Seconded by Co. Holbrook All voted Aye.

Supervisor Dusaneko asked if the guard rails had been installed on the sides of the road by the steep ravines in the area. Mr. Profenna said they have been as he had seen them.

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ABE664

RESOLUTION NO. (1180-1984)

RESCINDING RESOLUTION NO. (914-1983) AND RESOLVING THAT SPRING VALLEY CREDIT UNION BE APPROVED FOR CSEA MEMBERS AND OTHER TOWN EMPLOYEES

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Board resolution No. 914-83 be rescinded, and be it

FURTHER RESOLVED, that the Spring Valley Credit Union be approved for CSEA members and other Town employees.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1181-1984)

ESTABLISHING COMMITTEE TO CONDUCT SELF-EVALUATION OF TOWN FACILITIES TO AVOID DISCRIMINATION AGAINST THE HANDICAPPED (ECKHART, ANDRETTA, MALONEY, DEGENSHEIN, HESS, BLUM, BROWN AND BAITLER)

Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown has a policy prohibiting discrimination against handicapped persons, and

WHEREAS, the Town has heretofore declared such policy prohibiting discrimination against handicapped persons in employment, access to Town facilities, and receipt of Town services, and

WHEREAS, the Safety Coordinator and the Director of Finance heretofore have been designated as a Committee to resolve any inquiry concerning alleged discrimination against handicapped persons using Town facilities or requesting Town services, and

WHEREAS, the Town Board desires to adopt further measures consistent with the requirements of the Federal Revenue Sharing Act, to insure that handicapped persons do not suffer discrimination in the Town of Clarkstown,

RESOLUTION NO. (1181-1984) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board reiterates its policy prohibiting discrimination against handicapped persons as described above, and be it

FURTHER RESOLVED, that the following Town officials, employees and representatives of the community are appointed to a Committee to conduct a self-evaluation of all Town facilities to insure that handicapped persons are not discriminated against with respect to employment, access to Town facilities, or in the receipt of Town services and to make further inquiry as a Committee to develop a procedure for handling grievances which may be filed alleging such discrimination against handicapped persons:

- Nils Eckhart
- Ralph Andretta
- John Maloney
- Jan Degenshein
- Karl Hess
- Gary Blum
- Meryl Brown
- Está Baitler

and be it

FURTHER RESOLVED, that the Committee as mentioned above shall prepare a self evaluation report which shall include recommendations to the Town Board should any problem areas be noted and also to develop a procedure for handling grievances alleging discrimination against handicapped persons which report and proposed procedure shall be presented to the Town Board on or before June 30, 1985, and be it

FURTHER RESOLVED, that a copy of this resolution, the report and the procedure for handling complaints alleging discrimination when adopted by the Town Board shall be permanently on file in the Town Clerk's Office and available for public inspection.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1182-1984)

DECREASING APPROPRIATION  
ACCOUNT NO. A 1315-204  
AND INCREASING APPROPRIATION  
ACCOUNT NO. A 1315-313

Co. Holbrook offered the following resolution:

WHEREAS, the Comptroller has requested a transfer of funds because of an overdrawn account,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1315-204 (Comptroller-Office Machines) and increase Appropriation Account No. A 1315-313 (Office Supplies) by \$99.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1183-1984)

DECREASING APPROPRIATION  
ACCOUNT NO. A 1621-311  
AND INCREASING APPROPRIATION  
ACCOUNT NO. A 1621-408

Co. Holbrook offered the following resolution:

WHEREAS, the Superintendent of Recreation & Parks has requested a transfer to cover the necessary repairs to the gas tank at the Central Warehouse,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1621-311 (Warehouse-gasoline) and increase Appropriation Account No. A 1621-408 (Bldg. Repairs & Imp.) by \$1,500.00.

Seconded by Co. Maloney

All voted Aye.

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ABE664

RESOLUTION NO. (1184-1984)

TRANSFER OF FUNDS FROM  
PARKLANDS AND IMPROVEMENTS  
TO MONEY-IN-LIEU-OF-LAND

Co. Holbrook offered the following resolution:

WHEREAS, the following project in Parklands and Improvements has been completed and the balance below remains in said project:

Resolution No. 347  
H 7110-02-06-409 - Congers Pool Renovations  
\$7,251.00

NOW, THEREFORE, be it

RESOLVED, to transfer \$7,251.00 to Money-in-Lieu-of-Land Account from Parklands and Improvements.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1185-1984)

DECREASING AND INCREASING  
VARIOUS APPROPRIATION  
ACCOUNTS (BUILDING INSPECTOR'S  
OFFICE)

Co. Holbrook offered the following resolution:

WHEREAS, the Building Inspector has requested that funds be transferred,

NOW, THEREFORE, be it

RESOLVED, to decrease and increase the following Appropriation Account Numbers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$ 650.00	B 3620-110	B 3620-209
2,000.00	B 3620-110	B 3620-201
2,000.00	B 3620-110	B 3620-230
500.00	B 3620-110	B 3620-379

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*



RESOLUTION NO. (1188-1984) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, December 27, 1984 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1189-1984)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #11-1985 (WORK UNIFORMS)

ABE664

Co. Maloney offered the following resolution:

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

BID #11-1985  
WORK UNIFORMS

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 Friday, January 4, 1985 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1190-1984)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #57-1984 (ONE SMALL SEDAN TYPE AUTOMOBILE AND ONE HALF-TON PICK-UP TRUCK)

Co. Maloney offered the following resolution:

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

BID #57-1984  
ONE SMALL SEDAN TYPE AUTOMOBILE  
AND  
ONE HALF-TON PICK-UP TRUCK

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: Wednesday, December 26, 1984 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1191-1984)

AUTHORIZING RONALD A. LONGO TO TAKE NECESSARY STEPS IN CONNECTION WITH GRIEVANCE CONCERNING CONTACT LENSES (CLARKSTOWN PBA, INC.)

Co. Holbrook offered the following resolution:

RESOLVED, that Ronald A. Longo, Esq., 1 North Broadway, White Plains, New York, is hereby authorized to take all necessary steps in connection with the grievance concerning contact lenses brought by the Clarkstown Patrolmen's Benevolent Association, Inc.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1192-1984)

AUTHORIZING ATTENDANCE OF SUPERVISOR AT 35TH ANNUAL WINTER CONFERENCE OF N.Y.S. SUPERVISORS AND COUNTY LEGISLATORS ASSOCIATION - CHARGE APPROPRIATIONS ACCOUNT NO. A 1010-414

Co. Holbrook offered the following resolution:

RESOLVED, that Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, is hereby authorized to attend the 35th Annual Winter Conference of the N.Y.S. Supervisor and County Legislators Association on January 27-30, 1985, and be it

FURTHER RESOLVED, that all proper expenses be charged against Appropriations Account No. A 1010-414.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1193-1984)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL THREE (3) HYDRANTS WEST SIDE SCANDIA ROAD AT HEMINGWAY AVENUE, IVY COURT AND LINDA COURT

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 three (3) fire hydrants on the west side of Scandia Road as follows:

- (1) West side of Scandia Road, approximately 300 feet north of the center line of Hemingway Avenue,
- (2) West side of Scandia Road, approximately 270 feet south of the center line of Ivy Court,
- (3) West side of Scandia Road approximately 80 feet south of the center line of Linda Court.

This resolution is retroactive to November 13, 1984.

Investigation No. 9561.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1194-1984)

AUTHORIZING SPRING VALLEY  
WATER COMPANY TO INSTALL  
TWO (2) HYDRANTS - ONE WEST  
SIDE RIDGE ROAD SOUTH OF  
SANDUSKY ROAD AND ONE WEST  
SIDE LONG CLOVE ROAD SOUTH  
OF HYDRANT 475

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install two (2) fire hydrants, one on the west side of Ridge Road, approximately 645 feet south of center line of Sandusky Road and one on the west side of Long Clove Road, approximately 565 feet per Mr. William Pfeiffer, south from hydrant 475.

