

TOWN OF CLARESTOWN  
TOWN BOARD MEETING

Town Hall

3/26/85

8:10 P.M.

Present Supervisor Dusanenko (arrived 8:20 P.M.)  
Councilmen Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

Councilman Holbrook declared the Town Board Meeting open. Assemblage saluted the Flag. Councilman Holbrook opened the public portion of the meeting.

Appearance: Mr. Joseph Branda  
22 Lowrey Place  
Valley Cottage, New York 10989

Mr. Branda appeared regarding his home at Wakefield Estates II built by Bard-Rock Corporation in 1984. He said he had notified various departments in Town Hall regarding problems with his house. There was dialogue with various Town Board members and department heads regarding his problems. Councilman Lettre suggested that Mr. Bollman might go out with a member of the Town Board and make a night tour.

Appearance: Mr. Jack Fontana  
South Harrison Avenue  
Congers, New York 10920

Mr. Fontana had numerous questions having to do with whether his area of South Harrison Avenue was a private or public street.

Supervisor asked if there was any change in the Town Attorney's opinion and Town Attorney said that the facts presented by Mr. Fontana were not new but had been presented in 1983 and there was no change in his opinion. Supervisor asked Town Attorney if he would explain to Mr. Fontana why what he is suggesting cannot be done.

Town Attorney said that Mr. Fontana is asking the Board to recognize that there has been an implied dedication by the fact that the Town has allegedly provided repairs over a long course of time. Prior town attorneys and himself (Mr. Costa) in reviewing all presented information have come to the conclusion that implied dedication has not in fact occurred and while South Harrison Avenue is traversed by the public it is a private road that has become vested with a public right-of-way but is not dedicated to the Town and the Town is, therefore, not obligated to restore the road bed or make any repairs or improvements. The alternative that the Town Attorney would suggest and has suggested on a number of occasions is that the homeowners on South Harrison Avenue petition the Town Board to create a road improvement district and when the road is improved to Town specifications the Town could then accept dedication of it. The cost of repairs could be equitably assessed against the property owners based on a frontage basis.

Mr. Fontana said no one has offered any proof yet that this is a private road. How can you arbitrarily label a piece of a public street - one section of it - and call it a private road. It just isn't so.

Supervisor said there was not a member of the Town Board who was against those types of improvements. Until such time as an attorney serving this Town can show us that we can legally do it other than by a road improvement district we can do nothing. This same question keeps coming up and recently we had a letter from the Congers Civic Association on this same subject. Supervisor asked Mr. Costa to please respond to that letter from Mr. Doug Eichele and to please state the reasons that the Town Attorney believes it not to be the case so that if it does go to court at leasts the people will know how to take it to court.

Continued on Next Page

Town Attorney said he thought Mr. Fontana has been asking him, and town attorneys in the past, to prove a negative and we are not in a position to prove a negative. The facts do not establish that a dedication by implication has taken place. He said he has caused the records of the Town to be studied over the years to determine if there was ever any resolution by the Town Board asserting control over South Harrison Avenue and have found none. Mr. Fontana is asking the Town Attorney to prove a negative and it is not capable of being done. It is up to the proponents to come up with facts to establish that.

Mr. Fontana said this portion of the road has been maintained and repaired for the last fourteen years. That is four years beyond the time limits set by the State for the Town to take over a road that they have maintained and repaired. There are precedents for this case where a road has been used by a Town and at the end of ten years it was turned over to the municipality and this is his argument.

Councilman Holbrook said a road improvement district is an option which is onerous from the standpoint of expense. The other option is that if the people feel the Town has in fact taken the road by implication some action could be taken against the Town. He said if the people brought an action and that action were to be adjudicated that the Town has in fact taken the road by implication then the Town of Clarkstown would be obligated to do something. You have two options and you have to choose which one you wish to use.

Supervisor said that since our attorneys regardless of their politics have been consistent to state that there is not sufficient proof to guide any member of this Town Board to provide the relief that Mr. Fontana wants if you were to bring a legal action then a judge would decide. He said public funds could not be expended for what the Town Attorney says is a private purpose.

Mr. Fontana said he has still not been answered that this road has been maintained for fourteen years, at least, by the Town. The law states specifically that the ten year period should be used. He said he was still not getting his answer.

Appearance: Mr. Joseph Pantano  
Middletown Road  
New City, New York 10956

Mr. Pantano thanked the Supervisor for a letter he had sent to John Murphy at Loeb House and for the response which he received by Mr. Murphy and Loeb House that he is being considered for the Board of Visitors. He also asked a question regarding assessments and Mr. Valenza requested that he call the Assessor's Office in the morning. Mr. Pantano said he would do that.

Appearance: Ms. Stephanie Bosco  
West Nyack, New York

She stated she was representing her father regarding the Industrial Development Committee. Mr. Bosco had said that no minutes were available since 1982. She wanted to know exactly what the charge of the Committee was.

Councilman Maloney said the charge was to try to see what could be done in terms of education and outreach of trying to bring good, ratable industry to the Town of Clarkstown. He gave a brief description of the methods involved.

Supervisor Dusanenko requested that Councilman Maloney have the Secretary of the Industrial Development Committee contact Miss Bosco regarding dates of meetings and the filing of minutes of meetings past.

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Appearance: Mr. Jack Cuff  
West Nyack, New York

Mr. Cuff had a question regarding the Homestead and Non-Homestead classifications. He also inquired about having a public hearing regarding the assessments.

Supervisor gave a brief explanation of the classifications to Mr. Cuff. He also stated that the Assessor's Office could be contacted and if someone represented a large group and wished to have someone from the Assessor's Office speak to them that could also be arranged. He gave the number to call as 638-4750.

Appearance: Mr. Art Malatzky  
Mountainview Condominiums  
Valley Cottage, New York 10989

He inquired as to whether the town board was going to reconsider the Homestead Act after seeing the impact it has had on the condominiums. He said that his taxes have gone up \$785.00 and if the Board was not going to reconsider then the condominiums should be given equal services as other town residents.

Supervisor said the Board had voted 4 to 1 for the Homestead Act and they were not going to reconsider it. Supervisor said the Town had agreed to take over the first 200 feet of Sierra Vista Drive and the Town is supposed to plow that first 200 feet and the sidewalks and the drain and the resurfacing and if not contact the Highway Department. All other roads in that complex or sidewalks or curbs or street lights are private. The Superintendent of Highways has over the years done bulk pick-up the same as for any other private residence in the Town. Garbage service is paid for individually to a private carter.

Mr. Malatzky said they had bought their homes years ago knowing that they were not getting services and they traded by not being taxed for those services.

Councilman Lettre said the only service the condominium owner does not receive is the road service and every individual private home has their own driveway to maintain. Councilman Lettre said the Homestead Act brought equality to Clarkstown since condominiums and residential homes were being treated identically based on fair market value.

Supervisor said there have been brought to his attention problems with assessments. He said if someone was willing to sell his home or property at the assessment level then it is fair. The only reason this reassessment took place was for the good of the homeowner and the good of the condominium owner. When it comes to equalization rate sometime in the future this should benefit the owner of whatever type property it is. He said he felt that the Town of Clarkstown was being overtaxed for its county and out of town school districts. This should reduce that impact and unfairness for all of us. All property is on the latest fair market value. Supervisor urged him and anyone who felt they were being treated unfairly to file a grievance.

Appearance: Mr. Philip Bosco  
West Nyack, New York

Mr. Bosco spoke regarding assessments and was informed that his question had already been answered and he was asked to please speak to the Assessor.

Appearance: Mr. Martin Bernstein  
New City, New York

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ABE664

He spoke regarding assessments and asked that when we went to the Homestead did we lock in the percentage of residential assessment versus the rest? The percentage of tax shall be raised from people in that classification and does that mean that there is no great benefit anymore to the residential property owners in bringing in ratables to the Town? Mr. Valenza said as long as there is Homestead the ratables brought in will go into the commercial class. Mr. Bernstein said then that means that the residences will not benefit by the increase in ratables. Supervisor said they will indirectly but not necessarily directly. It depends on how much assessment it is and how much certiori. Most of our certiori problems are not brought by condominium and home owners but is brought by major industry. He cited as an example that the Nanuet Theatre Go Round at one time was assessed for \$5.5 million dollars and was a wonderful ratable. It has been assessed for \$1,000,000.00 after certiori and now that a church has brought that property it will be completely off the tax rolls in an exempt category in the next few months.

Mr. Bernstein said if you figure it out there will not be much of a benefit to the residences under this system when you bring in ratables because the benefit will inure to the rest of the commercial property owners. Supervisor said vacant property as well which will mean that there will not be as much stress on the little bit of remaining vacant land so that someone can sell it and develop it because they will be able to have a breath of fresh air and not see every piece of land built upon because no one can afford to maintain it.

Mr. Bernstein said in a spot check that he has made he has found that the high end of the assessment roll is under-assessed. The expensive homes in this town are not being assessed at anywhere near the proper market value in relation to all the property owners. This town should make sure before the assessment roll is closed that that end of the assessment roll should be treated as fairly as everyone else.

Appearance: Mr. Michael Merryman  
210 Parrott Road  
West Nyack, New York 10994

Mr. Merryman said he felt that to adhere to a single standard will be a very dangerous policy. He also asked if the Police Department comes under the jurisdiction of the Town Board. Supervisor said it comes under three Police Commissioners appointed by the Town Board. The Town Board has overall responsibility but monthly responsibility is that of the commissioners and under emergency conditions the Supervisor intercedes.

Mr. Merryman had strong complaints regarding speed traps and he felt they should not be run in this community. He wanted it on record that it should be under the jurisdiction of the Town Board and civilian authority. He felt radar was a toy which should be played with only to a limited extent and should not be abused.

Supervisor said that it was the 125th Anniversary of Germonds Presbyterian Church and on behalf of the Town Board and all the residents of Clarkstown he wished all parishoners of the church congratulations.

Supervisor called for a moment of silence for two noted people who were residents of the Town and who had recently died - former County Attorney and Assemblyman Stephen Doig and Mr. Manny Schwartz of the Jewish War Veterans.

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RESOLUTION NO. (274-1985)

AUTHORIZING TOWN ATTORNEY  
TO ENTER INTO AN AGREEMENT  
WITH KARL A. KIRCHNER, INC.

Continued on Next Page

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to enter into an agreement with Karl A. Kirchner, Inc., to prepare an appraisal report for a portion of the lot designated on the Clarkstown Tax Map as Map 33, Block B, Lot 20.0502 for the sum of \$900.00, which agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$900.00 shall be charged to Account No. 1420-409, and be it

FURTHER RESOLVED, that this resolution is retroactive to March 1, 1985.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (275-1985)

AUTHORIZING SUPERVISOR TO CONFIRM UPGRADINGS AND TO TRANSFER \$46,069.00 FROM CONTINGENCY ACCOUNT NO. A 1990-505

Co. Maloney offered the following resolution:

WHEREAS, Town Board Resolution No. 110 dated February 11, 1985 authorized the Supervisor to confirm the upgradings as per the report of the Town of Clarkstown negotiating team dated January 18, 1985,

NOW, THEREFORE, be it

RESOLVED, to transfer \$46,069.00 from Contingency Account No. A 1990-505 to the following Appropriation Account Numbers:

- A 1110-110.....\$8,737
- A 1120-110..... 576
- A 1120-110..... 1,385
- A 1315-110..... 4,050
- A 1345-110..... 1,626
- A 1355-110..... 3,605
- A 1410-110..... 2,166
- A 1420-110..... 2,278
- A 1430-110..... 603
- A 1640-110..... 2,020
- A 3010-110..... 663
- A 3020-110..... 525
- A 3120-112..... 9,818
- A 3510-110..... 1,387
- A 5630-110..... 916
- A 7020-110..... 1,989
- A 8160-110..... 748
- A 8730-110..... 2,977

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (276-1985)

MEMORIALIZING ASSEMBLY BILL #1630 WHICH WOULD INCREASE STATE REIMBURSEMENT TO MUNICIPALITIES FOR COURT SERVICES FROM \$5.00 TO \$10.00

Co. Holbrook offered the following resolution:

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RESOLUTION NO. (276-1985) Continued

WHEREAS, Assembly Bill #1630 which would increase the state reimbursement to municipalities for court services from \$5.00 to \$10.00.

WHEREAS, this Town Board is in full support of Assembly Bill #1630, and be it

FURTHER RESOLVED that the Town Clerk of the Town of Clarkstown send certified copies of this Memorializing Resolution to Assemblymen Sam Colman, Robert Connor, Mary McPhillips, George Pataki and Senator Eugene Levy.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (277-1985)

AUTHORIZING DOLORES LODICO AND DORIS FOGEL TO ATTEND CLASSES AT BURROUGH'S CORP. AND CHARGING TO APPROPRIATION ACCOUNT NO. A 1680-414

Co. Holbrook offered the following resolution:

RESOLVED, that Dolores F. Lodico and Doris Fogel be authorized to attend classes at Burrough's Corporation from May 6-10 in Philadelphia, Pa., and be it

FURTHER RESOLVED, that all proper expenses be charged to Appropriation Account No. A 1680-414 (Data Processing-Conferences & Schools).

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (278-1985)

AUTHORIZING TOWN ATTORNEY TO DEFEND A PROCEEDING - SUMMIT SCHOOL

Co. Carey offered the following resolution:

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

In the Matter of the Application of

THE SUMMIT SCHOOL AND CHILDREN'S RESIDENCE CENTER

Petitioner,

For a Judgment under Article 78 of the Civil Practice Law and Rules

-against-

THEODORE DUSANENKO, Supervisor, and WILLIAM CAREY, JOHN MALONEY, CHARLES HOLBROOK and EDWARD LETTRE, Councilmen, as the Town Board 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. Lettre

Continued on Next Page

RESOLUTION NO. (278-1985) Continued

On roll call, the vote was as follows:

Co. Carey.....Yes  
Co. Holbrook.....Yes  
Co. Lettre..... Yes  
Co. Maloney.....Abstained  
Supervisor Dusanenko.....Yes  
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RESOLUTION NO. (279-1985)

RESCINDING RESOLUTION  
#145-83 AND ADOPTING NEW  
RESOLUTION RE. SIGNS ON  
DYKES PARK ROAD, NANUET -  
WHITE CASTLE RESTAURANT

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendations of the Traffic and Traffic Fire Safety Advisory Board, in order to alleviate parking problems on Dykes Park Road, Nanuet, resolution #145-1983 adopted by the Town Board on February 8, 1983 be rescinded, and be it

FURTHER 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." See Section 221.3 sign number Pl-2 with arrows of the New York State Department of Transportation Manual of Uniform Traffic Control Devices. These signs should be installed on the east side of Dykes Park Road, Nanuet starting at Rte. 59 and continuing north on Dykes Park Rd. for a distance of 230 ft. from the starting point, and be it

FURTHER RESOLVED, that the Superintendent of Highways reinstall the "Dead End" sign on the eastside of Dykes Park Road, 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. Maloney All voted Aye.  
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RESOLUTION NO. (280-1985)

AUTHORIZING TOWN ATTORNEY  
TO COMMENCE PROCEEDINGS  
PURSUANT TO SECTION 268

Co. Holbrook offered the following resolution:

WHEREAS, the Building Inspector has advised the Town Board that from time to time violation notices and informations filed in the Clarkstown Justice Court in an effort to secure compliance with the Clarkstown Zoning Ordinance have resulted in numerous proceedings which have failed to secure such compliance, and

WHEREAS, the Building Inspector has recommended that the authority provided in Town Law Section 268 should be utilized to secure injunctive relief against property owners or users who fail to comply with the provisions of the Town Code after repeated attempts to secure such compliance are made;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney be, and he hereby is, authorized to commence proceedings as recommended, from time to time, by the Building Inspector pursuant to Section 268 of the Town Law in the Supreme Court of Rockland County to secure injunctive

ABE664

## RESOLUTION NO. (280-1985) Continued

relief and other relief necessary and proper to secure compliance with the Clarkstown Zoning Ordinance when recommended by the Building Inspector.

Seconded by Co Maloney

All voted Aye.

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## RESOLUTION NO. (281-1985)

## AWARDING ARTS AND CRAFTS BID

Co. Holbrook 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 for furnishing Arts & Crafts supplies is hereby awarded to the following low bidders who have met the specifications:

1. I.M.C. MANAGEMENT, INC., a subsidiary of Innovation Marketing Corporation (Delaware), 55 Railroad Ave., Garnerville, N.Y. 10923, Telephone - (914) 429-2102

for items #216, 217, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 245, as per specifications at a net price of \$6,457.86 and to

2. ECONOMY HANDICRAFTS, 50-21 69th Avenue, Woodside, N.Y. 11377, Telephone - (718) 426-1600

for items # 3, 7, 10, 12, 14, 15, 17, 23, 26, 81, 86, 88, 89, 92, 98, 101, 102, 105, 106, 107, 124, 131, 138, 139, 146, 167, 169, 170, 171, 183, 189, 196, 197, 198, 199\*, 203, 206, 214, 215, 221, 246\*, 249b, 250, 262, 266, 271, 272, 273, 275, 277, 290, 298, 299, 304, 307, 308, 309, 311, as per specifications at a net price of \$4,021.55 and to

3. VANGUARD CRAFTS, 1701 Utica Avenue, Brooklyn, N.Y. 11234, Telephone -(718) 377-5188

for items # 5, 22, 34, 52, 76, 77, 129, 130, 161, 164, 165, 174, 211, 249a, 293, as per specifications at a net price of \$453.23 and to

4. S/S ARTS & CRAFTS, Colchester, Connecticut, 06415, Telephone - (203) - 537-3451

for items # 2, 3a, 4, 6, 11, 18, 20, 21, 24, 27, 29, 30, 31, 32, 42, 43, 44, 45, 46, 47, 48, 49, 54, 55, 56, 58, 59, 60, 61, 65, 66, 69, 70, 78, 79, 80, 82, 83a, 83b, 83c, 83d, 84, 87, 90, 91, 93, 99, 100, 103, 104, 108, 109, 110, 111, 112, 113, 123, 126, 127, 128, 132, 136, 137, 143, 144, 149, 150, 154, 155, 156, 158, 163, 166, 172, 175, 176, 177, 179, 180, 181, 182, 186, 190, 190a, 193, 200, 201, 204, 205, 208, 210, 212, 218, 219, 244, 247, 251, 253, 255, 256, 258, 261, 267, 268, 269, 270, 276, 281, 282, 283, 284, 285, 286, 287, 288, 289, 292, 294, 295, 296, 297, 300, 303, 305, 310, 312, 313 as per specifications at a net price of \$8,099.93 and to

5. J & A HANDY-CRAFTS, INC. 210 Front Street, Hempstead, N.Y. 11550,

Telephone (516) 292-1220

for items 1, 8, 9, 13, 16, 19, 25, 28, 33, 35, 36, 37, 38, 39, 40, 41, 50, 51, 53, 57, 62, 63, 64, 67, 68, 71, 72, 73, 74, 75, 85, 94, 95, 96, 97, 114, 115, 116\*, 117, 118, 119, 120, 121, 122, 125, 133, 134, 135, 140, 141, 142, 145, 147, 148, 151, 152, 153, 157, 159, 160, 162, 168, 173, 178, 184, 185, 187, 188, 191, 192, 194, 195, 202, 207, 209, 213, 248, 252, 254, 257, 259, 260, 263, 264, 265, 274, 278, 279, 280, 291, 301, 302, 306, as per specifications at a net price of \$4,304.02

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RESOLUTION NO. (281-1985)Continued

GROSS TOTAL OF ALL ITEMS: \$23,336.59

and be it,

FURTHER RESOLVED, that this amount be charged against accounts:

7141-329	-	\$	4,432.13
7310-329	-		6,659.93
7610-329	-		12,244.53

and be it,

FURTHER RESOLVED, that no bids awarded to items #83, 220.

Seconded by Co. Maloney All voted Aye.  
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ABE664

RESOLUTION NO. (282-1985)	AWARDING BID #24-1985, CARPETING FOR THE NEW CLARKSTOWN COUNSELING CENTER (VOGUE CARPETS) - FUNDS CHARGED TO DSAS GRANT
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Co. Holbrook offered the following resolution:

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

BID #24-1985  
CARPETING FOR THE NEW CLARKSTOWN COUNSELING CENTER

IS HEREBY AWARDED TO:

VOGUE CARPETS  
Pacesetter Shopping Center  
Route 202  
Pomona, N.Y. 10970

as per submitted proposal for carpeting, installed over foam padding, stair treads, and cover base per bid specifications for the proposed sum of \$3,424.80, and be it,

FURTHER RESOLVED, that funds for same be charged to DSAS Grant.

Seconded by Co. Maloney All voted Aye.  
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RESOLUTION NO. (283-1985)	AWARDING BID #23-1985 FOUR 1985 FORD F150 PICK-UP TRUCKS TO SCHULTZ FORD, INC. AND CHARGED TO ACCOUNT A 5132-219- ACCOUNT DA 5130-219
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Co. Holbrook offered the following resolution:

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

BID #23-1985  
FOUR (4) 1985 FORD F150 PICK-UP TRUCKS

is hereby awarded to:

SCHULTZ FORD, INC.  
80 Route 304  
Nanuet, N.Y. 10954

RESOLUTION NO. (283-1985) Continued

for four (4) 1985 FORD F150 Styleside pick-up trucks as per bid specifications at the proposed cost of \$8,100.00 per vehicle, and be it

FURTHER RESOLVED, that funds for the same be charged as follows:

Account A 5132-219-\$16,200  
Account DA 5130-219 \$16,200.

Seconded by Co. Maloney All voted Aye.  
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RESOLUTION NO. (284-1985)

AWARDING BID #22-1985 FOR REPAIRS AND REPLASTERING OF GERMONDS PARK SWIMMING POOL TO HYDROTECH DIVISION OF PADDOCK GUNITE POOLS FOR GENERAL CONSTRUCTION; AND TO PARK MECHANICAL FOR PLUMBING. TO BE ALLOCATED AGAINST A 7180-408

Co. Holbrook offered the following resolution:

RESOLVED, based upon the recommendations of Gaston L. Raffaelli, P.E., Laurence Kohler, Director of Purchasing and Edward J. Ghiazza, Supt. of Recreation and Parks, that

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

is hereby awarded as follows:

GENERAL CONSTRUCTION - Hydrotech Division of Paddock Gunite Pools, 116 Railroad Avenues Ext., Albany, NY 12205,

Base Bid.....	\$117,900.00
Alternate G-1 .....	+ 3,800.00
Alternate G-3 .....	+ 1,800.00
Alternate G-4 .....	+ 3,500.00
Alternate G-5 .....	+ 2,500.00
Alternate G-6B.....	+ 3,900.00
Alternate G-9 .....	+ <u>5,300.00</u>

TOTAL CONTRACT-GENERAL CONSTRUCTION .....\$138,700.00

PLUMBING - Park Mechanical, 31 State Street, Ossining, NY 10562,

Base Bid.....	\$ 13,490.00
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TOTAL CONTRACT-PLUMBING.....\$ 13,490.00

TOTAL AWARD: \$152,190.00

and be it

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, based upon the recommendation of Gaston L. Raffaelli, P.E., not to exceed \$170,000., to be allocated against A 7180-408.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (285-1985)

AWARDING BID #21-1985 OFFICE FURNITURE TO BOUTONS, INC., AND PRIDE OFFICE FURNITURE

RESOLUTION NO. (285-1985)Continued

Co. Holbrook offered the following resolution:

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

BID #21-1985  
OFFICE FURNITURE

is hereby awarded to:

BOUTONS, INC.  
Route 59  
Spring Valley, N.Y. 10977

and

PRIDE OFFICE FURNITURE  
49 So. Main St.  
Spring Valley, N.Y. 10977

as per the attached schedule.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (286-1985)

ADVERTISING FOR BID  
#30-1985 TURF MAINTENANCE  
EQUIPMENT

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

BID #30-1985  
TURF MAINTENANCE EQUIPMENT

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, April 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. Maloney

All voted Aye.

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RESOLUTION NO. (287-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #31-1985 -SOFT  
BODY ARMOR

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

BID #31-1985  
SOFT BODY ARMOR

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, April 22, 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.

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ABE664

RESOLUTION NO. (288-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BID #34-1985, BUS  
TRANSPORTATION

Co. Maloney offered the following resolution:

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

BID #34-1985  
BUS TRANSPORTATION

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, April  
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.

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RESOLUTION NO. (289-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BID #33-1985 FOR LANDSCAPE  
TIES

Co. Maloney offered the following resolution:

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

BID #33-1985  
LANDSCAPE TIES

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, April  
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. Carey

All voted Aye.

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RESOLUTION NO. (290-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BID #32-1985, BATHROOM  
PARTITIONS

Co. Maloney offered the following resolution:

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

BID #32-1985  
BATHROOM PARTITIONS

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, April  
19, 1985, at which time bids will be opened and read, and be it

Continued on Next Page

RESOLUTION NO.(290-1985) Continued

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

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (291-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #35-1985 - CHEMICALS

Co. Maloney offered the following resolution:

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

BID #35-1985  
CHEMICALS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Friday, April 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.

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RESOLUTION NO. (292-1985)

AMENDING RESOLUTION NO. 495-1983 THAT FIELDSTONE FARMS SECTIONS I & II SHALL HAVE 9 STREET LIGHTS

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control that Resolution No. 495-1983 be hereby amended to read that Fieldstone Farms Sections I & II shall have 9 street lights on Fieldstone Court instead of the 8 previously recommended.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (293-1985)

ACCEPTING DEED FOR ROAD WIDENING -COSCIA OFFICE BUILDING

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to COSCIA OFFICE BUILDING site layout, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along American Legion Way, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Dept. of Environmental Control, the Superintendent of Highways and the Town Attorney of the Town of Clarkstown, deed dated January 3, 1985, from Anthony Coscia gratuitously conveying a strip of land along

Continued on Next Page

ABE664

RESOLUTION NO. (293-1983) Continued

American Legion Way is hereby accepted and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (294-1985) AUTHORIZING ATTENDANCE AT COMPUTER AIDED DESIGN COURSE (ARLETTE PHILLIPS)

Co. Holbrook offered the following resolution:

RESOLVED, that Arlette Phillips, Drafter, of the Town of Clarkstown, is hereby authorized to attend the course "INTRODUCTION TO COMPUTER AIDED DESIGN" to be held at Rockland Community College, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$244.00 be charged against A 8730-409.

Seconded by Co. Maloney All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (295-1985) AMENDING RESOLUTION NO. 152-1985 TO INCREASE EXPENDITURE FOR A COURT STENOGRAPHER AND CHARGING EXPENSE TO ACCOUNT NO. B 8010-459

Co. Lettre offered the following resolution:

RESOLVED, that Resolution No. 152 of 1985 is hereby amended to provide that the expenditure authorized to obtain the services of a court stenographer to transcribe the tapes of the public hearing held on Appeal No. 1859 of the Zoning Board of Appeals is hereby increased to a sum not to exceed \$857.00, and be it

FURTHER RESOLVED, that the expense so incurred be charged to Account No. B 8010-459.

Seconded by Co. Maloney

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. (296-1985) ACCEPTING MINUTES OF TOWN BOARD MEETING FEBRUARY 26, 1985

Co. Holbrook offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board meeting of February 26, 1985, are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Carey All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (297-1985)

CANCELLING WORKSHOP MEETING  
OF APRIL 4TH AND TOWN BOARD  
MEETING OF APRIL 9TH AND  
RESCHEDULING PUBLIC  
HEARINGS FOR APRIL 9, 1985  
TO APRIL 15, 1985

Co. Maloney offered the following resolution:

RESOLVED, that the regularly scheduled Workshop meeting  
of April 4, 1985, is hereby cancelled, and be it

FURTHER RESOLVED, that the regularly scheduled Town  
Board meeting of April 9, 1985, is hereby cancelled, and be it

FURTHER RESOLVED, that the following public hearings  
originally scheduled for April 9, 1985, are hereby rescheduled to  
April 15, 1985, at the times indicated below:

ABE664

1. 8:00 P.M. - Proposed Amendment to the Zoning  
Ordinance to 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";

2. 8:05 P.M. - Proposed local law entitled, "AMENDMENT  
TO LOCAL LAW NO. 7-1981, AS AMENDED, ENTITLED, 'A LOCAL LAW  
CONCERNING AMUSEMENT DEVICES'";

3. 8:15 P.M. - Proposed acquisition of property owned  
by American Cyanamid Company designated on the Clarkstown Tax Map as  
Map 13, Block D, Lot 23.01, for commuter parking;

4. 8:20 P.M. - Proposed amendment to the Zoning  
Ordinance to change from an 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.

Seconded by Co. Holbrook

All voted Aye.

Councilman Lettre requested that if these public  
hearings are held on April 15th that the decisions be reserved as he  
would like to have the opportunity to vote on them and he will be  
away at that time.

\*\*\*\*\*

RESOLUTION NO. (298-1985)

AUTHORIZING ATTENDANCE AT  
STREET LIGHTING SEMINAR -  
SERVICE INVESTIGATION CLERK  
(TRICIA BALKO)

Co. Holbrook offered the following resolution:

RESOLVED, that Tricia Balko, Service Investigation  
Clerk, is hereby authorized to attend the 9th Annual Outdoor and  
Street Lighting Seminar, Mid Hudson Valley section, on April 25,  
1985 at 9:00 A.M. at West Point, N.Y. and be it

FURTHER RESOLVED, that all proper expenses for such  
conference be charged to A 1010-414.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (299-1985)

ACCEPTING DECLARATION OF  
ACCESS RESTRICTION FOR LOTS  
#2 AND 3 - SUMA  
CONSTRUCTION CORP.

Co. Holbrook offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a Minor Subdivision of SUMA CONSTRUCTION CORP. dated October 31, 1984, last revised January 2, 1985, prepared by Dillin & Sorace Associates, the Planning Board of the Town of Clarkstown has required Declarations of Access Restrictions affecting Lots No. 2 and 3 in said Minor Subdivision;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Town Attorney the Declaration of Access Restriction for Lot No. 2 from Gary Prestipino and the Declaration of Access Restriction for Lot No. 3 from Albert J. Savincki, for said minor subdivision are hereby accepted; and be it

FURTHER RESOLVED, that the aforementioned documents are ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (300-1985)

ACCEPTING PROPOSALS FROM  
ORANGE & ROCKLAND FOR  
STREET LIGHTING SOUTH  
MOUNTAIN ROAD, NEW CITY

Co. Holbrook 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:

South Mountain Road - New City  
(Existing pole #59950/42948 - 1 5800 lumen sodium vapor)

Seconded by Co. Carey

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (301-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL  
SIGNS ON THE NORTHSIDE OF  
VIRGINIA STREET

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent

RESOLUTION NO. (301-1985) Continued

of Highways is hereby authorized to install signs to read, "No Parking Anytime" (See section 221.3, signs with arrows, Pl-1, of the New York State Department of Transportation's Manual of Uniform Traffic Control Devices). These signs should be erected on the northside of Virginia Street from Rte. 304 West to the driveway of the condominiums.

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. (302-1985) REFERRING APPLICATION FOR TOWN LAW SECT. 280-a (4) - JOSEPH BOCCA AND JENNIE BOCCA

ABE664

Co. Maloney offered the following resolution:

WHEREAS, an application has been made to the Town Board by Joseph Bocca and Jennie Bocca to grant approval for an open development area under Section 280-a (4) of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that the said application is hereby referred to the Building Inspector, Director of the Department of Environmental Control, Superintendent of Highways, Planning Board, and Traffic and Traffic Fire Safety Advisory Board for study and recommendation on or before April 16, 1985.

Seconded by Co. Carey ..... All voted Aye.

RESOLUTION NO. (303-1985) ACCEPTING ROADS AND RELATED IMPROVEMENTS (MCLEOD SUBDIVISION - TURNPIKE WOODS, INC.)

Co. Holbrook offered the following resolution:

RESOLVED, that upon the recommendation of the Supt. of Highways, the Director of Environmental Control and the Town Attorney, deed from TURNPIKE WOODS, INC., dated October 26, 1984, conveying road(s) and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "McLEOD SUBDIVISION" filed in the Rockland County Clerk's Office on September 28, 1981, as Map #5296 in Book 97, at Page 52, as follows:

MC LEOD TERRACE 1,298 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(s) and improvements for a period of one (1) year in the amount of \$6,600.00 is hereby accepted.

Seconded by Co. Maloney ..... All voted Aye.

RESOLUTION NO. (304-1985) AUTHORIZING ATTENDANCE AT TRANSIT OPERATIONS WORKSHOP (JOSEPH LEWIS - TRANS. OPERATIONS SUPRV.)

RESOLUTION NO. (304-1985) Continued

Co. Carey offered the following resolution:

RESOLVED, that Joseph Lewis, Transportation Operations Supervisor of the Town of Clarkstown, is hereby authorized to attend small and medium sized transit operations workshop, April 30 - May 1, 1985, and be it,

FURTHER RESOLVED, that all proper charges not to exceed \$300.00 be charged against 5630-414.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (305-1985)

ACCEPTING DEED FOR ROAD WIDENING - SINGERS HOTEL & CATERERS SUBDIVISION

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to SINGERS HOTEL & CATERERS Subdivision, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Pipetown Hill Road;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed dated February 19, 1985, between Singers Property Associates and the Town of Clarkstown gratuitously conveying a strip of land along Pipetown Hill Road is hereby accepted and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation of clear title to date of recording.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (306-1985)

DECREASING APPROPRIATION ACCOUNT NO. B 8020-313 AND INCREASING APPROPRIATION ACCOUNT NO. B 8020-204 BY \$5.00

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. B 8020-313 (Planning Board - Office Supplies & Printing) and increase Appropriation Account No. B 8020-204 (Office Machines) by \$5.00.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (307-1985)

APPOINTING SPECIAL STUDIES INTERN - TOWN ATTORNEY'S OFFICE (RONALD DeCHRISTOFORO)

Co. Holbrook offered the following resolution:

RESOLVED, that Ronald DeChristoforo, 17 Fairview Avenue, Nanuet, New York is hereby appointed to serve as a Special Studies Intern - Town Attorney's Office - to serve without compensation - effective March 27, 1985.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (308-1985)

APPOINTING JEAN FERREIRA,  
SPECIAL STUDIES INTERN,  
TOWN COMPTROLLER'S OFFICE

Co. Holbrook offered the following resolution:

RESOLVED, that Jean Ferreira, 5 Harmon Place, New City, New York, is hereby appointed to serve as a Special Studies Intern - Town Comptroller's Office - to serve without compensation - effective and retroactive to March 8, 1985.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (309-1985)

APPOINTING ALAN YASSKY,  
MEMBER, INDUSTRIAL  
DEVELOPMENT COMMITTEE

Co. Holbrook offered the following resolution:

RESOLVED, that Alan Yassky, 679 Rollingwood Way, Valley Cottage, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term to commence on April 16, 1985 and to expire on April 15, 1988.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (310-1985)

REAPPOINTING DENNIS COYLE,  
MEMBER, INDUSTRIAL  
DEVELOPMENT COMMITTEE

Co. Holbrook offered the following resolution:

RESOLVED, that Dennis L. Coyle, 1 Sherwood Drive, Congers, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term to commence on April 16, 1985 and to expire on April 15, 1988.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (311-1985)

REAPPOINTING FREDERICK J.  
HENSEY, MEMBER, INDUSTRIAL  
DEVELOPMENT COMMITTEE

Co. Holbrook offered the following resolution:

RESOLVED, that Frederick J. Hensey, 19 North Harrison Avenue, Congers, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term to commence on April 16, 1985 and to expire on April 15, 1988.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (312-1985)

REAPPOINTING JOHN TOTANI,  
MEMBER INDUSTRIAL  
DEVELOPMENT COMMITTEE

Co. Holbrook offered the following resolution:

Continued on Next Page

ABE664

RESOLUTION NO. (312-1985) Continued

RESOLVED, that John Totani, 4 Ash Road, Bardonia, New York, is hereby reappointed to the position of Member - Industrial Development Committee - to serve without compensation - term to commence on April 16, 1985 and to expire on April 15, 1988.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (313-1985)

CREATING TWO POSITIONS OF CLERK (SEASONAL) - RECEIVER OF TAXES OFFICE

WHEREAS, the Rockland County Personnel Office has certified on March 18, 1985 that two (2) positions of Clerk (Seasonal) can be created,

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Clerk (Seasonal) - Receiver of Taxes Office - are hereby created, effective and retroactive to March 25, 1985.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (314-1985)

APPOINTING THERESA SMITH TO THE POSITION OF CLERK (SEASONAL) - RECEIVER OF TAXES OFFICE

Co. Holbrook offered the following resolution:

RESOLVED, that Theresa Smith, 12 Jefferson Drive, Monroe, New York, is hereby appointed to the position of Clerk (Seasonal) - Receiver of Taxes Office - at the hourly rate of \$5.00., effective and retroactive to March 25, 1985.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (315-1985)

APPOINTING KATHLEEN HEED, POSITION OF CLERK (SEASONAL) - RECEIVER OF TAXES

Co. Holbrook offered the following resolution:

RESOLVED, that Kathleen Heed, 17 Poplar Street, Nanuet, New York, is hereby appointed to the position of Clerk (Seasonal) - Receiver of Taxes Office - at the current hourly rate of \$5.00., effective April 1, 1985.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (316-1985)

ACCEPTING RESIGNATION OF EDWARD J. KENNEY, MEMBER - ASSESSMENT REVIEW BOARD

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Edward J. Kenney, 8 Birchwood Terrace, Nanuet, New York - Member - Assessment and Review Board - is hereby accepted - effective and retroactive to March 13,

RESOLUTION NO. (316-1985) Continued

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (317-1985)

APPOINTING RITA MAKLIN,  
POSITION OF (PART-TIME  
SECRETARY) - SHADE TREE  
COMMISSION

Co. Holbrook offered the following resolution:

RESOLVED, that Rita Maklin, 4 Maplewood Lane, New City,  
New York, is hereby appointed to the position of (part-time)  
Secretary - Shade Tree Commission - at the current 1985 annual  
salary of \$800., effective and retroactive to March 25, 1985.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (318-1985)

APPOINTING JOSEFINA POUGET  
TO THE POSITION OF COURT  
ATTENDANT (SPANISH  
SPEAKING) TOWN JUSTICE  
DEPARTMENT

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
furnished Certification of Eligibles #84180 Court Attendant (Spanish  
Speaking), which contains the name of Josefina Pouget,

NOW, THEREFORE, be it

RESOLVED, that Josefina Pouget, 48 Poplar Street,  
Nanuet, New York, is hereby appointed to the position of Court  
Attendant (Spanish Speaking) - Town Justice Department - at the  
current 1985 annual salary of \$15,655., effective March 27, 1985.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (319-1985)

APPOINTING MURRAY SCHWIMMER  
TO THE POSITION OF  
(PART-TIME) DRIVER - MINI  
TRANS

Co. Holbrook offered the following resolution:

RESOLVED, that Murray Schwimmer, 124 Maple Avenue, New  
City, New York is hereby appointed to the position of (part-time)  
Bus Driver - Mini Trans Department - at the current hourly rate of  
\$6.74 - effective and retroactive to March 22, 1985.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (320-1985)

INSTALLING ONE FIRE HYDRANT  
ON THE NORTH SIDE OF RANDI  
LANE

Co. Holbrook offered the following resolution:

Continued on Next Page

ABE664

RESOLUTION NO. (320-1985) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install one (1) fire hydrant on the North side of Randi Lane approximately 70 feet east of center line of Route 303, Congers.

Investigation No. 9668

Seconded by Co. Maloney ..... All voted Aye.  
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RESOLUTION NO. (321-1985)

AUTHORIZING THE TOWN ATTORNEY TO INSTITUTE PROCEEDINGS FOR VIOLATION ON PREMISES LOCATED AT 253 WEST ROUTE 59, NANUET ALSO HOLDING PUBLIC HEARING ON MAY 14 - SERVICE OF NOTICE

Co. Holbrook offered the following resolution:

WHEREAS, the Building Inspector and Fire Inspector of the Town of Clarkstown have reported to the Town Board that premises located at 253 West Route 59, Nanuet, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 163, Block B, Lot 25, reputedly owned by Anger Land Development Corp., presents a present threat to the public health and safety in that the premises have been allowed to become unoccupied and unsecured with the storage of combustibles;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to obtain verified information as to the property ownership and to institute proceedings in accordance with Chapter 31 of the Town Code by the service of all appropriate documents, including an Order to the property owner to remove or rectify the violations in accordance with the Order of the Fire Inspector and Building Inspector dated February 20, 1985, with respect to the premises described above, and be it

FURTHER RESOLVED, that a public hearing will be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 14th day of May, 1985, at 8:15 P.M., providing service of Notice Pursuant to Town Code, Section 31, can be made on or before April 25, 1985.

Seconded by Co. Lettre ..... All voted Aye.  
\*\*\*\*\*

RESOLUTION NO. (322-1985)

AUTHORIZING THE TOWN ATTORNEY TO ENTER INTO AN AGREEMENT WITH ROLAND R. GRECO ASSOCIATES AND CHARGING SUM OF \$3,300.00 TO ACCOUNT NO. 1420-409

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to enter into an agreement with Roland R. Greco Associates, 14 Mamoranek Avenue, White Plains, New York, to prepare an appraisal report for a portion of the lots designated on the Clarkstown Tax Map as Map 127, Block J, Lots 3, 5 and 7, for a sum not to exceed \$3,300.00, which agreement shall be in a form satisfactory to the Town Attorney, and be it

RESOLUTION NO. (322-1985) Continued

FURTHER RESOLVED, that the sum of \$3,300.00 shall be charged to Account No. 1420-409.

Seconded by Co. Carey All voted Aye.

Supervisor asked where these parcels were located and was told that they were in Congers.

\*\*\*\*\*

RESOLUTION NO. (323-1985) CHARGING \$700.00 TO ACCOUNT A-4210-000 - CLARKSTOWN NARCOTICS GUIDANCE COUNSELING CENTER (VENETIAN BLINDS)

Co. Maloney offered the following resolution:

RESOLVED, that the sum of \$700.00 for venetian blinds for the new Clarkstown Narcotics Guidance Counseling Center shall be a charge against Account A-4210-000.

Seconded by Co. Holbrook. All voted Aye.

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RESOLUTION NO. (324-1985) REQUESTING ORANGE & ROCKLAND TO RE-EVALUATE ITS TREE CUTTING ALONG TOWN ROADS AND TO FULLY COOPERATE WITH THE TOWN HIRED CONSULTANT RE RIGHT-OF-WAY MAINTENANCE PROGRAM

Co. Holbrook offered the following resolution:

WHEREAS, during the month of November, 1984, representatives of Orange and Rockland Utilities, Inc., appeared before the Town Board to advise of a pending program of maintenance along the utility's rights-of-way within the Town of Clarkstown which maintenance was designed to protect utility lines from damage by falling limbs of trees along the utility's rights-of-way, and

WHEREAS, Orange and Rockland Utilities, Inc., in recent weeks has commenced a program of tree cutting along certain rights-of-way within the Town of Clarkstown, and

WHEREAS, numerous complaints of residents have alleged that Orange and Rockland Utilities' crews have engaged in unnecessary trimming and tree removal which has resulted in aesthetic damage to mature shade trees and unsightly conditions along town roads;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests Orange and Rockland Utilities, Inc., to re-evaluate its maintenance program along town roads in the Town of Clarkstown with a view towards preserving the aesthetic appearance of our roads, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that Orange and Rockland Utilities, Inc. fully cooperate with the Town hired consultant and provide all information concerning its right-of-way maintenance program within the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to James F. Smith, Chairman of the Board of Orange and Rockland Utilities, Inc.

Seconded by Co. Lettre All voted Aye.

\*\*\*\*\*

ABE664

RESOLUTION NO. (325-1985)

AWARDING BID #26-1985,  
REPLACEMENT BODY FOR  
VAC-ALL TO RALPH C. HERMAN

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Supt. of Highways and the Director of Purchasing thatBID #26-1985  
REPLACEMENT BODY FOR VAC-ALL

is hereby awarded to

RALPH C. HERMAN CO. INC.  
ROUTE 9W  
MARLBORO, N.Y. 12542for one (1) Model E6501 Vac-All Body as per bid specifications, plus  
optional removable filter screen assembly, plus optional automatic  
screen washer assembly, at the total proposed cost of \$22,218.

Seconded by Co. Maloney

All voted Aye.

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Supervisor said that this afternoon he had been apprised, with regard to the following resolution, that the low bidder had withdrawn his bid. He asked if he was allowed to do that without permission? Town Attorney asked if we had a bid bond. It could be a breach of contract. Supervisor stated that his bid was 50% lower than the next bidder and 80% less than the second bidder. Councilman Lettre asked if it would be a problem if we just went out to a rebid on this item? Les Bollman, Director of Environmental Control said it would be a problem as we should start the maintenance of these cul-de-sacs soon. Mr. Bollman said there would be problems and he feels obligated to make some changes because everybody has shown their hand. Mr. Bollman stated that the low bidder had written a letter stating that he had made a mistake. Rather than trying to hassle him because he bid out of the ball park, and it is obvious that he made a mistake, he said he would recommend that the Town Board allow him to withdraw and award it to the next low bidder.

Town Attorney said he would like an opportunity to look into the case law as to whether a Town Board could justifiably release someone from a bid. He said he would recommend the Town Board defer action on this item tonight.

Supervisor said if that is the case do we want to go out to rebid so as not to waste time? Town Attorney reiterated his position that the Town Board not do this tonight as he would like to look into the legal alternatives which the Town has. He said you may not be able to release the first bidder so summarily. Mr. Bollman said he would like to recommend that it be approved subject to the Town Attorney finding it in order. Town Attorney said that might be interpreted as awarding a contract and he is not recommending that. Town Attorney said you cannot delegate that kind of responsibility. Supervisor said he would like authorization to go out and rebid.

Mr. Bollman said we had a similar situation about six or seven years ago where a low bidder asked to be released and we released him and it was perfectly legal. He said what he is trying to avoid is changing the specs. Now everyone who has bid knows what everyone else did and has the open hand. It is unfair in the bidding practice to go out with the same specs. He said we would lose precious time and once we can get ahead he feels the price would drop drastically. Supervisor said if we do this expeditiously we could be down to about \$12,000.00 or \$13,000.00. Mr. Bollman said otherwise we will be behind again and it will be a hassle.

Continued on Next Page



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over \$100,000.00. Supervisor asked what the second lowest bid was originally. Mr. Kohler, Director of Purchasing said that he wanted to qualify that the low bid not include a conveyer at all. Mr. Longo said the second low bid included a conveyer but it was not stainless steel. That was \$116,000.00. Mr. Longo said the old stainless steel bid was at \$163,480.00 which was the only one who met bid specifications. Mr. Longo said now with the new bid we are saving \$3,740.00 with the new bid on the stainless steel. Supervisor asked just what is the new bid price? Supervisor asked what the new bid price was and Mr. Longo said \$159,740.00 which is the only one which met bid specifications. Councilman Holbrook said is that the one you are asking us to approve now and Mr. Longo said yes.

Supervisor said either we hire counsel and take no further action or we reject the first three bidders, do not hire outside counsel and accept the low bid from the organization which meets the specs. Town Attorney said that is correct. Town Attorney reiterated that the bid specifications required a successful bidder to indemnify the Town against any claim that may be made against it for patent infringement. That was explicitly stated in the second bid specs.

It was deemed appropriate that this be done in two separate resolutions - one rejecting all bids for Bid #27 and one awarding bid #27A.

ABE664

RESOLUTION NO. (327-1985) REJECTING ALL BIDS FOR BID #27-1985 - REPLACEMENT OF ROCK SALT STORAGE BUILDING FOR CLARKSTOWN HIGHWAY DEPARTMENT

Co. Holbrook offered the following resolution:

RESOLVED, that all bids for Bid #27-1985:  
REPLACEMENT OF ROCK SALT STORAGE BUILDING FOR CLARKSTOWN HIGHWAY DEPARTMENT

are hereby rejected.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (328-1985) AWARDING BID #27A-1985, REPLACEMENT OF ROCK SALT STORAGE BUILDING WITH CONVEYER FOR CLARKSTOWN HIGHWAY DEPARTMENT, TO DOME CORPORATION OF AMERICA AND CHARGING IT TO CAPITAL ACCOUNT #2

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Director of Purchasing that bid #27A-1985:

REPLACEMENT OF ROCK SALT STORAGE BUILDING WITH CONVEYER FOR CLARKTOWN HIGHWAY DEPARTMENT

is hereby awarded to:

DOME CORPORATION OF AMERICA  
79 Midland Avenue  
Montclair, New Jersey 07042

RESOLUTION NO. (328-1985) Continued

at the proposed total cost of \$159,740.00, and be it

FURTHER RESOLVED, that above be charged to Capital  
Account No. 2.

Seconded by Co. Carey

All voted Aye.

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ABE664

Councilman Carey stated that at the last Town Board Meeting there was an expression of the majority of the Town Board regarding two deputy town attorney jobs - one for labor and one for tax certiori. He said it was his understanding that the Deputy Labor Attorney's papers are over at the County level but nothing has happened so far with the Tax Certiori Attorney. He asked for an update on this. Supervisor said papers have been going back and forth. He stated that he has one set which he will sign tomorrow morning but other than that he knows nothing else. Councilman Carey asked which ones and the Supervisor said at this time he did not remember. Town Attorney said that Mrs. Loeffler (Personnel Clerk) had indicated that the Tax Certiori papers were in the Supervisor's office but the Labor Counsel had gone over to personnel. Supervisor reiterated that he would sign the papers he had in his office tomorrow morning.

There being no further business to come before the Town Board and no one wishing to be heard, on a motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Town Board Meeting was adjourned time: 9:45 P.M.

Respectfully submitted



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

409

Town Hall

3/26/86

8:25 P.M.

Present: Supervisor Dusanenko (arrived 8:20 P.M.)  
Councilmen Carey, Holbrook, Lettre, Maloney  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: 1985 PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED  
WATER SUPPLY DISTRICT #1 TO INCLUDE - JODI-LYNN WASHOMATIC, INC.  
CAMELOT

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Jodi-Lynn Washomatic was opened. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Town Attorney asked that the record show that there is on file an affidavit as to the qualifications in evidence which will enable the Town Board to grant a proposed extension and that an affidavit was submitted by Mr. Bollman to the sufficiency and need.

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

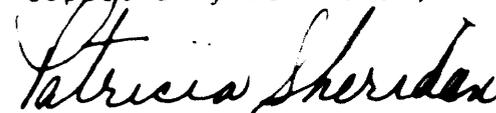
IN FAVOR: No one appeared.

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

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 8:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

ABE209