

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall  
P.M.

9/19/85

8:13 P.M.

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

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

Supervisor stated that the West Nyack Free Library is concluding its celebration of their 25th Anniversary on October 6th. He read the following proclamation:

"WEST NYACK FREE LIBRARY  
25th Anniversary  
October 6, 1985

WHEREAS, On October 6, 1985, the West Nyack Free Library is proud to celebrate its 25th year of service to our community; and

WHEREAS, in 1899, on the site of the present library, a small frame two-room school was built and, in 1922, in order to meet the needs of a growing community, a brick structure was added thereto; and

WHEREAS, the school was closed in 1958 and the frame structure was condemned and demolished; and

WHEREAS, a group of community minded residents, interested in the cultural and educational needs of all the people, met together and decided to form a library in the remaining brick building, and

WHEREAS, the West Nyack Free Library was opened, and, in 1960, received its charter from the State of New York;

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on behalf of the Town Board, hereby congratulate all the officers and members of the West Nyack Free Library and ask that all the citizens of Clarkstown join with me in showing appreciation to them for the educational and cultural contributions this fine facility has made to the residents of West Nyack and the Town of Clarkstown.

IN WITNESS WHEREOF I  
HEREUNTO SET MY HAND AND  
CAUSE THE SEAL OF THE TOWN  
OF CLARKSTOWN TO BE AFFIXED  
THIS 6th DAY OF OCTOBER,  
1985.

Theodore R. Dusanenko

Theodore R. Dusanenko, Supv.  
Town of Clarkstown

(S E A L)

Supervisor introduced the students present who would participate in Student Government Day on October 8, 1985 and mentioned the positions they would be holding for that day. He said the public is welcome to attend the festivities on that day.

Supervisor declared the Public Portion of the meeting open.

TBM - 9/19/85

Page 2

Appearance: Paul Levine  
representing Kenneth Torso

Mr. Levine presented the Board with a petition from 150 residents of the Town of Clarkstown. He also read a statement from Mr. Kenneth Torsoe, the owner of Normandy Village in Nanuet which stressed Mr. Torsoe's objections to any form of rent control or stabilization.

Mr. Levine asked if Councilman Holbrook was the man who initiated the motion to have this study. Councilman Holbrook said he brought the question of a survey to the Town Board. He asked if Councilman Holbrook was the one who moved it and Councilman Holbrook said he believed he was.

Appearance: Mr. Eugene Grogan, Dep. Supv.  
Rockland County Legislator  
10 Glenn Lane  
New City, New York 10956

Mr. Grogan spoke regarding the proposed license agreement with Smith Farm (Item 1 on the agenda) for the property being acquired by the Town. He said it was his understanding that French Farms at the present time has hit a snag and we have a serious problem with the architect. What is going to happen now is that the Clarkstown Sports Club is going to have a problem in using that field. He understood that the agreement with Mr. Smith is that he would be allowed to use the land to continue to farm as he has done in the past for a fee of something like \$250.00 or \$275.00 per year. He will continue to farm that land and the Town cannot take the land during a growing season or when the land is being cultivated. He said he would like to see us purchase the land from the archdiocese and see the land turned over to the Clarkstown Sports Club so that they could start their program as soon as possible. He felt it would not be too much of a burden for Mr. Smith since he has been farming that land for a considerable period of time at little or no cost. Mr. Smith has also been farming a considerable portion of County land for a stipend and doing some additional work for the County at a very low price which he has been doing legally for a number of years. He asked the Town Board to vote "No" on agenda Item #1 or if they are going to vote "Yes" do not approve a license agreement with Mr. Smith. Instead, get the property, ask him to vacate as soon as humanly possible and turn the land over to the children. He said we would rather grow children in this town than corn.

Appearance: Mr. Peter Fisher, President  
Clarkstown Sports Club

He said there are 1500 Clarkstown kids participating in this program and since we do not have enough playing facilities these facilities in question are urgently needed.

Councilman Holbrook said the Town has acted in good faith to try to provide additional fields - the French Farms, Germonds and we want to purchase this additional land in New City. There has been a snag in the French Farms project because the architect recently resigned; otherwise the SEQRA Public Hearing would have occurred tonight. The Town Board has every intention of seeing that through to fruition and we made that commitment to the public and we are going to see that through. The same is true with Germonds and we have put up to \$2,000,000 to \$3,000,000 in bonds to do this and he said he would not be adverse, if the French thing is held up a little bit, to having someone look at laying out the fields for the archdiocese land. He said this land has been recently purchased and if it is available to be developed he saw no reason for the Town not to lay out plans for that development. He said we are not at cross purposes here. We are more or less on the

Continued on Next Page

same wave length. He said he and the other board members would like to see this property developed. Sometimes it doesn't go the way you planned but we are going to see it through.

Mr. Fisher said they now have permission to play only after 6:30 at night on the school fields. It is dark at 6:30 at night. Councilman Holbrook said he realized that it was frustrating but there is a commitment to see it through.

Appearance: Mr. John Rottenbacher, Director  
Clarkstown Sports Club

He said that there is a tremendous growth in their soccer movement and they have had to refuse many children because there are not enough fields. The club had offered to develop French Farms as a facility at no cost to the Town. He said that there had been too much delay in the development despite promises that they would be developed in the near future. He said he was frustrated at the procrastination.

Appearance: Mr. William Malton  
193 Germonds Road  
West Nyack, New York 10994

Mr. Malton said he has been living at the above address for thirty-five years near the entrance to Germonds Park. He said he was one of the people instrumental in getting the Traphagen property for the Town. He said he was never for parking and commutation. He mentioned the parking facilities in progress and stated that he had been told that Mr. Bollman was willing to have the facilities prepared by the 13th of September which was last week. Mr. Malton made some alternate suggestions which he felt the Town Board should consider.

Supervisor said many of these alternatives have been checked and were not available. He said Germonds Park was definitely a temporary step until Kemmer Lane was ready. He said there is a reluctance to use Seeger Drive. Hopefully this Town Board tonight will take steps to acquire additional lands on Route 59 for a second, permanent commuter parking lot. He said he could not give any assurance as to how long this inconvenience would last.

Appearance: Mr. Michael Minozzi, President  
New City Little League

He said they had been lucky enough to have been able to play on lands owned by the Spring Valley Water Company. However, that property has been sold and they will be evicted within the next two years. They have not been able to service all the children applying simply due to a lack of facilities. Unless they can come up with additional playing fields the Town will be faced with the problem of approximately 400 children looking for a place to play baseball in the Town. He praised the Board for purchasing the archdiocesan property and said he hopes that the land can be developed very quickly. He said he would also hope that the Town would not get into any type of situation which would hold up that development.

Appearance: Mr. Martin Bernstein  
New City, New York 10956

Mr. Bernstein spoke regarding Agenda Item #10 and asked if that included the elimination of "No Parking Signs" and the Supervisor said that it would eliminate such signs from Demarest to South Main and to have a middle left hand turning lane and one lane of traffic in each direction. Mr. Bernstein said about a month ago the Town Board passed a resolution urging the Post Office Department not to consider a relocation to northern New City. He asked what steps had been taken by the Town Board since then? Supervisor said

other than that being forwarded by the Town Clerk to the proper agency the Planning Board has also responded to the County Planning Board with a negative recommendation. Mr. Bernstein asked if the Town Planner had done a study to find alternate sites? Supervisor said he did not know. Mr. Bernstein suggested that the Town Board ask the Town Planner to come up with some alternate sites. There are various alternatives available if someone will do an in depth study. He offered his help to anyone who is interested in doing this.

Councilman Lettre said that he had met with the gentleman who owns the old Racquet Ball Club and his attorney sent up a letter to Congressman Gilman and the postal authorities expressing their interest in possibly leasing that building to the postal authority or to see if they could work out some kind of mutual agreement which would be beneficial to the Town of Clarkstown and to them as owners. He said he believed as of this date no reply had been received from the postal authorities. Councilman Lettre said he would be following this matter up further.

Mr. Bernstein said there are other sites too. He said the Post Office Department has not done an in depth study on this. We invited them to New City to take them on a tour but they never showed up. He said they had picked a site which would be adverse to northern New City in the Town of Clarkstown.

Appearance: Mr. Walter Fleisher  
443 Buena Vista Road  
New City, New York 10956

Mr. Fleisher said he is a member of the Rockland County Park Commission. He said the Park Commission has had agreements for many years to have Mr. Smith farm parts of the Dells, Kennedy Park. He said that Mr. Smith does an excellent job. They do this in order to maintain the land so that in the future it will be available and not be overgrown with the land gone to seed. This is excellent for future development along the lines of what is being discussed. He said he could recommend the Smiths. They have been excellent farmers, very cooperative and if the archdiocesan property is not going to be developed immediately he would recommend that they would be a very good agent to keep that land in condition so that when you go to put athletic fields in there they will be suitable for growing grass.

Appearance: Ms. Audrey Paley, Chairperson  
Litter Control Bureau  
5 Avon Lane  
New City, New York 10956

She spoke regarding Agenda Item #64 and she wanted everyone to understand that the signs were not put up by the League of Litter Enders. They were put up by the Town of Clarkstown at a cost of \$2,500.00 in cooperation with the League of Litter Enders campaign. Supervisor asked Mrs. Paley if she were recommending that these signs be removed now and she said that is correct. She said the litter control bureau feels that people who litter pay no attention to the signs. Those who do not litter don't need the signs. She also said that on December 19th of last year the Litter Control Bureau sent a report to the Building Department on conditions at the Davies Lake complex including the shopping center. She stated they had received no reply from the Building Department until she called on January 15th and spoke to Bill Bowler there who said that eventually that area would be bulldozed, levelled and fenced. No dumping permit existed for all of the dumping that was going on there. He was not willing to answer definitively as to whether a permit had been applied for or had been issued.

At any rate she said they are still watching it. On March 20th hearing nothing further from the Building Department she

said a report had been sent to the Department of Environmental Control. To date nothing has been heard from them. She said they were concerned about what kind of material was being dumped and stored there. On June 3rd a memo was sent to the Supervisor. She said she received a memo from Mr. Andretta saying that memo had obviously been lost so another copy of the material was sent to the Supervisor. To date nothing has been heard from the Supervisor either. On July 17th a memo was sent to Councilman Carey asking him to bring it before the Town Board's attention. She said she was not allowing Mr. Carey the leisure of bringing it to the Town Board's attention. She said she is making sure that he does by bringing it here tonight.

Appearance: Mayor Joel Rosenthal  
Village of Spring Valley

Mayor Rosenthal spoke regarding ETPA in the Village of Spring Valley. ETPA does not exist in the South Bronx. ETPA exists in Nassau County, Westchester County and Rockland County in some fifty communities such as Stewart Manor, Mount Kisco, Pleasantville, Dobbs Ferry, North Tarrytown - communities like that. ETPA is not rent control. ETPA only controls profits. It is not what existed in New York City in 1940. ETPA does not affect new construction. Any buildings built after 1974 are not under ETPA. Therefore, any slowdown in construction would not in any way be affected by ETPA but probably more by tax rate. ETPA requires maintenance of all apartments by landlords. The landlord cannot neglect his apartment. It is against the law. If the landlord has a hardship he can get an increase in his rent. All he has to do is ask for it and provide the facts. ETPA has not hurt the value of properties. Properties in the Village of Spring Valley are worth much more now than they were ever worth. One of the reasons ETPA may be needed in this community is the landlord who stood before you this evening has an ad in tonight's paper asking for \$665.00 for a one bedroom apartment. He asked if any of the Board members pay less than that for their home. If they do perhaps there is a need for ETPA in Clarkstown. Because you have a survey and because you are forming a committee doesn't mean that you want ETPA or that you don't want ETPA. ALL it does mean is that you are looking into the facts and the fact that it was asked who made the motion, inferring that you are for it or against it is unfair. You have an obligation to look into the facts but he didn't think you should read advertisements in newspapers. You should actually get the facts. The taxpayers of the town should look at the facts. There are good things and bad things. Don't be influenced by a landlord who is really looking out for his own advantage.

\*\*\*\*\*

On motion of Councilman Lettre, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amending Official Map of the Town of Clarkstown re: Portion of Nanuet Homes Subdivision, Thomas Court, was opened, time: 8:50 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amending Official Map of the Town of Clarkstown re: Portion of Nanuet Homes Subdivision, Thomas Court, was closed, time: 9:05 P.M.

\*\*\*\*\*

RESOLUTION NO. (709-1985)

RESCHEDULING PUBLIC HEARING  
FROM SEPTEMBER 10, 1985 TO  
SEPTEMBER 19, 1985

Co. Carey offered the following resolution:

WHEREAS, the Town Board Meeting previously scheduled for September 10, 1985, could not be held and was postponed until September 19, 1985 at 8:00 P.M.;

TBM - 9/19/85  
Page 6

RESOLUTION NO. (709-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that Reslution No. 678-1985 adopted by the Town Board on August 12, 1985 scheduling a public hearing to amend the Official Map of the Town of Clarkstown in connection with Thomas Court, Nanuet, is hereby amended to provide for the public hearing to be held on September 19, 1985 at 8:30 P.M., and be it

FURTHER RESOLVED, that Resolution No. 708-1985 adopted by the Town Board on August 12, 1985 scheduling a public hearing to consider issues relating to SEQRA review on the French Farms property, is hereby amended to provide for the public hearing to be held on September 19, 1985 at 8:40 P.M., and be it

FURTHER RESOLVED, that this resolution is retroactive to August 12, 1985.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (710-1985)

AMENDING OFFICIAL MAP  
PORTION OF NANUET HOMES  
SUBDIVISION

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 12th day of August, 1985, provided for a public hearing on the 19th day of September, 1985, at 8:30 P.M., or as soon thereafter as possible, to consider deletion from the Official Map of the Town of Clarkstown the following:

ALL those certain lot, pieces or parcels of land and premises Situate, lying and being in the Town of Clarkstown, County of Rockland, and State of New York, known and designated as "Lot Nos. 9, 10, 11, 12, 13, 14, 15, 16 and 17" in Block "A" on "Map of Nanuet Homes, Town of Clarkstown, Rockland County, New York, survyed July, 1940," filed in the Rockland County Clerk's Office on December 6, 1940, together with so much of Thomas Court as shown on said map as lies easterly and southerly from a projection of the easterly line of "Lot No. 8" in Block "A" on the aforesaid map; and

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

NOW, THEREFORE, be it

RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom the above described property.

