

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

219

Town Hall

4/22/86

8:00 P.M.

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

Supervisor called Town Board Meeting to order.
Assemblage saluted the Flag.

Supervisor opened the Public Portion of the meeting.

Appearance: Mr. Paul Carucci
Scott Drive
New City, New York 10956

Mr. Carucci spoke regarding Item #26 (parking signs on Scott Drive) as far as the residents who live on the street there being allowed to park during the day without getting ticketed.)

Supervisor said he had spoken with the school administration with a view to either creating additional parking, giving permits to park to the residents, etc. Hopefully, by next fall the school district will have addressed this situation so that we can begin to repeal some of those signs. Supervisor stated that he would try to get some answers for Mr. Carucci and get back to him within a reasonable time.

Appearance: Mr. John Lodico
Birch Drive
New City, New York 10956

Mr. Lodico said he felt certain capital projects could be done in house, especially road widening, as he thought we had sufficient manpower and equipment. He said our equipment was comparable to many outside contractors doing business in New York State. Mr. Lodico spoke regarding the widening of Red Hill Road in New City in particular.

Supervisor stated that this matter had already been on the agenda but that he would gladly see that it is put on the agenda for the May 8th workshop.

Appearance: Mr. Mark DeMartini
Scott Drive
New City, New York

Mr. DeMartini spoke regarding the parking problem on Scott Drive. He mentioned that he has a handicapped son who requires numerous therapists, etc., coming and going to and from the house. He also has a father-in-law with health problems and this also necessitates home visits from various other medical professionals. He felt something should be done for the residents on Scott Drive.

Supervisor said he would speak to the Police Chief about having this matter come up before the Police Commission so that we can address these concerns.

Councilman Carey said they would bring the matter up at the next Police Commission meeting.

Appearance: Mr. Joseph Pantano
South Little Tor Road
New City, New York 10956

Mr. Pantano spoke regarding the placing of signs on the town rights-of-way. He stated that he wanted them removed as they are in violation of the Code of the Town of Clarkstown.

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Supervisor stated that he would look into this matter and if the signs are within the town right-of-way they would be removed by the Superintendent of Highways.

Appearance: Mr. John Totani
4 Ash Road
Bardonia, New York 10954

Mr. Totani spoke regarding the storm sewers on Bardonia Road in Bardonia. He would like these corrected before there is a serious accident along there.

RESOLUTION NO. (386-1986) ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT COUNTRY RIDGE,
VALLEY COTTAGE

Co. Maloney offered the following resolution:

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

Subdivision Name	Hamlet
Country Ridge	Valley Cottage

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (387-1986) AUTHORIZING ALLOCATION OF
COMMUNITY DEVELOPMENT
FUNDS (ROCKLAND FAMILY
SHELTER)

Co. Nowicki offered the following resolution:

WHEREAS, in the 1985 Community Development Program, the Town of Clarkstown allocated the sum of \$3,333.00 for renovation of a building owned by the Rockland Family Shelter, Inc. The Consortium had also allocated the sum of \$30,000.00 for this project as a Consortium-wide activity, and

WHEREAS, the County of Rockland's Office of Community Development has awarded the contract for said activity and is requesting the Town Board to reprogram the sum of \$3,333.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the allocation of \$3,333.00 for the renovation of a building owned by the Rockland Family Shelter, Inc.

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (387-1986) Continued

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (388-1986)

REFERRING PETITION OF
FREIHOFER BAKING COMPANY
TO PLANNING BOARD AND
PLANNING CONSULTANT

Co. Carey offered the following resolution:

RESOLVED, that the petition of Charles Freihofer Baking Company, Inc., for a variance pursuant to Local Law No. 7-1985 (Route 59 Corridor Moratorium Law) be referred to the Planning Board and the Town Planning Consultant, RPPW, Inc., for report and recommendation on or before May 8, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (389-1986)

GRANTING APPROVAL TO NYACK
LION'S CLUB TO HOLD TURKEY
SHOOT

Co. Maloney offered the following resolution:

WHEREAS, the Nyack Lion's Club of Nyack, New York has requested the consideration of the Town Board of the Town of Clarkstown to hold a Turkey Shoot as a fund raiser for their organization, and

WHEREAS, the proposed Turkey Shoot is to be held on September 7, 14, 21 and 28, 1986, on the property of Charles Christian on Route 9W;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants approval to the Nyack Lion's Club to hold a Turkey Shoot on the dates specified, and be it

FURTHER RESOLVED, that the Chief of Police of the Town of Clarkstown shall be notified of the time and place of each Turkey Shoot.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (390-1986)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
(RONCA V. ZONING BOARD OF
TOWN OF CLARKSTOWN)

Co. Nowicki offered the following resolution:

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

JULIA RONCA,

Petitioner,

-against-

DR. DAVID KRAUSHAAR, ELIZABETH J. SQUILLACE,
JOHN FELLA, PENNY LEONARD, CATHERINE McDOUGALL,
WILLIAM NIEHAUS, JOSEPH MARAIA, constituting the
ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN,

Respondents.

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

NOW, THEREFORE, be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (391-1986)

AWARDING BID FOR BID
#26-1986 (BITUMINOUS
MATERIALS (NEW YORK
BITUMINOUS PRODUCTS)

Co. Maloney offered the following resolution:

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

BID #26-1986
BITUMINOUS MATERIALS

is hereby awarded to:

NEW YORK BITUMINOUS PRODUCTS
Route 17M & Oxford Road
P.O. Box 900
Chester, New York 10918

as per attached list of prices.

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

Seconded by Co. Nowicki

RESOLUTION NO. (391-1986) Continued

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (392-1986)

AWARDING BID FOR BID #27
(CARPETING OF TOWN
SUPERVISOR'S OFFICES (T &
T CARPET CLEANERS

Co. Maloney offered the following resolution:

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

BID #27-1986
CARPETING OF TOWN SUPERVISOR'S OFFICES
TOWN HALL

is hereby awarded to

T & T CARPET CLEAMERS
38 East Street
West Nyack, New York 10994

at a proposal cost of \$6,950.00, and be it

FURTHER RESOLVED, that this award is subject to the
receipt of a Certificate of Liability Insurance, naming the Town as
an additional insured, and a Certificate of Workers Compensation
coverage.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (393-1986)

AWARDING BID FOR BID #
28-1986 TWO (2) FOUR WHEEL
DRIVE TRUCKS WITH SNOW
PLOW AND SALT/SAND
SPREADER (JOHN J. KING OF
MONROE)

Co. Maloney offered the following resolution:

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

BID #28-1986
TWO (2) FOUR WHEEL DRIVE TRUCKS
EQUIPPED WITH SNOW PLOW & SALT/SAND SPREADER

is hereby awarded to

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RESOLUTION NO. (393-1986) Continued

JOHN J. KING OF MONROE
P.O. Box 235
Monroe, New York 10950

as per proposed cost of \$75,970.00 each - Total \$151,940.00.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (394-1986)

AWARDING BID FOR BID
#29-1986 - CHEMICALS (DUSO
CHEMICALS, HALBRO CONTROL,
JERSEY CHEMICAL CO., JONES
CHEMICAL CO., QUICK
CHEMICAL AND UNIVERSAL
CHEMICALS, INC.

Co. Maloney offered the following resolution:

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

BID #29-1986
CHEMICALS

is hereby awarded to:

DUSO CHEMICALS
P.O. Box 665
Poughkeepsie, New York 12602

HALBRO CONTROL
2090 Route 110
Farmingdale, New York 11735

JERSEY CHEMICAL CO.
P.O. Box 542
Patterson, New Jersey 07524

JONES CHEMICAL CO.
P.O. Box 280
Warwick, New York 10990

QUICK CHEMICAL
200 Winston Drive
Cliffside Park, New Jersey 07010

UNIVERSAL CHEMICALS, INC.
100 Hackensack Avenue
South Kearny, New Jersey 07032

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (395-1986)

DECREASING APPROPRIATION
ACCOUNT S 5182-424 AND
INCREASING APPROPRIATION
ACCOUNT S 5182-319 AND
APPROPRIATION ACCOUNT S
5182-111 (STREET LIGHTS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account S 5182-424 by \$203.00 and increase Appropriation Account S 5182-319 by \$87.00 and Appropriation Account S 5182-111 by \$116.00.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (396-1986)

DECREASING APPROPRIATION
ACCOUNT A 8160-212
(DUPLICATING EQUIPMENT)
AND INCREASING
APPROPRIATION ACCOUNT A
8160-301 (FOOD) (SANITARY
LANDFILL)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 8160-212 (Duplicating Equipment) by \$348.00 and increase Appropriation Account A 8160-301 (Food) by \$348.00.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (397-1986)

AUTHORIZING PAYMENT TO
MARGARETANN RIES,
SECRETARY TO BOARD OF
APPEALS FOR PREPARATION OF
TRANSCRIPTS (OLSEN V.
BOARD OF APPEALS AND RONCA
V. BOARD OF APPEALS) -
CHARGE TO ACCOUNT NO. A
1420-409

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$1,185.25 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcripts required in the following Supreme Court proceedings:

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RESOLUTION NO. (397-1986) Continued

HELEN M. OLSEN v. BOARD OF APPEALS

JULIA RONCA v. BOARD OF APPEALS

NOW, THEREFORE, be it

FURTHER RESOLVED, that the above sum is to be charged to
Account No. A 1420-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (398-1986)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
(KALLEN V. PLANNING BOARD
AND BUILDING INSPECTOR)

Co. Maloney offered the following resolution:

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

In the Matter of the Application of
EDWARD P. KALLEN and ELIZABETH KALLEN,
Petitioners,

for a judgment pursuant to Article 78 of the Civil
Practice Law and Rules

-against-

RICHARD J. PARIS, RUDOLPH J. YACYSHYN, JOSEPH
CENTRA, ROBERT CUNNINGHAM, WILLIAM NEST, ANN MARIE
SMITH and HAROLD SCHWEITZER, constituting the
Planning Board of the Town of Clarkstown, GERALD
D. COLUCCI, Building Inspector, and 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (399-1986)

GRANTING PERMISSION FOR
USE OF TOWN HALL SOUTH
PARKING LOT ON MEMORIAL
DAY (WILLIAM E. DEBEVOISE,
JR. POST OF AMERICAN
LEGION)

Co. Maloney offered the following resolution:

RESOLVED, that the William E. DeBevoise, Jr. Post of the American Legion be permitted to use the Town Hall south parking lot on Monday, May 26th, 1986 for the distribution of refreshments after the Memorial Day Parade and Services. The hours of use would be from 8:00 a.m. to 12:00 Noon.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (400-1986)

ACCEPTING CONSERVATION
EASEMENT (NARLAN
DEVELOPMENT CORP.)

Co. Nowicki offered the following resolution:

RESOLVED, that upon the recommendation of the Town Attorney, and in accordance with a proposed subdivision plat entitled "Narlan Development Corp." prepared by Jack D. Boswell, a Conservation Easement affecting portions of Lots 2, 3, 4, and 5 on said subdivision map to be filed is hereby accepted and ordered recorded in the Rockland County Clerk's Office retroactive to April 16, 1986, and be it

FURTHER RESOLVED, that the Town of Clarkstown hereby accepts the Conservation Easement and the Supervisor is hereby authorized to sign said easement.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (401-1986)

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

Co. Maloney 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 \$119.51 to a total not to exceed \$91,630.42.

Seconded by Co. Nowicki

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RESOLUTION NO. (401-1986) Continued

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (402-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONSENT
DETERMINATION (C & A
CARBONE, INC.)

Co. Maloney offered the following resolution:

WHEREAS, BY Charges and Specifications served on or about February 26, 1986, C & A Carbone, Inc., a corporation licensed and engaged in business of garbage removal in the Town of Clarkstown was charged with violation of Section 63-10(C) of the Town Code of the Town of Clarkstown for alleged dumping of garbage, rubbish, and debris into the Town of Clarkstown Sanitary Landfill without special permission of the Town Board on two occasions when said garbage, rubbish, and debris was collected outside of the Town of Clarkstown, and

WHEREAS, a public hearing was scheduled for April 16, 1986, at 8:00 P.M., pursuant to Town Law and the Town Code of the Town of Clarkstown to inquire into said allegations, and

WHEREAS, the attorney for the Respondent's and the Respondent have offered to enter into a Consent Determination in lieu of such fact finding hearing being held whereby the Respondent would admit the essential Allegations of Specification No. 1, consent to the imposition of a civil penalty of \$3,750.00, payable on or before May 1, 1986, and further consent to the imposition of a one year period of suspension of the Respondent's right to use the Clarkstown Sanitary Landfill provided that said suspension be deferred upon the condition that the Respondent's commit no further violations of the Town Code during the period May 1, 1986 through April 30, 1987, or in lieu thereof, upon conviction or adjudication of such violation committed during said period such deferred suspension shall be revoked and Respondents, in addition to any other penalties or convictions it may suffer, shall be barred from the use of the Clarkstown Sanitary Landfill for the period of one year, and

WHEREAS, the Town Attorney recommends acceptance of the offer to this Consent Determination;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a Consent determination pursuant to the terms and conditions set forth above in a form approved by the Town Attorney, or in lieu thereof the public hearing originally scheduled for April 16, 1986 at 8:00 P.M., is hereby rescheduled for May 14, 1986, at 8:00 P.M. in Room 311, 10 Maple Avenue, New City, New York.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (403-1986)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING (240A
ASSOCIATION, INC. V.
PLANNING BOARD OF TOWN OF
CLARKSTOWN)

Co. Maloney offered the following resolution:

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

240A ASSOCIATION, INC.,

Petitioner,

-against-

PLANNING BOARD OF THE TOWN OF CLARKSTOWN,

Respondent.

NOW, THEREFORE, be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (404-1986)

ACCEPTING DEED (BRENNER -
SOUTH MAIN STREET, NEW
CITY, NEW YORK)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department
of Environmental Control and the Town Attorney of the Town of
Clarkstown, deed dated February 13, 1986, from Arlene Brenner and
Robert Brenner gratuitously conveying a strip of land along South
Main Street, 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. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (405-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT FOR
SERVICES OF CONSULTANT TO
BUILDING DEPARTMENT
(ARTHUR CONKLIN)

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RESOLUTION NO. (405-1986) Continued

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is authorized to enter into a contract in a form approved by the Town Attorney to obtain the services of Arthur Conklin as a consultant in the Building Department at a rate of compensation not to exceed \$10.00 per hour, nor more than twenty hours per week for a term not to exceed one month.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (406-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID #22-1986
(REFUSE PICK-UP SERVICE)

Co. Maloney offered the following resolution:

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

BID #22-1986
REFUSE PICK-UP SERVICE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, May 19, 1986 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (407-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID #40-1986
(FIREWORKS DISPLAY)

Co. Maloney offered the following resolution:

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

BID #40-1986
FIREWORKS DISPLAY

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RESOLUTION NO. (407-1986) Continued

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, May 20, 1986 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (408-1986)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID # 41-1986 (HELICALLY CORRUGATED ALUMINUM CULVERT PIPE) - HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #41-1986
HELICALLY CORRUGATED ALUMINUM CULVERT PIPE

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, May 22, 1986 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (409-1986)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #42-1986 (RIVETED CORRUGATED ALUMINUM CULVERT PIPE) - HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #42-1986
RIVETED COURRUGATED ALUMINUM CULVERT PIPE

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RESOLUTION NO. (409-1986) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Thursday, May 22, 1986 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (410-1986)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #43-1986 (HELICALLY CORRUGATED STEEL CULVERT PIPE) - HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #43-1986
HELICALLY CORRUGATED STEEL CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, May 23, 1986 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (411-1986)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #44-1986 (RIVETED CORRUGATED STEEL CULVERT PIPE) - HIGHWAY DEPARTMENT

Co. Maloney offered the following resolution:

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

RESOLUTION NO. (411-1986) Continued

BID #44-1986
RIVETED CORRUGATED STEEL CULVERT PIPE

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, May 23, 1986 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (412-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID #45-1986
(ALUMINIZED STEEL TYPE 2
CULVERT PIPE) - HIGHWAY
DEPARTMENT

Co. Maloney offered the following resolution:

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

BID #45-1986
ALUMINIZED STEEL TYPE 2 CULVERT PIPE

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 Wednesday, May 28, 1986 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (413-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID #46-1986
(CAST IRON CURB INLETS,
CATCH BASINS, ET AL)

Co. Maloney offered the following resolution:

Continued on Next Page

ABE209

RESOLUTION NO. (413-1986) Continued

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

BID #46-1986
CAST IRON CURB INLETS, CATCH BASINS, ET AL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Monday, June 2, 1986 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. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (414-1986)

AUTHORIZING ATTENDANCE AT
H.O. PENN CAT ENGINE
SCHOOL (SMITH AND
PASSARELLA) - CHARGE TO
APPROPRIATION ACCOUNT NO.
A 1010-414

Co. Nowicki offered the following resolution:

RESOLVED, that Edward Smith and Joseph Passarella, Automotive Mechanic-Body Repairers, are hereby authorized to attend H.O. Penn Cat Engine School to be held on May 20th through May 23rd, 1986, in Armonk, New York and not to exceed \$350 per person, and be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (415-1986)

ACCEPTING DECLARATION OF
COVENANT - MASCO CONGERS
CORP. (ZBA APPEAL NO.
1898) - MAP 126, BLOCK C,
LOTS 12.02, 6, 11.02,
12.0102, 11.07 AND PART OF
LOT 12 AND 12.0101

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (415-1986) Continued

WHEREAS, Masco Congers Corp. petitioned the Zoning Board of Appeals of the Town of Clarkstown (Appeal No. 1898) for approval to construct two one-family dwellings on premises identified on the Clarkstown Tax Map as Map 126, Block C, Lots 12.02, 6, 11.02, 12.0102, 11.07 and part of Lot 12 and 12.0101, and

WHEREAS, pursuant to the authority contained in Town Law, Section 280-a, the Zoning Board of Appeals authorized the issuance of two building permits for the construction of two one-family residences subject to further subdivision approval and upon the recommendation that a Declaration of Covenant be recorded in the Rockland County Clerk's Office subjecting the property owners and its successors to the conditions imposed;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Town Attorney the Declaration of Covenant dated April 8, 1986, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Lettre

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (416-1986)

ACCEPTING DEED FOR ROAD
WIDENING (MASCO CONGERS
CORP.) ZBA APPEAL NO. 1898
(LENOX ESTATES - BERGSTOL)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval with regard to a subdivision to be known as Lenox Estates, formerly Appeal No. 1898 under Masco Congers Corp. before the Zoning Board of Appeals, the Town of Clarkstown requested a deed for road widening purposes along Lenox Avenue, Congers, New York, together with a utility easement for highway purposes;

NOW, THEREFORE, be it

RESOLVED, that deed dated January 23, 1986, from ERIC BERGSTOL and KENNETH BERGSTOL to the Town of Clarkstown is hereby accepted upon the recommendation of the Dept. of Environmental Control and Town Attorney of the Town of Clarkstown 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

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

ABE209

RESOLUTION NO. (417-1986)

SETTING PUBLIC HEARING RE:
AMENDMENT TO ZONING
ORDINANCE OF TOWN OF
CLARKSTOWN (HOME
OCCUPATION)

Co. Maloney offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 27th day of May, 1986 at 8:10 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-3(B) of the Zoning Ordinance of the Town of Clarkstown to read as follows:

"HOME OCCUPATION - a profession or other occupation not otherwise permitted in the district which is carried on as an accessory use on a residential lot by one (1) or more members of the family residing on the premises, and which in R Districts conforms to the following additional restrictions:

(1) The profession or other occupation shall be carried on wholly within a completely enclosed building.

(2) Not more than one-half (1/2) the floor area of the principal building, or an equivalent area elsewhere, is so used.

(3) No more than one (1) employee, agent, person or stockholder, not a resident, shall be employed or otherwise engaged in such "home occupation "

(4) There shall be no exterior display or exterior sign, except as permitted in uses for R Districts, no exterior storage of materials and equipment, and no other exterior indication of such "home occupation" or variation from the residential character of the principal building.

In particular, a "home occupation" includes but is not limited to art studio; dressmaking; licensed home care provider for not more than six (6) children; teacher with musical or dancing instruction limited to a single pupil at a time; contractor's office; or professional office or studio of a physician, dentist, author, artist, musician, lawyer, engineer, architect, realtor or accountant; but does not include animal hospital, automotive repair service, barbershop, beauty parlor, restaurant, tearoom or tavern."

and be it

FURTHER RESOLVED, that the above proposed amendment(s) be referred to the Clarkstown Planning Board and Rockland County Planning Board for their recommendations and report, 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 Planning Consultant for the Town of Clarkstown is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

Continued on Next Page

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RESOLUTION NO. (417-1986) Continued

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown 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, as aforesaid, and file proof thereof in the Office of the said Clerk.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (418-1986)

AUTHORIZING ATTENDANCE AT
NYSTC ANNUAL CONFERENCE
(PATRICIA SHERIDAN) -
APPROPRIATION ACCOUNT A
1010-414

Co. Nowicki offered the following resolution:

RESOLVED, that Patricia Sheridan, Town Clerk is hereby authorized to attend NYSTC ANNUAL CONFERENCE 1986 to be held at Americana Inn from April 27-30, and all proper charges and registration fees be charged to Appropriation Account # A 1010-414.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (419-1986)

ACCEPTING MINUTES OF TOWN
BOARD MEETING OF MARCH 25,
1986

Co. Maloney offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting of March 25, 1986 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

ABE209

RESOLUTION NO. (420-1986)

ACCEPTING PROPOSAL FROM
ORANGE & ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT GERMONDS PARK,
WEST NYACK

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 April 14, 1986 for an additional light at Germonds Park,

WHEREAS, Edward J. Ghiazza, Superintendent of Recreation and Parks has reviewed this proposal and is in agreement with the additional lighting as proposed,

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 the proposal dated April 14, 1986 for additional lighting at Germonds Park, as attached.

Seconded by Co. Nowicki

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (421-1986)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT CONGERS LAKE
PARK, CONGERS

Co. Nowicki offered the following resolution:

WHEREAS, the Town of Clarkstown Parks Board and Recreation Commission has requested an upgrade of existing lighting as well as the installation of additional lighting at Congers Lake Park, Gilchrist Road, Congers, and

WHEREAS, Orange and Rockland Utilities, Inc., submitted a proposal dated April 14, 1986 for improved lighting at Congers Lake Park, and

WHEREAS, Edward J. Ghiazza, Superintendent of Recreation and Parks has reviewed this proposal and is in agreement with the lighting as proposed,

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 the proposal dated April 14, 1986 for improved lighting at Congers Lake Park, as attached at a total annual fuel cost savings of \$679.80 to the Clarkstown Consolidated Lighting District.

Seconded by Co. Maloney

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RESOLUTION NO. (421-1986) Continued

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (422-2986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING SIGNS" BOTH SIDES MARK LANE FROM SCOTT DRIVE TO WOODSIDE DRIVE, NEW CITY

Co. Lettre 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, 8:00 A.M. - 4:00 P.M. Monday - Friday" signs on both sides of Mark Lane from Scott Drive to Woodside Drive,

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John O'Sullivan, for implementation.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (423-1986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN INTERSECTION OF PIPETOWN HILL AND PASCACK ROAD, SPRING VALLEY

Co. Lettre 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

Replace the YIELD sign with a STOP sign at the intersection of Pipetown Hill and Pascack Road, Spring Valley, New York,

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John O'Sullivan, for implementation.

Seconded by Co. Carey

ABE209

RESOLUTION NO. (423-1986) Continued

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (424-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL NO
PARKING BETWEEN SIGNS EAST
AND WEST OF #142 WEST
NYACK ROAD, WEST NYACK

Co. Lettre 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 Between Signs" with left and right
arrows signs. These to be erected 10 feet east
and west of #142 West Nyack Road, West Nyack, New
York

and be it

FURTHER RESOLVED, that the Town Clerk be directed to
forward copies of this resolution to the Superintendent of Highways,
John O'Sullivan, for implementation.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (425-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL NO
PARKING SIGNS BOTH SIDES
LONGMEADOW DRIVE FROM
STERLING PLACE AND WEST
SIDE OF ETHEL DRIVE, NEW
CITY

Co. Lettre offered the following resolution:

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

"No Parking 8:00 A.M. - 4:00 P.M. Monday - Friday"
signs on both sides of Longmeadow Drive, New City
from where the present signs end to Sterling Place
and on the west side of Ethel Drive (entire length
of the dedicated portion),

and be it

RESOLUTION NO. (425-1986) Continued

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John O'Sullivan, for implementation.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (426-1986)

REAPPOINTING MEMBER OF
CONSUMER AFFAIRS
COMMISSION (IRENE SACCEDE)

Co. Nowicki offered the following resolution:

RESOLVED, that Irene Saccede, 11 Windmill Lane, New City, New York, is hereby reappointed to the position of Member - Consumer Affairs Commission - to serve without compensation - term effective and retroactive to April 5, 1986 and to expire on April 4, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (427-1986)

REAPPOINTING CHAIRMAN AND
ADULT RESIDENT MEMBER -
YOUTH COMMISSION (THOMAS
MANNING)

Co. Nowicki offered the following resolution:

RESOLVED, that Thomas Manning, 18 Esther Avenue, Congers, New York, is hereby reappointed to the position of Chairman and Adult Resident Member - Youth Commission - at the 1986 annual salary of \$1.00, term effective and retroactive to April 13, 1986 and to expire on April 12, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (428-1986)

ACCEPTING RESIGNATION OF
ASSESSOR (ROSS VALENZA)

ABE209

RESOLUTION NO. (428-1986) Continued

RESOLVED, that the resignation of Ross Valenza, 88 Main Street, Nyack, New York - Assessor B - is hereby accepted - with regret - effective July 2, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (429-1986)

APPOINTING (PROVISIONAL)
ASSISTANT BUILDING
INSPECTOR - BUILDING
DEPARTMENT (GEORGE TRUMPER)

Co. Nowicki offered the following resolution:

RESOLVED, that George Trumper, 23 Williams Avenue, Spring Valley, New York - is hereby appointed to the position of (provisional) Assistant Building Inspector - Building Department - at the current 1986 annual salary of \$17,739.00, effective April 28, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (430-1986)

CREATING POSITION OF
SENIOR RECREATION LEADER -
PARKS BOARD AND RECREATION
COMMISSION

Co. Nowicki offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on April 8, 1986 that the position of Senior Recreation Leader - Parks Board and Recreation Commission - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Recreation Leader - Parks Board and Recreation Commission - is hereby created - effective April 23, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (431-1986)

CREATING POSITION OF
AUTOMOTIVE MECHANIC - TOWN
HIGHWAY DEPARTMENT

Co. Nowicki offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 12, 1986 that the position of Automotive Mechanic - Town Highway Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Automotive Mechanic - Town Highway Department - is hereby created - effective April 23, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (432-1986)

APPOINTING (PROVISIONALLY)
ENVIRONMENTAL CONTROL
SUPERVISOR (OPERATIONS)
(GERALD F. BRICKWOOD)

Co. Nowicki offered the following resolution:

RESOLVED, that Gerald F. Brickwood, 7 Frost Lane, Cornwall, New York, is hereby appointed provisionally to the position of Environmental Control Supervisor (Operations) Department of Environmental Control - at the current 1986 annual salary of \$30,203.00, effective April 28, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (433-1986)

APPOINTING (PROVISIONALLY)
MAINTENANCE SUPERVISOR
(SEWERS) (JOHN F. FAY)

Co. Nowicki offered the following resolution:

RESOLVED, that John F. Fay, 39 Vermont Avenue, Congers, New York, is hereby appointed provisionally to the position of Maintenance Supervisor (Sewers) - at the current 1986 annual salary of \$29,772.00, effective April 28, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

ABE209

RESOLUTION NO. (433-1986) Continued

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (434-1986)

APPOINTING POSITION OF
JUSTICE COURT CLERK (JOANN
M. GEARY)

Co. Nowicki offered the following resolution:

RESOLVED, that Joann M. Geary, 102 Old Haverstraw Road, Congers, New York, is hereby appointed to the position of Justice Court Clerk - Town Justice Department - at the current 1986 annual salary of \$23,000.00, effective May 19, 1986.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (435-1986)

AMENDING RESOLUTION NO.
350-1986 AND AUTHORIZING
DIRECTOR OF PURCHASING TO
ADVERTISE FOR BIDS FOR BID
#37-1986 (DEMOLITION OF
BUILDINGS AT DAVENPORT
PRESERVE PARK)

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution No. 350-1986 is hereby amended to read:

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

BID #37-1986
DEMOLITION OF BUILDINGS AT DAVENPORT PRESERVE PARK

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, May 29, 1986 at which time bids will be opened and read, and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (436-1986)

GRANTING CERTIFICATES OF
REGISTRATION TO HENRY
SMITH, INC. - (86-16);
JOHN FEHSAL - (86-9); AND
STRAWTOWN BUILDERS, INC.
(86-8)

Co. Maloney offered the following resolution:

WHEREAS, the following Contractors have applied for
Certificates of Registration for the calendar year 1986 pursuant to
Section 83-65 of the Code of the Town of Clarkstown:

HENRY SMITH, INC.
P.O. Box 24
Monsey, New York 10952

STRAWTOWN BUILDERS, INC.
d/b/a/ BY-DYMANIC EQUIPMENT
311 Strawtown Road
New City, New York 10956

JOHN FEHSAL
RD 1 Thiells Road
Stony Point, New York 10980

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of
Registration be issued:

No. 86-8 issued to Strawtown Builders, Inc.

No. 86-9 issued to John Fehsal

No. 86-16 issued to Henry Smith, Inc.

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (437-1986)

REQUESTING COMMISSIONER OF
MENTAL RETARDATION AND
DEVELOPMENTAL DISABILITIES
NOT TO ESTABLISH COMMUNITY
RESIDENCE AT 40 LAKEWOOD
DRIVE, CONGERS

Co. Lettre offered the following resolution:

WHEREAS, the Town Board has received notice pursuant to
Section 41.34 dated March 17, 1986, from the Executive Director of
Saint Dominic's Home, of the intention to establish a Community
Resident for emotionally handicapped persons at 40 Lakewood Drive,
Congers, New York, and

WHEREAS, the Town Board held a Public Informational
Meeting into this matter on April 10, 1986, and

WHEREAS, as a result of the Public Informational Meeting
it has come to light that there are two other community group home
facilities already in the Hamlet of Congers, and, therefore,
establishment of a third community residence could result in
saturation as referred to in Section 41.34 of the Mental Hygiene Law;

NOW, THEREFORE, be it

ABE209

RESOLUTION NO. (437-1986) Continued

RESOLVED, that the Town Board hereby requests that the Commissioner of Mental Retardation and Developmental Disabilities not issue a permit to establish a Community Residence at 40 Lakewood Drive, Congers, New York, until such time as a hearing has been held to determine if saturation exists, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded by the Town Clerk to the Commissioner of Mental Retardation and Developmental Disabilities and to the Executive Director of Saint Dominic's Home.

Seconded by Co. Carey

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (438-1986)

AUTHORIZING PAYMENT OF SETTLEMENT OF CLAIM (WILLIAM CLARK - FORMER SERGEANT OF CLARKSTOWN POLICE DEPARTMENT AND AUTHORIZING SUPERVISOR TO EXECUTE STIPULATION OF AGREEMENT

Co. Maloney offered the following resolution:

RESOLVED, that William Clark, former Sergeant of the Clarkstown Police Department, be paid the sum of \$16,000.00 in settlement of a claim brought under the collective bargaining agreement between the Town of Clarkstown and the Rockland County Patrolemens Benevolent Association, subject to the prior execution by William Clark of a general release from any and all claims and causes of action which William Clark may have against the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a Stipulation of Agreement on behalf of the Town consistent with this resolution.

Seconded by Co. Carey

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Councilman Nowicki.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (439-1986)

ISSUING CERTIFICATE OF REGISTRATION TO TRAVCON, INC./VINCENT JAMES TRAVAGLINI (NO. 86-19)

Co. Maloney offered the following resolution:

WHEREAS, Travcon, Inc. has applied for a Certificate of Registration for the calendar year 1986 pursuant to Section 83-65 of the Code of the Town of Clarkstown;

RESOLUTION NO. (439-1986) Continued

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued to Travcon, Inc. retroactive to April 22, 1986 subject to receipt in the Town Attorney's Office of the proper insurance documents:

No. 86-19 issued to:

Travcon, Inc./Vincent James Travaglino
370 Kings Highway
Valley Cottage, New York 10989

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Installation of Public Telephone in Vicinity of Clarkstown Commuter Parking Lot, Kemmer Lane, Nanuet, was opened, time: 8:45 P.M.

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Installation of Public Telephone in Vicinity of Clarkstown Commuter Parking Lot, Kemmer Lane, Nanuet, was closed, RESOLUTION ADOPTED, time: 8:46 P.M.

RESOLUTION NO. (440-1986)

AUTHORIZING INSTALLATION
OF PUBLIC TELEPHONE BY THE
NEW YORK TELEPHONE COMPANY
AT KEMMER LANE PARKING
FACILITY, NANUET

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on March 25, 1986, provided for a public hearing on the 22nd day of April 22, 1986 at 8:05 P.M., to consider the proposal of Charles E. Holbrook, Supervisor, to have the New York Telephone Company install a public telephone on public property in the vicinity of the Clarkstown commuter parking lot located on Kemmer Lane, Nanuet, New York, and

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

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the New York Telephone Company to install a public telephone at the location mentioned above, subject and conditional upon the New York Telephone Company entering into a franchise agreement with the Town of Clarkstown providing for a franchise fee for such use, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute the franchise agreement on behalf of the Town in a form satisfactory to the Town Attorney.

ABE209

RESOLUTION NO. (440-1986) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amending Section 106-10(A) of the Table of General Use Regulations for an LIO District - Column 6, was opened, time: 8:47 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney, the Public Hearing re: Amending Section 106-10(A) of the Table of General Use Regulations for an LIO District - Column 6, was closed, RESOLUTION ADOPTED, time: 8:55 P.M.

RESOLUTION NO. (441-1986)

AMENDING ZONING ORDINANCE SECTION 106-10(A), TABLE OF GENERAL USE REGULATIONS FOR LIO DISTRICT - COLUMN 6 (REQUIRED OFF-STREET PARKING SPACES)

Co. Nowicki offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 25th day of March, 1986, and amended on the 8th day of April, 1986, provided for a public hearing on April 22, 1986 at 8:10 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and 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 Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

(SCHEDULE A IS ON FILE IN TOWN CLERK'S OFFICE)

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water District No. 1 - Congers, New York - Vicinity of Route 303 and Hilltop Lane, was opened, time: 8:56 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water District No. 1 - Congers, New York - Vicinity of Route 303 and Hilltop Lane, was closed, RESOLUTION ADOPTED, time: 9:00 P.M.

RESOLUTION NO. (442-1986)

ORDER EXTENDING CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT # 1 TO INCLUDE VICINITY OF ROUTE 303 AND HILLTOP ROAD, CONGERS, NEW YORK

Co. Nowicki offered the following resolution:

A resolution on motion of the Town Board for the Extension of the Clarkstown Consolidated Water Supply District # 1 of the Town of Clarkstown, excluding any portion already in an existing district, having been duly adopted by the Town Board on the 11th day of March, 1986, for the hearing of all persons interested in the matter on the 22nd day of April, 1986 at 8:15 P.M., at the auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, New York and a Public Hearing by the said Town Board having been duly held at such time and place, and it having been duly resolved and determined, following such hearing that all property and property owners within the proposed extension are benefitted thereby, that all property and property owners benefitted are included within the limits of the proposed district, and that it is in the public interest to provide for the extension as proposed, that there has been and will be no cost to the Town of Clarkstown pursuant to such extension, that no state owned lands are part of the extended district, or if state owned lands are part of the extended district, they consist of less than ten percent of such extended district, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby

ORDERED, that the Clarkstown Consolidated Water Supply District # 1 of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown, described as follows:

(Description on File in Town Clerk's Office)

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 - Vicinity of Route 303, Lakewood Drive, Swartwout Lake Area, Congers - was opened, time: 9:00 P.M.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 - Vicinity of Route 303, Lakewood Drive, Swartwout Lake Area, Congers - was closed, ORDER SIGNED, time: 9:10 P.M.

Continued on Next Page

ABE209

RESOLUTION NO. (443-1986)

ORDER EXTENDING CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
VICINITY OF ROUTE 303,
LAKEWOOD DRIVE AND
SWARTWOUT LAKE AREA,
CONGERS

Co. Maloney offered the following resolution:

A resolution on motion of the Town Board for the Extension of the Clarkstown Consolidated Water Supply District #1 of the Town of Clarkstown, excluding any portion already in an existing district, having been duly adopted by the Town Board on the 11th day of March, 1986, for the hearing of all persons interested in the matter on the 22nd day of April, 1986 at 8:20 P.M., at the auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York and a Public Hearing by the said Town Board having been duly held at such time and place, and it having been duly resolved, and determined, following such hearing that all property and property owners within the proposed extension are benefitted thereby, that all property and property owners benefitted are included within the limits of the proposed district, and that it is in the public interest to provide for the extension as proposed, that there has been and will be no cost to the Town of Clarkstown pursuant to such extension, that no state owned lands are part of the extended district, or if state owned lands are part of the extended district, they consist of less than ten percent of such extended district, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby

ORDERED, that the Clarkstown Consolidated Water Supply District #1 of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown, described as follows:

(Description on File in Town Clerk's Office)

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Extension of Sanitary Sewer System for the Master Benefitted Sewerage Improvement Area No. 2 in the Town of Clarkstown - Vicinity Route 303, West Nyack to Orangetown Town Line, was opened, time: 9:10 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Extension of Sanitary Sewer System for the Master Benefitted Sewerage Improvement Area No. 2 in the Town of Clarkstown - Vicinity Route 303, West Nyack to Orangetown Town Line, was closed, RESOLUTION ADOPTED, time: 9:17 P.M.

RESOLUTION NO. (444-1986)

EXTENSION OF SEWERS ON
ROUTE 303, WEST NYACK TO
ORANGETOWN TOWN LINE

Co. Maloney offered the following resolution:

RESOLUTION NO. (444-1986) Continued

WHEREAS, by resolution adopted on March 11, 1986, the Town Board of the Town of Clarkstown duly provided for a public hearing on a proposal to extend sewers in a portion of MBSIA #2 in the vicinity of Route 303, West Nyack, New York, to be held on the 22nd day of April, 1986, at 8:25 P.M., and

WHEREAS, certified copies of an Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider the matter of the construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same, and

WHEREAS, from the evidence offered at such time and place, the said Town Board has determined that it is in the public interest to make the said improvement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby authorize and approve the construction of lateral sewers in or along the area described in the engineering report entitled, "Revised ENGINEERING REPORT & COST ESTIMATES FOR ROUTE 303 SANITARY SEWER SYSTEM, prepared by Charles R. Velzy Associates, Inc., dated March 1986; and be it

FURTHER RESOLVED, that the maximum amount to be expended for said improvement is \$253,000.00, and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby authorized and directed to enter into an agreement with Charles R. Velzy Associates, Inc., to prepare definite plans and specifications, and to make a careful estimate of the expense, and with the assistance of the Town Attorney of the Town of Clarkstown to prepare a proposed contract for the execution of the work to be required for such improvement.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Extension of Sanitary Sewer System for the Master Benefited Sewerage Improvement Area No. 1 in Town of Clarkstown - Vicinity of Old Phillips Hill Road Area, New City, was opened, time: 9:17 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of Sanitary Sewer System for the Master Benefited Sewerage Improvement Area No. 2 in Town of Clarkstown - Vicinity of Old Phillips Hill Road Area, New City, was closed, RESOLUTION ADOPTED, time: 9:40 P.M.

RESOLUTION NO. (445-1986)

EXTENSION OF SEWERS IN
PORTION OF MBSIA #2 IN
VICINITY OF PHILLIPS HILL
ROAD

Co. Maloney offered the following resolution:

Continued on Next Page

ABE209

RESOLUTION NO. (445-1986) Continued

WHEREAS, by resolution adopted on March 11, 1986, and revised on March 25, 1986, the Town Board of the Town of Clarkstown duly provided for a public hearing on a proposal to extend sewers in a portion of MBSIA #2 in the vicinity of Phillips Hill Road, New City, New York, to be held on the 22nd day of April, 1986, at 8:30 P.M., and

WHEREAS, certified copies of an Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider the matter of the construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same, and

WHEREAS, from the evidence offered at such time and place, the said Town Board has determined that it is in the public interest to make said improvement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby authorize and approve the construction of lateral sewers in or along the area described in the engineering report entitled "ENGINEERING REPORT & COST ESTIMATES FOR PROVIDING SANITARY SEWER SYSTEM SERVICE," prepared by Charles R. Velzy Associates, Inc., dated February 1986; and be it

FURTHER RESOLVED, that the maximum amount to be expended for said improvement is \$550,000.00, and be it

FURTHER RESOLVED, that the Director of Environmental Control is hereby authorized and directed to enter into an agreement with Charles R. Velzy Associates, Inc. to prepare definite plans and specifications, and to make a careful estimate of the expense, and with the assistance of the Town Attorney of the Town of Clarkstown to prepare a proposed contract for the execution of the work to be required for such improvement.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Proceeding for Removal of Violation on Premises Known as Map 127, Block C, Lot 5 pursuant to Chapter 79 of the Code of the Town of Clarkstown, was opened, time: 9:41 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Proceeding for Removal of Violation on Premises Known as Map 127, Block C, Lot 5 pursuant to Chapter 79 of the Code of the Town of Clarkstown, was closed, RESOLUTION ADOPTED, time: 10:10 P.M.

RESOLUTION NO. (446-1986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES DESIGNATED AS MAP 127, BLOCK C, LOT 5

RESOLUTION NO. (446-1986) Continued

Co. Lettre offered the following resolution:

WHEREAS, by Resolution No. 249 dated March 11, 1986, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Town Code of the Town of Clarkstown affecting property known and designed on the Clarkstown Tax Map as Map 127, Block C, Lot 5, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on April 22, 1986, after notice and opportunity to be heard at said hearing was provided to the owner of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated March 11, 1986, have not been corrected, and it is

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Notice and Order, as directed by the Building Inspector if such condition continues uncorrected on or after May 4, 1986, and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

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

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

ABE209

TOWN OF CLARKSTOWN
PUBLIC HEARING

255

Town Hall

4/22/86

8:45 P.M.

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

RE: INSTALLATION OF PUBLIC TELEPHONE IN VICINITY OF
CLARKSTOWN COMMUTER PARKING LOT, KEMMER LANE, NANUET

On motion of Councilman Maloney, 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 testified as to publication in the Rockland Journal News indicating that this was published on April 7, 1986 and also an affidavit of posting from the Town Clerk's Office indicating that the notices were posted as required at various places about the Town of Clarkstown.

Supervisor asked if there was anyone wishing to speak in favor of the proposal.

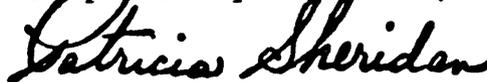
IN FAVOR: No one appeared.

Supervisor asked if there was anyone wishing to speak in opposition to the proposal or if anyone had any questions.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard, on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 8:46 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (440-1986) ADOPTED)

ABE209

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/22/86

8:47 P.M.

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

RE: AMENDING SECTION 106-10(A) OF THE TABLE OF GENERAL
USE REGULATIONS FOR AN LIO DISTRICT - COLUMN 6

On motion of Councilman Maloney, 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 stated that he had an affidavit of posting and also of publication from the Journal News.

Supervisor asked if there was anyone who wished to speak in favor of the proposal.

Appearance: Mr. George Tice(?)
Spring Valley, New York 10977

Mr. Tice stated that he was in favor of the proposed amendment and he urged the Board to make the decision in favor of it tonight.

Appearance: Mr. Robert Geneslaw
Planning Consultant
Town of Clarkstown Planning Board

Mr. Geneslaw said he was recommending in favor of the amendment and he wanted to point out that it would make the LIO parking requirements the same as they are in the PED district. He said he would like to suggest that Item No. 3 on the proposal be dropped and Item No. 14 in the existing table remain. That is, with regard to indoor tennis clubs and health clubs it should be 4 per court and 1 per 200 square feet of floor area. He said this occurred because there was a technical error in the advertising.

Supervisor said that amendment could be made.

Appearance: Mr. Michael Merryman
Rockland County
New York, New York 10956

Mr. Merryman asked what LIO was and was told that it was Light Industrial Office. He asked for what general purpose were these changes being made? Supervisor asked Mr. Geneslaw, the Town Planner, to respond. Mr. Geneslaw said the purpose of the change was to bring the parking requirements closer to what the actual current experience has been with offices and light industrial buildings. It is based in particular on the requirements and actual experience at Airport Executive Park. The requirements recommended to be changed are in effect there now and there has been no parking problem since the park was built.

There being no one further wishing to be heard, on motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, RESOLUTION ADOPTED, time: 8:55 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (441-1986) ADOPTED)

AAA073

TOWN OF CLARKSTOWN
PUBLIC HEARING

259

Town Hall

4/22/86

8:56 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER DISTRICT NO.
1 - CONGERS, NEW YORK - VICINITY OF ROUTE 303 AND
HILLTOP LANE

On motion of Councilman Maloney, seconded by Councilman Nowicki 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 stated that there was an affidavit of posting and there was an affidavit from Mr. Bollman, Director of the Department of Environmental Control attesting to the need for action by the Town Board. Town Attorney said if anyone was present who wished to speak they should be given that opportunity.

Supervisor asked if there was anyone wishing to speak either for or against the proposal.

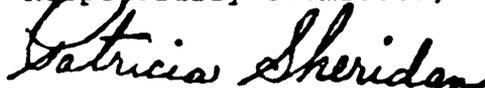
Appearance: Mr. Michael Merryman
Rockland County
New York

Mr. Merryman asked to what end it was being extended and why it was being extended? Supervisor asked Mr. Bollman to address that question.

Mr. Bollman said it was being extended as there were currently hydrants existing in the area and so those property owners who are benefiting from reduced insurance rates pay their fair share for the maintenance of the hydrants. He said they are adding no additional hydrants because there are hydrants all around the area and they now benefit but they should be included in the district.

There being no one further wishing to be heard, on motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed, ORDER SIGNED, time: 9:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (442-1986) ADOPTED)

ABE209

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/22/86

9:00 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER DISTRICT NO.
1 - VICINITY OF ROUTE 303, LAKEWOOD DRIVE AND SWARTWOUT
LAKE, CONGERS

On motion of Councilman Maloney, seconded by Councilman Nowicki 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 stated that he had an affidavit of posting and also there is an affidavit by Les Bollman attesting to the need for action by the Town Board.

Supervisor asked if there was anyone wishing to speak in favor of the proposed water extension.

No one appeared.

Supervisor asked if there was anyone wishing to speak in opposition to the proposed water extension.

No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 9:10 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (443-1986) ADOPTED)

ABE209

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/22/86

9:10 P.M.

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

RE: EXTENSION OF SANITARY SEWER SYSTEM FOR THE MASTER
BENEFITED SEWERAGE IMPROVEMENT AREA NO. 2 IN TOWN OF
CLARKSTOWN - VICINITY ROUTE 303, WEST NYACK TO
ORANGETOWN TOWN LINE

On motion of Councilman Maloney, seconded by Councilman Lettre 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 stated that he had on file an affidavit of posting and an affidavit of mailing to the affected property owners as well as an affidavit of publication in the Journal News.

Supervisor asked Les Bollman, Director of Environmental Control to explain just why this proposal was being made. Mr. Bollman stated that Mr. Suttie of Charles R. Velzy was here to answer any specific questions. Mr. Suttie said this is to provide sewers in the area south of Route 59 to the Orangetown line. The area presently is not served. There will be a pump station installed in the vicinity of the Landfill taken up to Greenbush Road. Our laterals will go down to Rockland County Sewer District No. 1.

Supervisor asked if this would be constructed in the Town right-of-way on Route 303 so that we do not have to expend money to condemn. Mr. Bollman said it would be within the State right-of-way. The only place where there might be some property needed is getting to Greenbush Road. He said we have easements there now but they are basically drainage easements and we must have sewer easements adjacent and that is why that exact location is not defined.

Supervisor asked if there was anyone present who would like to speak on this matter.

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

Mr. Lodico asked if all the property owners on the west side of Route 303 would be able to utilize these sewers? Would it be gravity from north to south and then pumped at the Orangetown line to north because the indication was that the pump would be in the area of the Sanitary Landfill. He said his concern was that the whole area of Clarkstown be able to be sewerred to the Orangetown line.

Supervisor asked Mr. Suttie to address himself to Mr. Lodico's questions. Mr. Suttie said the pump would be located on the north side of the building at the Landfill. The pump is being built with funds that were allocated for the treatment of leachate at the Landfill. The capacity of it is such that we can put the sewage into it also and pump that. The lines that will serve the area will go from the Clarkstown/Orangetown town line up on top of the hill, flow down towards the pumping station and from somewhat north of the pumping station back down south and meet at the pump station where it will then be pumped across Route 303 into North Greenbush Road into an existing line.

Mr. Lodico said he was not clear as to gravity flow versus pump. Will all the properties on the west side of Route 303 in the Town of Clarkstown be able to be served? Mr. Suttie said yes.

Continued on Next Page

ABE209

Gravity would be going from the south to the north on the west side because of the pump station (north of the pump station on the west side). All you have there is the Landfill itself. There is no other land there to be picked up. Whatever else is there gets served out on Route 59 so it would be flowing by gravity from south to north on the west side. On the east side it would flow both ways.

Mr. Lodico said this was a ten year old project that was relative to improving the area and in relation to other work that was done ten or more years back in this particular area. Whenever we get involved with the State right of way we have delays, we have extra, super costs. Ten years plus back the proposal was for land acquisition primarily, which was done first and second there was made provision for a public easement right of way within the Town property. The distance that the Town owns from the Town property formerly known as the Adler parcel to the Orangetown line the town owns approximately 1800 feet of that distance to the Orangetown line and four property owners own the remaining 800 feet. Mr. Lodico said his point was that if you get involved in State land our costs most likely would be accelerated. If we can maintain a situation where we utilize our own land in working relation to a right of way we then would only have to acquire rights of way on four parcels and one which contains 400 is ready to go to give the Town easements.

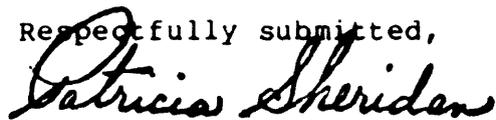
Supervisor asked Mr. Suttie if he saw a problem with what Mr. Lodico was saying. Mr. Suttie said no, that Mr. Lodico was absolutely right and that is totally what they would intend to do anyway.

Appearance: Mr. Ted Dusanenko
5 Hickory Drive
New City, New York

Mr. Dusanenko said this was the second time that this resolution is coming up. This resolution was proposed last year by the former Supervisor who pleaded for the Town Board to pass this which would have saved us thousands of dollars. Mr. Suttie got up and pleaded. Mr. Bollman got up and pleaded. Mr. Maloney pleaded. Three other gentlemen on the Board voted against it. Now it is going to cost us more money than it would have and we would have had it in there now.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:17 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (444-1986 ADOPTED))

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/22/86

9:17 P.M.

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

RE: EXTENSION OF SANITARY SEWER SYSTEM FOR THE MASTER
BENEFITED SEWERAGE IMPROVEMENT AREA NO. 2 IN TOWN OF
CLARKSTOWN - VICINITY OF OLD PHILLIPS HILL ROAD AREA,
NEW CITY

On motion of Councilman Maloney, seconded by Councilman Nowicki 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 stated that he had an affidavit of posting and also an affidavit of mailing of the notice to the affected property owners.

Supervisor read the following letter into the record:

(Billhead of George M. Smith & Sons, New City)

*Members of Town Board
Town of Clarkstown

In reference to the proposed sewer connection on Old Phillips Hill Road, Summit Drive and other extensions we are in favor of this.

We are very much concerned about water pollution.

Also Crum Creek - which the area is drained by runs into Lake Lucille and onto the Resoivoir(sic).

/s/ George P. Smith
/s/ Walter M. Smith*

Supervisor asked Mr. Les Bollman, Director of Environmental Control if he would explain the reason for this Public Hearing. Mr. Bollman said within the last six months the County has completed their interceptor line down Phillips Hill Road. This now allows the Town to serve areas which had not been served. These would include a portion of Phillips Hill Road toward the New Hempstead Road Area, all of Old Phillips Hill Road and Summit Drive.

Supervisor noted that these areas were in the Master Benefited Sewer Area but were not serviced.

Supervisor asked if there was anyone present who would like to speak with regard to this proposal.

Appearance: Mr. William Saurer
9 Summit Drive
New City, New York

Mr. Saurer stated that he has lived on Summit Drive for approximately 17 years. He said they always felt that living in the Town of Clarkstown it was their right to have sewers but they could never get them. He said they were all in favor of it.

Appearance: Mrs. Joan Schleimer(?)
7 Old Phillips Hill Road
New City, New York

She stated that they were all in favor of sewers.

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Appearance: Mr. Daniel Marcus
Phillips Hill Road
New City, New York

Mr. Marcus said he resides in one of the houses listed on Exhibit A. He said as he understands it, his residence will be serviced by the County line which has been completed already. He said his residence is not affected by this new construction which is proposed. What is confusing is the question of assessment. He asked how he is affected by someone on a different line?

Mr. Suttie said aside from the lines which they have indicated will be built on Old Phillips Hill Road and Summit Drive there are also other lines by the way on Phillips Hill Road at the southerly end and on the east side of Phillips Hill Road behind approximately eight houses which have never been picked up before either. In the overall costs of the expenses are the costs to provide all of the house connections on the interceptor line. The interceptor line ran down the street. The Town, however, had to pay the money to put the house connection stubs on the interceptor line to go back to serve all the houses in the area. He said Mr. Marcus now receives service as will all the other houses on Old Phillips Hill Road. Being in MBSIA #2 as somebody who now receives service, he told Mr. Marcus he will now pay a primary rate and the primary rate is the same as it is for all homes, even those who perhaps in some instances had the sewer lines built when the houses were built but when additional lines were built to take them in now become users of the system and they must pay the primary tax rate. Now that you are able to use the system you must pay that rate. Mr. Suttie said he had estimates of what those rates will be and can describe them based on the assessment of each particular house. He said that is why Mr. Marcus is going to pay the same as anyone would.

Mr. Marcus said he was under the impression that we all paid a sewer tax already and now --. Supervisor asked if Mr. Marcus had sewers prior to the interceptor going in and Mr. Marcus said no they did not. Supervisor said you paid what they call a Master Benefited Area - in other words that was one tax. Now, that you have the service there is another tax that you pay and that is what we are referring to.

Mr. Marcus said that would be the tax. Now an assessment is not a tax though or is it one and the same? He stated he did not understand. He was told that it was one and the same. Mr. Marcus said so the assessment which is paid off in a certain number of years as an example given, ends through bonds and whatever? Mr. Suttie said when the bonds are paid off, that assessment will end. Mr. Marcus said the assessment ends but you continue to pay user charges? He was told yes. Mr. Marcus then said the assessment is for the improvement part and Supervisor said yes and he believed that was spread over the entire MBSIA No. 2.

Mr. Suttie said in MBSIA No. 2 there are two areas, a primary area and a secondary area. The primary areas are those who are served. The secondary area are those which are not served as yet but receive a benefit totalling from the fact that the service has been provided to houses and areas and helping to improve the overall atmosphere. He stated that Mr. Marcus was in the secondary benefitted area now. He said as he receives service he will go to a primary benefitted area and pay the higher assessment. When that term of the bond issue is up your assessment will stop. There will not be any more that you have to pay. You may still have to pay a County charge and you might still have to pay an annual operation and maintenance fee but this part to pay the capitol assessment off would end.

Appearance: Mr. Martin Savitz
Old Phillips Hill Road
New City, New York

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PH - Sewers - Vicinity of Old Phillips Road, New City
Page 3

He said his was one of the properties affected. He said his concern was that Old Phillips Hill Road is quite narrow and has a number of geographic features which are unique to the County. He wanted to know if the construction of sewers is also going to affect the implication of the rule of widening all the roads in the County to twenty-four or thirty feet? Has this been taken into consideration? This road is not like other County roads.

Supervisor asked Mr. Bollman to comment. Mr. Bollman said this is a sewer project not a road improvement project. The sewers will go in where the road is now. The road will be brought up to the condition in which it is now. Whether it is totally refurbished or not will depend on some of the cost estimates. Supervisor said with all the rock on Phillips Hill Road it would probably have to be repaved.

Appearance: Mr. William Butera
8 Summit Drive
New City, New York

Mr. Butera said he was definitely in favor of having the sewers come in. He said while they are talking about paving he wanted to point out that the residents in north New City for the last seven or eight months have been banging their cars up pretty badly on Phillips Hill Road and if this project is going to be handled the way that project has been handled he was not so sure he was in favor of sewers. He said he did not know why that road has not been paved. He said he has been over in Ramapo where the same kind of sewers have been installed. They have put down patchwork during the winter and they do not have the conditions that we have on Phillips Hill Road.

Supervisor said that is a County project and he asked Mr. Bollman when they anticipate the County will resurface Phillips Hill Road. Mr. Bollman said according to latest discussions he has been involved in it is imminent. The paving should take place this spring. They were just waiting until climate conditions stabilized. Supervisor asked if Mr. Bollman could try to ascertain the approximate date by tomorrow so that if anyone wanted to call the Supervisor's office for information they could be given an idea as to when this would be done. Mr. Bollman said he would do that.

Appearance: Mr. Robert Mann
Summit Drive
New City, New York

Mr. Mann asked if the assessment were to include the hook-up charge? Mr. Suttie said no, the hook-up charge is the homeowner's expense - a one-time individual expense when the sewer line is activated. Mr. Bollman said it includes the charge to the property line - from the main to your property - it includes the spur.

Mr. Mann said you referred to this a tax. Is this going to be a lien against the homeowner or is this an annual tax that will be added on to regular tax payments. Supervisor said this will be a part of a special tax district but not a lien against your house. It will be on your tax bill such as fire, etc.

Mr. Mann asked when it was anticipated that construction would begin? Mr. Suttie said they would have to complete the design in the summer so that bids could go out and the work done before the fall of this year. Mr. Mann said then you are hoping to be on Summit Drive before the fall? Mr. Suttie said he was hoping the contract would be in and they could finish the work by then, yes.

Appearance: Mr. Milton Heilweil
447 Phillips Hill Road
New City, New York

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PH - Sewers - Vicinity of Old Phillips Hill Road, New City

Mr. Heilweil said he was confused because he received notification that the Public Hearing is scheduled for 8:15 with regard to Phillips Hill Road. He said are we talking about Phillips Hill Road or Old Phillips Hill Road because there is a big difference. Supervisor said we are talking here about Old Phillips Hill Road and Summit Drive. Mr. Suttie told Mr. Heilweil that we were also talking about his house. Mr. Suttie said beside Old Phillips Hill Road and Summit Drive we are talking about a line in the southern end of Phillips Hill Road heading towards New Hempstead Road and a line on an easement behind eight houses that we discussed before.

Supervisor said that is why Phillips Hill Road is on the proposal. Mr. Marcus asked if there was going to be a pumping station? Mr. Suttie said we would be trying to do what has been offered before to take an easement down your back and put the line right in behind your houses and take it out to MaryAnn Lane. That way your tapping could be quick and short. If we cannot do that we would put a line in Phillips Hill Road in front and then it would become a pumping factor for everyone.

There was questions regarding when the easements could be acquired. Mr. Suttie said as soon as possible.

Appearance: Mr. Myron Roche(?)

Mr. Roche asked how large the easement would be. Mr. Suttie explained how it was to be done.

Appearance: Mr. Gladimur
75 Old Phillips Hill Road
New City, New York

Mr. Gladimur asked if would affect the ground water. Orange and Rockland did some work and it affected our wells. Mr. Suttie said it would not affect the wells.

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 closed, RESOLUTION ADOPTED, time: 9:40 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (445-1986) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

269

Town Hall

4/22/86

9:41 P.M.

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

RE: PROCEEDING FOR REMOVAL OF VIOLATION ON PREMISES KNOWN AS
MAP 127, BLOCK C, LOT 5 PURSUANT TO CHAPTER 79 OF THE
CODE OF THE TOWN OF CLARKSTOWN

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing.

Town Attorney stated that the Town Attorney's Office had prepared an order under Chapter 79 of the Town Code directed to Harold and Donna Franklyn, the owners and occupants of premises known as 25 North Route 303, Congers, New York. The order directed the removal of the debris, litter and hazard on the premises on twenty days notice and advised the property owner that a public hearing would be held on April 22, 1986 at 8:15 P.M. This order was personally served on Mr. Harold Franklyn by process server Herbert Brill. Mr. Costa stated that he had Mr. Brill's Affidavit of Service indicating that it was personally served on Mr. Franklyn at 12:42 P.M, March 14, 1986. In addition the process server's affidavit indicates that he served Donna Franklyn by leaving a copy of the order referred to with Harold Franklyn and subsequently the Town Attorney's office forwarded the same order by certified mail, return receipt requested addressed to Mr. Harold Franklyn, at 25 North Route 303, Congers, New York and also to Ms. Donna Franklyn, 25 North Route 303, Congers, New York. Town Attorney further stated that we have received the green cards back from the post office indicating that an N. Franklyn received both of these letters on March 15, 1986.

Town Attorney said he would like it noted that the last owner in lien search disclosed that one, Donald G. Partridge of 135 Main Street, Nanuet, New York was listed as holding a mortgage on the subject property and Mr. Partridge was notified by similar certified mail, return receipt, which was received by him on March 17, 1986 of the proceeding which is before the Town Board tonight.

Town Attorney said he would like the Town Clerk's file to have the return receipts to which he just referred, a copy of the order and a copy of the affidavit of service provided by Mr. Brill with respect to both Harold Franklyn and Donna Franklyn. Town Attorney said the next step would be to call upon representatives of the Building Department to give their sworn statements to the Town Board concerning the condition of the premises as it was prior to the initiation of this proceeding and the current state of the premises as determined by their investigation and observations.

Supervisor requested that the Fire Inspector of the Town of Clarkstown come forward to give his testimony. Mr. Papenmeyer was then sworn in by the Town Attorney.

Appearance: Mr. Mark Papenmeyer
Fire Inspector, Town of Clarkstown

Mr. Papenmeyer stated that on March 11, 1986 at the request of the Town Attorney, an inspection was made to observe the conditions on the premises known as Map 127, Block C, Lot 5. Mr. Papenmeyer stated that while reading his report he would enter into exhibit seven photographs. He said the front portion of the lot appears to have a considerable amount of combustibles. While there is no threat to the adjoining structure from these combustibles the owner's structure would be endangered as an exposure. The south side of the lot contains large amounts of metal and non-combustible

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storage. There would be no fire threats to adjoining structure. The southern exposure is a service station with masonry construction and no openings. There is approximately fifty (50) feet between buildings. The items stored on this side of the building may not pose a severe fire hazard but they certainly would interfere with the fire fighting operation if the owners' dwelling was involved. The west side, rear of the building, contains many different items stored. Where there may be a fire hazard from these items stored the only exposure would be the owner's dwelling. Again, fire fighting operations would be hampered if the owners' dwelling was involved. The north side of the lot contains many automobile tires. This certainly poses a severe fire hazard, not only because of the amount of tires but because of the proximity of the exposure to the north. This is multiple residence and does contain openings on the south wall. Distance between the buildings is minimal.

Mr. Papenmeyer said, in his opinion, the greatest fire hazard brought about because of the condition of this property would be the owners' dwelling. Certainly any fire on this lot could produce enough smoke to become a hazard to surrounding structures. The amount of debris, litter, junk, etc. stored on this property would make any fire fighting operations extremely difficult should a fire occur on this lot.

He said the fire department would be hampered in its mobility trying to stretch hoses around the building as access is very limited due to the large amount of storage. He stated that, therefore, he would strongly recommend that all litter, debris and storage on this lot be removed.

Supervisor asked if these premises were located adjacent to a gas station? Mr. Papenmeyer said that was correct and that a gas station is located on the south side of the building.

Councilman Lettre said isn't there also a multiple dwelling in the vicinity? Mr. Papenmeyer said a multiple dwelling is located on the north side.

Town Attorney said that the photographs which Mr. Papenmeyer had handed up to the Town Board had written on the back of each - "Franklyn Property - 127 C 5, 3/17/86" and has the initials "MP". Town Attorney asked if Mr. Papenmeyer had written those notations on the backs of the photographs. Mr. Papenmeyer said that was correct. Town Attorney said would that indicate that these photographs depict the premises as you observed it on March 17, 1986? Mr. Papenmeyer answered in the affirmative.

There followed discussion of the photographs and the conditions which they depicted.

Town Attorney asked if it would be a fair statement to say that the property is litterally covered with debris and junk entirely. Mr. Papenmeyer said that would be a fair assumption.

Town Attorney asked Mr. Papenmeyer how long he has been employed as a Fire Inspector or Assistant Fire Inspector in the Town of Clarkstown. Mr. Papenmeyer said since July of 1978. Town Attorney asked Mr. Papenmeyer in his experience as a Fire Inspector had he encountered this type of debris or clutter and hazard in the past? Mr. Papenmeyer said not all in one place, no.

Town Attorney asked if Mr. Papenmeyer had occasion within the last twenty-four or forty-eight hours to make an inspection of the premises. Mr. Papenmeyer said there was an inspection made this morning. Town Attorney asked Mr. Papenmeyer to describe the present condition of the premises? Mr. Papenmeyer stated that the condition virtually remains the same. Town Attorney asked Mr. Papenmeyer if, in his opinion, if the condition which he observed and which currently exists, presents a hazard to life and property. Mr. Papenmeyer said yes.

Town Attorney then swore in Irene Saccende, Code Enforcement Officer in the Building Department.

Appearance: Irene Saccende
Code Inspector, Town of Clarkstown

Mrs. Saccende said the property is literally covered from the front, completely around the sides to the rear property line with debris - all sorts of debris and articles. Town Attorney asked Mrs. Saccende if she had occasion to visit and inspect the property. He asked when was the first occasion she had to visit the Franklyn property? Mrs. Saccende said in February of this year she had been there and spoken with Mr. Franklyn. Town Attorney asked her if she had occasion in recent days to inspect the property? Mrs. Saccende said she goes by the property at least once or twice every week. Town Attorney asked her if she had observed any change in the property or lessening of the debris or materials that are stored thereon since she first observed it? Mrs. Saccende said no.

Town Attorney asked Mrs. Saccende to look at the photographs to which the Fire Inspector had referred. He asked her if the photographs, to her knowledge, represented and depicted the actual condition of the premises as it presently exists? Mrs. Saccende said yes except she believed that one of the dump trucks had been removed. Everything else is the same.

Town Attorney asked Mrs. Saccende if she had undertaken any enforcement efforts to have Mr. or Mrs. Franklyn remove any of the materials? Mrs. Saccende said since 1982 they have been into court at least five different times on violations on this property for property maintenance. The most that they have been able to accomplish is a fine with the judge ordering clean-up and removal. This never occurred so they have had to go back time after time to serve additional violations. She stated they had gone to court but with the same results - a fine and then there is no removal of the debris on the property.

Town Attorney asked Mrs. Saccende if she was asking the Town Board to adopt an order authorizing the Superintendent of Highways and the Building Inspector to go upon the property and to remove the hazard, materials and to assess the cost of said removal against the property owner, if the property owner does not voluntarily comply with the order of the Town Board? Mrs. Saccende said, yes.

Town Attorney asked the Town Board members if they had any questions? There was no reply from Town Board members.

Town Attorney asked Mrs. Saccende if the condition of the premises was a hazard to life and property? Mrs. Saccende said most certainly and she could not imagine any fireman would hazard to go onto the property in the condition it is in. It would definitely be a hazard to them as well as to the occupants of the house.

Supervisor asked if Town Attorney had any further witnesses? Town Attorney said no other Town officials who will testify. However, this is a public hearing and Mr. Franklyn is present. If he chooses to speak he is entitled to do so.

Town Attorney said any member of the public who wishes to address the Town Board or the respondent, Mr. Franklyn or Mrs. Franklyn, if she is here will certainly be welcome to give their comments.

Appearance: Mr. Harold Franklyn
25 North Route 303
Congers, New York

Mr. Franklyn asked to look at the pictures and was told that he could do so. Town Attorney asked Mr. Franklyn if had

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received notice of this hearing and he replied that he had. Town Attorney asked Mr. Franklyn if he wished to give sworn testimony to the Town Board or did he just wish to make a statement?

Mr. Franklyn said he would plead guilty because it is a fact. (At this point Mr. Franklyn examined the photographs.) Mr. Franklyn stated that the yellow van is no longer there. He stated that he had run a boat up on shore because it has a hole in the bottom. He said he had to wait until warm weather to work on it. He said people drop tires at his house for him to sell to make a few bucks. He said he could not meet the taxes. With what he is receiving from Social Security and what he is receiving in other ways just puts him over the border line from getting help from Social Services. To get relief he would have to turn over the deed to his property and he said he worked too hard all his life.

Town Attorney asked Mr. Franklyn if he had heard the statement made by the Fire Inspector and the Code Enforcement Officer which indicated that within the last twenty-four to forty-eight hours the property was inspected and the condition remained virtually unchanged as depicted in the photographs?

Town Attorney asked Mr. Franklyn if what is in the photographs is what is presently there and Mr. Franklyn said yes. He said he was hoping that the market would go up a few pennies so that he could get rid of it.

Town Attorney asked Mr. Franklyn if he was conducting a salvage business from his home address? Mr. Franklyn said he was recycling. Town Attorney asked if he was trying to sell this material for profit? Town Attorney asked if it would help him if the Town hired a contractor to come in and remove the material? Mr. Franklyn said he would get rid of the aluminum. He is trying to get a boat apart to get rid of it. Town Attorney repeated his question about having a contractor come in and get rid of the junk. Mr. Franklyn said he could not afford to pay a contractor because he is trying to get enough together to get out of this town.

Town Attorney asked Mr. Franklyn if he could tell the Town Board when he would be able to remove the material from his property? Town Attorney stated that Mr. Franklyn had offered up a document as follows:

"April 11, 1986

TO WHOM IT MAY CONCERN:

Please be advised that Mr. Harold Franklyn holds a mortgage in the amount of \$20,000.00 on the property on which I am building my home in Congers, New York. The anticipated date for my obtaining a mortgage from the Bank is June 1. At that time Mr. Franklyn will be paid in full.

Respectfully submitted,

/s/ Joseph Mitlov"

Town Attorney asked Mr. Franklyn if he was indicating that on or about June 1, 1986 he would be able to afford to hire someone to remove the debris from the property. Mr. Franklyn said he would see what he could do about getting rid of it. Town Attorney repeated when Mr. Franklyn could expect to hire someone to rid the property of the debris? Mr. Franklyn said he wants to haul the junk somewhere else where he can sell it because he is not allowed to sell it in this town. He said everything he wants to do he can not do.

Town Attorney asked Mr. Franklyn if he had heard the statements made by members of the Building Department that he had

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been in Justice Court on a number of occasions and that he had been fined and asked to remove the materials and they have not been removed. Mr. Franklyn said he has removed some material. It just does not get done all at once. He stated that people are trying to help him by giving him their old cans and bottles.

Town Attorney asked Mr. Franklyn if he had heard the statements that conditions on his property are hazardous to health and in fact jeopardize his own life as well as the life of his wife and children?

Mr. Franklyn said he just wants a little time to collect some money and move upstate. He will get rid of the aluminum.

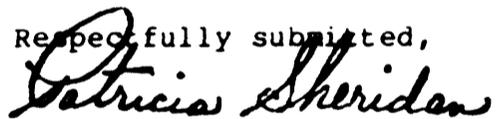
Town Attorney asked Mr. Franklyn one more time if he could give the Town Board a date by which the material would be removed from the property? Councilman Lettre asked the Town Attorney what, in his opinion (the Town Attorney's) would be a reasonable amount of time? Town Attorney said a reasonable period of time would be about May 5, 1986 considering the length of time that this hazard has continued and the efforts that have been made over the years to have it corrected. Town Attorney said he would not be in favor of offering Mr. Franklyn much more than ten (10) or fifteen (15) days to remove the material.

Supervisor Holbrook said he was loath to even give him ten days. He said the people in the Town and in particular the people in the Congers area are sick of looking at this eyesore. The sands in the hour glass are running out. Councilman Lettre said the Town Board are not demons and are not trying to harm Mr. Franklyn but they must act to protect the community.

Supervisor said this was the first of many people who are going to be ordered to clean up their property. He asked Town Attorney what the next step was? Town Attorney said there was a resolution to be offered to the Town Board.

There being no one further wishing to be heard on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

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