

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

November 12, 1985

8:04 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Maloney  
Councilman Lettre absent  
Paul Nowicki, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Supervisor declared Town Board Meeting open.

Supervisor opened the Public Portion of the meeting.

Appearance: Lee Pound, President  
Clarkstown CSEA

Mrs. Pound read a prepared statement regarding the early retirement provision for the CSEA employees. She urged the Town board to adopt this proposal.

Appearance: Mr. Malcolm Lauder

Mr. Lauder spoke regarding the filling of the vacancy on the Town Board created by Councilman Holbrook's election to the position of Supervisor. He stated that he was opposed to having Nicholas Longo, current Superintendent of Highways, named to that position. He recommended either Pat Halo or John Lodico.

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On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Abandoning Portion of Sherman Avenue, Congers and Amending the Official Map was opened, time: 8:09 P M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Abandoning Portion of Sherman Avenue, Congers and Amending the Official Map was closed, time: 8:25 P.M.

RESOLUTION NO. (927-1985) ABANDONING SHERMAN AVENUE,  
CONGERS AND AMENDING THE  
OFFICIAL MAP RE SAME

Supv. Dusanenko offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 19th day of September, 1985, provided for a public hearing on the 12th day of November, 1985, at 8:05 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of Sherman Avenue, Congers, New York, as shown and designated on a certain map entitled, "Survey of Portion of Sherman Avenue, to be Abandoned, Town of Clarkstown, Rockland County, New York, July 31, 1985, by Atzl & Scattassa Associates, PC. surveyors and planners," attached as Schedule "A", and

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

NOW, THEREFORE, be it

RESOLVED, that a portion of Sherman Avenue, Congers, as described on the above entitled map is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of

Continued on Next Page

ABE647

RESOLUTION NO. (927-1985) Continued

Sherman Avenue, Congers, as described on the above entitled map, and be it

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

FURTHER RESOLVED, that the minutes of the Planning Board Meeting of October 16, 1985, shall be appended to and filed with this resolution in the Town Clerk's Office.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Proposed Abandonment and Deletion from Official Map of Portion of Foxwood Road, West Nyack, New York, was opened, time: 8:29 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Proposed Abandonment and Deletion from Official Map of Portion of Foxwood Road, West Nyack, New York, was closed, time: 8:35 P.M.

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RESOLUTION NO. (928-1985)

RESERVING DECISION RE:  
ABANDONMENT OF PORTION OF  
FOXWOOD ROAD, WEST NYACK  
AND AMENDING OFFICIAL MAP  
RE SAME

Co. Holbrook offered the following resolution:

RESOLVED, that a Public Hearing was held on November 12, 1985 regarding Abandonment of a Portion of Foxwood Road, West Nyack, and Amending the Official Map re: same and thereafter it was unanimously agreed to RESERVE DECISION.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Local Law No. 6-1985 - Retirement Incentive Program, was declared open, time: 8:36 P.M.

On motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing re: Local Law

No. 6-1985 - Retirement Incentive Program, was declared closed,  
time: 8:40 P.M.

RESOLUTION NO. (929-2985)

ADOPTING LOCAL LAW NO.  
6-1985 ELECTING A  
RETIREMENT INCENTIVE PROGRAM

Co. Holbrook offered the following resolution:

BE IT ENACTED by the Town Board of the Town of  
Clarkstown as follows:

SECTION 1.

The Town of Clarkstown hereby elects to provide all its  
eligible employees with a retirement incentive program authorized by  
Chapter 665, Laws of 1984.

SECTION 2.

The commencement date of the retirement incentive  
program shall be January 1, 1986.

SECTION 3.

The open period, during which eligible employees may  
retire and receive the additional retirement benefit, shall be  
ninety (90) days in length.

SECTION 4.

The actuarial present value of the additional retirement  
benefits payable pursuant to the provisions of this local law shall  
be funded over a five year period. The amount of the annual payment  
in each of the five years shall be determined by the Actuary of New  
York State Employees' Retirement System, and it shall be paid by the  
Town of Clarkstown for each employee who receives the retirement  
benefits payable under this local law.

SECTION 5.

This act shall take effect immediately.

Seconded by Co. Maloney

Supervisor said prior to voting that he appreciated the  
support of his fellow Board members present this evening. This is  
something that Rockland County has done many months ago and other  
communities in Rockland County have done also. This was a long time  
consuming situation where he had to work with CSEA and New York  
State Retirement System in order to get the various window periods.  
He said he was proud of this Town Board in adopting this with enough  
lead time so that those employees who really want to put in now for  
their retirement can do so. He requested that Mrs. Pound tomorrow,  
at her leisure, if she can be relieved from her normal functions,  
prior to our Budget Hearing for Thursday night, give us a better  
idea of those employees who will take advantage of that retirement  
for that first ninety (90) day period so that we can finally adopt  
the 1986 Budget with some better estimates. He stated that some  
people said many months ago that they would take advantage of this  
and then prior to election they were also indicating through others,  
secondhand, that they weren't going to put in for it. If we can  
firm up the number of the 46 individuals who would be eligible for  
it we would appreciate that before Thursday evening.

On roll call the vote was as follows:

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

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ABE647

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted the continuation of the Public Hearing re: High Tor Medical Building, was opened, time: 8:42 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the continuation of the Public Hearing re: High Tor Medical Building, was closed, time: 8:55 P.M.

Mr. Stoller, attorney for the petitioner, stated that there was a typographical error on the legal description of the property. What they have is 50 A 17.01. It should be 12.01. Supervisor noted that we have that on a cover letter.

Councilman Holbrook stated that the comments which have been made warrant the Town Board's looking into this because apparently the zone was changed to LO and he did not know if the Town Board was aware at the time that by changing the zoning they extinguished this covenant. Now we are coming back really to clean that up. Supervisor said that we know that's true and it is a fact now, is that correct?. That is what Mr. Costa alluded to in his report and Mr. Nowicki apprised us of that this evening.

Councilman Holbrook said subsequently the zone south of this property is being developed, too. Supervisor said that is being built as condominium/offices as was mentioned to Mr. Bernstein and that is being done properly and as it was zoned. It is nearing completion.

RESOLUTION NO. (930-1985) RESERVING DECISION RE: AMENDMENT OF RESTRICTIVE COVENANTS RE: HIGH TOR MEDICAL BUILDING

Co. Holbrook offered the following resolution:

RESOLVED, that a Public Hearing was opened on October 22, 1985 regarding the Amendment of Restrictive Covenants re: High Tor Medical Building and said hearing was recessed until November 12, 1985. Hearing was continued on November 12, 1985 and thereafter it was unanimously agreed to RESERVE DECISION.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (931-1985) AUTHORIZING ATTENDANCE AT AMERICAN ARBITRATION ASSOCIATION PROGRAM (JOHN A. COSTA, TOWN ATTORNEY)CHARGE TO ACCOUNT NO. 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that John A. Costa, Town Attorney, is hereby authorized to attend an American Arbitration Association program in Atlanta, Georgia on November 13 and 14, 1985, for the sum of \$315.00 plus travel, lodging and other necessary expenses, and be it

FURTHER RESOLVED, that the expenses for the above shall be charged to Account No. 1010-414.