Seconded by Supv. Dusanenko

All voted Aye.

\*\*\*\*\*

With regard to Agenda Item No. 1 (Proposed license agreement with Smith Farm for property to be acquired by the Town) Councilman Carey asked Mr. Ghiazza what his plans were for that land. Mr. Ghiazza said only the purchase was allocated by the Town Board and there is no money for the development right now. Councilman Holbrook asked in terms of the development of the property wouldn't it be prudent to consider an architect to lay out



RESOLUTION NO. (712-1985) Continued

to provide a basis for determining if all requirements of law are being met by the operator;

NOW, THEREFORE, be it

RESOLVED, that the proposal submitted by Dr. Yash P. Aggarwal dated August 14, 1985 is hereby accepted for the amount of \$15,000.00, and be it

FURTHER RESOLVED, that the fee of \$15,000.00 be charged to Account No. A 1420-409.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (713-1985)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH DEGENSHEIN DENKER FOR ARCHITECTURAL SERVICES ON KNAPP BUILDING (CHARGE TO CAPITAL ACCOUNT NO. 2)

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement in a form satisfactory to the Town Attorney with Degenshein Denker, Architects and Planners, 10 South Broadway, Nyack, New York, in accordance with Mr. Denker's letter of September 3, 1985, to provide for architectural services in connection with the alterations to the Knapp Building, 40 Maple Avenue, New City, New York, to provide for additional office space for the Town at a professional fee of \$9,500.00, and be it

FURTHER RESOLVED, that the professional fees shall be charged to Captial Account No. 2.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (714-1985)

AUTHORIZING SUPERVISOR TO ENTER INTO LEASE AGREEMENT FOR COUNSELING CENTER

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has leased premises known as 14 South Main Street, New City, New York, from Arthur Moskoff, for use by the Clarkstown Counseling Center, and

WHEREAS, new offices for the Counseling Center to be located in a Town owned building are not ready for occupancy;

NOW, THEREFORE, be it

RESOLVED, that in accordance with a proposal dated August 19, 1985, the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into a lease with Arthur Moskoff, for a term of six (6) months commencing September 1, 1985, at a monthly rate of \$1,000.00, provided that the Town shall provide forty-five (45) days prior notice of its intention to surrender the premises at the end of said lease period.

Seconded by Co. Carey

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (715-1985)

SETTING PUBLIC HEARING TO  
CONSIDER PROPOSED  
ABANDONMENT AND DELETION  
FROM OFFICIAL MAP OF  
PORTION OF FOXWOOD ROAD,  
WEST NYACK, NEW YORK

Co. Carey offered the following resolution:

WHEREAS, a request has been made by Lois Andiloro, residing at 24 Foxwood Road, West Nyack, New York, and Chanin Techopichetwongsa and Banchon Techopichetwongsa, residing at 30 Foxwood Road, West Nyack, New York, for the deletion of a mapped but unopened portion of Foxwood Road from the Official Map of the Town of Clarkstown and a declaration that such right-of-way which is undeveloped has been abandoned, and

WHEREAS, the portion of Foxwood Road described in the attached Schedule "A" as shown on the subdivision map entitled "Cherry Hill, East Section", filed in the Rockland County Clerk's Office in June, 1956 in Book 57, at Page 6 as Map No. 2434, has not been developed as a Town road but appears to be vacant property adjacent to the existing Foxwood Road in the vicinity of petitioners' residences, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map pursuant to Section 273 of the Town Law of said portion of Foxwood Road as described on Schedule "A" attached, and

WHEREAS, the Town Board wishes to also consider the possible declaration that said property constitutes surplus municipal property which may be disposed of in accordance with law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 12th day of November, 1985, at 8:10 P.M., to consider said abandonment and deletion from the Official Map, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the Journal News and posted in the same manner provided by law, and be it

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

FURTHER RESOLVED, that the applicants shall fulfill the requirements of Section 106-32(c) of the Zoning Ordinance of the Town of Clarkstown regarding additional notice of said public hearing to property owners of record within 500 feet of the affected property, and be it

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

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (716-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING MONDAY - FRIDAY

Continued on Next Page

TBM - 9/19/85  
Page 10

RESOLUTION NO. (716-1985) Continued

8:00 A.M. TO 4:00 P.M."  
SIGNS WESTSIDE ELM-  
WOOD DRIVE FROM EXIT OF NEW  
CITY ELEMENTARY SCHOOL,  
SOUTH TO TOR VIEW AVENUE,  
NEW CITY, NEW YORK

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Traffic and Traffic Fire Safety Advisory Board, the Superintendent  
of Highways is hereby authorized to install

Signs to read, "No Parking Monday-Friday  
8:00 A.M. to 4:00 P.M."

These signs to be erected on the west side of Elmwood  
Drive from the exit of the New City Elementary School,  
South to Tor View Avenue, New City, New York,

and be it

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

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (717-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL "NO  
PARKING, ANY TIME" SIGNS  
BOTH SIDES OF BESSO STREET  
ENTIRE LENGTH FROM ROUTE 59  
TO VIRGINIA AVENUE, WEST  
NYACK, NEW YORK

Co. Holbrook 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

"NO PARKING, ANYTIME" signs (see sec. 221.5  
NYS DOT MUTCD - Pl-1 signs with arrows)

These signs to be erected on both sides of Besso Street  
the entire length from Route 59 to Virginia Avenue, West  
Nyack,

and be it

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

Seconded by Co. Lettre

All voted Aye.

RESOLUTION NO. (718-1985)

RESCINDING ALL PREVIOUS  
RESOLUTIONS WITH REGARD TO  
PARKING ON MAIN STREET FROM  
DEMAREST AVENUE SOUTH TO  
ROUTE 304

Co. Holbrook offered the following resolution:

RESOLVED, that all previous resolutions with regard to parking on Main Street from Demarest Avenue south to Route 304 are hereby rescinded.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (719-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO REMOVE ALL  
PARKING SIGNS ON MAIN  
STREET, NEW CITY FROM  
DEMAREST AVENUE SOUTH TO  
ROUTE 304, INSTALL "NO  
STOPPING ANYTIME" SIGNS,  
STRIPE MAIN STREET AND  
RELOCATE WEST CURB LINE OF  
MAIN STREET IN THE VICINITY  
OF DEMAREST AVENUE

Co. Holbrook offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to remove all parking signs on Main Street, New City, New York from Demarest Avenue south to Route 304 and all resolutions pertaining thereto are hereby rescinded, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized to install "No Stopping, Anytime" signs with arrows (see Sec. 221.5 of the NYS DOT Manual of Uniform Traffic Control Devices - sign P1-7); and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized to stripe Main Street in accordance with the report made by Mr. Howard Lampert, Traffic and Highway Engineering Consultant; and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized to relocate the west curb line of Main Street in the vicinity of Demarest Avenue back approximately 2-1/2 feet.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (720-1985)

AUTHORIZING ATTENDANCE AT  
51ST INTERNATIONAL  
CONFERENCE ON ASSESSMENT  
ADMINISTRATION (ROSS J.  
VALENZA) - CHARGE TO A  
1010-414

Co. Lettre offered the following resolution:

RESOLVED, that Ross J. Valenza, Assessor of the Town of Clarkstown, is hereby authorized to attend the 51st International Conference on Assessment Administration from October 31, 1985 to November 3, 1985, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$650.00 be charged against A 1010-414.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (721-1985)

AUTHORIZING ATTENDANCE AT ANNUAL PLANNING FEDERATION SEMINAR (YACYSHYN, CENTRA AND SCWARTZ) - CHARGE TO ACCOUNT B 8020-414

Co. Lettre offered the following resolution:

RESOLVED, that Mr. Rudolph Yacyshyn, Vice-President of the Planning Board, PB Member Joseph Centra and Mrs. Tille Schwartz, staff member of the Department of Planning are hereby authorized to attend the Annual Planning Federation Seminar at Grossinger's, Oct. 13-15, 1985 and

FURTHER RESOLVED, that all proper charges not to exceed \$200.00 be charged against B 8020-414.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (722-1985)

AUTHORIZING ATTENDANCE AT PLANNING & ZONING INSTITUTE SEMINAR (BOLLMAN) - CHARGE TO ACCOUNT A 1010-414

Co. Lettre offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control of the Town of Clarkstown, is hereby authorized to attend the Planning & Zoning Institute seminar at Grossinger Hotel, Grossinger, New York on October 13-15, 1985, and be it

FURTHER RESOLVED, that all proper charges be charged against appropriation account #A 1010-414.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (723-1985)

AUTHORIZING ATTENDANCE AT COMPUTER APPLICATIONS IN PURCHASING (LARRY KOHLER) - CHARGE TO ACCOUNT A 1010-414

Co. Lettre offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to attend the course entitled "Computer Applications in Purchasing" on October 25, 1985 at Bloomfield College, Bloomfield, New Jersey, and be it

FURTHER RESOLVED, that cost of attending course shall be charged to account A 1010-414.

Seconded by Co. Carey

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (724-1985)

AUTHORIZING ATTENDANCE AT NEW YORK STATE ASSOCIATION OF COURT CLERKS CONFERENCE (FRANCES BOWMAN) - CHARGE TO APPROPRIATION ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

TBM - 9/19/85  
Page 13

RESOLUTION NO. (724-1985) Continued

RESOLVED, that Frances M. Bowman, Justice Court Clerk, Town of Clarkstown, is hereby authorized to attend the New York State Association of Court Clerks Conference to be held at the Nevele Hotel, Ellenville, New York, from October 6, 1985 through October 9, 1985, and be it

FURTHER RESOLVED, that all proper expenses be charged against Appropriation Account No. A 1010-414.

Seconded by Co. Lettre All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (725-1985)

AUTHORIZING ATTENDANCE OF TOWN JUSTICES AT NEW YORK STATE ASSOCIATION OF MAGISTRATES CONFERENCE (WRAY, KELLY, WAITZMAN AND RONES) - CHARGE TO APPROPRIATION ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Judge Wray, Judge Kelly, Judge Waitzman and Judge Rones, Town Justices, Town of Clarkstown, are hereby authorized to attend the New York State Association of Magistrates Conference to be held at the Nevele Hotel, Ellenville, New York, from October 6, 1985 through October 9, 1985, and be it

FURTHER RESOLVED, that all proper expenses be charged against Appropriation Account No. A 1010-414.

Seconded by Co. Lettre All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (726-1985)

AUTHORIZING ATTENDANCE AT STATE OF NEW YORK POLICE JUVENILE OFFICER'S ASSOCIATION ANNUAL TRAINING CONFERENCE (DOYLE AND ENGELBRACHT) CHARGE TO ACCT. NO. 1120-414

Co. Maloney offered the following resolution:

RESOLVED, that Detectives James Doyle and William Engelbracht are hereby authorized to attend the State of New York Police Juvenile Officer's Association Annual Training Conference from September 30th through October 3rd, 1985 in Kerhonkson, New York, and be it

FURTHER RESOLVED, that all proper charges be charged to Account 1120-414.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (727-1985)

ACCEPTING PROPOSAL FROM ORANGE & ROCKLAND UTILITIES, INC., FOR STREET LIGHTING AT SQUADRON GARDENS SENIOR CITIZEN HOUSING COMPLEX

Co. Maloney offered the following resolution:

RESOLUTION NO. (727-1985) Continued

WHEREAS, residents of Squadron Gardens, Squadron Boulevard, New City have requested the Town Board to upgrade existing street lighting in the vicinity of the Squadron Gardens Senior Citizen Housing Complex;

NOW, THEREFORE, be it

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

Squadron Boulevard                      New City

One (1) new aluminum pole and base  
Install three (3) 46,000 lumen lucalox street lights  
on pole numbers A-1, A-2 and new pole  
(Remove two (2) 22,500 lumen mercury vapor street lights  
pole numbers A-1 and A-2).

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (728-1985)

GRANTING 280-a(2)  
DESIGNATION FOR PROPERTY  
SITUATE ON WEST SIDE OF  
KINGS HIGHWAY - KEHOE HOMES  
(MAP 108, BLOCK B, LOT 2.03  
- ALSO KNOWN AS LOT 3)  
(MARTIN FELDI)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law, a Building Permit for the erection of a one-family residence may be issued to MARTIN FELDI for property situate on the west side of Kings Highway, Valley Cottage, more specifically designated on the Clarkstown Tax Map as - Map 108, Block B, Lot 2.03, also known as Lot 3 in Subdivision of "Kehoe Homes, Valley Cottage, Town of Clarkstown, Rockland County, New York," provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

1. That the property owner shall acknowledge that no Town services including but not limited to maintenance, paving or snow removal shall be provided along the access right-of-way from Kings Highway to premises to be constructed.
2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises on Kings Highway when and if required by the Town Board of the Town of Clarkstown.
3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner on Kings Highway to the designated street line to accomplish the widening of such Kings Highway to fifty (50') feet in width.
4. That the right-of-way to the proposed structure shall be improved and maintained, at the expense of the property owner, to the satisfaction of the Director of Environmental Control and the Superintendent of Highways so as to provide adequate access for emergency vehicles.

