

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

2/26/85

8:10 P.M.

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

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

Supervisor declared Public Portion of the meeting open.

Appearance: Mr. Philip Bosco  
West Nyack, New York

Mr. Bosco spoke regarding the problems being experienced by the residents of Phillips Lane in West Nyack and which he felt might be alleviated by the Hackensack Project when it gets underway. He thanked County Legislators Gromack and Dusanenko for the fine job they had done in getting the Hackensack made a county stream. He also suggested that where homes are being built in wet areas that the Board might consider waiving the regulation that all utilities be underground. He mentioned Green Avenue as a possible consideration. He said that he knew the Town Board was working diligently to alleviate these problems.

Appearance: Mr. Anthony Caraballo  
12 Phillips Lane  
West Nyack, New York 10994

Mr. Caraballo stated that on Friday, February 22nd his electrical wiring separated from his home causing a fire to his outside siding and affecting four other homes with a loss of power. He said this problem has been going on for three years. He bought his home in good faith and although he has brought this problem to the builder and the Town Board he has been given a runaround. He stated that he was unable to sell his home which is everything he owns.

Supervisor Dusanenko asked if the letter Mr. Caraballo was submitting regarding his home listed his problems and Mr. Caraballo stated "Yes."

Supervisor stated that he had received a call from Mr. Ed Gorman of Orange and Rockland who was at Mr. Caraballo's home and that he (the Supervisor) had been able to get in touch with a Building Inspector via the police radio. Mr. Gorman was able to have service restored overground to the homes which had been affected. Supervisor stated that he had been assured that they would check out the gas lines also. This was accomplished. He was told that the builder was to restore the gas and electric by tomorrow and if that was not done he requested Mr. Caraballo to contact his office.

Supervisor then suggested that Mr. Caraballo's letter be forwarded to town agencies with a request that they sign off that the problems at this location are not their responsibility and then these sign offs could be forwarded to Mr. Caraballo and his neighbors so that they would be aware of which problems were the town's responsibility and which were the builder's responsibility which might enable Mr. Caraballo and his neighbors to seek legal recourse.

Councilman Holbrook said that although they might have a temporary solution now, what are the prospects for the future? Supervisor said that Mr. Bollman, Director of Environmental would address that after the residents of Phillips Lane speak.

Appearance: Mr. Ernest Maldonado  
14 Phillips Lane  
West Nyack, New York 10994

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Mr. Maldonado read a statement which listed his problems on Phillips Lane at his residence. He said severe soil settlement occurs at a rapid pace with no sign of subsiding. He also made reference to a drainage ditch in close proximity to his home which was also a severe problem. He presented a letter which he wanted filed with the town. He felt the town did have a responsibility to him and other home owners on Phillips Lane in West Nyack. He requested a written response from the Town Board members letting him know the agencies of the town responsible and when a plan for correcting these problems could be put into effect. He did not understand why the Supervisor was not able to use his power and influence to have the town agencies meet their responsibilities and obligations.

He said these problems need to be addressed immediately. Luckily there were no fatalities this time.

Supervisor asked Mr. Maldonado to present a list of the specific problems and this would likewise be routed to the agencies of the town in the same fashion as Mr. Caraballo's letter.

Appearance: Mr. Joseph Pantano  
New City, New York

Mr. Pantano spoke regarding Loeb House and his desire to serve on a committee which would be appointed (his suggestion) to screen the people who would be proposed as residents of Loeb House.

Councilman Holbrook said he felt that suggestion was unconstitutional and he doubted that Mr. Pantano had any qualifications which would warrant Mr. Pantano's judgment of these people. He said he personally found Mr. Pantano's suggestion offensive and objectionable.

Mr. Pantano made reference to Hamlet Advisory Committees which had functioned in the town many years ago. He urged such a group be formed again.

Councilman Carey said he was a member of one of the hamlet advisory boards years ago and the expressed purpose behind them was planning and zoning.

Councilman Maloney said he was also on a hamlet advisory committee and it was for advising on zoning matters. He said that any group home which comes into a community welcomes people becoming involved. They ask people to become members of an advisory group and to become a part of their organization. No one on an advisory committee would ever be asked to screen confidential material and to take a stand on who should or who should not enter a group home. He said he found Mr. Pantano's suggestion unconscionable and completely out of hand that something like this should ever be proposed for the Town of Clarkstown.

Supervisor Dusanenko said that Mr. Pantano's request was not an unreasonable one and he, as Supervisor, could make that recommendation to Mr. Murphy, President of Loeb House. However, he said that what Mr. Holbrook stated with regard to hamlet advisory committees was correct. They were just for planning and zoning matters. The group homes do request that concerned citizens serve on an advisory board for community relations but in no way can someone look at a medical history or medical records of any person who is a resident of that facility. Supervisor said he could comply with Mr. Pantano's wish as long as he understood the limitations of serving in such capacity.

Mr. Pantano said he had no desire to look at anyone's records but he and the residents of this community just want to be assured that anyone admitted to this home would not have a background of violence. Supervisor said he was not sure that could be done.

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Appearance: Mr. Anthony Miele  
13 Phillips Lane  
West Nyack, New York 10994

Mr. Miele stated that on February 22nd at 12:09 P.M. a tremor like vibration was felt throughout his home and all electrical functions ceased. It was determined that the problem was not in the circuit breakers. Orange and Rockland worked into the night to fix this but it is only a temporary solution. This was caused by soil settling. It is an untenable situation. The strain was too great for the power lines. Five homes were left without power because of the problem in Mr. Caraballo's house and he was afraid his house would be next.

Mr. Miele said he felt the town had a responsibility to work with the builder to evaluate the danger and rectify the problem. He stated that he has no investment in his home because of this condition. The situation is unacceptable. He said they would go to any legal length to ensure the safety and quality of life in their development.

He said a closer look should be taken by the Town and by Mr. Knutsen. There is a proper way to build on swampland.

Supervisor requested that Mr. Miele give a list to the Town Clerk in order that his complaints could be forwarded and acted upon.

Appearance: Mr. Ralph Marotte  
18 Phillips Lane  
West Nyack, New York 10994

Mr. Marotte said he is on record with the town regarding a sewerage problem. He said his house is the third house placed on this auxiliary wiring. He stated that he has spoken with Mr. Knutsen's electrician and they are to replace the wiring tomorrow at these residences. He said there does not appear to be a code covering this and he felt the Board should implement such a code to secure incoming underground wires.

Appearance: Mr. Mike Toto  
10 Cottage Avenue  
Nanuet, New York 10954

Mr. Toto thanked the Town Board for the "No Parking" signs in his area and he said the residents were well satisfied with them. He said he was here tonight because they are still fighting the real estate agency located in their residential neighborhood. He said the ZBA had denied the real estate owner's request but nothing has been done. He stated that they had spoken with Mr. Posner of the Town Attorney's office and that Mr. Posner had some wrong information. He said since February 4th the amount of cars parked at the real estate office has doubled. He said he would bet that there are forty or fifty people in that office every day of the week when there is only supposed to be one full time worker and one part-time worker. He said that Mrs. Brodsky had stated in print in the newspaper that she was going to have her office there.

Councilman Holbrook asked Mr. Costa what happens when the ZBA denies such a request?

Mr. Costa said that Mr. Toto might be referring to a call to his (Town Attorney's) office. He said that one of the deputies and the para-legal are preparing the case for trial in the Justice Court and an information has been filed. They are prepared to prosecute. Mr. Costa said they have been asking for the assistance of residents in the neighborhood to be willing to come forward to testify as to what they have seen. This will help in presenting the case.

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Mr. Toto said that as soon as Mr. Costa says the word they will all be available.

Supervisor reiterated that a violation had been issued and it would soon be adjudicated in the court. Mr. Costa requested that Mr. Toto contact Mr. Posner and if there was some misunderstanding he was sure it could be straightened out. If Mr. Toto did not get satisfaction after speaking with Mr. Posner he should call Mr. Costa.

Mr. Toto said that a deck was built on this house in question and no one seems to care. Two houses down from this one had a deck built and it was not right and they were made to tear it down but this one on Mrs. Brodsky's house is allowed to remain. Why?