Seconded by Co. Carey

RESOLUTION NO. (931-1985)

On roll call the vote was as follows:

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

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RESOLUTION NO. (932-1985)

APPOINTING MEMBER OF  
APARTMENT VACANCY RATE  
COMMITTEE (BERNICE GLASS)

Co. Maloney offered the following resolution:

RESOLVED, that the following individual be appointed to  
the Apartment Vacancy Rate Committee:

Bernice Glass  
24 Pine Street  
Nyack, New York 10960

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (933-1985)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #67-1985  
(REROOFING OF CLARKSTOWN  
HIGHWAY DEPARTMENT BARN)

Co. Maloney offered the following resolution:

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

BID #67-1985  
REROOFING OF CLARKSTOWN HIGHWAY DEPARTMENT BARN

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,  
December 5, 1985 at which time bids will be opened and read, and be  
it

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

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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ABE647

RESOLUTION NO. (934-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #4-1986 (CUSTODIAL AND MAINTENANCE SUPPLIES)

Co. Maloney offered the following resolution:

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

BID #4-1986 CUSTODIAL & MAINTENANCE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, December 2, 1985 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (935-1985)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #5-1986 (CRUSHED STONE)

Co. Maloney offered the following resolution:

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

BID #5-1986 CRUSHED STONE

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

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

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (936-1985)

AWARDING BID #65-1985 FOR  
SALE OF SURPLUS/ABANDONED  
VEHICLES (LIBERTY MOTORS,  
INC., JOHN J. GOULD AND  
MARK GOTTENBERG) AND  
AUTHORIZING DIRECTOR OF  
PURCHASING TO READVERTISE  
FOR BIDS FOR BID #65A-1985  
(SALE OF SURPLUS/ABANDONED  
VEHICLES)

Co. Maloney offered the following resolution:

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

BID #65-1985  
SALE OF SURPLUS/ABANDONED VEHICLES

is hereby awarded to:

- (A) Liberty Motors Inc.  
1705 Kennedy Blvd.  
Jersey City, NJ
- (B) John J. Gould  
2 Suffern Lane  
Garnerville, NY 10923
- (C) Mark Gottenberg  
6281-1 Route 32  
Saugerties NY 12477

as per the attached schedule, and be it

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

BID #65A-1985  
SALE OF SURPLUS/ABANDONED VEHICLES

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 2:00 P.M. on Friday, December  
6, 1985 at which time bids will be opened and read, and be it

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

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (937-1985)

AWARDING BID #63-1985 (NEW  
ADULT CARRIER MINI BUS  
(QUALITY BUS SALES &  
SERVICE, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Operations Supervisor of Mini-Trans Department and the Director of  
Purchasing that

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RESOLUTION NO. (937-1985) Continued

BID #63-1985  
NEW 1986 ADULT CARRIER MINI BUS

is hereby awarded to:

Quality Bus Sales & Service, Inc.  
200 Riverside Avenue  
Haverstraw, New York 10927

as per their proposal #2 with the following options:

- a) In line air brake dryer
- b) Air suspension

for the total proposed cost of \$44,767.00, and be it

RESOLVED, that this award is subject to the receipt of a bid bond in the amount of 5% of the above amount.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (938-1985)

REFERRING PETITION FOR  
CHANGE OF ZONE TO  
CLARKSTOWN PLANNING BOARD  
AND ROCKLAND COUNTY  
PLANNING BOARD (DEKA  
CONSTRUCTION CORP.)

Co. Maloney offered the following resolution:

RESOLVED, that the application of Deka Construction Corp. for a change of zoning from LIO District to R-15 District, on property located on easterly side of Harrison Avenue and west of New York Central Railroad, Congers, New York be referred to the Town Planning Board for report within 45 days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (939-1985)

DECREASING APPROPRIATION  
ACCOUNT NO. A 4210-110  
(COUNSELING-SALARIES) AND  
INCREASING APPROPRIATION  
ACCOUNT NO. A 4210-301  
(FOOD) BY \$100.00

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A

RESOLUTION NO. (939-1985) Continued

4210-110 (Counseling-Salaries) and Increase Appropriation Account No. A 4210-301 (Food) by \$100.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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ABE647

RESOLUTION NO. (940-1985)

DECREASING APPROPRIATION ACCOUNT NO. A 7620-424 (ADULT PROGRAMS-CONTRACTUAL EXPENSES) AND INCREASING APPROPRIATION ACCOUNT NO. A 7141-412 (COMMUNITY CENTERS-REFUSE-WINDOW CLEANING) - RECREATION

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7620-424 (Adult Programs-Contractual Expenses) by \$1,000.00 and to increase Appropriation Account No. A 7141-412 (Community Centers-Refuse, Window Cleaning) by \$1,000.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (941-1985)

DECREASING APPROPRIATION ACCOUNT NO. DB 5110-381 (HIGHWAY-BITUMINOUS) AND INCREASING APPROPRIATION ACCOUNT NO. DB 5110-443 (PRIVATE EQUIPMENT RENTAL)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. DB 5110-381 (Highway-Bituminous) and increase Appropriation Account No. DB 5110-443 (Private Equipment Rental) by \$20,000.00

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (942-1985)

INCREASING ACCOUNT NO. B  
3620-438 AND DECREASING  
ACCOUNT NO. B 3620-209  
(BUILDING DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to transfer the following funds:

<u>AMOUNT</u>	<u>DECREASE</u>	<u>INCREASE</u>
\$190.00	B3620-209	B3620-438

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (943-1985)

DECREASING APPROPRIATION  
ACCOUNT NO. A 7130-114  
(SWIMMING FACILITIES-  
PART-TIME) AND INCREASING  
APPROPRIATION ACCOUNT NO. A  
7180-306 (SWIMMING  
FACILITIES-MAINTENANCE  
SUPPLIES) - RECREATION

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7180-114 (Swimming Facilities-Part-time) by \$1,500.00 and to  
increase Appropriation Account No. A 7180-306 (Swimming  
Facilities-Maintenance Supplies) by \$1,500.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (944-1985)

DECREASING APPROPRIATION  
ACCOUNT NO. A 7620-409  
(FEES FOR SERVICES) AND  
INCREASING APPROPRIATION  
ACCOUNT NO. A 7141-111  
(COMMUNITY CENTERS-  
OVERTIME) - RECREATION

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7620-409 (Fees for Services) by \$3,500.00 and to increase  
Appropriation Account No. A 7141-111 (Community Centers-Overtime) by  
\$3,500.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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RESOLUTION NO. (944-1985) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (945-1985)

DECREASING APPROPRIATION  
ACCOUNT NO. A 7310-409  
(YOUTH PROGRAMS-FEES FOR  
SERVICES) AND INCREASING  
APPROPRIATION ACCOUNT NO. A  
7141-114 (COMMUNITY CENTERS-  
PART-TIME) - RECREATION

ABE647

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7310-409 (Youth Programs-Fees for Services) by \$3,000.00 and to  
increase Appropriation Account No. A 7141-114 (Community  
Centers-Part-time) by \$3,000.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (946-1985)

INCREASING APPROPRIATION  
ACCOUNT NO. A 1620-408  
(MAINTENANCE-BLDG. REPAIRS  
& IMPROVEMENTS) AND  
ESTIMATED REVENUE ACCOUNT  
NO. 01-001081 (MONEY-IN-  
LIEU-OF-TAXES)

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. A  
1620-408 (Maintenance-Bldg. Repairs & Improvements) and Estimated  
Revenue Account No. 01-001081 (Money-in-Lieu-of-Taxes) by \$5,000.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (947-1985)

INCREASING APPROPRIATION IN  
CAPITAL NO. 2 ACCOUNT NO. H  
9710-04-409 AND INCREASING  
REVENUE ACCOUNT NO.  
01-001081 (MONEY-IN-LIEU-OF-  
TAXES) AND APPROPRIATION  
ACCOUNT NO. A 9550-910

RESOLUTION NO. (947-1985) Continued (TRANSFER TO CAPITAL FUND) - HIGHWAY

Co. Maloney offered the following resolution:

WHEREAS, \$160,000.00 was appropriated for the Highway Garage Salt Shed, and

WHEREAS, \$161,745.00 was expended for the salt shed,

NOW, THEREFORE, be it

RESOLVED, to increase the Appropriation in Capital No. 2 Account No. H 9710-04-409 by \$1,745.00, and be it

FURTHER RESOLVED, to increase Revenue Account No. 01-001081 (Money-in-Lieu-of-Taxes) and Appropriation Account No. A 9550-910 (Transfer to Capital Fund) by \$1,745.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (948-1985) AMENDING RESOLUTION NO. 631 INCREASING APPROPRIATION ACCOUNT NO. A 3610-409 (EMERGENCY TENANTS PROTECTION COMMITTEE-FEES FOR SERVICES) AND ESTIMATED REVENUE ACCOUNT NO. 01-001081 (MONEY-IN-LIEU-OF TAXES)

Co. Maloney offered the following resolution:

WHEREAS, Town Board Resolution No. 631 dated August 12, 1985 created an Emergency Tenants Protection Committee,

NOW, THEREFORE, be it

RESOLVED, to amend Town Board Resolution No. 631 to increase Appropriation Account No. A 3610-409 (Emergency Tenants Protection Committee-Fees for Services) and Estimated Revenue Account No. 01-001081 (Money-in-Lieu-of-Taxes) by \$1,500.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (949-1985) CHARGING TO ACCOUNT H 9710-13-409 AND INCREASING REVENUE ACCOUNT NO. 01-003005 (MORTGAGE TAX) AND APPROPRIATION ACCOUNT NO. A 9550-910 (TRANSFER TO CAPITAL FUND)



RESOLUTION NO. (951-1985) Continued

Increase Appropriation Account No. A 7141-306 (Community Centers-Maintenance Supplies) by \$500.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (952-1985)

DECREASING APPROPRIATION ACCOUNT NO. A 7620-424 (ADULT PROGRAMS-CONTRACTUAL EXPENSES) AND INCREASING APPROPRIATION ACCOUNT NO. A 7141-306 (COMMUNITY CENTERS- MAINTENANCE SUPPLIES) - RECREATION

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7620-424 (Adult Programs-Contractual Expenses) by \$500.00 and to increase Appropriation Account No. A 7141-306 (Community-Centers-Maintenance Supplies) by \$500.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (953-1985)

INCREASING APPROPRIATION ACCOUNT NO. H 5140-05-409 (SIDEWALKS-MIDDLEWOOD) AND INCREASING REVENUE ACCOUNT NO. 01-003005 (MORTGAGE TAX) AND APPROPRIATION ACCOUNT NO. A 9550-910 (TRANSFER TO CAPITAL FUND)

Co. Maloney offered the following resolution:

WHEREAS, Town Board Resolution No. 901 dated October 22, 1985 resolved that the sum of \$12,000.00 for sidewalks along Middletown Road in the vicinity of Middlewood Senior Citizens Complex, be paid from Capital #2 Fund,

NOW, THEREFORE, be it

RESOLVED, to increase Appropriation Account No. H 5140-05-409 (Sidewalks-Middlewood) by \$11,222.36, 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 \$11,222.36.

Seconded by Co. Holbrook

RESOLUTION NO. (953-1985) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (954-1985)

DECREASING APPROPRIATION  
ACCOUNT NO. A 7310-114  
(YOUTH PROGRAMS-PART-TIME)  
AND INCREASING  
APPROPRIATION ACCOUNT NO. A  
7141-114 (COMMUNITY  
CENTERS-PART-TIME)

AAJ338

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7310-114 (Youth Programs-Part-time) by \$10,000.00 and to increase  
Appropriation Account No. A 7141-114 (Community Centers-Part-time)  
by \$10,000.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (955-1985)

DECREASING APPROPRIATION  
ACCOUNT NO. A 7610-414  
(PROGRAMS FOR AGING-  
CONTRACTUAL EXPENSES) AND  
INCREASING APPROPRIATION  
ACCOUNT NO. A 7141-114  
(COMMUNITY CENTERS-PART-  
TIME)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A  
7610-424 (Programs for Aging-Contractual Expenses) by \$4,000.00 and  
to increase Appropriation Account No. A 7141-114 (Community Centers-  
Part-time) by \$4,000.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (956-1985)

DECREASING APPROPRIATION  
ACCOUNT NO. A 7140-222  
(PARKS & RECREATION  
EQUIPMENT) AND INCREASING  
APPROPRIATION ACCOUNT NO. A

RESOLUTION NO. (956-1985) Continued 7140-306 (MAINTENANCE SUPPLIES)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7140-222 (Park & Recreation Equipment) by \$1,000.00 and to increase Appropriation Account No. A 7140-306 (Maintenance Supplies) by \$1,000.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Holbrook.....Yes
Councilman Maloney.....Yes
Supervisor Dusanenko.....Yes
\*\*\*\*\*

RESOLUTION NO. (957-1985) DECREASING APPROPRIATION ACCOUNT NO. A 1621-209 (CENTRAL WAREHOUSE-OTHER EQUIPMENT) AND INCREASING APPROPRIATION ACCOUNT NO. A 1621-114 (CENTRAL WAREHOUSE PART TIME) (RECREATION)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1621-209 (Central Warehouse-Other Equipment) by \$2,000.00 and to increase Appropriation Account No. A 1621-114 (Central Warehouse Part-time) by \$2,000.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Holbrook.....Yes
Councilman Maloney.....Yes
Supervisor Dusanenko.....Yes
\*\*\*\*\*

RESOLUTION NO. (958-1985) INCREASING APPROPRIATION ACCOUNT A 3120-313 AND DECREASING APPROPRIATION ACCOUNT A 3120-209

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. A 3120-313 by \$1,400.00 and decrease Appropriation Account No. A 3120-209 by the same amount.

Seconded by Co. Holbrook

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Holbrook.....Yes
Councilman Maloney.....Yes
Supervisor Dusanenko.....Yes
\*\*\*\*\*

RESOLUTION NO. (959-1985) DECREASING APPROPRIATION ACCOUNT NO. A 7610-424 (PROGRAM FOR AGING- CONTRACTUAL EXPENSES) AND INCREASING APPROPRIATION

RESOLUTION NO. (959-1985) Continued

ACCOUNT NO. A 7141-424  
(COMMUNITY CENTERS-CONTRACT-  
UAL EXPENSES) (RECREATION)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7610-424 (Program for Aging-Contractual Expenses) by \$1,200.00 and to increase Appropriation Account No. A 7141-424 (Community Centers-Contractual Expenses) by \$1,200.00.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (960-1985)

INCREASING APPROPRIATION  
ACCOUNT NO. B 8110-424  
(CONTRACTUAL EXPENSES) AND  
DECREASING APPROPRIATION  
ACCOUNT NO. B 8110-219  
(MISCELLANEOUS EQUIPMENT)  
(SEWER DEPARTMENT)

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. B 8110-424 (Contractual Expenses) by \$6,000.00 and decrease Appropriation Account No. B 8110-219 (Miscellaneous Equipment) by the same amount.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (961-1985)

INCREASING APPROPRIATION  
ACCOUNT NO. A 1330-313  
(OFFICE SUPPLIES) AND  
DECREASING APPROPRIATION  
ACCOUNT NO. A 1330-407  
(EQUIPMENT REPAIRS)  
(RECEIVER OF TAXES)

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. A 1330-313 (Office Supplies) by \$17.00 and decrease Appropriation Account No. A 1330-407 (Equipment Repairs) by the same amount.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (962-1985)

REFERRING ZONE CHANGE TO  
CLARKSTOWN PLANNING BOARD  
AND ROCKLAND COUNTY  
PLANNING BOARD (LIO TO MF-3  
- GUISEPPE DEPAULIS)

Co. Maloney offered the following resolution:

RESOLVED, that the application of Guiseppe DePaulis for a change of zoning from LIO District to MF-3 District, on property located on the westerly side of Route 303, Congers, New York be referred to the Town Planning Board for report within 45 days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (963-1985)

AUTHORIZING USE OF TOWN LAW  
280-a(2) TO PINE GLEN  
CONSTRUCTION, INC. AND  
MARTIN FELDI (MAP 114-BLOCK  
A-LOTS 30.11 & 30.12)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendations of the Town of Clarkstown Planning Board, Director of the Department of Environmental Control and the Superintendent of Highways, a permit for the erection of two one family residences may be issued to Pine Glen Construction, Inc. and Martin Feldi, as owners, respectively, of property situate on the north side of Holbrook Avenue, Congers, New York, more specifically designated on the Clarkstown Tax map as map 114, Block A, Lots 30.11 and 30.12, provided the owners respectively shall be required prior to issuance of such building permit to each execute and record in the Rockland County Clerk's Office Declaration of Covenants in a form satisfactory to the Town Attorney which shall run with the land which shall provide:

1. That the property owners respectively and irrevocably agree to participate in a road improvement district for any frontage of said premises on any mapped street adjacent to said premises when and if required by the Town of Clarkstown.
2. That said property owners shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owners in the premises or in any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to fifty (50') feet in width.
3. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to a declaration of covenants provided herein.
4. That the Certificate of Occupancy issued for said premises be conditioned upon observance and subject to the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that prior to the issuance of any building permit, the applicants herein shall:



RESOLUTION NO. (964-1985) Continued

FURTHER RESOLVED, that the Town Clerk is directed to send copies of this resolution to the Superintendent of Highways and the New York State Department of Transportation.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (965-1985)

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

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, maintenance bond secured by a passbook in the sum of \$4,800.00 furnished to the Town in connection with dedication of the road(s) and improvements on September 11, 1984, in a subdivision known as BRETTMAN SUBDIVISION is terminated and the sum of \$4,800.00 be released to the guarantor.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (966-1985)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL STOP  
SIGN ON SOUTHERLY END OF  
WESTLYN DRIVE AT PINEVIEW  
AVENUE, BARDONIA

Co. Maloney offered the following resolution:

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

A STOP sign on the southerly end of Westlyn Drive at Pineview Avenue, Bardonia, N.Y.

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. Carey

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (966-1985)

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

\*\*\*\*\*

RESOLUTION NO. (967-1985)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL NO PARKING HERE TO CORNER SIGNS NORTH AND SOUTH SIDES OF QUAKER ROAD 50 FEET FROM LITTLE TOR ROAD, NANUET

Co. Maloney offered the following resolution:

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

NO PARKING HERE TO CORNER signs on the North and South sides of Quaker Road, 50 feet from Little Tor Road, Nanuet, 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. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (968-1985)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGNS ON JERRYS AVENUE, FISHER AVENUE AND FREEMONT AVENUE AT PROSPECT STREET, NANUET AND STOP LINES TO BE PAINTED ON THE ABOVE MENTIONED ROADS

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

STOP SIGNS on Jerrys Avenue, Fisher Avenue and Freemont Avenue at Prospect Street, Nanuet, New York and

We request that the Superintendent of Highways paint STOP lines on the above mentioned road,

and be it

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

ABE647

RESOLUTION NO. (968-1985) Continued

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Holbrook.....	Yes
Councilman Maloney.....	Yes
Supervisor.....	Yes

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RESOLUTION NO. (969-1985)

AUTHORIZING SURVEY OF  
PROPERTY OWNED BY MASCO  
CONGERS CORP. (MAP 127,  
BLOCK D, LOTS 5.01 AND 6.03

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown may acquire as additional parklands property described on the Clarkstown Tax Map as Map 127, Block D, Lots 5.01 and 6.03, contiguous to Congers Lake Recreational facility, and

WHEREAS, an accurate description of the property to be acquired is required;

NOW, THEREFORE, be it

RESOLVED, that Dillin and Sorace Associates, 60 Maple Avenue, New City, New York, is hereby authorized and directed to prepare a survey for the property described above for the sum of \$850.00, and be it

FURTHER RESOLVED, that the sum of \$850.00 is hereby transferred from Money-in-Lieu-of-Land Account to the Parklands Account, and be it

FURTHER RESOLVED, that this resolution is retroactive to October 24, 1985.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (970-1985)

REFERRING PETITION FOR  
CHANGE OF ZONE FROM LIO TO  
MF-2 AND FROM R-22 TO MF-2  
ON PROPERTY LOCATED IN  
VICINITY OF NEW YORK STATE  
HIGHWAY ROUTE 303, WEST  
NYACK (DEMARCO AND HOGAN  
HOLDING COMPANY)

Co. Maloney offered the following resolution:

RESOLVED, that the application of DeMarco and Hogan Holding Company for a change of zoning from Parcel #1 LIO to MF-2 District and Parcel #2 R-22 to MF-2 District, on property located in the vicinity of New York State Highway Route 303, West Nyack be referred to the Town Planning Board for report within 45 days

RESOLUTION NO. (970-1985) Continued

pursuant to section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (971-1985)

RESCHEDULED TOWN BOARD  
MEETING FROM DECEMBER 24,  
1985 TO DECEMBER 31, 1985

ABE647

Co. Maloney offered the following resolution:

WHEREAS, the Town board meeting of December 24, 1985 falls on Christmas Eve, which is a religious holiday,

NOW, THEREFORE, be it

RESOLVED, that the Town Board meeting of December 24, 1985 be rescheduled to December 31, 1985 at 12:00 noon.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (972-1985)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT RE:  
WELL-BRED LOAF, INC.

Co. Holbrook offered the following resolution:

WHEREAS, WELL-BRED LOAF, INC., 200 Brenner Drive, Congers, New York, has applied to the Rockland County Industrial Development Agency for financing of new commercial construction, and

WHEREAS, the New York State Industrial Development Agency Act, General Municipal Law, Real Property Tax Law and other statutes authorize municipalities to enter into agreements for the payment of money-in-lieu-of-taxes to facilitate the financing of industrial projects;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement on behalf of the Town of Clarkstown with the County of Rockland and/or the Rockland County Industrial Development Agency, the Clarkstown Central School District, and Well-Bred Loaf, Inc. and any other necessary parties, which agreement shall be in a form satisfactory to the Town Attorney and shall provide for payment of money-in-lieu-of-taxes.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (972-1985) Continued

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

Supervisor extended a belated welcome to the company and its employees and management.

\*\*\*\*\*

RESOLUTION NO. (973-1985) AUTHORIZING ATTENDANCE AT SEMINAR FOR ACCOUNTANTS COMPUTER SHOW (LOUIS J. PROFENNA) - CHARGE TO APPROPRIATION ACCOUNT NO. A 1010-414 (COUNCILMEN-CONFERENCE & SCHOOLS)

Co. Maloney offered the following resolution:

WHEREAS, Louis J. Profenna, Comptroller, will be attending a seminar on November 25-26, 1985 in New York City for the Accountants Computer Show,

NOW, THEREFORE, be it

RESOLVED, to charge all proper charges to Appropriation Account No. A 1010-414 (Councilmen-Conference & Schools).

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (974-1985) REJECTING ALL PROPOSALS FOR BID # 59-1985 (MOTOR OIL) - PURCHASES OF THIS COMMODITY TO BE MADE FROM CURRENT NEW YORK STATE CONTRACT P 19825

Co. Maloney offered the following resolution:

RESOLVED, that all proposals received for

BID #59-1985  
MOTOR OIL

are hereby rejected and that purchases of this commodity be made from current New York State Contract P 19825.

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (975-1985)

AUTHORIZING ATTENDANCE AT  
COMPUTER TRAINING COURSE AT  
ROCKLAND COMMUNITY COLLEGE  
(PURCHASING DEPARTMENT,  
COUNSELING CENTER AND MINI-  
TRANS DEPARTMENT) - CHARGE  
TO ACCOUNT NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that the staff of the Purchasing Department,  
Counseling Center and Mini-Trans Department are hereby authorized to  
attend a computer training course at Rockland Community College, and  
be it

FURTHER RESOLVED, that cost shall not exceed the sum of  
\$400.00 and be charged to Account No. A 1010-414.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (976-1985)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
LOUIS NARDONE FOR WATER  
SERVICE CHARGES (MAP 141,  
BLOCK B, LOT 15

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown  
is hereby authorized to execute an agreement with Louis Nardone, in  
the form of a Declaration and Covenant which shall run with the  
land, as approved by the Town Attorney, whereby Louis Nardone, or  
his successor(s) in interest shall pay the water service charges of  
Spring Valley Water Company, Inc., rendered yearly to the Town of  
Clarkstown on a per hydrant basis in connection with the dwelling  
units to be located on such property presently owned by Louis  
Nardone in the Hamlet of Congers, now designated on the Clarkstown  
Tax Map as Map 141, Block B, Lot 15, and the Comptroller is hereby  
authorized and directed pursuant to such agreement to provide  
periodic statements to Louis Nardone or the future owner(s) of the  
premises for payment of the water service charges imposed, plus 10%  
as a handling fee, and be it

FURTHER RESOLVED, that should the property be subdivided  
or redesignated into different tax parcels, the amounts to be billed  
shall be prorated against the several tax parcels in accordance with  
the then applicable assessment values.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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ABE647

With regard to the following resolution Supervisor stated that a report had been forwarded from Mr. Ghiazza that after the Kemmer Lane Parking Lot had first been opened there was at most eight or ten cars still car pooling at Germonds Park. He stated that number was now down to two cars. If vans and car pooling takes place at Kemmer then there will be fewer places for the bus people who have to be along that route when car pooling can go on anywhere in the town. Supervisor asked Mr. Ghiazza if he had any suggestions.

Mr. Ghiazza said he had sent a memo regarding the use of a municipal parking lot located on New Lake Road in Valley Cottage near the intersection of Kings Highway which has 89 spaces and is totally underutilized. This is presently maintained by Parks and Recreation.

Supervisor said when people's patterns are altered it does not usually work out because who knows who will utilize a particular service when you do not know how long the service is going to be available. Mr. Ghiazza said this could be a permanent solution because Germonds is only temporary anyway. Germonds could not be used in the spring. The lot in Valley Cottage is paved and lighted and Mr. Ghiazza said we should advertise that as a car pooling lot. It is not used during the week at all.

Supervisor urged all residents in the area to use the Valley Cottage parking lot. He said he would like to see Germonds Park used for a while or at least until we see if there is a reinterest in using it. Perhaps we could put the residents on notice that if it is not used it will be closed rather than closing it and then telling residents we are sorry they can't use it. Supervisor suggested that we give it a trial for the next two weeks, at least.

Councilman Maloney said he felt we should act on Mr. Ghiazza's suggestion immediately as we are paying for security at Germonds to watch maybe two cars. There are people parking there who are not even from Clarkstown.

Supervisor said he was going to abstain to see if we could build up a track record. He thanked Mr. Ghiazza for reminding us about the underutilized Valley Cottage facility. Supervisor said he knows from experience from talking with people in transportation when you change the patterns, and you change the lots and you change the routes you are not building up any credibility with those people who are going to use public transportation or carpooling in the future.

RESOLUTION NO. (977-1985)

TERMINATING CARPOOLING AND  
SECURITY SERVICES AT  
GERMONDS PARK EFFECTIVE  
FRIDAY, NOVEMBER 15, 1985

Co. Maloney offered the following resolution:

WHEREAS, Germonds Park has been used for temporary commuter and carpool parking, and

WHEREAS, the Kemmer Lane Commuter Parking Lot was opened on Friday, November 1, 1985, and

WHEREAS, a very small number of residents have continued to use Germonds Park for carpooling purposes,

NOW, THEREFORE, be it

RESOLVED, that carpooling and security services are hereby terminated at Germonds Park effective Friday, November 15, 1985.

Seconded by Co. Holbrook

Continued on Next Page

RESOLUTION NO. (977-1985) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (978-1985)

SETTING PUBLIC HEARING FOR  
EXTENSION OF CLARKSTOWN  
CONSOLIDATED WATER SUPPLY  
DISTRICT NO. 1 TO  
INCLUDE JOHN MARAIA AND  
JOSEPH MARAIA

Co. Holbrook offered the following resolution:

WHEREAS, a written Petition dated October 16, 1985 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's Office.)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 10th day of December, 1985, at 8:05 P.M. EST time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (979-1985)

AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
STURTZ ENTERPRISES  
(PROPERTY FORMERLY OF  
LAZZARONI SARONNO, LTD.)  
FOR PAYMENT OF  
MONEY-IN-LIEU-OF-TAXES

Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown and other municipalities have entered into an agreement for payment of money-in-lieu-of-taxes with respect to development of property located on Route 303, Congers, New York, with Lazzaroni Saronno, Ltd., and

WHEREAS, Lazzaroni Saronno, Ltd. is about to convey property covered by said agreement to Sturtz Enterprises, and

ABE647

RESOLUTION NO. (979-19850 Continued

WHEREAS, Sturtz Enterprises has informed the Town of Clarkstown of its intention to assume Lazzaroni Saronno, Ltd.'s obligation under said agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown ;is hereby authorized and directed to execute agreements in a form approved by the Town Attorney, which grants permission for assignment of the above referred agreement to Sturtz Enterprises.

Seconded by Co. Maloney

Supervisor extended a welcome to the management and employees of Sturtz Enterprises for revitalizing a previously empty building in the Hamlet of Congers.

On roll call the vote was as follows:

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

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RESOLUTION NO. (980-1985)

AUTHORIZING PAYMENT TO SPECIAL COUNSEL (PHILIP FURGANG)

Co. Holbrook 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 \$878.27 to a total not to exceed \$82,368.17.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (981-1985)

APPOINTING POSITION OF (TEMPORARY) ASSISTANT AUTOMOTIVE MECHANIC- MINI TRANS DEPARTMENT (COVERING LEAVE OF RALPH MOCHI) - ERNEST F. SCHLAUGIES

Co. Holbrook offered the following resolution:

RESOLVED, that Ernest F. Schlaugies, 162 Rose Road, West Nyack, New York is hereby appointed to the position of (temporary) Assistant Automotive Mechanic - Mini Trans Department (to cover the leave of Ralph Mochi) - at the current 1985 annual salary of \$15,348.00, effective and retroactive to November 1, 1985.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (981-1985) Continued

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

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RESOLUTION NO. (982-1985)

APPOINTING TO POSITION OF  
(TEMPORARY) REAL PROPERTY  
DATA COLLECTOR (TRAINEE) -  
ASSESSOR'S OFFICE (COVERING  
LEAVE OF ROSE ROMEO) -  
BARBARA SCHNELL

Co. Maloney offered the following resolution:

RESOLVED, that Barbara Schnell, 138 Cathy Lane, Stony Point, New York, is hereby appointed to the position of (temporary) Real Property Data Collector (Trainee) - Assessor's Office - to cover the leave of absence of Rose Romeo - at the 1985 annual salary of \$11,385.00, effective and retroactive to November 4, 1985.

Seconded by Co. Holbrook

Supervisor said that this employee is going to be hired from the great Town of Stony Point rather than the Town of Clarkstown and there are numerous people in the Town of Clarkstown who would like to have such position if it was brought to their attention who were amply trained as well.

On roll call the vote was as follows:

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

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RESOLUTION NO. (983-1985)

APPOINTING SPECIAL STUDIES  
INTERN - COMPTROLLER'S  
OFFICE (STEVEN CASTRO)

Co. Maloney offered the following resolution:

RESOLVED, that Steven Castro, 270 Kensington Avenue, Norwood, New Jersey, is hereby appointed to serve in a training program as a Special Studies Intern - Comptroller's Office - without compensation - effective and retroactive to November 4, 1985.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (984-1985)

APPOINTING POSITION OF  
DEPUTY TOWN ATTORNEY  
(RONALD E. DECHRISTOFORO)

Co. Maloney offered the following resolution:

ABE647

RESOLUTION NO. (984-1985) Continued

WHEREAS, Ronald E. DeChristoforo, 17 Fairview Avenue, Nanuet, New York, has been appointed to the position of Deputy Town Attorney for the Town of Clarkstown, and

WHEREAS, the effective date of the appointment should have been October 9, 1985, rather than October 23, 1985;

NOW, THEREFORE, be it

RESOLVED, that Ronald E. DeChristoforo's appointment to the position of Deputy Town Attorney is hereby effective and retroactive to October 9, 1985.

Seconded by Co. Holbrook

Supervisor said he either voted "No" or abstained on the appointment of such person at a previous meeting and now, in effect, what this is doing, is bringing that date from October 23, 1985 back to October 9, 1985 so that the person can have more pay prior to even being appointed to that position.

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Holbrook.....Yes
- Councilman Maloney.....Yes
- Supervisor Dusananeko.....Abstain

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RESOLUTION NO. (985-1985)

AUTHORIZING SUPERVISOR TO SIGN DECLARATION OF COVENANTS WITH BRAM ASSOCIATES RE: OPERATION OF LANDFILL (MAP 106, BLOCK A, LOTS 21 AND 22.02)

Co. Maloney offered the following resolution:

WHEREAS, a Special Permit was granted by the Town of Clarkstown for a landfill operation located on Route 59 West Nyack, more particularly described on the Clarkstown Tax Map as Map 106, Block A, Lots 21 and 22.02, subject to certain terms and conditions;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to sign a Declaration of Covenant with BRAM ASSOCIATES, in a form satisfactory to the Town Attorney, concerning the operation of a landfill at the aforesaid location, and be it

FURTHER RESOLVED, that the aforesaid Declaration be recorded in the Rockland County Clerk's Office upon receipt of an Affidavit of Title in a form satisfactory to the Town Attorney.

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (986-1985)

ACCEPTING PROPOSALS FROM  
ORANGE AND ROCKLAND  
UTILITIES, INC., FOR STREET  
LIGHTING AT WOODBINE ROAD,  
NEW CITY

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

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

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

Woodbine Road                      New City  
(Existing pole #59046/41803 - 1 5800 lumen sodium vapor)

Seconded by Co. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (987-1985)

ACCEPTING PROPOSAL FROM  
ORANGE AND ROCKLAND  
UTILITIES, INC., FOR  
ADDITIONAL STREET LIGHTING  
AT GERMONDS PARK

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown Parks Board and Recreation Commission has requested additional lighting to be installed at Germonds Park, Germonds Road, West Nyack, and

WHEREAS, Orange and Rockland Utilities, Inc., submitted a proposal dated October 21, 1985 for additional lighting on Germonds Road, West Nyack, opposite the entrance to the Germonds Park Pool Complex;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the proposal dated October 21, 1985 for additional lighting at Germonds Park, as attached.

Seconded by Co. Holbrook

On roll call the vote was as follows:

Continued on Next Page

ABE647

RESOLUTION NO. (987-1985) Continued

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

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RESOLUTION NO. (988-1985)

AUTHORIZING SUPERVISOR TO  
 SIGN AGREEMENT WITH  
 PLANNING CONSULTANT FIRM OF  
 RAYMOND, PARISH, PINE AND  
 WEINER, INC. (CLINTON  
 SQUARE SHOPPING CENTER

Co. Maloney offered the following resolution:

WHEREAS, Raymond, Parish, Pine and Weiner, Inc., are presently performing planning consultant services for the Town of Clarkstown pursuant to contract entered into on May 12, 1976 and duly extended to provide continuous service up to and including May 14, 1986, and

WHEREAS, the Town Board of the Town of Clarkstown has requested the Planning Consultants to provide professional services related to procedural and technical reviews, assisting the Town in making certain that all requirements of the State Environmental Quality Review Act are met, with respect to a proposed zone change and possible development of a shopping mall at West Nyack, New York, and a proposal dated November 12, 1985 has been submitted to provide compensation for such additional services;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into a contract in a form approved by the Town Attorney, to provide for additional compensation to the firm of Raymond, Parish, Pine and Weiner, Inc., as provided in their proposal of November 12, 1985.

Seconded by Co. Carey

On roll call the vote was as follows:

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

Supervisor said the reason he was abstaining was because he did not know who was working for who and who was paying the bills, etc. It is a little confusing to him.

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RESOLUTION NO. (989-1985)

APPOINTING POSITION OF  
 MEMBER - ZONING BOARD OF  
 APPEALS (JOHN J. FELLA)

Co. Carey offered the following resolution:

RESOLVED, that John J. Fella, 16 Tamar Drive, Valley Cottage, New York - is hereby appointed to the position of Member - Zoning Board of Appeals - at the current 1985 annual salary of \$1,250.00 term effective November 13, 1985 and to expire on November 12, 1990.

Seconded by Co. Maloney

RESOLUTION NO. (989-1985) Continued

On roll call the vote was as follows:

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

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There being no further business to come before the Town Board and no one further wishing to be heard, Supervisor Dusanenko declared the Town Board Meeting closed, time: 9:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

ABE647

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

November 12, 1985

8:09 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Maloney  
Councilman Lettre absent  
Paul Nowicki, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: ABANDONING PORTION OF SHERMAN AVENUE, CONGERS AND AMENDING THE OFFICIAL MAP

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared open.

Supervisor read report from the Town of Clarkstown Planning Board recommending in favor of abandonment but pointing out that the Planning Board is extremely concerned with possible future development of the VMA parcel. The Town Board sees fit to abandon this portion of Sherman Avenue and in order to allow for orderly future development the portion of road to be abandoned shall be included and may be required to be used for a road. Some assurances shall be provided that all properties transferred to the VMA should be included as part of any future development for this property and shall be subject to the agreement between the owners of Liberty Park and VMA for exchange of a portion of Lakewood Avenue.

ABE647

Supervisor asked if there was any certificate of publication for this Public Hearing? Mr. Nowicki stated that he had such certification and the Supervisor requested that the record show same.

Supervisor asked if there was anyone present wishing to represent this petition or speak in favor of it. Councilman Holbrook said this was brought about by a motion of the Town Board. Supervisor said in that case was there anyone wishing to speak in favor of, or against, or raise any questions regarding this?

Appearance: Mr. Kelly Bernard  
13 Lafayette Street  
Spring Valley, New York

Mr. Bernard said he wanted some clarification. He asked if this was a paper street? Supervisor said to the best of his knowledge it was. Mr. Bernard asked who presently owned this street? Mr. Nowicki said if it is a paper street on the official map it is a Town street. Mr. Bernard asked if this property was being transferred to a development corporation? Mr. Nowicki said that was correct. Mr. Bernard asked if they could use this property as part of their development and build houses on it? Mr. Nowicki said he would assume so. Mr. Bernard asked if there was any compensation to the Town for this additional land. Mr. Nowicki said no, the Town is abandoning it.

Councilman Holbrook said they were abandoning the right-of-way over it. It is on the Official Map and so we are taking it off the Official Map. He said the Town does not own the fee to the property. Mr. Bernard said then who owns the actual dirt that is on the ground? Councilman Holbrook said in this particular instance abandonment is involved because there was a swap of land between an individual and the VMA (Veterans Memorial Association of Congers). This is a municipal group which does not want to develop their property and they don't see the reason to have this street on the map. They have asked the Town Board to abandon this street as part of the right-of-way.

Mr. Bernard asked to what use this land would be put? Councilman Holbrook said it would be used for recreational purposes

Continued on Next Page

in perpetuity. Mr. Bernard asked if anyone knew how much acreage is involved. Councilman Holbrook said not exactly, but it is a couple of acres because there is a little league field there and what had been basketball courts. There is a 90 foot diamond on some of the property which is contiguous there.

Mr. Bernard asked if the VMA had property adjacent to this road? Councilman Holbrook said the other side had already been developed or is in the process of being developed. This is simply something that has been supported by the VMA of Congers and involved a swap of land involving another individual working for the benefit of the VMA and another individual. This street was merely on the Official Map and the VMA has no intention of developing this piece of property and that is the reason for this hearing - to take it off the map. Councilman Holbrook stated that we cannot give away Town property. Mr. Bernard said that Town property is being abandoned. Councilman Holbrook said it is the right-of-way.