RESOLUTION NO. (728-1985) Continued

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

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

FURTHER RESOLVED, that prior to the issuance of a Building Permit for the subject premises, the owner shall provide evidence that he has obtained an easement from the owner of Lot "2" to permit the expansion of the driveway to provide adequate turning radius for fire and other emergency vehicles to approach the proposed dwelling, and otherwise comply with all requirements of law.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (729-2985)

SPECIAL FINDING AND  
GRANTING SPECIAL PERMIT TO  
OPERATE AN AGENCY GROUP  
HOME - SUMMIT SCHOOL AND  
CHILDREN'S RESIDENCE CENTER  
(285 NEW HEMPSTEAD ROAD,  
NEW CITY, NEW YORK)

Co. Maloney offered the following resolution:

WHEREAS, the Summit School and Children's Residence Center has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating an agency group home for up to nine (9) boys between tthe ages of 14 to 18 years at 285 New Hempstead Road, New City, New York, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 24th day of April, 1984, at 8:45 P.M., to consider such application, and

WHEREAS, by Resolution No. 500-1984, dated May 8, 1984, the Town Board of the Town of Clarkstown denied the application upon the grounds such activity at the subject location would constitute a hazard, and

WHEREAS, the applicant petitioned to the Supreme Court, Rockland County, and obtained a ruling which authorized an additional public hearing to reconsider said application, which hearing was duly noticed and held on January 22, 1985, at which time additional evidence and information concerning the proposed use and traffic conditions existing in the vicinity of 285 New Hempstead Road, New City, New York, was presented by applicant and other interested parties, and

WHEREAS, by Resolution No. 147-1985, dated February 11, 1985, after rehearing held pursuant to Court Order the request for a Special Permit was denied again upon the grounds for the concern and safety of members of the public and residents of the group home due to poor sight conditions prevailing at the proposed location, and

WHEREAS, the petitioner again commenced a proceeding pursuant to CPLR Article 78 for an Order setting aside the determination of the Town Board and by Decision of the Supreme Court, Rockland County, New York, dated May 30, 1985 and Order entered thereon on August 19, 1985, the Town Board of the Town of Clarkstown has been directed and commanded to grant Petitioner's application for Special Permit subject to legal cognizable and factual conditions the Board may impose;

RESOLUTION NO. (729-1985) Continued

NOW, THEREFORE, BE IT

RESOLVED, the Town Board pursuant to its authority under Section 106-14(B) of the Zoning Ordinance of the Town of Clarkstown upon consideration of the entire record and upon the Order of Honorable Matthew F. Coppola, Justice of the Supreme Court, Rockland County, New York, makes the following Findings of Fact:

1. That, The Summit School and Children's Residence Center has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating an agency group home for up to nine boys between the ages of 14 to 18 years at 285 New Hempstead Road, New City, New York;

2. That, after due notice published and posted, a public hearing was held before the Town Board on the 24th day of April, 1984, at 8:45 P.M., to consider such application;

3. That, by Resolution No. 500-1984, dated May 8, 1984, the Town Board of the Town of Clarkstown denied the application upon the grounds such activity at the subject location would constitute a hazard;

4. That, the applicant petitioned to the Supreme Court, Rockland County, and obtained a ruling which authorized an additional public hearing to reconsider said application, which hearing was duly noticed and held on January 22, 1985, at which time additional evidence and information concerning the proposed use and traffic conditions existing in the vicinity of 285 New Hempstead Road, New City, New York, was presented by applicant and other interested parties;

5. That the sight distances on New Hempstead Road, New City, are poor and that a hazard is acknowledged to exist but the subject premises was approved for occupancy as a one family house and the applicant shall take whatever steps are necessary to assure the safety and well-being of the residents of the proposed group home facility;

6. That, the facility will comply with all other regulations applicable to such use as an agency group home;

7. That the proposed facility will be properly located with respect to transportation, water supply, waste disposal, fire and police protection, and other public facilities;

8. The facility will not adversely affect the character of or property values in the area;

9. The facility will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to operate an agency group home at 285 New Hempstead Road, New City, New York, is hereby GRANTED, upon compliance with the following conditions:

A. The applicant, Summit School and Children's Residence Center, shall file proof with the Town Attorney that it has acquired title to the premises known as 285 New Hempstead Road, New City, New York;

B. That a parking area capable of providing adequate space for parking vehicles and a turnaround to provide for safe exit be installed as determined by the Director of the Department of Environmental Control;

RESOLUTION NO. (729-1985) Continued

C. That a retaining wall be constructed on the east side of the subject premises in accordance with directions from the Director of the Department of Environmental Control;

D. That screening and landscaping be provided along the western and southwestern boundaries of the subject premises as directed by the Clarkstown Shade Tree Commission;

E. That no construction of any kind shall commence without having first obtained a building permit from the Town of Clarkstown Building Inspector and Rockland County Highway Department, and be it

FURTHER RESOLVED, that occupancy shall be limited to nine (9) persons, under the age of twenty-one (21) years and over the age of five (5) years, exclusive of supervisory staff, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (730-1985)

ACCEPTING DEED FOR ROAD  
WIDENING - ASTRI HILLS  
SUBDIVISION (MOUNTAINVIEW  
AVENUE, WEST NYACK, NEW  
YORK)

Co. Holbrook offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision of ASTRI HILLS, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Mountainview Avenue, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the department of Environmental Control, the Superintendent of Highways and the Town Attorney, deed dated April 30, 1985, from Astri Construction Corp. gratuitously conveying a strip of land along Mountainview Avenue is hereby accepted and ordered recorded in the Rockland County Clerk's Office upon receipt of continuation report of clear title to date of recording.

Seconded by Co. Carey

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. 731-1985)

ACCEPTING DEED FOR ROAD  
WIDENING - GEORGE KOSENKO  
SUBDIVISION (FOREST GLEN  
ROAD)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision for George Kosenko, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Forest Glen Road;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, the Superintendent of Highways and the

TBM - 9/19/85  
Page 18

RESOLUTION NO. (731-1985) Continued

Town Attorney, deed dated July 17, 1985, from George Kosenko gratuitously conveying a strip of land along Forest Glen Road is hereby accepted and ordered recorded in the Rockland County Clerk's Office, upon receipt of continuation report of clear title to date of recording.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (732-1985) SETTING PUBLIC HEARING RE ZONE CHANGE FROM LIO DISTRICT TO MRS DISTRICT (RASO AND CLINTON SQUARE PLAZA, INC.) - REFERRAL TO COUNTY AND TOWN PLANNING BOARDS

Co. Lettre offered the following resolution:

WHEREAS, Raso and Clinton Square Plaza, Inc., have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the Petitioners described from an LIO district to an MRS district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 26th day of November, 1985, at 8:10 P.M., relative to the proposed amendment, and it is

FURTHER RESOLVED, that a copy of this petition be referred to the Clarkstown Planning Board and Rockland County Planning Board for their reports and recommendations, and

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

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

Seconded by Co. Maloney All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (733-1985) FINDINGS WITH REGARD TO THE CONSENT AND APPROVAL OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN TO THE ANNEXATION OF TERRITORY NOW SITUATED IN THE TOWN OF CLARKSTOWN TO THE VILLAGE OF SPRING VALLEY

Co. Lettre offered the following resolution:

WHEREAS, a petition, pursuant to Article 17 of the General Municipal Law, was presented to the Town Board of the Town of Clarkstown on May 22, 1985, for the annexation of certain territory in the Town of Clarkstown to the Village of Spring Valley, said territory being described in said petition which is annexed hereto as Exhibit A, and

RESOLUTION NO. (733-1985) Continued

WHEREAS, a joint hearing of the Town Board of the Town of Clarkstown and the Village Board of Trustees of the Village of Spring Valley, was duly held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York, at 8:20 P.M., on July 30, 1985, and continued to August 12, 1985, at 8:00 P.M., at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Board of the Town of Clarkstown, has duly considered said petition and the evidence presented at said hearing;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown finds as follows:

(1) That the aforesaid petition for annexation substantially complies in form and content with Article 17 of the General Municipal Law.

(2) That the proposed annexation of certain territory in the Town of Clarkstown to the Village of Spring Valley as described in the aforesaid petition is in the over-all public interest in that:

(a) That the territory described in the petition consists of approximately 15.601 acres of vacant land in the vicinity of the New York State Thruway Exit 14 and the Pascack Valley Railroad right-of-way adjacent to other territory of the Village of Spring Valley, some of which property is on the tax rolls of the Town of Clarkstown as Map 164, Block A, Lots 7, 8.01, 8.02, and the balance of which was acquired by petitioners from the State of New York upon the sale of surplus state lands and had no tax map designation as of the time of the public hearing. The legal description of said property is that which is listed in Schedules "A" and "B" of the petition referred to herein.

(b) That there are no inhabitants of the subject territory and future development of said property is likely to be commercial in nature.

(c) That the development of the property due to its topography and location adjacent to the New York Thruway and a railroad right-of-way is likely to be the only by way of access through properties presently located in the Village of Spring Valley, some of which are presently undergoing development of a commercial nature, and which property is owned or controlled by petitioners.

(d) That there are presently no town facilities such as lighting, roads, sewers or any other town owned installations within the described territory.

(e) That the proposed annexation will have no significant effect on the indebtedness of the Town of Clarkstown and no agreement regarding the assumption of indebtedness is required.

(f) That the convenience of the petitioners will be served by being able to develop the subject property under the Zoning Ordinance of a single jurisdiction.

(g) That prompt development of the subject property as a commercial ratable will benefit both the Town of Clarkstown and the Village of Spring Valley which will each receive more in expected tax revenues than is presently being received.

RESOLUTION NO. (733-1985) Continued

(h) That notices of the hearing required to be given by law were duly made.

(i) That the action taken herein is not subject to referendum as there are no qualified electors within the subject territory; and be it

FURTHER RESOLVED, that a copy of this resolution containing the findings of fact and determination of the Town Board be forwarded by the Town Clerk to the Village Clerk of the Village of Spring Valley; and be it

FURTHER RESOLVED, that this determination be made part of the record of this proceeding on file in the Office of the Town Clerk of the Town of Clarkstown upon its adoption;

NOW, THEREFORE, it is

ORDERED that the consent and approval of the Town Board of the Town of Clarkstown is hereby given to the annexation of the territory now situated in the Town of Clarkstown and described in the aforesaid petition (Exhibit A), to the Village of Spring Valley.

Dated: New City, New York  
September 19, 1985

/s/ Theodore R. Dusanenko  
Supervisor Theodore R. Dusanenko

/s/ William J. Carey  
Councilman William J. Carey

/s/ Edward J. Lettre  
Councilman Edward J. Lettre

/s/ Charles E. Holbrook  
Councilman Charles E. Holbrook

/s/ John R. Maloney  
Councilman John R. Maloney

(Exhibit A on file in Town Clerk's Office)

Seconded by Co. Maloney

All voted Aye

\*\*\*\*\*

RESOLUTION NO. (734-1985)

AUTHORIZING SPRING VALLEY  
WATER COMPANY TO INSTALL  
ONE (1) FIRE HYDRANT ON  
NORTH SIDE DEFOREST COURT  
WEST OF STRAWTOWN ROAD,  
WEST NYACK

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install one (1) fire hydrant on:

North side DeForest Court approximately  
515 feet west of Strawtown Road, West  
Nyack, Town of Clarkstown.

