

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

5/28/85

8:07 P.M.

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

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

Supervisor congratulated the Town of Orangetown on its 300th Anniversary and extended the best wishes of the Town Board.

Councilman Lettete requested that a proclamation be prepared for the West Nyack Fire Company for their 75th Anniversary.

Supervisor declared the public portion of the meeting open.

Appearance: Mr. Armand Miele  
119 Main Street  
Nanuet, New York 10954

Mr. Miele presented a report to each Town Board member with regard to property in Nanuet. There were numerous letters and various other forms of correspondence included relating to a complaint concerning buildings existing on the property which Mr. Miele claims are in violation of the zoning ordinance. He named Hutton-Johnson and Mr. J. Herbert Dahm, Jr. as the source of these violations. Mr. Miele requested that the Town Board take action and have this property prepared for use as a parking lot as he alleges it was originally intended.

Supervisor stated the Town Attorney had said that they could not deny a building permit. He asked the Town Attorney to recommend to whom they could go to ascertain if there are indeed violations on this property. Town Attorney said that Mr. Miele and his attorney have contacted him several times in the last few months regarding this matter. He said that charges and counter charges have been made between Mr. Miele and Mr. Dahm and have been referred to the Building Inspector.

At the Workshop meeting Mr. Colucci indicated that he had all the matters under investigation and was attempting to secure code compliance from both of the parties involved by withholding building permits on applications which had been submitted. The question which had been asked was whether the Town Board could direct the Building Inspector not to issue a building permit and the Town Attorney at that time had said the Building Inspector was an independent office and the Town Board would not have the authority to direct the Building Inspector to refuse to issue a building permit which had been properly applied for. Town Attorney said these questions are being investigated by the Building Inspector.

Councilman Maloney asked if they could have an answer by the next Workshop and Supervisor Dusanenko requested Town Attorney to direct the Building Inspector to give a report of any and all outstanding violations. Town Attorney agreed to this.

Appearance: Mr. John Lodico  
Birch Drive  
New City, New York

Mr. Lodico said he was appearing with regard to Item No. 2 on tonight's agenda. (The new church on Route 59 in Nanuet where the old Theatre-Go-Round was located.) He said he thought that it would be appropriate, before the Town Board grants approval for anything, for the Town Board to ask the church members for

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covenants that if a restaurant with a bar wished to open up within 300 feet of their property they would be able to do so since this is a commercial area of the Town.

Town Attorney said that anyone wishing to open a restaurant with a bar within a certain distance of a religious establishment would have to apply to the State Liquor Authority. Mr. Lodico said he believed it was in some of the Town's zoning ordinances also. Mr. Costa said we have a general ordinance which prohibits restaurants within a certain distance of religious establishments and Mr. Lodico said he thought it would be best if we initiated this rather than run into difficulties in the future.

Supervisor said if an establishment wanted to open up and needed a zone change perhaps covenants would be proper but if, as in this case, it is after the fact they are free to do with the property what they wish. You cannot impose something on someone where there is no action by a board or a commission of this Town.

Supervisor asked if the establishments already there would be grandfathered and Mr. Costa said yes.

Mr. Lodico also inquired about Red Hill Road and the getting back of the twenty-one inches.

Appearance: Mr. Michael Ross  
77 Barry Lane  
Bardonia, New York 10954

He said he was interested in seeing the decision allowing the Bardonia Shopping Center to go ahead, be appealed. He wanted to know when the time to appeal runs out for the Town and Mr. Costa said the Town has thirty days after an order with notice of entry has been received and it has not yet been served on the Town.

Appearance: Mr. Orrin Getz  
5 Carlisle Court  
New City, New York 10956

Mr. Getz was concerned about commuter parking in Clarkstown specifically at the Theatre-Go-Round and at the Nanuet Railroad Station. He referred to the MTA's plans and said nowhere did it say they were going to do anything at the Nanuet Railroad Station. He said the MTA has not been very generous with their funds for Rockland County. He wanted to know where the Town of Clarkstown was going to get the funding and what commitments had been made. He wanted to know what the Town was planning as this was a very serious situation. He invited the Town Board members to come to the railroad station and explain to the commuters just what is happening.

Supervisor said the negotiations between the Town and Lederle for the ten acre site weren't going anywhere and the majority of members of the Town Board felt that the MTA should negotiate directly with Lederle. Those directions were forwarded to them to do so. He said he did not know the status and he would have to look into the comment that was made about there not being capital funds in the MTA project.

With regard to the Theatre-Go-Round he said that he would ask Mr. Longo to give an update on that tonight. He said there would be a problem after June 20th. He went on to say that the Town, almost immediately, would acquire two acres of permanent parking off the side street on the north side of the theatre and that there are items on the agenda tonight dealing with this. Mr. Longo would be coming up with cost figures having to do with clearing the property and having it available as soon as possible.

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Mr. Longo said the commuter parking sign which the Town had placed at the Theatre-Go-Round has been removed and he did not know where it was at this time. He said it would not be necessary for the Town to expend any funds to repair that lot because we would not be using it much longer. He said he had investigated the lot on Kemmer Lane and said it was quite wooded and he was going to obtain prices from contractors regarding clearing it.

Councilman Holbrook asked if we would have that lot by the 20th of June and Mr. Longo said he hoped so. Councilman Maloney asked if he would move with as much haste as possible on this.

Supervisor said after Mr. Longo gets some estimates and some informal bids, if there is money that must come from outside his existing budget, he should contact the Supervisor right away and he would poll the councilmen so that no time would be wasted. He said before we do any clearing on that we have to know when we will have title or at least physical control, if not possession.

Town Attorney said it will be necessary for the Town to obtain from Rockland County a license or a lease to use the property immediately. He referred to a resolution in the packets tonight authorizing Town Attorney to enter into a contract to purchase the property from the County. He said last Monday night the Committee on Real Property withheld that lot from sale and the Town is putting in its bid to purchase it subject to being able to obtain clear title. Since there is a possible claim from the former owner of the property, what tonight's resolution seeks to do is to get the County to enter into a contract with the Town and to authorize the Town on its behalf to commence an action against the former owner to declare that his interest has been extinguished by the failure to pay taxes. There will be a little time before clear title can be obtained. In the interim Town Attorney was recommending to the Town Board that it use its influence on the Rockland County Legislature to obtain a license or a permit to immediately begin clearing and preparing that property for commuter parking.