Mr. Bernard said he did not want to be difficult but does the VMA own land adjacent to this land at present? Councilman Holbrook said they do. Mr. Bernard said and so they are going to add this piece -- Councilman Holbrook said they are going to add this in return for giving a developer a piece of land somewhere else. Mr. Bernard said he tried to find a map of this area in the Town Clerk's office and there was none attached to the papers. He said, therefore, he had difficulty in getting a clear picture and he was still not clear. He asked did he understand correctly that the landowners on one side of the paper street are picking up the abandoned street? Councilman Holbrook said he was not sure about that but that the motion here was supported by the Congers VMA. It is not giving people any land. It is merely making an accommodation and taking a road off the map. The VMA has no intention of developing the parcel.

Mr. Bernard said he wanted it understood that he was not here in opposition. He just wanted to understand and he is still not sure that he does understand.

Mr. Nowicki said this is basically just to take this off the Official Map. It is not a street. Councilman Holbrook said the exchange of land will be between an individual and the VMA. Mr. Bernard said normally if there is a street there are people who own land on either side of the street. It may be one person who owns all the land around there or maybe different people. He asked did the VMA have advantage over other adjacent landowners to pick up the abandoned street? He wanted to know if there is any ruling in the Town?

Councilman Holbrook asked Mr. Byman, the President of the VMA, to explain the VMA's exact position on this. He said the VMA is strongly in favor of the abandonment of Sherman Avenue. Councilman Holbrook asked who owned the land over which this road is now. Mr. Byman said if the road is abandoned, half of it will belong to the VMA - half will belong to the builder. The builder has made an agreement with the VMA to turn his half over to the VMA. The VMA can then use that piece to enhance the ballfield thereby making it more beneficial to the youth of the community. Mr. Bernard asked Mr. Byman the width of this piece? He was given the answer of fifty feet. Mr. Bernard said then in other words twenty-five feet will go to the VMA and twenty-five feet will go to the builder who has agreed to give his twenty-five feet to the VMA.

Supervisor said if the Town owns the property, as has been the case during several like situations in the last six years, the Town could abandon it but still it can't be used by anyone for any purposes if the Town owns it in fee and then we would go to an auction or some other means of disposition. We are led to believe in this case that the Town does not own any interest in the land other than it being a mapped street and that half the land would revert to

the VMA, half the land to the builder and then they would do a swap so the builder can get an extra lot at the south end of the ballfield rather than adjacent to the ballfield.

Mr. Bernard asked what determines if the Town owns the land and the Supervisor said usually a title search. Councilman Holbrook said this is a Boston Improvement Company street which goes back to the 1890's and there is a question of title. The best we can determine is that the Town has no interest in the fee, as the Supervisor said, so that the VMA has one half and the developer has the other half. The Town Board said this appeared to be common sense in developing this area or in having not developed it.

Appearance: Mr. Secor  
13 Sherman Avenue  
Congers, New York

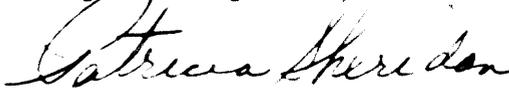
Mr. Secor stated that he happens to live on Sherman Avenue. He wanted to know what would happen to the one hundred foot road frontage that he has where the builder left off paving the road.

At this point there was discussion in which a map of the area was studied. Supervisor said it would not affect anything from Lakeward Avenue south to Congers Road.

Mr. Secor asked what would happen to the remaining portion of the road. Is it going to be paved or what? Councilman Holbrook said if another home is developed and they become part of a potential road improvement district, the developer would have to restore whatever damage he may have done to the road. Hopefully, somewhere along the line the developer may be encouraged to pave the road. That might be asking a little too much but if you take a look at Sherman Avenue it is a pretty rocky road and perhaps the developer would make some improvements there when and if he develops some of the other pieces there. Mr. Secor said the road as it is now is dangerous and it is a bad situation down there. Councilman Holbrook said they are well aware of that and hopefully there will be improvements in the future.

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

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

ABE647

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall  
P.M.

11/12/85

8:29

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Maloney  
Councilman Lettre absent  
Paul Nowicki, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: PROPOSED ABANDONMENT AND DELETION FROM OFFICIAL MAP OF PORTION  
OF FOXWOOD WOOD, WEST NYACK, NEW YORK

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

Supervisor asked if Mr. Nowicki had anything to add to that and Mr. Nowicki said that negative recommendations had been received from the Department of Environmental Control and the Planning Board. He said the Planning Board was against it because it would create a lot that could be subdivided into two lots and also because it would create two irregularly shaped lots and would remove some fifty feet of frontage from one of the lots.

Mr. Nowicki said the consideration should be \$2,500.00 instead of \$1,500.00 if there is to be the transfer of property.

Councilman Holbrook asked what benefit this would be to the Town? Mr. Nowicki said according to the Planning Board there isn't any and they are opposed to the transfer.

Supervisor said the Town now owns it in fee and Mr. Nowicki said that is correct and this is a transfer for consideration. Supervisor said if the Town chooses to abandon it, it removes the liability from itself because there has been a lot of accidents on that piece of property. Mr. Nowicki said that would be one benefit. Supervisor said it could also be sold to an adjacent property owner at a fair price. It would then be up to the ZBA or the Planning Board, if someone wishes to pursue it and if not this person, if they do not do any additional building or subdivision on that lot it would add to their bulk and their privacy. It would put it back on the tax rolls.

Supervisor said on the negative side the Planning Board is recommending against this, fearful that someone may come in under a hardship sometime in the future and have another affordable building lot in Clarkstown. Mr. Nowicki said there is also the possibility of sight distance problem which might occur if there is another building constructed there.

Supervisor asked if there was anyone wishing to speak in favor of or in opposition to this request.

Appearance: James Cobb, Esq.  
Attorney for the Petitioner

Mr. Cobb said they have been pursuing this matter for a few years now. He said they have been in contact with Mr. Nowicki and were unaware of the Planning Board recommendation. He said he would like to point out that there are benefits to the Town in that the property will be taxed and any future action would have to be brought before the Planning Board for approval.

Supervisor said that this family has also been recipient of a lot of other negatives against themselves. Is that correct? He was answered in the affirmative. Supervisor said the family is most concerned about purchasing it so they can protect themselves on all sides. Mr. Cobb said they are worried about trespassing on

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their property. Supervisor asked if they had any plans to subdivide this property? Mr. Cobb said they had no firm plans as of now. Supervisor said that would be up to the Zoning Board of Appeals or the Planning Board anyway at a later point in time.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was declared closed, time: 8:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

95

Town Hall

11/12/85

8:36 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Maloney  
Councilman Lettre absent  
Paul Nowicki, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: LOCAL LAW ENTITLED, "LOCAL LAW NO. 6-1985 ELECTING A RETIREMENT  
INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 665 OF THE LAWS OF  
1984

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

Supervisor stated that there was a letter from Lee Pound, President of the Clarkstown CSEA, supporting this program. He said there was also a letter from Pat Masioli, New York State CSEA. He went on to state that there is a window period that was addressed of ninety (90) days to take place for any employee who wants to retire starting January 1, 1986 for the next ninety days.

Councilman Holbrook asked if they would have to declare during that period and the Supervisor answered in the affirmative.

Supervisor asked if there was anyone wishing to speak regarding this and Mr. Masioli said that he thought it would be very productive for the Town and would open up avenues for promotion from within. A number of these people are in Tier I which is a great burden to the structure of this Town. New people would go into a different pension system, Tier III, which is contributory. It rewards those who have given years of service to the community and it is a way of saying thanks. It is a one shot deal and if they fall within that period that is fine. He strongly urged the Town Board to adopt this.

There being no one further wishing to be heard, on motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted the Public Hearing was declared closed, time: 8:40 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

ABE647

TOWN OF CLARKSTOWN  
 CONTINUATION OF PUBLIC HEARING RE: HIGH TOR MEDICAL BUILDING  
 (ORIGINALLY OPENED ON October 22, 1985)

Town Hall

11/12/85

8:42 P.M.

Present: Supervisor Dusanenko  
 Councilmen Carey, Holbrook, Maloney  
 Councilman Lettre absent  
 Paul Nowicki, Deputy Town Attorney  
 Patricia Sheridan, Town Clerk

On motion of Councilman Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was continued having originally been opened on October 22, 1985.

Town Clerk explained that this public hearing was to remove the restrictive covenants which made this building exclusively a medical building and to allow this to become a professional office building permitting accountants or other types of offices. Supervisor said he believed that this building belongs to the family of the late Dr. Sullivan and it is the settlement of an estate. The family is requesting us to do this so that they may have an easier time selling this facility and disposing of the estate for the widow and the heirs.

Supervisor asked what the recommendation of the Town Attorney was and Mr. Nowicki said it was to remove the restrictive covenant because it serves no purpose with the present zoning. This covenant is redundant because the LO zone changed covers to what the restrictive covenant had then so it is really unnecessary.

Supervisor asked if there was anyone who wished to be heard regarding this.

Appearance: Dr. Steven Haber  
 4 Blue Jay Circle  
 New City, New York 10956

Dr. Haber said he resides across from the premises in question. He wanted to know if any professional can now be in offices in the location where this building is? Supervisor asked Mr. Nowicki to answer the question. Mr. Nowicki said this property is presently zoned LO. Dr. Haber said he received a letter telling him of this hearing and the way it was worded is quite different from the way it is worded in the agenda tonight. What he received stated that they were asking for a variance or a change from medical office space to professional office space which means not just doctors but others. Is the current zoning such that if the building were put up today they would not have any trouble putting in other than doctors in this building?

Supervisor said the second part of Dr. Haber's question was answered by Mr. Nowicki saying that it was superfluous. This has a covenant to which they would not have to adhere if they came in now as a new applicant .

Dr. Haber said as a resident in the area his neighbors and himself are concerned with the commercialization of this end of town. There is a rather large piece of property across the street from this piece of property that is owned by Mr. Yale Rapkin which is still farm land. There is additional professional office space going up just south of this property immediately adjacent to it and it is an eyesore. It is not a very nice development of the property and having moved into the area looking for a residential community for himself and his children we are distressed over the changes occurring which are leading more and more to commercialization.

Mr. Nowicki said it is really a fait accompli - the zone was changed to LO which allows office type use and all we are doing tonight is removing this restriction which as a matter of fact was removed by the zone change. Dr. Haber said up to this point, in actuality, this has been strictly a medical arts building and has not been professional office space other than doctors. We are now going to, by removing this covenant, take away all obstacles to them putting other than doctors in the building.

Continued on Next Page

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Mr. Nowicki said that is not correct. When the zone was changed that's when it changed to what uses the property could be put. Supervisor said this is just making the covenant conform to the zone. Mr. Nowicki said that was exactly right.

Dr. Haber asked how large a piece of property on this area does the zoning cover? He said he is in an R-40 area. What is the other side of North Main Street and how big a piece of property? He said apparently there is a covenant that existed from before the zoning was changed and they are bound to it. Otherwise they wouldn't be here.

Councilman Holbrook said someone would not be asking for something if they had it already. Dr. Haber said it is not even a hardship case where they are not making money on the building or something like that. They are looking to make profit by selling this building as part of settling the estate and make it more sellable but it is going to be at the expense of the people in the area should the new purchaser decide to put businesses into this building.

Supervisor said what Councilman Holbrook stated is correct - that this covenant existed prior to the change in zone which happened a long time ago. Now, this would only make it consistent with the zoning that is actually there right now.

Mr. Nowicki said the covenant itself said it would expire if the zone was changed which it was so it is just formalizing what the covenant provided for itself anyway.

Dr. Haber said he understood but was still very much against the changes in this area.

Supervisor said that Mr. Rapkin's property is all zoned 1/3 acre or 1/2 acre, or whatever. There was a subdivision basically planned out. If you look at the Town zoning map you will see many cul-de-sac islands. Even though this Town Board has not had any input into it while he (the Supervisor) has been here these past six years there's basically an approved subdivision for all of that land to the south. Supervisor suggested that Dr. Haber visit the Planning Office to see how those roads will be. It is not going to remain farmland but Mr. Rapkin is under an agricultural exemption at this time and is using some of it for farming purposes and developing others in due time. That zone is already in place. Whether it has been filed or not is something else. If you look at the Planning Map you will see all of those streets. So you are going to have lots of new residential neighbors to the south.

Dr. Haber said he was against the commercial neighbors and that is why he is very much against this kind of an approval of change of building that is now medical.

Supervisor reiterated that Mr. Nowicki said that this would make it consistent with the existing zone. Mr. Nowicki also said that covenant really expired when the zone was changed on that facility. All we are doing is cleaning up the paper work, plain and simple.

Supervisor asked Mr. Andrew Stoller to enlighten us. Mr. Stoller stated that he was the attorney for the applicant. Basically the nature of the relief being requested here is a little bit different than we had originally applied for. When the original application was made it was in the nature of a modification of the covenants. We hadn't completely analyzed the covenant that existed. The Town Attorney's office felt that modification of the covenant was akin to a zone change so that you had to go through a public hearing requirement, referral to the Planning Board and the like. Subsequently, the Town Attorney and Mr. Stoller had an opportunity to analyze the covenant and the existing factual situation with the zoning in the area and it was the consensus that in fact the covenant had expired and basically all we are doing here is cleaning up loose ends so we have a recordable

Continued on Next Page

instrument that is filed and cancels out what has actually been done. This is not in the nature of a discretionary act but more of a ministerial or pro forma just to clean up the loose ends and to acknowledge what actually has taken place. Supervisor said this is to clarify what might be nebulous to some other people.

Appearance: Mr. Martin Bernstein  
New City, New York

Mr. Bernstein said he believed that when this was originally built at that time it was a residential zoning. It was felt that they were willing to allow this building to be there on the basis that it would be strictly for medical services feeling that medical services possibly belonged in a residential area. If it so that when the zone changed there was no point to it then there is no need, if that is what is says in the original restrictive covenants. Is that phrase in the restrictive covenants? Mr. Nowicki said it reads that the aforesaid covenant shall run with the land and expire at such time only as said premises described may be placed in another use district. Mr. Bernstein said do you mean if it was in any other use district it would have taken out that restrictive covenant - even if it was turned into a residential zone or any other? Mr. Nowicki said that is what it says.

Mr. Bernstein said he is very concerned if that is the case that this board changed the zoning to LO a little while ago with the Master Plan because that was done to the property south of it and now there is an office building going in there. Supervisor said they were condominium offices. Mr. Bernstien said there is really no difference as far as the use. Condominium or rental office it is still offices. It is commercial use. Now, what is happening in northern New City? The next step will be that Yale Rapkin will come into this Board and ask for the land on the east side of Main Street to be zoned commercial for offices too. It is the right thing to do. He said now the chickens are coming home to roost. He said it looked like there was not too much happening when you zoned in the Master Plan and the Zoning Ordinance. You went ahead and you allowed this. He wanted to know what the Planning Board's recommendation on this is.

Supervisor said the Planning Board's recommendation to the Town Board reads as follows:

"The Planning Board has no objection to the requested amendment to the restrictive covenant but recommends that the uses be limited to those permitted in the PO zone rather than the LO zone since the parcel cannot meet the requirements of an LO zone. An LO zone allows for more intensive uses. It is respectfully recommended as a condition of the Town Board approval the entrance/exit shall be upgraded to provide for an improved and safer access and the two parking lots be connected in the front yard so that vehicles can circle the building in an orderly manner."

Mr. Bernstein says that according to what was just said that doesn't matter because it is an LO zone. We can't even do that. Is that right? According to counsel we can't even put that restriction in at this point?

Mr. Nowicki said the restriction itself expires by its own terms. Mr. Bernstein said then what the Planning Board recommends does not apply either. Is that what you are saying? Mr. Nowicki said not really. Mr. Bernstein said the Town Board should be held responsible for the fact that the changes were made and he can see in the next five years northern New City is not going to look like it has looked in the past or it looks at the present time.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 8:35 P.M.

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

ABE647