Investigation No.: 9675, and be it

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

Seconded by Co. Holbrook

On roll call the vote was as follows:



RESOLUTION NO. (737-1985)

REFERRING APPLICATION MADE BY WHISPERING WINDS CO., TIMBERLINE ASSOCIATES AND JOHN M. KNUTSEN TO VARIOUS TOWN DEPARTMENTS AND OTHER OUTSIDE AGENCIES FOR OPEN DEVELOPMENT AREA FOR SECTIONS OF KINGSGATE CONDOMINIUMS PURSUANT TO TOWN LAW, SECTION 280-a(4)

Co. Lettre offered the following resolution:

WHEREAS, the plan for development of property referred to as Kingsgate Condominiums is likely to proceed to the building of additional units in the near future, and

WHEREAS, a zone change adopted during 1972 has provided for the development of such property as condominiums and was subject to a covenant and declaration which requires the owner(s) to obtain approval of the access pursuant to Town Law, Section 280-a, and

WHEREAS, application has been made by Whispering Winds Co., Timberline Associates, Inc., and John M. Knutsen to the Town Board for the creation of an "open development area" for Sections B, D, E-1, E-2 of Kingsgate, pursuant to Town Law, Section 280-a(4), and

WHEREAS, the Town Board desires to obtain recommendations concerning requirements or conditions, if any, which should be imposed prior to granting such approval, so as to assure adequate ingress and egress for the present and future residents, as well as all emergency services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests the review and recommendations on or before October 15, 1985, of the following named agencies and organizations for the purpose of determining what conditions, if any, should be imposed with respect to the creation of the open development area, access roads and internal driveways, so as to provide for reasonable access for present and future residents and for emergency services:

- Superintendent of Highways
- Director of Environmental Control
- Building Inspector
- Planning Board
- Police Commission
- Police Department
- Traffic Fire Safety Board
- Condominium Information Board
- Ambulance Corps

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (738-1985)

AUTHORIZING TOWN ATTORNEY TO OBTAIN SERVICES OF A REAL ESTATE APPRAISER (ANTHONY BALLETTA) RE:

TBM - 9/19/85  
Page 23

RESOLUTION NO. (738-1985)

PREMISES CONTIGUOUS TO  
CONGERS LAKE RECREATIONAL  
FACILITY - EXPENSES TO BE  
CHARGED TO PARKLANDS AND  
IMPROVEMENTS ACCOUNT

Co. Maloney offered the following resolution:

WHEREAS, Masco Congers Corp., has offered to  
gratuitously convey to the Town of Clarkstown premises described  
therein which are contiguous to Town owned Congers Lake Recreational  
Facility, and

WHEREAS, back taxes are owing on the property and the  
Town desires to obtain a market value appraisal of said premises;

NOW, THEREFORE, be it

RESOLVED, that in accordance with the proposal dated  
September 4, 1985, from Anthony Balletta Enterprises, the Town  
Attorney is hereby authorized to obtain the services of Mr. Balletta  
to prepare said appraisal for a cost not to exceed \$1,800.00, and be  
it

FURTHER RESOLVED, that the expenses incurred pursuant to  
this resolution shall be charged to Parklands and Improvements  
Account.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (739-1985)

AUTHORIZING THE STANDARD-  
IZATION OF SALARY SCHEDULE  
FOR PART-TIME OFFICE WORKERS

Co. Maloney offered the following resolution:

RESOLVED, that the following Salary Schedule be adopted  
for Office Worker-Students and Laborer-Students, effective and  
retroactive to September 16, 1985:

- \$3.35 - Starting Salary (Minimum Wage)
- \$3.60 - One Year
- \$3.85 - Two Years
- \$4.10 - Three Years
- \$4.35 - Four Years (Maximum Step)

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (740-1985)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND PROCEEDING  
AGAINST TOWN OF CLARKSTOWN  
(LUBAVITCHER YESHIVA ACHEI  
TMIMIM OF THE BRONX)

Co. Maloney offered the following resolution:

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

LUBAVITCHER YESHIVA ACHEI TMIMIM  
OF THE BRONX,

Petitioner,

For a Judgment Pursuant to CPLR Article 78,

RESOLUTION NO. (740-1985) Continued

-against-

ROSS VALENZA, as Assessor of the Town of  
Clarkstown and BOARD OF ASSEMENT REVIEW  
OF THE TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Lettre

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (741-1985)

AUTHORIZING RETURN OF  
MERCHANDISE SEIZED FROM  
RONALD PROBER

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown had enacted Local Law  
No. 1-1982, making it a violation to sell so called "drug para-  
phernalia," and

WHEREAS, pursuant to Local Law No. 1-1982, the Clarks-  
town Police seized merchandise alleged to be drug paraphernalia from  
Ronald Prober, and issued an Appearance Ticket in Town Justice  
Court, to him, for violation of Local Law No. 1-1982, and

WHEREAS, in June 1982, Ronald Prober commenced a  
Replevin Action against the Town of Clarkstown, in Rockland County  
Supreme Court, for the return of the confiscated merchandise, by  
Summons and Complaint dated June 7, 1982, and the suit has not come  
to trial nor has the Town returned the Plaintiff's property, and

WHEREAS, the New York State Court of Appeals, in Dougal  
v. County of Suffolk, has determined that the General Business Law,  
Sections 850-853, regulate the field of drug related paraphernalia  
and that local legislation in this field has been preempted by State  
Law, and

WHEREAS, said Local Law No. 1-1982 has been repealed as  
of April 10, 1984, and

WHEREAS, on August 19, 1985 Ronald Prober commenced  
another action in Rockland County Supreme Court for money damages  
allegedly suffered as a result of the confiscation of his  
merchandise and the issuance of an Appearance Ticket to him pursuant  
to Local Law No. 1-1982, against the Town of Clarkstown, the Town of  
Clarkstown Police Department and the Town Attorney, and

WHEREAS, based on the opinion of the Town Attorney, it  
appears that the Town has no further grounds on which to retain  
Plaintiff's merchandise and it should be returned to Plaintiff;

NOW, THEREFORE, be it

RESOLVED, that the merchandise seized from Ronald Prober  
pursuant to Local Law No. 1-1982, should be returned to his place of  
business.

Seconded by Co. Lettre

All voted Aye.

\*\*\*\*\*

TBM - 9/19/85  
Page 25

RESOLUTION NO. (742-1985)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND ACTION (PROBER V.  
TOWN OF CLARKSTOWN, TOWN OF  
CLARKSTOWN POLICE DEPART-  
MENT AND TOWN ATTORNEY)

WHEREAS, an action entitled,

RONALD PROBER,

Plaintiff,

-against-

THE TOWN OF CLARKSTOWN, TOWN OF CLARKSTOWN  
POLICE DEPARTMENT AND THE TOWN OF CLARKS-  
TOWN TOWN ATTORNEY

Defendants

has been served upon the Defendant Town Attorney, and

WHEREAS, the complaint alleges that as a result of actions taken by the defendants with respect to enforcement of the Town's drug paraphernalia law, the plaintiff has suffered loss and seeks civil damages and request is made by the affected public official, to wit, the Town Attorney, for defense pursuant to Section 18 of the Public Officers Law;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take whatever steps are necessary to defend the proceeding so commenced, including obtaining the services of the Town's public officer's liability insurance carrier, in the defense of this action, and be it

FURTHER RESOLVED, that the Town of Clarkstown, pursuant to Section 18 of the Public Officers Law, hereby provides to John A. Costa as Town Attorney the protections and benefits of Section 18 of the Public Officers Law for any and all actions he may have taken in good faith, consistent with his duties and obligations as Town Attorney.

Seconded by Co. Lettre

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (743-1985)

ACCEPTING DEED AND  
DECLARATION OF EASEMENT IN  
ORCHARD HILL SUBDIVISION

Co. Holbrook offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision of ORCHARD HILL, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Church Street, Nanuet, New York and a Declaration of Easement for ingress and egress affecting portions of Lots 2 and 3 as shown on said subdivision map;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, the Superintendent of Highways and the Town Attorney, deed dated July 8, 1985, from G.F.D. Construction, Inc., gratuitously conveying a strip of land along Church Street, Nanuet, New York, 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, and be it

Continued on Next Page

TBM - 9/19/85  
Page 26

RESOLUTION NO. (743-1985) Continued

FURTHER RESOLVED, that upon the recommendation of the Town Attorney, a Declaration of Easement affecting a portion of Lots 2 and 3 as shown on said final plat about to be filed is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Maloney All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (744-1985) AWARDING BID FOR EMERGENCY FLARES TO (STANDARD FUSEE CORPORATION)

Co. Lettre offered the following resolution:

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

BID #58-1985  
EMERGENCY FLARES

is hereby awarded to:

STANDARD FUSEE CORPORATION  
P.O. Box 178  
Boonton, New Jersey 07005

for stock #4340 Red Emergency Flares-30 minute with wire holders at the proposed cost of \$10.55 per dozen.

Seconded by Co. Maloney All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (745-1985) AWARDING BID FOR INSTALLATION OF SIDEWALKS ON LAKE ROAD IN CONGERS (J. FLETCHER CREAMER & SON) - INCREASING REVENUE ACCOUNT NO. 01-003005 (MORTGAGE TAX) AND APPROPRIATION ACCOUNT NO. A 9550-910 (TRANSFER TO CAPITAL FUND)

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control and the Director of Purchasing that

BID #62-1985  
SIDEWALKS - LAKE ROAD, CONGERS

is hereby awarded to:

J. FLETCHER CREAMER & SON  
799 River Road  
Edgewater, New Jersey 07020

as per their proposed cost of \$98,273.00, and be it

FURTHER RESOLVED, that funds for same are to be charged to Account #H 5140-05-409, and be it

FURTHER RESOLVED, to increase Revenue Account No. 01-003005 (Mortgage Tax) and Appropriation Account No. A 9550-910 (Transfer to Capital Fund) by \$80,000.00.

Seconded by Co. Maloney All voted Aye.

\*\*\*\*\*

TBM - 9/19/85  
Page 27

RESOLUTION NO. (746-1985)

AWARDING BID FOR TOWN HALL  
RESTORATION (PREMIER  
RESTORATION & SUPPLY CO.,  
INC.) CHARGE TO ACCOUNT A  
1620-408

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Project Architect and the Director of Purchasing that

BID #19-1985  
TOWN HALL ROOF RESTORATION

is hereby awarded to:

PREMIER RESTORATION & SUPPLY CO., INC.  
178 Front Avenue  
West Haven, Connecticut 06516

as per their lowest bid proposal meeting specifications

PROPOSAL DETAILS"

"BID B" - Replacement of existing roofing system	\$59,935.00
OPTION - ADDITION - R30 INSULATION	4,865.00
"BID C" - Resurface of concrete helipad	16,500.00
TOTAL PROJECT COST	<u>\$81,300.00</u>

and be it

FURTHER RESOLVED, that funds for same be charged to  
Account A 1620-408, and be it

FURTHER RESOLVED, that this award is subject to  
execution of a formal contract between Premier Restoration & Supply  
Co., Inc. and the Town of Clarkstown in a form agreeable to the Town  
Attorney.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (747-1985)

AWARDING BID FOR HYDRAULIC  
CONTAINER HANDLING SYSTEM  
(SAM ALLEN'S MODERN  
MACHINERY, INC.)

Co. Lettre offered the following resolution:

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

BID #60-1985  
HYDRAULIC CONTAINER HANDLING SYSTEM FOR  
CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to:

SAM ALLEN'S MODERN MACHINERY, INC.  
ROUTE 25 - P.O. Box P  
CORAM, NEW YORK 11727

as per the following proposal

One (1) Ampliroll 160/2000 with two (2) thirty cubic  
yard refuse containers

RESOLUTION NO. (747-1985)

Proposed, installed cost \$30,000.00  
Less: Trade-in allowance on (1) 1982 Tymco Sweeper  
VIN #1FDXR70U2CVA15764 \$30,000.00

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (748-1985)

RESCINDING RESOLUTION NO.  
(442-1985 AWARDED BID  
#29-1985 - REPLACEMENT OF  
WINDOWS AT CONGERS  
COMMUNITY CENTER TO R & R  
CONSTRUCTION OF ROCKLAND  
LAKE, NEW YORK

Co. Maloney offered the following resolution:

WHEREAS, the Town Board adopted Resolution No. 442 dated  
May 14, 1985 awarding bid #29-1985 Replacement of Windows at Congers  
Community Center to R & R Construction of Rockland Lake, New York,  
and

WHEREAS, it is no longer feasible to install said  
windows,

NOW, THEREFORE, be it

RESOLVED, that Town Board Resolution No. 442 dated May  
14, 1985 is hereby rescinded.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (749-1985)

GRANTING PERMISSION TO  
COLUMBUS DAY PARADE  
COMMISSION FOR USE OF  
CLARKSTOWN SHOWMOBILE IN  
PEARL RIVER

Co. Lettre offered the following resolution:

WHEREAS, the Columbus Day Parade Committee has requested  
use of the Town of Clarkstown showmobile on Sunday, October 13, 1985  
(raindate Sunday, October 20, 1985) for an annual parade to be held  
in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that the Columbus Day Parade Committee is  
hereby granted permission to use the Town of Clarkstown showmobile  
on Sunday, October 13, 1985 for the above purpose and subject to the  
necessary insurance policies.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

With regard to the following resolution there was an (a)  
and (b) - (a) in the amount of \$5,000.00 and (b) in the amount of  
\$15,500.00. Mr. Ghiazza recommended the adoption of (b) as we still  
have the money within the bond to do the needed repair work at  
Germonds Park now even though we did not originally plan on it. He  
said it would be preventive maintenance.

RESOLUTION NO. (750-1985)

AUTHORIZING REPAIRS TO  
GERMONDS PARK SWIMMING POOL  
COMPLEX (DECK WORK, RE-  
PLACEMENT OF CONCRETE SLABS  
AND SEALING/CAULKING) -  
CHARGE TO APPROPRIATIONS  
ACCOUNT A 7180-408

Co. Maloney offered the following resolution:

WHEREAS, Town Board Resolution No. 284 dated March 26, 1985 authorized needed renovations to Germonds Park Swimming Pool Complex in the amount of \$170,000.00, and

WHEREAS, additional work recommended by Gaston L. Raffaelli, P.E., and Edward J. Ghiazza, Superintendent of Recreation and Parks, including deck work, replacement of concrete slabs and sealing/caulking, is required,

NOW, THEREFORE, be it

RESOLVED, that funds in the amount of \$15,500.00 be allocated against Appropriation Account A 7180-408.

Seconded by Co. Lettre

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (751-1985)

AUTHORIZING TOWN  
COMPTROLLER TO TRANSFER  
FUNDS FROM MONEY-IN-LIEU-OF-  
LAND ACCOUNT TO PARKLANDS  
AND IMPROVEMENT ACCOUNT FOR  
DRAINAGE WORK AT LAKE  
NANUET PARK

Co. Maloney offered the following resolution:

WHEREAS, Town Board Resolution No. 1103 dated November 13, 1984 authorized corrective drainage at Lake Nanuet Park, and

WHEREAS, additional clearing of the area is necessary for the completion of the drainage project plus the necessary landscaping for restoration,

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer \$5,700.00 from Money-in-Lieu-of-Land Account to the Parklands and Improvement Account for the above work.