Appearance: Mrs. Joanne Melino Kourakis  
15 Phillips Lane  
West Nyack, New York 10994

She said that in going back to August of last year it was necessary to hire an engineer to give a complete appraisal of what was happening with the sinking property. She said she had pictures of the findings. She left a photostat of the report. She said the report stated what might happen and subsequently it did happen.

Supervisor Dusanenko asked Mrs. Kourakis what she did once she received the report? Mrs. Kourakis stated that she called Orange and Rockland and was told that periodically her meter would be checked. She said with regard to the water problem it was just a series of unanswered phone calls to the builder. He was supposed to come back and fill in the property but the property just keeps sinking. She said this is a serious health problem to the many children who live on Phillips Lane. She said she also has a letter from the Environmental Control to the builder in which it was suggested that problems be corrected but so far they have not been corrected. The letter is dated August 17, 1984.

Mrs. Kourakis said it has happened in one house and it is very possible that in the very near future that it could happen to not just one but several of the other houses on the street. She stated that they are all in danger and this is a very pressing problem.

Appearance: Mr. Jack Cuff  
West Nyack, New York 10994

Mr. Cuff said that much of the problem lies in the fact that people are hooking up sump pumps to the sewer system and this water is being pumped illegally into the sewer system. He said the elected officials were made aware of this at a workshop last Thursday night. This is an extreme violation and perhaps tonight we will find out what has been done to correct it.

Mr. Les Bollman, Director of Environmental Control stated that he had called the builder and Orange and Rockland. He said that Debbie Christopher of Orange and Rockland who is the Senior Area Service Representative for Electrical. She informed him that service for the houses on Phillips Lane will be shut off tomorrow in order to allow Mr. Knutsen's electrician to reconnect the underground electrical. Mr. Bollman said that he wanted it understood that when he talks about gas there are different responsibilities with Orange and Rockland. He said that Mr. Knutsen is intending to prevent similar problems in the future the electrician intends to provide a loop in the service line as well as slack in the meter paths. In addition, the sealed conduit will be connected to the foundation of the house. In the past that has not been done and the weight of the earth has pulled it down.

Mr. Bollman stated that he had spoken with Mr. Charles Rogers, Area Supervisor for Gas Installation of Orange and Rockland. Mr. Rogers informed Mr. Bollman that he has been through the area and found a slight strain to the gas lines and meters at six houses and corrective action was taken to relieve the strain. In addition, Mr. Rogers has a foreman who makes a weekly check of the area to ensure that conditions are still satisfactory. Mr. Rogers feels that the gas situation is under control. The gas line is attached to the foundation of the house.

Mr. Bollman went on to say that he had talked to John Knutsen and John Knutsen said he is not backing away from any responsibility and will provide the necessary services to the people. This is evidenced by the fact that he is paying for the electrical connections which will be done tomorrow. Mr. Knutsen has authorized William Loftus, a foundation and soils expert from New Jersey, to determine if the underlying clay has completed its primary consolidation and by means of a consolidation test try to predict how much settlement remains. The results should be available in one month. This can be done by several methods.

Councilman Holbrook said is there any way the people who reside in this area can contact the Environmental Control Department to find out what the progress is and what can be expected? One of the concerns is the long range effect because we can correct this now and in six months it could sink again. Another question which has come up is Green Avenue down the road. Is this going to happen again down there?

Mr. Bollman said it was his understanding that the situations are not the same. On Green Avenue they removed approximately four feet and hit sand. When they hit the sand the water went down and that has been replaced by good material. Mr. Bollman said he would be available to let the residents know what progress is being made. He said he would ask Orange and Rockland to do what the gas company is doing and that is to send someone around periodically to check the connections.

(coffer) Councilman Carey asked if any suggestion had been made for a/dam to divert water away from the house. Mr. Bollman said he was not aware of any. Mr. Knutsen supposedly had made that suggestion somewhere along the line and Councilman Carey wondered if it were still apropos? Councilman Carey asked Mr. Bollman if he would follow up on that and Mr. Bollman said he would if he could get some information. Mr. Bollman said if you are talking about putting some sheathing down around the side of the house because at one time the theory was that the sloughing was going - the house is not moving; it is on pile. The ground is settling underneath it. The theory was at one time that some of the ground on the edges is sloughing into this void causing greater settlement here. He said a cofferdam is to divert a stream or river and he knew nothing about putting one here.

Councilman Carey said that it had originally been designed to do that. Mr. Bollman said at this point he did not know why anyone would want one. Councilman Carey said Mr. Caraballo could fill Mr. Bollman in on that.

Mr. Maldonado said he would like to mentioned Mr. Bollman's responsiveness to the problem of soil erosion. He referred to a memo from Supervisor Dusanenko to Mr. Bollman dated September 18, 1984 which mentioned Mr. Maldonada and his problem. In this letter the Supervisor is asking Mr. Bollman what the Town can do, if anything, to resolve Mr. and Mrs. Maldonado's problem? It went on to say that Mr. Bollman's attention to this matter would be greatly appreciated.

There was a reply dated October 10, 1984. Mr. Bollman's answer stated that his memo of September 6, 1984 answered all questions and he

recommended that the Town Board take no action at this time. Mr. Maldonado said that Mr. Bollman had just stated that he would take action. Supervisor said he would like to be able to eliminate the problem. Mr. Bollman has been informed. In view of the latest items this report should be shared with all members of the Town Board as well as the residents as soon as it is prepared.

Councilman Holbrook said the Town is prepared to take action, see the builder will fulfill his responsibilities and we will fulfill ours.

Supervisor said to Councilman Holbrook before he (Councilman Holbrook) makes a commitment - these people have had a problem for three years, Supervisor said he wants to know what the responsibility of the Town is and what areas belong to the home owners to resolve with the builder.

Councilman Holbrook said all he cares about is that it gets done.

Mr. Bollman said when you look at his memo of September 6th which was discussed with Mr. and Mrs. Maldonado at a workshop - they went through every point in detail and the main thrust was that they were upset with the stream and the proximity to the back of their house. We went through those conditions and that is why when the Supervisor asked Mr. Bollman again (which he felt were the same questions relating to a two page memo he had sent detailing what would and what couldn't be done and what the builder was going to do) he said at that point there was nothing he felt in our discussion that the Town should do.

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RESOLUTION NO. (172-1985)

AUTHORIZING ATTENDANCE AT  
CODE ENFORCEMENT TRAINING  
COURSES (MILICH, FLORENCE,  
MC LEOD, BOWLER, O'SULLIVAN,  
CONKLIN, LAWRENCE, MAHONEY,  
PAPENMEYER)

Co. Maloney offered the following resolution:

RESOLVED, that the following personnel of the Building Inspector's office are hereby authorized to attend code enforcement training courses sponsored by the Department of State when made available in 1985.

Course No. 40 - Introduction to Code Enforcement Practices

- A. Milich, Deputy Building Inspector
- P. Florence, Assistant Building Inspector
- D. McLeod, Assistant Building Inspector
- W. Bowler, Assistant Fire Inspector
- T. O'Sullivan, Code Inspector  
Plan Examiner

Course No. 41 - Inspection of Existing Structures

- A. Conklin, Assistant Building Inspector
- E. Lawrence, Assistant Building Inspector
- W. Mahoney, Assistant Building Inspector
- M. Papenmeyer, Acting Fire Inspector

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (173-1985)

AUTHORIZING REDUCTION IN  
AMOUNT OF PERFORMANCE BOND  
(GERMONDS HOMES SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, a performance bond, together with a Letter of Credit in the sum of \$16,500.00 was furnished to the Town of Clarkstown by Alberta Realty Corp. to secure the completion of the public improvements and other facilities as shown on the final plat of Germonds Homes Subdivision, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the amount of the performance bond and security be reduced from \$16,500.00 to \$10,000.00 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the above-referred performance bond may be amended and the security posted in the form of a Letter of Credit may be reduced to \$10,000.00 subject to receipt by the Town Attorney of an amended performance bond and Letter of Credit in a form satisfactory to the Town Attorney.

Seconded by Co. Holbrook

All voted Aye.

