

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

1/22/85

8:16 P.M.

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

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

The Town Board Meeting opened with a moment of silence for Councilman, George Raboni of Orangetown who died this week.

Supervisor introduced the graduates of the seventh graduating class of the Youth Court. The Supervisor introduced the Program Director, Chief Schnakenberg and Chief Schnakenberg introduced Detective Curt Settle, Tony Shirio, Steering Committee, and Pat Barad, Secretary. Detective Curt Settle explained that these graduates had ten weeks of intensive training and heard real cases that were directly out of Family Court to Youth Court. Chief Schnakenberg then congratulated all the students and distributed their diplomas.

The Supervisor thanked Chief Schnakenberg, Curt Settle, Tony Shirio, Pat Barad, and all the students for the way they maintained the confidentiality that is absolutely required

The Supervisor announced that the Public Hearing called for at 8:15 P.M. which was for the Acquisition of Property for the Construction of Sidewalks Along the North Side of Lake Road, Congers would not be held due to a difficulty in publication.

Supervisor declared the public portion of the meeting open.

Appearance: Joseph Pantano
265 South Little Road
New City

Mr. Pantano inquired regarding the group home on William Street as to whether an independent inspector had been hired

Mr. Costa said he had been in touch with an architect but he had bowed out siting too many commitments to be able to fulfill the needed consultant work within the time span allotted. We will attempt to find someone else.

Mr. Pantano asked if Mr. Colucci had gone over to the building to check the map to make sure the measurements were correct as the map you attached to your report on January 10.

Mr. Costa said the Town Board asked Mr. Colucci to remeasure the building and he did.

Mr. Pantano asked what the results were of that measurement.

Mr. Costa said that his report was submitted to the Town Board and that the foundation is within one inch or two inches of that shown on the plot plan that was submitted to the Town with no substantial variation

Mr. Pantano asked what he meant by no substantial variation - as far as the height, width, and the foundation?

Mr. Costa said the foundation was measured.

Mr. Pantano asked if the rest of the building was measured as to the height, width, etc.

Mr. Costa said he would have to ask Mr. Colucci.

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ABE664

Mr. Pantano asked Mr. Colucci if the map that was submitted in the report on January 10 by Mr. Costa, the original map of May 1983, were all the measurements correct that includes the height, length, width, foundation etc.? Were any additions made to that map?

Mr. Colucci said that if Mr. Pantano would come by the office he would explain everything to him.

Mr. Pantano urged the Town Board to come up with alternative sites.

Appearance: James Cropsey
230 Little Tor Road
New City

Mr. Cropsey spoke regarding the building on Williams Street and proposed group home. He had questions regarding how the structure was measured and if the basement and second story were included in the measurements

Mr. Costa said the square foot computation for floor area ratio purposes indicated in my report was the figure obtained from the Building Inspector. I believe it is the practice of the Building Inspector's office to measure the habitable space when computing floor area ratio.

Mr. Cropsey asked what is the right way of doing it? He said that Century 21 is a two story building but they are using the basement of that building for offices. So the same thing might happen with this building. He said if they can find a way that this building is not up to snuff, they will find it.

Mr. Colucci said they do not count the basement and suggested that Mr. Cropsey could come to his office and look at everything.

Appearance: Anthony Contento
8 Glen Lane
New City

He was speaking on the group home on Williams Street. He requested that Mr. Pantano's question be answered as to whether there was any change to the map since the plans were submitted. He said to Mr. Costa that your report was based on a two year old diagram submitted by the builder. Is that correct?

Mr. Costa said that is correct.

Mr. Contento said do you mean to tell me that you take somebody else's statement as being correct. You don't do your own independent survey. You are using a builder's survey for your statements.

Mr. Costa said that is a certified plot plan submitted by a licensed land surveyor and engineer. The license would attest to its likely accuracy. I did not personally go out in the field and measure it. I believe the Building Inspector has personally measured it in the field on more than one occasion. The variance is within an inch or two of that shown on that plot of land.

Mr. Contento said that's from 1983 and this is 1985. Is it possible that since the time it was submitted, there has been a change in it?

Mr. Costa said, anything is possible but that building was measured within the last two days Mr. Costa said he stands by the report as of January 4th. I stand by the statements contained in that report. I have been informed that measurements have substantiated the measurements shown in the plot plan submitted for this building permit. Mr. Costa said he used the 1983 report.

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Appearance: Lee Pound
President, Clarkstown Unit of CSEA
County of Rockland

Mrs. Pound said for the past seven months, the CSEA and the Town of Clarkstown have been engaged in negotiations for upgrades for various titles for the employees of the Town. The upgrade Committee based their arguments on the fact that experience, education and responsibilities should govern salaries, not gender. In this endeavor both males and females agree. We have tried to give value to the entry clerical levels. These titles are the lowest grade and are held primarily by women.

Our philosophy was to raise the entry and Senior Clerical titles to be more commensurate with the male entry level titles. This is a beginning!

A review of some of the letters requesting upgrades concluded that these employees should be reclassified by the Town and by Rockland County Personnel.. "Examination" is their recourse.

Appearance Joe Ritigliano
4 Williams St.
New City

He spoke on the question of the group home on Williams Street. He had an inquiry regarding the thirty day extension Who would be looking for a new site - the residents or the Town Board?.

Supervisor explained that this will be referred to the site selection committee which consists of Councilman John Maloney, Councilman Ed Lettre and Mr. Arnold Botnewick and that recommendation could be made to the Councilmen's office and Supervisor.

Councilman Lettre said that the Supervisor's office should receive all alternative locations because the Town is just a funneling agency to pass this information on to John Murphy.

Appearance: Fred Hager
Valley Cottage

Mr. Hager said he wanted to thank Mr. Cropsey for his integrity in opposing this group home and admitting that they don't want these people in their community. He felt that the people in group homes have a right to live anywhere they please.

Appearance: Les Bollman
Director of Environmental Control

He requested that the Town should defer action on Item #1 since he felt that it would interfere with the department heads running their departments.

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing Special Permit to Conduct a Group Home - Summit School was opened, time: 8:53 P.M.

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Special Permit to Conduct a Group Home - Summit School, was closed, and returned to regular meeting, time: 11:25 P.M. DECISION RESERVED.

Supervisor Dusanenko asked Town Attorney John Costa if it would be appropriate to RESERVE DECISION at this time since the Town Board had yet to receive a written report from the traffic consultant even though the said traffic consultant had testified under oath. Mr. Costa said he recommended the Board RESERVE DECISION.

ABE664

RESOLUTION NO. (43-1985)

RESERVING DECISION ON GROUP
HOME - SUMMIT SCHOOL

Co. Carey offered the following resolution:

RESOLVED, that Public Hearing was held regarding placement of a Group Home for the Summit School on New Hempstead Road, New City and it was decided to RESERVE DECISION at this time.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

Councilman Maloney said he agreed 100% with Mr. Hager. He stated that he did disagree with him when he castigated the Town Board because he forgot to mention that back in May he (Councilman Maloney) had not voted to deny this permit because he felt that at that time the argument regarding hazardous traffic would not stand up in court and it did not stand up in court. He stated that he had been involved with teenagers for over thirty-seven years - handicapped, emotionally disturbed, mentally retarded, delinquent, etc. - and from a first hand basis he could see the therapeutic value of small groups. Anywhere there has been a group home opened in Clarkstown there has never been a problem. They have been assimilated and they have become good neighbors. The real reason is not so much traffic because if he moved in tomorrow with eight teenagers nobody would give a damn about the hazards to his children. No one would care. There would be no one up here. They wouldn't say "Don't move in. It's a terrible place." He was prepared to vote yes for the group home tonight.

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Veterans Exemption and Homestead Law was opened, time: 11:27 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Veterans Exemption and Homestead Law was closed, time: 12:57 A.M.

Supervisor Dusanenko explained at this point that no action was going to be taken tonight on the Veterans' Exemption, thereby, causing the veterans in the Town of Clarkstown to get 100% of the deduction allowed. It would only be necessary to vote if the Town Board were going to reduce the amount of the exemption allowed by the State so in fact the Town Board is acting by taking no action.

Councilman Holbrook asked if he could have an explanation of the rationale behind the Homestead Act.

Mr. Ross Valenza said we need the law to get the figures and once we get the figures we can review it and either stay with it or rescind it.

Co. Holbrook asked when the figures would be available for the impact notices for the Town Board?

The answer was close to mid February.

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Co. Holbrook asked if they could get some figures that they need for the impact without adopting a law.

Mr. Valenza said the law says that if you wish to use Homestead you must pass the local law by January 31 which can then be rescinded any time up until next August. All that is being proposed tonight is to give you some of the options to subsequently use Homestead or throw it out but the way the law is written if you don't adopt it tonight then you lose the option of adopting it at all.

Cathy Conklin gave a recap of the entire procedure before the resolution was presented.

RESOLUTION NO. (44-1985)

ADOPTING LOCAL LAW
NO.1-1985 TO PROVIDE FOR
ADOPTION OF THE TOWN BOARD
OF THE PROVISIONS OF REAL
PROPERTY TAX LAW SECTION
1903 CONCERNING HOMESTEAD
BASE PROPORTIONS AND TO
ELIMINATE LIMITATIONS
PLACED ON THE ASSESSMENT OF
CONDOMINIUM UNITS IN THE
HOMESTEAD CLASS

ABE664

Co. Lettre offered the following resolution:

WHEREAS, proposed local law entitled: "A LOCAL LAW TO PROVIDE FOR ADOPTION BY RESOLUTION OF THE TOWN BOARD OF THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 1903 CONCERNING HOMESTEAD BASE PROPORTIONS AND TO ELIMINATE LIMITATIONS PLACED ON THE ASSESSMENT OF CONDOMINIUM UNITS IN THE HOMESTEAD CLASS"

was introduced by Councilman Carey at a Town Board meeting held on December 28, 1984, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 28th day of December, 1984, directed that a public hearing be held on the 22nd day of January, 1985, at 8:25 P.M., and,

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on January 16, 1985, and

WHEREAS, copies 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 January 11, 1985, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on January 22, 1985;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1-1985, entitled:

"A LOCAL LAW TO PROVIDE FOR ADOPTION BY RESOLUTION OF THE TOWN BOARD OF THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 1903 CONCERNING HOMESTEAD BASE PROPORTIONS AND TO ELIMINATE LIMITATIONS PLACED ON THE ASSESSMENT OF CONDOMINIUM UNITS IN THE HOMESTEAD CLASS"

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	Aye
Councilman William Carey.....	Aye
Councilman Edward J. Lettre.....	Aye
Councilman John R. Maloney.....	No
Councilman Charles E. Holbrook.....	Aye

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. Carey

Cathy Conklin said she is Project Manager for Finnegan Associates on the re-evaluation project. If my understanding of the law is correct by timing Homestead does not have to be adopted by the 31st of January. However, you are in a unique position. You are undergoing a re-evaluation project. We anticipate completion of value and value notices being sent to your property owner the first week of March. Those notices must reflect what your intentions are in terms of Homestead because there will be differentiated tax rates if the Homestead is adopted. There will be one tax rate for all property if it is not. On the impact notice that we sent to property owners, we not only show them their new assessed value but we also give them a comparative tax liability. This is before we open up our doors to listen to their grievances, problems, or whatever and all of that is prior to your publication of the tentative assessment roll. If we go into sending out impact notices before you have made a decision on Homestead, then we are sending out false information to your Tax Payers.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing Re: Proposed Local Law re: Commuter Parking Lots was opened, time: 1:05 A.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing Re: Proposed Local Law Re: Commuter Parking was closed and ADOPTED, time: 1:05 A.M.

RESOLUTION NO. (45-1985)

ADOPTING LOCAL LAW NO.2 ENTITLED "A LOCAL LAW TO REGULATE AND RESTRICT PARKING IN AREAS DESIGNATED AS COMMUTER PARKING LOTS"

Co. Lettre offered the following resolution:

WHEREAS, a proposed local law entitled: "A LOCAL LAW TO REGULATE AND RESTRICT PARKING IN AREAS DESIGNATED AS COMMUTER PARKING LOTS" was introduced by Councilman Holbrook at a Town Board meeting held on December 28, 1984, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 28th day of December, 1984, directed that a public hearing be held on the 22nd day of January, 1985, at 8:30 P.M., and,

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on January 8, 1985, 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 December 19, 1984, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on January 22, 1985;

NOW, THEREFORE, be it

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RESOLUTION NO. (45-1985) Continued

RESOLVED, that Local Law No. 2, entitled: "A LOCAL LAW TO REGULATE AND RESTRICT PARKING IN AREAS DESIGNATED AS COMMUTER PARKING LOTS"

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	Aye
Councilman William J. Carey	Aye
Councilman Edward J. Lettre	Aye
Councilman John R. Maloney	Aye
Councilman Charles E. Holbrook	Aye

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

Seconded by Co. Maloney

Co. Maloney stated that he would vote to table item #1 based on some facts that he would like to make doubly sure of on grades and department heads.

RESOLUTION NO. (46-1985)

TABLING MEMORANDUM OF UNDERSTANDING REGARDING UPGRADES - CSEA PERSONNEL

Co. Maloney offered the following resolution:

RESOLVED, that the resolution to confirm the memorandum of understanding regarding upgrades described in the report of the Town of Clarkstown negotiating team dated January 19, 1985 is hereby tabled.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

RESOLUTION NO. (47-1985)

AMENDING SALARY SCHEDULE TO CORRECT SALARY OF ROBERT ROSS

Co. Maloney offered the following resolution:

RESOLVED, that the 1985 Salary Schedule is hereby amended to correct the salary of Robert Ross - Environmental Control Inspector III - Environmental Department - to read \$33,185.

Seconded by Co. Holbrook

All voted Aye

Supervisor Dusanenko moved a resolution to amend the 1985 salary schedule for the Director of Finance and Budget Officer. There was no second.

RESOLUTION NO. (48-1985)

GRANTING USE OF TOWN LAW #280A - GARY MASON

Co. Maloney offered the following resolution:

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RESOLUTION NO. (48-1095) Continued

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control and Superintendent of Highways, a building permit for the erection of a one-family residence may be issued to Gary Mason for property situate on the west side of Lenox Avenue 820 feet south of Tremont Avenue in the hamlet of Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 126, Block C, Lot 15, provided, however, the certified owner shall be required prior to the issuance of such building permit to execute and record a declaration of covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

1. That the property owner shall acknowledge that no town services consisting of maintenance, paving or snow removal shall be provided along Lenox Avenue.

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

3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of Lenox Avenue to 50 feet in width.

4. That any deed of conveyance for the subject premises shall be subject to the declaration of covenant provided herein.

5. That the certificate of occupancy issued for said premises shall be conditioned upon and subject to observance of the declaration of covenant provided herein, and be it

FURTHER RESOLVED, that before the issuance of a Building Permit the owner or his agent shall cause the following items to be completed to the satisfaction of the Director of the Department of Environmental Control:

1. Owner agrees to remove at his expense the twenty-four inch oak tree at the end of the gravel roadway on Lenox Avenue if deemed necessary during construction.

2. Owner shall provide a turn-around at the end of Lenox Avenue.

3. Owner shall provide a sanitary sewer house connection, including spur, at no cost to the Town of Clarkstown.

4. Upon completion of the construction of the dwelling, the owner shall restore the entire length of Lenox Avenue from Tremont Avenue to the satisfaction of the Director of the Department of Environmental Control.

Seconded by Co. Lettre

All voted Aye

RESOLUTION NO. (49-1985)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REPLACE
YIELD SIGN ON BUTLER AVENUE
WITH A STOP SIGN

Co. Carey 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 replace the Yield sign on Butler Avenue at Lenox Avenue, Congers, with a Stop sign, and be it

RESOLUTION NO. (49-1985) Continued

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. Maloney

All Voted Aye

RESOLUTION NO. (50-1985)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL (1) FIRE HYDRANT ON THE EAST SIDE OF DEMAREST MILL ROAD

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install one (1) fire hydrant on the East side of Demarest Mill Road approximately 570 feet south of Hydrant #21-109, West Nyack.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (51-1985)

AUTHORIZING EXPENDITURE TO BE PAID TO PHILIP FURGANG, ESQ. SPECIAL COUNSEL - \$2,169.29 NOT TO EXCEED \$49,399.04. CHARGED TO ACCOUNT NO. A 1420-409

Co. Maloney offered the following resolution:

RESOLVED, that the authorized expenditure contained in Resolution No. 1150 of December 27, 1983, to be paid to PHILIP FURGANG, ESQ., Special Counsel, be increased by \$2,169.29 to a total not to exceed \$49,399.04, said sum to be charged to Account No. A 1420-409.

Seconded by Co. Lettre

All voted Aye

RESOLUTION NO. (52-1985)

GRANTING CERTIFICATES OF REGISTRATION

Co. Maloney offered the following resolution:

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 83-65 of the Code of the Town of Clarkstown:

HICKS EXCAVATING CORP.
WALTER F. HICKS
Chester Avenue
Congers, New York 10920

JOHN FEHSAL
Thiells Road
Box 108
Stony Point, New York 10980

SAGAR CONTRACTING INC.
FRANK J. STRITMATER, JR.
10 Esquire Road
Unit No. 3
New City, New York 10956

HY-DYNAMIC EQUIPMENT
STRAWTOWN BUILDERS, INC.
d/b/a
CEDRIC GARLICK
311 Strawtown Road
New City, New York 10956

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RESOLUTION NO. (52-1985) Continued

NOW THEREFORE, be it

RESOLVED, that the following Certification of Registration be issued:

No. 85-8 issued to Sagar Contracting Inc.
(Frank J. Stritmater, Jr.)

No. 85-9 issued to Hy-Dynamic Equipment-Strawtown Builders, Inc. (Cedric Garlick)

No. 85-10 issued to John Fehsal

No. 85-4 issued to Hicks Excavating Corp.
(Walter F. Hicks)

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (53-1985)

AUTHORIZING TOWN ATTORNEY
TO DEFEND A PROCEEDING -
SUPER VALUE, INC.

Co. Maloney offered the following resolution:

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

In the Matter of the Application #1842 of Super Value, Inc. of 53 Main Street, Spring Valley, New York for a use variance pursuant to the provisions of Section 106-10 A, Table 11, Column 4 of the Zoning Ordinance of the Town of Clarkstown to permit the construction of a gas station and convenience store (existing gas station to be removed and gasoline pumps to be relocated on the site.),

Petitioner,

-against-

The Zoning Board of Appeals of the Town of Clarkstown; Elizabeth J. Squillace; Edward Graybow, Penny Leonard, Joseph Maraia, David Kraushaar, William Niehaus, Catherine McDougall and Gerald D. Colucci as the Building Inspector of the Town of Clarkstown,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Carey

All voted Aye

RESOLUTION (No. 54-1985)

AUTHORIZING ATTENDANCE AT
INTERMEDIATE PROFESSIONAL
PUBLIC BUYER COURSE - LARRY
KOHLER

Co. Maloney offered the following resolution:

RESOLVED, the the Director of Purchasing is hereby authorized to attend the Intermediate Professional Public Buyer Course offered by the National Institute of Governmental Purchasing to be given in Oneonta, NY on March 5-8, 1985, and be it

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RESOLUTION NO. (54-1985) Continued

FURTHER RESOLVED, that all proper expenses be charged to account A1010-414.

Seconded by Co. Carey

All voted Aye

RESOLUTION (NO. 55-1985)

AWARDING BIDS TO BLISS TILE & RUBBER CO., JASON UNIFORMS, FRANK MURKEN, INC.

Co. Maloney offered the following resolution:

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

BID #11-1985
WORK CLOTHING

is hereby awarded to

BLISS TIRE & RUBBER CO.
536 ROUTE 9W
UPPER NYACK, NY 10960

JASON UNIFORMS
200 SO. 13TH AVENUE
MT. VERNON, NY 10550

FRANK MURKEN, INC.
95 DAHLIA ST. BOX 1083
SCHNECTADY, NY 12306

as per attached schedule of prices.

Seconded by Supervisor Dusanenko

All voted Aye

RESOLUTION NO. (56-1985)

AMENDING RESOLUTION NO. 1222-1984 AND AWARDING BID #4-1985 CRUSHED STONE TO TILCON QUARRIES AND RINGWOOD QUARRY

Co. Maloney offered the following resolution:

RESOLVED, that resolution number 1222-1984 is hereby amended to read...

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.
PO BOX 362
HAVERSTRAW, NY 10927

RINGWOOD QUARRY
960 BURNT MEADOW ROAD
HEWITTT, NY 107421

as per the following schedule

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RESOLUTION NO. (56-1985) Continued

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

MATERIAL	TILCON	RINGWOOD
3/8" CRUSHED STONE		12.10 TON
2 1/2" " "		9.90 "
1 1/2" " "		9.90 "
3/4" " "		10.45 "
5/8" " "		10.45 "
1/4" " "		12.60 "
SCREENINGS	8.65 TON	
ITEM 4		9.90 "
SHOULDER STONE	9.90 "	
SURGE STONE	10.00 "	

(B) FOB PLANT-LOADED INTO TOWN TRUCKS

MATERIAL	TILCON	RINGWOOD
3/8" CRUSHED STONE	10.65 TON	
2 1/2" " "		5.80 TON
1 1/2" " "	8.15 "	
3/4" " "	8.55 "	
5/8" " "	8.55 "	
1/4" " "	10.65 "	
SCREENINGS	5.65 "	
SHOULDER STONE.....	6.90 "	
ITEM #	7.40 "	
SURGE STONE	7.00 "	

Seconded by Supervisor Dusanenko

All voted Aye

RESOLUTION NO. (57-1985)

AWARDING BIDS FOR ATHLETIC SUPPLIES TO CHAMPION PRODUCTS, INC., PASSON'S SPORTS, MORLEY ATHLETIC SUPPLY CO., INC., KENMAR, SUPRINA'S SPORTLAND, MILLMAN'S T-SHIRT FACTORY, BSN CORP., SPORTMASTER, PATCHOGUE SURGICAL CO., INC., TODD PHELPS SPORTING GOODS, ELLIOTT MORRIS CO., INC., CLEATS n'SNEAKS LTD.

Co. Maloney offered the following resolution:

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

1. Champion Products, Inc., P.O. Box 87, Perry, NY 14530, for items 75, 76, 79, 80, 81, 82, 83, 84 as per specifications, at a net bid price of \$3,991.80.
2. Passon's Sports, 1017 Arch Street, Philadelphia, Pa. 19107, for items #24, 42, 47, 52, 56, as per specifications at a net bid price of \$398.70.
3. Morley Athletic Supply Co., Inc., 208 Division St., P.O. Box 557, Amsterdam, New York 12010, for items #19, 21, 35, 38, 48, 58, 60, 78-female, at a net bid price of \$2,632.12.

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RESOLUTION NO. (57-1985) Continued

4. Kenmar, 1578 White Plains Rd., Bronx, NY 10462, for items #65a, 65b, 66a, 66b, 71, 67, 68, 69a, 69b, 70, 74, 77a, 77b as per specifications, at a net bid price of \$8,128.80.

5. Suprina's Sportland, P.O. Box 756, Melville, NY 11747, for items #26, 36, 39-36" dia., 59 as per specifications, at a net bid price of \$879.68.

6. Millman's T'shirt Factory, 778 Main Street, Poughkeepsie, NY 12603, for items 72, 73, as per specifications, at a net bid price of \$390.00.

7. BSN Corp., Box 7726, Dallas, Tx 75209 for items #5, 6, 8, 9, 14, 20, 29, 54b, 34-36" dia., 40, 41, 44, 45, 50, 50a, 63a, 63b at a net bid price of \$1,766.98.

9. Sportmaster, P.O. Box 9060, Pittsburgh, Pa. 15224, for items 23a, 23b, 25, 34-72" dia., 53, as per specifications, at a net bid price of \$1,859.64.

10. Patchogue Surgical Co., Inc., 199 Main Street, Sayville, L.I., N.Y. 11782, for item #10 as per specifications, at net bid price of \$19.20.

11. Todd Phelps Sporting Goods, 1945 Palmer Ave., Larchmont, NY 10538, for items #1, 2, 4, 7, 11, 12, 13, 15, 16, 17, 22, 30, 31, 32, 33, 39-30" dia., 49, 71, 51, 62, as per specifications at a net bid price of \$1,901.56.

12. Elliott Morris Co., Inc., P.O. Box 164, Lynn, MA. 01903-0264, for items #28a, 28b, as per specifications, at a net bid price of \$1,716.12.

13. Cleats n'Sneaks Ltd., 201 W. Rte. 59, Nanuet, NY 10954, for items #18, 43, 46, 55, 61, 78-male, as per specifications at a net bid price of \$605.90.

GROSS TOTAL FOR ALL ITEMS: \$24,290.50

BE IT FURTHER RESOLVED, that this amount (\$24,290.50) be charged against accounts:

7140-307 ..	\$	333.00
7141-329	\$	3,474.99
7180-307	\$	2,835.88
7180-329	\$	18.05
7310-307	\$	10,888.36
7310-329	\$	5,615.72
7610-329	\$	50.82
7620-329	\$	1,073.68
	\$	<u>24,290.50</u>

BE IT FURTHER RESOLVED, that no bids awarded to item #3, 27, 57, 64, 85, 86, 87.

Seconded by Supervisor Dusanenko All voted Aye

RESOLUTION NO. (58-1985)

AWARDING BID #5-1985
CUSTODIAL & MAINTENANCE
SUPPLIES TO HALBRO CONTROL,
ZEP MANUFACTURING CO., NEW
JERSEY FLOOR SUPPLY, KBS
CHEMICAL CO., TWI-LAC
CHEMICAL CO., ROSEBRAND
WIPERS, INC., E.A. MORSE &
CO. HUDSON SANITARY SUPPLY
CO., AETNA JANITORIAL
SUPPLY, QUICK CHEMICAL CO.,
BURKE SUPPLY CO.

ABE664

RESOLUTION NO. (58-1985) Continued

Co. Maloney offered the following resolution:

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

BID #5-1985
CUSTODIAL & MAINTENANCE SUPPLIES

is hereby awarded to the following suppliers as per the schedule of items/prices on file in the Purchasing Department

Halbro Control
2090 Route 110
Farmingdale, N.Y. 11735

E.A. Morse & Co.
11-25 Harding St.
Middletown, N.Y. 10940

Zep Manufacturing Co.
10 Fadem Road
Springfield, N.J. 07081

Hudson Sanitary Supply Co.
5 Burres Court
Stony Point, N.Y. 10980

New Jersey Floor Supply
1044 River Rd.
Edgewater, N.J. 07020

Aetna Janitorial Supply
137 N. Main Street
Spring Valley, N.Y. 10977

KBS Chemical Co.
P.O. Box 351
Oceanside, N.Y. 11572

Quick Chemical Co.
3 Ellen Street
Spring Valley, N.Y. 10977

Twi-Lac Chemical Co.
76 Grand Avenue
Brooklyn, N.Y. 11205

Burke Supply Co.
880 Meeker Ave.
Brooklyn, N.Y. 11222

Rosebrand Wipers, Inc.
517 West 35th Street
New York, N.Y. 10001

Seconded by Supervisor Dusanenko

All voted Aye

RESOLUTION NO. (59-1985)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #14, 1985 -
SPRING AND SUMMER
RECREATION BROCHURE

Co. Maloney offered the following resolution:

RESOLVED, that the DIRECTOR OF PURCHASING is hereby authorized to advertise for bids for:

BID #14, 1985
PRINTING OF 1985
SPRING AND SUMMER RECREATION BROCHURE

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, February 7, 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. Carey

All voted Aye

RESOLUTION NO. (60-1985)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #15-1985,
BITUMINOUS CONCRETE

RESOLUTION NO. (60-1985) Continued

Co. Maloney offered the following resolution:

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

BID #15-1985
BITUMINOUS CONCRETE

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, February 15, 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. Carey

All voted Aye

RESOLUTION NO. (61-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #16-1985, HIGHWAY SIGNING & ROAD SUPPLIES

Co. Maloney offered the following resolution:

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

BID #16-1985
HIGHWAY SIGNING & ROAD SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A. M. on Tuesday, February 19, 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. Carey

All voted Aye

RESOLUTION NO. (62-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #17-1985, FIRST AID SUPPLIES

Co. Maloney offered the following resolution:

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

BID #17-1985
FIRST AID SUPPLIES

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, March 1, 1985, at which time bids will be opened and read, and be it

Continued on Next Page

ABE664

RESOLUTION NO. (62-1985) Continued

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

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (63-1985)

AUTHORIZING THE DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #18-1985, THREE USED REFUSE COMPACTORS FOR HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #18-1985
THREE (3) USED REFUSE COMPACTORS
FOR CLARKSTOWN HIGHWAY DEPT.

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, February 25, 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. Carey

All voted Aye

RESOLUTION NO. (64-1985)

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT RE: AMBULANCE SERVICE

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown is presently receiving emergency ambulance service by contract from the four ambulance corps which serve within the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown wishes to continue to contract for such ambulance service;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form approved by the Town Attorney with the following ambulance corps in order to provide for emergency ambulance service to the Town of Clarkstown for the calendar year 1985, which ambulance corps are to receive the sums set forth below in quarterly installments for their services during the year 1985:

TOTAL FOR 1985

Congers-Valley Cottage Volunteer Ambulance Corps, Inc. \$ 85,431.00

New City Volunteer Ambulance Corps/Rescue Squad, Inc. 83,000.00

Continued on Next Page

RESOLUTION NO. (64-1985) Continued

Nanuet Community Ambulance Corps, Inc.	158,700.00
Nyack Community Ambulance Corps	45,640.00

Seconded by Co. Maloney All voted Aye

RESOLUTION NO. (65-1985)	AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT TO PROVIDE FOR A COMMUNITY PARKING LOT IN CONGERS
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Co. Holbrook offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Katherine Travaglini, Administratrix of the Estate of Joseph J. Travaglini, to provide for a community parking lot at the corner of Congers Lake Road and Whitman Street, Congers, New York, as more particularly described in the agreement to be signed by the parties, and be it

FURTHER RESOLVED, that the rental fee for the use of the community parking lot shall be equivalent to the property taxes for the portion of the property covered by the agreement.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (66-1985)	AUTHORIZING TOWN ATTORNEY TO INSTITUTE AN ACTION - JOHN AND CONNIE RUSSO
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Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to commence any and all legal actions against JOHN RUSSO and CONNIE RUSSO to enjoin their continued interference with a certain drainage easement of the Town of Clarkstown over property owned by them, and directing them to restore said easement to its original condition to the satisfaction of the Superintendent of Highways and Department of Environmental Control.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (67-1985)	AUTHORIZING ATTENDANCE AT SEMINAR - DETECTIVES ROBERT McDERMOTT AND WILLIAM ENGELBRACHT AND EXPENSES NOT TO EXCEED \$175.00 BE CHARGED AGAINST ACCOUNT A1010-414
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Co. Maloney offered the following resolution:

RESOLVED, that Detectives Robert McDermott and William Engelbracht are hereby authorized to attend Easter Regional Missing Persons Seminar on January 23rd and 24th, 1985 in Atlantic City, New Jersey and

FURTHER RESOLVED, that all necessary expenses not to exceed \$175.00 be charged against Account A1010-414.

Seconded by Co. Carey All voted Aye

ABE664

RESOLUTION NO. (68-1985)

AUTHORIZING ATTENDANCE AT
PROGRAM - JOHN COSTA -
EXPENSES: \$55.00 PLUS
TRAVEL AND OTHER EXPENSES
AND CHARGED TO ACCOUNT NO.
1010-404

Co. Carey offered the following resolution:

RESOLVED, that John A. Costa is hereby authorized to attend a program on January 24 and January 25, 1985, at the New York Hilton sponsored by the New York State Bar Association, Municipal Law Section, for the sum of \$55.00, plus travel and other necessary expenses, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to account No. 1010-414

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (69-1985)

AUTHORIZING ATTENDANCE AT
PROGRAM FORUM - JO ANNE
OLDENBURGER, RECREATION -
EXPENSES NOT TO EXCEED
\$325.00 AND CHARGED AGAINST
APPROPRIATION ACCOUNT A
7310-414

Co. Maloney offered the following resolution:

RESOLVED, that Jo Anne Oldenburger, Recreation Supervisor, is hereby authorized to attend the National Recreation and Parks 3rd Annual Innovative Program Forum from January 22, 1985 to January 24, 1985, in Hershey, Pennsylvania, and

FURTHER RESOLVED, that all necessary expenses not to exceed \$325.00 be charged against Appropriation Account A 7310-414.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (70-1985)

AUTHORIZING USE OF
SHOWMOBILE - ANCIENT ORDER
OF HIBERNIANS

Co. Maloney offered the following resolution:

WHEREAS, the Ancient Order of Hibernians has requested use of the Town of Clarkstown showmobile on Sunday, March 17, 1985, for the Annual St. Patrick's Day Parade in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Ancient Order of Hibernians to use the Town of Clarkstown showmobile on Sunday, March 17, 1985, for the above purposes subject to the provision of the necessary insurance policies.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (71-1985)

AUTHORIZING SUPERVISOR TO
APPLY FOR PERMIT FROM
N.Y.S. DEPT. OF
TRANSPORTATION RE: CAMELOT
SUBDIVISION. TOWN ATTORNEY
TO DRAW UP LETTER FOR
SUPERVISOR'S SIGNATURE

RESOLUTION NO. (71-1985) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution dated January 24, 1984, expressed a desire that the New York State Department of Transportation grant a permit for the subdivision known as "Camelot" to have access to New York State Route 304 as shown on said subdivision map preliminarily approved, and

WHEREAS, by resolution dated January 24, 1984, the Town Board has indicated its intention to accept dedication of the streets in said subdivision when all legal requirements of the subdivision are fulfilled and completed to the satisfaction of the Town of Clarkstown and all other requirements of law respecting such dedication have been fulfilled;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to apply for a permit from the New York State Department of Transportation for the improvement of New York State Route 304 where the Camelot Subdivision will have access provided, however, that all costs of the improvements and applicable fees shall be paid by the developer. Town Attorney to draw up letter for Supervisor's signature.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (72-1985)

AUTHORIZING SUPERVISOR TO
ENTER INTO AN AGREEMENT RE:
STREET STUBS, CLARKSTOWN
CENTRAL SCHOOL DISTRICT

Co. Maloney offered the following resolution:

WHEREAS, the Clarkstown Central School District is the owner in fee of two street stubs which are extensions of Beechwood Drive and Lakeland Avenue, acquired by said school district when property for the Lakewood Elementary School was acquired, and

WHEREAS, the Clarkstown Central School District has offered to gratuitously dedicate these street stubs to the Town of Clarkstown subject to an agreement for repaving of same.

NOW, THEREFORE, upon the recommendation of the Superintendent of Highways and the Director of the Department of Environmental Control, the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into an agreement with the Clarkstown Central School District which provides for dedication of said street stubs, and be it

FURTHER RESOLVED, that a deed of conveyance, in a form acceptable to the Town Attorney from the Clarkstown Central School District, is hereby accepted and ordered recorded in the Rockland County Clerk's Office, with the costs of such payable by the Clarkstown Central School District, and be it

FURTHER RESOLVED, that a certified copy of this resolution be provided by the Town Clerk to the District Clerk of the Clarkstown Central School District.

Seconded by Co. Holbrook

All voted Aye

ABE664

RESOLUTION NO. (73-1985)

APPROVING REDUCTION IN AMOUNT OF PERFORMANCE BOND NO 100742 TO \$15,000- NARLAN DEVELOPMENT CORP.

Co. Maloney offered the following resolution:

WHEREAS, a Performance Bond No. 100742 NARLAN DEVELOPMENT CORP., as Principal, and INTEGRITY INSURANCE COMPANY as Surety, dated July 12, 1984, in the amount of \$92,710.00 covering the improvements and other facilities as shown on the Final Plat of LAKEWARD ESTATES filed in the Rockland County Clerk's Office on July 24, 1984, was furnished to the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has reported that said Bond No. 100742 may be reduced to \$15,000.00 as much of the work has been completed to Town specifications;

NOW, THEREFORE, BE IT

RESOLVED, that Performance Bond No. 100742 be reduced to \$15,000.00

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (74-1985)

ACCEPTING PROPOSAL FOR ADDITIONAL LIGHTING AT CONGERS LAKE PARK

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown Parks Board and Recreation Commission has requested additional lighting to be installed at Congers Lake Park, Gilchrest Road, Congers, and

WHEREAS, Orange and Rockland Utilities, Inc. submitted a proposal dated December 20, 1984 for additional lighting at Congers Lake Park, and

WHEREAS, Edward J. Ghiazza, Supt. of Recreation and Parks has reviewed this proposal and is in agreement with the additional lighting as proposed,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the proposal dated December 20, 1984 for additional lighting at Congers Lake Park, as attached.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (75-1985)

ACCEPTING A PROPOSAL FROM ORANGE & ROCKLAND FOR STREET LIGHTING AT ARGOW PLACE, NANUET

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown Traffic and Traffic Fire Safety Advisory Board has recommended the installation of a street light on Argow Place, Nanuet to improve traffic safety,

NOW, THEREFORE, be it

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

RESOLUTION NO. (75-1985) Continued

Argow Place Nanuet
(1-9500 lumen sodium vapor - existing pole #59255/39420
1-9500 lumen sodium vapor - existing pole #59255/39403,
upgrade
1-7900 lumen mercury vapor - existing pole #59255/39403,
remove)

Seconded by Co. Holbrook All voted Aye

RESOLUTION NO. (76-1985)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND FOR
STREET LIGHTING AT THE
FOLLOWING LOCATIONS: RIDGE
ROAD, LOUISE PLACE, SIDNEY
DRIVE, STORMS ROAD,
THORNWOOD DRIVE, VON BEASTE
LANE, RADIAL DRIVE

Co. Maloney offered the following resolution:

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

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

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

NOW, THEREFORE, be it

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

- Ridge Road (at intersection Highway Avenue), Congers
(1 - 5800 lumen sodium vapor - existing pole #60)
- Olin Drive Spring Valley
(1 - 5800 lumen sodium vapor - existing pole #58330/40645
1 - 5800 lumen sodium vapor - existing pole #58340/40641)
- Louise Place Spring Valley
(1 - 5800 lumen sodium vapor - existing pole #58338/40631
1 - 5800 lumen sodium vapor - existing pole #58340/40611,
upgrade
1 - 5800 lumen sodium vapor - existing pole #58344/40595,
upgrade
1 - 7900 lumen mercury vapor- existing pole #58340/40611,
remove
1 - 7900 lumen mercury vapor- existing pole #58344/40611,
remove)
- Sidney Drive Spring Valley
(1 - 9500 lumen sodium vapor - existing pole #58369/40578)
- Storms Road Valley Cottage
(1 - 5800 lumen sodium vapor - existing pole #60634/40508
1 - 5800 lumen sodium vapor - existing pole #130)
- Thornwood Drive New City
(1 - 5800 lumen sodium vapor - existitng pole #59116/41763)
- Von Beaste Lane Congers
(1 - 5800 lumen sodium vapor - existitng pole #2)
- Radial D - Route 303/59 interchange, West Nyack
(1 - 27500 lumen sodium vapor - existing pole #60522/39923,
upgrade
1 - 27500 lumen sodium vapor - existing pole #60539/39908,
upgrade
1 - 27500 lumen sodium vapor - existing pole #60494/39885,
upgrade

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RESOLUTION NO. (76-1985) Continued

- 1 - 7900 lumen mercury vapor- existing pole #60522/39923, remove
- 1 - 7900 lumen mercury vapor- existitng pole #60539/39908, remove
- 1 - 7900 lumen mercury vapor- existing pole #60494/39885, remove)

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (77-1985)

ACCEPTING A PROPOSAL FROM
ORANGE AND ROCKLAND FOR
STREET LIGHTING AT GOEBEL
ROAD, NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown Traffic and Traffic Fire Safety Advisory Board has recommended the installation of a street light on Goebel Road at Scher Drive, New City, to improve traffic safety,

NOW, THEREFORE, be it

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

Goebel Road New City
(1 - 5800 lumen sodium vapor - existing pole #59958/42463)

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (78-1985) FAILED

ELIMINATING THE POSITION OF
DEPUTY SUPERVISOR FROM LIST
FOR ATTENDANCE AT THE
ASSOCIATION OF TOWNS
CONVENTION

Co. Lettre offered the following resolution:

RESOLVED, that the position of Deputy Supervisor is hereby eliminated from the list approved for attendance at the Association of Town Convention.

Seconded by Co. Carey

On roll call, the vote was as follows:

- Co. Carey.....Yes
- Co. Holbrook.....Abstained
- Co. Lettre.....Yes
- Co. Maloney.....No
- Supervisor Dusanenko...No

Co. Lettre said that his rationale for voting yes on this resolution is that if in fact the Deputy Supervisor, which has been since I've been on the Board one of the individuals listed whether it be an elected official or an appointed official, that they would be able to be there anyway and if it isn't anyone of these people then it would be someone from the outside that would not be involved in the day to day operations of the Town and my personal opinion is that it wouldn't be necessary for them to be there.

RESOLUTION NO. (79-1985)

AUTHORIZING ATTENDANCE AT
ASSOCIATION OF TOWNS
VARIOUS OFFICIALS AND
DEPARTMENTS

Co. Lettre offered the following resolution:

RESOLVED, that Supervisor Theodore R. Dusanenko is hereby designated as delegate to the Association of Towns Convention, and be it

FURTHER RESOLVED, that Patricia Sheridan, Town Clerk, is hereby designated as alternate delegate to the Association of Towns Convention, and be it

FURTHER RESOLVED, that the following:

Supervisor, Deputy Supervisor, Councilmen, Superintendent of Highways, Town Attorney, Comptroller, Town Assessor, Receiver of Taxes, Town Clerk, Secretary to the Town Board are hereby authorized to attend the Association of Towns Convention to be held in New York City on February 17, 18, 19, and 20, 1985 and expenses incurred by the aforementioned be made proper Town Charges, and be it

FURTHER RESOLVED, that the following:

Building Inspector (or designees of the Building Department)
Director of Environmental Control or designees of the
Environmental Control Department
Superintendent of Parks and Recreation
Doris Fogel, Comptroller's Office
Town Justices
Deputy Town Attorneys and Paralegal Specialist
Dolores Lodico, Comptroller's Office
Director of Purchasing
Members of the Zoning Board of Appeals
Members of the Planning Board

are hereby authorized to attend the Association of Towns Convention to be held in New York City on February 17, 18, 19, and 20, 1985 for trips during their regular work hours, and the daily expenses incurred by the aforementioned during these work hours be made proper Town charges, and be it

FURTHER RESOLVED, that these officials are encouraged to car pool to reduce mileage expenses, and the respective vouchers submitted for this purpose shall not only reflect miles travelled, but also passengers within the vehicle.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (80-1985)

ACCEPTING TOWN BOARD
MEETING MINUTES OF NOVEMBER
3, NOVEMBER 27, AND
DECEMBER 28, 1984 AND
JANUARY 2, 1985

Co. Carey offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meetings of November 3, November 27, and December 28th, 1984 and January 2, 1985, are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (81-1985)

AUTHORIZING THE DELETION OF
MINI-BUS SERVICE ON

ABE664

MEMORIAL DAY, FOURTH OF
JULY AND LABOR DAY FOR THE
YEAR 1985

Co. Carey offered the following resolution:

WHEREAS, the Town Mini-Trans system does not provide services on New Year's Day, Christmas Day and Thanksgiving Day due to unusually low ridership, and

WHEREAS, Joseph Lewis, Director of Mini-Trans, has analyzed that during the past year Memorial Day, Fourth of July and Labor Day have also experienced drastically reduced ridership,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the deletion of Mini-Bus service on Memorial Day, Fourth of July and Labor Day for the year 1985.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (82-1985)

RESCINDING RESOLUTION NO.
1215 OF 1984 AND
AUTHORIZING THE
TRANSCRIPTION OF ZONING
BOARD OF APPEALS TAPES FROM
PUBLIC HEARINGS

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 1215 of 1984 is hereby rescinded, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain the services of court stenographers to transcribe the tapes of the public hearings in connection with the following matters for a sum not to exceed \$3,500.00:

ALMI NANUET ASSOCIATES v. BOARD OF APPEALS
CARL LANDGREN and KATHERINE LANDGREN v. ELIZABETH J.
SQUILLACE, et al
SUPER VALUE, INC. v. BOARD OF APPEALS

and be it

FURTHER RESOLVED, that all fees for the above shall be charged to Account No. B 8010-459.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (83-1985)

AUTHORIZING THE SPLITTING
OF ELECTION DISTRICTS #10
AND #39 INTO #10 AND #75
AND #39 AND 76 RESPECTIVELY

Co. Maloney offered the following resolution:

WHEREAS, it appears that it is in the public interest and desirable that Election Districts No. 10 and 39 of the Town of Clarkstown be adjusted to more accurately reflect population;

NOW, THEREFORE, be it

RESOLVED, that Election District No. 10 is hereby split into Election District No. 10 and Election District No. 75 and

Continued on Next Page

RESOLUTION NO. (83-1985) Continued

Election District No. 39 is hereby split into Election District No. 39 and Election District No. 76, as shown on the attached map and street listing, and be it

FURTHER RESOLVED, that the Department of Environmental Control is hereby authorized to prepare a map to reflect this division.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (84-1985)

AUTHORIZING AN ADDITIONAL APPRAISAL REPORT FOR PROPERTY OWNED BY AMERICAN CYANAMID DESIGNATED ON TAX MAP AS MAP 13, BLOCK D, LOT 23.01, FOR A SUM NOT TO EXCEED \$4,500.00 AND CHARGED TO ACCOUNT NO. 1420-409

ABE664

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to hire an appraiser to prepare an additional appraisal report in connection with the proposed acquisition of property owned by American Cyanamid located in Nanuet, New York, in the vicinity of the Nanuet Railroad Station, designated on the Clarkstown Tax Map as Map 13, Block D, Lot 23.01, for a sum not to exceed \$4,500.00, without further Town Board authorization, and be it

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

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (85-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO PROVIDE FOR ADDITIONAL SECURITY AT THE NANUET THEATRE -GO-ROUND COMMUTER PARKING LOT, NANUET

Co. Holbrook offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized and directed to provide for additional security services at the Nanuet Theatre-Go-Round Commuter Parking Lot, Nanuet, New York, as required and consistent with the requirements of the General Municipal Law Section 103, and be it

FURTHER RESOLVED, that upon provision for such security services being duly made, the Director of Purchasing is hereby authorized to terminate the emergency security arrangements provided for by Resolution No. 1017 adopted on October 23, 1984.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (86-1985)

AUTHORIZING PARKS BOARD AND RECREATION COMMISSION AND STAFF MEMBERS TO ATTEND

THE 14TH ANNUAL
METROPOLITAN REGIONAL MINI
CONFERENCE ON FEB. 2, 1985
IN SUFFERN, NY - \$20.00 PER
PERSON - CHARGED AGAINST
APPROPRIATION ACCOUNT A
7020-414

Co. Maloney offered the following resolution:

RESOLVED, that all members of the Clarkstown Parks Board and Recreation Commission in addition to staff members, as authorized by the Superintendent of Recreation and Parks, are hereby authorized to attend the 14th Annual Metropolitan Regional Mini Conference on Saturday, February 2, 1985, in Suffern, New York, at a cost of \$20.00 per person to be charged against Appropriation Account A 7020-414.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (87-1985)

AUTHORIZING TOWN ATTORNEY
TO TAKE NECESSARY STEPS TO
COLLECT \$147.00 FROM NORMA
AND HARVEY SHEER

Co. Carey offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including legal action, to collect the sum of \$147.00 from NORMA AND HARVEY SHEER to cover the cost of Parks Board and Recreation fees.

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (88-1985)

REAPPOINTING SAMUEL NEWMAN,
TO THE POSITION OF MEMBER -
CONDOMINIUM INFORMATION
BOARD - EFFECTIVE AND
RETROACTIVE TO JANUARY 1,
1985 AND TO EXPIRE ON
DECEMBER 31, 1991

Co. Maloney offered the following resolution:

RESOLVED, that Samuel Newman, 57 C Heritage Drive, New City, New York, is hereby reappointed to the position of Member - Condominium Information Board - to serve without compensation - term effective and retroactive to January 1, 1985 and to expire on December 31, 1991.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (89-1985)

REAPPOINTING SAMUEL NEWMAN
TO POSITION OF CHAIRMAN -
CONDOMINIUM INFORMATION
BOARD - EFFECTIVE AND
RETROACTIVE TO JANUARY 1,
1985 AND TO EXPIRE ON
DECEMBER 31, 1985

Co. Maloney offered the following resolution:

RESOLVED, that Samuel Newman, 57C Heritage Drive, New City, New York - is hereby reappointed to the position of Chariman -

RESOLUTION NO. (89-1985) Continued

Condominium Information Board - to serve without compensation - term effective and retroactive to January 1, 1985 and to expire on December 31, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (90-1985) APPOINTING BARBARA FRANCIS,
SPECIAL STUDIES INTERN -
COMPTROLLER'S OFFICE

Co. Maloney offered the following resolution:

RESOLVED, that Barbara Francis, 7 Peach Tree Terrace, New City, New York, is hereby appointed to serve in a training program as a Special Studies Intern - Comptroller's Office - without compensation - effective and retroactive to January 7, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (91-1985) CREATING DUMP ATTENDANT
POSITION - SANITARY LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 31, 1984 that the position of Dump Attendant - can be created,

NOW, therefore, be it

RESOLVED, that the position of Dump Attendant - Sanitary Landfill - is hereby created - effective and retroactive to January 21, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (92-1985) APPOINTING JOSEPH BENDIG
III TO POSITION OF DUMP
ATTENDANT - SANITARY
LANDFILL

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Bendig III, 400 Schuyler Road, P.O. Box 758 Central Nyack, New York, is hereby appointed to the position of Dump Attendant - Sanitary Landfill - at the current 1985 salary of \$15,348., effective and retroactive to January 21, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (93-1985) APPOINTING NICHOLAS LOFARO
TO THE POSITION OF LABORER
- SANITARY LANDFILL

Co. Maloney offered the following resolution:

RESOLVED, that Nicholas Lofaro, 5 Dorchester Avenue, New City, New York is hereby appointed to the position of Laborer -

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RESOLUTION NO. (93-1985) Continued

Sanitary Landfill - at the current 1985 salary of \$12,926., effective and retroactive to January 21, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (94-1985) APPOINTING ANGELO PUMA TO
THE POSITION OF (TEMPORARY)
CUSTODIAL WORKER -
MAINTENANCE DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that Angelo Puma, 4 Hickory Drive, Nanuet, New York is hereby appointed to the position of (temporary) Custodial Worker - Maintenance Department - at the current 1985 salary of \$12,388., effective and retroactive to January 21, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (95-1985) CREATING POSITION OF
CUSTODIAL WORKER (NIGHTS) -
MAINTENANCE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on January 9, 1985 that the Custodial Worker position - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Custodial Worker (Nights) - Maintenance Department - is hereby created - effective and retroactive to January 14, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (96-1985) APPOINTING RAYMOND A.
DEFOREST, CUSTODIAL WORKER
(NIGHTS) - MAINTENANCE
DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that Raymond A. DeForest, 22 Old Brick Road, New City, New York, is hereby appointed to the position of Custodial Worker (Nights) - Maintenance Department - at the current 1985 salary of \$13,627., effective and retroactive to January 14, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (97-1985) ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (MICHAEL PAGANO)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Michael Pagano, 44 Caroline Drive, New City, New York as Crossing Guard - Police Department - is hereby accepted, effective and retroactive to January 1, 1985.

Seconded by Co. Cary All voted Aye

RESOLUTION NO. (98-1985) ACCEPTING RESIGNATION CAROL NOVELLINA, CROSSING GUARD, POLICE DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Carol Novellina, 92 West Clarkstown Road, New City, New York as Crossing Guard - Police Department - is hereby accepted, effective and retroactive to January 15, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (99-1985) APPOINTING LYNN DELROSARIO - CROSSING GUARD (SUBSTITUTE) POLICE DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that Lynn DelRosario, 19 Friend Street, Congers, New York is hereby appointed to the position of Crossing Guard (Substitute) - Police Department - at the rate of \$5.00 per post covered, effective and retroactive to January 9, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (100-1985) GRANTING SICK LEAVE OF ABSENCE AT HALF PAY - EVELYN CLARK

Co. Maloney offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., and based upon the recommendation of the Police Commission and Chief Schnakenberg, Evelyn Clark, 15 Stern Place, Congers, New York - Dog Control Officer - Police Department - is hereby granted a Sick Leave of Absence at one-half pay, effective and retroactive to January 14, 1985, not to exceed one month.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (101-1985) APPOINTING LOREEN D. COSTA, - YOUTH COMMISSION MEMBER (STUDENT)

Co. Maloney offered the following resolution:

RESOLVED, that Loreen D. Costa, 351B Boxberger Road, Valley Cottage, New York is hereby appointed to the position of Youth Commission Member (Student) - to serve without compensation - term to commence on January 23, 1985 and to expire on December 31, 1985.

Seconded by Co. Carey All voted Aye

RESOLUTION NO. (102-1985) CREATING TWO POSITIONS OF HIGHWAY MAINTENANCE SUPERVISOR I - HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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RESOLUTION NO. (102-1985) Continued

WHEREAS, the Rockland County Personnel Office has certified on January 17, 1985 that two (2) positions of Highway Maintenance Supervisor I - can be created,

NOW, THEREFORE, be it

RESOLVED, that two (2) positions of Highway Maintenance Supervisor I - Highway Department - are hereby created - effective January 23, 1985.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (103-1985)

CERTIFYING THAT FOUR
POSITIONS OF MOTOR
EQUIPMENT OPERATOR II -
HIGHWAY DEPARTMENT IS
CREATED

Co. Maloney offered the following resolution:

RESOLUTION NO. (103-1985) Continued

WHEREAS, the Rockland County Personnel Office has certified on January 22, 1985 that four (4) positions of Motor Equipment Operator II - can be created,

NOW, THEREFORE, be it

RESOLVED, that the four (4) positions of Motor Equipment Operator II - Highway Department - are hereby created - effective January 23, 1985.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (104-1985)

APPOINTING THOMAS E.
BOURKE, MEMBER - PARKS
BOARD AND RECREATION
COMMISSION FILLING
UNEXPIRED TERM OF NED MEARA

Co. Maloney offered the following resolution:

WHEREAS, there is a vacancy in the position of Member - Parks Board and Recreation Commission,

NOW, THEREFORE, be it

RESOLVED, that Thomas E. Bourke, 19 Hereford Lane, New City, New York is hereby appointed to the position of Member - Parks Board and Recreation Commission - to serve without compensation - (to fill the unexpired term of Ned E. Meara) term to commence on January 23, 1985 and to expire on August 15, 1985.

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (105-1985)

ESTABLISHING PART-TIME
SALARIES FOR PARKS AND
RECREATION

Co. Maloney offered the following resolution:

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RESOLUTION NO. (105-1985) Continued

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Supt. of Recreation and Parks that the following 1985 part-time salaries be established:

<u>PART-TIME</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Recreation Aide.....	\$ 3.35/hr.	\$ 4.00/hr
Recreation Aide (Umpire-depending upon sport/length of game time)...	7.00/game...	8.00/game
Recreation Assistant.....	3.50/hr.....	7.25/hr.
Recreation Leader.....	5.25/hr.....	10.00/hr.
Recreation Specialist.....	5.25/sess...	20.00/session
Refreshment Stand Attendant I.....	3.35/hr.....	4.25/hr.
Refreshment Stand Attendant II.....	3.75/hr.....	7.00/hr.
Lifeguard.....	4.00/hr.....	4.75/hr.
Head Lifeguard.....	5.25/hr.....	6.25/hr.
Water Safety Instructor.....	6.00/hr. ...	6.50/hr.
Head Water Safety Instructor.....	6.75/hr.....	7.25/hr.
Laborer-Student.....	3.35/hr.....	4.75/hr.
Groundswoker (L).....	4.00/hr.....	6.75/hr.
Custodial Worker (Seasonal) (L).....	4.00/hr.....	6.00/hr.
Swim Area Supervisor (Seasonal).....	\$7,000/season	\$10,000/season
Refreshment Stand Manager (Seasonal)...	\$3,000/season..	\$ 4,500/season
Senior Recreation Leader (Seasonal)...	\$3,500/season..	\$ 5,000/season
Senior Recreation Activity Specialist (Seasonal).....	\$2,500/season..	\$ 3,500/season
Senior Recreation Leader (Sr. Citizen Director Part-time)...	\$6,960/year....	\$10,000/year

Seconded by Co. Carey

All voted Aye

RESOLUTION NO. (106-1985)

ESTABLISHING HOURLY RATE FOR EILEEN SHINE, PART-TIME TYPIST - HIGHWAY DEPARTMENT

Co. Lettre offered the following resolution:

RESOLVED, that the hourly rate for Eileen Shine, 9 Cider Mill Court, New City, New York - part-time Typist - Highway Department - is \$5.00 - effective and retroactive to January 21, 1985.

Seconded by Co. Carey

On roll call the vote was as follows:

- Co. Carey.....Yes
- Co. Holbrook.....Yes
- Co. Lettre.....Yes
- Co. Maloney.....Yes
- Supervisor Dusanenko...Abstained

RESOLUTION NO. (107-1985)

AUTHORIZING TOWN ATTORNEY TO DEFEND ACTION (REISS V. WAITZMAN)

Co. Holbrook offered the following resolution:

WHEREAS, an action has been instituted against Hon. Harry Waitzman Town Justice for the Town of Clarkstown entitled as follows:

RESOLUTION NO. (107-1985) Continued

JONATHAN REISS,
Plaintiff,

-against-

HARRY WAITZMAN,
Defendant.

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.

RESOLUTION NO. (108-1985) GRANTING CLAIRE DEERY, TOWN CLERK'S OFFICE - PART-TIME EMPLOYEE - \$9.00 PER HOUR

Co. Carey offered the following resolution:

RESOLVED, that Claire Deery, 3 Wheatstone Road, New City, New York - Town Clerk's Office - is hereby granted an increase in salary to \$9.00 per hour part-time effective and retroactive to January 1, 1985.

Seconded by Co. Holbrook

On roll call, the vote was as follows:

Co. CareyYes
Co. Holbrook.....Yes
Co. Lettre.....Yes
Co. Maloney.....Yes
Supervisor Dusanenko.....Abstained

RESOLUTION NO. (109-1985) APPOINTING MARIE GERONIMO TO FILL THE VACANCY OF THE RECEIVER OF TAXES

Co. Carey offered the following resolution:

RESOLVED, that Marie Geronimo, 55 Bluebird Drive, Congers, is hereby appointed to fill the vacancy of the Receiver of Taxes, effective February 16, 1985, 12:01 A.M.

Seconded by Co. Lettre

On roll call, the vote was as follows:

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

There being no one further wishing to be heard and no further business to come before the Town Board, the Supervisor adjourned the meeting, time: 1:45 A.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

251

Town Hall

1/22/85

8:53 P.M.

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

RE: SPECIAL PERMIT TO CONDUCT A GROUP HOME - SUMMIT SCHOOL

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing. Town Attorney stated that he had an affidavit of publication from the Journal News and an affidavit of service of the notice of public hearing upon the municipalities and other entities required to receive notice.

Mr. Costa stated that he also had correspondence in his file to Donald Holnick, Esq. the attorney for the applicant requiring him to advise the surrounding residents by service of the notice of public hearing.

Mr. Costa said he had correspondence dated April 9, 1984 from the Traffic Advisory Board. He said Mr. Ted Ehrlich was present this evening; he is a traffic consultant and engineer; and he will make certain information available to the Town Board. Supervisor asked if he had been retained by the Town Board and John Costa replied in the affirmative. Supervisor asked if Mr. Ehrlich had a written report and Town Attorney said he did not think a written report was available at this time. He said he was prepared to make an oral report to the Town Board.

Supervisor said that since the main reason for this repeated hearing was to have a traffic consultant give a report would it be proper to hear him first and Mr. Costa said he thought it would be proper to have the petitioner make his presentation first.

Supervisor asked if the Director of Summit School was present and if they would come forward and make their presentation.

Appearance: Donald Hulnick, Esq.
54 Main Street
Tarrytown, New York

Mr. Hulnick said he agreed with the supervisor in that the purpose of this hearing was outlined by the court. The judge's decision limits and constrains this hearing to the last paragraph of its decision. This is a presentation to make certain findings. The resolution of the Town Board denying petitioner's application for special permit be and the same is hereby vacated, annuled and set aside and the matter is remitted to the Town Board for further proof of the impact, if any, that the proposed group home would have on existing traffic conditions in the vicinity of the proposed group home in question or for the issuance of the special use permit which petitioners seek with any factually supported conditions the Town Board in its discretion may impose. The purpose of this meeting is as outlined by the court. He said they are following the decision of the court.

Mr. Hulnick said that Judge Meehan in his decision of September 28, 1984 states that the application was a special proceeding by way of Article 78 to set aside the Town Board's denial of the petitioner's application. Answers and briefs were submitted by all parties and the court notes that the petitioner was at the time of the commencement of this proceeding was the lessee and contract purchaser of certain premises located in an R-40 zone in the Town of Clarkstown. The court said pursuant to the General Use Regulations of the Zoning Ordinance there are in addition to uses permitted by right, certain other uses permitted by permit and one

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of these is an agency group home. Petitioner is desirous of operating an agency group home at the premises and pursuant to Section 106.14 of the Zoning Ordinance special findings are to be made by the Town Board. He said it was stated that the special use must not cause traffic problems or create a traffic hazard.

At the time of the first hearing the Town Board referred the application to the Planning Board and the Planning Board made recommendations to the school as to what would have to be done to comply. The School agreed and thereafter the public hearing was held by the Town Board at which time Mr. Cosentino addressed the Board with respect to the application. The result was that the Board found that the location is not suitable for the issuance of a special permit because the location is on a busy town road in an area where sight distances are poor and ingress and egress to the group home will cause hazardous conditions for the residents of the group home. The court said that the Board's decision was arbitrary and capricious and devoid of any basis in fact.

After carefully reviewing the minutes of the Public Hearing which gave rise to the resolution the court is in agreement with the petitioner's petition. Mr. Hulnick said that the court agreed with the petitioner and felt there should be a reversal of the denial of the Board with respect to the application.

The court comments on the very points being considered tonight. New Hempstead Road on which the premises front is a county road in Rockland County. Prior to the Town Board denying the special permit the County Planning Board stated in writing that they had no objections to a group home as long as there was adequate parking. Mr. Hulnick said the petitioner is ready to comply with the recommendations of the Clarkstown Planning Board.

The Rockland County Planning Board stated that the group home is deemed to have no negative impact on nearby municipalities, county or state roads. This was stated in writing and was part of the record on which the court made its decision. Both of these agencies tend to negate the possibility of hazard and the court is left with the minutes of the Town Board hearing to justify the denial of this permit. The court found there was nothing in the minutes to justify the denial.

In responding to the claim that the road in front of the proposed group home was a heavily travelled road with poor sight distances, the court stated that this cannot justify the denial of the petitioner's special permit since a single family residence would obviously be just as susceptible to the hazards as would a group home. In the absence of proof that this group home would have any greater impact on the traffic in the area than other permitted uses the court is constrained to grant petitioner relief. The court, therefore, reversed the Town Board's decision and set it down for reviewing the impact of the group home on existing traffic conditions.

Appearance: Mr. Thomas Cosentino, Director
Child Care Services

Town Attorney John Costa swore in Mr. Cosentino. Mr. Cosentino said the group home application had been processed by the Summit School through him and it would be his responsibility and he would answer to the Board of Directors. Mr. Cosentino stated that he had been involved in this program for thirteen years. He has a B.S. Degree and has taken numerous courses and been involved in seminars dealing with this question for many years.

Mr. Cosentino said he was familiar with all aspects of the application and this was made on behalf of nine boys between the ages of 14 and 18 years of age who would reside at the house on New Hempstead Road. The home would be supervised by the Department of

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Social Services of Rockland County and Westchester County. Anyone residing there would be referred by Rockland County and if there were vacancies after that they would be referred by Westchester County. If other vacancies existed after that they would be referred by other areas of the State of New York. It was made very clear throughout this application that the home would probably be confined to residents of Rockland County as there was a demonstrated need for such a facility. There are presently 15 children who are enrolled in this program from Clarkstown. These are not delinquent kids or criminals or dangerous people. They need intensive services which parents, schools, etc., cannot provide. If anything, these kids are dangerous to themselves as some of them have made suicidal gestures. They would have had to have some clearance from the program they were involved with before this so that they would not be suicidal at the time they were placed in this home. These are basically depressed, despondent kids who are not functioning in the community at large.

Mr. Hulnick said everything which Mr. Cosentino stated now is a repeat of what has been stated and presented before.

Mr. Cosentino gave a description of the operation of the proposed home. There would be a minimum of two people working three shifts to supervise the children. These children have families and some of them go home every weekend. They are all working toward going home to live with their families for good.

Mr. Cosentino said that any problems which might arise regarding traffic would be attended to by Summit School and they are agreeable to those conditions.

Mr. Cosentino discussed the ingress and egress specifically mentioning the times which they would leave and return to and from school. Children involved in after school activities might not return until dinner time. They would be transported in a station wagon. The people working shifts would come and go at various times (he mentioned two cars entering and leaving at the beginning and end of each shift as an example). There would be no intermediate comings and goings unless a child became ill at school and had to be taken home. They would occasionally be taken to a movie or some other activity in the evening but this would generate no more traffic than a normal home.

Mr. Cosentino said a supervisor might drop by or a social worker might come once or twice a week but not much traffic would be generated by that. There would be a few cars there at any given time.

Mr. Hulnick presented the decision of Judge Meehan as Exhibit 1.

Mr. Costa asked Mr. Cosentino if any of the children would have drivers' licenses and be permitted to operate any of the vehicles? They might have a driver's license but are not permitted to operate any vehicles while in residence. They may be permitted to drive by their parents while visiting at home, however. As to deliveries to the home, Mr. Cosentino said they would expect this home to operate no differently than any other home.

Mr. Costa asked Mr. Cosentino to describe generally the problems of the children who would be in residence. Mr. Cosentino said these are children who are no longer functioning. These are children who have become sufficiently depressed so that they are unable to take advantage of life as other kids do. They are withdrawn, don't attend programs, don't attend regular school and are withdrawing in many ways.

Mr. Cosentino said they would not have a truancy problem as they would be transported back and forth and supervised.

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Mr. Costa asked if they would be delinquent and have trouble in the classroom. Would they need greater supervision than most children?

Mr. Hulnick objected to this area of questioning as they were by court order only allowed to be questioned regarding traffic and traffic hazards. Mr. Costa repeated his questions regarding truancy and behavior after assuring the Board that the need for such questions would shortly be seen. Mr. Cosentino again repeated that these are children who had withdrawn and were not attending school and therefore Mr. Costa's questions were really not applicable to these kids. These children, when they did attend, were not acting up and demanding attention. These were the children who hid out and had to be found.

Mr. Costa made a remark regarding acting out. Mr. Cosentino objected as he had made it very clear that these children were not the type of kid who "acted out." Mr. Hulnick again objected to this line of questioning.

Councilman Lettre said that the petitioner had at least a half hour to present their side and now he wanted the people to be heard. Supervisor Dusanenko said that Mr. Cosentino was certainly allowed to be advised by his counsel. Mr. Cosentino stated that all of this testimony had been gone into before and was a matter of record.

Mr. Costa asked if these children continued to exhibit the same behavior after admittance to the home as they did before.

Mr. Cosentino said if someone is going to live in a group home they would have to be able to handle community living. They would not be people who are "acting out" or out of control but people who can't enter into a home situation with whatever mix was there which created their problems. It exists in some families and we cannot explain why but we try to treat it. Mr. Cosentino said they would not have in the group home anyone who was delinquent. This is a voluntary agency. No one is taken who does not want to come. All must agree that they want to come and want to be there. We have had in one year 30 to 35 vacancies and have had 500 referrals. That is for the institution program. He stated that they are very selective and repeated again that they do not take dangerous, delinquent or "acting out" people.

Mr. Costa asked if the problems of these students lead to a need for greater supervision of them more than the average individual. Mr. Hulnick noted his continual objection and stated that Mr. Costa was well aware of the mandate of the court with respect to this hearing. He stated that Mr. Costa is trying to create a new hearing and inserting matters which are not before the Board. He is befogging the issue. He stated that at this point Mr. Cosentino would not answer questions which are not germane unless they can be reasonably connected.

Mr. Costa stated that if the questions are not answered the applicant is doing so at his own risk. Mr. Costa said given the nature of the problems which force these children to come into the program do these students have an increased tendency to want to go off alone, to leave the premises, to go outside and wander around the ground.

Mr. Hulnick instructed his client, Mr. Cosentino not to answer the question.

Mr. Costa said it did have a bearing on the issue. Mr. Hulnick said that Mr. Costa had not expressed in any way that this is connected with the issue before this hearing nor had Mr. Costa attempted to do that.

Mr. Costa said the issue is the increased hazard, if any, which would be presented should Summit School be located at

this site. Mr. Hulnick said the issue is whether this would cause undue traffic congestion or create a traffic hazard and you are not addressing yourself to that issue.

Mr. Costa said he wanted to know if these children are more likely to wander about in public than children who do not have the need for Summit School services?

Mr. Hulnick instructed Mr. Cosentino to answer only if this question had a bearing on traffic congestion or traffic hazard and would be germane to that issue.

Mr. Cosentino said there are presently 110 children in this community during the day. (He was speaking here about the school located on North Broadway.) These are kids who can lead that kind of life. He said he was trying to parallel that with 110 children there has never been a traffic problem on North Broadway. It was his assumption that with 9 kids living in a home on New Hempstead Road there would be no impact on the traffic. These children would probably wander about less than other children.

Mr. Costa asked if given suicidal tendencies and other problems mentioned, would these children take greater risks than other types of children?

Mr. Cosentino was again advised Mr. Hulnick that if this had some bearing on traffic he could answer.

Mr. Costa said would such children be more likely to run across the street, exhibiting more risk taking behavior than the average child?

Mr. Cosentino said he had already answered that - with 110 children now - there is no such problem.

Councilman Lettre asked about the number of children in residence and in school in Upper Nyack. Mr. Cosentino said there were 110 in the school and 85 in the residence. Councilman Lettre asked if there had been any problems with the community in that area and Mr. Cosentino said nothing that had not been discussed in April (a lady with a loud radio). Councilman Lettre asked if there had been any instance in Upper Nyack when the police or local authorities had to be called to the school or to a location for any disturbance caused by residents or children attending the school?

Mr. Cosentino said there was one instance but he said these questions were again leading to a discussion of an institution program. Councilman Lettre asked again if the police had to be called in for any reason and Mr. Cosentino said not for anything having to do with traffic.

Mr. Cosentino said he would not answer that question. Mr. Hulnick said the answer would be directed to the fact that they were discussing a group home facility differently composed than is existent in the Summit School at its main residence in Upper Nyack and there is no relationship between the two.

Councilman Lettre said it was his understanding that it was run by the same organization and is supervised by the same basic people who would be supervising this home.

Mr. Hulnick said that was not correct. There is an umbrella organization but the supervision of the group home would be administered by a separate program and directly administered by group home leaders in conjunction with the Department of Social Services of Rockland County and the Committee on the Handicapped.

Councilman Maloney asked if these children could be termed "mentally retarded" and Mr. Cosentino said they are learning

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disabled and some of them are exceptionally bright. They are not "mentally retarded". Councilman Maloney asked if any of these children would be PINS (persons in need of support) and Mr. Cosentino said no. They do not take children directly from the court. They would be taken through the Committee on the Handicapped or through the Department of Social Services of Rockland or Westchester Counties. It would be a strictly voluntary thing. Pins are kids who are not voluntary and who are fighting everybody and their parents take them to court to get some assistance. These are not the kids who would come to Mr. Cosentino's organization.

Councilman Holbrook stated that Mr. Cosentino had stated that there had never been a traffic problem but on April 9, 1984 the Traffic and Traffic Fire Safety Advisory Board said "We strongly object to this request for a special permit on this site. Due to the severity of the grade of New Hempstead Road, cars and buses entering and exiting this site would create a serious and dangerous hazard for all."

Mr. Cosentino said his recollections were from attending the Town Board Meeting which was then referred to the Planning Board Meeting and from the Planning Board Meeting then to a Public Hearing. He said he would have to look at this recommendation as he had no recollection of it. There had never been anything from the Town Board Meeting, the Planning Board Meeting or the Traffic Consultant to the Town Board. It was passed by everyone including County agencies as well.

Councilman Carey said that Rockland County would be Number 1 on the acceptance of these children and Westchester County would be Number 2. Where would you then go - what locality?

Mr. Cosentino again repeated that it would be Rockland, then Westchester, then upstate New York and Long Island. They do not have a contract with New York City and do not accept from them.

Supervisor asked if there was anyone present in favor of this proposed group home.

IN FAVOR:

Appearance: Mr. Fred Hager
Kings Highway
Valley Cottage, New York

Mr. Hager asked what happens to human beings. He described his early childhood and stated that he had been raised in an orphanage. He urged all residents to take the time to think things through. He said these are children who need help. Every family is a "group home". He stated that all families with children at one time or another have problems and some are similar to the ones of the children in this proposed group home. This was returned by the judge not for a question of substance but for a charade - a traffic problem. The people living in the area will have the same traffic problems as this proposed home. He wanted everyone to be honest and not pretend that they were considering the safety of the proposed residents of the home.

He said we just do not want to live with anyone who is a little different from ourselves. That is what happened in Nazi Germany when a small group of people in power decided who was acceptable and who was not. He said people who think that way had better look in the mirror because they might see that they do not fit the criteria. In the United States of America we have the right to live wherever we please. We have people who need help and he thanked God that there were people such as these petitioners who were willing to extend themselves and help these people.

Mr. Hager closed by saying that "As children of God we have a right to be accepted and yes, even loved."

Appearance: Ms. Judy Friedman
New City Condominiums
New City, New York

Mrs. Friedman stated that she had a niece who had gone to the Summit School. The niece was emotionally handicapped and would not go to school. Mrs. Friedman said that these children are not dangerous and the school is wonderful for them as it helps them over the rough spots.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to the proposed group home.

IN OPPOSITION

Appearance: Mr. Bill Zabriskie
460 Phillips Hill Road
New City, New York

ABE664
He stated he had lived at the above location since 1948. He is a professional engineer and a former chairman of the Clarkstown Planning Board. He mentioned a letter dated January 16, 1985 he had written to the Supervisor and copies of which he had mailed to each member of the present Planning Board. He felt it was irresponsible of the Summit School to plan a group home at such a dangerous location. He discussed traffic statistics at the location and said a reasonable estimate would be at least 16,000 vehicles pass the location. There are no sidewalks, no curbs, no shoulders of any kind to provide safety for walkers. He gave a detailed description of the property in question. He mentioned previous applications which had been denied because of the safety hazard. He also asked if an environmental assessment had been filed and if it had could that be made available. If it had not been filed, why not?

He stated that if a group home were established the Town would have little or no control over its activities. He asked that the history of Summit School in Nyack be examined with regard to this. He felt it was unthinkable that the Board entertain this location and he urged that the request be denied.

Appearance: Mr. Joseph Pantano
South Little Tor Road
New City, New York 10956

Mr. Pantano asked some questions to which he requested answers in the attorney's summary. He mentioned the difference in the traffic between the location in Upper Nyack and the one in question. He did not consider the areas in question from which these children would come as local areas. He questioned the drug problems, if any. He questioned the incidence of police calls to the Summit School in Upper Nyack. He mentioned the traffic problem on New Hempstead Road. He requested that an earlier traffic survey of the area be made available as a part of these minutes, if possible. He wanted to know if any of these individuals will be using public transportation. He said most people in the audience want people in their neighborhoods who will conform to the neighborhood. He said if the residents in the area are assured that these children will not be problem or a danger and that the traffic situation will not be a problem then perhaps the residents would go along with the proposal but until then they are opposed. When your rights interfere with other's rights then your rights cease. People have a right not to live in fear of their neighbors.

Appearance: Ms. Judith Kessler DiMario

She stated that there had been a group home at that location and there had been no problem. What there is a problem with is the traffic on New Hempstead Road. She showed flares which

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she keeps in her front hall and uses when there are very bad conditions such as snow and ice. They have been used over a dozen times in dangerous situations on New Hempstead Road. She said it was irresponsible to locate other people's children there when no one in their right mind would place their own children in that location. The driveway to this proposed home is probably the worst on the whole hill. She mentioned various problems associated with entering and leaving driveways in the area.

Appearance: Ms. Winona Zabriskie
460 Phillips Hill Road
New City, New York 10956

She discussed the traffic problems in the area and their relation to the proposed group home location. She stated that she has resided in the area for the past thirty-seven years. She has requested solutions to the area's traffic problems with Town and County officials and been told that if she had a solution they would be more than happy to try it. She mentioned various items which they felt would be more hinderance than help. She mentioned all of the commuters on their way to work and students on their way to school. She also mentioned the amount of heavy trucking on the road at various times during the day. A group home such as the one proposed would be comparable to a mini-hotel requiring many more services than a private home. All of this would take place below a blind crest of New Hempstead to the west, on an exceedingly steep down grade hill to the east and directly opposite the horrendous intersection of Phillips Hill Road. For a group home to be situated here would be similar to compounding a felony in her opinion.

Appearance: Mr. Milton Heilweil
Phillips Hill Road
New City, New York 10956

He said this was not a question of whether we want the neighbors but it is a safety problem. Already existing problems would be increased in the area. He discussed the intersection of Phillips Hill Road and New Hempstead Road. He said speeding lunatics in the area are a normal occurrence. This dwelling under discussion has been vacant for about four or five years. He stated that he believed that children should live in groups homes, when necessary, but they should also be safe in doing so. The crest of the hill and the home in question are in a very dangerous relationship.

Appearance: Ms. Robin Taronji
Valley Cottage, New York

Ms. Taronji read the following letter submitted on behalf of her mother, Mrs. Gail Molter:

"Members of the Town Board, Mr. Supervisor:

My name is Gail Molter and I am the owner of the adjoining property to the one now under discussion. I wish to address you on the issue of safety.

I was present at the last public hearing in May 1984 and spoke about the number of near miss auto accidents that occur on this section of New Hempstead Rd. directly in front of the property at 285 New Hempstead Rd. These never become part of the statistics. Vehicles, both cars and trucks, regularly end up on the front lawns of both my property and that of the Holland's (the current own (sic) of 285).

The situation was bad 5 years ago when the Hollands last lived in the house. On several occasions they put cement blocks across my front lawn to try to stop vehicles which were taking evasive action to avoid an accident from going on their property.

This situation has not improved in the interim. It has gotten worse as traffic flow has increased.

Another point I wish to make is the fact that the front boundary survey stakes for both the Holland's property and my own are in the macadam of the road. That means anyone walking to or from the house at 285 would have to walk in the road to avoid trespassing across my property. Unfortunately this is at a point where traffic coming over the crest of the hill would not see a person, or vice versa, until it was too (sic) late to take evasive action.

It is also a fact that a full sized school bus parked in front on this house, to pick up or discharge children, cannot be seen until a car clears the crest of the hill. This leaves very little time or distance to stop to avoid a serious accident.

The last point I wish to make concerning safety has nothing to do with traffic but concerns the property itself. The house is built on one acre of land of which approximately 1/2 is unusable. The reason is that there is a sheer drop on the east side of the house. This area is also wooded and has been left that way in the past to help prevent erosion. I feel this has a dangerous potential especially for emotionally disturbed youths, who at times of depression may have self destructive urges. The addition of a retaining wall would not alleviate the situation and may just become a means of drawing the youths to the area.

For these reasons, plus the fact that the traffic flow on New Hempstead Rd. is not just passenger cars, but full size buses, large trucks, and construction equipment, plus large tractor trailers and tank trucks, to name a few, I feel this location to be a poor choice for the type of residence proposed.

I ask that the Board again uphold its original decision to deny use of this property as a residence to the Summit School.

Respectfully,

Gail Molter"

This was notarized by
Judith Gormley)

Supervisor Dusanenko declared a recess at this point which lasted from 10:20 to 10:35 P.M.

Appearance: Mr. Robert Murphy
461 Phillips Hill Road
New City, New York 10956

Mr. Murphy reiterated some of the traffic statistics referred to by others speaking this evening. He stated that this house was obviously built prior to the existence of any zoning and building laws. Others have suggested that this house be bought by the Town and torn down in order to have a traffic loop made so that a safe turn could be made onto New Hempstead Road or on to Phillips Hill Road which would alleviate some of the problems. This, used in conjunction with a traffic light, would make much more sense than subjecting nine children to a possible accident.

Appearance: Ms. Florence Dovas
21 West Clarkstown Road
New City, New York

Ms. Dovas stated that she has written to the Zoning Board and to the Supervisor. She just wanted it on the record that

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she appeared tonight and was opposed to this group home at this address. She is not opposed to group homes in general but just to this location. She said she did not realize that this hearing was limited just to traffic as there are many more questions residents in the area would like to address.

Appearance: Ms. Mary Ann Murphy
460 Phillips Hill Road
New City, New York 10956

She stated that she bought her home two years ago because she had been told that New City was a very good area in which to buy a home. Supposedly the homes are very easy to sell here. The home at 285 New Hempstead Road hasn't sold and one wonders why. We know now why because it is a very hazardous location. She did not want them to take an already dangerous area and make it even more hazardous. She wanted the Board to take a look and see if they could not make the area safer for everyone there and not add to the existing problems.

Appearance: Mr. Vic DiChiaro
289 New Hempstead Road
New City, New York 10956

Mr. DiChiaro said he has lived here since 1969. He has lost about 8 mailboxes due to the traffic. His wife has repeatedly asked the Highway Department to see what can be done and they have answered what suggestions do you have? He hoped that no one would be killed in that location especially any children.

Appearance: Ms. Mary Jackson
249 New Hempstead Road
New City, New York 10956

Ms. Jackson also discussed the dangers inherent on New Hempstead Road. She said that she could attest to the speed of cars going up the hill. She stated that if there was a car anywhere in the vicinity she was unable to back out of her driveway. It is an extremely dangerous area. 10A was not in existence when she bought her house but now that it is there the area has become an absolute zoo. For young children or teenagers she felt this was a terribly irresponsible thing to do.

Town Attorney then swore in Mr. Theodore Ehrlich, who stated that he resided at 534 Anderson Avenue in Woodridge, New Jersey.

Mr. Ehrlich stated that he had been a traffic and transportation engineer for approximately twenty-five years and had a bachelors and masters in Civil Engineering with a speciality of transportation and he has completed his course work toward a doctorate in transportation. He said he has worked for public agencies and for private consultants. He is the founder and director of the Transportation Graduate Program at Manhattan College.

He said he had been asked to look at this application, investigate the site and the materials on record and to determine if the proposal would increase traffic at the site and increased traffic hazards at the site.

He said in consulting references available for this purpose it was his best judgement that a normal single family detached home would expect to see ten trip ends a day - that is five trips per day on the average. Based on what has been said on the record it would be his estimate that we could expect twenty-two trips per day or forty-four trip ends. This would generate in the neighborhood of four times the amount of traffic which a single family home would. This would be somewhere on the order of seventeen extra trips per day. In terms of traffic capacity this is a small amount - the road can handle that amount.

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He stated that he did not have a site layout available to him when he wanted to investigate the internal design of the site. He did see a copy of what exists but not what is proposed. The record states that the applicant will improve ingress and egress and will provide space for the turning of a vehicle on the property. School buses will have to be dealt with as a station wagon cannot legally be used for that many students. Students, if qualified, will go to local schools. School authorities have the legal right not to have a stop at a dangerous point and this location would seem to be extremely hazardous. Therefore, if a bus is used it would have to enter the site, turn around and come back out again. The Town Board should determine that there would be sufficient turning facilities at the site. A public school bus is not permitted to enter private property, however, so there would have to be a bus stop for these children further down the hill and the children would have to walk down the hill to the location or across the road to the existing bus station on Phillips Hill Road.

With regard to traffic safety he looked at accident history at the site, sight distance considerations on the site and in regard to both questions it has been stated that there is a problem there. That has not been contested so an extensive investigation was not done. This is an extremely hazardous location. Distance from the driveway to the crest of the hill is approximately 100 to 120 feet which figures will be important later in this discussion.

He then referred to photographs which he has placed on a display board and which showed New Hempstead Road approaching the crest of the hill from the east and from the west. Recommendations had been made previously and hazard warning flashes were included in those recommendations. They would have to be quite high in the air but that would be the best recommendation so far. Stopping sight distance - basically the driver has to go through several processes in order to stop his vehicle properly. He has to perceive there is a problem, he has to decide that he must deal with the problem, he must deal with his emotions and then he must act. Those steps take the average driver 2-1/2 seconds. If the car is travelling at 30 miles per hour that is 44 feet per second so in 2-1/2 seconds the car will travel about 110 feet before deceleration takes place. There is a downhill grade so stopping the car from 30 miles per hour would take another 103 feet roughly. The stopping distance then is about 213 feet or 12 car lengths. The distance from the driveway to the crest of the hill is a little over 100 feet. This basically states the problem. If the obstacle is at the driveway location it will be hit or the driver will attempt to go around the obstacle. If he goes around on the right he will go on the lawn. If he goes around on the left he will go into the opposing traffic lane. Given the restricted sight distance at the site if there is an obstacle and the driver cannot take evasive action and the obstacle is at the driveway site, the obstacle will be hit.

If there are pedestrians in the area there are no sidewalks and walkers will be very close to the road surface. Drivers tend to shy away from people, dogs, etc. There may be someone on the side of the road and this would ordinarily force the driver into the opposing lane. Will this happen or won't this happen and that is the basic question to be answered here. As an engineer he stated he would be looking for the hazard. The children in this group home, if they stay on the property, there will be no hazards. If they leave the property as pedestrians there will be a hazard. It comes down to will they leave the property? Mr. Costa, in his questioning was attempting to elicit the information on whether or not these children will leave the property. He said given a certain set of facts he can only give an answer based on those facts.

He said that he could list some things that cause him to question the safety of a group home in this location. The residents

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of this home would have impairments that lead to a need for greater supervision than you would find in a normal home. They require services which families cannot provide. They have demonstrated suicidal gestures and are despondent. The home is staffed around the clock but there will be two people in the house in case someone stays home. There will be an extra vehicle beside the employee's. These are points that have arisen and must be considered when you ask about hazards.

As an engineer I would have to seriously question whether or not these children would leave the property, would walk along the shoulder, would act with due concern for their safety and others' safety in a very hazardous environment. He said he could not determine with any degree of certainty what would happen but he said he has dealt with people in the course of investigating accidents and there is a severe question here as to whether the extreme potential hazard will not be realized by the residents leaving the property and either crossing or walking on the road.

Mr. Costa asked if the proposed use as a group home would increase the hazard over that of use as a normal family residence. Mr. Ehrlich said given the number of teenage boys he felt that would be the case as they would certainly want to move around. There would certainly be increased pedestrian activity. Would these children, if told not to leave the property, obey?

At this point Mr. Hulnick questioned Mr. Ehrlich. He noted that Mr. Ehrlich was familiar with the decision of the court and stated that the judge was aware that this home would be on a heavily travelled road with generally poor site distances. On occasion this can be hazardous because of truck traffic and other traffic. Mr. Ehrlich answered in the affirmative. This is an extant condition because of the configuration of the road and traffic patterns in the County and in the Town of Clarkstown. With the addition of one house it is very difficult to determine just how much impact would be made on traffic on an heavily travelled road, is that correct?

Mr. Ehrlich said that was not difficult to ascertain.

Mr. Hulnick said in Mr. Ehrlich's review of ingress and egress to and from the property had he discovered that a driveway of a one family house on this particular highway, used by several children, would be very different than one used by children living in a group home? Mr. Ehrlich stated that he had reviewed over 1300 studies done giving statistics on a one family dwelling but not in this particular location.

Mr. Hulnick asked if Mr. Ehrlich had listened to the testimony of Mr. Cossentino regarding the arrival and departure of the residents and the staff who will service the residence? Mr. Ehrlich answered in the affirmative. Mr. Hulnick then asked Mr. Ehrlich to describe the differences between Mr. Cossentino's testimony and Mr. Ehrlich's findings on the comings and goings, traffic wise, of any other home in the area and not just Mr. Ehrlich's speculations regarding the same.

Mr. Ehrlich stated that the resident supervisory staff (two people - three shifts) would be twelve trip ends and then he mentioned their leaving for lunch. Mr. Hulnick said that they would not leave for lunch as they would, in effect, be living there and would eat with any of the children who might be at home. There was no mention made of anyone leaving for lunch. Mr. Ehrlich disagreed with that and said that if you are working for an eight hour period anywhere it is assumed that you can leave the premises for a lunch hour. There was some discussion regarding this.

Mr. Ehrlich went on to state that there would be twenty-four trip ends for the supervisory staff - twelve for work

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and twelve for other purposes during the day. The children might attend other local schools besides Summit School. Mr. Ehrlich said he could not accept the testimony that the nine children would leave in one station wagon as that would be unsafe. He would have to assume other numbers. There would be additional trips in and out for other activities. That would be approximately fourteen trip ends to and from school and to and from other normal activities.

It was ascertained that Mr. Ehrlich did not actually check the other homes on New Hempstead Road as to the trip ends for each family living on the street.

Mr. Ehrlich reiterated that there would also be service vehicles coming and going and additional supervisory personnel and visitors which would add up to the number of trip ends he projected. That would be approximately four times the number you would arrive at with a normal family home.

Mr. Hulnick asked if other families in the area allowed their children to walk along the street in this area? Mr. Ehrlich said it may be that other people do allow their children to walk on that road but it is extremely hazardous and there is a strong danger of their being killed or causing someone else to kill themselves. It was determined that this was a rolling road and the conditions which exist at this particular location do not exist anywhere else along that road.

Mr. Hulnick said that he objected to the submission of one particular picture as in no way did it reflect the property in question and from one particular picture there was no indication of the exact location and no house could be seen. In his opinion it was just a picture of a road.

Councilman Lettre asked Mr. Cossentino if the children living together would have a tight knit relationship and Mr. Cossentino replied that they would hope for that. Councilman Lettre said for example if one or two wanted to stroll to the candy store it can be assumed that the rest of the boys would want to go along. Mr. Cossentino said they might want to but that did not mean it would be allowed. If it would be that dangerous permission would be denied.

There was more discussion between Councilman Lettre and Mr. Hulnick regarding the possibility of the group of boys walking along New Hempstead Road. Mr. Hulnick said for permitted use on New Hempstead Road a family could move in with nine children and would the gentlemen on the Town Board want to interfere with the right of a permitted use under R-40 for parents to exercise their parental rights over their nine children. You cannot assume that the people in charge of this group home will act in a less responsible manner when they are placed in a position loco parentis than a normal family would.

Councilman Lettre stated that this group home requires a special permit to locate here and there are certain prerogatives or certain discretions that this Board has or the group home would not be applying. Mr. Hulnick said this was defined by the court and it is not left up to the total discretion of the Town Board. He said that they should decide the way Judge Meehan said and not the way the Councilmen want. We are constrained by the definitions of this decision. Mr. Hulnick said that the judge stated that the question to be raised here before the Board is will this create an increased hazard to existing traffic conditions and he said that no one had come close to establishing that.

Councilman Lettre said that a strong case had been presented for rejection of this group home and he would go in that direction. He said the bottom line is for the health, safety and welfare of all including the residents of the proposed home.

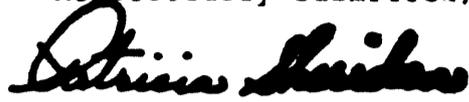
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PH - Group Home (Summit School) - New Hempstead Road
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On motion of Councilman Holbrook, seconded by Councilman
Maloney and unanimously adopted, the Public Hearing was closed,
time: 11:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/22/85

11:27 P.M.

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

RE: PROPOSED LOCAL LAWS RE: VETERANS' EXEMPTIONS & HOMESTEAD

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open.

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

Supervisor stated that we have a consultant present from Albany and also our Town Assessor, Mr. Ross Valenza.

Appearance: Mr. Robert Finnegan, President
Finnegan Associates.

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Mr. Finnegan stated that his company was undertaking the revaluation assessment update project in the Town of Clarkstown. At the request of Mr Valenza they have made some recommendations on the Veteran's exemptions. He said his company would set the values on which taxes would be paid in the future. There is no direct responsibility for exemption decisions which the Town Board makes. The veterans' exemptions are available at three levels - a low, a moderate and a high. He said if the Town opts for the exemption at the highest level they are stuck there. He stated that, therefore, they have recommended to the Town that the new exemption be implemented but at the lowest statutory maximum. It is a total unknown what this will do to the tax base as many new veterans will be eligible who were not eligible in the past. What kind of erosion of the tax base will take place is not known. You should not lock yourself into the maximum amount of exemption when you do not know what the tax base will be. Many new veterans will be eligible who were not eligible in the past. What kind of erosion of the tax base will take place is not known.

Our recommendation is that you opt for the lowest level and if the loss in tax base is acceptable to the town you can increase to the moderate or highest level in the future. He said they estimate the approximate loss in tax base with the veterans' exemptions is \$12,000,000.00. If the town were to opt for the maximum the loss in tax base would be \$96,000,000.00. He said his company feels the town should move gradually and step up to the higher level in the second or third year rather than lock yourself into the higher maximum right now.

With regard to Homestead he said his layman's understanding is that what is being discussed is an enabling local law. The Homestead allows the Town Board to freeze the relationship between the home and the non-residential property. For example if last year before the assessment update project the commercial industrial properties represented 40% of the tax base of the town, now as a result of the update they will only represent 30% and 10% is to be shifted over to the residential property - if the town wished to prevent that shift and leave the tax burden with the commercial industrial use to carry, the town has the option of doing nothing. This local law is simply setting up the mechanism so that the town can decide down the line whether or not they want to prevent taxes being shifted to the residential class.

It has been mentioned that if the Homestead option is used and if the town decides to hold the residential parcel harmless from any shift in tax burden from the other properties a by-product of that is that the condominium will be assessed at the

same rate as a single family dwelling. The two properties would be assessed in the same way and that is not the way it is being done now. Assessors are prevented from assessing condominiums in the same way as they assess a home. He said he had seen a flyer which stated that condominium taxes would go up 400% - which is totally erroneous. No one knows what the relationship will be but in neighboring Orangetown the tax base was nothing like that.

Supervisor asked if there was a time requirement on passing the Homestead exemption. He was answered in the affirmative. Supervisor said that is why we are doing this tonight. Once we have the figures in another two or three months but before the closing of the rolls in calendar 1985 if the Town Board makes a decision not to do it we do not have to pursue it. If we don't have the public hearing now and have the adoption of such now it would be loss. Mr. Finnegan said yes that was true.

Supervisor asked Town Assessor Ross Valenza if the assessed value increased in the vicinity of about \$20,000,000.00? Mr. Valenza said yes. Supervisor said if a full veterans exemption were to be granted a jump from \$12,000,000.00 to \$84,000,000.00 would mean the entire value of all the construction in the Town of Clarkstown for approximately the last four years - is that correct?

Supervisor said on those three levels alluded to would it be true that, regardless of which option is chosen, that every veteran who is currently receiving benefits would have more than they are presently receiving? Mr. Finnegan said that would not necessarily be correct and Mr. Valenza said probably about 95% of veterans receiving would be benefited.

Supervisor said would it also be true that there would be a fourth opportunity. Even though this public hearing is having it on three versions of the bill this is strictly voluntary and a veteran would have to apply sometime this calendar year to participate in one of these programs. If he does not opt to participate then whatever he presently has he keeps because that is guaranteed for a period of ten years. Then we really have four veterans options. These new veterans benefits would be expanded to anyone who served in the military service at any time. Mr. Finnegan said it gives far more consideration to Korean and Viet Nam veterans than the old law did.

Councilman Holbrook asked if a person is a widow or a widower of a veteran do they continue the benefit? Mr. Finnegan said yes - the unremarried surviving spouse. If the new one is adopted it would only be for the ten year period or whatever is left of the ten year period.

Appearance: Mr. Jack Cuff

Mr. Cuff asked if there was an accurate count of how many veterans reside in Clarkstown? Mr. Finnegan said the regional representative was present here but had to leave and the figure is not now available. Mr. Finnegan said there is an estimate for each municipality in the state. Mr. Cuff asked what the estimate was based on and Mr. Finnegan stated that it was based on a survey that had been done.

Mr. Cuff said when this legislation was proposed six or eight months ago he thought there would be some kind of census taken on the town level to establish how many people we are talking about. To his knowledge no survey was ever done. How can we arrive at a figure when we do not know how many people we are talking about? He wanted a valid answer based on facts not on guesstimates. When you are preparing to spend money you do an impact study.

Mr. Finnegan then stated based on a state survey there were 8,158 veterans living in Clarkstown. He said there are 3,000

veterans who now have exemptions. The state's estimate is that with the new law, if all veterans in town who qualify apply, that would be approximately 8,200 veterans. It was established that the new law applies to anyone who served during wartime; the old law applies to anyone who served at all. The pertinent dates included were given and these applied to all who were honorably discharged.

Appearance: Ms. Regina Connelly
23 Pacific Street
Nanuet, New York 10954

She said she was speaking for the older veterans. She enumerated previous benefits given to veterans and how their assessments were arrived at. She said if you had taken nothing you received nothing because the exemption arrived at was based on an accumulation of your past benefits. We are talking about line 2 of your tax bill only. She mentioned many people with whom she was familiar and who had never taken any benefits before. She was speaking on their behalf.

Supervisor said if the town or county did nothing 100% veterans benefit would have passed automatically by no action of the town. That is the posture of the Rockland County Legislature. On line 1 which Mrs. Connelly alluded to as far as county tax next year since their public hearing would have to be held before the end of this month that will be a fait accompli and county taxes, regardless of which town you live in, all veterans on their county taxes will have the maximum under this new bill. We are debating what portion of the town taxes there will be - 50%, 75% or 100% of which 95% of the veterans would have more in benefits than they currently have.

Appearance: Mr. Joseph Pantano
New City, New York

Mr. Pantano urged the Town Board to give the veterans the maximum benefit possible.

Appearance: Mr. Herb Gordon, County Commander
of the Jewish War Veterans
Nanuet, New York

He referred to the law as passed by the Assembly. If the full amount is allowed the statutory maximum would be \$12,000.00. That is based on a full assessment and come June you will not find a house assessed for less than \$100,000.00. With higher assessments the exemption doesn't mean much. To give the minimum would be an embarrassment.

Appearance: Mr. David Fromson
139 Brewery Road
New City, New York

Mr. Fromson said that there is not enough that can be done for the veterans who risked their lives and would risk their lives if called upon to fight for their country. He urged acceptance of the maximum and more.

Appearance: Mr. Seymour Dubbs

He referred to a letter from Mr. Valenza which states that he is proposing 100% assessment on all properties in the Town of Clarkstown. He discussed the history of condominiums and the way they could be assessed. If they are assessed at full market value, the senior citizens, the newlyweds, the young adults trying to find a place to live in Clarkstown will now be eradicated. He discussed the taxes paid by condominium owners and the services they receive. He also discussed all the services for which they pay. He discussed Homestead Exemption as it applies to

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condominiums, single family homes, apartments, etc. He stated that Homestead promotes litigation. He urged the Town Board not to adopt the Homestead provision.

Appearance: Mr. Bruce Cohen, President
Treetops Condominiums
Nanuet, New York 10954

He said he was speaking for the 240 families living in Treetops. He agreed with everything Mr. Dubbs had said. He said they were all vehemently opposed to this proposal. He felt they were deserving of a lower assessment rate

Appearance: Warren Costa, Esq.
New City, New York 10956

Mr. Costa said he was representing several condominiums in Clarkstown and in other areas. He discussed in detail the taxes paid by the condominiums. He said no development of luxury homes in this town pays the amount of taxes that condominiums do. He also discussed a law suit in which the condominiums are engaged at the present time against the town. He stated they are built in poor locations with poor conditions. Condominiums were first purchased because of their reasonable price, taxes, etc. There are approximately 2,000 families in the Town living in condominiums. He said he always hears concerns for the young people but the young people are not going to be able to afford these condominiums. He reiterated the many problems encountered by the condominium owners. He felt they deserved a different standing than the other residents in the community.

Appearance: Mr. Cliff Langer
New City Condominiums
New City, New York

He stated a little bit of his personal history in buying a condominium and also mentioned that taxes had been one of his main reasons for buying the condominium. He felt the density should compensate for the tax rate. He urged the Town to please take the plight of the young homeowner into consideration when considering this proposal.

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

He stated that he was President of the West Branch Conservation Association and was on the opposite side of those he had heard speaking tonight. He said we all pay taxes for things we don't use. Not everyone uses the roads, not everyone uses the schools, not everyone uses the sewers, not everyone uses Town Hall but it must be maintained. As long as there are ad valorem taxes it is unfair for 2,000 families to ask for a special promotional rate and let the other 80,000 people in the Town to carry them. Prices of condominiums should not increase because you get a tax bargain in the Town of Clarkstown. He said builders are always asking for condominium zoning for old people, young people, etc. and then they are built and the price is out of reach of those old people, young people, etc. They should not be assessed at any less than comparable houses in the Town. They should not be taxed any less than others in the Town.

Mr. Granirer said that one of the purposes of the recently adopted Master Plan was to insure that sections of this Town would stay "green" for a long, long time. That is what makes the Town attractive to anyone. Under the Homestead Act up to ten acres of land would be considered part of the homestead and taxed as unused land but not at the rate of vacant land. This is a good arrangement because it encourages people who have unused land to

leave those acres alone for awhile. As it now stands that extra land above what is needed for the house will get taxed as if it were a commodity on the shelf ready to be sold and it will create the necessity of sale and that will intensify the tax pressure on the Town as well. He urged that Homestead be adopted as it was fairer to everyone.

Appearance: Ms. Judy Friedman
New City Condominiums
New City, New York 10956

She stated that she had owned a home in Ramapo on 3/4 of an acre (a 54' high ranch) with an inground swimming pool on which she paid \$3,000.00 in taxes. She stated she now owns a little condominium with no land and pays \$2,000.00 in taxes. She said she did not understand how people felt they were supplementing the condominium owners with their taxes.

Appearance: Mr. Chuck Zipser
49E Heritage Drive
New City, New York 10956

He said he has to work two jobs to afford the "American Dream" and because he was part of the baby boom generation there is a lot of competition for a home. He did not think it was fair for this Town Board to penalize him because he was lucky enough to be able to afford to live where he does.

Supervisor said we would be going to 100% assessment this year. He asked what the maximum amount of assessment would be if a veteran were granted full benefits on for example a \$120,000.00 home. Mr. Valenza said the tax exemption would be \$12,000.00. If the new bill were not in effect the maximum would be \$5,000.00. If you adopted the minimum you would have a \$6,000.00 exemption as opposed to \$5,000.00 under the old system.

Supervisor said one, two and three family houses are supposed to be in the residential portion of the Homestead exemption. Where do condominiums and apartments fit in with Homestead? Mr. Valenza said condominiums would fall into residential and apartments would fall into commercial. Supervisor asked what do you do in a situation like Normandy Village, part of which are apartments and part are condominiums?

Mr. Valenza said regarding the Veterans' exemptions he did not believe that the Town Board members came here tonight with their minds made up and were not looking for an argument. The figures they were given - the \$96,000,000.00 - were based on a full value roll; that is with 100% assessment not with the roll we have now. All these figures are an estimate. They were brought up to give the Town Board and the people some information as to what impact the law would have if done at the full exempt value. It is only an estimate as there will be many more veterans eligible than are eligible now. We don't know how many of them own houses or how many of them will apply for the exemption. We based our estimates on the best possible guess we can make. The reason a lower amount was recommended was that after a first year the impact could be studied and then possibly raised to the maximum amount if the impact were not too great. We are talking about a tax shift including the County which has not opted out yet so they will get the maximum of \$1,400,000.00. These figures were brought to the attention of the Town Board. No one had their mind made up. No one came here looking for an argument. Everyone was listened to and they will vote the way they feel after listening to all the comments.

Supervisor said in answer to a question from Mr. Fromson as to whether you could start high and work down Mr. Valenza responded that cannot be done. If you are at the maximum it must stay there.

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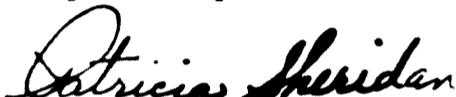
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There was further discussion regarding the maximum - minimum exemption, etc. between Supervisor, Councilman Holbrook, Mr. Valenza and Mr. Finnegan. There was also direction given to the veterans as to what procedure they should follow to apply for the exemption.

Supervisor asked if exemptions counted toward special districts and was told they did not. It was agreed that this homestead provision would come out to about 8% of town taxes at maximum.

On motion of Councilman Carey, seconded by Councilman Maloney, and unanimously adopted, the Public Hearing was declared closed, time: 12:57 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

LOCAL LAW NO. 1-1985 ADOPTED PROVISIONS OF REAL
PROPERTY TAX LAW SECTION 1903 CONCERNING HOMESTEAD BASE PROPORTIONS
AND TO ELIMINATE LIMITATIONS PLACED ON THE ASSESSMENT OF
CONDOMINIUM UNITS IN THE HOMESTEAD CLASS - RESOLUTION NO. (44-1985).