Seconded by Co. Carey

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (752-1985)

AUTHORIZING RETENTION OF  
JOSEPH P. McCale, ESQ. AS  
OF COUNSEL TO DEFEND  
PROCEEDING (VERGA, ET AL V.  
TOWN OF CLARKSTOWN, ET AL.)  
- CHARGE TO ACCOUNT NO. A  
1420-209

Co. Holbrook offered the following resolution:

RESOLVED, that Joseph P. McCale, Esq., Suite 1101, 112 State Street, Albany, New York, is hereby retained "Of Counsel" to the Town Attorney for the purpose of assisting in the defense of the proceeding entitled, Verga, et al v. Town of Clarkstown, et al, and be it

RESOLUTION NO. (752-1985) Continued

FURTHER RESOLVED, that Mr. McCale shall be compensated at the rate of \$85.00 per hour plus expenses and disbursements to be charged to Account No A 1420-209.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

There was discussion regarding the dates for the next Town Board Meetings. It was decided that the meeting of the 24th of September be cancelled. Supervisor asked that the 30th of September be held open for a Budget Hearing.

\*\*\*\*\*

RESOLUTION NO. (753-1985)

SETTING PUBLIC HEARING FOR  
EXTENSION OF CLARKSTOWN  
CONSOLIDATED WATER SUPPLY  
DISTRICT NO. 1 TO INCLUDE  
DUSTMAN HEIGHTS

Co. Lettre offered the following resolution:

WHEREAS, a written Petition dated August 25, 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 Consoldated Water Supply District No 1 in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's Office)

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (754-1985)

AUTHORIZING DIRECTOR OF  
DEPARTMENT OF ENVIRONMENTAL  
CONTROL TO EXECUTE CHANGE  
ORDER FOR LAKE ROAD IMPROVE-  
MENT PROJECT - CHARGE TO  
CAPITAL ACCOUNT DRAINAGE

Co. Holbrook offered the following resolution:

WHEREAS, at the Town Board meeting of 4/23/85 the Town of Clarkstown adopted Resolution #411-1985 awarding the Lake Road Drainage Project to J. Fletcher Creamer & Sons, and

WHEREAS, it was recommended by the Director of the Department of Environmental Control that a Change Order and extra be executed for \$191,105.00 for the installation of a retention pond on the Tolstoy property and for modifying a sluiceway, installing a stone wall, lowering stream channels, removal of trees, replacing and replanting shrubs, providing additional fill, etc., on adjacent properties,

RESOLUTION NO. (754-1985) Continued

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to execute a Change Order and extra for the above at a cost notd to exceed \$191,105.00, and be it

FURTHER RESOLVED, that funds for same are to be charged to Capital Account Drainage.

Seconded by Co. Carey

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (755-1985)

GRANTING OF 280-a(2) TO IRVING KIGLER OR SHARI MONCHIK RE PROPERTY SITUATE ON NORTH SIDE OF ROCKLAND AVENUE, 100 FEET EAST OF LUCILLE BOULEVARD, NEW CITY, NEW YORK (MAP 43, BLOCK F, LOTS 10 AND 12)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to recommendation of the Director of Environmental Control and the Superintendent of Highways, a Building Permit for the erection of a one-family residence may be issued to IRVING KIGLER or SHARI MONCHIK for property situate on the north side of Rockland Avenue, 100 feet east of Lucille Boulevard, New City, New York, more specifically designated on the Clarkstown Tax Map as Map 43, Block F, Lots 10 and 12, provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

- 1. That the property owner shall acknowledge that no Town services including but not limited to maintenance, paving or snow removal shall be provided along Rockland Avenue, a mapped but undedicated street.
- 2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on any mapped street when and if required by the Town Board of the Town of Clarkstown.
- 3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of such mapped street, including Rockland Avenue, to 50 feet in width.
- 4. That any deed of conveyance for the subject premises shall be subject to the Declaration of Covenant provided herein.
- 5. That the Certificate of Occupancy issued for said premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Building Permit a detailed grading plan shall be submitted to and approval of same shall be obtained from the Department of Environmental Control; and be it

RESOLUTION NO. (755-1985) Continued

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

(a) Improve Rockland Avenue from Lucille Boulevard up to the easterly property line, with at least 16 feet in width;

(b) If Rockland Avenue from Zukor Road is used for construction vehicles, any damage done to the portion of the road shall be repaired to the satisfaction of the Department of Environmental Control;

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

(d) Replace the existing culvert under Rockland Avenue with an adequate size of culvert and reroute the drainageway to a safe location.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

With regard to the following resolution Supervisor asked Director of Environmental Control what the progress was on this. Mr. Bollman said he delivered the plans to the Superintendent of Highways today. Superintendent of Highways, in answer to a question from Councilman Carey said he hoped to be able to get this done by the end of the month.

RESOLUTION NO. (756-1985)

AUTHORIZING THE CLEARING OF KEMMER LANE PROPERTY FOR THE CONSTRUCTION OF A COMMUTER PARKING LOT (CAL MART CONTRACTORS, INC.) - CHARGE TO ACCOUNT NO. A 5650-419

Co. Holbrook offered the following resolution:

WHEREAS, Resolution #533-1985 adopted at the Town Board meeting of June 25, 1985 authorized the Director of Environmental Control to take all necessary steps for the construction of the Kemmer Lane Commuter Parking Lot;

NOW, THEREFORE, be it

RESOLVED, that Cal Mart Contractors, Inc. is authorized to clear and grub the Kemmer Lane Commuter Parking Lot. This work consists of clearing out all trees except those in the buffer areas, removal of the wood, chipping of the brush and the removal and disposal of all stumps for a sum of \$6,910.00, and be it

FURTHER RESOLVED, that \$6,910.00 be charged to Account No. A 5650-419.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (757-1985)

SETTING PUBLIC HEARING RE: ABOLITION OF RESTRICTIVE COVENANT ON PREMISES LOCATED AT 345 MAIN STREET, NEW CITY, NEW YORK (HIGH TOR MEDICAL CENTER)

Co. Maloney offered the following resolution:

RESOLUTION NO. (757-1985) Continued

WHEREAS, by Town Board Resolution No. 571-1964, upon the application of Dr. Thomas Sullivan, Dr. Louis Wagner, Dr. Robert Wagner and Dr. Josef Neiman, a zone change was granted from an RA-1 district to an RO district for property located on west side of Route 304, New City, New York, designated on the Clarkstown Tax Map as Map 60, BLock A, Lot 17.01, and

WHEREAS, said zone change was granted subject to several conditions, including a Declaration of Restrictive Covenant, and

WHEREAS, a Declaration of Restrictive Covenants dated the 11th day of November, 1964, was filed in the Rockland County Clerk's Office on November 24, 1985 in Liber 784 at Page 394, which contained a covenant, limiting the use of any building on the subject premises to medical office use, and

WHEREAS, E. Duke Sullivan, has petitioned the Town Board of the Town of Clarkstown for modification of the covenant so the present owner shall not be restricted to use of the building as a medical office;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held on October 22, 1985 at 8:20 P.M., or as soon thereafter as possible, at the Auditorium of tthe Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider amending the Restrictive Covenants dated November 11th, 1964, filed in the Rockland County Clerk's Office on November 24, 1964 in Liber 784 at Page 394 to read as follows:

"This Restrictive Covenant is hereby modified to release from said covenant the restriction of building being used as medical offices to allow for any professional office on the premises designated on the Clarkstown Tax Map as Map 60, BLock A, Lot 17.01."

FURTHER RESOLVED, that a copy of this resolution is hereby referred to the Rockland County Planning Board and the Clarkstown Planning Board for their report and recommendations, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

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

FURTHER RESOLVED, that procedures for notification of area property owners contained in Section 106-32(C) of the Zoning Ordinance of the Town of Clarkstown shall be complied with and the legal description of the subject property shall be supplied by tthe applicant or his representative.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (758-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO PURCHASE AND  
HAVE DELIVERED TO SITE 240  
FEET OF HELICALLY  
CORRUGATED ROUND 48" PIPE

Continued on Next Page

AAG517

RESOLUTION NO. (758-1985) Continued

(MAP 53, BLOCK A, LOT 28 - EPSTEIN - BARDONIA) - CHARGE TO CAPITAL 2 DRAINAGE)

Co. Maloney offered the following resolution:

WHEREAS, Stream NJ 1-10-3 floods in the vicinity of lot 53-A-28, and

WHEREAS, the owner of parcel 53-A-28 has agreed to hire a contractor to correct the drainage problem on this lot if the Town supplies the pipe, and

WHEREAS, the owner of the property has agreed to release the Town from any further obligation,

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Director of the Department of Environmental Control, the Director of Purchasing is authorized to purchase and have delivered to the site 240 feet of helically corrugated round 48" pipe for a cost not to exceed \$6,500.00, and be it

FURTHER RESOLVED, that the cost for the above be charged against Capital 2 Drainage.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

Supervisor said with regard to the following resolution with the cooperation he had received finally on the cul-de-sac maintenance his office has received zero complaints this year. Most of the cul-de-sacs are looking good and the cost is now down to a total of \$20,000.00 from about \$40,000.00 per year because of proper preventive maintenance. Supervisor said hopefully after he is no longer here that will continue to be a budget item.

RESOLUTION NO. (759-1985)

AMENDING RESOLUTION 326-1985 AWARING BID FOR MAINTENANCE OF TOWN CUL-DE-SACS TO IRA WICKES, INC.

Co. Maloney offered the following resolution:

WHEREAS, the Town Board adopted Resolution #326-1985 at the Town Board meeting of March 26, 1985 which awarded Improvements and Maintenance of Town cul-de-sacs to Ira Wickes, Inc., and

WHEREAS, it has been recommended by the Director of the Department of Environmental Control that five additional cul-de-sac areas be improved, and 76 plants be replaced, various dead plants be removed and other plants be pruned in cul-de-sacs under the original contract,

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Director of the Department of Environmental Control, the above work is authorized at a cost not to exceed \$7,500.00, and be it

FURTHER RESOLVED, that this be an amendment to Resolution #326-1985 brining the total cost \$20,487.00.

Seconded by Co. Lettre

All voted Aye.

\*\*\*\*\*

With regard to Item No. 50(a) on the agenda, Town Attorney said he had written a letter to the MTA to request their authorization to investigate the concessionaire. He said it would be a bit premature to solicit proposals until the MTA has authorized this.

\*\*\*\*\*

RESOLUTION NO. (760-1985)

AUTHORIZING PAYMENT OF  
LICENSE FEE FOR USE OF  
PREMISES LOCATED ADJACENT  
TO THE NANUET RAILROAD  
STATION (LEDERLE LABS)

Co. Maloney offered the following resolution:

WHEREAS, by agreement between the Town of Clarkstown and American Cyanamid Company (Lederle Laboratories Division) dated December 28, 1979, the Supervisor of the Town of Clarkstown obtained use of premises known as Map 13, Block D, Lot 23.1 located adjacent to the Nanuet Railroad Station in Nanuet, New York, for the use of said premises for parking purposes by commuters using railroad transportation, and

WHEREAS, by said agreement the Town of Clarkstown agreed to the payment of a license fee by reimbursement of the property owner of its property taxes, and

WHEREAS, claim for payment of said sum has been made for the period commencing January 1, 1980 through September 1, 1985;

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized and directed upon receipt of proof consisting of said tax bills assessed against said parcel, to pay all sums due in accordance with said agreement.

Seconded by Supv. Dusanenko

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (761-1985)

POSTPONING PUBLIC HEARING  
RE: SEQRA REVIEW FOR  
FRENCH FARMS PREMISES AND  
AUTHORIZING SUPERINTENDENT  
OF RECREATION AND PARKS TO  
SOLICIT PROPOSALS FOR THE  
DEVELOPMENT OF PROPERTY AT  
FRENCH FARMS, GERMONDS PARK  
AND THE ARCHDIOCESE PROPERTY

Co. Holbrook offered the following resolution:

RESOLVED, that the public hearing scheduled for September 19, 1985, concerning SEQRA review for the planned recreational facilities to be built on premises owned by the Town known as French Farms is hereby postponed without date, and be it

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to solicit proposals for the development of the plan at French Farms, Germonds Park and the Archdiocese property.

Seconded by Co. Carey

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (762-1985)

AUTHORIZING TOWN ATTORNEY  
TO OBTAIN REAL ESTATE  
APPRAISER FOR COMMUTER  
PARKING VICINITY OF KEMMER  
LANE, NANUET, NEW YORK

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain a real estate appraiser with respect to the potential site(s) for commuter parking in the vicinity of Kemmer Lane, Nanuet, New York.

Seconded by Co. Carey

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (763-1985)

AUTHORIZING TOWN ATTORNEY  
TO OBTAIN REAL ESTATE  
APPRAISER FOR COMMUTER  
PARKING VICINITY OF  
SQUADRON BOULEVARD, NEW  
CITY, NEW YORK

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain a real estate appraiser with respect to the potential site(s) for commuter parking in the vicinity of Squadron Boulevard, New City, New York.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (764-1985)

SETTING PUBLIC HEARING FOR  
SPECIAL PERMIT FOR ROCK-  
LAND COUNTY CENTER FOR  
PHYSICALLY HANDICAPPED,  
INC. INTERMEDIATE CARE  
FACILITY

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Center for the Physically Handicapped has petitioned the Town Board for a Special Permit to operate an Intermediate Care Facility for the developmentally disabled, pursuant to the Zoning Ordinance of the Town of Clarkstown for property located at 260 Little Tor Road North, New City, New York, Town of Clarkstown, Rockland County, State of New York;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said ordinance be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on November 26, 1985 at 8:20 P.M., to consider the application relative to said Special Permit and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the Clarkstown Planning Board and the Rockland County Planning Board for report and recommendation, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, the official newspaper of the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*



RESOLUTION NO. (766-1985) Continued

constituting the TOWN BOARD OF THE TOWN OF  
CLARKSTOWN and THE TOWN OF CLARKSTOWN,

Defendants.

