

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/25/85

8:29 P.M.

Present: Supv. Dusanenko
Councilman Carey, Holbrook, Maloney
Councilman Lettre, absent
Harold McCartney, Deputy Town Attorney
Patricia Sheridan, Town Clerk

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

The following proclamation was presented to Edward J. Ghiazza, Supervisor of Parks Board and Recreation Commission.

"LIFE. BE IN IT."
Recreation and Parks Month
July - 1985

WHEREAS, the Town of Clarkstown has numerous programs and facilities which its residents may take advantage of; and

WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, all citizens can enjoy self-renewal in the out-of-doors through green spaces and facilities in parks; and

WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and

WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on this 25th day of June, 1985 do hereby proclaim the month of July, nineteen hundred and eighty-five as "LIFE. BE IN IT. - RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for July.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Clarkstown to be affixed this 25th day of June, 1985.

(S E A L)

By /s/ Theodore R. Dusanenko
THEODORE R. DUSANENKO, Supervisor
Town of Clarkstown"

The Supervisor announced that there would be special events which would include a concert on June 26th which would be open to the public. On July 3 there will be two concerts and fireworks at the Nanuet High School, free of charge followed by three more weeks of concerts at Germonds Park.

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The Supervisor announced that Albertus Magnus up until August 18 has allowed commuters to park on seventy-five spaces on the east side of their school building right off Germonds road. Yesterday seven cars took advantage of the seventy-five spots. Today two cars took advantage of the seventy-five spots. On the other hand at the Nanuet Mall, there are approximately 220 spaces. Yesterday all parking was orderly and there were spaces for approximately seven more commuters. Today fourteen commuters parked indiscriminately in no parking areas. In some cases, blocking others and having no regard for any other commuter. If this lot at the Nanuet Mall is overtaxed, I've exhausted every possibility for temporary commuter parking until other lots are done, those fourteen people have abused the privilege for the 220 reasonable people who are just attempting to get to work and park in an orderly fashion. Lt. Collins ran license plates, I'm not going to repeat names, only plate numbers because it might be embarrassing. We had cars parking as far away as Brandon, Florida. What are they doing there? Woodbury, New Jersey, we had the following plate numbers: 1246AES, a Datsun from Tree Tops Circle in Nanuet; 8100ARV, a '72 Oldsmobile from Harris, New York; 2722AHB, A '75 Chevy from Tree Tops Circle in Nanuet; 1703TAH from Buckingham Road in Nanuet; 6196AKX, a '69 Buick from Dowsher Avenue in West Nyack; 8338AHD, a '78 Pontiac from Tree Tops Circle in Nanuet; 9678TAM from West Boston Road in Mamoranack; 147GIR, a '78 Pontiac from Forestview Court in Valley Cottage; 2784AUK, from Sturbridge Court in Nanuet; 1642AYZ, an '81 Honda from Beacon Street in Congers; VA10E2, an '84 Buick from Petersburg, Virginia; New Jersey registration YIW549 from Galloway Place in Teanack, New Jersey; Connecticut license plate, 843BVD from Crossways Park, Woodbury, New York and Florida license plate QLT338, '73 Volkswagon from Montclair, Brandon, Florida. Starting tomorrow, in the event the Mall complains, those cars will be towed and ticketed at the owners expense before all the good commuters lose the opportunity to have a safe place to park.

Supervisor Dusanenko declared the public portion open.

Appearance: Pat Halo
New City

She spoke regarding Item #1 on the agenda. She said she was talking about Section 352eee of the General Business Law. What this specifically provides for is the protection of the rights of tenants and it especially provides for the protection of tenants who are senior citizens or disabled. I believe that the Town Board should look on this Section favorably and adopt it. She said the Town of Orangetown adopted it last night

Appearance: James Hartwick

Mr. Hartwick represented Senator Eugene Levy with regard to Section 352eee and read the following letter.

"April 15, 1985

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

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Dear Ted:

I recently had the opportunity to meet with a number of residents of Normandy Village in the Town of Clarkstown. They expressed their strong concerns regarding protection of the elderly and disabled in the event of co-op/condo conversion. Subsequent to my meeting with the Normandy Village residents, I contacted the Attorney General's Office and was informed that the Town of Clarkstown has not opted to offer renters any of the protections available to them under the General Business Law.

There are two provisions which, at local option, could be invoked to offer protection to the Normandy Village residents. The first, sec. 352eee of the General Business Law would affect all categories of tenants in the event of a conversion. The second, subdivision 2-a of sec. 352e, provides special protection to eligible senior citizens and disabled persons. Either, but not both, may be put into affect by local legislation.

I am writing to urge you to consider passage of local legislation which would at least extend the protections afforded by subdivision 2-a of sec. 352e to some of our most vulnerable citizens. The provisions of subdivision 2-a were enacted as Chapter 771 of the Laws of 1983 and you may not have been aware of their potential impact in Clarkstown, especially given the fact that Rockland County was one of the counties specifically enumerated in sec. 352eee.

Sincerely,

EUGENE LEVEY
STATE SENATOR

EL:tje/c
cc:Mr. George Zuckerman
Members of Clarkstown Town Board"

He said he would like to ask the Town Board to seriously consider this matter and either adopt section 352eee or subdivision 2-a.

Appearance: Deanna Hess

She said she was representing Assemblyman Bob Connor and read the following letter:

"May 10, 1985

Honorable Theodore R. Dusanenko
Supervisor-Clarkstown
10 Maple Av.
New City, N.Y. 10956

Dear Ted:

This letter is written to you on behalf of the Normandy Village Tenants Association. At this point in time I am sure that you are already familiar with these Senior Citizens' plight.

According to Sec. 352eee of the General Business Law, there is a provision in the law which allows for local option. What I am requesting of you and the Town Board is to adopt a resolution which gives the tenants their due protection under the law. It seems to me a just and reasonable request.

I am aware that Senator Levy has also made a request to you on the Tenants behalf. The Attorney General's office has been contacted, as well as the Chairman of the Assembly Housing Committee;

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and it all comes down to the passage of the local resolution.

I certainly hope that you and the Town Board will pass this resolution to offer protection for these residents of Clarkstown.

Sincerely yours,

/s/ Bob Connor

Bob Connor

cc: Senator Eugene Levy
George Zuckerman"

Appearance: David Fromson
149 Brewery Road
New City, NY 10956

He said that his question may relate to Item #26. He had gone to Finnegan Associates at Street School and questioned the appraisal on his property and they said they would be in contact with him about the first week in June. He has not heard from them. He called Town Hall, and they said to him that if he had not received a letter of some sort then your assessment stood. He said his question is, does Item #26 relate to any of that?

Supervisor said it relates to the continuation of updating the services and the training of a vacant position in the Assessor's office in the remaining portion of this year.

Appearance: Norman Bird
143 Treetop Circle
Nanuet

Mr. Bird Spoke regarding obtaining CO,s for the units in Treetop Condominiums. He said he understands that a CO will not be issued until Kingsgate Parkway is paved. He said he understands the Town is holding money in escrow for the paving of Kingsgate. This money does not belong to the Town and he would like the Town to turn the money over to them so that they can pave Kingsgate. Since builders have a habit of not living up to promises, we would like to have a written and binding commitment that the new developers will contribute their share of dues to the 1200 Association.

Councilman Holbrook said, you're saying before any approval of Town Law 280A4.

Mr. Bird said yes. He said that this agreement should be filed in the County Clerk's Office. The record calls for a club house. No agreement has been made as to what type of clubhouse will be built or when it will be built.

Appearance: Linda Pasture
8 Whispering Court
Bardonia, NY

She said she was here on behalf of a large number of Bardonia residents inquiring about the state of the appeal that has been talked about sometime ago. Time is running out. They were led to believe that it would be on the agenda tonight. If it isn't, when will it be?

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Supervisor said there would be a vote on it. They don't know about the outcome but if you will be patient and brief when they get to that item we'll see what the disposition is going to be. It will be voted on tonight to either appeal or not to appeal.

Mrs. Pasture gave a letter from the PTA to the Town Clerk

Appearance: Alex Marod

He said he was a member of the Board of Directors of the Chamber of Commerce and recently was given the appointment of chairman of the Traffic Committee. Their committee has come up with disturbing problems as far as south Main Street is concerned. He would like to pass on their recommendations as follows: They would like to take the three feet that belongs to the Town from the County Court House and rip that out to make an even street all the way down south Main Street. We recommend or suggest that there be no parking south of Demarest Avenue - no parking at all on either side of the street. We recommend that you have the right lane, the left lane, and a turn lane in the center of the roadway as you people have talked about it and nothing has been done about it.

Supervisor said there was a left hand stacking lane and a safety zone.

Mr. Marod said that's right. It's also possible that you might recommend that the traffic leaving the mall follows the flow of traffic and doesn't cut across the road. In other words, anything on the right side would have to go only to the right. Anything coming from the left lane would have to go north. In mall sections you have traffic going both ways. You have as many as four or five cars at one time vying for a space going one way or the other and at all times all it does is hold up traffic. The point is we have a new office building that is going to open up very shortly and something has to be done and it has to be done and not two three years down the line. You know there is a need for such corrective measures and we would like to recommend that you people go ahead into it.

Councilman Holbrook said if you give those recommendations to Mr. Geneslaw who is also presently looking at the situation, he would be most interested to have those.

Supervisor suggested that he give the suggestions to Mrs. Sheridan or hand write them out. He asked that Mrs. Sheridan make a copy for Mr. Geneslaw, the Traffic Safety Advisory Board, and for Mr. Lampert who has been retained to look at all situations town wide.

Appearance: Jack Habif

He said he would like to read into the minutes this evening a letter by Diane O'Looney of 6 Northlyn Court, Bardonia with reference to the shopping center that is being appealed, hopefully, in Bardonia Road.

"June 25, 1985

I am making this statement and request as a Bardonia resident, past President of Bardonia PTA, Safety Chairman for Clarkstown PTA Council, and, above all, an individual who is very concerned with children's safety.

The debate about a shopping center on this particular piece of land is not a new one. When I became involved in Bardonia PTA 10 years ago, it was going on. The argument against the shopping center is still the same - the safety of the children in the area. Maybe it is time this issue was laid to rest.

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As a Town Board, you showed that you shared the concerns of the residents, this past October, when you changed the zoning on the property. Now it is time for you to show courage and belief in your decision by appealing the ruling made by a judge sitting in a White Plains court house.

I feel very strongly that the concerns of Bardonia residents for their children's safety should be made known to the judge. Their concerns are:

a) Over 100 children, aged from 5 to 12 years, have to walk along Bardonia Road, past the proposed shopping center, in order to get to and from the Bardonia Elementary School.

b) School buses travel along Bardonia Road to and from not only Bardonia School, but also the Felix V. Festa Jr. High School, the South High School, and B.O.C.E.S.

c) During inclement weather, traffic in and out of Bardonia School is extremely heavy, and tends to back up on to Bardonia Road.

d) Bardonia Road is not a wide road, and at the present time, making a right-hand turn out of the Bardonia Post Office can be very tight.

e) The Clarkstown Town Board denied an application for a Montessori School on Bardonia Road. One of the reasons cited for this denial, was that Bardonia Road could not handle the additional traffic. Just imagine the traffic that could be generated by a successful shopping center.

I can appreciate that the builder did buy this property in good faith, and that he is an honest businessman just looking for a fair return on his investment. No one wants to deny him this right. However, I, and other Bardonia residents, are requesting that the judge, and the builder consider our concerns for the children's safety and that he build either a professional building, or apartments, both of which would still give him a more than adequate return for his investment.

Please, won't you, the Town Board, show again, that you share our concerns and vote to appeal the judge's ruling.

Thank you for your consideration.

Diane O'Looney
6 Northlyn Court
Bardonia"

Appearance:

Tom McNulty
88B Hess Road
Valley Cottage

Mr. McNulty said that recently he had bought a new home and after a rainstorm on June 16, it washed away all his seed. The Department of Environmental Control met on the site with the builder and there is going to be road work done to correct this drainage problem. going down the block. He has no idea when this work will be done. He has had the inspector from Environmental Control, Bill Ross and Bill Mahoney, at his house and he still doesn't know when the work will be done.

Les Bollman said he is aware of the problem and that the builder, his engineer, and the contractor were out there and they discussed different methods of alleviating the water coming from the

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private roads, the private section up above. He directed his engineer to draw up plans and when that's done to have the contractor draw up plans to give him a cost estimate and when that's done, Mr. Bollman can get a date. Mr. Bollman said, it should take about a week or so

Councilman Holbrook suggested that Mr. McNulty speak to the Building Inspector, Mr. Colucci, to find out what the recommendations were that he made.

Appearance: Mr. Totanti
4 Ash Road
Bardonia, NY

Mr. Totanti said that the Town Board, Zoning Board of Appeals, and the Planning Board, did not vote down the Montessori School. He said he fought them and it cost him \$5,000 to protect Bardonia Road. He said that when Mr. Schwartz was subdividing his property, the Town and the Planning Board said he could not subdivide his property unless he got prior approval from the Planning Board. Yet Whispering Court was developed with a road through it with a minimum lot of 12,500 square feet on half acre zoning. Where are the rights of our people? Whispering Court was paved on top of mud. Not even a ground bed of stone, or binder, or blacktop. He said that he felt that when he did subdivide two lots on Bardonia Road, on Whispering Court, this Town has held me to 22,500 square feet originally what the code says - R22. Actually this Town or the people of Bardonia cannot stop it if a post office wants to come in, you have to allow them; if a house of worship wants to come for a private community, you have to allow them; if a group home comes in to the community, you have to allow them. When I subdivide property, I have to go to the full square footage besides donating gratuity lines through the Town for road widening .

The Supervisor said to Mr. Totanti, you are saying that Whispering Court is caving in. You are also saying that you are grieved with your two lots subdivision. In what respect.

Mr. Totatini said if Mr. Bergstol can go in and subdivide and go from 12,000 square feet to the biggest footage, I think one of those lots was 16,000 square feet, when it calls for an R22 and then when I go in for a subdivision of the lots I bought from Mr. Schwartz, and hold me for 22,500, where are my rights in this Town?

Supervisor asked if Mr. Totatini applied for a 281?

Mr. Totatini said that when you hire an architect to take care of it, you think you are in good hands

Appearance: George Zuckerman, Chairman
Normandy Village Tenants Assoc.

Mr. Zuckerman inquired about resolution #1 and if he could assume that the Board was going to decide tonight?

Supervisor said, "yes."

Mr. Zuckerman read the following letter from Virginia Wilde, Director of the Rockland County Office For The Aging dated May 21, 1985 with reference to cooperative or condominium conversions. It is addressed to:

Theodore Dusanenko, Supervisor
Members of the Clarkstown Town Board

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Gentlemen:

The Rockland County Office for The Aging and the Advisory Council for the Office for the Aging wish to express their concern that senior citizens and disabled tenants will be entitled to every protection possible that is allowable under the laws of New York State when landlords wish to convert their buildings to co-ops or condos. In order to accomplish this, your board can enact either section 352E2A of the General Business Law which protects senior citizens and disabled persons for section 352eee which is specific to Nassau, Rockland and Westchester. We note that in Rockland County six municipalities have already adopted S352eee which provides protection to all tenants in all buildings living in buildings scheduled for conversion. While S352E2A is limited to those over 62 and the disabled. In either case your Board must act to pass the appropriate resolution in order for the law to be used to protect those people who are most likely living on fixed incomes and who are entitled to all the protections the law allows.

Thank you for your consideration of these views.

Very truly yours,

Virginia M. Wilde
Director

Appearance:

Mary O'Rourke
Whispering Court
Bardonia

Spoke regarding the quality of organization that will move in to the proposed shopping center. As residents we're really not concerned about apartments, condominiums, or things like that but it's not only the traffic which we all recognize which this Board previously recognized.

Appearance:

Wayne Bodar
261 Treetop Circle
Nanuet

He said this is concerning Item #12, Town Law 288-4 Treetops Condominium. On November 7, 1984, the Planning Board had given preliminary approval to section C that they are planning there and they gave ten modifications on this. On June 5, 1985 the Planning Board met again to look for final approval. They did not state whether any of these ten were followed up and they gave them final approval and this time with thirty-three modifications in numerical order plus number B which I would like to read. The only work that shall be allowed is that work required by the Rockland County Highway Department along Smith Road in retention basin on lot B. No other land care clearing or construction of any kind shall be permitted until revised map is provided and reviewed by Technical Advisory Committee to assure that all modification have been complied with. Today there is approximately a 2,000 square foot building that exists on that site that was built after that date. My contention is that before they look into passing 280A maybe they should consider other provisions because certainly the builders can't even follow what the Planning Board asked them to do because they built a building on the other property and it says right here that nothing is to be built. There is a structure there, roof, shingles, and everything else. Okay, after this meeting it is now June 25th. I do not feel that the Board should give up their right to insure the residents up in Treetops or the 960 other units that will be built up there, if the builder cannot even follow a final approval that the Planning Board has asked them to do.

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As of Friday, there was no permit even given by Rockland County Highway Department to do the work that they are doing with their construction equipment up there. I feel that if the builders cannot keep the modifications of the Planning Board, I believe it is up to the Town Board to protect the people before they even consider looking at 280A or anything else.

Appearance: Jerome Johnson

Said he was here with respect to Item #10 and that he is one of the petitioners to request to set a Public Hearing for the annexation of two small parcels of land near exit 14 of the Thruway into the village of Spring Valley. The property is thoroughly encompassed by the village of Spring Valley. The road pattern will run through Spring Valley and the development could be more easily maintained there. There are tremendous benefits to the Town in permitting this so that the road pattern can be established, drainage can be fixed, etc. I am really here to ask you to set it. I will file with the clerk a letter from the village of Spring Valley. They have set their Public Hearing jointly with you if you join with them for July 30th. If you have any questions, I'll be happy to answer them.

Supervisor asked if that date was satisfactory with the Board and it was determined that date was free.

Appearance: Kenny Torsoe
Normandy Village

He said he believed that the agreement that you have that the landlords signed accomplished exactly what the people wanted accomplished. It protects senior citizens and handicapped. There are no landlords in Clarkstown if they are going to convert, and there are not many that are going to convert, they will not consider throwing anybody out and they put it in writing like Mr. Lettre said at the last meeting. The landlords put it in writing and you have the agreements with all the people who signed it. He read from an editorial from the Journal News about the disinterest of people to build in places that have controls. . New York State is only one of five States in the United States that has controls on lands or conversions that you have to have percentages and so forth, that is, New York, Connecticut, Massachusetts, New Jersey, and the other. Washington D.C. also has it on the books but the city officials are trying to get out of the private rental market. Down south where they have no controls , they have 10-15% vacancy rates. People build apartments down there. There is money in apartments if they are not afraid of taking the property rights away from you. The controls actually exacerbate housing shortages by posing this insanity to real estate developers who otherwise might be inclined to construct rental apartments with arbitrary limits placed in possibility of apartments rentals or conversions. Developers do better to build office towers, condominium complexes, and in most cases get paid subsidies for building. The poor do not benefit from rent control but most tenants in rent control apartments are middle to upper income. Common taxpayers suffer the most in that their tax money must be used to make up for the housing shortage. It goes on and I will give you a copy of it. In Clarkstown you had some building and not too much. When I built it two years ago, I built eighty-four more rentals. I thought that this Town would have no part of any rent control or any controls on conversions later on. If you put those controls on again, there won't be anymore apartments in Clarkstown built. As you know Sid Schulson was thinking of renting his place but he has decided to convert it. So if you want no more buildings and if you want some people that live in the apartments down here to take control over this Town and not have any apartments built.

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ABE664

Just as President Reagen lifted the controls on oil. Everybody began to scream it's going to go sky high. Sure it went up to 30 or \$40.00 per barrel but when there is money to be made, the void is getting filled and it stabilizes. Nobody is going to build apartments if you can't make money in apartments. He felt that the agreement that all the landlords in Clarkstown had made was a good agreement for the people and it protects them.

Councilman Maloney asked if Mr. Zuckerman had seen this agreement.

Mr. Zuckerman said that he gave it to the Supervisor.

Supervisor asked Mrs. Sheridan the papers that she has in front of her now, who signed those copies submitted to her, which apartment owners?

Mrs. Sheridan said Normandy Village, Burgandy Gardens, Stratford Arms, Eric and Kenneth Bergstol.

Supervisor said Mrs. Sheridan should have another agreement for Oakwood Gardens, Jeanmarie Apartments, St. Moritz and Mr. Shapiro's Apartments.

Councilman Maloney wanted to know if Mr. Zuckerman had a copy of this so he could see what it says as the Board just got a copy tonight.

Mr. Zuckerman said he did not get a copy and we are not looking for rent control.

Supervisor said we are not talking rent control. We are not talking rent stabilization, EPTA. Those are two issues that are not part of this conversation. The issue is do we accept the landlord agreements. Do we accept section 352e2A, the State Law or 352eee. That's what the discussion is about. For the benefit of those people who do not have a copy of this agreement let me read it into the record.

"AGREEMENT BY APARTMENT HOUSE OWNERS OF THE TOWN OF CLARKSTOWN
PROTECTIVE OF CERTAIN TENANTS

The undersigned owners of apartment housing agree with the Town of Clarkstown as follows:

1. This agreement applies to the following non-purchasing tenants in occupancy (not sub-tenants) of apartments owned by the undersigned at the time an Offering Plan converting the apartments owned by any of the undersigned, to condominium status, pursuant to Article 9-B of the Real Property Law of the State of New York, is declared effective.
2. Such tenants who are 62 years of age or older and their spouses on the date the Offering Plan is accepted for filing by the New York State Department of Law.
3. Such tenants and their spouses as are permanently disabled and cannot engage in substantial, gainful employment on such date and their spouses.
4. The undersigned, as prospective Sponsors of condominium Offering Plans, agree that the aforesaid tenants may remain in their apartments for a period of 10 years beyond the expiration date of their leases, and not be subject to unconscionable increases beyond ordinary rentals of comparable apartments; provided that proceedings may be commenced against them for non-payment of rent, illegal use or occupancy, refusal of reasonable access or other breach of the customary obligations of a tenant to a landlord.

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5. Sponsor may, regardless of terms of paragraph 4 above, at sponsor's own expense, move such tenants to substantially comparable apartments in unconverted parts of Sponsor's complex.

6. All such non-purchasing tenants must deliver to the Sponsor and, if it requires, to the Town of Clarkstown an election, in writing, to receive the benefits of this agreement and provide therewith written proof of their qualifications as to age or disability, as the case may be.

7. Such tenants shall be entitled to purchase their units under the terms of the Offering Plan whether or not they make the aforesaid elections.

Dated: 6/17./85

Supervisor asked Mrs. Sheridan when was the latest one you received signed.

Mrs. Sheridan said 6/17/85.

Supervisor said that includes most if not all the apartments in the Town with the exception of the Bremmer Apartments which are being built now where when the owner heard that the Town was going to do such he was not willing to cooperate with the tenants or the Landlords Association and he said he was filing a prospectus and in no way is he building any more apartments in the Town of Clarkstown.

Appearance: Ray Barone
Bardonia Mall
Bardonia

Mrs. Barone said she has a letter she would like to have read into the records as follows:

"June 23, 1985

Clarkstown Board
10 Maple Avenue
New City, New York 10956

Gentlemen:

An issue of great concern to Bardonia PTA comes up before you tonight. It has to do with the appeal for the proposed Bardonia Shopping Centre.

We cannot be here tonight. We have a previous commitment, but we wanted to voice our concern.

We strongly urge the Town Board to vote "Yes" for the appeal in view of our children, school, residential, and traffic concerns as previously stated.

We collectively submit to you to carefully review this matter. If those same reasons still stand that made the vote which changed the zone in October, then surely those reasons must still hold true for the appeal in June. We must ask you to vote "Yes" for the appeal and do what must be done to protect our school, children, and our community.

Respectfully yours,

/s/Arlene Hagendorf, President
BARDONIA PTA

c/o Bardonia Elementary
Bardonia Road
Bardonia, New York 10954"

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AAG517

Mrs. Barone spoke regarding the growth of Bardonia Road Since 1956 and the children that have been injured there. We've had times when the people of the community have come before the School Board and the Town Board and I remember distinctly that they were not listened to when the Bardonia School was built because one of our residents said if you use that property to build a school, I'll sell you two acres of my property to run the water off on. We've been running the water off ever since. I ask the Board to please consider the long range effect of what this will do to the community.

Appearance: Mr. Jack Cuff
West Nyack

Mr. Cuff said he wanted to speak on item #3, the budget. He said he had mentioned this two weeks ago when the Board wanted to spend money on walking paths. He said there are areas in Clarkstown where we don't have sidewalks for the children to walk to school and we are spending money on walking paths. If you travel down Bardonia Road especially in the winter time, when there is ice or snow on the road and you look to your right, you'll see what's supposed to be a sidewalk. In some areas the sidewalk and road are about the same height. If you are driving on that road and there is ice or snow, there is no curb and if you skid you could hit a pedestrian. McCarthy Way in West Nyack between the Junior High School and Strawtown Elementary School is another area where there are no sidewalks. He hoped that the Town Board would give this their attention and not worry about walking paths.

Appearance: Martin Bernstein
New City

He said he would like to see the agenda made up in advance so that anyone wishing to come in three days before could look over the the material and have an opportunity to discuss it intelligently when they wish to come to a Town Board Meeting. He wanted to know how the agreement of the apartment owners is different from the law of the State of New York. Do we know - on the question of conversion of handicapped and senior citizens?

Supervisor asked Mr. MacCartney if he could answer that.

Mr. MacCartney said he had not studied it in detail but in my view it is not significantly different except for the fact that the landlords have agreed to do it voluntarily.

Mr. Bernstein asked about the part that said that tenants can be moved to other apartments if the landlord wishes. Is that in the State Law?

Mr. MacCartney said it is not in the State Law .

Mr. Bernstein said he has mixed feelings about this particular part of the law to begin with because on one hand you are taking away property rights from people and you really have to think about how it will affect the building of apartments. There is a great need for apartments all over the Metropolitan New York and possibly in other parts of the country - rental apartments. Unfortunately, where there is an attempt to rezone property for multi-family and one of the arguments given is that this will give us more rental apartments for young people and senior citizens. Yet, there is no way there is any restriction on the person who builds it to then immediately convert it to condominiums. It seems to me that we should think seriously of creating some kind of zoning for rental apartments because there is a great need. More and more apartments are being converted. Not so much in Rockland because what's happening in Rockland is that there haven't

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been many built. Mostly condominiums have been built. He also spoke about reappointments and felt that people should serve no more than four or five years on Boards so that we could get new blood and new ideas in.

Appearance: Donald Tracy

Mr. Tracy said he was representing Limena Realty Corp - the individuals who proposed to build the shopping center in Bardonia. He said he has listened with interest to the pleas of the people and he is sure that their concerns are very real concerns. However, as he listened to one gentlemen mention individuals rights, he thought he should call to the Town Board's attention the fact that the individual who bought this property, bought a parcel of land that was zoned for the use to which he intended to put it. He made a diligent inquiry to determine that it was so zoned. He purchased it at considerable expense. He has carried it at considerable expense. When the Town Board acquiescing to a consensus of the people determined to rezone the property, this individual was protected from that rezoning according to a court decision by the law of the Town. I stress the words "the law of the Town." He, of course, was accorded recognition of that by a learned Supreme Court Judge in a Summary Judgment Motion which means that as a matter of law he was correct and the Town could not, because of a savings clause, rezone his property. Now a group of people come in and they say appeal this decision. I say to you that's not a basis to appeal the case because a case should be appealed on the basis of whether or not the decision is bad law. A case should not be appealed by public opinion of one segment of the community so that you spend the resources of the entire Town. I have recently been retained by the Town of Pauling to defend a \$1,000,000 civil rights action brought against the Town by a property owner who was denied equal protection under the law. I do not ask you not to appeal. If you appeal this case, you are going to put a nice dollar in my pocket and I'm going to win it. I ask you in determining whether you appeal it or not to be guided by proper principals and not public opinion. I realize that this is an election year and you are all up for election and I realize that my client who is only one individual, who has suffered tremendous financial hardship during this period of time, is overwhelmingly persuasive from a political point of view as the crowd you have tonight. I have no fault with this Town Board if the Town Board says we are going to vote to appeal it. I do have a fault with if you do vote to appeal it because of political pressure. Be guided by your own council's opinion. Make sure when you vote to appeal that you know what the case was about. It was about a judge enforcing your very own law and a judge enforcing and granting to a single citizen as against the Town Board and against the wishes of the community equal protection under the law. If you determine that his decision was wrong and that your law doesn't say what the Queen's English says it says, then you go ahead and appeal it. But if you are appealing it because fifty people, or sixty, or forty people came in and said we want an appeal, then I as a taxpayer living in another segment of the Town, saying gentlemen you are not doing your duty to the entire Town of Clarkstown.

Appearance: Milton Levy
Normandy Village

Mr. Levy said the notice was dated June 17 and he thought they should have received a copy of this so that they could have had an opportunity to study it. He said that paragraph four which says that the tenant may remain in their apartment for a period of ten years and then go to paragraph five, sponsor may regardless of terms of paragraph four at sponsors own expense move such tenants to substantially comparative apartments in unconverted parts of sponsors complex. That means the tenant can be moved two, three, four times. I think that paragraph five contradicts paragraph four. I say that we should have received this to have an opportunity to look it over in detail. The apartments that have been built in the last couple of years in Clarkstown have been far and few in between. Now these laws were in

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effect. We did not discuss this with the Town before. If the builders were so anxious to build, why didn't they build last year or two years ago? Also the rents that they are asking are prohibitive. Most of the senior citizens are in the seventy to seventy-five year old category who are receiving their social security based on five and ten years ago and it is very difficult to pay these type of rents. The new buildings that were built were from \$600.-\$900. rental. That is not the type of rental that is necessary for this town

Appearance: John Totani

I know that Mr. Tracy does not want to charge exorbitant fees for a builder that wants to build and doesn't. If you check the history and the origin of the post office when George Hall owned it, as to how that property was originated and how the post office went in before that land was changed over and check some of those fees that you can see that you can beat them and they are not going to tell you people, the Town people that we vote for to represent us to fight that man.

* * * * *

On motion of Councilman Holbrook, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Acquisition of land located at Northwest corner of Rt. 304 & Congers Rd., New City was opened, 9:44 P.M.

* * * * *

Mr. Maloney said that he had a question on item #1 since they just received this contract this evening that they have always been in favor of trying to do something on a voluntary basis rather than have the Town do it. He said that on the surface it seems to be contract that would be protective of the tenants that we have all been concerned about. He said that he also has a question on item #5 as it responds to item #4. I see that item #4 protects for a period of ten years. Item #5 talks about regardless of paragraph four and I'm not sure what that means.

Mr. Torsoe said it was the same as he did when he converted the first section. He moved some people into the second or third section at his expense not the tenants expense. It's on a voluntary basis. It won't be done unless they want to.

Mr. Maloney asked Mr. Torsoe if he is saying that persons may remain there for a period of ten years beyond the expiration date. Now you are talking about moving them at your expense to another rental apartment in the unconverted section. Has that happened before?

Mr. Torsoe said that out of 114 apartments in a section, that wanted to stay in Normandy Village and he moves them over at his expense.

A Resident asked if Mr. Torsoe knows of the trauma that people 65 years and up would have to move from one apartment to the other

Mr. Zuckerman said that this agreement is totally in conflict with section 352eee or the other section. It is not mentioned anywhere in that section that the tenant has to move out. Even if the landlord has to pay expenses, a tenant is never moved out once that section is adopted. Mr. Zuckerman said he was very surprised when Mr. Dusanenko asked the Deputy Town Attorney if there was a difference between disagreement and section 352. He replied "not significantly different". I would like the record to show the reply that he made to that question. It is so different as night and day and I don't see how you can go along with this agreement and this is the first time that I

have seen it and if I took it home, as an attorney, I could find other things. I don't even know what Article 9b Real Property Law is which I would have to look up and I'm sure that he would have to look up too.

Councilman Holbrook said maybe that was the first time he might have seen it too.

Mr. MacCartney said that was not true that he had seen that agreement

RESOLUTION No. (538-1985)

IMPLEMENTING SECTION 352-eee OF THE GENERAL BUSINESS LAW TO PROVIDE PROTECTION TO ALL TENANTS IN RENTAL UNITS SUBJECT TO CONVERSION TO CONDOMINIUMS OR COOPERATIVES AND FILE CERTIFIED COPIES OF THIS RESOLUTION WITH THE APPROPRIATE GOVERNMENTAL AGENCIES

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Co. Holbrook offered the following resolution:

WHEREAS, Section 352-eee of the General Business Law provides for a means whereby the Town Board of the Town of Clarkstown may implement certain protection for all tenants in rental units subject to conversion to condominiums or cooperatives, and

WHEREAS, the Town Board believes it is in the best interest of the Town to provide the protection afforded by Section 352-eee of the General Business Law;

NOW, THEREFORE, be it resolved that the Town Board hereby adopts the provision of Section 352-eee of the General Business Law, and be it

FURTHER RESOLVED, that the Town Clerk shall file certified copies of this resolution with the appropriate governmental offices.

Seconded by Co. Carey

All voted Aye

Councilman Maloney said he would love to table this but since we don't have a tabling and Mr. Lettre is not here and he was the one that asked about this particular contract. My concern is to protect the citizens. I saw this for the first time. I'm not sure what four and five means and I will go along with the triple e. It gives the benefit that the law intends which protects not just the handicapped and the senior citizens but would protect all the tenants. My concern is I don't know whether this does embody the same as 352-eee. My feeling is that triple e would prevent anybody from being moved from their apartment if they do not want to buy the condominiums.

Supervisor said that 352-eee not only protects the rights of senior citizens; not only protects the rights of the handicapped, but was discussed at the Office of the Aging, which met in this building over a month ago, will protect all tenants regardless of their age. This is good and will be supported by me also but I would hope as much as I'm a supporter of protecting all of our tenants, this action we will see in due time if it's going to have more available apartments for the future. There are numerous citizens who do not have the luxury of finding an apartment yet. There are numerous young people who do not have the luxury of finding an affordable apartment yet. I would hope that this action taken tonight will not preclude them from being tenants in the Town as well, although we all realize it does protect those tenants now. We may have fewer tenants in the future.

* * * * *

RESOLUTION NO. (539-1985)

AUTHORIZING EXPENDITURE FOR
PAID LOBBYIST AND AUTHORIZING
THE EXPENDITURE OF \$1,350. AND
SAID AMOUNT TO BE CHARGED TO
DEPT. 6410 - LINE 405

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Board endorse the concept of a paid
Lobbyist to represent the unique and special interests of large Towns
in New York State concerning the actions of the State Legislature in
Albany; and

FURTHER RESOLVED, that the Town Board authorize the
expenditure of up to \$1,350. for such purpose, and said amount to be
charged to Dept. 6410 - Line 405.

Seconded by Co. Maloney

All voted Aye

Councilman Maloney commented on item #3 that the walking
path is one thing and the sidewalks are another. I think if you have
the walking path, it doesn't mean that you are not going to build
sidewalks or fix sidewalks. They are two different things. I think we
have to allocate money for sidewalks that have to be built and also for
sidewalks that have to be repaired. My understanding of this is that
the \$5,000 that we would put up is a cooperative venture with the
County and also with private industry and one of those things where it
always is good if Towns and County and the State and Private Industry
can cooperate to do something for the citizens of the Town. I
understand what will be accomplished will be worth about \$60,000.
There are two different things the sidewalks (which I'm sure we're all
for) and the idea of the concept of the walking paths.

RESOLUTION NO. (540-1985)

DENYING EXPENDITURE FOR
WALKING PATHS

Co. Carey offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown
denies the expenditure of \$5,000 toward the establishment of walking
paths on County property at the Pomona Complex and in New City.

Seconded by Co. Holbrook

On roll call, the vote was as follows:

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

Supervisor said that we participate with others and an
agency called Blue Cross, GHI, etc., and those medical people have
indicated that premiums could possibly be held if certain facilities
were used to reduce stress which some of us do experience when they are
concerned about their work. I would like to have this item studied
further rather than denied and I'll just simply abstain on it at this
time. If it is going to save us more money on insurance premiums, it's
a well spent \$5,000. If it is not, then I would prefer to use it to
repair sidewalks

RESOLUTION NO. (541-1985)

DECREASING CONTINGENCY ACCOUNT
NO. A 1990-505 AND INCREASING
APPROPRIATION ACCOUNT NO. A
1010-414
(COUNCILMEN-CONFERENCES &
SCHOOLS) BY \$4,000

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1010-414 (Councilmen-Conferences & Schools) by \$4,000.

Seconded by Co. Carey All voted Aye

* * * * *

RESOLUTION NO. (542-1985) DECREASING APPROPRIATION ACCOUNT NO. A 1450-319 (ELECTIONS-OFFICE SUPPLIES & PRINTING) AND INCREASE APPROPRIATION ACCOUNT NO. A 1450-416 (LAUNDRY SUPPLIES) BY \$12.50

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1450-319 (Elections-Office Supplies & Printing) and increase Appropriation Account No. A 1450-416 (Laundry Supplies) by \$12.50.

Seconded by Co. Carey All voted Aye

* * * * *

RESOLUTION NO. (543-1985) DECREASING APPROPRIATION ACCOUNT NO. DB 5110-381 (HIGHWAY FUND - BITUMINOUS) AND INCREASE APPROPRIATION ACCOUNT NO. DB 5110-443 (Private Equipment Rental) by \$25,000

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. DB 5110-381 (Highway Fund - Bituminous) and increase Appropriation Account No. DB 5110-443 (Private Equipment Rental) by \$25,000.

Seconded by Co. Carey All voted Aye

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RESOLUTION NO. (544-1985) DECREASING APPROPRIATION ACCOUNT NO. DA 5130-312 (HIGHWAY-EQUIPMENT PARTS) AND INCREASE APPROPRIATION ACCOUNT NO. DA 5140-379 (SIGNS, POSTS, RAILS) BY \$1,500

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. DA 5130-312 (Highway-Equipment Parts) and increase Appropriation Account No. DA 5140-379 (Signs, Posts, Rails) by \$1,500.

Seconded by Co. Carey All voted Aye

* * * * *

RESOLUTION NO. (545-1985) DECREASING APPROPRIATION ACCOUNT NO. A 7310-307 AND INCREASING APPROPRIATION ACCOUNT A 7141-329 BY \$2,000

Co. Maloney offered the following resolution:

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RESOLUTION NO. (545-1985) Continued

RESOLVED, to decrease Appropriation Account No. A 7310-307 Parks & Recreation - Uniforms and increase Appropriation Account A 7141-329 (Parks & Recreation - Recreational Supplies) by \$2,000. to cover expenses for recreation equipment at the three community centers.

Seconded by Co. Carey All voted Aye

* * * * *

RESOLUTION NO. (546-1985) DECREASING APPROPRIATION ACCOUNT No. A 7141-222 AND INCREASE APPROPRIATION ACCOUNT NO. A 7141-329 BY \$1,000.

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7141-222 (Park & Recreation - Equipment) and increase Appropriation Account No. A 7141-329 (Recreation & Park - Supplies) by \$1,000., to cover necessary expenses.

Seconded by Co. Carey All voted Aye

* * * * *

RESOLUTION NO. (547-1985) AUTHORIZING THE TOWN ATTORNEY TO APPEAL DECISION OF THE SUPREME COURT - LIMINA REALTY CORP. vs. TOWN OF CLARKSTOWN

Co. Holbrook offered the following resolution:

WHEREAS, the Supreme Court of Rockland County has rendered a decision in the matter of LIMINA REALTY CORP. against the TOWN OF CLARKSTOWN, and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

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

Seconded by Co. Carey All voted Aye

* * * * *

RESOLUTION NO. (548-1985) AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #19-1985 TOWN HALL ROOF RESTORATION

Co. Maloney offered the following resolution:

RESOLVED, that Town Board resolution #129-1985 is hereby corrected to read

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

BID #19-1985
TOWN HALL ROOF RESTORATION

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:30 A.M. on July 15, 1985 at which time bids will be opened and read, and be it

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RESOLUTION NO. (548-1985) Continued

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

Seconded by Co. Holbrook All voted Aye

RESOLUTION NO. (549-1985) AWARDING BID FOR VENDING MACHINE SERVICE TO ROCKLAND VENDING CORP.

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Supt. of Recreation and Parks and the Director of Purchasing that

BID #51-1985
VENDING MACHINE SERVICE

is hereby awarded to

ROCKLAND VENDING CORP.
15 BREWER ROAD
MONSEY, NY 10952

as per their proposed commission of vending sales of 13%, and be it

FURTHER RESOLVED, that said award is hereby subject to the mutual execution of a contract as drawn up by Town Attorney and presentation of Certificate of Insurance as stated in bid specifications.

Seconded by Co. Holbrook All voted Aye

RESOLUTION NO. (550-1985) READVERTISING FOR BID #48A-1985 RENOVATIONS TO KNAPP BUILDING (PLUMBING ONLY)

Co. Holbrook offered the following resolution:

RESOLVED, that whereas no bids were received for the plumbing portion of

BID #48-1985
RENOVATIONS TO KNAPP BUILDING
40 MAPLE AVENUE
NEW CITY

NOW THEREFORE, be it

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

BID #48A-1985
Renovations to Knapp Building
(PLUMBING ONLY)

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 Thursday, July 11, 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.

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RESOLUTION NO. (550-1985)Continued

Seconded by Co. Holbrook All voted Aye

RESOLUTION NO. (551-1985)

AWARDING BID #52-1985 OFFICE
FURNITURE TO IRWIN KAHN
ASSOC., PRIDE OFFICE FURNITURE
CORP., CAMBRIDGE OFFICE
PRODUCTS, GENERAL OFFICE
EQUIPMENT COMPANY

Co. Maloney offered the following resolution:

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

BID #52-1985
OFFICE FURNITURE

is hereby awarded to

IRWIN KAHN ASSOC.
10 Esquire Road
New City, NY 10956

PRIDE OFFICE FURNITURE CORP.
49 SOUTH MAIN STREET
SPRING VALLEY, NY 10977

CAMBRIDGE OFFICE PRODUCTS
489 FIFTH AVE.
NEW YORK, NY 10017

GENERAL OFFICE EQUIPMENT COMPANY
381 MARKET STREET
SADDLEBROOK, NJ 07662

as per attached schedule

Seconded by Co. Holbrook All voted Aye

RESOLUTION NO. (552-1985)

AUTHORIZING THE SUPERVISOR TO
SIGN AGREEMENT BETWEEN THE
TOWN OF CLARKSTOWN AND THE
COUNTY OF ROCKLAND FOR 1985 TO
PROVIDE FOR SUBSIDIES FOR MASS
TRANSPORTATION OPERATING SYSTEM

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is
hereby authorized to sign the agreement between the Town of Clarkstown
and the County of Rockland for 1985, to provide for subsidies for Mass
Transportation Operating System.

Seconded by Co Holbrook: All voted Aye

RESOLUTION NO. (553-1985)

APPROPRIATING \$62,971.09 FOR
ACQUISITION OF PROPERTY ON
KEMMER LANE AND CHARGING SAID
SUM TO ACCOUNT NO. A-5650-506

RESOLUTION NO. (553-1985) Continued

AND THE SUM OF \$520.00 BE APPROPRIATED FOR TITLE SEARCH, RECORDING FEE AND TITLE INSURANCE AND CHARGED TO ACCOUNT NO. A-5650-506, AND REVENUE ACCOUNT NO. 01-0030005 AND APPROPRIATION ACCOUNT NO. A-5650-506 BE INCREASED BY \$63,491.09, AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL AND SUPT. OF HIGHWAYS TO TAKE ALL NECESSARY STEPS FOR THE CONSTRUCTION OF THIS FACILITY

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has determined to acquire property on Kemmer Lane, Nanuet, designated on the Clarkstown Tax Map as Map 163, Block A, Lot 18, which was acquired by Rockland County for failure of the former owner to pay real property taxes, for use as a commuter parking lot;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$62,971.09 be appropriated for acquisition of said property, and that said sum be charged to Account No. A-5650-506, and be it

FURTHER RESOLVED, that the sum of \$520.00 be also appropriated for title search, recording fee and title insurance, and said sum be charged to Account No. A-5650-506, and be it

FURTHER RESOLVED, that Revenue Account No. 01-0030005 and Appropriation Account No. A-5650-506 be increased by \$63,491.09.

FURTHER RESOLVED, that the Director of Environmental Control, Leslie Bollman and Superintendent of Highways, Nicholas Longo are hereby authorized and directed to take all necessary steps for the construction of this facility.

Seconded by Co. Maloney

All voted Aye

Councilman Holbrook said in voting on this it seems to contradict the first sentence of the letter you distributed to commuter parking lots. Talking about the "lack of cooperation of councilmen".

Supervisor quoted "in spite of the lack of support from council members over the last three years to acquire and build permanent commuter lots". That's history. Hopefully, the future will be one of cooperation.

RESOLUTION NO. (554-1985)

INSTALLATION OF FIRE HYDRANT-LAKEWOOD GARDENS, CONGERS, NY

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install one fire hydrant on a private road extending easterly from Old Lake Road into the Lakewood Gardens Condominiums approximately 345 ft. east of Old Lake Road Town of Clarkstown, N.Y., Investigation No. 9645, and be it

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RESOLUTION NO. (554-1985) Continued

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Balko, Service Investigation Clerk.

Seconded by Supervisor Dusanenko All voted Aye

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RESOLUTION NO. (555-1985) SETTING PUBLIC HEARING RE
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT #1 TO INCLUDE ASTRI
HILLS

Co. Holbrook offered the following resolution:

WHEREAS, a written Petition dated May 30, 1985 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

Description on file in Town Clerk's Office.

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 15th day of July 1985, at 8:25 P.M. EST time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Carey All voted Aye

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RESOLUTION NO. (556-1985) SETTING DATE FOR JOINT PUBLIC
HEARING WITH VILLAGE OF SPRING
VALLEY AND TOWN OF CLARKSTOWN
FOR VILLAGE TO ANNEX PROPERTY
AS PER PETITION

Co. Holbrook offered the following resolution:

NOTICE IS HEREBY GIVEN, that a petition, pursuant to Article 17 of the General Municipal Law, has been received by the Town Board of the Town of Clarkstown, County of Rockland, New York, for the annexation of the following described territory situated in said Town of Clarkstown to said Village of Spring Valley, New York, as set forth on attached Schedules "A" and "B," and which is more specifically described on the Clarkstown Tax Map as Map 164, Block A, Lot 7, 8.01 and 8.02.

NOTICE IS FURTHER GIVEN, that on the 30th day of July, 1985, at 8:00 P.M., a joint hearing upon such petition will be held by the Town Board of the Town of Clarkstown, Town Hall, 10 Maple Avenue, New City, New York. At such time and place all persons interested in the matter may be heard. Objections based on any of the grounds set forth in paragraphs a, b, c, or d of subdivision one of Section 705 of the General Municipal Law shall, in addition to oral testimony thereon, be submitted in writing.

Seconded by Co. Maloney All voted Aye

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RESOLUTION NO. (557-1985)

AUTHORIZING ATTENDANCE AT SEMINAR - EDWARD GHIAZZA. EXPENSES NOT TO EXCEED \$975. AND BE ALLOCATED AGAINST APPROPRIATION ACCOUNTS 7020-404, 7140-414, and 7310-414

Co. Cary offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission, that Edward J. Ghiazza, Supt. of Recreation and Parks, is hereby authorized to attend the National Recreation and Park Association Congress to be held in Dallas, Texas, from October 24, 1985 through October 29, 1985, and

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

Seconded by Co. Maloney

All voted Aye

RESOLUTION NO. (558-1985)

AUTHORIZING ATTENDANCE AT CONFERENCE (NYS ASSOC. OF TOWNS ANNUAL CONFERENCE)-NICOLAS LONGO, CHARLES BURGIO, HARRIET ROTHERMEL

Co. Carey offered the following resolution:

RESOLVED, that Nicholas A. Longo, Superintendent of Highways, Charles T. Burgio, Deputy Superintendent of Highways and Harriet A. Rothermel, Service Dispatcher, are hereby authorized to attend the New York State Association of Towns annual conference to be held September 17, 1985 through September 20, 1985, in Syracuse, New York, and be it

FURTHER RESOLVED, that the daily expenses incurred at this conference be made proper Town Charges.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

Supervisor said he had no problem sending the Supt of Highways but when most of the key people, the key dispatcher and deputy leave also, who is watching the store?

RESOLUTION No. (559-1985)

AUTHORIZING POLICE CHIEF SCHNAKENBERG TO ATTEND THE NEW YORK STATE ASSOC. OF CHIEFS' CONFERENCE

Co. Maloney offered the following resolution:

RESOLVED, that George R. Schnakenberg, Chief of Police, Town of Clarkstown, is hereby authorized to attend the New York State Association of Chiefs of Police Annual Conference from August 11th through August 15th, 1985, in Buffalo, New York, and be it

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RESOLUTION NO. (559-1985) Continued

FURTHER RESOLVED, that all proper charges be charged to Appropriation Account No. A1010-414.

Seconded by Co. Carey

All voted Aye

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RESOLUTION NO. (560-1985)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO CONSTRUCT TEMPORARY COMMUTER PARKING FACILITY ON NEWLY ACQUIRED BROWN-GRAY PROPERTY, ADJACENT TO TOWN OF CLARKSTOWN HIGHWAY FACILITY, SEEGER DRIVE, NANUET, N.Y.

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is on notice that commuter parking will cease at the former Nanuet Theatre-Go-Round on June 21, 1985, and

WHEREAS, this facility has been accomodating approximately 400 cars, and

WHEREAS, the Supervisor's office has been successful in obtaining two temporary parking lots through August 18, 1985, starting June 24, 1985, and

WHEREAS, a lot at the Nanuet Mall will accomodate 220 cars, and

WHEREAS, the lot at Albertus Magnus High School will accommodate 75 cars, and

WHEREAS, there will be a shortage of at least 100 parking spaces for Parkway Express Bus purposes,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown directs and authorizes the Superintendent of Highways, Nicholas Longo, and the Director of Environmental Control, Les Bollman, to immediately construct a commuter parking facility for as many cars as possible on the recently acquired Gray-Brown property, directly south of the existing highway facility complex, and be it

FURTHER RESOLVED, that this facility be designated for town residents utilizing Express Commuter buses, and be it

FURTHER RESOLVED, that this facility is temporary until construction is to commence for a new highway garage facility.

Seconded by Supervisor Dusanenko

All voted Aye

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RESOLUTION NO. (561-1985)

AUTHORIZING TOWN ATTORNEY TO APPEAL DECISION OF THE SUPREME COURT (SUPER VALUE VS. ZONING BOARD OF APPEALS)

Co. Carey offered the following resolution:

WHEREAS, the Supreme Court of Rockland County has rendered a decision in the Matter of SUPER VALUE, INC. v. ZONING BOARD OF

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RESOLUTION NO. (561-1985) Continued

APPEALS OF THE TOWN OF CLARKSTOWN, and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (562-1985)

DENYING APPLICATION FOR USE OF TOWN LAW SECTION 280-a(4) WITH RESPECT TO TREETOPS CONDOMINIUMS, LOT C

Co. Maloney offered the following resolution:

WHEREAS, an application has been made to the Town Board for the use of Town Law Section 280-a(4) with respect to Treetops Condominiums, Lot C.

NOW, THEREFORE, be it

RESOLVED, that the application is hereby DENIED.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION NO. (563-1985)

AUTHORIZING PARTICIPATION IN ROCKLAND COUNTY MOBILE RADIO DISTRICT PROGRAM

Co. Maloney offered the following resolution:

A Resolution of Participation by the Town Board of the Town of Clarkstown to participate in the Rockland County Mobile Radio District Program. This Resolution authorizes Project Director Chief Thomas Coffey, of the Village of Nyack, to enter in agreement with the New York State Division of Criminal Justice Services for 100% State Local Assistance Funds that will be needed to meet the radio communications needs of each participating agency in the County of Rockland.

The Mobile Radio District Program consists of an integrated radio system which will increase the channel capability and will allow law enforcement agencies to communicate directly with other law enforcement agencies.

Seconded by Co. Carey

All voted Aye

There was discussion on item #20 regarding commuter parking and it was agreed to put it on the agenda at the next regular scheduled meeting so they could vote on it.

AAG517

Supervisor Dusanenko said on Item #21 on removal of the stop signs on Emerald Drive and Sassoon Terrace in Valley Cottage, the Town Board had told them to put the Stop Signs there on the recommendation of the Traffic Advisory Board. There was speeding on an undedicated street and the Town Board said to install the Stop Signs. Now Traffic Advisory Board says to take them out.

Co. Holbrook said these were agreed to in the preliminary plans by the Traffic Advisory Board. The problem here is that people are living on these roads for a year or more and are probably going to live there for another year or more while people are zooming through this subdivision. The fact is that the signs are up and people adhere to the signs which provide a modicum of safety. You take them down and the speeding will just continue.

Supervisor said the problem is legalities. The problem is insurance.

Supervisor said as the councilman had no letter or resolution in their packets, he would read the following letter from the Traffic Advisory Board.

"June 19, 1985

Mr. Nick Longo, Superintendent of Highways
12 Seeger Drive
Nanuet, New York 10954

Dear Nick:

Enclosed please find a copy of the letter we sent to the Town Board regarding installation of Stop signs on Emerald Drive and Sassoon Terrace, Valley Cottage.

As we have been informed that these Stop signs have been installed on these streets, we now strongly request removal.

As these signs are illegal they also leave the Town open to litigation if an accident occurs at these locations. Once the roads are dedicated to the Town, we will make on site observations for Stop signs if needed.

Yours truly,

/s/Norman B. Peachey l.p.
Norman B. Peachey, L.S.
Chairman

NBP:lp
cc: Chief of Police, R. Schnakenberg
The Town Board"

Councilman Holbrook said he thought maybe we should refer this to the Town Attorney's Office because it seems asinine to allow a dangerous situation to continue simply because the roads are not dedicated.

RESOLUTION NO. (564-1985)

RECOMMENDING THAT THE DECISION OF THE TRAFFIC AND TRAFFIC ADVISORY BOARD BE REFERRED TO THE TOWN ATTORNEY'S OFFICE FOR FURTHER STUDY REGARDING THE LEGALITY OF THE STOP SIGNS ON EMERALD DRIVE AND SASSOON TERRACE IN VALLEY COTTAGE

Co. Holbrook offered the following resolution:

WHEREAS, the Traffic and Traffic Fire Safety Advisory Board has recommended the removal of Stop Signs on Emerald Drive and Sassoon

Continued on Next Page

RESOLUTION NO. (564-1985) Continued

Terrace, Valley Cottage.

RESOLVED, that the Town Board recommends that the decision of the Traffic and Traffic Advisory Board be referred to the Town Attorney's Office for further study regarding the legality of the Stop Signs on Emerald Drive and Sassoon Terrace, Valley Cottage.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Mr. MacCartney said that on the Verga Case, item #18 on the agenda that the Supervisor had asked him about, the complaint is quite inartfully drafted so that he could not tell what the case is about. Basically, the suit is for declaratory judgment declaring that certain provisions of the Real Property Tax Law of the State of New York are invalid because the application of the Real Property Tax Law would allegedly result in unequal taxation of condominium units in the Town of Clarkstown as compared to other towns in the County.

Supervisor asked if there was a mover for Item 18? He said this would probably involve five towns in the County and he suggested that we take defense action.

RESOLUTION NO. (565-1985)

AUTHORIZING TOWN ATTORNEY TO DEFEND ACTION AGAINST TOWN OF CLARKSTOWN (VERGA)

Co. Holbrook offered the following resolution:

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

SAMUEL D. VERGA, et al.,
Plaintiffs,
-against-
TOWN OF CLARKSTOWN, et ano.,
Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Carey

All voted Aye.

RESOLUTION NO. (566-1985)

ACCEPTING PROPOSAL FROM O & R TO UPGRADE EXISTING STREET LIGHTING - FIRST STREET, NANUET

Co. Holbrook offered the following resolution:

WHEREAS, residents of Normandy Village, First Street, Nanuet have requested the Town Board to upgrade existing street lighting in the vicinity of the Normandy Village apartment/condominium complex,

Continued on Next Page

AAG517

RESOLUTION NO. (566-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A. Balko, Service Investigation Clerk, the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for the upgrade of street lighting at the following locations:

- First Street Nanuet
- Pole #'s A1 through A10 - (Remove 10 - 7900 lumen mercury vapor street lights)
- Pole #'s A1 through A10 - (Install 10 - 16000 lumen sodium vapor street lights)

Seconded by Co. Maloney

All voted Aye

* * * * *

RESOLUTION NO. (567-1985)

INSTALLATION OF STREET LIGHTS
- SURREY COURT, NANUET

Co. Holbrook offered the following resolution:

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

- SURREY COURT SUBDIVISION
- NANUET

Seconded by Co. Maloney

All voted Aye

* * * * *

RESOLUTION NO. (568-1985)

MEMORIALIZING RESOLUTION
REGARDING INCREASE IN GAS
PRICES AT THE PUMPS

Co. Maloney offered the following resolution:

WHEREAS, the cost of the average barrel of crude oil has been decreasing steadily for the past three years, and

WHEREAS, crude oil now sells by the barrel, wholesale, at roughly twenty six and a half dollars a barrel, which is the cheapest price we've seen in five years, and

WHEREAS, there seems to be more petroleum products available than this country can presently use, and

WHEREAS, within the last ten days we have witnessed gasoline prices rise anywhere from ten to fifteen cents a gallon, and

WHEREAS, there seems to be no logical explanation for this sharp increase, and

WHEREAS, we are concerned for the residents of the Town of Clarkstown, and the commuting public, for their well being, and

WHEREAS, if this situation continues, residents of Clarkstown who have to use their automobiles as a necessity are going to be unduly punished. Now, therefore, be it

RESOLVED, that the Town Board of the Town of Clarkstown officially recognizes the sudden increase in the cost of gasoline at the pump, and we hereby request that County, State and Federal agencies investigate the ramifications, the reasons, and the justification for this increase; and be it

RESOLUTION NO. (568-1985) Continued

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown is directed to certify and deliver a copy of this resolution to all of the elected officials who have jurisdiction over retail gasoline delivery.

Seconded by Co. Holbrook

All voted Aye

* * * * *

Supervisor Dusanenko said to Mrs. Sheridan that he noticed that the minutes of May 14th are on this but I raise the question, were the minutes of 4/23/85 ever adopted?

Mrs. Sheridan said no and I have had contact with your office several times and the difficulty is that you referred to some question, however, we took your statement from the tape verbatim and put it into the minutes. We have gone over the tape several times and contacted Mr. Andretta three times.

Supervisor said, no problem, it's just that I distinctly remember (and maybe some other people do) whether it was on the tape or not - maybe I have to look at the TKR tape - that I asked the question before we awarded a million dollar contract knowing we only had \$600,000 on hand on the drainage bond. I asked the question to one or more staff people, is this okay? I thought I asked the question for the record. This is no.. nothing to do with you.

Mrs. Sheridan said we did have dialogue - conversation but not that could be heard. It was up at the dais.

Supervisor said, right but I asked the question of staff is this proper that we award a million dollar contract without having funding for it and I was advised on the record, yes it is okay and I'm getting heebie-jeebies over it. That's why I want to make sure it is part of the record.

Supervisor said we'd like it as a correction over there or an addition if not a correction however you view it to the 4/23 meeting since that was never adopted and if not these comments will definitely be on the record for tonight's meeting.

Mrs. Sheridan said, yes, it definitely will be. I don't know if you can make something happen after the fact.

Supervisor said my memory is better than all of these tapes usually but I'll.. Can TKR please send a copy of the 4/23 meeting to us if we haven't received it already.

Mrs. Sheridan said you have received it.

Supervisor said the TKR one.

The TKR man said I don't know if we have that.

Supervisor said would you please check Mr. TKR.

TKR said I will check..

Supervisor said because TKR picks it all up without editorial comment, political persuasion, or whatever. That's what's nice about it.

Continued on Next Page

AAG517

Co. Holbrook said you are not saying that the Town Clerk does that do you?

Supervisor said, No.

Co. Holbrook said I hope not.

Supervisor said he is not fighting with the Town Clerk we both are supporting her, right.

Supervisor said we all are supporting our Town Clerk.

Co. Holbrook said I hope you are not saying that her office ...

Supervisor said no I am not in any way inferring that. Mrs. Sheridan has already said that the tape was garbled at that point. She's not making any accusations and neither am I.

Mrs. Sheridan said what I am saying is that the conversation was not audible. It was conversation. It was not public record.

Supervisor said let this conversation at least be shown on the record.

* * * * *

RESOLUTION NO. (569-1985)

ACCEPTING TOWN BOARD MINUTES
OF MAY 14, 1985

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting of May 14, 1985 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Carey

All voted Aye

* * * * *

RESOLUTION NO. (570-1985)

FUNDING FOR AGREEMENT IN THE
AMOUNT OF \$24,750 BE CHARGED
TO APPROPRIATION ACCOUNT NO. A
1255-409 AND DECREASING
CONTINGENCY ACCOUNT NO. A
1990-505 AND INCREASING
APPROPRIATION ACCOUNT NO. A
1355-409 BY \$24,750

Co. Carey offered the following resolution:

BE IT FURTHER RESOLVED, funding for this agreement in the amount of \$24,750 is to be charged to Appropriation Account No. A 1355-409 and be it

FURTHER RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1355-409 by \$24,750.

Seconded by Co. Maloney

All voted Aye

* * * * *

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RESOLUTION NO. (571-1985)

AUTHORIZING ATTENDANCE AT THE CORNELL LOCAL ROADS HIGHWAY SALT SEMINAR - SUPT. OF HIGHWAYS, DEPUTY SUPT. OF HIGHWAYS AND SERVICE DISPATCHER AND THAT THE DAILY EXPENSES INCURRED AT THIS SEMINAR BE PROPER TOWN CHARGES

Co. Carey offered the following resolution:

RESOLVED, that Nicholas A. Longo, Superintendent of Highways, Charles T. Burgio, Deputy Superintendent of Highways, and Harriet A. Rothermel, Service Dispatcher, are hereby authorized to attend the Cornell Local Roads Highway Salt Seminar 7/23/85, at a location in Westchester County (location to be announced at later date), and be it

FURTHER RESOLVED, that the daily expenses incurred at this seminar be made proper Town charges.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

Supervisor said once again I have no problem with Mr. Longo going but why do three people have to go to a seminar to learn how to spread salt?

RESOLUTION NO. (572-1985)

AUTHORIZING REIMBURSEMENT TO PLAINTIFFS PURSUANT TO JUDGEMENT - BALLY'S ALLADIN'S CASTLE - REMITTING TO THE PLAINTIFFS THE SUM OF \$38,979. UPON RECEIPT BY THE TOWN ATTORNEY OF THE APPROPRIATE RELEASES AND STIPULATIONS OF DISCONTINUANCE

Co. Maloney offered the following resolution:

WHEREAS, litigation entitled, Bally's Aladdin's Castle, et al v. Town of Clarkstown has been settled in Supreme Court, Rockland County, pursuant to a Judgement by Hon. Gerard Delaney, J.S.C., dated November 26, 1984, and

WHEREAS, Plaintiffs in said action are entitled to reimbursement of monies paid to the Town of Clarkstown under Local Law No. 8-1982, Section 22-A(2);

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk is authorized to remit to the Plaintiffs the sum of \$38,979.00 upon receipt by the Town Attorney of the appropriate releases and stipulations of discontinuance.

Seconded by Co. Carey

All voted Aye

AAG517

Supervisor asked Mr. Bollman on item #28 this is on Pine Hollow subdivision a reduction in bond from \$63,000. to \$27,150. Why are we going from \$63,000. to \$27,150?

Mr. Bollman said we reduce everybody's bond. They come in and make a request.

Are all the public improvements done here?

Mr. Bollman said \$27,000 worth.

Supervisor asked Mr. Bollman if he had been there lately?

Mr. Bollman replied that his staff was there.

Supervisor asked if Mr. Bollman had been there personally?

Mr. Bollman said not since a month ago.

Co. Maloney asked if the conversation between Supervisor and Mr. Bollman was for the record.

Supervisor said he asked Mr. Bollman if this was sufficient to cover the fact that the curbs are not complete, the drain streams are not complete, the base road, I didn't see there today in portions, and the final wearing course is not there and Mr. Bollman that question is for the record and what is your answer, for the record.

Mr. Bollman said that his answer is that our estimate is \$27,000 whatever it says to complete the public improvements in accordance with the Planning Board's requirements.

RESOLUTION NO. (573-1985)

APPROVING REDUCTION IN AMOUNT
OF PERFORMANCE BOND NO. 102092
(PINE HOLLOW HOMES, INC.)
REDUCED TO \$27,150.

Co. Holbrook offered the following resolution:

WHEREAS, a Performance Bond No. 102092, PINE HOLLOW HOMES, INC. as Principal, and INTEGRITY INSURANCE COMPANY, as Surety, dated January 2, 1985, in the amount of \$63,000.00 covering the improvements and other facilities to be installed as shown on the Final Plat of PINE HOLLOW SUBDIVISION filed in the Rockland County Clerk's Office on April 2, 1985, was furnished to the Town of Clarkstown, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has reported that said Bond No. 102092 may be reduced to \$27,150.00 as much of the work has been completed to Town specifications, and

WHEREAS, the developer has requested that the sum of \$27,150.00 be secured by posting a cash deposit and release of the bond issued by Integrity Insurance Company;

NOW, THEREFORE, be it

RESOLVED, that the Surety or Performance Bond No. 102092 is hereby released upon the condition that the Principal guarantee the completion of the public improvements within a period of two years with security posted by the developer consisting of a cash deposit of \$27,150.00 subject to an agreement in a form satisfactory to the Town Attorney.

Continued on Next Page

RESOLUTION NO. (573-1985) Continued

Seconded by Co. Maloney

On roll call the voted was as follows:

Co. Carey.....Yes
Co. Holbrook.....Yes
Co. MaloneyYes
Supervisor Dusanenko.....Abstained

* * * * *

RESOLUTION NO.(574-1985)

ACCEPTING ROAD DEDICATION -
WINDEMERE WOODS SUBDIVISION
AND ACCEPTING THE SECURITY
POSTED BY THE DEVELOPER IN THE
AMOUNT OF \$1,012.50

Co. Holbrook offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deed(s) from: Anro Construction Corp..dated August 24, 1984, conveying road(s) and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of WINDERMERE WOODS, filed in the Rockland County Clerk's Office on October 5, 1984, in Book No. 102, at Page 54 as Map No. 5672; as follows: WINDERMERE LANE 436 L.F. is (are) 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, with security posted by the developer in the amount of \$1,012.50 is hereby accepted.

Seconded by Co. Maloney

All voted Aye

* * * * *

Co. Holbrook asked in reference to item #31 if this was based on the recommendation of Mr.Andretta?

Mr. Andretta said this is renewed with our present carrier.

Co. Holbrook said you would recommend this as Director of Finance?

Mr. Andretta said yes he would.

Co. Holbrook said which one "a" or "b?"

Mr. Andretta said it's for you to decide. "A" gives us a \$5,000,000 umbrella. "B" gives us another \$5,000,000 additional umbrella coverage, however, it includes police liability and public officials' liability and includes everything else.

Supervisor Dusanenko said \$65,000 more for \$5,000,000 more of coverage at a time when insurance is difficult if not impossible to get. The last time I saw a jury award one doctor made a misdiagnosis of a woman that resulted with having blindness and the jury award was \$5,000,000 for that case. What do we do if we get awards for over \$5,000,000?

Councilman Holbrook said we don't do surgery in Town.

Supervisor said we do worse - we do police work; major

Continued on Next Page

AAG517

surgery on the landscape, etc., etc.

Co. Carey said under the "b" options, the public officials are covered.

Supervisor said only up to \$5,000,000 under the "a."

Mr. Andretta said up to \$5,000,000 but not covered under the second \$5,000,000 or is the police liability covered under the second.

Co. Carey said which one a or b?

Mr. Andretta said on "b." If it's excluded we can always get the additional \$5,000,000 coverage.

Mr. Holbrook asked why would that be excluded?

Supervisor said because your premium instead of being doubled is only 65% of the cost of the first \$5,000,000 since it does not have extra protection for...

Mr. MacCartney said you have an additional \$5,000,000 excess liability for general liability.

Mr. MacCartney said on proposal "b" the second \$5,000,000 excess covers all general liability but excludes public officials and police liability on the excess only. All the underlying coverages are the same.

Supervisor said that is correct Mr. MacCartney.

RESOLUTION NO. (575-1985)

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ARTHUR J. GALLAGHER & CO. - LIABILITY INSURANCE FOR \$717,838

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into an agreement with Arthur J. Gallagher & Company for liability insurance for the sum of \$717,838. (includes a \$375,000 loss payable fund).

Insurance coverage will become effective July 1, 1985 for a period of one year ending June 30, 1986.

Seconded by Co. Holbrook

All voted Aye

RESOLUTION No. (576-1985)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL A 4-WAY STOP SIGN - ALL WAY ON EBERLING DRIVE AT VERDIN DRIVE

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a 4 way Stop sign - ALL WAY on Eberling Drive at Verdin Drive, both directions. ALL WAY panel to be installed on above signs and also on existing signs on Verdin Drive, New City; and be it

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RESOLUTION NO.(576-1985) Continued

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

Seconded by Co. Carey All voted Aye

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RESOLUTION NO. (577-1985) ACCEPTING DEED FOR ROAD WIDENING -- JILL-RON REALTY SUBDIVISION -- ROSE ROAD, WEST NYACK

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision to be known as JILL-RON REALTY SUBDIVISION, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Rose Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, the Supt. of Highways and the Town Attorney of the Town of Clarkstown, deed dated May 25, 1985, from LUDWIG PFAFF and HEDWIG PFAFF gratuitously conveying a strip of land along Rose Road 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

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RESOLUTION NO. (578-1985) GRANTING PERMISSION TO DISPENSE ALCOHOLIC BEVERAGES - VICINITY OF CONGERS FIRE CO., ALERT, HOOK, LADDER & ENGINE CO. #1

Co. Holbrook offered the following resolution:

WHEREAS, on August 14, 1985 to August 17, 1985, the Congers Fire Company, Alert Hook, Ladder & Engine Co. #1, No. Harrison Avenue, Congers, New York is hosting a carnival and on August 17, 1985, is hosting a parade, and

WHEREAS, the Congers Fire Company, Alet Hook, Ladder & Engine Co. #1 has requested permission to dispense alcoholic beverages in the vicinity of the Fire House,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants permission to the Congers Fire Company, Alert Hook, Ladder & Engine Co. #1 to dispense alcoholic beverages in the vicinity of the fire house from August 14, 1985 to August 17, 1985, in accordance with the provisions of Local Law No. 6-1977, which includes the securing of a proper license from the appropriate Alcoholic Control Board.

Seconded by Co. Maloney All voted Aye

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AAG517

RESOLUTION NO. (579-1985)

APPOINTMENT OF SALLY
BERNSTEIN, SPECIAL STUDIES
INTERN - SUPERVISOR'S OFFICE

Co. Maloney offered the following resolution:

RESOLVED, that Sally Bernstein, 8 Mark Lane, New City, New York, is hereby appointed to serve as a Special Studies Intern - Supervisor's Office - to serve without compensation - effective and retroactive to June 17, 1985.

Seconded by Co. Holbrook All voted Aye

* * * * *

RESOLUTION NO. (580-1985)

APPOINTING JAMES J. CUSANO,
CUSTODIAN I, PARKS & RECREATION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Custodian I #85023 which contains the name of James J. Cusano,

NOW THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, James J. Cusano, 12 Prospect Street, Garnerville, New York is hereby appointed to the position of Custodian I - Parks Board & Recreation Commission - at the annual salary of \$13,490., effective and retroactive to June 24, 1985.

Seconded by Co. Holbrook All voted Aye

* * * * *

RESOLUTION NO. (581-1985)

CREATING THREE TEMPORARY
POSITIONS OF LABORER - HIGHWAY
DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 19, 1985 that three (3) temporary positions of Laborer - Highway Department - can be created,

NOW THEREFORE, be it

RESOLVED, that the three (3) temporary positions of Laborer - Highway Department - are hereby created - effective July 1, 1985 - for a period not to exceed 3 months - at the hourly rate of \$5.00.

Seconded by Co. Holbrook All voted Aye

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RESOLUTION NO. (582-1985)

TABLING AGENDA ITEMS 37d, 37e,
37f, 37g, 37h, 37i, 37j, 37k,
37l, 37m

Co. Carey offered the following resolution:

RESOLVED, that agenda items 37d, 37e, 37f, 37g, 37h, 37i, 37j, 37k, 37l, 37m on this June 25, 1985 Town Board meeting are hereby tabled.

Seconded by Co. Holbrook

RESOLUTION NO. (582-1985) Continued

On roll call the vote was as follows:

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

* * * * *

Supervisor said that someone was complaining earlier in the meeting - where are the resolutions? I can only xerox and put them in the packets when I get them. Sometimes I get them four or five o'clock.

* * * * *

RESOLUTION NO. (583-1985)

AUTHORIZING TOWN ATTORNEY,
DEPUTY TOWN ATTORNEY PERSONNEL
CLERK AND COUNCILMEN HOLBROOK,
CAREY, MALONEY AND LETTRE TO
ATTEND NEW YORK CONFERENCE OF
MAYORS

Co. Holbrook offered the following resolution:

RESOLVED, that the following are hereby authorized to attend a workshop offered by the New York Conference of Mayors on July 12, 1985, to be held in the Ossining Village Hall:

John A. Costa, Town Attorney
Ronald A. Longo, Deputy Town Attorney
Mary Loeffler, Personnel Clerk
Councilmen Holbrook, Carey, Maloney and Lettre

and be it

FURTHER RESOLVED, that the fee of \$35.00 per person shall be charged to Account No. 1010-414.

Seconded by Co. Carey

All voted Aye

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RESOLUTION No. (584-1985)

INCREASING APPROPRIATION
ACCOUNT NO. DA-5142-386
(HIGHWAY-SALT, CALCIUM
CHLORIDE) BY \$30,200.00 AND
DECREASE THE FOLLOWING
APPROPRIATION ACCOUNT
NUMBERS: DA 5142-114-PART
TIME EMPLOYEES, \$5,000.00; DA
5142-111-OVERTIME, \$12,600.00;
DA 5142-443, PRIVATE EQUIPMENT
RENTAL, \$12,600.00

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Account No. DA-5142-386 (Highway-Salt, Calcium Chloride) by \$30,200.00 and decrease the following Appropriation Account Numbers:

DA 5142-114.....Part Time Employees.\$..5,000.00
DA 5142-111.....Overtime.....12,600.00
DA 5142-443.....Private Equipment
Rental.....12,600.00

Seconded by Co. Carey

All voted Aye

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RESOLUTION NO. (585-1985)

DECREASING CONTINGENCY ACCOUNT
NO. A 1990-505 AND INCREASING
APPROPRIATION ACCOUNT NO. A
1420-404 (TOWN ATTORNEY
CONFERENCES & SCHOOLS) BY
\$195.00

Co. Carey offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505
and increase Appropriation Account No. A 1420-414 (Town Attorney
Conferences & Schools) by \$195.00.

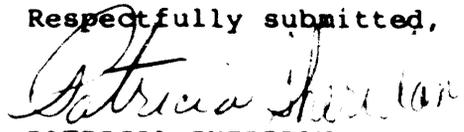
Seconded by Co. Holbrook

All voted Aye

The Supervisor mentioned the possibility of doing without a
workshop before the next meeting.

There being no one further wishing to be heard and no
further business to come before the Town Board, the Town Board Meeting
was declared Adjourned, time: 11:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARINGTown Hall
TBM - 6/25/85

9:44 P.M.

Present: Supv. Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
Harold MacCartney, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: ACQUISITION OF LAND LOCATED AT NORTHWEST CORNER OF ROUTE 304 & CONGERS ROAD, NEW CITY

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

Town Attorney said he had no additional input. All that is required is to make the statutory findings and determinations.

Supervisor said that this Public Hearing is to have a hearing to determine the need for parking on property immediately north of this Town Hall facility on the other side of Congers Road, located north of Congers Road, east of East Evergreen, west of Route 304 which is a garage at present, and a small parking area behind it. This is to establish the need for that parking for the New City Hamlet area or for facilities located at this address. Is that correct?

Mr. MacCartney said that is correct.

Supervisor asked what do we have to do at this hearing beside inviting testimony of those present for or against such acquisition.

Mr. MacCartney said you have to make determinations as outlined in the proposed resolution which we have the two determinations that you have to make there.

Supervisor said that the two findings which may be adopted at the end of this Public Hearing are as follows and read from the "DETERMINATION AND FINDINGS" :

1. Property shown (which I described earlier) shall be acquired by the excise of eminent domain (otherwise condemnation) to obtain fee simple absolute title to said property described above. That the property so acquired shall be used for the construction of a municipal parking lot or for other municipal purposes.

2. That the premises must be acquired for the indefinite use of Town government and that funding for same may be by the issuance of capital improvement bonds which require that the Town shall have ownership and control of the building

Supervisor asked if there was anyone from the public wishing to speak either in favor or against such acquisition by the Town of Clarkstown.

Appearance: Donald Tracy
Little Tor Road
New City

Mr. Tracy said that he is the Town Attorney for the owner, not of the garage but the gasoline station, Mr. Turkel. He said that he had been informed that the original purpose of this acquisition was for employee parking and since this is a public hearing I should like to ask if I may have an answer to that question.

Supervisor asked Mr. MacCartney on the advice of council should that be answered or not.

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Mr. MacCartney said it was entirely up to you, Mr. Dusanenko.

Supervisor said in the absence of direction that he would answer the question. The Town of Clarkstown, as mentioned earlier on those two points, these are for Municipal purposes. I have shared publically that this Town Hall will lose approximately 42 existing parking spaces that are located on the east side of this building when 304 is improved within the next two years so it is for displaced parking here. An attempt that I had started twice before to acquire the Romalos property failed on vacant property. This is another alternative to achieve additional parking for Municipal purposes for this building. Especially as it will become more needed after improvements to Route 304.

Mr. Tracy asked the Supervisor if his answer was yes or no.

Supervisor asked Mr. Tracy to repeat his question.

Mr. Tracy said that he had been informed that this property was to be acquired for municipal employee parking and he said he requested a yes or no answer.

Supervisor said strictly for municipal employee? Nobody can answer that. Will employees be allowed to park there? Yes. Will members of the general public be able to park there? Yes.

Mr. Tracy said that was not what he had been informed.

Supervisor said he is not going to be the Supervisor after this year and whoever follows me will have use of and determine what that use will be.

Mr. Tracy said he had called this to the attention of the Board to some of their previous deliberations on this matter that if indeed the parking is for employee parking it is not within the power of eminent domain of the municipality. He said he also would like to call to the attention of the Board the problems of commuter parking. The problems of zoning and now the problems of condemning to build additional parking for whatever purpose.

It seems to me that our Planning Agency always spends too much time on subdivision and site review - and I don't speak in a derogatory fashion of them because they do an admirable job - and not enough time in planning per se for if we had a vital planning as distinguished from review authority, we would probably have foreseen the problems of commuter parking. We would probably have foreseen the problems of the parking that needs to be taken care of now and we would probably have eliminated, without zoning by consensus, some of the problem zones in the area when we redid our Master Plan recently.

He said he called to the Board's attention that what they proposed to condemn is a business - a gasoline station business which has recently changed hands. The business is encumbered by a lease and the cost to acquire that business might not be much less than if somebody planned a beautiful tiered parking facility that could fit on your present property. If we had a tiered parking facility, which has been proposed before, in conjunction with the present Town Hall, it probably not only would accommodate our future parking requirements for many years down the road, but could also be made income-producing as they do have in the well planned communities like White Plains and other areas. I also call your attention to the fact that the property selected is on the opposite side of Congers Road from the Town Hall. I travel up Congers Road every morning and I dread to think of a parking facility on that side of Congers Road crossing that road at peak hours when municipal

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employees come to work or leave work. If we look to the south of Town Hall, it seems to me there is a larger parcel of land already owned by the Town as to one section of it and encumbered by a relatively small building on the other parcel of it which would certainly more admirably and safely serve the needs of the public. I think that an attempt to condemn and the cost of condemnation for the site we are talking about is ill advised, poor planning, stop-gap planning, and a waste of the taxpayers' money.

Appearance: Lillian Yangzone
East Evergreen Road
New City

She said that she has lived there over thirty years. She said that the bi-level parking that they are talking about is not something she would like to look at out my front window. I do understand that there is property owned - the Knapp Building. I suggest that is another option. The rest of the property on Demarest. There is also a piece of property on the corner of West Evergreen and Congers Road which is a vacant house and an eye sore. The property is adjacent to the existing municipal lot.

Supervisor asked if that was the one just further north of the existing municipal lot?

Mrs. Yangzone said it is just behind the shopping center and you would have all your municipal parking together. I agree with Mr. Tracy about crossing 304. It would seem like a better situation to cross Demarest Street than Congers Road.

Appearance: Martin Bernstein
20 Woodglen Drive
New City

He said he was glad to see that the Town finally is starting to seriously look into this problem of the need for parking in New City. Twenty years ago the past Town Board purchased all the property on this block where the Town Hall now stands and at that time there was certain criticism that the property was taken by people who wanted to live there and he understood that very well. Eventually when it was acquired practically all the people who sold their property got fair exchange for value.

I think the Town is going to continue to grow and the Town Board has to make provision. The longer we wait, the worse it will get. He said he would not only like to see this property bought but a serious attempt be made to acquire as much property north of Congers Road right up to the Supermarket. Five years from now we'll look back and we're going to need more and more parking and possibly an expansion of Town Hall and that might take up some of our existing parking. He said he also agreed with Mr. Tracy that when this Town Hall was built there was a plan for a multi-level parking. This was never done. He said there has been no serious attempt to do something about it. New City is getting worse and worse as far as parking and traffic circulation and the traffic circulation relates to parking.

Earlier in the evening the New City Chamber of Commerce representative spoke of the need for no parking on Main Street. We look at the Post Office and see the tie up that occurs right there. If we had no parking on both sides with a left turn lane we would alleviate 60 or 70% of that problem. He said he understood that the Post Office is going to move to northern New City on the Buckley Farm and when that happens that will take two or three years but in the meantime we have to make provisions for change. We have to plan ahead for New City and I would like to see this Town Board start to move ahead. Yes, there are problems when we condemn but that doesn't mean there has to be condemnation. When the property on this site was purchased, the Town Board first had to pass a resolution to condemn. I don't think there was any condemnation. Through that it led to negotiations and purchase and acquisition of all the property.

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Appearance: George Zuckerman

Mr. Zuckerman inquired as to who the Deputy Town Attorney was.

Appearance: Mr. Whitner

Mr. Whitner said he owned the property on 5 East Evergreen Road immediately adjacent to the municipal parking lot which is very well used by the way. He said he would like to know if the Town at this time intends to purchase any other property on East Evergreen Road from the garage down to Shop-Rite on that side?

Supervisor said we can only answer that individually since there has been no collective thought on that. I personally would like to amass as much vacant property around this building - north, south, east, and west but going west is impossible since it is owned by the Firehouse, or it's park - so it's in all three directions.

Mr. Whitner said in other words you have the garage; you have a small parking lot; you have a house, and you have four empty lots. Is it the intention to have a parking lot from Congers Road to Shop-Rite?

Supervisor said he is not going to be here beyond this year and this acquisition may not even take place this year so I'm pretty sure that the other gentlemen may want to answer that question.

Councilman Holbrook said the raison d'etre behind this initially was for municipal purposes based upon the expansion of 304. Beyond that I couldn't say that we wouldn't be interested or some subsequent Town Board wouldn't be interested. Right now, I don't think there is any intention to do that. The only piece that we were concerned about obviously was this piece. The comment that was made earlier about a subsequent piece the Town may look into maybe as an alternative.

Mr. Whitner said that he goes in and out of that street by car and by foot perhaps as much as twenty times a week. I hate to see a lot of people try to cross when traffic is coming in five different directions. With or without the widening of 304 is just going to make it worse.

Mr. Holbrook said that last year they had a hearing on the Rinaldo piece and subsequently we didn't go to acquire that piece but if we had acquired it that same type of problem would have existed only going across directly over 304. If the Town were to acquire this, we would have to address that problem.

Mr. Whitner said that he would benefit if the Town acquired that property. I would have a paved street instead of an unpaved street. I do think we have to think in the other direction with the possibility of closing Demarest Street and have a continuous parking lot without going across the main road.

Supervisor said if we would have acquired the Rinaldo property because what could have happened is that the multi-level parking structure could have been from that side of 304 eventually to this side as progressive communities like White Plains and other Westchester communities. When 304 is widened, there will be two lanes in each direction. A left hand turn lane which makes it six lanes in each direction and right hand turning lanes. A total of eight lanes. Can you imagine a little grandmother attempting to cross that at the change of a light. A multi-level parking garage would have been good for school youngsters, the senior citizens, and others. A bridge could have been tied in to the other side of that

building structure across all of those eight lanes that was the reason I had urged the acquisition of that property. Not so people could walk on ground level but there would be a parking facility over 304 for the safety of the people.

Mr. Whitner said there is certainly not enough room for anything like that on the gas station property.

Supervisor said that would be impossible without going further north.

Appearance: Pete Krell

He said he would ask again that the only other two properties from 304 to West Evergreen are the two small cemeteries there. Right off Congers Road. I had asked you to say for the public record - you said before that the Town does have the power to condemn those properties also and move those graves. I ask again for the public record, you say that you will never condemn those properties. Is that correct?

Supervisor said that he said he could only speak for himself that he had no intentions of relocating those two cemeteries. He said that Mr. Krell was misinformed by people that said we wanted to move those two cemeteries and whoever gave you that information was trying to lead you astray.

Mr. Krell said that he just asked that for the public record so we understand that.

Supervisor said you are doing an excellent job on listing all our cemeteries.

On motion of Councilman Carey, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was closed, DECISION RESERVED time: 10:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

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