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ABE664

RESOLUTION NO. (174-1985)

AUTHORIZING ATTENDANCE AT  
NEW YORK STATE RECREATION  
AND PARK SOCIETY CONFERENCE  
(COMMISSION MEMBERS AND TOWN  
LIAISON) - CHARGE TO  
APPROPRIATION ACCOUNT 7020-  
414

Co. Maloney offered the following resolution:

RESOLVED, that the Clarkstown Parks Board and Recreation Commission members and the Town Board Liaison to the Commission are hereby authorized to attend the 1985 New York State Recreation and Park Society Conference from Sunday, March 31, 1985 through Wednesday, April 3, 1985, to be held in Monticello, New York, and

FURTHER RESOLVED, that expenses not to exceed \$265.00 per person be allocated against Appropriation Account 7020-414.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (175-1985)

AUTHORIZING ATTENDANCE AT  
NEW YORK STATE RECREATION  
AND PARK SOCIETY CONFERENCE  
(SUPERINTENDENT OF RECREATION  
AND PARKS AND DESIGNATED STAFF  
MEMBERS) - CHARGE TO APPROPRIA-  
TION ACCOUNTS 7020-414, 7140-414  
AND 7310-414

Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Recreation and Parks and designated staff members are hereby authorized to attend the 1985 New York State Recreation and Park Society Conference from Sunday,

RESOLUTION NO. (175-1985) Continued

March 31, 1985 through Wednesday, April 3, 1985, to be held in Monticello, New York, and

FURTHER RESOLVED, that expenses not to exceed \$975.00 be allocated against Appropriation Accounts 7020-414, 7140-414 and 7310-414.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (176-1985)

AUTHORIZING SUPERVISOR TO NEGOTIATE WITH LEDERLE LABORATORIES FOR NECESSARY COMMUTER PARKING AND DRAINAGE FACILITIES (SOUTH OF PROSPECT STREET, NANUET)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is authorized to negotiate with Lederle Laboratories for necessary commuter parking and drainage facilities south of Prospect Street in the hamlet of Nanuet, and be it

FURTHER RESOLVED, that the Town Attorney be directed to be available when and if necessary to assist.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (177-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID NO. 24-1985 CARPETING FOR NEW CLARKSTOWN COUNSELING CENTER

Co. Maloney offered the following resolution:

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

BID #24-1985  
CARPETING FOR NEW CLARKSTOWN  
COUNSELING CENTER

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, March 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. Holbrook All voted Aye.

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RESOLUTION NO. (178-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID NO. 23-1985 FOUR (4) FORD 150 PICK-UP TRUCKS FOR CLARKSTOWN HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

RESOLUTION NO. (178-1985) Continued

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

BID #23-1985  
FOUR (4) FORD 150 PICK-UP TRUCKS FOR  
CLARKSTOWN HIGHWAY DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, March 20, 1985 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook

All voted Aye.

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ABE664

RESOLUTION NO. (179-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID NO. 22-1985  
REPAIR AND REPLASTERING OF  
GERMONDS PARK SWIMMING POOL

Co. Maloney offered the following resolution:

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

BID #22-1985  
REPAIR AND REPLASTERING OF GERMONDS PARK  
SWIMMING POOL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 3:30 P.M. on Monday, March 18, 1985 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (180-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID NO. 26-1985  
REPLACEMENT OF BODY ON VAC-  
ALL FOR CLARKSTOWN HIGHWAY  
DEPARTMENT

Co. Maloney offered the following resolution:

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

BID # 26-1985  
REPLACEMENT OF BODY ON VAC-ALL FOR  
CLARKSTOWN HIGHWAY DEPARTMENT

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, March 25, 1985 at which time bids will be opened and read, and be it

RESOLUTION NO. (180-1985) Continued

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

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (181-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID NO. 25-1985 IMPROVEMENT AND MAINTENANCE OF TOWN CUL-DE-SACS

Co. Maloney offered the following resolution:

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

BID #25-1985  
IMPROVEMENT AND MAINTENANCE OF  
TOWN CUL-DE-SACS

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, March 18, 1985 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (182-1985)

AWARDING BID FOR BID NO. 15-1985 FOR BITUMINOUS CONCRETE (COUNTY ASPHALT, INC., TILCON NEW YORK, INC., AND PLAZA MATERIALS)

Co. Holbrook offered the following resolution:

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

BID #15-1985  
BITUMINOUS CONCRETE

is hereby awarded to:

COUNTY ASPHALT, INC.  
West Main Street  
Tarrytown, New York 10591

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

PLAZA MATERIALS  
969 Midland Avenue  
Yonkers, New York 10704

as per attached proposed price schedule (on file in Purchasing Department)

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (183-1985)

AWARDING BID FOR BID NO. 13-1985 FOR TWO (2) FOUR WHEEL DRIVE SNOW PLOW TRUCKS WITH SANDERS AND PLOWS (JOHN J. KING OF MONROE, INC.)

Co. Holbrook offered the following resolution:

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

BID #13-1985  
TWO (2) FOUR WHEEL DRIVE SNOW PLOW TRUCKS  
WITH SANDERS AND PLOWS

is hereby awarded to:

JOHN J. KING OF MONROE, INC.  
Route 17M  
P.O. Box 235  
Monroe, New York 10950

for Two (2) FWD Model RB 44-2262 Trucks equipped with Frink Snow Plows and Material Spreaders as per specifications at the proposed cost of \$70,732.00 each complete vehicle.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (184-1985)

AWARDING BID FOR BID NO. 18-1985 FOR ONE (1) USED REFUSE COMPACTOR FOR CLARKSTOWN HIGHWAY DEPARTMENT (MM SOLID WASTE EQUIPMENT INC.)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

BID #18-1985  
ONE (1) USED REFUSE COMPACTOR FOR  
CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to

MM SOLID WASTE EQUIPMENT INC.  
P.O. Box 366  
Dover, New Hampshire 03820

for one (1) used 31 cubic yard Leach 2R used refuse compactor at the proposed cost of \$23,500.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (185-1985)

AWARDING BID FOR BID NO. 16-1985 FOR HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES (CHEMUNG SUPPLY CORP., EMPIRE MUNICIPAL SUPPLY CORP., SIGNS OF SAFETY, HIGHWAY TRAFFIC SUPPLY, INC., BRIGHTON STEEL CORP., CAPITOL HIGHWAY MATERIALS, THE 3M COMPANY, COLUMBIAN STEEL CO., INC.)

Co. Holbrook offered the following resolution:

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RESOLUTION NO. (185-1985) Continued

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

BID #16-1985  
HIGHWAY SIGNING & ROAD MAINTENANCE SUPPLIES

is hereby awarded to the following vendors:

- |                                                                             |                                                                                     |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| CHEMUNG SUPPLY CORP.<br>P. O. Box 527<br>Elmira, New York 14902             | BRIGHTON STEEL CORP.<br>Box 267-RD 2<br>Hopewell Junction, New York 12533           |
| EMPIRE MUNICIPAL SUPPLY CORP.<br>250 Route 303<br>Blauvelt, New York 10913  | CAPITOL HIGHWAY MATERIALS<br>Route 6<br>Baldwin Place, New York 10505               |
| SIGNS OF SAFETY<br>799 River Road<br>Edgewater, New Jersey 07020            | THE 3M COMPANY<br>3M Center<br>Bldg. 223-3N<br>St. Paul, Minnesota 55144            |
| HIGHWAY TRAFFIC SUPPLY, INC.<br>45 Cregmere Road<br>Suffern, New York 10901 | COLUMBIAN STEEL CO., INC.<br>84 Industrial Avenue<br>Little Ferry, New Jersey 07643 |

as per schedule of prices on file in Purchasing Department.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (186-1985)

AWARDING BID FOR BID NO. 12-1985 FOR 1985 FORD LOUISVILLE DUMP TRUCKS EQUIPPED WITH SNOW PLOWS AND SALT SPREADERS (SCHULTZ FORD, INC.)

Co. Holbrook offered the following resolution:

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

BID #12-1985  
1985 FORD LOUISVILLE DUMP TRUCKS  
EQUIPPED WITH SNOW PLOWS AND SALT SPREADERS

is hereby awarded to:

SCHULTZ FORD, INC.  
80 Route 304  
Nanuet, New York 10954

as per the following proposal:

Five (5) 1985 Ford L-800 Cab & Chassis equipped with Frink model 8B2-VM, 5-7 yard dump body; Frink 3910PISA-WG snow plow; and Frink MS-510 material spreader, as per detailed specifications at the proposed cost of \$49,465.00 each (for five complete vehicles).

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (187-1985)

APPROVING REDUCTION IN AMOUNT  
OF PERFORMANCE BOND FOR URANUS  
CONSTRUCTION COMPANY (RED HILL  
ESTATES)

Co. Maloney offered the following resolution:

WHEREAS, a Performance Bond No. 938687 Uranus Construction Corp., as Principal, and John Booth, as Co-Principal and Republic Insurance Company as Surety, dated May 19, 1983, in the amount of \$69,000.00 covering the improvements and other facilities as shown on the Final Plat of Red Hill Estates filed in the Rockland County Clerk's Office on June 22, 1983, 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. 938687 may be reduced to \$20,625.00 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Performance Bond No. 938687 be reduced to \$20,625.00.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (188-1985)

AUTHORIZING SUPERVISOR TO  
MAKE APPLICATION TO ROCKLAND  
COUNTY TREASURER FOR EXTENSION  
OF TIME FOR COLLECTION OF TAXES  
BY CLARKSTOWN RECEIVER OF TAXES

Co. Maloney offered the following resolution:

RESOLVED, that pursuant to Section 938 of the Real Property Tax Law of the State of New York, the Supervisor of the Town of Clarkstown is hereby authorized to make application to the Rockland County Treasurer for an extension of time for the collection of 1985 taxes by the Clarkstown Receiver of Taxes from April 1, 1985, to June 1, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (189-1985)

MEMORIALIZING RESOLUTION RE  
TOWN OF CLARKSTOWN EXPRESSING  
QUALIFIED SUPPORT FOR PAYMENT  
OF FEE UPON TRANSFER OF REAL  
PROPERTY AND PROVIDING THAT  
PROPOSED LEGISLATION NOT INTER-  
FERE WITH SUBSIDIES PRESENTLY  
AVAILABLE TO MUNICIPALITIES  
ENGAGED IN REVALUATION PROGRAMS  
AT TIME OF ADOPTION OF NEW LAW

Co. Maloney offered the following resolution:

WHEREAS, legislation has been proposed for introduction in the New York State Legislature which would repeal or amend Article 15B of the Real Property Tax Law to eliminate state assistance payments to municipalities undergoing revaluations and replace such state assistance with provision for the payment of a \$25.00 recording fee by the sellers of real property, a portion of which would be paid to assessing units to defray the cost of maintaining assessment data;

ABE664

RESOLUTION NO. (189-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown wishes to express its qualified support for such proposed legislation because payment of a fee upon the transfer of real property would provide a better method of reimbursing and supporting the efforts of assessing units to maintain the integrity of their assessment data, but elimination of Article 15B assistance presently provided for in Section 1572 of the Real Property Tax Law for those municipalities currently engaged in revaluation in reliance upon the assistance presently provided by law, such as the Town of Clarkstown, would impose a hardship and, therefore, the proposed legislation is supported to the extent that it not interfere with subsidies presently available to municipalities which may be engaged in revaluation programs at the time of the adoption of the new law, and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded by the Town Clerk to our State representatives, the Governor of the State of New York, and the Director of the State Board of Equalization and Assessment.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (190-1985)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM DRAINAGE WORK (FOREST BROOK SUBDIVISION AND SPRING BROOK ESTATES SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, a drainage problem exists within the subdivision known as Forest Brook and Spring Brook Estates, and

WHEREAS, the Town Board by resolution adopted at its meeting of January 2, 1985 has defaulted \$9,915.00 of escrow monies;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways be authorized to perform drainage work to ameliorate the existing drainage condition in accordance with the design prepared by the Department of Environmental Control, and be it

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

FURTHER RESOLVED, that the monies be taken from the defaulted escrow monies.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (191-1985)

APPOINTING HEARING OFFICER TO CONDUCT HEARING RE HIGHWAY DEPARTMENT EMPLOYEE ANTHONY PAGLIUCA - CHARGE TO ACCOUNT NO. A 1420-409

Co. Holbrook offered the following resolution:

RESOLUTION NO. (191-1985) Continued

RESOLVED, that upon the recommendation of the Town Attorney, Patrick J. Finnegan, Esq., 15 Virginia Avenue, West Nyack, New York, is hereby appointed the hearing officer to conduct a hearing pursuant to Section 75 of the Civil Service Law, make findings of fact and recommendations with respect to charges preferred against Highway Department employee Anthony Pagliuca; and be it

FURTHER RESOLVED, that the hearing officer shall be compensated at the rate of \$100.00 per hour for services provided; and be it

FURTHER RESOLVED, that the sum of \$1,000.00 be charged to Account No. A 1420-409 to provide payment for hearing officer services.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

ABE664

RESOLUTION NO. (192-1985)

MEMORIALIZING COUNTY OF ROCKLAND TO ASSUME RESPONSIBILITIES AND TO TAKE OVER ALL EXPENSES FOR TOWN AND VILLAGE ELECTIONS IN ROCKLAND COUNTY

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown believes that the expense of holding town and village elections within the County of Rockland should be a County charge;

NOW, THEREFORE, be it

RESOLVED, that the Town Board requests that the Rockland County Legislature make provisions by appropriate resolution or local law to make the expense of holding town, village, and county elections a County charge, and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded by the Town Clerk of the Town of Clarkstown to all villages and towns within Rockland County in application for their support in making a similar request of the Rockland County Legislature.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (193-1985)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING ANYTIME" SIGNS ON NORTH SIDE OF OLD TURNPIKE ROAD EAST OF EASTERLY DRIVEWAY AND WEST OF WESTERLY DRIVEWAY OF SPRING VALLEY TENNIS CLUB, NANUET

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install signs to read, "No Parking Anytime." These signs are to be erected on the north side of Old Turnpike Road 50 feet east of the easterly driveway and 75 feet west of the westerly driveway of the Spring Valley Tennis Club, Nanuet, and be it

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

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (194-1985)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING HERE TO CORNER" SIGNS ON WEST SIDE OF MIDDLETOWN ROAD SOUTH OF NORTHERLY EXIT TO NANUET MALL

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a sign to read, "No Parking Here to Corner." This sign to be erected on the west side of Middletown Road 25 feet south of the northerly exit to the Nanuet Mall, Nanuet, and be it

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

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (195-1985)

SETTING PUBLIC HEARING RE AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN -RS ZONING DISTRICT TO M ZONING DISTRICT - PROPERTY LOCATED SOUTHWEST CORNER OF INTERSECTION OF ROUTE 59 AND ROUTE 303 IN WEST NYACK (MAP 105, BLOCK A, LOT 34)(TERRA EQUITIES)

Co. Maloney offered the following resolution:

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

Change from RS zoning district to an M zoning district property located at the southwest corner of the intersection of Route 59 and Route 303 in West Nyack, New York, designated on the Clarkstown Tax Map as Map 105, BLock A, Lot 34;

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be held on the 9th day of April, 1985, at 9:45 P.M., or as soon thereafter as possible, at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, in connection with said proposed amendment, and be it

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

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

Seconded by Co. Holbrook

On roll call the vote was as follows:



RESOLUTION NO. (198-1985)

AUTHORIZING RETURN OF  
MAINTENANCE BOND WITH REGARD  
TO DEDICATED SUBDIVISION  
(TARRY HILL)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, maintenance bond secured by a Money Market Account in the sum of \$10,720.00 furnished to the Town in connection with dedication of the roads and improvements on December 13, 1983, in a subdivision known as Tarry Hill is terminated and the sum of \$10,720.00 be released to the guarantor.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (199-1985)

AUTHORIZING RAISING STARTING  
SALARY FOR MINI TRANS BUS  
DRIVERS - TRANSFER OF FUNDS  
FROM ACCOUNT A 1990-505 TO  
PART-TIME HELP ACCOUNT  
5630-114

Co. Holbrook offered the following resolution:

WHEREAS, the part-time pay rate for the Mini Trans bus drivers is below the average for bus drivers in Rockland County, and

WHEREAS, this almost eliminates the chance of getting any additional help,

NOW, THEREFORE, be it

RESOLVED, to raise the starting salary to \$14,081.04 per year starting March 4, 1985 and to equal the starting bus driver salary from then on, \$4,643.60 is to be transferred from Account A 1990-505 to part-time help Account 5630-114 to cover this budget increase.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (200-1985)

AUTHORIZING ATTENDANCE AT  
AMERICAN PUBLIC WORKS ASSOCIA-  
TION 25TH ANNUAL NORTH AMERICAN  
SNOW CONFERENCE

Co. Holbrook offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to attend the American Public Works Association's 25th annual North American Snow Conference to be held at the Concourse Hotel, Madison, Wisconsin, April 14 through April 17, 1985, and be it

FURTHER RESOLVED, that all proper charges be made to the Town.