-----X

NOW, THEREFORE, be it

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

Seconded by Co. Lettre

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (767-1985)

ACCEPTING ROADS AND RELATED  
IMPROVEMENTS (FEATHERLY  
ACRES SUBDIVISION) -  
FEATHERLY COURT

Co. Maloney 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: LAUD  
CONSTRUCTION CORP. dated June 7, 1984 and November 13, 1984,  
conveying road(s) and other improvements to the Town of Clarkstown  
in a subdivision as shown on Final Plat of Subdivision of Property  
of Featherly Acres filed in the Rockland County Clerk's Office on  
July 16, 1984, in Book 102 at Page 16 as Map No. 5634, as follows:

FEATHERLY Court                      285 L.F.

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 \$1,400.00 is hereby  
accepted, and be it

FURTHER RESOLVED, that the Town Clerk is hereby  
authorized to send a certified copy of this resolution to the  
Superintendent of Highways of the Town of Clarkstown and to the New  
York State Department of Transportation.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (768-1985)

GRANTING CERTIFICATES OF  
REGISTRATION PURSUANT TO  
SECTION 83-65 OF CODE OF  
TOWN OF CLARKSTOWN  
(JAMISONS ASSOCIATES, INC.  
NO. 85-20 AND MICHAEL  
ADDUCE, III NO. 85-18)

Co. Maloney offered the following resolution:

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

RESOLUTION NO. (768-1985) Continued

JAMISONS ASSOCISTES, INC.  
7 Kinderkamack Road  
Montvale, New Jersey 07645

MICHAEL ADDUCE, III  
99 Margetts Road  
Spring Valley, New York 10977

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of  
Registration be issued:

- No. 85-20 Issued to Jamisons Associates, Inc.
- No. 85-18 Issued to Michael Adduce, III

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (769-1985)

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

Co. Lettre offered the following resolution:

RESOLVED, that the authorized expenditure contained in  
Resolution No. 1150 of December 27, 1983, to be paid to Philip  
Furgang, Esq., Special Counsel, be increased by \$20,273.51 to a  
total not to exceed \$79,544.78.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (770-1985)

TRANSFERRING FUNDS BY  
DECREASING AND INCREASING  
VARIOUS HIGHWAY DEPARTMENT  
ACCOUNTS

Co. Holbrook offered the following resolution:

RESOLVED, to transfer the following funds:

<u>AMOUNT</u>	<u>DECREASE</u>	<u>INCREASE</u>
\$ 510	DA 5130-312	DA 5140-379
1,000	DB 5110-385	DB 5110-408
16,000	DB 5110-311	DB 5110-443

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (771-1985)

TRANSFERRING FUNDS BY  
INCREASING AND DECREASING  
VARIOUS APPROPRIATION  
ACCOUNTS (PURCHASING  
DEPARTMENT)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Appropriation Account No. A  
1345-204 by \$223.25 and decrease the following Appropriation Account  
Numbers:

TBM - 9/19/85  
Page 40

RESOLUTION NO. (771-1985) Continued

<u>AMOUNT</u>	<u>APPROPRIATION ACCOUNT</u>
\$57.25	A 1345-328
51.00	A 1345-407
115.00	A 1345-423

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (772-1985)

TRANSFERRING FUNDS BY  
INCREASING ACCOUNT NO. A  
1450-319 (MISC. SUPPLIES)  
AND DECREASING ACCOUNT NO.  
A 1450-219 (ELECTIONS -  
MISC. EQUIPMENT) (TOWN  
CLERK'S OFFICE)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
1450-219 (Elections-Misc. Equipment) and increase Appropriation  
Account No. A 1450-319 (Misc. Supplies) by \$180.00).

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (773-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO.  
1110-327 (TOWN  
JUSTICE-COURTROOM SUPPLIES)  
AND INCREASING ACCOUNT NO.  
A 1110-211 (LAW BOOKS &  
SUPPLEMENTS) (JUSTICE COURT)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
1110-327 (Town Justice-Courtroom Supplies) and increase  
Appropriation Account No. A 1110-211 (Law Books & Supplements) by  
\$500.00.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (774-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
7210-408 (RECREATION AND  
PARKS: BUILDING REPAIRS &  
IMPROVEMENTS) AND  
INCREASING ACCOUNT NO. A  
7210-319 (RECREATION AND  
PARKS: MISCELLANEOUS  
SUPPLIES)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7210-408 (Recreation and Parks: Building Repairs & Improvements) by  
\$1,100.00 and to increase Appropriation Account No. A 7210-319  
(Recreation and Parks: Miscellaneous Supplies) by \$1,100.00 for  
necessary refreshment stand supplies.)

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

TBM - 9/19/85  
Page 41

RESOLUTION NO. (775-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
7140-407 (RECREATION AND  
PARKS: EQUIPMENT REPAIRS)  
AND INCREASING ACCOUNT NO.  
A 7140-386 (RECREATION AND  
PARKS: SALT, CALCIUM  
CHLORIDE)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7140-407 (Recreation and Parks: Equipment Repairs) by \$1,000.00 and  
increase Appropriation Account No. A 7140-386 (Recreation and Parks:  
Salt, Calcium Chloride) by \$1,000.00 for necessary supplies.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (776-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
7310-420 (RECREATION AND  
PARKS: INSURANCE PREMIUMS)  
AND INCREASING ACCOUNT NO.  
A 7141-408 (RECREATION AND  
PARKS: BUILDING REPAIRS &  
IMPROVEMENTS)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7310-420 (Recreation and Parks: Insurance Premiums) by \$3,000.00 and  
increase Appropriation Account No. A 7141-408 (Recreation and Parks:  
Building Repairs & Improvements) by \$3,000.00 for necessary repairs.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (777-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
1420-204 (TOWN  
ATTORNEY-OFFICE MACHINES)  
AND INCREASING ACCOUNT NO.  
A 1420-328 (BOOKS & PUBLICA-  
TIONS) AND INCREASING  
REVENUE ACCOUNT NO.  
01-001081 (MONEY-IN-LIEU-  
OF-TAXES) AND ACCOUNT NO. A  
1420-409 (FEES FOR SERVICES)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
1420-204 (Town Attorney-Office Machines) and increase Appropriation  
Account No. A 1420-328 (Books & Publications) by \$40.25, and be it

FURTHER RESOLVED, to increase Revenue Account No.  
01-001081 (Money-in-Lieu-of-Taxes) and Appropriation Account No. A  
1420-409 (Fees for Services) by \$1,000.00.)

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

TBM -9/19/85  
Page 42

RESOLUTION NO. (778-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
4210-110 (COUNSELING-  
SALARIES) AND INCREASING  
ACCOUNT NO. A 4210-204  
(OFFICE MACHINES)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
4210-110 (Counseling-Salaries) and increase Appropriation Account  
No. A 4210-204 (Office Machines) by \$5,500.00.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (779-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
1345-319 (PURCHASING-MISC.  
SUPPLIES) AND INCREASING  
ACCOUNT NO. A 1345-204  
(OFFICE MACHINES)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
1345-319 (Purchasing-Misc. Supplies) and increase Appropriation  
Account No. A 1345-204 (Office Machines) by \$200.00.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (780-1985)

TRANSFERRING FUNDS BY  
DECREASING REVENUE ACCOUNT  
NO. 01-001081 AND ACCOUNT  
NO. A 1420-409 AND  
DECREASING ACCOUNT NO. A  
1420-204 AND INCREASING  
ACCOUNT NO. A 1420-313  
(TOWN ATTORNEY'S OFFICE)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-001081 and  
Appropriation Account No. A 1420-409 by \$20,000.00; and be it

FURTHER RESOLVED, to decrease Appropriation Account No.  
A 1420-204 and increase Appropriation Account No. A 1420-313 by  
\$200.00.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (781-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
1430-204 (PERSONNEL-OFFICE  
MACHINES) AND INCREASING  
ACCOUNT NO. A 1430-313  
(OFFICE SUPPLIES & PRINTING)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
1430-204 (Personnel-Office Machines) and increase Appropriation  
Account No. A 1430-313 (Office Supplies & Printing) by \$100.00.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

TBM - 9/19/85  
Page 43

RESOLUTION NO. (782-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
1450-219 (ELECTIONS-MISC.  
EQUIPMENT) AND INCREASING  
ACCOUNT NO. A 1450-319  
(MISC. SUPPLIES)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
1450-219 (Elections-Misc. Equipment) and increase Appropriation  
Account No. A 1450-319 (Misc. Supplies) by \$176.77.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (783-1985)

TRANFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
1330-201 (RECEIVER OF  
TAXES-FURNITURE & FIXTURES)  
AND INCREASING ACCOUNT NO.  
A 1330-313 (OFFICE SUPPLIES  
& PRINTING)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
1330-201 (Receiver of Taxes-Furniture & Fixtures) and increase  
Appropriation Account No. A 1330-313 (Office Supplies & Printing) by  
\$11.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (784-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
7210-407 (EQUIPMENT  
REPAIRS) AND INCREASING  
ACCOUNT NO. A 7210-319  
(MISCELLANEOUS SUPPLIES)  
RECREATION AND PARKS

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7210-407 (Equipment Repairs) by \$700.00 and to increase  
Appropriation Account No. A 7210-319 (Miscellaneous Supplies) by  
\$700.00 for necessary supplies.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (785-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
7620-114 (PART-TIME) AND  
INCREASING ACCOUNT NO. A  
7141-111 (OVERTIME)  
RECREATION AND PARKS

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7620-114 (Part-time) by \$1,500.00 and to increase Appropriation  
Account No. A 7141-111 (Overtime) by \$1,500.00 for necessary  
overtime at the community centers.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

TBM - 9/19/85  
Page 44

RESOLUTION NO. (786-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. A  
7210-408 (BUILDING REPAIRS  
& IMPROVEMENTS) AND  
INCREASING ACCOUNT NO. A  
7210-319 (MISCELLANEOUS  
SUPPLIES)

Co. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7210-408 (Building Repairs & Improvements) by \$500.00 and to  
increase Appropriation Account No. A 7210-319 (Miscellaneous  
Supplies) by \$500.00 for necessary supplies.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (787-1985)

TRANSFERRING FUNDS BY  
INCREASING REVENUE ACCOUNT  
NO. 01-003005 (MORTGAGE  
TAX) AND ACCOUNT NO. A  
1220-111 (SUPERVISOR-  
OVERTIME)

Co. Holbrook offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-003005  
(Mortgage Tax) and Appropriation Account No. A 1220-111 (Supervisor-  
Overtime) by \$5,000.00.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (788-1985)

TRANSFERRING FUNDS BY  
DECREASING ACCOUNT NO. B  
3620-203 AND INCREASING B  
3620-313, B 3620-114 AND B  
3620-111

Co. Holbrook offered the following resolution:

RESOLVED, to transfer the following funds:

<u>AMOUNT</u>	<u>DECREASE</u>	<u>INCREASE</u>
\$ 1,500.00	B 3620-203	B 3620-313
\$ 2,500.00	B 3620-203	B 3620-114
\$ 2,844.00	B 3620-203	B 3620-111

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (789-1985)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (JOSEPH G. PRETI)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Joseph G. Preti, 17  
Chestnut Street, Central Nyack, New York as Crossing Guard - Police  
Department - is hereby accepted, effective and retroactive to  
September 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

TBM - 9/19/85  
Page 45

RESOLUTION NO. (790-1985)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (CONNIE O'NEILL)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Connie O'Neill, 20  
Homestead Lane, New City, New York as Crossing Guard - Police  
Department - is hereby accepted, effective and retroactive to  
September 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (791-1985)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (SHARON R.  
ELLISON)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Sharon R. Ellison, 81  
Front Street, Nyack, New York as Crossing Guard - Police Department  
- is hereby accepted, effective and retroactive to September 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (792-1985)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (MARIT TULLY)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Marit Tully, 162 Lake  
Road, Valley Cottage, New York as Crossing Guard - Police Department  
- is hereby accepted, effective and retroactive to September 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (793-1985)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (CATHERINE A.  
REIMER)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Catherine A. Reimer,  
21 South Conger Avenue, Congers, New York as Crossing Guard - Police  
Department - is hereby accepted, effective and retroactive to  
September 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (794-1985)

ACCEPTING RESIGNATION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (ROBERTA FIOLA)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Roberta Fiola, 411  
Centre Avenue, Central Nyack, New York as Crossing Guard - Police  
Department - is hereby accepted, effective and retroactive to  
September 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

TBM - 9/19/85  
Page 46

RESOLUTION NO. (795-1985)

APPOINTING POSITION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (ELIZABETH  
ASPIAZU)

Co. Lettre offered the following resolution:

RESOLVED, that Elizabeth Aspiazu, 266 Cottage Road,  
Valley Cottage, New York is hereby appointed to the position of  
Crossing Guard - Police Department - at the rate of \$5.00 per post  
covered, effective and retroactive to September 16, 1985.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (796-1985)