Supervisor said this will only provide parking for about 250 cars while there is a need for 400. Councilman Lettre said if we went out there and made sure that only Clarkstown residents were utilizing Clarkstown parking facilities he felt the facility we are contemplating would be able to handle Clarkstown residents.

Councilman Maloney asked if someone could ascertain if what Mr. Getz is saying is true about the MTA entering into negotiations with Lederle. If the MTA is not negotiating with Lederle then maybe nothing will happen to that parking lot and we may have to go back to the Planning Board. Supervisor asked Mr. Getz if he would communicate with either MTA or its Rockland representative and ask if they have the resources to consummate such a lease or purchase. If not we will have to return to Town negotiations with Lederle.

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RESOLUTION NO. (468-1985)

DIRECTING ALL  
RADIO-EQUIPPED TOWN  
VEHICLES TO COMMUNICATE  
WITH CLARKSTOWN POLICE  
DEPARTMENT IN THE EVENT OF  
CRIME OR EMERGENCY  
SITUATIONS WHICH ARE  
OBSERVED BY THE OPERATORS  
OF SUCH VEHICLES

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RESOLUTION NO. (468-1985) Continued

Co. Maloney offered the following resolution:

WHEREAS, various utility companies have cooperated with law enforcement organizations by sponsoring a program entitled "Cars on Patrol", and

WHEREAS, this program encourages utility employees who work with two-way radios to notify the police when they observe a suspicious situation, and

WHEREAS, the Supervisor's office has requested in the past that any Mini-Trans personnel notify police when they observe emergencies or suspicious situations, and

WHEREAS, it has been suggested that since there are many Town cars and other municipal vehicles with two-way radios, a similar program can be adopted for the Town of Clarkstown, and

WHEREAS, the adoption of this resolution would involve no additional expenditure of Town funds,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby declares its intent to establish a "Cars on Patrol" program for Town employees which would encourage those employees who work with two-way radios to assist the various police agencies by reporting their observations of crimes of suspicious conduct, and be it

FURTHER RESOLVED, that any and all Town employees utilizing radio equipped vehicles, be heretofore directed to communicate with the Clarkstown Police Department, any and all crime or emergency situations they observe during the course of their movements throughout the Town, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown refer a copy of this resolution to all department heads in the Town which have radio assigned vehicles.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (469-1985)

DECREASING APPROPRIATION ACCOUNT NO. DA 5130-312 (HIGHWAY MACHINERY & OTHER EQUIP.- AUTO MAINTENANCE SUPPLIES) AND INCREASING DA 5140-379 (HIGHWAY MISC. - SIGNS, POST, ETC.) AND DA 5140-438 (HIGHWAY MISC. - MAINTENANCE AGREEMENTS)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account numbers are overdrawn,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. DA 5130-312 (Highway Machinery & Other Equip. - Auto Maintenance Supplies) by \$5,185.00 and increase the following Appropriation Account numbers:

DA 5140-379 (Highway-Misc. Signs, Posts, etc. \$5,000.00

RESOLUTION NO. (469-1985) Continued

DA 5140-438 (Highway-Misc.  
Maintenance Agreements..... 185.00

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (470-1985) DECREASE CONTINGENCY  
ACCOUNT NO. A 1990-505 AND  
INCREASE APPROPRIATION  
ACCOUNT NO. A 5132-219  
(HIGHWAY GARAGE-MISC.  
EQUIP.)

Co. Maloney offered the following resolution:

WHEREAS, Town Board Resolution No. 150-85 dated February  
11, 1985 authorized for the removal of damaged fuel storage tanks  
and replacement of same at the Town Highway Department and to be  
charged to Appropriation Account No. A 5132-219,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990-505  
and increase Appropriation Account No. A 5132-219 (Highway  
Garage-Misc. Equip.) by \$28,000.00.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (471-1985) AUTHORIZING ATTENDANCE AT  
SEMINAR FOR TAX COLLECTING  
OFFICERS (MARIE GERONIMO) -  
CHARGE TO ACCOUNT NO. A  
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Marie Geronimo is hereby authorized to  
attend the Seminar for Tax Collecting Officers on June 16, 17, and  
18th, at the Turf Inn, Albany, New York, and be it

FURTHER RESOLVED, that all proper charges be charged to  
Appropriation Account A 1010-414, not to exceed \$225.00.

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (472-1985) AWARDING BID FOR BID #  
41-1985 - WASHED SAND AND  
GRAVEL ( SLATE HILL SAND &  
GRAVEL, MCKEE BROS, INC.,  
AND CRYSTAL RUN SAND &  
GRAVEL INC.)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Director of Purchasing that the bid to supply the Town with

WASHED SAND & GRAVEL  
(Bid #41-1985)

is hereby awarded to:

- (1) SLATE HILL SAND & GRAVEL  
RD #2  
Middletown, New York 10940

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RESOLUTION NO. (472-1985) Continued

(2) McKEE BROS INC.  
P.O. Box 328  
Ramsey, New Jersey 07446

(3) CRYSTAL RUN SAND & GRAVEL INC.  
154 Spring Street  
Monroe, New York 10950

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as per the following price schedule:

(A) F.O.B. DELIVERED - To Town drop-off point - unloaded

<u>ITEM</u>	<u>PRICE</u>	<u>VENDOR</u>
Tailings	9.50 yd	Crystal Run
3/4" Gravel	11.00 Ton	Slate Hill
3/8" Gravel	11.00 Ton	"
Bank Run	7.00 Ton	"
Mortar Mason Sand	11.00 Ton	McKee Bros Inc.
Sand Blasting Sand	No Award	
Concrete Sand	9.00 Ton	Slate Hill

(B) F.O.B. VENDOR YARD - Loaded in Town Trucks

Tailings	4.00 yd	Crystal Run
3/4" Gravel	6.00 yd.	"
3/8" Gravel	7.25 yd.	Slate Hill
Bank Run	2.45 yd.	Crystal Run
Mortar Mason Sand	8.00 ton	Slate Hill
Sand Blasting Sand	No Award	
Concrete Sand	4.00 yd.	Crystal Run

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (473-1985)

AWARDING BID FOR BID  
#37-1985 - ICE CREAM (MC  
DERMOTT BROS.)