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (201-1985)

AUTHORIZING ATTENDANCE AT  
ASSOCIATION OF TOWNS HIGHWAY  
SEMINAR (SUPERINTENDENT OF  
HIGHWAYS, FIRST DEPUTY AND  
SERVICE DISPATCHER)

Co. Holbrook offered the following resolution:

RESOLVED, that the Superintendent of Highways, First Deputy  
and Service Dispatcher, are hereby authorized to attend the Association  
of Towns Highway Seminar, to be held at Cornell University, Ithaca,  
New York on June 10, 11 and 12, 1985, and be it

Town.  
FURTHER RESOLVED, that all proper charges be made to the

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

ABE664

RESOLUTION NO. (202-1985)

SETTING PUBLIC HEARING RE  
AMENDING ZONING ORDINANCE  
OF TOWN OF CLARKSTOWN - CHANGE  
FROM RS ZONING DISTRICT TO  
R-40 ZONING DISTRICT PROPERTY  
EAST SIDE OF ROUTE 9W, CONGERS  
FROM NORTH ENTRANCE TO ROCKLAND  
LAKE STATE PARK NORTHERLY TO  
DOCTOR DAVIES DRIVE (MAP 141,  
BLOCK A (PORTION OF LOT 6.01  
PRESENTLY RS - SOUTHEAST  
PORTION OF LOT 6.07 AND LOT  
6.08)

Co. Holbrook offered the following resolution:

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

Change from an RS zoning district to an R-40 zoning  
district property to the east side of Route 9W, Congers,  
New York, from the north entrance to Rockland Lake State  
Park in a northerly direction to Doctor Davies Drive a  
distance of about 1,355 feet, more particularly designated  
on the Clarkstown Tax Map as Map 141, Block A, that  
portion of Lot 6.01 presently zoned RS, the southeast  
portion of Lot 6.07, and Lot 6.08 as shown on the  
attached Schedule "A" (on file in Town Clerk's Office);

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be held on the 9th day  
of April, 1985, at 9:00 P.M., or as soon thereafter as possible, at the  
Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New  
York, in connection with said proposed amendment, and be it

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

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

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (203-1985)

CREATING POSITION OF TYPIST-  
PURCHASING DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 7, 1985 that the Typist position - Purchasing Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Typist - Purchasing Department - is hereby created - effective February 27, 1985.

Seconded by Co. Holbrook

all voted Aye.

\* \* \* \* \*

RESOLUTION NO. (204-1985)

REASSIGNING POSITION OF  
TYPIST - PURCHASING DEPARTMENT -  
PATRICIA O'BRIEN

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified by letter dated January 31, 1985, that Patricia O'Brien can be re-assigned to the position of Typist - Purchasing Department,

NOW, THEREFORE, be it

RESOLVED, that Patricia O'Brien, 198 Red Hill Road, New City, New York, is hereby reassigned to the position of Typist - Purchasing Department - at the current 1985 salary of \$12,108.00, effective the date a satisfactory replacement and training period for switchboard has been completed.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (205-1985)

GRANTING SICK LEAVE OF  
ABSENCE TO MOTOR EQUIPMENT  
OPERATOR II - HIGHWAY  
DEPARTMENT (JAMES COLE)

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., James Cole, 29 Whitman Street, Congers, New York - Motor Equipment Operator II - Highway Department - is hereby granted a Sick Leave of Absence - at one-half pay, effective and retro-active to February 18, 1985, for a period not to exceed three (3) months.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (206-1985)

RECLASSIFYING EIGHT (8)  
POSITIONS OF MOTOR EQUIPMENT  
OPERATOR I TO MOTOR EQUIPMENT  
OPERATOR II - HIGHWAY  
DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 25, 1985 that eight (8) Motor Equipment Operator I positions can be reclassified to Motor Equipment Operator II positions,

RESOLUTION NO. (206-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that the eight (8) positions of Motor Equipment Operator I are hereby reclassified to eight (8) positions of Motor Equipment Operator II - Town Highway Department - effective March 4, 1985.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (207-1985) ACCEPTING RESIGNATION OF YOUTH COUNSELOR I - COUNSELING CENTER (ROBYN REIBUSCH)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Robyn Feibusch, 11 Glenbrook Road, Wesley Hills, New York - Youth Counselor I - Counseling Center - is hereby accepted - effective March 1, 1985.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (208-1985) APPOINTING POSITION OF YOUTH COUNSELOR I - COUNSELING CENTER (MARTIN LEEDS)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Youth Counselor I, which contains the name of Martin Leeds,

NOW, THEREFORE, be it

RESOLVED, that Martin Leeds, 40 Hungry Hollow Road, Spring Valley, New York, is hereby appointed to the position of Youth Counselor I - Counseling Center - at the current 1985 salary of \$16,735.00, effective March 4, 1985.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (209-1985) APPOINTING POSITION OF RECREATION LEADER (PERMANENT-CONTINGENT) - PARKS BOARD & RECREATION COMMISSION (MICHAEL CARROLL)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Recreation Leader #84154 which contains the name of Michael Carroll,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission, Michael Carroll, 27 Briarwood Place, New City, New York is hereby appointed to the position of Recreation Leader (permanent-contingent) - Parks Board & Recreation Commission - at the annual salary of \$14,700.00, effective and retroactive to February 14, 1985.

Seconded by Co. Holbrook All voted Aye.

\* \* \* \* \*

ABE664

RESOLUTION NO. (210-1985)

APPOINTING POSITION OF  
RECREATION LEADER (PERMANENT) -  
PARKS BOARD & RECREATION  
COMMISSION (KATHLEEN KLINE)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Recreation Leader #84154 which contains the name of Kathleen Kline,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Kathleen Kline, 11 West Street, Central Nyack, New York is hereby appointed (permanent) to the position of Recreation Leader - Parks Board & Recreation Commission - at the annual salary of \$16,348.00, effective and retroactive to February 14, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (211-1985)

APPOINTING POSITION OF  
RECREATION LEADER (PERMANENT) -  
PARKS BOARD & RECREATION  
COMMISSION (ELAINE APFELBAUM)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Recreation Leader #84154 which contains the name of Elaine Apfelbaum,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Elaine Apfelbaum, 3 Alan Court, New City, New York is hereby appointed (permanent) to the position of Recreation Leader - Parks Board & Recreation Commission - at the annual salary of \$16,348.00, effective and retroactive to February 14, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (212-1985)

APPOINTING POSITION OF TYPIST -  
TOWN CLERK'S OFFICE (HELEN  
McCRUDDEN)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist CR-1-85-8 which contains the name of Helen McCrudden,

NOW, THEREFORE, be it

RESOLVED, that Helen McCrudden, 20 Plains Drive, New City, New York, is hereby appointed to the position of Typist, Town Clerk's Office - at the current 1985 salary of \$10,918.00, effective and retroactive to February 25, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (213-1985)

APPOINTING POSITION OF  
CROSSING GUARD (SUBSTITUTE) -  
POLICE DEPARTMENT (JOSEPH  
CULLETT0)

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Culetto, 72 South Midland Avenue,  
Nyack, New York, is hereby appointed to the position of Crossing Guard  
(Substitute) - Police Department - at the rate of \$5.00 per crossing  
covered, effective and retroactive to February 14, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (214-1985)

APPOINTING POSITION OF FIRE  
SAFETY INSPECTOR (CONTINGENT-  
PERMANENT) - BUILDING  
DEPARTMENT (MARK PAPENMEYER)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished  
Certification of Eligibles Fire Safety Inspector #84157 which contains  
the name of Mark Papenmeyer,

NOW, THEREFORE, be it

RESOLVED, that Mark Papenmeyer, 221 Strawtown Road, West  
Nyack, New York, is hereby appointed to the (Contingent - Permanent)  
position of Fire Safety Inspector - Building Department - at the current  
1985 salary of \$26,176.00, effective February 27, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (215-1985)

APPOINTING POSITION OF (TEMPORARY)  
ASSISTANT FIRE SAFETY  
INSPECTOR - BUILDING  
DEPARTMENT (WILLIAM BOWLER)

Co. Maloney offered the following resolution:

RESOLVED, that William Bowler, 13 Pigeon Hill Road, Nanuet,  
New York, is hereby appointed to the position of (temporary) Assisant  
Fire Safety Inspector - Building Department - at the current 1985 salary  
of \$18,630.00, effective and retroactive to February 25, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (216-1985)

ACCEPTING RESIGNATION OF  
PART-TIME SECRETARY -  
ARCHITECTURAL REVIEW BOARD  
(MARIE GERONIMO)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Marie Geronimo, 55 Blue-  
bird Drive, Congers, New York - part-time Secretary to the Architectural  
Review Board - is hereby accepted - effective March 1, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

ABE664

RESOLUTION NO. (217-1985)

TRANSFERRING FROM PART-TIME  
POSITION OF SECRETARY OF  
SHADE TREE COMMISSION TO PART-  
TIME POSITION OF SECRETARY TO  
ARCHITECTURAL REVIEW BOARD  
(GILDA DONOVAN)

Co. Maloney offered the following resolution:

RESOLVED, that Gilda Donovan, 271 Cottage Road, Valley  
Cottage, New York, is hereby transferred from the part-time position  
of Secretary - Shade Tree Commission and reassigned to the position of  
part-time Secretary to the Architectural Review Board - at the current  
1985 annual salary of \$1,500.00, effective March 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (218-1985)

APPOINTING POSITION OF PART-  
TIME SECRETARY TO CONDOMINIUM  
INFORMATION BOARD (DENISE DALY)

Co. Maloney offered the following resolution:

RESOLVED, that Denise Daly, 280 Congers Road, New City, New  
York, is hereby appointed to the position of part-time Secretary -  
Condominium Information Board - at the current 1985 salary of \$1,000.00,  
effective date pending return of application approval from the Rockland  
County Personnel Office.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (219-1985)

ACCEPTING ROAD AND RELATED  
IMPROVEMENTS IN TOWN OF  
CLARKSTOWN - SOUTH OF THE  
MOUNTAIN, SECTION I (ROBERTS  
ROAD)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent  
of Highways, the Director of Environmental Control and the Town Attorney,  
deed from: South of the Mountain Village, Ltd., dated November 18, 1983,  
conveying road and other improvements to the Town of Clarkstown in a  
subdivision as shown on Final Plat of South of the Mountain, Section I,  
filed in the Rockland County Clerk's Office on September 3, 1981 in Book  
No. 97 at Page 44, as Map No. 5288, as follows:

ROBERTS ROAD

1305 x 30 L.F.

is hereby accepted by the Town of Clarkstown and ordered recorded in the  
Rockland County Clerk's Office upon receipt of a continuation report  
of clear title to date of recording, and be it

FURTHER RESOLVED, that the agreement guaranteeing the road  
and improvements for a period of one (1) year in the amount of \$8,270.00  
is hereby accepted.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (220-1985)

AUTHORIZING USE OF TOWN OF  
CLARKSTOWN SHOWMOBILE  
(HISTORICAL SOCIETY OF ROCKLAND  
COUNTY)

Co. Maloney offered the following resolution:

WHEREAS, the Historical Society of Rockland County, New City, New York, has requested use of the Town of Clarkstown showmobile on Sunday, September 22, 1985, for the annual Homelands Day,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Historical Society of Rockland County to use the Town of Clarkstown showmobile on September 22, 1985, subject to the provision of the necessary insurance policies.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

ABE664

RESOLUTION NO. (221-1985)

SETTING PUBLIC HEARING FOR  
EXTENSION OF CLARKSTOWN  
CONSOLIDATED WATER SUPPLY  
DISTRICT NO. 1 (JODI-LYNN  
WASHOMATIC, INC. -CAMELOT)

Co. Holbrook offered the following resolution:

WHEREAS, a written Petition dated February 5, 1985 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland county, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 26th day of March, 1985, at 9:00 P.M. EST to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (222-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO AUTHORIZE  
INSTALLATION OF SIGNS AT  
CLARKSTOWN SOUTH HIGH SCHOOL  
AND INWOOD DRIVE, WEST NYACK

Co. Holbrook offered the following resolution:

WHEREAS, unauthorized vehicles are using, and being parked along, the emergency access road to the Clarkstown South High School in West Nyack,

NOW, THEREFORE, be it

RESOLUTION NO. (222-1985) Continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to install "EMERGENCY VEHICULAR ACCESS ONLY - NO THRU TRAFFIC" signs at Inwood Drive and the emergency access road to Clarkstown South High School in West Nvack, and be it

FURTHER RESOLVED, that these signs shall conform to the Traffic Code, and be it

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to the Superintendent of Highways and to the Traffic and Traffic Fire Safety Advisory Board.

Secoded by Co. Carey

All voted Aye.

\* \* \* \* \*

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Proposed Local Law re: Homebuyer's Protection was opened, time: 9:20 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was closed, time: 9:26 P.M. and regular meeting was resumed. RESOLUTION ADOPTED.

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RESOLUTION NO. (223-1985)

AMENDMENT TO LOCAL LAW NO. 3-1967 AS AMENDED RE: HOMEBUYER'S PROTECTION (CONDOMINIUM OWNERS)

Co. Holbrook offered the following resolution:

WHEREAS, Councilman Holbrook, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "AMENDMENT TO LOCAL LAW NO. 3-1967 AS AMENDED, ENTITLED, 'LOCAL LAW TO ENSURE THAT HOMEBUYERS BE PROTECTED FROM LOSS OF THEIR CONTRACT DEPOSITS OR PURCHASE AGREEMENTS BECAUSE OF THE FINANCIAL FAILURE OF THE BUILDER'"

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 26th day of February, 1985, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

FURTHER RESOLVED, that this resolution is retroactive to January 2, 1985.

Secoded by Co. Carey

All voted Aye.

\* \* \* \* \*

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Proposed Abandonment and deletion from Official Map - Ruth Street, Congers - was opened, time: 9:26 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Proposed Abandonment and deletion from Official Map - Ruth Street, Congers was closed, time: 9:34 P.M. and regular meeting was resumed, RESOLUTION ADOPTED.

\* \* \* \* \*

RESOLUTION NO. (224-1985)

ABANDONING RUTH STREET,  
CONGERS AND DELETING IT  
FROM THE OFFICIAL MAP OF  
THE TOWN OF CLARKSTOWN

ABE664

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 2nd day of January, 1985, provided for a public hearing on the 26th day of February, 1985, at 8:20 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of Ruth Street, Congers, New York, as shown and designated on a certain map entitled, "Property of Mrs. Lena Ropf, Congers, N.Y., James A. Lee, Surveyor, Congers, N.Y., July 22, 1893, Filed in the Rockland County Clerk's office July 24, 1893," and as further described on the attached Schedule "A", and

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

NOW, THEREFORE, be it

RESOLVED, that Ruth Street as described above is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom Ruth Street as described above, and be it

FURTHER RESOLVED, that the attached Recommendation of Superintendent of Highways of the Town of Clarkstown that a Highway be Abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's Office.

Seconded by Co. Holbrook

All voted Aye.

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

\* \* \* \* \*

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Acquisition of property for sidewalks in Congers, was opened, time: 9:35 P.M.

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Acquisition of property for sidewalks in Congers, was closed, time: 9:50 P.M. and regular meeting was resumed. RESOLUTION ADOPTED.

\* \* \* \* \*

RESOLUTION NO. (225-1985)

ADOPTING DETERMINATION AND  
FINDINGS PURSUANT TO  
EMINENT DOMAIN LAW, SECTION  
204 (ACQUISITION OF PROPERTY  
FOR SIDEWALKS IN CONGERS)

Co. Maloney offered the following resolution:

RESOLVED, that the attached Determination and Findings pursuant to Eminent Domain Procedure Law, Section 204, is hereby adopted, and be it

FURTHER RESOLVED, that the Town Attorney be and he hereby is authorized to publish such findings in accordance with Section 204 of the Eminent Domain Procedure Law and take all other steps necessary to obtain title for the Town of Clarkstown to a portion of the property described on the Clarkstown Tax Map as Map 127, Block J, Lots 3, 5 and 6 described in the Schedule "A" of the attached Determination and Findings.

(Attachments on file in Town Clerk's Office)

Seconded by Co. Carey

All voted Aye.

\* \* \* \* \*

Supervisor said that there was to have been a meeting this evening regarding projects for bonding by the Town of Clarkstown. In the absence of Councilman Lettre the necessary four out of five votes might present a problem so the workshop would be cancelled for tonight and a special workshop would be scheduled for tomorrow evening (Wednesday February 27th) and another for Thursday (February 28th) both at 6:00 P.M.

Supervisor announced that tomorrow evening at 8:00 P.M. there would be an informational meeting regarding the closing of Old Mill Route as it relates to the reconstruction of the Snake Hill Road railroad bridge.

Supervisor stated that on Monday, March 4th there would be a meeting with the owners and tenants of Normandy Village.

Supervisor noted that he needed a date to meet with the West Nyack Fire Commissioners regarding the last fire. He said he knew they were all busy and that there were meetings almost every night but he wanted this meeting to take place. The councilmen agreed to whatever date was most convenient for all involved.

Supervisor said that he would like to adjourn tonight's meeting in memory of Gerald O'Brien, State Republican Committeeman and a community activist in West Nyack. He mentioned that Mr. O'Brien was the father of five children. He requested a moment of silence and offered condolences to Mr. O'Brien's wife, Joan and their five children.

\* \* \* \* \*

There being no one further wishing to be heard and no further business to come before the Town Board, the Town Board Meeting was closed, on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, time: 9:55 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/26/85

9:20 P.M.

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

RE: PROPOSED LOCAL LAW RE: HOMEBUYER'S PROTECTION

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

Town Attorney John Costa explained that this local law was an amendment to Local Law No. 3-1967 in order that condominium owners would be afforded the same protection as other property owners in the Town of Clarkstown.

Supervisor asked if there was anyone wishing to be heard in favor of the proposed local law.

Appearance: No one appeared.

Supervisor asked if there was anyone wishing to be heard in opposition to the proposed local law.

Appearance: No one appeared.

There being no one wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:26 P.M.

Respectfully submitted,  
*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

\*\*\*\*\*

LOCAL LAW NO. 3-1985 was adopted - RESOLUTION NO.(223-A-1985)

RESOLUTION NO. (223-A-1985)

ADOPTING LOCAL LAW NO. 3-1985 RE: AMENDMENT TO LOCAL LAW NO. 3-1967 AS AMENDED, ENTITLED, 'LOCAL LAW TO ENSURE THAT HOMEBUYERS BE PROTECTED FROM LOSS OF THEIR CONTRACT DEPOSITS OR PURCHASE AGREEMENTS BECAUSE OF THE FINANCIAL FAILURE OF THE BUILDER' "

Co. Holbrook offered the following resolution:

WHEREAS, a proposed local law entitled: "AMENDMENT TO LOCAL LAW NO. 3-1967 AS AMENDED, ENTITLED, 'LOCAL LAW TO ENSURE THAT HOMEBUYERS BE PROTECTED FROM LOSS OF THEIR CONTRACT DEPOSITS OR PURCHASE AGREEMENTS BECAUSE OF THE FINANCIAL FAILURE OF THE BUILDER'" was introduced by Councilman Holbrook at a Town Board meeting held on February 26, 1985, and

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RESOLUTION NO. (223-A-1985) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 26th day of February, 1985, directed that a public hearing be held on the 26th day of February 1985, at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 11, 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 31, 1984, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 26, 1985;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3-1967, entitled: "AMENDMENT TO LOCAL LAW NO. 3-1967 AS AMENDED, ENTITLED, 'LOCAL LAW TO ENSURE THAT HOMEBUYERS BE PROTECTED FROM LOSS OF THEIR CONTRACT DEPOSITS OR PURCHASE AGREEMENTS BECAUSE OF THE FINANCIAL FAILURE OF THE BUILDER'" 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.....Yes
- Councilman William J. Carey.....Yes
- Councilman John R. Maloney.....Yes
- Councilman Charles E. Holbrook.....Yes

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

Seconded by Co. Carey

All voted Aye.

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/26/85

9:26 P.M.

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

RE: PROPOSED ABANDONMENT AND DELETION FROM OFFICIAL MAP - RUTH STREET, CONGERS

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

Town Attorney said that correspondence from his office was directed to Henry Horowitz advising him as the representative of the petitioner that notices under Section 106.32 c of the Zoning Ordinance were required to be sent to various residents and that an affidavit of mailing would have to be filed at the time of the public hearing.

Supervisor asked if there was anyone wishing to be heard in favor of this proposed abandonment.

Appearance: No one appeared.

Supervisor asked if there was anyone wishing to be heard in opposition to this proposed amendment or if there was anyone present having any questions regarding the same.

At this point Mr. Donald Tracy stated that he was appearing for Mr. Horowitz who was ill. He stated that all petitions and posting were in order and he handed up to the Town Attorney an affidavit of posting and an affidavit of mailing. Town Attorney requested that these be given for filing to the Town Clerk. This was done.

Mr. Tracy stated that this was an application of the Little Tor Development Corp. and had the recommendation of the Planning Board and it has the abandonment signed by the Superintendent of Highways.

An unidentified person in the audience asked what would happen if the Town adopts the abandonment. Supervisor said that if the Town were to prevent the abandonment nothing could be built in the road's path. The gentleman from the audience then asked what would happen to the actual road. Supervisor said it depends on who owns the deed. If the Town owns the deed then it would be the Town's eventual responsibility to build it. If it were under private ownership it would be the private owner's responsibility but that strip could not be built upon. Town Attorney said you may not build within the bed of a mapped street unless you get permission from the Zoning Board of Appeals similar to a variance application or the Town Board would have to remove the street from the map.

Town Attorney said the action taken by the Town Board tonight would not affect the ownership or the fee interest in the property. It would depend on who owns the property which at this point in time would be subject to possibly the rights of the public to cross over it. He further stated that there is on file in the papers submitted with the application a letter from McCall Abstract Company (which he believed Mr. Tracy has) which indicates that their records indicate that the owner of the fee would be the successor in interest to the person who set up the map and it was his belief that was the applicant. He asked Mr. Tracy if that was correct and Mr. Tracy answered in the affirmative.

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There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted the public hearing was declared closed, time: 9:34 P.M.  
RESOLUTION ADOPTED.

Respectfully submitted,

PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (224-1985) was adopted.

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/26/85

9:35 P.M.

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

RE: ACQUISITION OF PROPERTY FOR SIDEWALKS IN CONGERS

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 and Town Attorney testified as to proper posting and publication.

Supervisor stated that this was a hearing in order for the Town to perform condemnation proceedings, if necessary, on the acquisition of Lots 3, 5 and 6 on Tax Map 127, Block J in Congers if negotiations are not successful. Town Attorney affirmed that what the Supervisor had stated was basically correct.

Supervisor asked if there was anyone wishing to be heard on the proposed acquisition.

Appearance: Mr. Philip Graziano  
Lake Road  
Congers, New York

Mr. Graziano read a prepared statement:

"...I've had bad press coverage on this matter by a Town Official. For the record I have never made any statements against this project.

I have no quarrel with the Town fathers or the Congers Civic Association.

We are all here tonight on the subject of safety for our people.

I am an expert on safety. I hold 2 degrees in Criminal Justice and Police Science and was working towards my Master's Degree which includes Traffic Engineering. I was a Police Officer for over 22 years before retiring as a Police Lieutenant. I was involved in numerous traffic surveys that involved more than sidewalks.

I'm not just talking as a property owner. We are talking about safety. This is not a first for me. Back in the 1960's I was the founder and first President of the Rockland County Patrolmen's Benevolent Association. As the leader of that organization we were instrumental in starting safety programs - particular with children around schools!

I'm just making a point of how long I have been involved in safety. Now, if I may, explain about the safety of my house first. As you know, I have a stone wall and cement steps in front of my house, which are not there for beauty. They were built 50 years ago by the previous owner to protect my house from vehicle traffic. Over the years I can recall at least 7 occasions when a vehicle hit the wall or steps which prevented damage or destroying my house. About a year ago a truck skidded on the icy road and struck the wall and before that

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a car exiting from the bank driveway across the street collided with an eastbound car sending it into the front steps. Again my house was saved. Removing this protection would place my house within a few feet of the road and endangering my family and property.

If there was not a safer and cheaper solution I would not be here tonight. If the Town builds the sidewalks on my neighbor's and my property, disregarding the cost to the taxpayers of buying said property, the cost of construction of removing my cement wall and steps and replacing both, a few feet back - it will create a very dangerous sidewalk situation.

Along the line of the wall, the roadway has a bad slope or slanting surface and in inclement weather vehicles have a tendency to slide or skid to the side of the road. They used to hit the wall; now they will endanger people. That's why the wall was built. I predict it will raise the danger to pedestrian traffic. One accident on an inclement day around 3:00 P.M. when Congers school children would be walking with their backs to traffic could be a disaster that we could have avoided.

My solution - If I were making a professional traffic safety report - plus saving the Town thousands of dollars - #1 - I would recommend to build the sidewalk along my property line. Raise the walkway enough - approximately 10 inches to eliminate the slope or slant - move the center line of the roadway over 3 feet toward school side and acquire 3 feet from the hundreds of feet of school lawn that the school has.

By doing this it will also remove some of the curve on Lake Road by Grant Avenue and improve visibility both ways by at least 30%. It will then be a safer sidewalk on both sides of the road.

It will also improve visibility of cars exiting from shopping center and by the removal of the large tree will improve visibility for cars exiting from Provident Bank.

I suggested a similar plan when I met with Town officials about a year ago and was told it could be done only a storm drain had to be adjusted.

I understand the Clarkstown School Board refused to consider giving the 3 feet needed for this plan because they didn't want to lose a tree or trees; but when they hear of the safety factor involved I'm sure they will reconsider because you can not measure human life and safety against the removal of a tree or trees.

Another safety factor is the large tree they want to keep. This tree over the years in fair weather has been the gathering place for many teenagers for the use of drugs and beer drinking.

I know it has nothing to do with sidewalks but they are still our kids. I often wondered how many were turned on from that very tree and perhaps leading to their destruction in the past, present or future. Mind you this is a grade school lawn. I've witnessed incidents many times. The removal of that tree could be a blessing and possibly save a life.

I'm aware of the need for sidewalks. All I'm asking is that the Town Fathers be aware of the facts and to investigate this issue for the safest way to construct a sidewalk.

As I said before I would not be here if I did not think there was a cheaper and most of all a safer way to protect our people.

Now that I am involved in the matter and have made by statement I intend to pursue this matter as far as I am financially and physically able to do so even if it means a court action. I cannot believe the Clarkstown School Board is against safety for our children when it is our taxpayers' property. What's more important - our most cherished possession - a child or a damn tree. I will be more than happy to cooperate anyway I can!!!

Please look before you leap and I pray to the good Lord that He will give you the wisdom and conscience you will need to make this important decision.

That's all I have to say.

Thank you."

Supervisor said that he wanted Mr. Graziano to know that this public hearing was merely for the condemnation of his (Mr. Graziano's) and two other parcels on the north side of the road. Any comments about the other side are related but not relevant to the action that is before us. He asked if Mr. Graziano understood this and Mr. Graziano replied that he did.

Mr. Graziano said that it is only a matter of about 6 inches and they have to remove stone steps which were erected in 1928. If the wall has to go it has to go but where is the protection and safety for my house? He said that he goes along 100% that the kids have to have a place to walk but it's a shame that there is 400 feet of school lawn and because of a couple of trees - and with that one particular tree opposite his driveway he stated that he smelled the "grass" in his living room at night. He used to call up but the kids would take it out on his kids or on his house and he gave up. Now with this project coming up he felt this was the right time to remove that tree. The tree is half dead anyway and he had another fear that someday this 200 foot oak would fall on his house.

Appearance: Mr. Douglas Eichele  
Congers Civic Association

Mr. Eichele said he wanted to speak both as a parent, property owner and President of the Congers Civic Association. He stated that his main concern naturally was for his own child who attends Congers School and is a walker to Congers School and who someday Mr. Eichele would like to let him walk to the convenience store on his own. Currently he cannot do that because there is no safe sidewalk for him to walk on. He said there is a desperate need for children who walk to school to walk to school on sidewalks which are safe. He said he was glad that Mr. Graziano was concerned with the safety of the children in Congers as they all are. This becomes an issue of one person's property or rights and how they affect the other individuals in an area. The feeling of the people in the area is that they don't want to disturb anybody else's property but at the same time they need to have safe sidewalks to walk on. He said that it was about last November when someone was hit at or near the property in question. This was a 22 year old woman. This points up the obvious need for sidewalks in that area.

Mr. Eichele said concerning the sidewalk in front of the school he had been concerned with getting the sidewalks in for quite a long time. Supervisor said there had been delays in getting the engineering done. Mr. Eichele said it was so important for the safety of all the people in Congers.

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Supervisor asked Mr. Eichele how he felt about the condemnation of the property in question and Mr. Eichele said he thought the sidewalks had to go in there. Supervisor said "Are you for the condemnation or against it?" Mr. Eichele said he was for the condemnation of the property because it would be necessary if the property can't be acquired by other means in order to secure it for the sidewalks.

Mr. Eichele said Mr. Graziano had stated that he knew of 7 instances when cars have gone up on his property which indicates the people walking there obviously have no protection.

Mr. Eichele said with regard to the school sidewalk that has already been approved by the School Board and he doubted that they were going to change their minds on it. He presented a petition signed by approximately 50 people who reside in the area and some store owners.

Mr. Eichele also read the following letter:

Letterhead of Congers Civic Association

January 22, 1985

Honorable Town Board,

As President of the Congers Civic Association, I represent over 500 Conger's residents. For the last two years, our organization has lobbied long and hard to have a safe and continuous sidewalk on Lake Road from Route 303 to King's Highway. Our membership, as well as the PTA, and many non members felt the need for this sidewalk for the protection of all pedestrians, especially our children. For many years, our children have not had any sidewalk to walk to the Convenience store, or to get to school safely. As further proof of the need for this sidewalk, a young woman was struck by a car in front of the property in question. Fortunately, this woman was not seriously injured, but it pointed again to this dangerous situation.

So I come before you this evening to request, for the safety of all Conger's residents, especially the children, that you acquire the property necessary to complete this vital project. Thanking you in advance for your kind consideration, I remain.

Sincerely,

/s/ Doug Eichele

Doug Eichele, President"

Appearance: Mrs. Anne Sherigan  
Congers PTA

Mrs. Sherigan said the PTA is very concerned about the children walking completely unprotected to the Handistop from North Grant Avenue. It is a miracle that there have been no fatal accidents on that stretch of road and the PTA is eager to see that the sidewalks in question be constructed as soon as possible.

Appearance: Mrs. Penny Leonard  
Congers, New York

Mrs. Leonard said she was speaking in favor of the condemnation. She said her kitchen window overlooks where the sidewalk will be and she said she has seen many near accidents where people have almost been hit by cars. The sidewalk abruptly ends and people do not know what to do. They could cross the street but there is a lot of traffic and they would have to cross back again in less than a block. Coming out of North Grant Avenue onto Lake Road it is difficult to see. If

the property was condemned for the four feet or whatever is necessary we will have better visibility coming out of that street and that will alleviate the serious problem right there.

There being no one else wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted the Public Hearing was declared closed, time: 9:50 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

ABE664

RESOLUTION NO. (225-1985) was adopted.