APPOINTING POSITION OF  
CROSSING GUARD- POLICE  
DEPARTMENT (SANDRA ARCHACKI)

Co. Lettre offered the following resolution:

RESOLVED, that Sandra Archacki, 2A Sunrise Avenue, New  
City, New York is hereby appointed to the position of Crossing Guard  
- Police Department - at the rate of \$5.00 per crossing covered,  
effective and retroactive to September 5, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (797-1985)

APPOINTING POSITION OF  
CROSSING GUARD - POLICE  
DEPARTMENT (GAIL M. MAYHEW)

Co. Lettre offered the following resolution:

RESOLVED, that Gail M. Mayhew, 32 Vine Street, Central  
Nyack, New York is hereby appointed to the position of Crossing  
Guard - Police Department - at the rate of \$5.00 per crossing  
covered, effective and retroactive to September 4, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (798-1985)

APPOINTING POSITION OF  
CROSSING GUARD (SUBSTITUTE)  
- POLICE DEPARTMENT (E.  
NANCY KAROMBA)

Co. Lettre offered the following resolution:

RESOLVED, that E. Nancy Karomba, 304 Front Street, Upper  
Nyack, New York is hereby appointed to the position of Crossing  
Guard (Substitute) - Police Department - at the rate of \$5.00 per  
crossing covered, effective and retroactive to September 5, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (799-1985)

APPOINTING POSITION OF  
CROSSING GUARD (SUBSTITUTE)  
- POLICE DEPARTMENT (GEORGE  
N. GREENWOOD)

Co. Lettre offered the following resolution:

RESOLVED, that George N. Greenwood, 51 Crestwood Drive,  
New City, New York is hereby appointed to the position of Crossing

TBM - 9/19/85  
Page 47

RESOLUTION NO. (799-1985) Continued

Guard (Substitute) - Police Department - at the rate of \$5.00 per crossing covered, effective and retroactive to September 4, 1985.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (800-1985) APPOINTING TO POSITION OF POLICE MATRON, PART-TIME - POLICE DEPARTMENT (KIM MARIE DUTKOSKI)

Co. Lettre offered the following resolution:

RESOLVED, that Kim Marie Dutkoski, 69 Third Street, New City, New York is hereby appointed to the position of Police Matron, part-time - Police Department - at the hourly wage of \$4.50, effective and retroactive to August 19, 1985.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (801-1985) APPOINTING TO POSITION OF POLICE MATRON, PART-TIME -POLICE DEPARTMENT PATRICIA A. McCOY

Co. Lettre offered the following resolution:

RESOLVED, that Patricia A. McCoy, 298 Old Haverstraw Road, Congers, New York is hereby appointed to the position of Police Matron, part-time - Police Department - at the hourly wage of \$4.50, effective and retroactive to August 19, 1985.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (802-1985) RECLASSIFYING POSITION OF SR. STENO TO PRINCIPAL CLERK-STENO - POLICE DEPARTMENT

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on July 29, 1985 that the position of Sr. Steno - Police Department - can be reclassified to the position of Principal Clerk - Steno,

NOW, THEREFORE, be it

RESOLVED, that the position of Principal Clerk-Steno - Police Department - is hereby established, effective and retroactive to September 16, 1985 at Grade 19.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (803-1985) APPOINTING PROVISIONALLY TO POSITION OF PRINCIPAL CLERK-STENO - POLICE DEPARTMENT (IRENE LOTITO)

Co. Lettre offered the following resolution:

TBM - 9/19/85  
Page 48

RESOLUTION NO. (803-1985) Continued

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Irene Lotito, Box D, New City, New York is hereby appointed provisionally to the position of Principal Clerk-Steno - Police Department - at the annual salary of \$20,616.00, effective and retroactive to September 16, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (804-1985)

ACCEPTING RESIGNATION OF  
BUS DRIVER - PART-TIME -  
MINI-TRANS DEPARTMENT (MARK  
BLAISE)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Mark Blaise, 11 Laura Place, Spring Valley, New York as Bus Driver, part-time - Mini-Trans Department - is hereby accepted, effective and retroactive to September 9, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (805-1985)

APPOINTING POSITION OF BUS  
DRIVER - PART-TIME -  
MINI-TRANS DEPARTMENT (JOHN  
T. CUNNINGHAM)

Co. Lettre offered the following resolution:

RESOLVED, that John T. Cunningham, 47 Arlene Court, Pearl River, New York is hereby appointed tdo the position of Bus Driver, part-time - Mini-Trans Department - at the hourly rate of \$6.74, effective September 23, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (806-1985)

ACCEPTING RESIGNATION OF  
SECRETARY (PART-TIME -  
CLARKSTOWN DRUG ABUSE  
PREVENTION COUNCIL (JULIA  
QUAGLIA)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Julia Quaglia, 2 Brookside Drive, Nanuet, New York - Secretary (part-time) - Clarkstown Drug Abuse Prevention Council - is hereby accepted - effective and retroactive to September 14, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (807-1985)

APPOINTING POSITION OF  
COUNSELING AIDE (PART-  
TIME) - COUNSELING CENTER -  
(ROBERT HANRAHAN

Co. Lettre offered the following resolution:

RESOLVED, that Robert Hanrahan, Jeanne Marie Gardens, Apartment 5, Nanuet, New York - is hereby appointed to the position

Continued on Next Page

TBM - 9/19/85  
Page 49

RESOLUTION NO. (807-1985) Continued

of (part-time) Counseling Aide - Counseling Center - at the 1985 hourly rate of \$5.50 - effective and retroactive to September 16, 1985.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (808-1985) ESTABLISHING POSITION OF RECREATION INFORMATION CLERK - PARKS BOARD & RECREATION COMMISSION

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 7, 1985 that the position of Recreation Information Clerk can be established,

NOW, THEREFORE, be it

RESOLVED, that the position of Recreation Information Clerk - Parks Board & Recreation Commission - is hereby established (Grade 15 for 1985) - effective and retroactive to September 16, 1985.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (809-1985) CREATING POSITION OF SENIOR TYPIST - TOWN JUSTICE DEPARTMENT (IN LIEU OF TYPIST AND SENIOR STENOGRAPHER POSITIONS)

Co. Lettre offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on August 13, 1985, that the Senior Typist position in the Town Justice Office can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Typist - Town Justice Department (in lieu of the Typist position encumbered by Judy Rosser and the Senior Stenographer position) - can be created - effective September 23, 1985.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (810-1985) APPOINTING POSITION OF SENIOR TYPIST (PROVISIONAL - PROMOTIONAL) - TOWN JUSTICE DEPARTMENT (JUDY ROSSER)

Co. Lettre offered the following resolution:

RESOLVED, that Judy Rosser, 49 Jolen Drive, New City, New York, is hereby appointed to the position of Senior Typist - (provisional - promotional) - Town Justice Department - at the current 1985 annual salary of \$18,223.00, effective September 23, 1985.

Seconded by Co. Holbrook All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (811-1985)

APPOINTING POSITION OF  
MEMBER - LITTER CONTROL  
BUREAU (TO FILL UNEXPIRED  
TERM OF DENISE DALY)  
(REBECCA KRAUSHAAR)

Co. Lettre offered the following resolution:

RESOLVED, that Rebecca Kraushaar, 6 Woodthrush Drive, West Nyack, New York is hereby appointed to the position of Member - Litter Control Bureau (to fill the unexpired term of Denise Daly) - to serve without compensation - term to commence on September 20, 1985 and to expire on December 31, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (812-1985)

APPOINTING POSITION OF  
MEMBER OF LITTER CONTROL  
BUREAU (TO FILL UNEXPIRED  
TERM OF LORRAINE WEIGOLD) -  
JOHN HAVRISH

Co. Lettre offered the following resolution:

RESOLVED, that John Havrish, 123 Helene Road, Valley Cottage, New York, is hereby appointed to the position of Member - Litter Control Bureau (to fill the unexpired term of Lorraine Weigold) - to serve without compensation - term to commence on September 20, 1985 and to expire on December 31, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (813-1985)

SETTING PUBLIC HEARING RE:  
ABANDONMENT OF PORTION OF  
RIGHT-OF-WAY OF SHERMAN  
AVENUE, CONGERS, NEW YORK

Co. Holbrook offered the following resolution:

WHEREAS, a request has been made by Bard-Rock Corp., and Veteran's Memorial Association, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of right-of-way as shown on a survey entitled, "Survey of portion of Sherman Avenue to be abandoned," by Atzl and Scatassa Associates, P.C., Project No. 1477, dated July 31, 1985, as shown on Schedule "A" attached, has never been opened or used by the public and therefore may be deemed abandoned, and

WHEREAS, said right-of-way appears on the Official Map of the Town of Clarkstown and said applicants have further requested that such allegedly abandoned right-of-way be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portions as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 12th day of November, 1985 at 8:05 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to section 205 of the Highway Law and deletion of same from the Official Map, and be it

TBM - 9/19/85  
Page 51

RESOLUTION NO. (813-1985) Continued

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the Journal News and posted in the manner provided by law, and be it

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

FURTHER RESOLVED, that the applicants shall fulfill the additional requirements of Section 106-32(c) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred (500') feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their report and recommendation, if any.

Seconded by Co. Lettre

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (814-1985)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE SIGNS IN TOWN OF CLARKSTOWN PUT UP IN CONJUNCTION WITH LEAGUE OF LITTER ENDERS

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown had signs placed in the various hamlets within the Town of Clarkstown in conjunction with the League of Litter Enders to support the concept of a litter free environment have as a result of the passage of time and the action of the elements become deteriorated and no longer effective for the purpose intended;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized and directed to remove the signs referred to herein as soon as practicable.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (815-1985)

ACCEPTING MINUTES OF TOWN BOARD MEETINGS OF MAY 28TH, JUNE 25TH, AND THE SPECIAL JOINT TOWN BOARD MEETING OF JUNE 30, 1985 WITH THE VILLAGE OF SPRING VALLEY

Co. Carey offered the following resolution:

RESOLVED, that the minutes of the regular Town Board meetings of May 28th, June 25th, 1985 and the special Joint Town Board meeting with the Town of Clarkstown and the Village of Spring Valley of June 30, 1985 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Holbrook

RESOLUTION NO. (815-1985) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (816-1985)

ACCEPTING PROPSALS FROM  
ORANGE & ROCKLAND  
UTILITIES, INC., FOR STREET  
LIGHTING AT DOXBURY MANOR  
CONDOMINIUMS (HIGHWAY  
AVENUE, CONGERS)

Co. Maloney offered the following resolution:

WHEREAS, the Board of Managers, Doxbury Manor  
Condominiums, P. O. ox 128, Congers, New York has requested the Town  
Board to upgrade existing street lighting and provide additional  
street lighting on Highway Avenue, Congers in the vicinity of the  
Doxbury Manor Condominiums,

NOW, THEREFORE, be it

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

Highway Avenue Congers  
(Remove - (1) 5800 lumen sodium vapor - Pole #1  
Install - (1) 10000 lumen lucalox - pole #1)  
(Install - (1) 9500 lumen sodium vapor - pole #2891)

Ridge Road Congers  
(Remove - (1) 5800 lumen sodium vapor - pole #60  
Install - (1) 9500 lumen sodium vapor - pole #60\_

Route 303 Congers  
(Remove - (1) 12000 lumen mercury vapor - Pole #54/63  
Install - (1) 46000 lumen sodium vapor - Pole #54/63)

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (817-1985)

ACCEPTING PROPOSALS FROM  
ORANGE & ROCKLAND  
UTILITIES, INC., FOR STREET  
LIGHTING AT BELLEVILLE  
DRIVE AND PITKIN LANE,  
VALLEY COTTAGE

Co. Maloney offered the following resolution:

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

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



RESOLUTION NO. (819-1985) Continued

DEMAREST ROAD, NEW CITY,  
NEW YORK (MAP 57, BLOCK J,  
LOT 1)- CHARGE TO ACCOUNT  
NO. 1420-409

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including obtaining the services of an appraiser, title report and survey, in connection with the proposed acquisition of property designated on the Clarkstown Tax Map as Map 57, Block J, Lot 1, situate at the southwest corner of Demarest Road, New City, New York, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1420-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Supervisor said for the record that this is needed but the one previously voted down (Item 68 on the agenda) would probably be better and less expensive and eventually afford all pedestrians, school children, etc. a safe way of crossing over and improve Route 304 with a possible future multi-level parking garage connecting both sides of 304. Since that has been rejected for the third time, the property we are now possibly going to condemn is a business on the south side of 304 which will not have a multi-level parking lot connected to it and not be able to get pedestrians to cross 304 but only safely across Demarest Road but he stated he would still support it. Councilman Holbrook said they would not have to cross Route 304.