ABE664

Investigation No. 9484

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\* \* \* \* \*

RESOLUTION NO. (1195-1984)

GRANTING APPROVAL OF TOWN  
LAW SECTION 281 (GERMONDS  
HOMES)

Co. Maloney offered the following resolution:

WHEREAS, the subdivision known as Germonds Homes was approved by the Clarkstown Planning Board on or about May 2, 1984, and thereafter duly filed in the Rockland County Clerk's Office as Map No. 5624 in Book No. 102 as Page No. 6, and

WHEREAS, this property is located at the intersection of Germonds Road and Route 304, Bardonia, New York, and

WHEREAS, subsequent to the filing of such approved subdivision map it has become necessary for the State of New York to consider taking a strip of property within said subdivision for road widening purposes along Route 304 and such proposed taking has interfered with the ability to obtain building permits on certain lots within said subdivision which condition may be avoided by the use of Town Law Section 281 to revise said subdivision map;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants approval to the Clarkstown Planning Board to use Town Law Section 281 for the purpose of revising said subdivision map to alleviate or eliminate the conditions referred to above which are the result of the proposed taking along Route 304, provided the Planning Board of the Town of Clarkstown shall concur in the use of Town Law Section 281 for such revised subdivision, and be it

FURTHER RESOLVED, that the grant of permission to use Town Law Section 281 for said subdivision is conditioned upon the following:

RESOLUTION NO. (1195-1984) Continued

1. Providing to the Town Attorney satisfactory evidence that all of the lots in said subdivision at the time the application is made for amended subdivision approval is in the record ownership of the applicant.

2. That any road widening strips and/or temporary easements necessary to accomplish the improvements along Route 304 be granted gratuitously to the Town of Clarkstown.

3. All other subdivision requirements and requirements of law shall be met.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1196-1984)

AWARDING BID FOR BID #4-1985  
FOR CRUSHED STONE (TILCON  
QUARRIES NEW YORK INC. AND  
RINGWOOD QUARRY

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing that:

BID #4-1985  
CRUSHED STONE

is hereby awarded to:

TILCON QUARRIES NEW YORK INC.  
P.O. Box 362  
Haverstraw, New York 10927

RINGWOOD QUARRY  
960 Burnt Meadow Road  
Hewitt, New Jersey 07421

as per the following schedule:

(A) FOB DESTINATION - CLARKSTOWN HIGHWAY DEPT. OR TOWN JOB SITE- IN VENDORS TRUCKS

<u>MATERIAL</u>	<u>TILCON</u>	<u>RINGWOOD</u>
3/8" CRUSHED STONE		12.10 ton
2-1/2" " "		9.90 ton
1-1/2" " "		9.90 ton
3/4" " "		10.45 ton
5/8" " "		10.45 ton
1/4" " "		12.60 ton
SCREENINGS	8.65 ton	
ITEM 4		9.90 ton
SHOULDER STONE	9.90 ton	
SURGE STONE	10.00 ton	

(B) FOB PLANT-LOADED INTO TOWN TRUCKS

<u>MATERIAL</u>	<u>TILCON</u>	<u>RINGWOOD</u>
3/8" CRUSHED STONE		8.00 ton
2-1/2" " "		5.80 ton
1-1/2" " "		5.80 ton
3/4" " "		6.35 ton
5/8" " "		6.35 ton
1/4" " "		8.50 ton
SCREENINGS		5.40 ton
SHOULDER STONE		5.80 ton
ITEM 4		5.80 ton
SURGE STONE	7.00 ton	

Seconded by Co. Holbrook

All voted Aye.

RESOLUTION NO. (1197-1984)

GRANTING CERTIFICATE OF  
REGISTRATION TO J & R  
D'ONOFRIO PLUMBING &  
HEATING, INC. (NO. 85-3)

Co. Holbrook offered the following resolution:

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

J & R D'Onofrio Plumbing & Heating Inc.,  
35 West Street  
Spring Valley, New York 10977

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration  
be issued, and be it

FURTHER RESOLVED, that the Certificate of Registration  
referred to herein shall terminate on June 1, 1985 unless a Certificate  
of Insurance for coverage through December 31, 1985 is received on or  
before said date,

No. 85-3 issued to J & R D'Onofrio Plumbing and Heating, Inc.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

ABE664

RESOLUTION NO. (1198-1984)

GRANTING CERTIFICATE OF  
REGISTRATION TO CAL MART  
CONSTRUCTION CORP. (85-2)

Co. Holbrook offered the following resolution:

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

CAL Mart Construction Corp.  
Martin C. Wortendyke  
357-A Route 59  
West Nyack, New York 10994

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be  
issued, and be it

FURTHER RESOLVED, that the Certificate of Registration  
referred to herein shall terminate on May 1, 1985, unless a Certificate  
of Insurance for coverage through December 31, 1985 is received on  
on before said date.

No. 85-2 issued to Cal Mart Const. Corp.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1199-1984)

AMENDING RESOLUTION NO.  
1120-1984 RE: PUBLIC HEARING  
DATE FOR BRADLEY INDUSTRIAL  
PARK AND SETTING NEW PUBLIC  
HEARING DATE

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 1120 setting a date for public hearing for the application of Bradley Industrial Park for a Special Permit to conduct a landfill operation is hereby amended by changing the public hearing date from February 12, 1985, at 8:05 P.M. to February 26, 1985, at 8:05 P.M.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

With regard to Agenda Item No. 20 (Payment to Margaretann Ries for preparation of transcriptions) Supervisor said he wanted to withdraw this resolution as the matter is still in the courts and having been unsuccessful is going to the Court of Appeals and therefore, this item is untimely.

\* \* \* \* \*

RESOLUTION NO. (1200-1984)

ADOPTING AND ACCEPTING  
MINUTES OF OCTOBER 10, 1984  
SPECIAL TOWN BOARD MEETING

Co. Holbrook offered the following resolution:

RESOLVED, that the Minutes of the Special Town Board meeting held on October 10, 1984, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1201-1984)

SETTING THREE PROCEEDINGS  
(STARTERS REALTY CORP.)

Co. Holbrook offered the following resolution:

WHEREAS, by Resolution No. 749 of 1984 the Town Board of the Town of Clarkstown declared a portion of the former right-of-way of Third Street, Nanuet, New York, to be surplus property and offered same for sale to the abutting property owners, and

WHEREAS, one of the abutting property owners commenced an action to dispute the Town's ownership interest in the property and to seek a declaration that it was the owner of the said property, and

WHEREAS, additional litigation has been commenced by the same plaintiff seeking permission to file a late notice of claim against the Town of Clarkstown and also commence an action for damages against the Town of Clarkstown and various members of the Town Board and the Town Attorney all of which claims and proceedings arise out of the Town's claim of ownership of the road bed of the former right-of-way of Third Street, and

WHEREAS, certain settlement negotiations have taken place and the parties to the litigation have determined to settle their differences;

NOW, THEREFORE, upon the recommendation of the Town Attorney,  
be it

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RESOLUTION NO. (1201-1984) Continued

RESOLVED, that the Town Attorney is hereby authorized and directed to enter into a stipulation settling the litigation presently pending between Starters Realty Corp., the Town of Clarkstown and various Town officials as follows:

1. Starters Realty Corp. shall pay to the Town of Clarkstown the sum of \$16,500.00 in exchange for a deed in the form referred to in Resolution No. 749 of 1984 which shall be executed and delivered in accordance with all applicable law by the Supervisor of the Town of Clarkstown to Starters Realty or its designee.
2. The attorneys for Starters Realty Corp. and the Town Attorney shall enter into a stipulation of discontinuance with prejudice of all litigation pending.
3. Starters Realty Corp. shall deliver a general release of any and all claims that it may have against the Town of Clarkstown and any Town officials named in the presently pending litigation.

and be it

FURTHER RESOLVED, that Resolution No. 749 dated July 10, 1984 is hereby modified to the extent that it may be inconsistent with the terms and conditions of the above settlement.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

ABE664

RESOLUTION NO. (1202-1984)

AUTHORIZING SUPERVISOR TO  
MAKE APPLICATION FOR STATUS  
AS APPROVED ASSESSING UNIT

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to make application for status as an Approved Assessing Unit.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1203-1984)

ACCEPTING PROPOSAL FROM  
ORANGE & ROCKLAND UTILITIES,  
INC. FOR IMPROVED STREET  
LIGHTING ON WEST STREET,  
WEST NYACK (FRONT OF WEST  
NYACK FIREHOUSE)

Co. Holbrook offered the following resolution:

WHEREAS, James P. Fagan, Secretary/Treasurer of the Board of Fire Commissioners, West Nyack Fire District, has requested the existing street lighting on West Street, West Nyack in front of the West Nyack Firehouse, be improved,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A. Balko, Service Investigation Clerk, the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc., to replace the existing 4,000 lumen mercury vapor street light on Pole Number 59 with a 46,000 lumen sodium vapor flood light, as per the attached proposal.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1204-1984)

AUTHORIZING PURCHASE OF  
PROPERTY FROM ARCHDIOCESE  
OF NEW YORK (MAP 61, BLOCK  
A, LOTS 11 AND 11.01 -  
AUTHORIZING SUPERVISOR TO  
ENTER INTO CONTRACT OF SALE

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to offer the sum of \$275,000.00 for an all cash purchase to the Archdiocese of New York for the purchase of property described on the Clarkstown Tax Map as Map 61, Block A, Lots 11 and 11.01, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract of sale in a form satisfactory to the Town Attorney.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1205-1984)

GRANTING USE OF TOWN LAW  
SECTION 281 (ASTRI HILLS,  
VALLEY COTTAGE, NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, Henry Horowitz, Inc., engineer for the applicant, has made application for the use of Town Law Section 281 in connection with a subdivision shown on a map entitled, "Preliminary Site Plan Density Layout Astri Hills, Valley Cottage, Town of Clarkstown, Rockland County, New York" dated March 29, 1984, prepared by Henry Horowitz, Inc., and

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

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 is used in this subdivision as shown on a map entitled, "Preliminary Site Plan Density Layout Astri Hills, Valley Cottage, Town of Clarkstown, Rockland County, New York" dated March 29, 1984, prepared by Henry Horowitz, Inc., subject to the following conditions:

1. Applicant shall provide a conservation easement to the Town of Clarkstown which shall be described by metes and bounds and shaded area on the final subdivision map, the area and extent to which shall be determined by the Planning Board so as to preserve as much of the site in its natural state as possible.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision as shown on a map entitled, "Preliminary Site Plan Density Layout Astri Hills, Valley Cottage, Town of Clarkstown, Rockland County, New York" dated March 29, 1984, prepared by Henry Horowitz, Inc., subject to the condition stated above and all other subdivision requirements.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1206-1984)

APPOINTING (TEMPORARY)  
MAINTENANCE MECHANIC  
(BUILDINGS) - MAINTENANCE  
DEPARTMENT (CHARLES MANERI)

Co. Maloney offered the following resolution:

RESOLVED, that Charles Maneri, 2 Twin Peg Drive, New City, New York, is hereby appointed to the position of (temporary) Maintenance Mechanic (Buildings) - Maintenance Department - at the current 1984 salary of \$26,490.00, effective and retroactive to December 10, 1984.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

ABE664

RESOLUTION NO. (1207-1984)

APPOINTING (PART-TIME)  
COUNSELING AIDE - COUNSELING  
CENTER (JERRALYN ROSS)

Co. Holbrook offered the following resolution:

RESOLVED, that Jerralyn Ross, 14A Irion Drive, New City, New York is hereby appointed to the position of (part-time) Counseling Aide - Counseling Center - at the hourly rate of \$5.50 - effective and retroactive to December 5, 1984.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1208-1984)

ADOPTING SALARY SCHEDULE  
FOR SPECIAL BARGAINING UNIT  
OF CSEA SUBJECT TO APPROVAL  
OF AGREEMENT MADE TWO WEEKS  
AGO

Co. Maloney offered the following resolution:

RESOLVED, that in accordance with the new Labor Agreement between the Town of Clarkstown and the Clarkstown Special Bargaining Unit, Civil Service Employees Association, Inc., the following salaries are hereby adopted and are retroactive to January 1, 1984:

Leslie Bollman, Dir. of Environmental Control	- \$44,904.00
Edward Ghiazza, Supt. of Recreation & Parks	- 45,804.00
Louis Profenna, Town Comptroller	- 34,881.00
Ross Valenza, Assessor B	- 34,881.00
Laurence Kohler, Director of Purchasing	- 31,270.00
Gerald D. Colucci, Building Inspector II	- 35,850.00

and be it

FURTHER RESOLVED, that the above is subject to the approval of the agreement made two weeks ago.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1209-1984)

APPOINTING MEMBER - CONDOMINIUM  
INFORMATION BOARD (GERALD  
NEWMAN)

Co. Carey offered the following resolution:

RESOLUTION NO. (1209-1984) Continued

RESOLVED, that Gerald Newman, 4D Church Lane, Valley Cottage, New York is hereby appointed to the position of Member - Condominium Information Board - to serve without compensation - term to commence on December 12, 1984 and to expire on December 11, 1991.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

Supervisor moved resolution appointing Deputy Town Attorney but received no second.

\* \* \* \* \*

Supervisor moved resolution of intent appointing Receiver of Taxes but received no second.

\* \* \* \* \*

Supervisor asked the Town Attorney regarding Bard Rock and Thomas Schimpf about certain easement agreements. Town Attorney said that was not ready for tonight. That was the subdivision where a private easement was to be extinguished. Mr. Geneslaw is going to follow up on that. Supervisor asked that it be ready for the next meeting as one gentleman waited for five hours this evening thinking that it would be on tonight.

\* \* \* \* \*

RESOLUTION NO. (1210-1984)(FAILED)

RESOLUTION OF INTENT TO APPOINT RECEIVER OF TAXES (IRENE SACCEDE)

Co. Holbrook offered the following resolution:

BE IT RESOLVED, that it is the intention of the Town Board that Mrs. Irene Saccende of 11 Windmill Lane, New City, New York, be appointed Receiver of Taxes starting January 1, 1985, to fill the vacancy due to the retirement of Anthony D'Antoni.

Seconded by Co. Maloney

\* \* \* \* \*

RESOLUTION NO. (1211-1984)

TABLING RESOLUTION NO. 1210-1984 RE: APPOINTMENT OF RECEIVER OF TAXES (IRENE SACCEDE)

Co. Lettre offered the following resolution:

RESOLVED, that Resolution No. 1210-1984 re: appointment of Receiver of Taxes (Irene Saccende) is hereby tabled.

Seconded by Co. Carey

On roll call the vote was as follows:

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

\* \* \* \* \*

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RESOLUTION NO. (1212-1984)

APPOINTING POSITION OF  
DEPUTY TOWN ATTORNEY -  
TOWN ATTORNEY'S OFFICE  
(DAVID M. WAGNER)

Co. Lettre offered the following resolution:

RESOLVED, that David M. Wagner, 42 Newport Drive, Nanuet, New York is hereby appointed to the position of Deputy Town Attorney - Town Attorney's Office - at the current 1984 salary of \$8,500.00 term to commence on December 12, 1984 and to expire on December 31, 1985, at the pleasure of the Town Board.

Seconded by Co. Carey

All voted Aye.

Supervisor said at the Organization Meeting in January of this year he had attempted to move various appointments. One of those appointments was David M. Wagner. Like many of his appointments this year, he had moved that at that time with the belief that Mr. Wagner was a competent counsellor and he had not received a second much less discussion. He asked what has happened personally, politically or otherwise since the January meeting - your personal interest, your family life, the handling of lawsuits, any litigation, political advice or otherwise - that this man is now deemed to be worthy of your support when at the Organization Meeting he was not? Supervisor said he has always worked with Mr. Wagner regardless of whatever he was doing for or against me in court - in political challenges - and have always sought his appointment as a competent legal counsellor and he stated that he was asking the question for the record.

Councilman Carey stated that this was not germane. Supervisor stated that he was speaking for the record and when he speaks for the record it becomes the basis for future legal actions.

Councilman Carey asked if the Supervisor was stating that there is going to be a lawsuit because they were appointing Mr. Wagner Deputy Town Attorney. Supervisor said there may very well be - not against this find gentleman - who you have now seen fit to appoint eleven and half months later. Supervisor reiterated his question regarding the benefit any member of the Town Board had derived from the beginning of the year until now which warranted the appointment of Mr. Wagner at this time. If the answer is no he requested they state "No" for the record. If you have received anything, please be specific because this is an infringement -- he said he would like to point out to the public that this position has been vacant since August of this year. The Town Attorney's office has to the best of its ability tried to carry out its services and has fallen behind on numerous items and this position - until some miracle happened - where there is a consensus of two others or more to join me now - has now found David M. Wagner to be suited fit again to continue his services as a Deputy Town Attorney of the Town of Clarkstown and he is not even of my political faith.

Councilman Carey stated that there was an offerer and a seconder - why not just vote when in all probability it would be a 5 to 0 vote. Why the charade? Supervisor said it is not a charade because he has asked for the record and will ask a third time because he has failed to get a positive response and has failed to obtain a denial because might does not make right in America - maybe in El Salvador - maybe in Russia and maybe in other places - but not in the Town of Clarkstown.

Councilman Carey stated that it was time to get back to reality.

Supervisor wanted the Clerk to note that there were no comments to be derived in answer to the Supervisor's question by any

Continued on Next Page

ABE664

of the four councilmen representing the two political faiths also not of the political faith of the candidate.

Supervisor said before his vote he wanted to welcome Dave back to the service of the Town and he stated that he has worked with him and given him advice on numerous litigations involving fair play, civil rights and he did defend the Supervisor on a case that he brought against most of the members of the Town Board which unfortunately was unsuccessful in court to my demise. At the same time he was a former Deputy Town Attorney. He served with distinction as a Rockland County Legislator and he welcomed him back. He stated that Mr. Wagner had his support as well so that we can continue competent council with the Town of Clarkstown.

\* \* \* \* \*

RESOLUTION NO. (1213-1984)

ACCEPTING ROADS AND RELATED IMPROVEMENTS (RICHARD STEINBERG SUBDIVISION) FROM OVERSEAS HOLDING, LTD. AND MICHAEL AND ELIZABETH ANN D'APICE

Co. Holbrook offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deed(s) from: Overseas Holding, Ltd., dated May 18, 1983; and deed dated January 25, 1983, from Michael D'Apice and Elizabeth Ann D'Apice conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of Richard Steinberg recorded in the Rockland County Clerk's Office on May 25, 1983, in Book No. 100 at Page 23, as Map No. 5491; as follows:

AMETHYST COURT 695 L.F.

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

FURTHER RESOLVED, that the agreement guaranteeing the road(s) and improvements for a period of one (1) year in the amount of \$3,600.00 is hereby accepted, and be it

FURTHER RESOLVED, that the written guarantee with security posted by the developer consisting of a Letter of Credit in the sum of \$20,000.00 for the completion of certain items is hereby accepted.

Seconded by Co. Carey

On roll call the vote was as follows:

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

Before the vote Supervisor Dusanenko stated Councilman Lettre had served as an able Deputy Supervisor in the calendar year 1983. The same gentleman has been involved in the construction business in the Town of Clarkstown. The same gentleman, when it came to the Supervisor's attention, that he was active in the construction business and he did not know for sure in what capacity - is it employee, is it a partner, is it a stockholder? I have removed him with much regret as Deputy Supervisor.

## RESOLUTION NO. (1213-1984) Continued

The people who serve on this Town Board should be free of any conflict of interest or even the mere appearance of impropriety, in the Supervisor's opinion. Supervisor went on to state that the same gentleman has voted against most of his programs and joined a new coalition to stifle the creativity of the Supervisor's tax saving program and increase services to the people of the Town of Clarkstown. Most of the votes, most of the appointments were legal people, fiscal people - ways of saving money for this Town and were voted against.

Supervisor went on to state that he has been criticized severely and personally and he has also had staff removed from his office. He said he has had his compensation reduced because there has been a new majority. This new majority has quoted time and time again for the media in essence that might makes right. We have three votes - sometimes four - we can do what we want whenever we choose without regard to the taxpayer - a resident - a political party of their affiliation. He said that he has had people from three political parties attack his character and his integrity for all of this year and a better part of two previous years. He said he has withstood the test of time when he has been criticized by elected officials or political cronies that my audits have withstood the test of time and we have had the most services at the least cost to the Town of Clarkstown. He also added the most amount of police protection, a decrease in crime, an increase of arrests and all sorts of related items. The people of Clarkstown have won. They really don't care about planning and zoning unless it affects their neighborhood.

Now, with respect to this item, Supervisor stated he was just raising questions. There are all kinds of people, including himself, from time to time, who are fearful of coming in front of this Town Board. It is not just the circus and it is not the late hour. When people are threatened on jobs - when people are threatened and promised they are never going to get an appointment in this Town - when people are threatened not to have the American electorate process within their political party --

At this point there was some opposition to the Supervisor continuing and he asked the councilman if they wanted to leave. If so, they could leave and there would not be a quorum and he would have achieved his purpose. He said if they would like to leave he would stop his conversation and he asked them if they were willing to do so.

Supervisor said there are various people who have been working very harmoniously against most of his programs and most of his appointments. He said he appealed to the good senses of those who are listening that how can somebody in business function when most of the legal counsel, until tonight, he did not have an attorney that he had confidence in that he could work with. He said he was not trying to put Mr. Costa or any of his appointments down. He said he was simply saying who else goes to a lawyer they don't have confidence in? Who else goes to a doctor they don't have confidence in? He said he had been working at great odds for this year and portions of the previous two years without accountants or attorneys who he could feel comfortable with and trust. He said he was not trying to put down Mr. Profenna who is doing a credible job as time goes on and he stated that he works with him closely. Supervisor said that Mr. Profenna was not his choice as the Chief Executive Officer and the Chief Administrator. It is not illegal to do so because the majority of Town Boards can do so. What other chief officer of any business, private or public, has opposition attorneys and opposition accountants?

Town Attorney asked the Supervisor if he was suggesting that he (Mr. Costa) had been in opposition to him as Supervisor? Supervisor asked Mr. Costa if he would publicly admit that he had supported him electorally or otherwise. Mr. Costa said he was asking the Supervisor if

## RESOLUTION NO. (1213-1984) Continued

he were suggesting that Mr. Costa had acted as Town Attorney in opposition to the Supervisor. Mr. Costa said the implication of that statement he resents because it is not true.

Supervisor said he had for the Town Clerk and for the Councilmen a copy of complaints in this same subdivision where a road is about to be dedicated at this late hour of 1:07 A.M. various problems have resulted for the potential taxpayers of the future and the new residents who have purchased homes there. He stated that he has known of these problems for some time and yet at the same time, regardless of his personal feelings and high esteem for Mr. Lettre, would not bring it before this Town Board. (Not received in Town Clerk's Office as yet.)

After many of these individuals living in this very same subdivision filed various complaints and questions before this Town Board that have not been all addressed. There are outstanding punch lists on homes. There are outstanding public improvements that have to be done. He said he was cognizant tonight when Les Bollman got ill that there is \$20,000.00 in escrow. He said he did not know if \$20,000.00 was sufficient for the escrow for the public improvements in the subdivision. The road does not have a wearing course and at the same time that is not unusual but at the same time he stated he wanted to bring to their attention, what he had just distributed to the Councilmen, an anonymous complaint. On November 19, 1984 he received the following telephone complaint: that Mr. Mike Lettre, who is the brother and employer of Councilman Lettre, has been living in a new home since October 2nd without a CO or a temporary CO. Please check this out. This address he is alleged to be living at is Amethyst Court, West Nyack. This party doesn't even know the number. These people are afraid to talk. This was forwarded to our Highway Department. It should have really been forwarded to our Building Department. But sometimes the Supervisor said his secretaries are overworked as well.

On November 20, 1984 someone in Mr. Colucci's department advised Mr. Michael Lettre to apply for a CO. This approximately one and one-half months after the family has been alleged to be living there. Supervisor stated that he would like to help Councilman Lettre as much as Councilman Lettre has helped him.

Councilman Carey stated that this was a shameful exhibition.

Supervisor continued that on November 21, 1984 -- Councilman Lettre said that he hoped he (Councilman Lettre) would not get shot on the way home. Supervisor said he wanted the record to note Councilman Lettre's comment. He stated that the Police Department should be notified also. On November 21, 1984 the application was referred to DEC. On November 28, 1984 the application was returned from DEC. On December 3, 1984 the final inspection was made. On December 3, 1984 a temporary CO was issued.

Supervisor Dusanenko said that they had had a long public hearing tonight which may or may not have been necessary. He said they have a group home which is supposed to come into this Town and they do not even know if it has been built legally. He said these are the kinds of things he has been fighting. He said he has not had the ammunition to fight. Why do some people move into their homes without CO's or temporary CO's? Are some people more equal than others? He said he was not accusing anyone but he was just making statements of facts.

Councilman Carey asked the Supervisor if he followed up with all the builders in Town or is he just separating this one out.

Supervisor said as many as humanly possible.

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RESOLUTION NO. (1213-1984) continued

Councilman Carey said that he hoped everyone in TKR land appreciated the fact that the Supervisor is a cry baby and the only way he (the Supervisor) can get back is this shameful exhibition that makes you look ridiculous and by implication this Board.

The Supervisor said this whole thing can be for the record.

Supervisor said why do I bring up the fact of someone being in a house without a CO or a temporary CO. Number 1 it is illegal. Number 2 there was another house on the same street that had a fire three days before the closing. If a facility is not checked out by Mr. Colucci and his Building Department and doesn't have proper construction what is the liability to the Town which is not enforcing the zoning laws when people are occupying homes which do not have the proper approval? There was a fire three days before the closing at 8 Amethyst Court because as he understood it, the gas mains were too high out of the ground because the ground was too wet. He said he did not build it, he only went in there once.

Councilman Lettre said they had asked Orange and Rockland to come in and they did and found that the grade was proper. Supervisor said he was glad that was one less problem.

Supervisor asked Town Attorney John Costa is it true that when a subdivision is built that the Town holds in escrow usually one or more lots depending on the size of the subdivision where usually a building permit is not even issued? Town Attorney said he believed the Supervisor was referring to the withhold lots. Supervisor said yes. Town Attorney said issuance of the CO is to be held up until dedication has taken place. Supervisor asked Town Attorney if he was sure it was the CO or is it the building permit? Town Attorney said he could not be absolutely sure but that it did not fall within his jurisdiction. It falls within the Building Department and the Department of Environmental Control. Supervisor asked if Mr. Colucci knew the answer? Mr. Colucci said the CO is withheld.

Supervisor said if the road is not dedicated then that CO cannot be issued, is that correct? Mr. Colucci said that was correct. Supervisor asked Councilman Lettre if it was correct that he (Councilman Lettre) was moving into that last house which has yet to have a CO in the very near future, like maybe tomorrow? Councilman Lettre said "God willing."

Supervisor asked why his office received this late this afternoon when this is supposed to be a public forum? Councilman Lettre said for the simple reason that he is a law abiding citizen and he does know the laws. This road is ready for dedication and was looked over by all the department heads and was scrutinized more carefully than any other road in the Town of Clarkstown. He said he would continue to vote the way he knew was best for all of the people of the Town of Clarkstown and not to suit the Supervisor.

In answer to questions regarding punch lists for the homeowners in the area Councilman Lettre stated that was not Town Board business but the province of the builder and it is taken care of by the builder. The punch lists have nothing to do with road dedications and the Supervisor should be well aware of that fact. The Town protects itself by having the builder put up escrow for the road dedication. Supervisor asked if this Town had spent public funds to correct items that builders had neglected? He stated that on occasion the Town has had to redo roads, etc. in dedicated subdivisions due to the builder's neglect.

Councilman Lettre said the Town takes 10% up front from the builder to make sure that roads, sewers, etc., are taken care of and done properly. He said he had confidence in department heads that had been appointed and in the civil service department heads and that if the Supervisor did not he should bring it up with them personally.

RESOLUTION NO. (1213-1984) Continued

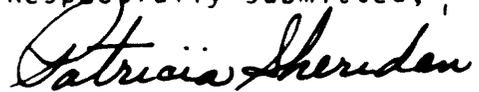
At this point the Supervisor moved to table this resolution but received no second. Supervisor said this will free up a lot, give it a CO tomorrow and this way the road will be dedicated and a new homeowner can be relocated.

The vote was then taken as indicated above directly after the resolution.

\* \* \* \* \*

There being no one further wishing to be heard and no further business to come before the Town Board, the meeting was adjourned on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, time: 1:22 A.M. (December 12, 1984).

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/11/84

8:43 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
Mark Posner, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: DEMOLISH AND REMOVAL OF STRUCTURE - CERASOLI, NANUET

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Mark Posner, Deputy Town Attorney read the legal notice and notice of service and testified as to the proper posting and also as to an affidavit from the Fire Inspector. Twenty photographs were referred to in the affidavit of the Fire Inspector.

Supervisor said that the owner was not present but he will not fight the violation and he intends to remove the existing structure.

Deputy Town Attorney read a letter from the owner to Town Attorney John Costa dated December 11, 1984 stating that the structure would be removed before sixty days.

Supervisor then explained that there was a resolution that could be passed here tonight that would authorize the Town to remove the structure if the builder failed to comply.

Supervisor asked if there was anyone wishing to speak on this matter.

Appearance: Ms. Ellen Faretti  
Nanuet, New York

She stated that she lives next door to the premises in question. She inquired as to whether the chain link fence which was falling down into her property would be removed and what would be done about the rat situation. She felt there should be an attempt to exterminate the rats before demolishing the building.

Supervisor inquired of the Building Inspector whether the fence would be removed. Mr. Colucci said it would be removed.

Supervisor said that Mrs. Faretti's suggestion about extermination of the rats was a good one.

There being no one further wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted the hearing was declared closed, ADOPTED, time: 8:55 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

ABE664

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/11/84

8:55

Present: Supervisor Dusanenko  
Councilmen Carey, Lettre, Holbrook, Maloney  
Mark Posner, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: PROPOSED LOCAL LAW RE: LITTERING AND POSTING

On motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice and Deputy Town Attorney explained the changes which included no posting on public property including utility poles with the exception of Town, County, State and Federal government. Supervisor said we could put up a "No Parking" sign or zoning requirements, etc.

Deputy Town Attorney further stated that no political posters would be allowed. There would be penalties for violation.

Supervisor asked if there was anyone wishing to be heard regarding this proposed local law.

Appearance: Mrs. Audrey Paley, Chairperson  
Litter Control Bureau

Mrs. Paley said that this law was very much needed. The Town looks like a billboard. She stated that she had tried writing to the offenders but had received no response. If it is not put up it will not have to be taken down.

Supervisor said a church or synagogue or charitable organization cannot put a sign on public property but they can post it on their own property.

Appearance: Mr. Arnie Geller, President  
New City Chamber of Commerce

Mr. Geller said he represented the merchants and they support this bill.

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

Mr. Granirer said he had a problem with this law because of the presumption that whosever name is on the poster is the one who placed the poster and this may or may not be true. The Town cannot presume that just because a person's poster is placed somewhere that the person is responsible. If a person could not prove that they had not placed the sign they would be subject to a \$250.00 fine or fifteen days in jail.

Appearance: Mr. Fred Hager  
Valley Cottage, New York

Mr. Hager said he supported Mr. Granirer's position and objected to the presumption of guilt.

Supervisor said he believed that a valid point had been raised.

Deputy Town Attorney spoke regarding legal presumption of guilt and said that it is not automatic. The accused will have the opportunity to rebut in court. This law does not convict anyone.

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ABE664

Supervisor suggested that the Board close and reserve decision until this law is checked out with the State Attorney General or the State Comptroller. He said the Youth Court was created to relieve the burden on the courts and he does not wish to see this local law create a new burden.

Appearance: Mr. Joseph Pantano  
New City, New York

He said he supports the law with the exceptions mentioned by Mr. Granirer. He also spoke regarding political posters.

Deputy Town Attorney said this law was not retroactive and that there is a similar clause in the New York State Penal Law and it has been researched many times and the law is perfectly legal.

Appearance: Ms. Betty Burfeind  
Clarkstown Garden Club

She stated that she was for the legislation.

There being no one further wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 9:10 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

This local law was passed with a "Yes" vote of all Councilmen, Supervisor Dusanenko abstained. - Resolution No.(1170-1984)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/11/84

9:13 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre, Maloney  
Mark Posner, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: PROPOSED LOCAL LAW RE: CIRCUS OR CARNIVAL

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and Deputy Town Attorney explained in detail the proposed local law.

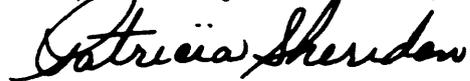
Supervisor Dusanenko said that the Town has had bad experiences with carnivals and there have been extensive costs because of extra police needed for traffic and extra costs of clean up, etc.

Supervisor asked if there was anyone wishing to speak regarding this proposed local law.

Appearance: No one appeared.

There being no one wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

This local law was passed unanimously. Resolution No. (1171-1984).

ABE664

TOWN OF CLARKSTOWN  
INFORMATIONAL MEETING

Town Hall

12/11/84

9:25 P.M.

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

RE: COMMUNITY RESIDENCE - 3 WILLIAMS STREET, NEW CITY

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Informational Meeting was declared open.

Supervisor said there was a Site Selection Committee in Clarkstown and recognized Legislator John Murphy, who is Chairman of the Board of Leob House. Mr. Murphy thanked the Town Board and explained that the organization was a non-profit private charitable organization and this house would shelter all Rockland County residents. This service cares for those from 18 to 37 years of age. This proposal is the result of a community need to provide 24 hour supervised, structured, therapeutic residences which are certified and monitored by the New York State Office of Mental Health. We are talking about providing semi-permanent homes for a group of young people who were born and raised in this community and who are now experiencing difficulty. He said it was the desire of Leob House to provide a safe, secure, loving environment for handicapped young adults most of whom are the sons and daughters of your neighbors and perhaps even yourselves. Most of these people are now living at home with their families.

Mr. Murphy said that they are hoping to provide a very richly staffed, 14 bed simulation of a private home that will provide 24 hour supervision with two professionals on staff at all times in a very nurturing environment teaching the necessary skills which will enable these young people, after a period of time approximately 3 years in duration, to move on to a more independent level of functioning and ultimately progress to becoming productive self-sustaining members of our community.

The need in Rockland, indeed the need all over the United States, far exceeds the current level of service. We are able to presently identify 100 young adults, all county residents with difficulty and social qualifications to live safely in the community and need an environment compatible with the services we hope to offer.

We are dealing here with young people whose major problem has been an emotional handicap. The anticipated stay for these young ladies and gentlemen is approximately 2 to 3 years. Mr. Murphy said there would be a very strict screening committee to establish residency in the facility. The residents must be free of severe emotional problems, must be able to perform their daily activities with minimal supervision, must be willing to participate in communal living, they cannot be of any danger to themselves or to anyone else. They will not accept anyone who has a history of criminal conviction.

The clients will be discharged when there is emotional growth which indicates to us that they need a less supervised environment or on the other hand if they cannot live compatibly and observe what will be very strict house rules. These house rules will anticipate any questions which might arise - anti-social behavior, co-habitation and anything that will make living with their peers or living in the community inappropriate.

He stated that the goal is to continue the progress which has been made in our society in providing very strictly supervised

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ABE664

supportive simulations of family life for people who were born and raised in the community. They are the best possible alternatives for the homeless who live in the uncertified, unsupervised congregate dwellings with which you are all familiar or to have them live in single room occupancy places where there is no support or supervision. Mr. Murphy said that he and the individuals involved with Loeb House and the people in support of Loeb House believe we have established a good track record of being good neighbors. He mentioned that many of the young adults would be spending their days at Jawonio in constructive training and employment. He said he was at the disposal of the audience to answer questions.

Supervisor asked if there was anyone wishing to be heard regarding this proposed community residence.

Appearance: Ms. Robin Feinbush  
Rockland County Counseling Center

She stated she was appearing on behalf of Ellen Cohen the Director of the Counseling Center. She read the following letter from Mrs. Cohen:

"Although I cannot attend this meeting tonight, I would like to speak to the issue of the group home for emotionally handicapped young adults that is being proposed.

I am in favor of this proposed home as a professional and a citizen of Clarkstown. As a professional, I have first-hand knowledge of the benefits of a group home setting in which young adults with emotional problems can live and function within a family setting without the obvious stigma and drawbacks of being institutionalized. As a citizen in whose neighborhood this home would be located, I feel that giving these young people the chance to live within our community gives all of us, especially our children, the opportunity to serve those less fortunate than ourselves. I feel strongly that Clarkstown is big enough to give a hand to young people in need in this special way.

Sincerely,

/s/ Ellen Cohen CSW  
Director CCC"

Appearance: Mr. Sidney Paul, Executive Dir.  
Mental Health Association of Rockland County

He said that he supported this proposal. There is a need for this facility. The location is appropriate. This will provide a strong support system and supervision. This will provide the best chance for recovery. There has been a similar home in Haverstraw for the past five years and it has been operating without incident. This will not be disruptive to the community - that is a myth. This is a time to give and not take and be a friend to the mentally ill.

Appearance: Mr. James Cropsey  
New City, New York

Mr. Corpsey inquired how the Town got the building and if it is legal? When it was renovated did it go down to the foundation or is the foundation bigger now than prior to the renovation? He said the building was too big for the lot. Mr. Cropsey asked was a variance given for the present building; is the foundation now bigger than it was and why is it a three story building.

PH - 12/11/84 (Community Residence on Williams Street, New City)  
Page 3

Supervisor said this property had received a variance and it was used by students from Rockland Community College. A Doctor could live there and have a home office. At the time of the renovation the building was vacant. The question of legality of the building was referred to the Building Inspector and he said the building was legal. The foundation is larger and the building was expanded. This was brought to the attention of the Town Board. The building has been idle for a year. The owners had received approval to build but do not have a CO.

Councilman Holbrook stated that when he checked the structure it appeared to be being built for multi-offices. This was stopped and the building has never been filled.

Mr. Cropsey asked if permission was given to build this building?

Supervisor inquired as to whether the Building Inspector had given a building permit? Councilman Lettre said that the Building Inspector had not given a permit but the ZBA had granted a variance. The question was has the building been built in accordance with the variance given? Mr. Cropsey said all he wanted to know was if the building was legal as it stands today?

Mr. Colucci said there had been much correspondence in reference to this and it had all been referred to the Town Board. The building is legal according to the zoning and was built according to variances asked for by the present owner. It has an R-15 use by right and it could be changed back to a one family dwelling by an amendment of the application and an amendment to the plans.

Supervisor asked Mr. Colucci is approval for a building permit had been given by someone from his office? Mr. Colucci answered in the affirmative.

Councilman Holbrook said the owner had no intention of using this for a home occupation. Mr. Cropsey said the builder had misrepresented what it was to be used for. Councilman Holbrook said it meets the standards as far as back, side and front yard footage. Councilman Holbrook said he and other Town Board members were there when this building was being erected and the person was supposed to use this for a home occupation and that was what this Board intended to see happen. It has, however, remained vacant.

Appearance: Mr. Leonard Katz  
52 New Valley Road  
New City, New York

He was opposed to the community residence and he wanted to know who would be responsible for what went on there. Supervisor stated that state law dictates that 14 handicapped people and two live-in persons could live there.

Mr. Murphy said the type persons who would live there would be those who have had emotional disorders, i.e., depression, anxiety but who could live socially and needed a family like setting. These people are suffering from an illness of the mind.

Councilman Lettre inquired if this was covered under the Padavan Law and Mr. Murphy responded in the affirmative.

Appearance: Ms. Florence Gross, President  
Famila

She said the Board had a plan to provide a better life for these people. They are not criminals and this facility is desperately needed.

Councilman Lettre asked Town Attorney to explain the Padavan Law and the Town Attorney did so.

Supervisor then said that he had received notice of intent and that the Town Board was informed and was now holding an informational meeting. He then explained the options available to the Board. (1) Town Board could approve this site; (2) Town Board could suggest more suitable sites or alternate sites; (3) Town Board could object to the facility because of saturation of such homes within the area. The State would then make the evaluation of the final determination.

Appearance: Ms. Carol Kemp  
New City, New York

She was concerned for the safety of her twelve year old daughter whom is left at home alone and who walks down that street. She stated that she has lived in Clarkstown for 26 years and inquired as to whether these people were drug users or abusers? Mr. Murphy said there may have been some past history with drugs but those who would be living in this home would have no present history of drug use. They must prove that they are not drug abusers or any history of sex crimes. These people are presently living at home and need a structured environment.

Appearance: Mr. Joseph Pantano  
New City, New York

He said he has been involved with the drug question for seventeen years and he had questions on the structure of the building. He asked whether it was a legal structure. He questioned the severity of the emotionally handicapped. Mr. Murphy said no one admitted will be anti-social and no one admitted will be on drugs.

Appearance: Mr. Goodwin Katzen  
Executive Director of Jawonio  
41 Twin Elms Lane  
New City, New York 10956

He said there were 200 clients at Jawonio. Thirty percent of them had a primary diagnosis of emotional disability. They ride the mini-trans, they are placed in jobs, they are trained and Jawonio will be providing services to the residents of this home. He further stated that the Town Board has an opportunity to create this service.

Appearance: Mr. Fred Hager  
Valley Cottage, New York

He said he had heard every argument presented here against this home and against every other group home. He said there must be a coalition of conscience. He said that under the law this home must adhere to the rules and regulations and must satisfy these rules regarding staff and inhabitants and this is a well thought out proposal. He further stated that the attitude presented here is what concerns him. The misinformation and lack of understanding was a concern and he asked the people in opposition what alternative they had to offer. He said that you people just don't want to live with people who are different. He said the Town Board is constrained by law as is this organization trying to assist these people and they are moving judiciously. He urged everyone to search their hearts. Everyone has a right to live wherever they please.

Appearance: Mr. William Rutigliano  
4 Williams Street  
New City, New York

He said he was concerned for his family's safety. He had previously fought the other proposal for this district and now was faced with another monster.

PH - 12/11/84 (Community Residence on Williams Street, New City)  
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Appearance: Mr. R. Clinton Taplin  
22 Judith Street  
Nanuet, New York 10954

Mr. Taplin stated that he had been a resident of Clarkstown for 41 years. He is a diabetic. He stated that he has from time to time benefited from psychiatric care although some would dispute that. He said he was here because of this proposal and is testifying somewhat reluctantly because he believes that where a person lives is her or his own business. He said he had served on the Rockland County Mental Health Board from 1964 to 1977. He served as Chairman from 1975 through 1977. He is presently a Consumer Member of the Rockland County Subarea Council of the Federal Hudson Valley Health Systems Agency and was President of the Rockland Council in 1981. He served on Governor Rockefeller's Committee on Mental Health for Children in 1970-72 and he is currently serving on the Board of the Psychiatric Center in Orangeburg. These are all volunteer, unpaid positions and he stated that he had no ax to grind. He is here as a concerned layman and his ideas are his own.

He said he hesitated to testify because in doing so he lends a measure of credence that these hearings are necessary or valid or useful. He said he is in fact lending credence to an anathema. In this country the only time a persons health has had any relevance in any matter of consequence has been in instances of highly contagious diseases. Considerable progress has been made in the past fifty years and we have not made personal health history a subject for public scrutiny. We should not now consider personal health issues to be relevant. The medical history is the important item in the question before us of who is to live in this residence. It deals in the way the potential resident views the world. It is a matter of intellect. If they had been former patients at Nyack Hospital or Good Samaritan Hospital there would be no question of whether they could live next door or not. Whether they see the world a little differently or assimilate knowledge a little more slowly than the rest of us should have no bearing on where they live. How dangerously close this discussion comes to deciding whether people should live in our town on the basis of their color, their religion, etc.

No one in our town has to pass a health test or an intelligence test to decide if they can live here. Whatever is required for this Leob House proposal he urged the prople to endorse it. Former state psychiatric patients have no greater incidence of contact with the police than does the general population. He urged acceptance by the community of this home.

Appearance: Ms. Valerie Naven  
New City, New York

She said there was local swimming across the street. She questioned errors regarding information on the sheet provided, the incorrect address, etc. She stated that someone had come up here to get some answers and none were provided. The prople in the area have not had enough time to study this issue. She stated that her husband had lost a daughter two years ago because of an emotionally handicapped person. She stated she was definitely opposed. She asked what is the specific term of use for the people who will be living in this house? Mr. Murphy said the specific term legally, medically and socially is either phyciatically ill or emotionally handicapped. Mrs. Naven asked what those terms meant. Mr. Murphy said they refer by law to a book "ESM 3" which is between 700 and 800 pages long and contains the diagnoses for those terms. Mrs. Naven said the residents were not being given enough information or an opportunity to study the situation.

Appearance: Ms. Yolanda Soletti  
72 Leona Avenue  
New City, New York

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Mrs. Soletti spoke about an emotionally ill person she had housed and who had attempted suicide.

Appearance: Mrs. Kathleen Lukens, President  
Venture Inn  
Pearl River, New York

Mrs. Lukens said that she was there to answer questions regarding group home living. She stated that people who are different want to feel they belong. They have no friends, and they have very low self-esteem. However, when they are in a group home they change drastically. They belong and they have friends. The same issues being raised here tonight were raised regarding retarded persons. Nothing predicted has ever happened. The people in these homes are victims not the ones committing the crimes.

The Town Attorney said that if the building did not conform to the zoning code they could prevent the building from being occupied by revoking the building permit and not issuing the CO. If, as alleged, the building is not legally constructed, a CO would not be issued. If it is legally constructed a CO must be issued.

Town Attorney gave an explanation of how many residents could reside in a home according to law. This could be up to 14 persons. Supervisor said in a conventional single family dwelling there could be any number of related persons living together with up to four unrelated persons also residing there.

Appearance: Yale Rapkin, Esq.  
New City, New York

Mr. Rapkin stated that he represented the owners of the property and apologized on behalf of his clients for the improper address. He inquired if that would require another public hearing. Town Attorney said this was not a public hearing but an informational meeting. There was really no need for any public hearing. The Board may settle this without a hearing but does this in order to give the public a chance to discuss the proposal and provide their input. The statute requires that 40 days notice be given to the Town. There must be a specific address indicated in the letter when you receive the Padavan notice. Town Attorney said in his opinion there was a defect in the original Padavan letter as to the address. However, that has been corrected by letter of December 10, 1984. He said in his opinion the 40 day period would run from December 10th and not from the date of the original letter.

Mr. Rapkin said when his clients purchased these premises there was an existing home occupation use for the practice of dentistry. He said they were ill advised and they made a mistake. For someone to build a building of this magnitude without a proper permit was a big mistake and his clients are sorry. They did subsequently acquire a legal building permit. When they began to work on this building they did have a permit and in fact they were asked by the Building Department to tear down certain beams because they were rotten. There is an existing building permit and they are going to meet with all of the requirements of the law and if this is approved there will be a valid CO and they will not do anything until a valid CO is issued.

Appearance: Mr. Sheldon Peckney  
23 Williams Street  
New City, New York 10956

Mr. Peckney said the house is there, whether it belongs there or not - it is there. This house is perfect for a group home. He felt that if they wanted to go into the area they should have the support of

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the community. He felt that Loeb House was not doing any justice to itself, to the people they represent or to the community by walking into something and saying we're coming in. He felt that it was not the Board's position that they have a building there which no one knows how it got there and along comes this group and they can go in there. He did not think that was the case but in any event he felt everyone involved should be satisfied.

Appearance: Ms. Marion Maher  
68 Carolina Drive  
New City, New York 10956

She said the success of this venture depends on discussion with the neighbors. The residents have questions regarding shopping, transportation, recreation, houses of worship and traffic.

Appearance: Hershel Greenbaum, Esq.  
Blue Hill Plaza

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Mr. Greenbaum said he was representing Mr. Tom Yatto, who lives at 30 Williams Street. He said his client was not opposed to the group home. Mr. Greenbaum said he did not believe the people in this room were adverse to group homes but he felt their adversity was in regard to the house at 3 Williams Street. He said he had reviewed the file and the premises are indeed located in a residential zone. It started as a residence and was subsequently converted to home occupation use. It then went for a variance to remove the requirement of someone living on the premises for a home occupation use. That variance was granted to his surprise because a home occupancy without some living there is not a home occupancy. This borders almost on a zone change rather than a variance. At one point 3 Williams Street disappeared and a new structure was erected. The files indicate that a building permit was issued in 1981 and that seems to be the last building permit issued. The present structure was constructed sometime subsequent to that. The plans for this particular building do not appear in the file. The Building Inspector stated that in his opinion this is a legal building. He said the zoning ordinance of the Town of Clarkstown, unless he is mistaken, in setting forth bulk requirements, side yard requirements measures those requirements in part on the height of the building.

He suggested to the Supervisor and the Town Board that if there are no plans in the file and the Building Inspector does not know the height of that building it is beyond Mr. Greenbaum's comprehension how he can venture an opinion that the building as it now stands complies with the bulk requirements because the side yard will depend on the height of the building which he does not know. He said at this point that no one, given the file of No. 3 Williams Street, can say with any degree of certainty, that that building has any legal standing on an application for a CO. This informational meeting is, therefore, somewhat premature and this Board should ascertain whether the structure that presently stands will ever be eligible for a CO before taking the time of the Board and the members of this audience for an informational hearing.

Mr. Greenbaum said he is aware of the time restriction under the Padavan Law. He said he also felt the original notice had some errors, one of them being the address so that the appropriate notice was not received until December 10, 1984 which means that you have 40 days to take action or inaction. He suggested that within the next 20 to 30 days the Supervisor make an in-house investigation on whether or not these premises can ever have a CO. If the answer is in the negative there is no point in wasting anybody's time. If the answer is in the affirmative then he would ask that another informational hearing be called.

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Appearance: Mr. Thomas Yatto  
30 Williams Street  
New City, New York 10956

Mr. Yatto asked the Town Board if they were aware of the bulk lot requirements with respect to height when they inspected these premises? At the corner of that building approximately 23-1/2 feet from the lot line. If you were to compute the regulations under the zoning law it provides 11 inches maximum building height in feet per foot of distance from lot line. This means the maximum height of that building from the neighboring lot line to the adjacent parcel comes out to 21.82 feet. Anyone who lives on Williams Street is more than willing to go over there and physically measure that structure. That building will never conform and if there is no CO that home can never be lived in.

Mr. Yatto continued discussing other possible violations under existing zoning law which would negate the Town granting a CO. The figures he quoted came from an application for a variance by the record owner to the Board of Appeals. In that under Town Law the maximum floor area ration for a R-15 designation is .20. The lot size of that particular lot is 16,741 square feet. Dr. Levine said the square feet of the floor area will be 3,363 feet which exceeds the 20% ration and thus he would have to come before the board and apply for a variance. With the front yard depth requirements - the Town Law under Section 106.19 A(2) requires a minimum front yard depth of 30 feet. Since this is a corner lot it is considered to have two front yards and on one side the building as constructed only leaves an existing front yard depth of 25.86 feet. Again it is illegal in that regard.

Mr. Yatto asked the Town Board to closely scrutinize the record on file in the Building Inspector's office and to conduct your own independent investigation to look into the various noncompliances of the existing structure under the existing Code. There have been many various condemnations against the record owner which indicate that the community would not be served by the granting of a variance. He felt that a gross flaunting of the zoning laws in the granting of previous variances has occurred in this case. He stated that present owner brought about his own hardship because he choose to ignore the existing law and build this building. He is now asking the Board to condone his illegal action and reward him by allowing this monstrosity to be sold at a lucrative profit. Mr. Yatto proposed that the house be razed and a more suitable home should be built in conformity with the other homes in the community.

Mr. Yatto asked Mr. Murphy to withdraw the application for the use of this house as a community home until it is ascertained if the house is legal. He said he wanted the residents to be given more time and an opportunity to determine if this building is, in fact, legal.

Appearance: Mr. James Naven  
55 New Valley Road  
New City, New York

Mr. Naven asked John Murphy what his qualifications were to run the home. Mr. Murphy said he was not going to run the home - that a qualified director would. There would never be less than two supervisory personnel in attendance. The entire staff consists of 8 people. He gave the qualifications of the Executive Director whose minimum qualification had to be a BA in Mental Health plus two years experience; a social worker with a masters degree. He said the minimum requirements for anyone working there would be an associate's degree plus experience.

Mr. Naven said that his daughter was murdered two years ago by a man who was released to a mental health clinic. He inquired of Mr. Murphy just where these people who were going to live in this house would come from? Mr. Murphy said there were approximately 100 potential

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candidates - one half of whom are living in their homes in Rockland County and the majority of the balance living in congregate boarding homes.

Mr. Naven stated that he wants his family to be safe. Mr. Murphy said that mental illness is not synonymous with being criminally dangerous. He stated that the people who would be living here are victims and not perpetrators.

Appearance: Mr. Charles Privot  
7 Williams Street  
New City, New York

Mr. Privot said that he felt that if this building had a CO this proposal would not be made here tonight. Nothing has been done on this building for a year. He said it should be torn down if it is not legal and suggested that Loeb House look for another site. There is a beautiful one on Muller Court which used to be a convent and which is available.

Appearance: Ms. June Doyle  
Williams Street  
New City, New York

She said there was a vacant lot in Pearl River that was available where the school previously was and Mr. Murphy should consider buying this building and moving it there near where Mr. Murphy lives.

Mr. Murphy explained that Loeb House is not buying the building. They are renting it if it is legal and the Town awards the CO. This will keep the building on the tax rolls. He said Loeb House will not sign a lease to rent the building until all the legalities have been met. He said that all residents will have to go through a rigorous screening process. The staff consists of 8 full time personnel with 2 on duty at all times.

Mr. Murphy said this home will be a benefit to the community. The residents of this home will have a full day program from 9:00 A.M. to 5:00 P.M. with transportation arranged before they move in and no private automobiles will be used.

Mr. Murphy felt that the home contained enough space for on-site recreation of an unstructured nature and there would be transportation for the residents to other places of recreation. Mr. Murphy said this program has been tested over long periods of time and has a record of proven success rather than residents living in their own homes. He said the community residence is the most successful advance in the last decade.

Appearance: Ms. Marion Maher  
Carolina Drive  
New City, New York

Mrs. Maher inquired as to whether the residents would be a threat to themselves. Mr. Murphy said that possibly they could be a threat to themselves. However, by being part of our program it substantially minimizes this danger. Mr. Murphy agreed to meet with any group interested in more information and stated he was available to answer questions.

There being no one further wishing to be heard on motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the informational meeting was closed, time: 12:25 P.M.

Respectfully submitted, ,

*Patricia Sheridan*  
Patricia Sheridan,  
Town Clerk

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