Co. Holbrook offered the following resolution:

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

BID #37-1985  
ICE CREAM

is hereby awarded to:

MC DERMOTT BROS  
18 Bobby Lane  
West Nyack, New York 10994

as per the following price schedule:

<u>ITEM</u>	<u>PRODUCT</u>	<u>PK/SIZE</u>	<u>PRICE</u>
ICE CREAM SAND.	LA SALLE	36/3 oz	\$5.92
STAWBERRY CRUNCH	" "	24/3 oz BARS	4.20
CHOCOLATE CRUNCH	" "	24/3 oz BARS	4.20
TWIN ICE POP	VILLAGE TREAT	24/3 oz	2.52
ITALIAN ICE CUP	MARINO	12/6 oz.	2.63
ICE CREAM DIXIE (VAN/CHOC. CUP)	LA SALLE	24/3 oz	4.20

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (474-1985)

AWARDING BID FOR BID  
#36-1985 - SOFT DRINKS  
(SODASYSTEMS, INC.)

Co. Holbrook offered the following resolution:

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

BID #36-1985  
SOFT DRINKS

is hereby awarded to

SODASYSTEMS, INC.  
34 Garden Street  
New Rochelle, New York 10801

as per the following price schedule

COCA-COLA	5 GAL CONTAINER	\$28.00
TAB	" " "	18.00
SPRITE	" " "	28.00
FANTA	" " "	28.00
CO 2 GAS	20 LB CYLINDER.....	8.00

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (475-1985)

AWARDING BID FOR BID  
#28-1985 - BODY FOR ANIMAL  
CONTROL OFFICER'S VEHICLE  
(MAVRON, INC.)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Chief of Police and the Director of Purchasing that

BID #28-1985  
BODY FOR ANIMAL CONTROL OFFICER'S VEHICLE

is hereby awarded to

MAVRON, INC.  
P.O. Box 196  
196 Road 225W  
Warsaw, Indiana 46580

for one Mavron AT704 S-56 animal modular transport unit at the proposed cost of \$6,250.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (476-1985)

AWARDING BID FOR BID #  
38-1985 - FOOD PRODUCTS  
(JET FOOD PRODUCTS, F.  
WILSON SMITH, NEIL DARRAGH,  
CHARLES FREIHOFFER BAKING  
CO., NATIONAL FOODS AND  
EMPIRE CANDY & TOBACCO CO.)

Co. Holbrook offered the following resolution:

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

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RESOLUTION NO. (476-1985) Continued

BID #38-1985  
FOOD PRODUCTS

to be sold at Town Summer Refreshment Stands is hereby awarded to

JET FOOD PRODUCTS  
237 Division Avenue  
Garfield, New Jersey 07026

F. WILSON SMITH  
22 Hudson Drive  
Stony Point, New York 10980

NEIL DARRAGH  
One Center Street  
P.O. Box 7  
Spring Valley, New York 10977

CHARLES FREIHOFFER BAKING CO.  
99 West Nyack Road  
Nanuet, New York 10954

NATIONAL FOODS  
P.O. Box 1035  
47 Main Avenue  
Clifton, New Jersey 07014

EMPIRE CANDY & TOBACCO CO.  
19 North Middletown Road  
Pearl River, New York 10965

as per the schedule of items and prices on file in Purchasing Department.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (477-1985)

AWARDING BID #50-1985 -  
REFUSE PICK-UP SERVICE (PAT  
NAZZARO SANITATION)

Co. Holbrook offered the following resolution:

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

BID #50-1985  
REFUSE PICK-UP SERVICE

is hereby awarded to:

PAT NAZZARO SANITATION  
P.O. Box 481  
Valley Cottage, New York 10989

as per the attached list of schedule and prices.

(Schedule and prices on file in Town Clerk's Office)

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (478-1985)

AWARDING BID FOR BID  
#49-1985 - CAST IRON CURB  
INLETS, CATCH BASINS,

RESOLUTION NO. (478-1985) Continued

FRAMES & GRATES (CAMPBELL  
FOUNDRY CO., CAPITOL  
HIGHWAY MATERIALS, BRIGHTON  
STEEL CO.)

Co. Holbrook offered the following resolution:

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

BID #49-1985  
CAST IRON CURB INLETS, CATCH BASINS  
FRAMES & GRATES

is hereby awarded to:

CAMPBELL FOUNDRY CO.  
800 Bergen Street  
Harrison, New Jersey 07029

"  
CAPITOL HIGHWAY MATERIALS  
Route 52  
Baldwin Place, New York 10505

BRIGHTON STEEL CO.  
Route 52  
Hopewell Junction, New York 12533

as per schedule of item prices on file in the Purchasing Department.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (479-1985)

AWARDING BID #39-1985 -  
RECARPETING OF TOWN HALL  
(JOHN HERBERT COMPANY) -  
CHARGE TO ACCOUNT NO. A  
1620-408

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of Building  
Maintenance Mechanic and Director of Purchasing that

BID #39-1985  
RECARPETING OF TOWN HALL

is hereby awarded to:

JOHN HERBERT COMPANY  
142 Route 17K  
Newburgh, New York 12550

as per their low bid proposal of \$38,997.85 for Armstrong  
Commendation Carpeting with Certilock backing. Installed as per bid  
specifications, and be it

RESOLVED, that this award is subject to the receipt of an  
Insurance Certificate with limits of liability as detailed in bid  
specifications and a Certificate of Workmen's Compensation, and be it

FURTHER RESOLVED, that funds for same be charged to account A  
1620-408.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (480-1985)

AUTHORIZING TRAFFIC AND TRAFFIC FIRE SAFETY ADVISORY BOARD TO INSTALL STOP SIGNS (SPRING BROOK ROAD AT FOREST BROOK ROAD, ALBACON ROAD AT FOREST BROOK ROAD AND LYNN DRIVE AT FOREST BROOK ROAD, SPRING VALLEY)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendations of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install stop signs at the following locations:

- On Spring Brook Road at Forest Brook Road
- On Albacon Road at Forest Brook Road
- On Lynn Drive at Forest Brook Road

in Spring Valley, New York.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (481-1985)

RESCINDING RESOLUTION NO. 117-1985 AND AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT TWO HOUR PARKING SIGNS ON BOTH SIDES MIDDLETOWN ROAD FROM ROUTE 59 SOUTH TO CHURCH STREET (WITH ALREADY POSTED AREAS EXCEPTED)

Co. Holbrook offered the following resolution:

RESOLVED, that Resolution number 117-1985 adopted on February 11, 1985 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 erect two hour parking signs on both sides of Middletown Road from Route 59 South to Church Street with the exception of the areas already posted with parking restrictions, and be it

FURTHER RESOLVED, that the Highway Department install two hour limitation signs with arrows (See Section 221.5 of the NYS DOT MUTCD. Also see (b) Orientation - under section 221.4, "Method of Posting".)

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (482-1985)

AUTHORIZING AND DIRECTING SUPERVISOR TO ENTER INTO CONTRACT WITH HOWARD L. LAMPERT, P.E. FOR TOWN WIDE STUDY OF ALL INTERSECTIONS WITH SPECIFIC RECOMMENDATIONS FOR GRANDVIEW AVENUE AND PROSPECT STREET, NANUET AND

RESOLUTION NO. (482-1985) Continued

TO MAKE APPLICATIONS FOR  
STATE AND FEDERAL FUNDS -  
DECREASING ACCOUNT NO.  
1990-505 AND INCREASING  
ACCOUNT NO. 1420-409

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is required by the Vehicle and Traffic Law of the State of New York to conform the traffic control devices within the Town of Clarkstown to the Manual of Uniform Traffic Control Devices, and

WHEREAS, there exists a Federal and State program known as "Hazard Elimination Systems" which will provide funding of certain highway improvements which meet the requirements in the amount of 90% Federal funds and 8% State funds, and

WHEREAS, the Town is desirous of improving the signalization of the intersection of Grandview Avenue and Prospect Street, Nanuet, New York, and

WHEREAS, Howard L. Lampert, P.E., has submitted a comprehensive proposal to perform a town wide study of all intersections to insure their compliance with the Manual of Uniform Traffic Control Devices including specific recommendations for the intersection of Grandview Avenue and Prospect Street for the sum of \$8,000.00, provided he is also authorized to study and to prepare project initiation reports and applications for State and Federal funds pursuant to the Hazard Elimination Systems Program for additional compensation of 12% of the estimated cost of each such project, approved and funded by the State and Federal governments, subject to the Town Board's final approval;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into a contract with Howard L. Lampert, P.E., in a form approved by the Town Attorney, to provide the services described above for a sum not to exceed \$8,000.00, plus 12% of the estimated cost of all projects approved and funded under the Hazard Elimination Systems, and be it

FURTHER RESOLVED, that Account No. 1990-505 is hereby decreased by \$8,000.00 and that Account No. 1420-409 is hereby increased by said amount.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (483-1985)

AUTHORIZING PAYMENT TO  
SPECIAL COUNSEL (PHILIP  
FURGANG, ESQ.)

Co. Lettre offered the following resolution:

RESOLVED, that the authorized expenditure contained in Resolution No. 1150 of December 27, 1983, to be paid to Philip Furgang, Esq., Special Counsel, be increased by \$2,552.98 to a total not to exceed \$58,058.37.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (484-1985)

APPROVAL OF SECTION 280-a  
SUBDS. (2) AND (4) FOR THE  
JOSEPH BOCCA SUBDIVISION

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## RESOLUTION NO. (484-1985) Continued

Co. Holbrook offered the following resolution:

RESOLVED, that under the provisions of Section 280-a Subds. (2) and (4) of the Town Law and pursuant to the recommendations of the Director of Environmental Control, Superintendent of Highways, Building Inspector and the Town of Clarkstown Planning Board, the Town Board hereby establishes "an open development area" and permits access by private right-of-way for property situate off South Lane and Johnson's Lane, more specifically designated on the Clarkstown Tax Map as - Map 55, Block A, Lot 35, consisting of approximately 2.6112 acres which property may be subdivided as a result of the application of JOSEPH BOCCA presently pending before the Clarkstown Planning Board, provided however, prior to the issuance of any Building Permit the following conditions shall be met by the owner:

1. The "open development area" shall consist of the area as shown on a Sketch Plan entitled, "Subdivision of Property for JOSEPH BOCCA," dated October 19, 1979, revised May 24, 1983, drawn by Atzl and Scatassa Associates, P.C., Bardonia, New York, for which Building Permits may be issued for no more than the one existing and five proposed one-family dwellings upon obtaining final subdivision approval of the Clarkstown Planning Board, for which access to said dwellings is given by private right-of-way or easement to South Lane (a private right-of-way) and Johnson's Lane (a private right-of-way) to the Town maintained roads.

2. The applicant shall return to the Clarkstown Planning Board for subdivision review and approval.

3. The present driveway from the subject premises to be improved to Town rural road specifications to a width of thirty (30') feet to serve the existing dwelling, such improvement to extend as shown on the proposed subdivision map to Johnson's Lane. The proposed width may be reduced to twenty-four (24') feet provided the applicant obtains the favorable recommendations of the Clarkstown Planning Board, Director of Environmental Control, Superintendent of Highways and the Rockland County Planning, if subject to the Rockland County Planning Board review, and provided further that ambulance and fire services provide written approval as to the appropriateness of the access for emergency vehicles from the nearest Town maintained road.

4. Drainage for the open development area and in the right-of-way to the nearest Town maintained road shall be designed and installed to the satisfaction of the Director of Environmental Control.

5. The end of the private right-of-way or easement shall have a radius as shown on the proposed subdivision map.

6. All utilities shall be underground.

7. A sewer easement, if required by the Director of Environmental Control, shall be provided to the Town of Clarkstown without cost.

8. A Declaration of Restrictive Covenants which shall run with the land in a form acceptable to the Town Attorney shall be recorded in the Rockland County Clerk's Office prior to the issuance of any Building Permit which declaration shall contain the following declarations and covenants:

(A) That the property owner acknowledges that access to the nearest public road has been obtained by private easement or right-of-way, and that the property owners shall not receive any municipal services consisting of road maintenance and

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RESOLUTION NO. (484-1985) Continued

resurfacing, snow removal or sanding, pothole repair, or other similar services which are provided to residents of the Town of Clarkstown whose properties front on a public road.

(B) That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein.

(C) That the proposed subdivision map shall be amended to provide that the fee ownership of the easement or right-of-way shall be to the center line of same by the abutting lot owners;

(D) That the declaration shall contain provision for reciprocal easement and maintenance agreement to provide for regular maintenance, repair, snow plowing and other necessary services on the right-of-way or easement by the respective owners and sharing of the cost of same on an equitable basis. Such agreement shall require the owners to maintain the right-of-way to the nearest Town road at the expense of the sharing owners to the satisfaction of the Superintendent of Highways and Director of Environmental Control.;

(E) That the Certificate of Occupancy issued for any premises shall be conditioned upon observance and subject to the Declaration of Covenants herein required;

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

9. That any subdivision map approved by the Planning Board shall contain a map note referring to the resolution establishing the open development area and access by right-of-way by date and number, which map note shall also state that the issuance of Building Permits and Certificates of Occupancy are subject to the Declaration of Covenants herein required.

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

RESOLUTION NO. (485-1985) AUTHORIZING AND DIRECTING  
DIRECTOR OF RECREATION  
DEPARTMENT TO IMPLEMENT  
ARRANGEMENTS FOR TOWN OF  
CLARKSTOWN PARTICIPATION IN  
ROCKLAND COUNTY FAIR

Co. Carey offered the following resolution:

RESOLVED, that Ed Ghiazza, Director of the Recreation Department is directed and authorized to implement all arrangements for the Town of Clarkstown for all town agencies to participate in the Rockland County Fair, to be held August 14-18 at Rockland Community College, Suffern, New York.

Seconded by Co. Holbrook All voted Aye.

Mr. Ghiazza inquired if there was sufficient funds in the budget to handle this and was told there was.  
\*\*\*\*\*

AAG517

RESOLUTION NO. (486-1985)

SETTING PUBLIC HEARING RE  
PROPOSED ACQUISITION OF  
PROPERTY LOCATED NORTHWEST  
CORNER OF ROUTE 304 AND  
CONGERS LAKE ROAD, NEW  
CITY, NEW YORK - CHARGE TO  
ACCOUNT NO. 1420-409

Co. Carey offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the acquisition of land located at the northwest corner of Route 304 and Congers Lake Road, New City, New York, designated on the Clarkstown Tax Map as Map 58, Block G, Lot 16, as shown on the attached Schedule "A", for the purpose of providing land for the expansion of municipal parking in connection with the Clarkstown Town Hall, which public hearing will be held on June 11, 1985, at 9:10 P.M., or as soon thereafter as possible, at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

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

FURTHER RESOLVED, that the Town Attorney is hereby authorized to engage the services of a surveyor for a sum not to exceed \$2,000.00 without further authorization of the Town Board, and be it

FURTHER RESOLVED, that the fee for surveying services shall be a charge to Account No. 1420-409.

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

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (487-1985)

AUTHORIZING GRANTING OF  
SECTION 280-a(2) FOR THE  
ISSUANCE OF A BUILDING  
PERMIT FOR PROPERTY SITUATE  
ON WEST SIDE OF LINDEN  
STREET AT INTERSECTION OF  
SNEDECKER AVENUE, CONGERS  
(ERIC BERGSTOL)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendation of the Director of Environmental Control and the Superintendent of Highways, a Building Permit for the erection of a one-family residence may be issued to Eric Bergstol for property situate on the west side of Linden Street, at the intersection of Snedecker Avenue, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 113, Block A, Lot 33.02, provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide.

- 1. That the property owner shall acknowledge that no Town services, including but not limited to maintenance, paving or snow removal, shall be provided along Linden Street.

RESOLUTION NO. (487-1985) Continued

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

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

4. That the intersection of Linden Street and Snedecker Avenue shall be improved and maintained, at the expense of the property owner, to the satisfaction of the Director of Environmental Control and the Superintendent of Highways.

5. That any deed of conveyance for the subject premises shall be subject to the Declaration of Covenant provided herein.

6. That the Certificate of Occupancy issued for said premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Certificate of Occupancy for the subject premises, the owner shall:

(a) Install culvert and drainage system to the satisfaction of the Director of Environmental Control.

(b) Repair damage to the existing pavement, due to construction, to the satisfaction of the Director of Environmental Control.

(c) Install a sanitary sewer system including the spur at no expense to the Town.

Seconded by Co. Lettre

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (488-1985)

GRANTING PERMISSION FOR USE  
OF CLARKSTOWN SHOWMOBILE TO  
NANUET FIRE DEPARTMENT FOR  
125TH ANNIVERSARY  
CELEBRATION

Co. Holbrook offered the following resolution:

WHEREAS, the Nanuet Fire Department has requested use of the Town of Clarkstown showmobile on Saturday, June 29, 1985, for the 125th Anniversary Celebration,

NOW, THEREFORE, be it

RESOLVED, that the Nanuet Fire Department is hereby granted permission to use the Town of Clarkstown showmobile on June 29, 1985, for the above purposes and subject to the necessary insurance policies.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (489-1985)

ADOPTING SCHEDULE RE  
HOMESTEAD BASE PROPORTIONS  
FOR PROPERTY TAXES

AAG517

RESOLUTION NO. (490-1985) Continued

Co. Holbrook offered the following resolution:

RESOLVED, that the Homestead Base Proportions established in accordance with Section 96-11 of the Code of the Town of Clarkstown for property taxes to be levied in accordance with Article II of Chapter 96 of the Code of the Town of Clarkstown for the 1986 and subsequent tax rolls shall be as set forth on the attached Schedule "A."

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (490-1985)

AUTHORIZING TOWN ATTORNEY TO PREPARE NECESSARY DOCUMENTS TO HOLD NEW JERSEY TRANSIT "SAVE HARMLESS" AGAINST ALL CLAIMS ARISING AS A RESULT OF INCIDENTS ON STATION PARCEL

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has a lease with New Jersey Transit which has yet to be implemented; and

WHEREAS, Mrs. Edith Fleisher has been performing the services of opening and closing the station for the convenience of the rail commuters; and

WHEREAS, since the Town has not exeuted these lease documents,

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is authorized and directed to prepare the necessary documents to hold New Jersey Transit, Lessor, its agents, officials, employees and servants, and each and every one of them, "Save Harmless" against all claims occuring as a result of incidents on the station parcel, with the exception of those incidents directly related solely to railroad operations and instigated by railroad operations, just or unjust from any liability as a result of any activity on the part of either commuters, or Edith Fleisher, or any employee or visitor to the site and, in order that there be a continuation of the services for the convenience of our commuters, and be it

FURTHER RESOLVED, that the Town Clerk forward a copy of this resolution to Mark Bogdany, of New Jersey Transit, and be it

FURTHER RESOLVED, that the Town Attorney also forward copies of any and all Agreements as a result of this resolution to Mark Bogdany, of New Jersey Transit.

Seconded by Co. Holbrook

Continued on Next Page

RESOLUTION NO. (490-1985) Continued

Supervisor requested a roll call and Councilman Carey asked that now that the MTA is going to take over the station where does that leave the town? Supervisor said the Town has been somewhat tardy in implementing the lease with New Jersey Transit. They have been more than cooperative in extending every consideration to the Town, to Mrs. Fleisher, to the commuters and he stated that he believed the same was true to the County in not executing a lease and they want to protect themselves by the implementation of a "Save Harmless" clause in an executed agreement before those services are curtailed similar to what is going to happen at the Theatre-Go-Round. The new station platform is anticipated to start being constructed in the early part of June. After its completion this station, which is owned by the State of New Jersey, will become surplus property and they may put it out to sale or they may offer it to a municipality or political subdivision for sale.

Councilman Carey said then in other words that new station will not have the same facilities as presently exist. Supervisor said it will have better facilities. Councilman Carey said does this mean that Mrs. Edith Fleisher will then become the person involved in the operation? Supervisor said that will not be our decision but he would strongly suggest it.

Councilman Carey said he did not recall ever seeing a bid or a resolution and the Supervisor said there is none. The terms which were never fully, legally executed call for the Town to open that station after it was closed for two years. The commuters had no way to get out of the inclement weather, so with the assistance of many members of this Town Board (prior to Councilman Carey's arrival) we were able to get the cooperation of New Jersey Transit to get a key to open it in the morning and close it in the evening. At first a town employee did it but we were unable to locate that town employee most times. Mrs. Fleisher has been doing this on behalf of the Town so that the Town could meet its obligations. Councilman Carey asked if it was being done free and the Supervisor said for use of the space.

Councilman Lettre said everything the Supervisor said is factual and accurate but the comment which Councilman Carey made and the concerns which he has are valid too. What we are doing here, in effect, is setting a precedent that because someone has done a good deed and has done a service for the Town that we just automatically let them have a situation where that person can just sit and be an entrepreneur and earn a living or some type of compensation.

Supervisor asked is this for the existing facility or for the new one? Councilman Lettre said he did not think that the Town would have any jurisdiction over the new one but that probably the MTA would. He said his concern is in setting a precedent and allowing someone to come and utilize a facility with no compensation to the Town - - at least open it up to see if there is anyone else who would like a chance to utilize this facility. He said he had no problems with Mrs. Fleisher and knows that she has been doing a good job but the concerns of Councilman Carey are valid. He said he did not know what the legal implications are to the Town.

Supervisor said the bottom line is that we do not have an executed lease. If we do not have one, those services whether it be she or the use of the station etc., could become curtailed.

Councilman Lettre said the Supervisor is right but that just because we might lose something we must be careful not to enact something that will have more important implications on the Town later on.

Supervisor said the comments were well noted. He asked do we give New Jersey Transit a "Save Harmless" and execute an agreement or not?

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AAG517

RESOLUTION NO. (490-1985) Continued

At this point Councilman Carey asked to table the resolution.

RESOLUTION NO. (491-1985)(TABLED)                      TABLING RESOLUTION NO.  
(490-1985) RE SAVE HARMLESS  
CLAUSE - NEW JERSEY TRANSIT

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. (490-1985) re: Save Harmless Clause - New Jersey Transit is hereby tabled.

Seconded by Co. Lettre

On roll call the vote was as follows:

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

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The tabling motion having failed, the roll call was taken on Resolution No. (490-1985):

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

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RESOLUTION NO. (492-1985)                      AUTHORIZING TOWN ATTORNEY  
TO ENTER INTO AGREEMENT  
WITH COUNTY OF ROCKLAND TO  
ACQUIRE PROPERTY ON KEMMER  
LANE, NANUET, NEW YORK -  
COMMENDING ROCKLAND COUNTY  
LEGISLATURE FOR COOPERATION  
IN ASSISTING WITH SAME -  
AUTHORIZING TOWN ATTORNEY  
TO OBTAIN LEASE OR LICENSE  
FOR IMMEDIATE USE OF SAID  
PROPERTY

Co. Holbrook offered the following resolution:

WHEREAS, the County of Rockland has acquired title to real property located on Kemmer Lane, Nanuet, New York, which property is more particularly designated on the Clarkstown Tax Map as Map 163, Block A, Lot 18, as a result of the nonpayment of taxes by the former property owner, and

WHEREAS, the Delinquent Property Committee of the County of Rockland has agreed to defer sale of the subject property by sealed bids so that the Town of Clarkstownj may acquire same for use as commuter parking;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized, on behalf of the Town of Clarkstown, to enter into an agreement with the County of Rockland to acquire the subject property for a price not to exceed the back taxes, penalties and interest which have accrued, provided that the contract is subject to the Town

RESOLUTION NO. (492-1985) Continued

further acquiring the right to maintain an action to extinguish the claim, if any, of the former owner, and further conditioned upon the successful completion of said action which shall be maintained at Town expense, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby commends the Rockland County Legislature for its cooperation in assisting the Town of Clarkstown in serving the commuting needs of residents of the County of Rockland, and be it

FURTHER RESOLVED, that the Town Attorney be authorized to obtain a lease or license from Rockland County for immediate use of the Kemmer Lane property (Map 163, Block A, Lot 18) for commuter parking and/or municipal purposes.

Seconded by Co. Maloney

All voted Aye.

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AAG517

RESOLUTION NO. (493-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #51-1985 (VENDING MACHINE SERVICE)

Co. Holbrook offered the following resolution:

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

BID #51-1985  
VENDING MACHINE SERVICE

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, June 17, 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. (494-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #52-1985 (OFFICE FURNITURE)

Co. Holbrook offered the following resolution:

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

BID #52-1985  
OFFICE FURNITURE

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, June 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. Maloney

All voted Aye.

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RESOLUTION NO. (495-1985)

AUTHORIZING PREPARATION OF APPRAISAL REPORT FROM BALLETTA ENTERPRISES RE: KEMMER LANE PROPERTY, NANUET - CHARGE TO ACCOUNT NO. 1420-409

Co. Holbrook offered the following resolution:

RESOLVED, that Balletta Enterprises is hereby authorized to prepare an appraisal report for property designated on the Clarkstown Tax Map as Map 163, Block A, Lot 18.00 (Kemmer Lane, Nanuet, New York) for the sum of \$475.00; and be it

FURTHER RESOLVED, that the sum of \$475.00 shall be charged to Account No. 1420-409; and be it

FURTHER RESOLVED, that this resolution is retroactive to May 16, 1985.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (496-1985)

AUTHORIZING ATTENDANCE AT ZONING SEMINAR (TOWN ATTORNEY AND ONE DEPUTY TOWN ATTORNEY)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney and a Deputy Town Attorney, are hereby authorized to attend the Seminar "Effective Zoning Administration Techniques" to be held on June 10, June 11 and June 12, 1985 in Colorado Springs, Colorado, at a cost not to exceed \$195.00 tuition per person plus transportation, lodging and meals.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (497-1985)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF APRIL 23, 1985

Co. Holbrook offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting of April 23, 1985 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (498-1985)

AUTHORIZING ATTENDANCE AT 1985 DSAS CONFERENCE FOR COUNSELING SERVICES (ELLEN COHEN AND JOSEPH LANZONE - CHARGES TO BE REIMBURSED BY NYDSAS)

RESOLUTION NO. (498-1985) Continued

Co. Holbrook offered the following resolution:

RESOLVED, that Ellen Cohen, Director, Clarkstown Counseling Center and Joseph Lanzone, Assistant Director, are hereby authorized to attend the 1985 DSAS Conference at Grossingers on June 12-14th, 1985, and be it

FURTHER RESOLVED, that all charges will be reimbursed by NYDSAS.

Seconded by Co. Maloney

All voted Aye.

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With regard to the following resolution Supervisor said he had the cooperation of the Town Board to answer several questions and there will be a meeting with Senator Levy and other officials this Friday. The State Department of Transportation will build a commuter parking lot at Exit 14, on the south side of Route 59 on property they own prior to the reconstruction of the Tappan Zee Bridge where horrendous backlogs of traffic are anticipated for many months. The Town Board also had to answer the question should we build it on the Town Landfill or on or in the vicinity of the Dexter property? We all concurred that it should be on or adjacent to the Dexter property rather than to the Clarkstown Landfill since it is north of Route 59 and closer to Exit 12 of the Thruway.

The second question was would the Town take over the maintenance? We stated we would but at the same time the fees for utilizing those parking lots - the maintenance costs, the plowing, lighting, etc. would be a charge for those persons utilizing those facilities after they are constructed and turned over to the Town. The Town Councilmen also asked for an implementation of a two-tier fee schedule - one for Town residents and one for out of town residents and all of that is summarized in this resolution.

RESOLUTION NO. (499-1985)

MEMORIALIZING RESOLUTION  
RE: CONSTRUCTION OF  
COMMUTER PARKING LOTS ONE  
ON STATE-OWNED LAND IN TOWN  
OF CLARKSTOWN OPPOSITE EXIT  
14 OF NEW YORK STATE  
THRUWAY SOUTH OF ROUTE 59  
AND ONE IN VICINITY OF EXIT  
12 ADJACENT TO ROUTE 303

Co. Holbrook offered the following resolution:

WHEREAS, the New York State Thruway Authority will be shortly initiating improvements to the Tappan Zee Bridge, and

WHEREAS, Senator Levy, in conjunction with New York State Department of Transportation and other transportation advocates, is anticipating further delays in commuter traffic due to this construction, and

WHEREAS, the same concerned parties plan on building at least two commuter facilities for car pooling in an attempt to reduce vehicular traffic over the bridge, and

WHEREAS, one of these lots is anticipated to be built on State-owned land in the Town of Clarkstown opposite Exit 14 of the New York State Thruway, south of Route 59, and

WHEREAS, another is to be built in the vicinity of Exit 12, somewhere adjacent to Route 303,

Continued on Next Page

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RESOLUTION NO. (499-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown recommends to Senator Levy and N.Y.S.D.O.T. that we are in favor of such construction, and be it

FURTHER RESOLVED, that we prefer the Route 303 site to be located on or near the Dexter property, rather than at the Clarkstown Landfill, and be it

FURTHER RESOLVED, that the Town of Clarkstown is prepared to take over the maintenance of such facilities after construction by the State of New York or its agents, and be it

FURTHER RESOLVED, if at all possible, that a two-tier fee schedule be established for residents and non-residents of the Town of Clarkstown in order for the Town to recoup whatever funds are expended for the maintenance, lighting and security of such facilities, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward certified copies of this resolution immediately to State Senator Levy, Supervisor Dusanenko, Al Dickson, Regional Director of D.O.T., Len Spiegel, Department of Public Transportation, Rockland County and Dan Freed, Director of Planning, Rockland County Planning Department.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (500-1985)

AUTHORIZING TOWN ATTORNEY TO HIRE LICENSED LAND SURVEYOR AND OBTAIN TITLE SEARCH FOR MAP 163, BLOCK A, LOT 18 - APPROPRIATION FROM LINE 1420-409

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a licensed land surveyor to survey property known and described on the Clarkstown Tax Map as Map 163, Block A, Lot 18, and to obtain a title search and title insurance on said premises for the purpose of acquiring said property as a commuter parking lot, and be it

FURTHER RESOLVED, that the funds for such survey shall not exceed \$3,000.00 and will be appropriated from line 1420-409.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (501-1985)

ACCEPTING RESIGNATION OF MEMBER OF LITTER CONTROL BUREAU (DENISE DALY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Denise Daly, 280 Congers Road, New City, New York - Member - Litter Control Bureau - is hereby accepted - effective and retroactive to May 10, 1985.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (502-1985)

ACCEPTING RESIGNATION OF  
MEMBER OF CLARKSTOWN  
SANITATION COMMISSION  
(GREGG B. TACCHINO)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Gregg B. Tacchino, 184 Grandview Avenue, Nanuet, New York - Member - Clarkstown Sanitation Commission - is hereby accepted - effective and retroactive to May 10, 1985.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (503-1985)

ACCEPTING RESIGNATION OF  
CUSTODIAN I - PARKS BOARD &  
RECREATION COMMISSION  
(CECIL RUIZ)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Cecil Ruiz, 19 Windmill Lane, New City, New York as Custodian I - Parks Board & Recreation Commission - is hereby accepted, effective and retroactive to May 17, 1985.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (504-1985)

GRANTING SIX MONTHS LEAVE  
OF ABSENCE TO LEGAL  
STENOGRAPHER - TOWN  
ATTORNEY'S OFFICE (CANDACE  
L. NEUSER)

Co. Maloney offered the following resolution:

WHEREAS, Candace L. Neuser has requested a six month Leave of Absence, without pay, and

WHEREAS, Article XIX, Paragraph 1 of the Town of Clarkstown Labor Agreement of January 1, 1984 provides for a Leave of Absence, without pay,

NOW, THEREFRE, be it

RESOLVED, that Candace L. Neuser, 86 Main Street, Nyack, New York - Legal Stenographer - Town Attorney's Office - is hereby granted a six (6) month leave of absence - without pay - effective and retroactive to May 27, 1985.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (505-1985)

AUTHORIZING ATTENDANCE AT  
MICROCOMPUTER TRAINING FOR  
TRANSIT MANAGERS - TRANSIT  
OPERATIONS SUPERVISOR  
(JOSEPH LEWIS)

Co. Holbrook offered the following resolution:

RESOLVED, that Joseph Lewis, Transit Operations Supervisor of the Town of Clarkstown is hereby authorized to attend

AAG517

RESOLUTION NO. (505-1985) Continued

Microcomputer Training for Transit Managers at Rensselaer Polytechnic Institute on July 22nd to 25th, 1985, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$975.00 be charged to Account No. A 1680-414.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (506-1985)

AUTHORIZING SUBMISSION OF RESOLUTION TO QUALIFIED ELECTORS OF TOWN OF CLARKSTOWN FOR FOUR-YEAR TERM OF OFFICE FOR TOWN CLERK

Co. Lettre offered the following resolution:

WHEREAS, the office of the Town Clerk of the Town of Clarkstown currently is a two year term, and

WHEREAS, the Town Board desires to extend the term of office from two years to four years,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown that pursuant to Section 24-a of the Town Law, the term of the office of Town Clerk of the Town of Clarkstown shall be four years, and be it

FURTHER RESOLVED, that said resolution shall be submitted to the qualified electors of the Town of Clarkstown for their approval or disapproval at the next biennial town election, pursuant to the procedure provided by Article 7 of the Town Law.

ABSTRACT OF RESOLUTION

This proposed resolution would provide that the Town Clerk of the Town of Clarkstown shall serve for a four year term commencing January 1, 1988. The existing provision of the Town Law provides for a two year term.

FORM OF SUBMISSION OF RESOLUTION

Shall the term of the Town Clerk of the Town of Clarkstown be changed from two years to four years commencing January 1, 1988?

Vote Yes to approve the resolution.

Vote No to reject the resolution.

Seconded by Co. Carey

At this point Supervisor made a motion to table Resolution No. (506-1985) but did not receive a second.

Roll call vote on Resolution No. (506-1985):

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

RESOLUTION NO. (506-1985) Continued

Supervisor said that he wanted more time to study this resolution. Councilman Lettre said that it was almost identical to the one which passed unanimously for the Superintendent of Highways. Supervisor said there were some questions which came up with that one.

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Councilman Holbrook asked about a bonding resolution. Supervisor said there was no resolution. He said he had asked Mr. Andretta in order to go ahead with this and see which ones had four votes because we are not going to bond for all this. There are other ways of funding some of these projects and he just wanted to know the Councilmen's input. He said he would let the Councilmen discuss this.

Supervisor reiterated that there would be no bonding resolution this evening and no resolution is necessary this evening. All he wished to know is what projects this Town Board would like to finish or fund. At that time Mr. Costa, Mr. Profenna, Mr. Andretta and himself will discuss how best to fund them and in what forms with bond counsel and then a formal vote will be taken by this Town.

Councilman Carey requested information sheets for the councilmen.

Councilman Holbrook asked what time frame they were looking for and Supervisor said as soon as possible. When he knows what has four votes he will sit down with bond counsel as soon as he can get an appointment.

Councilman Lettre asked to go into Executive Session for the purpose of bonding and Town Attorney said he would not recommend that. Supervisor stated that there is no vote necessary as he just wants to know which projects deserve the councilmen's support. Supervisor asked that the councilmen utilize their secretary, Mrs. Squillace, to get back to him with the decisions of the councilmen on these projects. He asked that they let him know tomorrow how many votes there would be for each so he could go ahead. When all of these are prepared each will need a majority plus one under the law and will require four votes. If we do not have four why go through the legal rigmarole.

There being no further business to come before the Town Board and no one wishing to be heard on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Town Board Meeting was declared closed, time: 8:57 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

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