\*\*\*\*\*

RESOLUTION NO. (820-1985)

ACCEPTING DEED FOR ROAD  
WIDENING (RISSMEYER  
SUBDIVISION)

Co. Holbrook offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision of RISSMEYER the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along West Clarkstown Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, the Superintendent of Highways and the Town Attorney of the Town of Clarkstown deed dated May 29, 1985, from Karl Rissmeyer gratuitously conveying a strip of land along West Clarkstown Road, New City, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office upon receipt of continuation report of clear title to date of recording.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (821-1985)

AUTHORIZING AND DIRECTING  
SUPERVISOR TO ENTER INTO  
AGREEMENT WITH CHASE  
MANHATTAN BANK, NA TO ACT  
AS FISCAL AGENT FOR CURRENT  
GENERAL PURPOSE SERIAL  
BONDS - CHARGE TO  
APPROPRIATION ACCOUNT NO. A  
9710-409

Co. Maloney offered the following resolution:

RESOLVED, based on the recommendation of Louis J. Profenna, Town Comptroller, that Chase Manhattan Bank, NA is hereby appointed fiscal agent for the current General Purpose Serial Bonds at an annual fee of \$1,250.00 and out-of-pocket expenses,

NOW, THEREFORE, be it

FURTHER RESOLVED, that Supervisor Dusanenko is authorized and directed to enter into an agreement with Chase Manhattan Bank, NA in a form approved by the Town Attorney to obtain such services, and be it

FURTHER RESOLVED, that all proper charges be charged to Appropriation Account No. A 9710-409.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

There was considerable discussion regarding the following resolution as there seemed to be confusion as to placement of signs on trees, rights-of-way and the removal thereof to avoid legal repercussions. The Town Attorney stated that the intention of Chapter 64 is to prohibit the posting of either commercial material or non-commercial material on town-owned property or town-controlled rights-of-way. It does not extend to private property that is behind the designated street line. It could not legally go beyond that line. Supervisor asked if it read "town-owned land or municipal land" and Mr. Costa said "town." Mr. Costa said the law states "public property of the town."

In response to a question from the Supervisor Mr. Longo said he would like to use ten (10) feet as a guideline. Supervisor asked if it was on the inside of a sidewalk then it is is not necessarily in the right-of-way? Councilman Lettre said not necessarily but possibly. Supervisor said do we have an understanding that anything that is on the inside of a sidewalk will not be disturbed? If we do not understand the law how is one going to enforce it? This is not just political signs, it is any and all signs. Supervisor said do we all understand what will be enforced or not, because if not there is going to be a problem.? Supervisor asked what will be done if there is no curb or berm?

Superintendent of Highways said why doesn't the Supervisor's office notify all candidates to check out with their campaign workers where their signs are and let them take this week to fix whatever they have to fix and then we can go in. Where there is no berm or curb it should be ten (10) feet from the edge of pavement. Superintendent of Highways reiterated that he would like the Supervisor's office to notify all candidates that they have a week's grace to do this. Supervisor said he was sure the media present tonight would do a very good job. Supervisor asked if this was on State and County roads as well. It was agreed that it was.

Mrs. Paley asked why were political candidates entitled to a grace period when the law is clear? If it is not clear then clarify it. The signs should be properly placed to begin with and then they will not have to have a grace period to change the improper ones to proper places. She said they did not deserve a grace period - if they are in violation they are in violation.

Supervisor asked why Mrs. Paley did nothing about this until this evening? She asked why the Supervisor called her about political signs and no other types? She said the Litter Control Bureau is supposed to be apolitical but they are finding it very hard to be apolitical. She said, therefore, they deplore any signs and that is why they do not care to give political candidates a grace period. The following form was decided upon.

RESOLUTION NO. (822-1985)

AUTHORIZING HIGHWAY SUPERINTENDENT TO REMOVAL ILLEGAL MATERIALS (SIGNS POSTED UPON RIGHTS-OF-WAY, TREES AND UTILITY POLES)

Co. Lettre offered the following resolution:

WHEREAS, as the result of the recently concluded primary election, as well as the upcoming general election, there has been a proliferation of signs posted upon the Town rights-of-way as well as upon trees and utility poles located thereon, and

WHEREAS, pursuant to Chapter 64 of the Code of the Town of Clarkstown such posting is illegal, and

WHEREAS, pursuant to the aforesaid chapter f the Town Code of the Town of Clarkstown the Superintendent of Highways is authorized to remove any sign which is within ten (10) feet of the curb or pavement and to notify the appropriate parties by registered mail, to pick up signs within four (4) days of notification, billing the offending person for such cost of removal;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized and directed to remove said illegal materials posted in accordance with Chapter 64.

Seconded by Co. Maloney

All voted Aye.

\*\*\*\*\*

Mr. Bernstein said there have been court cases all the way up to the Supreme Court to say that you could not stop someone from putting up realty signs. He said that counsel should be asked to check that decision in the Supreme Court of the United States.

\*\*\*\*\*

RESOLUTION NO. (823-1985)

GRANTING PERMISSION TO CLARKSTOWN HIGHWAY DEPARTMENT TO DISPENSE ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY IN TOWN OF CLARKSTOWN (AMERICAN PUBLIC WORKS EQUIPMENT SHOW)

Co. Maloney offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Highway Department to dispense alcoholic beverages

RESOLUTION NO. (823-1985) Continued

in accordance with and subject to Section 22-2A and 2B of the Town Code at the following event:

American Public Works Equipment Show  
Wednesday, October 2, 1985.

Seconded by Co. Holbrook

All voted Aye.

\*\*\*\*\*

RESOLUTION NO. (824-1985)

DETERMINING THE AMOUNT OF SCHOOL TAX TO BE LEVIED UPON THE REAL PROPERTY FOR EACH SCHOOL DISTRICT IN TOWN OF CLARKSTOWN AND AUTHORIZING ISSUANCE OF TAX WARRANTS FOR APPROPRIATE AMOUNTS TO SCHOOL DISTRICT OFFICIALS

Co. Holbrook offered the following resolution:

RESOLVED, that in accordance with certifications and requests duly made by the below listed school districts in accordance with Section 1307 of the Real Property Tax Law, as amended by the Laws of 1985, the Town Board of the Town of Clarkstown hereby determines that the amount of school tax to be levied upon the real property for each school district or portion thereof in the Town of Clarkstown, in accordance with Subdivision 2 of Section 1307 of the Real Property Tax Law, as follows:

<u>School District</u>	<u>Amount</u>
Clarkstown Central School District	\$40,184,155.75
So. Orangetown Central School Dist.	31,769.23
East Ramapo Central School District	5,332,615.13
Nyack Union Free School District	9,933,391.29
Nanuet Union Free School District	8,314,762.72

and be it

FURTHER RESOLVED, that tax warrants for the amounts listed above shall issue to the appropriate school district officials in accordance with Section 1307(2) of the Real Property Tax Law, and be it

FURTHER RESOLVED, that this resolution is retroactive to August 20, 1985.

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (825-1985)

REAPPOINTING MEMBER OF ZONING BOARD OF APPEALS (JOSEPH MARAIA)

Co. Lettre offered the following resolution:

Continued on Next Page

RESOLUTION NO. (825-1985) Continued

RESOLVED, that Joseph Maraia, 4 Bonnie Lane, New City, New York, is hereby reappointed to the position of Member - Zoning Board of Appeals - at the current 1985 salary of \$1,250.00, term effective and retroactive to June 10, 1985 and to expire on June 9, 1990.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

Supervisor moved a resolution naming Mr. Edward Graybow to position of member of Zoning Board of Appeals but this resolution did not receive a second.

\*\*\*\*\*

Supervisor said there is no further meeting scheduled for September except a tentative one for the 30th which is a Monday evening for the purpose of a budget if it is completed in time.

Supervisor asked Town Attorney if the requests regarding the Sanitation Rules required a Public Hearing. Town Attorney said that would require an amendment to the Local Law in order to implement them. They have not been drafted as yet.

Supervisor inquired about the electrical work in the Rock Salt Storage Dome. He asked Superintendent of Highways is this was ready or not? Superintendent said the two bids received would be evaluated tomorrow.

Mr. Martin Feldi inquired regarding Item No. 19. He said he could not understand the delay. He stated that he has a legal lot and he did not know what he has to do here. Town Attorney said this matter was brought to his attention on Thursday evening by a memo from Department of Environmental Control which questioned the legality of the lot. He said he has not had a chance to review it yet and that was reported to the Town Board and that is why the Town Board deferred it. Mr. Feldi asked if all it would take was the Town Attorney's review and if he found it acceptable could he then build there? Mr. Costa said no resolution was prepared and the conditions were not established with respect to the approval. Mr. Feldi said it has been eleven weeks and Town Attorney said it came to his attention last Thursday.

\*\*\*\*\*

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 10:15 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/19/85

8:50 P.M.

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

RE: AMENDING OFFICIAL MAP OF THE TOWN OF CLARKSTOWN RE:  
PORTION OF NANUET HOMES SUBDIVISION, THOMAS COURT

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

Town Attorney asked that the record show that there is an affidavit of publication from the Journal News indicating that the notice was published as required by law on September 4, 1985. In addition there is an affidavit of posting indicating that Peter Florence of the Building Department posted the area as required by Town Law on September 5, 1985. There is an affidavit of posting by the Town Clerk at various public places in the Town. Notices were sent to residents of record within 500 feet of the property affected.

Supervisor said this hearing was originally scheduled for September 10, 1985 but that was cancelled and it was advertised for the 19th. Would it be proper to pass a resolution changing that date of the public hearing first? Town Attorney said it did not make any difference.

Town Attorney said this was a follow-up on a matter that was left undone for many years. This basically is an effort to bring the Official Map of the Town of Clarkstown into sync with what is actually the fact. In the Notice of Public Hearing which was read by the Town Clerk it is indicated that a planned subdivision was disclaimed quite a number of years ago. However, the Official Map of the Town of Clarkstown had not been changed to remove from the property affected a street known as Thomas Court. The Town on its own motion is moving this to bring the Official Map into sync with the facts as they exist.

Supervisor asked if there was any maps of this area and the Town Attorney said yes. Supervisor said there were some people in the audience who would be interested in seeing what we are talking about. (Maps were brought out and examined.)

Supervisor asked if there was anyone wishing to be heard:

Appearance: Mr. and Mrs. Fresino  
44 Grandview Avenue  
Nanuet, New York 10954

Mr. Fresino said he was concerned whether his property would be affected by this since he has an easement to use Thomas Court for the full length of his property and this is the only way he can get into his driveway. He said he did not want to have Thomas Court deleted. He said he wanted to know if the Town or the owner of the property wishes to have the road deleted? What does the owner wish to do with the property between the two houses?

Town Attorney said that nothing will affect that stub that is next to Mr. Fresino's house. The Public Hearing concerns only that portion of Thomas Court which would lie within Tax Map No. 3 which is one large parcel, part of which serves as parking for the Redeeming Love Christian Center and this would not affect Mr. Fresino's property at all.

Continued on Next Page

AAJ375

Mr. Fresino said he did not understand why they would leave a stub of ground between the part that is to be deleted and Grandview Avenue? That is going to be a dead piece of property. Town Attorney said that still does serve as an emergency access point to that property. They are not taking the road off. They are just deleting that portion which is already disclaimed in 1965. They are not touching what is there now. It is part of Thomas Court right now as is shown on the tax map. What you see will remain. The rest of it was disclaimed 20 years ago. Mr. Fresino wanted to be assured that he would be able to use Thomas Court. Town Attorney said whatever rights he had in his deed would not be affected by tonight's hearing. Town Attorney gave Mr. Fresino repeated assurances that he would not be affected and he would be able to get into his driveway.

Supervisor asked "This Public Hearing is a request to delete which portion of Thomas Court from the Official Map?" Town Attorney said the Supervisor was looking at the tax map and the tax map does not show that portion which is the subject of tonight's hearing. The subdivision map which is also available shows the stub to be deleted. Town Attorney said it is the cul-de-sac on Lot #3 that is being removed. Supervisor asked if this was going to affect Lot 15 or 16.01 which faces Grandview Avenue? Town Attorney said not at all. Supervisor said the Fresinos will not have that portion deleted from their map? Town Attorney said not at all. Supervisor said that will be status quo? Town Attorney said that is correct.

## Appearance:

Mrs. Alice Williamson  
56 North Lexow Avenue  
Nanuet, New York 10954

She said what they are concerned about on North Lexow Avenue is if Thomas Court is deleted from the map whose property does it become then? Town Attorney said the portion of Thomas Court that is to be removed from the Official Map is property that lies wholly within Tax Map No. Lot 3. That property is owned by the owners of the Redeeming Love Christian Center. Mrs. Williamson said if it is owned by them can they make a road? She said this has always been a problem for the people on Grandview Avenue as well as the people on her street. She said that on the Sunday of Labor Day weekend the traffic was allowed out of the emergency entrance which is on Freund Drive. The traffic was horrendous. It was at the time where their first service was leaving and their second service was coming in. They allowed the people to exit on to Freund Drive. They came out of Freund Drive and up Lexow Avenue. The traffic was unbelievable. You would have thought this was a parking lot. The people on this street do not want this. If this belongs to the church can they open this up through Peter Place and make an exit from the church up North Lexow Avenue out to Prospect Street? Town Attorney said his understanding is that the use of that site is controlled by a site plan which limits access except through Route 59 to emergency access only. Unless the Planning Board were to approve of a change in that site plan the answer to the question is no. It would have to go through a public hearing and all surrounding property owners would have to be notified.

Mrs. Williamson said if that is an emergency entrance, which we have papers stating that is the case from Mr. Dusanenko, for use by ambulance, fire department, etc., does the church have the right to allow people to exit from there? Supervisor said some of the neighbors contacted his office after the ruckus there. After discussing this with the pastors of the church that has ceased. Supervisor said he researched the files of the Planning Department and sent them a copy of the resolution which granted site plan approval which the Town Attorney alluded to which said it is only for emergency exit. It was a misunderstanding on that particular day which should not ever happen again. If the chain or gates are cut please report it to the Clarkstown Police.

Continued on Next Page

PH - Amending Official Map - Abandoning Thomas Court, Nanuet  
Page 3

Supervisor asked if there was anyone else wishing to be heard.

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was closed, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk