

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

289

Town Hall

10/14/86

7:56 P.M.

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

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

Supervisor introduced Mr. Martin Cohen, Chairman of the Bicentennial Commission, which commission is already in operation preparing for the Town's Bicentennial in the year 1991. Pictures have already been taken of the capsule which was given to the Town by Lederle Laboratories.

Mr. Cohen spoke regarding the fact that in 1991 the Town would be 200 years old and like anything worthwhile we always have to plan ahead. He congratulated his committee and remarked on their hard work. Some excellent programs have already been put together. He said some of the members of the commission were present and they were acknowledged by the rest of the audience.

Mr. Cohen said their purpose within the next five years was to make residents of the Town of Clarkstown very much aware of the history of their Town. He said the time capsule (which capsule was presented tonight and was placed in the auditorium) was prepared through the great efforts of Lederle employees who gave up so much of their time as a public service. He described the symbol placed on the capsule and said it represented the oldest house in the Town, which house goes back over 250 years.

The time capsule will go on display in the Town and each hamlet of the Town will have an opportunity to display it. He said there would be a contest based on the school populations of all of the school districts within the Town. A contest will be held for the senior high schools, the junior high school and the elementary schools to select the best name for the capsule. The best names will be placed on the time capsule and the children will be remembered in that way because they will have helped to select the name. After it goes on display in each one of the hamlets in the fifth year we will ask the people of Clarkstown, the business people, the community people, the school people and all people who live and share in Clarkstown to tell us what they would like to see placed in there. It will then be buried and brought up in one hundred years. This is the beginning for us and we are very proud of it.

Mr. Cohen said it was quite unusual because if you look at the words "bi centennial" you will note that the word "centennial" has been misspelled. We are proud of that because it makes us unique. Everybody will remember Clarkstown quite differently than anyone else and we kind of like that.

Mr. Cohen then introduced Isabelle Saville, who is the Senior Historian of Rockland County. Ms. Saville then gave a brief history of the Town of Clarkstown.

Mr. Cohen then introduced Mr. Chuck Isberg, who is the Community Relations Director at Lederle and is greatly responsible for helping to put together this evening's program. Mr. Isberg said the time capsule was put together mainly by Mr. John Russell, but also with the aid of Joe Buzek, Pete Uydanza and William Cooper. This time capsule was the brainchild of Joe Kubran and John Russell. You cannot see what is inside but there are actually five levels within the capsule. It was designed so that when you fill it articles are placed on little trays as you went up the level so that nothing would get mashed down in the hundred years that it would be buried underneath a monument which he was sure was going to be

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built. Mr. Isberg said the design of the house on the capsule was by John Creigh. He explained the way the gauges on the capsule would work.

Mr. Isberg said when the time comes to bury this capsule Lederle will lend one of its cranes to help lift this into the hole that will be prepared for it. Mr. Isberg then asked Supervisor Holbrook and Lederle's Plant Manager, Mr. Peter Douglas to step forward for a formal presentation of the time capsule to Clarkstown.

Mr. Douglas gave a brief history of Lederle which is celebrating its 80th birthday this year. He said there are some 4000 employees of which 900 make their homes here in Rockland County. He also thanked Mr. Kubran and Mr. Russell for their part in making the time capsule a reality. He mentioned they were very proud of the fact that there are some 1000 people with service records with Lederle from 25 to 50 years. Mr. Douglas formally presented the time capsule to the Supervisor and the people of Clarkstown and wished them congratulations on their forthcoming bicentennial celebration.

Supervisor thanked Lederle, Mr. Cohen, Mr. Kubran, Mr. Isberg, Lederle Laboratories and all the people responsible for the creation of the magnificent time capsule. He said the only concern is whether they will be able to obtain a CO for it in the Town. He said he hoped 100 years from now when it is dug up, people will have a better idea as to what Clarkstown was like in 1991 better than what we have now as to what it was like in 1791.

Mr. Cohen introduced Bennie Nelson, Judge Nelson's wife. Mr. Cohen then extended an invitation for this coming Thursday, October 16th from 5:00 to 6:30 P.M. for the first of a series of photo essays on the ethnic groups which made up the history of Clarkstown. The first show will be called "Jewish Spring Valley - 1900 from 1940 - being loaned to us by the Arts Council of Rockland County. He said part of the Hill section of Spring Valley is in the Town of Clarkstown and at one time it was the summer home for thousands of people who commuted from New York City to come here in the summer. It is the first of the various ethnic groupings that will be sharing its history in the Town of Clarkstown. He extended an invitation to all to come and join in the festivities.

Mr. Cohen thanked all the members of the Town Board and all members of the Bicentennial Committee for their assistance.

Supervisor Holbrook then presented a proclamation in honor of a citizen of the Town, Mr. Jack Weiss, which read as follows:

"In honor of
JACK WEISS

WHEREAS, On October 17, 1986, after many years of hard work and community service, JACK WEISS is retiring, and

WHEREAS, having proudly served our Country as Sergeant during World War II, he became a New York City Police Officer, was injured during the performance of his duties and later joined the insurance company of Chubb & Son, as Regional Vice President, and

WHEREAS, during these past years, JACK has shown his commitment to our youth and community through the many hours he has spent as Little League Manager, Babe Ruth Manager, Volunteer Fireman, Sanitation Commissioner and through his involvement in other organizations, too numerous to mention,

NOW, THEREFORE, be it RESOLVED, that I, CHARLES E. HOLBROOK, Supervisor of the Town of Clarkstown, on behalf of the Town Board,

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pay tribute to JACK WEISS for the many contributions he has made towards improving the quality of life in Clarkstown and Rockland County, and in recognition of his devotion to his Country, his family and his friends.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 14TH
DAY OF OCTOBER, 1986.

/s/ Charles E. Holbrook

CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown

Supervisor said that Jack Weiss is a person who was very dedicated to the youth of Clarkstown. He said he knew that because he was one of his little league players. He always had enough money for every kid to have a soda, whether or not the kid had enough money himself. If a kid needed a ride to a ballgame Jack provided the ride. He is that type of person. Supervisor said it was with great pleasure that he presented this proclamation on behalf of the Town to Jack Weiss upon his retirement.

Mr. Weiss accepted the proclamation with thanks and stated that he had come to Rockland County about thirty-five years ago and had done many things among them little league manager, Babe Ruth manager, Member of the Lakewood Firehouse, American Legion, etc. He said he grew up with the Town and years ago when you went through the Town you almost knew everyone. It was a wonderful Town. He said he felt we were still pretty much on the wonderful side and he hoped we grow up with that. He told an amusing story about our Supervisor, as a young boy, cutting school with his (Mr. Weiss') son. He mentioned that is something we all do but that Mr. Holbrook learned the right lesson and didn't do it again. He said we have really grown up with our youth and they have become men and that is our future.

Councilman Maloney said he wanted to recognize "The Oldtimer", Geraldine, from Nanuet who has written a history of Nanuet and also is a member of the Historical Society. He thanked her for coming. Supervisor Holbrook asked her if she would give a copy of the history of Nanuet to the Town and she said she would present the Supervisor with a copy and give a copy to the Town Clerk's office.

Supervisor announced that scheduled agenda items Nos. 1 and 3 would be tabled until the October 28th meeting.

RESOLUTION NO. (935-1986)

AMENDING THE ZONING
ORDINANCE OF THE TOWN OF
CLARKSTOWN RE: SIDEWALK
WIDTHS - TABLE 16, GENERAL
USE REGULATIONS, SECTION
106-10B, "NOTE NO. 3" - RE:
SIDEYARD WIDTHS

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 12th day of August, 1986, provided for a public hearing on the 7th day of October, 1986 at 8:25 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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RESOLUTION NO. (935-1986) Continued

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 the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend Table 16, General Use Regulations, Section 106-10B, "Note No. 3" from:

"Note No. 3. When adjacent to a commercial district none is required, but when provided shall be fifteen (15) feet; when adjacent to a residential use or district the distance shall be twenty-five (25) feet."

to read as follows:

"Note No. 3. When adjacent to a commercial district none is required, but when provided shall be fifteen (15) feet; when adjacent to a residential district, the distance shall be twenty-five (25) feet."

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. (936-1986)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF AUGUST 12, 1986

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the regular Town Board meeting of August 12, 1986 are hereby accepted as submitted by the Town 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. (937-1986)

ACCEPTING PROPOSALS FROM ORANGE AND ROCKLAND UTILITIES, INC., FOR STREET LIGHTING AT FANLEY AVENUE, NEW CITY AND KINGS HIGHWAY, VALLEY COTTAGE

Co. Maloney offered the following resolution:

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RESOLUTION NO. (937-1986) Continued

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

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

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

NOW, THEREFORE, be it

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

Fanley Avenue New City
(Upgrading - Remove 2 7900 lumen mercury vapor street lights pole numbers 62/54 and 64/70.

Install 2 5800 lumen sodium vapor street lights pole numbers 62/54 and 64/70.)

Kings Highway Valley Cottage
(Upgrading - Remove 2 4000 lumen mercury vapor street lights pole numbers 29/76 and 39/97.

Install 2 5800 lumen sodium vapor street lights pole numbers 29/76 and 39/97.

Install - 1 5800 lumen sodium vapor street light pole number 35/88.

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. (938-1986)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT BARRY LANE,
BARDONIA AND BARDONIA ROAD,
BARDONIA

Co. Maloney offered the following resolution:

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc.,

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RESOLUTION NO. (939-1986) Continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby recommends that the Rockland County Legislature consider adoption of a proposed County Law to prohibit the display of sexually explicit materials determined to be harmful to minors.

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. (940-1986)

SETTING PUBLIC HEARING ON
PROPOSED LOCAL LAW -
RECODIFICATION OF CHAPTER
50 OF THE CODE OF THE TOWN
OF CLARKSTOWN (GARBAGE
REMOVAL)

Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"RECODIFICATION OF CHAPTER 50 (GARBAGE REMOVAL)"

and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest of the Town that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of November, 1986 at 8:20 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

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

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RESOLUTION NO. (941-1986)

SETTING PUBLIC HEARING ON
PROPOSED LOCAL LAW -
RECODIFICATION OF CHAPTER
63 OF THE CODE OF THE TOWN
OF CLARKSTOWN (LANDFILLS)

Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"RECODIFICATION OF CHAPTER 63 (LANDFILLS)"

and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest of the Town that said local law be adopted;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of November, 1986, at 8:25 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

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. (942-1986)

TRANSFER OF FUNDS -
DECREASING APPROPRIATION
ACCOUNT NO. A 5630-311 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 5630-438

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 5630-311 (Mini-Trans-Gasoline) and increase Appropriation Account No. A 5630-438 (Maintenance Agreements) by \$1,000.00.

Seconded by Co. Carey

On roll call the vote was as follows:

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RESOLUTION NO. (942-1986) Continued

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

RESOLUTION NO. (943-1986)

TRANSFER OF FUNDS -
 INCREASING REVENUE ACCOUNT
 NO. 01-004989-01 AND
 APPROPRIATION ACCOUNT NO. A
 8510-409 AND INCREASE
 REVENUE ACCOUNT NO.
 01-002701 AND A 1680-225 ,
 A 1680-313, A 3320-409 AND
 A 6410-405

Co. Maloney offered the following resolution:

RESOLVED, to increase Revenue Account No. 01-004989-01 (Community Development-Child Day Care Center of the Nyacks-1985) and Appropriation Account No. A 8510-409 (Community Development-Child Day Care Center of the Nyacks-1985) by \$1,900.22.

and

RESOLVED, to increase Revenue Account No. 01-002701 (Refund of Prior Years Expenses) by \$28,174 and the following Appropriation Account Numbers:

A 1680-225 (Data Processing-Computer Equip)...	\$19,174
A 1680-313 (Office Supplies & Printing).....	5,000(-)
A 3320-409 (Traffic Signals-Fees for Services)..	2,000
A 6410-405 (Advertising).....	12,000

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. (944-1986)

TRANSFER OF FUNDS -
 INCREASE APPROPRIATION
 ACCOUNT NO. A 1430-313,
 DECREASE APPROPRIATION
 ACCOUNT A 1430-204 AND
 INCREASE REVENUE ACCOUNT
 NO. 01-002680 (INSURANCE
 RECOVERIES) AND A 1430-110
 (SALARIES) - PERSONNEL

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. A 1430-313 (Personnel-Office Supplies & Printing) and decrease Appropriation Account A 1430-204 (Office Machines) by \$36, and be it

FURTHER RESOLVED, to increase Revenue Account No. 01-002680 (Insurance Recoveries) and A 1430-110 (Salaries) by \$11,000.00.

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RESOLUTION NO. (944-1986) Continued

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. (945-1986)

DECREASING APPROPRIATION
ACCOUNT NO. A 7610-201,
INCREASING APPROPRIATION
ACCOUNT NO. A 7020-438,
DECREASING APPROPRIATION
ACCOUNT NO. A 7610-204,
INCREASING APPROPRIATION
ACCOUNT NO. A 7020-438,
DECREASING APPROPRIATION
ACCOUNT NO. A 7610-222,
INCREASING APPROPRIATION
ACCOUNT NO. A 7020-438,
DECREASING APPROPRIATION
ACCOUNT NO. A 7180-217,
INCREASING APPROPRIATION
ACCOUNT NO. A 7180-114,
DECREASING APPROPRIATION
ACCOUNT NO. A 7210-301 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 7210-404 -
PARKS AND RECREATION

Co Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7610-201 (Programs for the Aging-Furniture & Furnishings) by \$1,000.00 and to increase Appropriation Account No. A 7020-438 (Parks & Recreation-Maintenance Agreement) by \$1,000.00 and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7610-204 (Programs for the Aging-Office Machines) by \$500.00 and to increase Appropriation Account No. A 7020-438 (Parks & Recreation-Maintenance Agreement) by \$500.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7610-222 (Programs for the Aging-Office Machines) by \$500.00 and to increase Appropriation Account No. A 7020-438 (Parks & Recreation-Maintenance Agreement) by \$500.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7180-217 (Swimming Facilities-Maintenance Equipment) by \$500.00 and to increase Appropriation Account No. A 7180-114 (Swimming Facilities-Part-time Personnel) by \$500.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7210-301 (Refreshment Stands-Food) by \$270.00 and to increase Appropriation Account No. A 7210-404 (Refreshment Stands-Travel, Mileage, Meals) by \$270.00.

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. (946-1986)

TRANSFER OF FUNDS -
DECREASE APPROPRIATION
ACCOUNT A 3120-111 AND
INCREASING APPROPRIATION
ACCOUNT A 3120-409

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 3120-111
and increase Appropriation Account A 3120-409 by \$10,000.00.

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. (947-1986)

TRANSFERRING FUNDS -
DECREASE APPROPRIATION
ACCOUNT NO. A 1420-404 AND
INCREASE APPROPRIATION
ACCOUNT NO. A 1420-328
(TOWN ATTORNEY'S OFFICE)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A
1420-404 and increase Appropriation Account No. A 1420-328 by
\$200.00.

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. (948-1986)

AUTHORIZING ATTENDANCE AT
SEMINAR ON SOLID WASTE
MANAGEMENT (GERALD
BRICKWOOD) - CHARGE
APPROPRIATION ACCOUNT A
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Gerald Brickwood, Deputy Director,
Department of Environmental Control of the Town of Clarkstown, is
hereby authorized to attend a seminar on Solid Waste Management to
be held on October 6 and 7, 1986, at the Bonnie Castle in Alexandria
Bay, New York, and be it

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

FURTHER RESOLVED, that this be retroactive to October 6
and 7, 1986.

Seconded by Co. Nowicki

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RESOLUTION NO. (948-1986) 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. (949-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #2-1987 (PAPER
& PLASTIC SUPPLIES)

Co. Lettre offered the following resolution:

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

BID #2-1987
PAPER & PASTIC SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,
November 6, 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. 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. (950-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID # 1-1987
(STATIONERY SUPPLIES)

Co. Lettre offered the following resolution:

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

BID #1-1987
STATIONERY SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday,
November 5, 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. Maloney

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RESOLUTION NO. (950-1986) 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. (951-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #3-1987
(PRINTING OF TOWN ENVELOPES
& STATIONERY)

Co. Lettre offered the following resolution:

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

BID #3-1987
PRINTING OF TOWN ENVELOPES & STATIONERY

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, October
31, 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. 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. (952-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #5-1987
(CUSTODIAL & MAINTENANCE
SUPPLIES)

Co. Lettre offered the following resolution:

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

BID #5-1987
CUSTODIAL & MAINTENANCE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Friday,
November 14, 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. Maloney

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RESOLUTION NO. (952-1986) 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. (953-1986)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #4-1987
(PHOTOCOPIER SUPPLIES)

Co. Lettre offered the following resolution:

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

BID #4-1987
PHOTOCOPIER SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Friday,
November 7, 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. 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. (954-1986)

GRANTING 280-a(2) - MAP
139, BLOCK B, LOTS 10.06
AND 10.07 (MARSHA RAND)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2)
of the Town Law and pursuant to the recommendations of the Director
of Environmental Control, a Building Permit for the erection of two
one-family residences in accordance and subject to the decision of
the Board of Appeals (Appeal No. 1947), may be issued for premises
situate at New York Avenue, Congers, New York, more particularly
designated on the Clarkstown Tax Map as: Map 139, Block B, Lots
10.06 and 10.07, provided, however, the certified record owner(s)
shall be required prior to the issuance of such Building Permit to
execute and record a Declaration of Covenant, in a form satisfactory
to the Town Attorney, which shall run with the land and shall
provide:

1. That the property owner shall acknowledge that
no Town services including but not limited to maintenance, paving or
snow removal shall be provided along New York Avenue;

RESOLUTION NO. (954-1986) Continued

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

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

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

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

FURTHER RESOLVED, that prior to the issuance of a Building Permit for either lot, the owner(s) shall:

(a) Revise the proposed subdivision map prepared by Robert R. Rahnefeld, Land Surveyor and Planner, dated August 28, 1985, to incorporate the requirements set forth in the decision of the Board of Appeals, dated March 24, 1986, and submit same for minor subdivision approval by the Clarkstown Planning Board.

(b) Comply with applicable subdivision regulations.

(c) Revised subdivision map to contain a notation that approval for development was obtained by variance(s) granted pursuant to the Board of Appeals, Appeal No. 1947, and Resolution of the Town Board pursuant to Town Law 280-a(2) which requires the owner(s) to participate in a road improvement project along New York Avenue upon request of the Town Board.

(d) File the approved minor subdivision map in the Rockland County Clerk's Office.

(e) Comply with all other provisions of law.

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. (955-1986)

GRANTING 280-a(2), MAP 141,
BLOCK B, LOT 38 (LYNN HOMES)

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law and pursuant to the recommendations of the Director of Environmental Control, a Building Permit for the erection of a one-family residence may be issued to LYNN HOMES INC., for property situate at 74 Lakewood Drive, Congers, New York, more particularly designated on the Clarkstown Tax Map as: Map 141, Block B, Lots 38.03 and 38.04, provided, however, the certified record owners

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RESOLUTION NO. (955-1986) Continued

shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

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

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

(a) Relocate the existing sewer line serving the premises designated as Map 141, Block B, Lot 38.04 if the proposed dwelling is to be located over such existing house connection. If necessary to relocate the line, it shall be placed at the direction of the Director of Environmental Control. Any required sanitary sewer easement on Lot 38.03 for the installation and maintenance of said line shall be in a form approved by the Town Attorney.

(b) Install a sanitary sewer system including the spur for the proposed dwelling as directed by the Director of Environmental Control and at no expense to the Town.

(c) Driveway should be constructed of macadam, in accordance with the standards established by the Director of Environmental Control, and installed in such a way as to save the maximum amount of trees presently within the right-of-way of Lakeward Avenue.

(d) Trim back the vegetation at the intersection of Lakeward Avenue and Lakewood Drive to create an acceptable site distance for the safe ingress and egress of vehicles using the driveway to Lots 38.03 and 38.04.

(e) Submit proof that an agreement in a form acceptable to the Town Attorney for the sharing of the maintenance and clearing of the driveway to be located within the right-of-way of Lakeward Avenue has been entered into by the affected property owners.

Seconded by Co. Lettre

On roll call the vote was as follows:

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RESOLUTION NO. (955-1986) Continued

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

RESOLUTION NO. (956-1986)

AMENDING RESOLUTION NO.
296-1986 AND AUTHORIZING
ACCEPTANCE OF PROPOSAL FOR
IMPROVEMENTS TO CUL-DE-SAC
- ARCADIA DRIVE, NEW CITY
(IRA WICKES, INC.)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board adopted Resolution No. 296-1986 at the Town Board Meeting of March 26, 1986 which awarded improvements and maintenance of Town cul-de-sacs to Ira Wickes, Inc., and

WHEREAS, the Director of the Department of Environmental Control has recommended improvements to the cul-de-sac on Arcadia Drive, New City,

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of the Director of the Department of Environmental Control, the proposal of Ira Wickes, Inc. for the landscaping of this island in the amount of \$1,096.25 be authorized, and be it

FURTHER RESOLVED, that this be an amendment to Resolution No. 296-1986 bringing the total cost authorized to \$24,901.00.

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. (957-1986)

ACCEPTING DEED FOR ROAD
WIDENING FROM JEWISH
THEOLOGICAL SEMINARY (CAMP
RAMAH)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control, the deed dated September 10, 1986, from The Jewish Theological Seminary to the Town of Clarkstown for road widening purposes along Christian Herald Road as shown on a minor subdivision entitled, "Survey of Property for CAMP RAMAH" prepared by Jack D. Boswell & Associates, dated December 12, 1985, last revised August 29, 1986, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Nowicki

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RESOLUTION NO. (957-1986) 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. (958-1986)

AUTHORIZING ATTENDANCE AT
PROFESSIONAL DEVELOPMENT
PROGRAMS - AMERICAN
ARBITRATION ASSOCIATION
(TOWN ATTORNEY AND TWO (2)
DEPUTY TOWN ATTORNEYS -
CHARGE TO ACCOUNT NO. A
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney and two Deputy Town Attorneys are hereby authorized to attend Professional Development Programs presented by the American Arbitration Association entitled:

"COLLECTIVE BARGAINING INSTITUTE" - to be held in Tampa, Florida on December 8th through December 10th;

"ADVANCED ARBITRATION ADVOCACY INSTITUTE" - to be held in Syracuse, New York on November 19th through November 21st; and

"DISCIPLINE AND DISCHARGE ISSUES" seminar to be held in Phoenix, Arizona on November 13th and 14th, and be it

FURTHER RESOLVED, that tuition of \$1,205.00 for all three sessions, plus transportation, lodging and necessary meals shall be charged to Account No. A-1010-414.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (959-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
CROSSWALK PAINTING
SOUTHWEST CORNER SOUTH
CRANFORD ROAD AND LUDVIGH
ROAD TO NORTHWEST CORNER
CRANFORD ROAD AND LUDVIGH
ROAD AND TWO (2) PEDESTRIAN
SIGNS LUDVIGH ROAD, ONE TOP
OF HILL EAST OF SOUTH
CRANFORD ROAD AND ONE
LUDVIGH ROAD WEST SOUTH
CRANFORD ROAD

Co. Maloney offered the following resolution:

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

RESOLUTION NO. (959-1986) Continued

1. A crosswalk painting from the southwest corner of South Cranford Road and Ludvigh Road to the northwest corner of Cranford Road and Ludvigh Road.
2. Two (2) pedestrian signs to be erected on Ludvigh Road; one to be erected near the top of the hill on east of South Cranford Road for the westbound traffic; the other to be erected on Ludvigh Road, west of South Cranford Road, facing east.

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

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. (960-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONSENT
DETERMINATION WITH MARANGI
BROTHERS, INC. OR IN LIEU
THEREOF SET PUBLIC HEARING
FOR OCTOBER 16, 1986

Co. Maloney offered the following resolution:

WHEREAS, by three separate Statements of Allegations dated August 25, 1986, and September 26, 1986, Marangi Brothers, Inc., a corporation licensed and engaged in business of garbage removal in the Town of Clarkstown has been charged with violation of Section 63-10(C) of the Town Code of the Town of Clarkstown for alleged dumping of garbage, rubbish, or debris into the Town of Clarkstown Sanitary Landfill which originated outside the Town of Clarkstown without the special permission of the Town Board, on or about January 8, 1986, on or about July 29, 1986, and also on or about September 11, 1986, and

WHEREAS, public hearings were scheduled for September 25, 1986 at 8:00 P.M., October 16, 1986 at 8:00 P.M., and October 16, 1986 at 8:30 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 and the Respondent, Marangi Brothers, Inc., have offered to enter into a Consent Determination in lieu of such fact finding hearings being held whereby the Respondent would admit the essential Allegations of Specification No. 1, contained in the two Statements of Allegations dated September 25, 1986, for alleged improper dumping on January 8, 1986 and September 11, 1986, and Consent to the imposition of a civil penalty of \$4,000.00, payable \$2,000.00 on or before October 31, 1986 and \$2,000.00 on or before November 30, 1986, and further consent to the imposition of a two year period of suspension of the Respondent's right to use the Clarkstown Sanitary Landfill, provided that said suspension shall be held in abeyance upon the condition that the Respondent commit no further violations of the Town Code or law regarding use of the Clarkstown Sanitary Landfill facility for the period commencing October 15, 1986 and ending October 14, 1988, or in lieu thereof, upon such conviction or adjudication of any such

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RESOLUTION NO. (960-1986) Continued

violation committed during said period, such deferred suspension shall be revoked and Respondent, in addition to any other penalty or conviction it may suffer, shall be barred from use of the Clarkstown Sanitary Landfill for a period of two years commencing on the date of such conviction or adjudication, and in addition thereto, such Consent Determination shall further provide that if either of the civil penalty payments required to be made shall not be paid when due, the two year period of suspension shall commence immediately on such due date and shall run uninterrupted for a two year term, and

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

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into the Consent Determination containing the terms and conditions as set forth above, or in lieu thereof, the public hearing originally scheduled for September 25, 1986 at 8:00 P.M. is hereby rescheduled for October 16, 1986 at 9:00 P.M. in Room 311 at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to September 25, 1986.

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. (961-1986)

AMENDING RESOLUTION NO. 833
SETTING PUBLIC HEARING RE
ZONE CHANGE (ROBERT
CHAMPEAU) GIVING AN
ALTERNATIVE OF AN MF-2
DISTRICT

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 833, dated September 9, 1986, is hereby amended in part to read as follows:

"WHEREAS, Robert Champeau has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an R-15 District to an MF-3 District, or in the alternative to an MF-2 District, for property described on the Clarkstown Tax Map as Map 57, Block M, Lots 3 and 4."

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

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RESOLUTION NO. (962-1986)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
(MCCALL V. ZONING BOARD OF
APPEALS)

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

LINDA MCCALL and ALMIRA MCCALL,

Petitioners,

-against-

THE ZONING BOARD OF APPEALS, TOWN
OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

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. (963-1986)

DIRECTING SUPERINTENDENT OF
HIGHWAYS TO INSTALL TRAFFIC
SIGNS AT DADE ROAD AT ITS
INTERSECTION WITH GERMONDS
ROAD, NEW CITY AND ALSO
INSTALLATION OF LOOPS IN
THE ROAD

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Howard
Lampert, Traffic & Highway Engineering Consultant, the
Superintendent of Highways, John O'Sullivan, is hereby directed to
install the following:

Dade Road at Germonds Road, New City

- (1) Prohibit eastbound U-turns on Germonds Road at
Dade Road, Cider Mill Court and Broward Drive.
- (2) It is recommended that the side street green time
be increased.
- (3) It is further recommended that traffic actuation
by means of loops in the road be installed at this
intersection. It should be noted that this
intersection already has a traffic signal
controller capable of receiving input from loops.
Consequently, only the loops themselves and their

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RESOLUTION NO. (963-1986) Continued

auxiliary equipment is required; the controller itself will not have to be changed.

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. (964-1986)

DIRECTING SUPERINTENDENT OF HIGHWAYS TO INSTALL "STOP" SIGNS ON STOCKTON ROAD AT ASHLAND STREET AND ASHLAND STREET AT BELLEVILLE DRIVE, VALLEY COTTAGE AND DIRECTING PROPERTY OWNER SOUTH-EAST CORNER OF ASHLAND STREET AND BELLEVILLE DRIVE TO PRUNE SHRUBS AND TREE BRANCHES TO CORRECT SIGHT PROBLEM AT THIS INTERSECTION

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Howard Lampert, Traffic & Highway Engineering Consultant, the Superintendent of Highways, John O'Sullivan, is hereby directed to install the following:

Installation of Stop signs on Stockton Road at Ashland Street and at Ashland Street at Belleville Drive, Valley Cottage

- (1) Installation of a Stop sign on the stem of the T at each of these intersections.
- (2) The property on the southeast corner of Ashland Street and Belleville Drive has a severe sight distance problem. Tree branches and shrubs have been allowed to grow in violation of the town ordinance which requires them to be lower than 36 inches within 20 feet of the intersection. The property owner should be immediately notified to take corrective action to bring these trees and shrubs up to the provisions of the town ordinance.

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

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RESOLUTION NO. (965-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO SUPPLEMENTAL
AGREEMENT WITH HENRY
HOROWITZ RE: ROUTE 45
TUNNEL BY-PASS ROAD PROJECT
AND APPROPRIATING FUNDS
THEREFOR FROM DRAINAGE BOND
CAPITAL ACCOUNT NO. 2

Co. Lettre offered the following resolution:

WHEREAS, Henry Horowitz, P.E., Civil Engineers and Land
Planning Consultant, has submitted a proposal dated August 4, 1986,
to provide additional engineering, surveying and construction
management services for the Route 45 tunnel by-pass road project, and

WHEREAS, the Town Board wishes to accpet said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown
is hereby authorized to enter into an agreement with Henry Horowitz,
P.E., in a form satisfactory to the Town Attorney to provide for
said services, and be it

FURTHER RESOLVED, that the sum of \$100,000.00 is hereby
appropriated from the Drainage Bond Capital Account No. 2, for
payment in accordance with such agreement.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (966-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
CONVERSE ENGINEERING
CONSULTANTS, PC FOR SOIL
TEST BORINGS- CENTRAL NYACK
AND CONGERS LAKE PARK
COMMUNITY CENTERS AND
TRANSFER OF FUNDS FROM
MONEY-IN-LIEU-OF-LAND
ACCOUNT TO PARKLANDS AND
IMPROVEMENT ACCOUNT

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Schofield
Colgan Architects and Edward J. Ghiazza, Superintendent of
Recreation and Parks, the Supervisor is hereby authorized to enter
into an agreement, in a form acceptable to the Town Attorney, with
Converse Engineering Consultants, PC, of 91 Roseland Avenue, Post
Office Box 292, Caldwell, New Jersey, for soil test borings
regarding additions to the Central Nyack and Congers Lake Park
Community Centers, in accordance with a proposal dated September 29,
1986, and

FURTHER RESOLVED, that the Town Comptroller is hereby
authorized to transfer \$10,400.00 from Money-in-Lieu-of-Land Account
to the Parklands and Improvement Account to cover above expenses.

Seconded by Co. Nowicki

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RESOLUTION NO. (966-1986) 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. (967-1986)

AUTHORIZING ATTENDANCE AT
SYMPOSIUM V AT OGLEBAY
PARK, WHEELING, WEST
VIRGINIA - CHARGE TO
APPROPRIATION ACCOUNT A
7140-414

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission, that Edward J. Ghiazza, Superintendent of Recreation and Parks, is hereby authorized to attend a meeting, entitled Symposium V, of selected park and recreation leaders from throughout the country, scheduled for Sunday, December 7, 1986 through Wednesday, December 10, 1986, at Oglebay Park, Wheeling, West Virginia, and

FURTHER RESOLVED, that transportation expenses only be charged against Appropriation Account A 7140-414.

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. (968-1986)

AUTHORIZING HENRY HOROWITZ,
INC. TO PROVIDE NECESSARY
TOPOGRAPHICAL INFORMATION
FOR CONGERS LAKE PARK AND
CENTRAL NYACK COMMUNITY
CENTERS - TRANFER OF FUNDS
FROM MONEY-IN-LIEU-OF-LAND
ACCOUNT TO PARKLANDS AND
IMPROVEMENT ACCOUNT

Co. Nowicki offered the following resolution:

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Superintendent of Recreation and Parks, that Henry Horowitz, Inc. of 55 Virginia Avenue, New City, New York, is hereby authorized to provide the necessary topographical information for the Congers Lake Park and Central Nyack Community Centers, in an amount not to exceed \$4,500.00 per community center, and

FURTHER RESOLVED, that the Town Comptroller is hereby authorized to transfer the necessary funds from Money-in-Lieu-of-Land Account to the Parklands and Improvement Account.

Seconded by Co. Lettre

On roll call the vote was as follows:

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RESOLUTION NO. (968-1986) Continued

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

RESOLUTION NO. (969-1986)

AUTHORIZING ATTENDANCE OF
SYSTEM 36 TRAINING COURSE
AT IBM HARRISON (ELEANOR
O'BRIEN AND JOANN GEARY) -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 1110-204

Co. Maloney offered the following resolution:

RESOLVED, Eleanor O'Brien and Joann Geary of the
Clarkstown Justice Court are hereby authorized to attend a System 36
training course given at IBM Harrison on or about October 27, 1986,
and be it

FURTHER RESOLVED, that all appropriation expenses be
charged against Appropriation Account No. A 1110-204.

Seconded by Co. Nowicki

RESOLUTION NO. 970-1986)

AUTHORIZING ATTENDANCE AT
PROGRAM SPONSORED BY
WESTCHESTER COUNTY BAR
ASSOCIATION RE RECENT
LEGISLATIVE DEVELOPMENTS IN
TAX CERTIORARI MATTERS
(COSTA, FLICK, LONGO,
SQUILLACE, PROFENNA) -
CHARGE TO ACCOUNT NO. A
1010-414

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby authorized to
attend a program sponsored by the Westchester County Bar Association
in cooperation with the Municipal Law Resource Center of Pace
University concerning Recent Legislative Developments in Tax
Certiorari matters, to be held at White Plains, New York on October
21, 1986:

JOHN A. COSTA, Town Attorney
 JOEL J. FLICK, Deputy Town Attorney for Tax Certiori
 NICHOLAS A LONGO, Assessor
 ELIZABETH J. SQUILLACE, Dir. of Finance
 LOUIS J. PROFENNA, Comptroller

and be it

FURTHER RESOLVED, that a fee of \$16.00 for each
individual, plus transportation and other necessary expenses shall
be charged to Account No. A 1010-414.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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RESOLUTION NO. (969-1986) Continued

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

RESOLUTION NO. (971-1986)

AUTHORIZING PAYMENT FOR
CLAIM MADE BY MARGARETANN
RIES FOR EXPENSES INCURRED
IN SUIT "RIES V. DUSANENKO"
- CHARGE TO ACCOUNT NO. A
1220-409

Co. Carey offered the following resolution:

WHEREAS, a claim has been made by MARGARETANN RIES for reimbursement of the sum of \$2,500 incurred as a legal expense with respect to a proceeding entitled, "RIES v. DUSANENKO" brought by her to obtain payment of fees due in accordance with an agreement with the Town of Clarkstown arising out of the claimant's duties as Secretary to the Zoning Board of Appeals, and

WHEREAS, it appears to the satisfaction of the Town Board, under the circumstances of the lawsuit and the results obtained against the Town of Clarkstown, that there is a moral obligation on the part of the Town to fairly and equitably discharge this claim and that the fees incurred were reasonable;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$2,500 shall be paid in full discharge of any and all claims that may exist against the Town of Clarkstown on behalf of the claimant upon receipt by the Town of a duly executed General Release, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that this sum shall be a charge against Account No. A 1220-409.

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. (972-1986)

AUTHORIZING INSTALLATION OF
CHAIN LINK FENCE TO BE
INSTALLED ON TOLSTOY
PROPERTY PARALLEL TO
BACKYARD OF RESIDENTS ON
COTTAGE ROAD, VALLEY
COTTAGE - CHARGE TO
DRAINAGE BOND CAPITAL
ACCOUNT #2

Co. Maloney offered the following resolution:

WHEREAS, a detention pond has been constructed on the Tolstoy property in Valley Cottage, and

RESOLUTION NO. (972-1986) Continued

WHEREAS, the residents bordering the pond have requested that a fence be installed to protect their property and provide for safety;

NOW, THEREFORE, be it

RESOLVED, that the Director of Purchasing be authorized to obtain proposals for approximately 700 feet of six foot high chain link fence with no top rail, to be installed on the Tolstoy property parallel to the backyard of the residents on Cottage Road, Valley Cottage, as shown on the sketch provided by the Department of Environmental Control, and be it

FURTHER RESOLVED, that the funds be charged to the Drainage Bond Capital Account #2.

(Sketch on File in Town 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. (973-1986)

REFERRING AMENDMENT OF ZONING ORDINANCE TO CLARKSTOWN AND ROCKLAND COUNTY PLANNING BOARDS - AMEND SECTION 106-10A, TABLE 19, COLUMN 2, NO. 1 OF GENERAL USE REGULATIONS AND AMEND SECTION 106-19F(10) BY ADDING "NO. 10"

Co. Carey 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 desires to further amend the 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 25th day of November, 1986, at 8:15 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-10A, Table 19, Column 2, No. 1 of the General Use Regulations, from:

"Dwelling units of all types, except single-family detached residences."

to read as follows:

"Dwelling units of all types, including rental, cooperative, condominium, or fee simple; except single-family detached residences."

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RESOLUTION NO. 973-1986) Continued

Amend Section 106-19F(10) by Adding "No. 10":

"10. The Planning Board may determine, under fee simple ownership, the minimum lot area for each lot. Any such determination shall be noted on the approved site plan as well as on the subdivision plat."

and be it

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, and be it

FURTHER RESOLVED, that the above proposed amendment(s) be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their recommendations and report

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. (974-1986)

SETTING PUBLIC HEARING RE
ALLEGED VIOLATIONS OF CHAPTER 63 OF TOWN CODE (LAND-FILL) - C & A CARBONE, INC. AND SETTING PUBLIC HEARING FOR NOVEMBER 13, 1986

Co. Maloney offered the following resolution:

WHEREAS, information has been presented to the Town Board which, if true, would establish that C & A CARBONE, INC., located at 183 Western Highway, West Nyack, New York, a garbage carter authorized to use the Clarkstown Sanitary Landfill has violated certain provisions of Chapter 63 of the Town Code of the Town of Clarkstown entitled, "Landfills," which are required to be observed by carters who dump in the Clarkstown Sanitary Landfill, in that garbage/debris from outside the Town of Clarkstown was dumped therein on or about August 8, 1986 without the permission of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to prepare a Statement of Allegations with specifications, and serve notice thereon upon C & A CARBONE, INC., for a public hearing to be held before the Town Board of the Town of Clarkstown on November 13, 1986 at 9:30 P.M. in Room 311 at Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York.

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. (975-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
RAYMOND, PARISH, PINE &
WEINER, PLANNING
CONSULTANTS RE PARKING
STUDY FOR CERTAIN AREAS OF
NEW CITY - CHARGE TO
ACCOUNT NO. A 5650-409

Co. Carey offered the following resolution:

WHEREAS, RPPW, Inc., Planning Consultants, submitted a proposal dated October 7, 1986, to provide planning consultant services for the preparation of a parking study for certain areas of New City, New York, and

WHEREAS, the Town Board wishes to accept said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with RPPW, Inc., Planning Consultants, in a form satisfactory to the Town Attorney to provide for said services, and be it

FURTHER RESOLVED, that the cost of said services shall not exceed the sum of \$10,000.00, and shall be charged to Account No. A-5650-409.

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. (976-1986)

AUTHORIZING ACCEPTANCE OF
PROPOSAL FROM BROWN'S RIVER
BINDERY, INC. TO REBIND,
REPAIR AND RESTORE RECORDS
MAINTAINED IN TOWN CLERK'S
OFFICE - CHARGE TO ACCOUNT
NO. A 1410-328

Co. Nowicki offered the following resolution:

WHEREAS, the Town Clerk has advised that a number of record books dating as far back as the 1700's, maintained in the Town Clerk's Office of the Town of Clarkstown, are in need of rebinding, repair, and other restoration for their preservation, and

WHEREAS, a proposal has been provided by Brown's River Bindery, Inc., to repair, rebind, and restore the records referred to herein for the sum of \$6,501.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk is hereby authorized to accept Brown's River Bindery, Inc. proposal, and be it

FURTHER RESOLVED, that the sum of \$6,501.00 shall be charged to Account No. A-1410-328.

Seconded by Co. Maloney

Continued on Next Page

ABE633

RESOLUTION NO. (976-1986) 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. (977-1986)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONSENT
DETERMINATION FOR LANDFILL
VIOLATIONS (DONATO MARANGI,
INC.) OR IN LIEU THEREOF
SETTING PUBLIC HEARING FOR
OCTOBER 30, 1986

Co. Carey offered the following resolution:

WHEREAS, by Charges and Specifications served on or about August 15, 1986, Donato Marangi, Inc., P.O. Box 17, Nanuet, New York, a corporation authorized to use the Clarkstown Sanitary Landfill 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 committed on or about June 12, 1986 for alleged dumping of garbage, rubbish, or debris into the Town of Clarkstown Sanitary Landfill without special permission of the Town Board on June 12, 1986, when said garbage, rubbish, or debris was collected outside of the Town of Clarkstown, and

WHEREAS, a public hearing was scheduled for September 24, 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, Donato Marangi, Inc., the Respondent, has 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 \$2,000.00, payable on or before October 15, 1986, and further consent to the imposition of a nine month period of suspension of the Respondent Corporation's right to use the Clarkstown Sanitary Landfill provided further that said suspension be deferred upon the condition that the Respondent commit no further violation of the Town Code or law regarding use of the Clarkstown Sanitary Landfill facility during the period October 16, 1986 through July 14, 1987, or in lieu thereof, upon conviction or adjudication of any such violation committed during said period such deferred suspension shall be revoked and the Respondent, 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 nine months thereafter, 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 September 24, 1986 at 8:00 P.M., in the Clarkstown Town Hall shall be reconvened upon five days notice to Respondent on October 30, 1986, and be it

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RESOLUTION NO. (977-1986) Continued

FURTHER RESOLVED, that copies of this resolution shall be forwarded with any proposed Consent Determination to the Respondent.

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

ABE633

RESOLUTION NO. (978-1986)

GRANTING PERMISSION FOR HANGING OF BANNER ON MAIN STREET (DADS AGAINST DANGEROUS DRUGS FOR YOUTH - DADDY)

Co. Nowicki offered the following resolution:

RESOLVED, that Dads Against Dangerous Drugs for Youth (DADDY) is given permission to put a banner up on Main Street, New City for their parade on October 26, 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. (979-1986)

CREATING FOUR (4) CROSSING GUARD POSITIONS (POLICE DEPARTMENT)

Co. Nowicki offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on October 1, 1986 that four (4) positions of Crossing Guard - can be created,

NOW, THEREFORE, be it

RESOLVED, that the four (4) positions of Crossing Guard - Police Department - are hereby created - at \$7.00 per crossing - effective and retroactive to October 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

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RESOLUTION NO. (980-1986)

CREATING POSITION OF
PART-TIME CLERK (TEMPORARY)
- TOWN HIGHWAY DEPARTMENT

Co. Nowicki offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on October 1, 1986 that the temporary position of part-time Clerk, can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of part-time Clerk (Temporary) - Town Highway Department - is hereby created - at the current 1986 hourly rate of \$6.00 - effective October 15, 1986 - for a period not to exceed 3 months.

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. (981-1986)

APPOINTING TO POSITION OF
PART-TIME CLERK - TOWN
HIGHWAY DEPARTMENT
(MADELINE M. WEIGOLD)

Co. Nowicki offered the following resolution:

RESOLVED, that Madeline M. Weigold, 7 Aspen Lane, New City, New York, is hereby appointed to the position of part-time Clerk - Town Highway Department - at the current 1986 hourly rate of \$6.00 - effective October 15, 1986 - for a period not to exceed 3 months.

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. (982-1986)

CREATING POSITION OF TYPIST
(IN LIEU OF PART-TIME CLERK
POSITION) - BUILDING
DEPARTMENT

Co. Nowicki offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on October 1, 1986 that the position of Typist - Building Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Typist - Building Department - is hereby created (in lieu of the part-time Clerk

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RESOLUTION NO. (982-1986) Continued

position in the Building Department) - effective and retroactive to October 1, 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. (983-1986)

APPOINTING TO POSITION OF
TYPIST - BUILDING
DEPARTMENT (RITA MAKLIN)

Co. Nowicki offered the following resolution:

WHEREAS, the Rockland County Peronnel Office has furnished Certification of Eligibles Typist CR-1 86-79 which contains the name of Rita Maklin,

NOW, THEREFORE, be it

RESOLVED, that Rita Maklin, 4 Maplewood Lane, New City, New York, is hereby appointed to the position of Typist - Building Department - at the current 1986 annual salary of \$12,589.00, effective and retroactive to September 29, 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. (984-1986)

APPOINTING TO POSITION OF
MAINTENANCE HELPER -
MAINTENANCE DEPARTMENT
(RICHARD DAVIDSON)

Co. Nowicki offered the following resolution:

RESOLVED, that Richard Davidson, 1 Badger Street, New City, New York, is hereby appointed to the position of Maintenance Helper - Maintenance Department - at the current 1986 annual salary of \$14,926.00, effective and retroactive to September 29, 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

ABE633

RESOLUTION NO. (985-1986)

SETTING PUBLIC HEARING ON
PROPOSED AMENDMENTS TO
ZONING ORDINANCE OF TOWN OF
CLARKSTOWN - GENERAL USE
REGULATIONS - LO DISTRICT,
PO DISTRICT AND R-160
DISTRICT (PLACES OF WORSHIP)

Co. Nowicki 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, and

WHEREAS, the Town Board of the Town of Clarkstown desires to further amend 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 28th day of October, 1986, at 8:20 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

I. Amend Table 8, General Use Regulations, LO District; Section 106-10A, Column 2, Item 1 from:

A. "1. Churches and similar places of worship, Sunday School buildings, parish houses and rectories."

to read as follows:

"1. Places of worship including accessory rooms for religious training, parish houses and rectories."

B. Delete Item No. 3

C. Items 4 through 10 to be renumbered 3 through 9.

II. Amend Table 9, General Use Regulations, PO District; Section 106-10A, Column 2, Item 1 from:

A. "1. Churches and similar places of worship, Sunday school buildings, parish houses and rectories."

to read as follows:

"1. Places of worship including accessory rooms for religious training, parish houses and rectories."

B. Delete Item No. 3.

C. Items 4 through 8 to be renumbered 3 through 7.

III. Amend Table 18, General Use Regulations, R-160 District; Section 106-10A, Column 2, Item 4 from:

A. "4. Houses of worship, religious school buildings, parish houses and rectories."

to read as follows:

"4. Places of worship including accessory rooms for religious training, parish houses and rectories."

B. Delete Item 6.

C. Item 7 to be renumbered 6.

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RESOLUTION NO. (985-1986) Continued

and be it

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, and be it

FURTHER RESOLVED, that the above proposed amendments be referred to the Clarkstown Planning Board and Rockland County Planning Board for their recommendation 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 Town Planning Consultant, Robert Geneslaw, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (986-1986)

GRANTING PERMISSION TO
DISPENSE ALCOHOLIC
BEVERAGES (VALLEY COTTAGE
INDIANS)

Co. Nowicki offered the following resolution:

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Valley Cottage Indians Inc., to dispense alcoholic beverages in accordance with and subject to Section 22-2A and 2B of the Town code at the following event:

Halloween Dance
Congers Community Center
Friday, October 17, 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. (987-1986)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING

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ABE633

RESOLUTION NO. (987-1986) Continued

AGAINST TOWN OF CLARKSTOWN
(FELDI V. PARIS, YACYSHYN,
CENTRA, CUNNINGHAM, NEST,
SMITH AND SCHWEITZER AS
PLANNING BOARD OF TOWN AND
GERALD D. COLUCCI, BUILDING
INSPECTOR AND TOWN OF
CLARKSTOWN

Co. Maloney offered the following resolution:

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

In the Matter of the Application of

MARTIN FELDI,

Petitioner

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 the TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. 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. (988-1986)

DIRECTING SUPERINTENDENT OF
HIGHWAYS TO CLEAN OUT
CULVERT UNDER TROTTERS
TRAIL, NEW CITY

Co. Maloney offered the following resolution:

RESOLVED, the Superintendent of Highways, John
O'Sullivan, is hereby directed to clean out the culvert under
Trotters Trail, New City.

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

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RESOLUTION NO. (989-1986)

AUTHORIZING ATTENDANCE AT
SEMINAR ON MANAGEMENT OF
HAZARDOUS MATERIALS ON
NOVEMBER 15, 1986
(PAPENMEYER, BOWLER AND
McDOUGALL) - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Nowicki offered the following resolution:

RESOLVED, that M. Papenmeyer, W. Bowler and A. McDougall, Fire Inspectors for the Town of Clarkstown are authorized to attend a Seminar on "The Management of Hazardous Materials" to be held on November 15, 1986 at the Ramapo Senior High School for a fee of \$20.00 each, and be it

FURTHER RESOLVED, that all fees be charged to 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. (990-1986)

DIRECTING SUPERINTENDENT OF
HIGHWAYS TO PERFORM
DRAINAGE WORK AT ELINOR
PLACE

Co. Nowicki offered the following resolution:

RESOLVED, that the Superintendent of Highways, John O'Sullivan, is hereby directed to perform drainage work at 8 Elinor Place, as designed by Director of Environmental Control, and be it

FURTHER RESOLVED, that the Town Clerk forward a copy of this resolution to the Superintendent of Highways.

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 Nowicki, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Violation on Premises Map 127, Block B, Lots 20.1 and 21 and Map 127, Block C, Lots 16.1, 17, 17.1 and 18, Congers (Conlon) was opened, time: 9:17 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted the Public Hearing re: Violation on Premises Map 127, Block B, Lots 20.1 and 21 and Map 127, Block C, Lots 16.1, 17, 17.1 and 18, Congers (Conlon) was closed, RESOLUTION ADOPTED, time: 9:25 P.M.

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RESOLUTION NO. (991-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REMOVE
DEBRIS ON PREMISES MAP 127,
BLOCK B, LOT 20.1, MAP 127,
BLOCK C, LOT 16.1, MAP 127,
BLOCK C, LOTS 17, 17.1 AND
18 (CONLON & ORS.)

Co. Lettre offered the following resolution:

WHEREAS, by Resolution No. 841 dated September 9, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 127, Block B, Lot 20.1, Map 127, Block C, Lots 16.1, 17, 17.1 and 18, 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 October 14, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) 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 Chapter 79 of the Code of the Town of Clarkstown dated September 9, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 24th day of October, 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

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Violation on Premises Map 14, Block D, Lots 29 and 44, Nanuet (New Plan Realty), was opened, time: 9:17 P.M.

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Violation on Premises Map 14, Block D, Lots 29 and 44, Nanuet (New Plan Realty) was closed, RESOLUTION ADOPTED, time: 9:25 P.M.

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RESOLUTION NO. (992-1986)

AUTHORIZING TOWN ATTORNEY
TO FILE CANCELLATION OF LIS
PENDENS RE: MAP 14, BLOCK
D, LOTS 29 AND 44 (NEW PLAN
REALTY VIOLATION)

Co. Nowicki offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice dated September 9, 1986 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 14, Block D, Lots 29 and 44 has been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens heretofore filed in the Rockland County 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: Violation on Premises Map 109, Block F, Lot 12, Valley Cottage, (Helmcke) was opened, time: 9:26 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Violation on Premises Map 109, Block F, Lot 12 (Helmcke) was closed, RESOLUTION ADOPTED, time: 9:34 P.M.

RESOLUTION NO. (993-1986)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REMOVE
DEBRIS ON PREMISES MAP 109,
BLOCK F, LOT 12 (HELMCKE)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 843 dated September 9, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 109, Block F, Lot 12, 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 October 14, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) 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 Chapter 79 of the Code of the Town of Clarkstown dated September 9, 1986, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the

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RESOLUTION NO. (993-1986) Continued

corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 24th day of October, 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. Carey

28 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 Nowicki, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Violation on Premises Map 138, Block H, Lot 18, Rockland Lake (Sterngass), was opened, time: 9:36 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing re: Violation on Premises Map 138, Block H, Lot 18, Rockland Lake (Sterngass), was closed, RESOLUTION ADOPTED, time: 10:00 P.M.

RESOLUTION NO. (994-1986)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES MAP 138, BLOCK H, LOT 18 (STERNGASS)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 851 dated September 9, 1986, the Town Board of the Town of Clarkstown duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 138, Block H, Lot 18, 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 October 14, 1986, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law.

NOW, THEREFORE, be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Chapter 79 of the Code of the Town of Clarkstown dated September 9, 1986, have not been corrected, and be it

FURTHER RESOVLED, that the Superintendent of Highways of the Town of Clarkstown be and he hereby is authorized and directed to remove the debris and otherwise is directed to perform the

RESOLUTION NO. (994-1986) Continued

corrective action ordered in said Order and Notice, as directed by the Building Inspector if such condition continues uncorrected on or after the 24th day of October, 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. Lettre

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 Board, the Town Board Meeting was declared closed, time: 10:00 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

ABE633

TOWN OF CLARKSTOWN
PUBLIC HEARING

335

Town Hall

10/14/86

9:05 P.M.

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

RE: VIOLATION HEARING ON PROPERTY MAP 127, BLOCK B, LOTS 20.1 AND
21 AND MAP 127, BLOCK C, LOTS 16.1, 17, 17.1 and 18, CONGERS,
(CONLON)

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared open. Town Attorney explained the purpose of the violation hearing and testified as to the proper notification of the owner (Sarah Conlon, residing at Rosecrans Avenue, Congers, New York) as to this hearing. Notice was also sent to Private Holdings Incorporated received by John Conlon. Another notice was sent to John Conlon and that was received by John Conlon. A fourth notice was sent to Private Holdings Incorporated and again that was also received by John Conlon. A fifth notice was sent to John Conlon, c/o L.J. Griffin, Jr. and that was received by John Conlon. These properties are in various owners' names but relate in some form to Conlon.

Town Attorney also noted the presence of Mr. John Conlon, who is standing before the Town Board.

Town Attorney swore in Mrs. Irene Sacende, Code Inspector of the Clarkstown Building Department.

Mrs. Saccende gave testimony as to the conditions present on the properties in question here this evening. She also testified as to the fact that official communications from the Building Inspector of the Town of Clarkstown were also sent to the owners. She stated six were sent out as there are six lots. Mrs. Saccende stated that the owner was asked to clean up the property and was given ten days in which to do so. He could contact the Building Department if additional time was necessary. She presented copies of those orders to be made a part of the record. She also presented eleven photographs to be inserted in the record.

Town Attorney asked if the pictures represent a fair and accurate depiction of conditions actually encountered by Mrs. Saccende? Mrs. Saccende answered in the affirmative.

Mrs. Saccende recommended at this time that the Town proceed with clean up of the property. Town Attorney asked if Mrs. Saccende had any contact with the owner or owners of the properties. Mrs. Saccende said he had not contacted her office.

Town Attorney said that Mr. Conlon was entitled to ask questions if he so desired. Mr. Conlon said he did not receive the notice until the 30th and he did not have time to get together with the Building Department and the notice said to appear here. Town Attorney said his return receipt cards indicate a date as early as September 24th and September 29th. These were sent out on each and every parcel.

Supervisor asked if there was anyone present who had personal knowledge of this property and would care to speak.

No one appeared.

Mr. Conlon said the right-of-way which is about 300 feet off Lake Road is used for the discarding of many things. He said there are about 100 tires all over the right-of-way and he had spent over \$1,500.00 two years ago to clean up and have them taken away but people are still coming down the right-of-way and using it for a

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dump. He said young men take cars apart and there are motor engines lying around that he has to have someone come and take out of there. He said he would like to be granted time to get together with the Building Department and have this matter taken care of in the proper way.

Town Attorney asked Mr. Conlon if he were stating that he is the property owner or is related to the owner? Mr. Conlon said yes, his mother and himself. Town Attorney asked if Mr. Conlon's statement that the debris on this property was placed there by others and not under his control? Mr. Conlon said some of the debris is his. Town Attorney asked Mr. Conlon if he resided in the neighborhood. Mr. Conlon said he has had this property for 27 years. He said the vandalism never ends. Town Attorney asked if Mr. Conlon had his property posted and he said he did have but the posters were ripped down.

Councilman Carey asked Mr. Conlon for a description of exactly where the property is on Lake Road. Mr. Conlon said it is about 1,000 feet west of Route 303, right past the church rectory. Supervisor Holbrook said it is off Friend Street. He said you get there by Fisher Avenue, which is a paper street that takes you into Rosencrans, which is also a paper street. Supervisor said that on the left is a house which apparently had been burned. There is junk and debris. Councilman Lettre said it was not so evident until the new development went in there. Supervisor said they had looked at the tax maps today and there is another strip owned by another individual on Map 127, parcel No. 20 who will also be hearing from this Town Board very shortly.

Councilman Maloney asked Mr. Conlon how long it would take him to clean this up to the satisfaction of the Town? Mr. Conlon said about 30 days, maybe less. Supervisor said they would grant him 10 days and if anything happens in 10 days we can always go on a day to day basis from that point. The Town would like to see that there be good faith in the attempt to do something. He stated that people have told us before that they want to clean something up but they never do. We will give you 10 days and we will see if the Building Department has been contacted and arrangements made and we will proceed from there. He said it is the Board's intention that people clean up their own property rather than have the Town do it.

Mr. Conlon said he has to arrange to get trucks, etc. Supervisor said as long as there are bona fide arrangements being made that is good faith and we will know that someone has been contacted and something is going to happen.

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: 9:16 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (991-1986) ADOPTED).

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/14/86

9:17 P.M.

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

RE: VIOLATION HEARING ON PROPERTY MAP 14, BLOCK D, LOTS 29 AND 44,
NANUET (NEW PLAN REALTY)

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared open. Town Attorney testified as to proper posting and notification of owners.

Town Attorney asked Mrs. Saccende if this hearing was one on which she wished to give a report to the Town Board in lieu of conducting a hearing? Mrs. Saccende answered in the affirmative.

She stated that the property in question, owned by the Grand Plaza Shopping Center was reinspected on September 19, 1986. Mr. Charles Dowd, property manager for Dover Management Corporation, accompanied her on a walking inspection of the premises. He pointed out to her all the debris which had been removed. He indicated to her at that time that the property at the end of Fenner Lane was to be fenced so as to hamper future dumping on this property.

Councilman Nowicki asked what type of fence because they have been a bad neighbor for quite some time. Mrs. Saccende said it would be chain link fencing. Supervisor Holbrook said it was a veritable pig sty. Councilman Lettre said the front of the building even in a clean state has absolutely no esthetics or any redeeming features.

Councilman Nowicki said when they received permission from the Town to build, there were no provisions made for beautification and they have done nothing. The back of the building is a disgrace. Mrs. Saccende said in all fairness most of the dumping done on this property was done by, she would assume, residents of the street. Councilman Lettre said that is only a small part of the problem.

Town Attorney asked Mrs. Saccende if she had actual knowledge of who dumped on that property and she said no she did not. Town Attorney said it is dangerous to make any assumptions publicly concerning how it got there. You should say persons unknown, not related to the property owner. Councilman Nowicki said it has never been picked up anyway.

Supervisor asked that the Town Board entertain a resolution from the Building Department to have a report from them within thirty days to see if the fence has been erected and the property is still as it is today. If not, then we will hold a hearing.

Town Attorney said in view of the received report the conditions complained of in the order of September 9, 1986 have been corrected so there is no basis for the Town Board to proceed further on this particular proceeding. He suggested that no matter what report is called for that a resolution be adopted authorizing the cancellation of the Lis Pendens, which is a notice that said this property might be charged with the clean-up.

In answer to questions from Town Board members Supervisor stated that what was subject to the violation has been cleaned up. Councilman Lettre said he felt the Board should pass a resolution asking the Building Inspector to investigate by going through the Code Book to ascertain if there is any legal means at our disposal to come down on these shopping centers not just

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PH - Violation Hearing - 10/14/86 (New Plan Realty)
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necessarily for the blight and garbage but for the esthetics of these buildings such as broken parking lot paving, broken sidewalks, dead trees, etc. The unsightly nature of these buildings and their parking lots distract and are really a blight. These areas bring down the value of the Town of Clarkstown. There must be something in the Code Book with which we can enforce this and if there isn't then we, as a Town Board, should make sure something goes in that can be enforced to make these places more beautiful and something more pleasureable to have in our community.

Councilman Nowicki asked the Supervisor about the road that runs in back of Grandway parallel to Fenner. She had been driving on that road as recently as Sunday and asked if they were under some obligation to upgrade that road? Supervisor said he would have that checked out as it was not the subject of this hearing. Councilman Nowicki said they have opened stores in the back of Grand Plaza and more traffic is going along that access road.

Supervisor said they would like a report from Mrs. Saccende within thirty days as to the condition of the property, the erection of the fence. Councilman Nowicki said the rats have free access to Fenner Lane from that whole shopping center. Will the fence keep them over on the other side? Supervisor said lack of debris may but that will have to be given more serious attention.

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 declared closed, RESOLUTION ADOPTED, time: 9:254 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

(Resolution NO. (992-1986) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

337

Town Hall

10/14/86

9:26 P.M.

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

RE: AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON
PREMISES DESIGNATED AS MAP 109, BLOCK F, LOT 12 (HELMCKE)

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared open. Town Attorney testified as to proper posting and notification of owner.

Order was served on Henry Helmcke at 324 Kings Highway, Valley Cottage, New York by certified mail. The Town Attorney's office has a receipt card indicating that it was signed for by Henry Helmcke, Jr., on September 23, 1986.

Mrs. Saccende, Code Inspector of the Town of Clarkstown, still under oath, testified as to conditions on the property. She presented pictures which showed some clean up but not enough to warrant disposition of the order. She said she had spoken with the property owner in August and he indicated that he would try to straighten up the rear yard. He indicated that he had three wood stoves in his house and needed the large amount of fire wood stored in the yard as that was his only means of heating.

Town Attorney asked if the violation notice mentioned the sale of fire wood from these premises and Mrs. Saccende answered that it did. She said that at times people, seeing all the firewood, would stop and ask if they could buy small amounts. He said he sold the firewood from his commercial property in Valley Cottage. However, there is a sign on his property saying that firewood was for sale and giving a telephone number.

Town Attorney asked if Mr. Helmcke had stated that firewood was for sale from his site? Mrs. Saccende said he said that mostly people stopped when they saw the firewood and asked if they could buy some. Town Attorney asked if the sign was posted on the firewood and Mrs. Saccende said no there was a sign on his mailbox reading "Firewood" and it gave the telephone number.

Mrs. Saccende gave the location of the property stating that it is in a residential neighborhood on the east side of Kings Highway where Old Mill Road intersects in Valley Cottage. She mentioned that the firewood was stored on the north side of the house near the front facing Kings Highway. Supervisor stated that you cannot miss it if you are driving along the main road or if you are driving down Old Mill Road and hit the intersection.

Supervisor asked about a car stored on the front lawn. Mrs. Saccende said that it was for sale but there was also a truck on the rear of the property. Mrs. Saccende said she made repeated visits to the site during the months of August and September and the car was there marked for sale on all occasions. Town Attorney asked if the property had a driveway and Mrs. Saccende stated there was a driveway but that Mr. Helmcke cuts the wood there and the woodpile starts from the driveway and runs on the north side to the front of the property.

In response to a question from the Town Attorney, Mrs. Saccende stated that the parked vehicle was on the front lawn and not in proximity to any driveway. Mrs. Saccende stated that the car was not there today when she visited the premises. There was another car for sale on the road right-of-way but that is a legally licensed car until the end of the month.

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PH - Violation Hearing 10/14/86 - Helmcke
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Mrs. Saccende stated that even though some of the debris has been removed she would recommend that the Town clean up the property.

Town Attorney ascertained that no one present wished to speak on this matter and the owner was not present.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:34 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

(Resolution NO. (993-1986) ADOPTED.)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/14/86

9:36 P.M.

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

RE: AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE NUISANCE,
HAZARD OR LITTER ON PROPERTY DESIGNATED AS MAP 138, BLOCK H,
LOT 18, ROCKLAND LAKE (STERNGASS)

On motion of Councilman Nowicki, seconded by Councilman Maloney and unanimously adopted the Public Hearing was declared open. Town Attorney testified as to proper posting and notification of the owner.

Town Attorney said an Order was prepared and served on Jack Sterngass, 26 Court Street, Brooklyn, New York. Owner was to remove various debris on the south side of the property, litter and debris behind the building, and other rubbish under the back porch of the building. Order further directed the property owner to make the correction within ten days of the service of the Order. He had a return receipt indicating that the Order was received on September 22, 1986.

Town Attorney swore in Richard Sullinger, Code Inspector of the Town of Clarkstown. Mr. Sullinger testified as to the conditions present on the property in question. He said there were a large number of unregistered vehicles on the property when he visited there in July. He said he had spoken to some of the young people in residence at the property and they stated that they knew to whom the cars belonged and they would have them moved. Subsequent to that on July 8th he received a complaint on the remainder of the property and when he went to check out that complaint most of the cars had been removed. In front of the building there is a large parking area that was littered with all sorts of debris including discarded kitchen appliances, bed springs, laundry carts, ladders, cinder blocks, tires. In the rear of the building under the porch were various types of automobile parts and other sorts of garbage. In the rear yard were many more discarded tires, and other assorted junk which obviously had been there for quite some time.

Town Attorney asked if the material present could be considered flammable and Mr. Sullinger said yes. Mr. Sullinger said the items were scattered all over the parking area. The laundry cart and some of the appliances were right up against the building. In the rear is the porch, which is a two story structure, probably unsafe to walk on and there are no stairs. It did not appear to be an operational porch at this time.

There was a chain hoist hanging from a tree which obviously had been used to pull an engine of some sort and litter you would probably see around a place where cars are worked on. Town Attorney asked if the condition would pose a fire hazard to the premises. Mr. Sullinger said absolutely.

Town Attorney asked if there was any evidence of rodent infestation or any other possible health implications. Mr. Sullinger said the pile of rubbish in the rear of the property which extended down into a gully had to be a haven for rats. He stated, however, that he did not see any at the times he visited.

Town Attorney said he would like Mr. Sullinger to explain how he came to the determination that there was raw garbage on the premises. Mr. Sullinger said there was paper cups, paper plates, rags and possibly peelings and apple cores, etc. He said there was no raw garbage other than that, except around the dumpster which had many plastic bags both in and out of it. The dumpster is

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regularly emptied but on various occasions it has been overflowing when he visited the premises. Town Attorney asked again if household garbage was littered about and Mr. Sullinger said in plastic bags not placed in the dumpster.

Mr. Sullinger said he issued a violation to the owner of the property, Mr. Jack Sterngass at the Brooklyn address, by mail. In response to that Mr. Sullinger received a phone call from Jack's brother Ruben and Mr. Sullinger met him on the 22nd of July. They reviewed the property together and there was little or no change from his first visit on July 2nd. Mr. Ruben Sterngass promised to get a large dumpster and have the young gentlemen who are the tenants clean up the property. He asked for an extension of time. Several times Mr. Sterngass said there was a problem getting the dumpster. On the 12th of August Mr. Sullinger made a visit and the dumpster was there, filled. On the 21st of August Mr. Sullinger returned, the dumpster had been removed and there was still at least enough garbage to fill another dumpster.

Mr. Sullinger said he returned on the 9th of September and met again with Mr. Ruben Sterngass and told Mr. Sterngass that the property was still not in satisfactory condition. Mr. Sullinger informed him that there would be a public hearing in October and the property would be cleaned up by the Town. Mr. Sterngass said he would clean it up. On the 1st of October Mr. Sullinger returned and nothing appreciable was done to the premises. Cars were moved around but not moved off.

Town Attorney asked if these were registered vehicles. Mr. Sullinger said there two operational vehicles, unregistered, for sale. There was one junk car and one flat trailer that was not operational.

Mr. Sullinger said he had visited the property this afternoon and the condition was ostensibly the same. He presented pictures which he had taken this afternoon to the Town Board and stated they were a fair and accurate depiction of the conditions at the property in question.

Mr. Sullinger said Mr. Sterngass did make an effort but he did not go far enough and he said from what he could see he didn't think there would be any further movement. He recommended the Town go in and clean it up.

Councilman Lettre, commenting on the pictures, said if they were indicative of effort he would hate to see what it would look like with a lack of effort.

Town Attorney asked if there was anyone here who would like to act on behalf of the property owner or to ask questions of Mr. Sullinger.

Appearance: Alan M. Simon, Esq.
Spring Valley, New York

Mr. Simon stated that he was here on behalf of the property owner. He said he had no questions to ask of Mr. Sullinger.

Councilman Nowicki said in the 1950's this property had been kept up very nicely and it was very countrylike but this is disgusting.

Mr. Simon said that his client is a landlord with tenants in residence at the property. The vehicles and the garbage present do not belong to the owners. He said he is not saying that they are not responsible but he is saying that they did not place the debris there. It appears that the problem is based on the tenants and the way they care to live. Supervisor asked why the tenants were not moved out and Mr. Simon said they are in the process of doing that.

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As they are disposing of the dumpster's accumulation the tenants are creating more garbage than the dumpster can carry. Even though it is in plastic bags they realize that it presents a problem. Mr. Simon said there are ten units, five of which are vacant at the present time. Another one will be vacant very shortly. He said they are moving as fast as they can.

Mr. Simon said they have a problem in terms of the vehicles. The vehicles are owned by individuals and he cannot physically tow away someone's car even if it has no license. He is not empowered to do that. Mr. Simon said he does not know what power the Town would have to do this if there is an owner who may very well sue if it is taken away or may claim someone has stolen his vehicle. He said they realize the problem and are working as hard as possible to clean up.

Mr. Simon asked the Board's indulgence in granting a little more time. They have put a great deal of effort into this and are in the process of trying to evict tenants while keeping up with their garbage production. He felt they could have this cleared up within thirty days as they have worked out something with the carter. Big dumpsters are placed on the property and pressure is being placed on the tenants to get rid of the unlicensed vehicles. He said he would appreciate it if the Police Department would ticket unlicensed vehicles and punish the owner as severely as possible. He asked the Board not to punish his client but to give him time to do what his obligation is to clean the property.

Town Attorney said there is a lot of what appears to be highly flammable type debris in very close proximity to this structure which is a wooden, log cabin type structure. He asked if Mr. Simon's client was concerned about loss of life if any of that debris was ignited. Mr. Simon said certainly he is concerned with loss of life and also with preserving the structure. They are working on that and they plan to have everything resolved within thirty days from today.

Supervisor suggested that notices be placed on all the vehicles informing the owners they have ten days to get them out of there. Supervisor said in ten days a reinspection would be made and they would see whether or not there has been any bona fide attempt to clean up this horrendous pigsty.

Mr. Simon said we have made an effort and they are continuing that effort. He said it could not be completed in ten days. Supervisor said let's see if there is an effort made. He could understand that years of neglect could not be cleaned up in ten days but if some action is taken and we can see that the place is being cleaned up, fine. It has gone on for so long this Town Board can do nothing less than say they will see how much improvement has occurred in ten days and then will make an evaluation.

Mr. Simon said he would like to work together with the Building Department in terms of setting up a priority based upon practical goals and establish a goal for each week or every several days and judge compliance in terms of the ability to deal with the goals as set up.

Supervisor said you can work with the Building Department but the Town Board wants to see within ten days a bona fide attempt at clearing this property.

Appearance: Ms. Rose Sterngass

Ms. Sterngass said she has communicated with Antons and has given them a letter of authorization to remove all the cars. It may still be a problem, because she does not have ownership of them. She has spoken to the Police Department and they informed her it is a matter of responsibility. They can sue you after you move their

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cars, junk or not. She said she has spoken to the man who demolishes the cars and if they are too recent he cannot take them for demolition. This is a Catch 22 situation with vehicles that are left there. Supervisor reiterated that the owners of the property give the tenants a notice placed on their cars that if they are not moved then in ten days the cars will be gone.

Mr. Simon said he does not know what validity that notice would have from a legal point of view. Supervisor said leave the note and the tenants will get rid of them. If they do not, the Town will and that is not an empty threat. Ms. Sterngass said she would rather pay the Town to come and get the vehicles. Councilman Lettre said if in ten days the vehicles and a substantial amount of this debris are not cleaned up the Town will take the appropriate action.

Councilman Maloney said see how much you can get rid of in ten days and then we will look into it. Councilman Lettre said in ten days an inspection will be made and if nothing has been done then the Town Board will definitely take action. Ms. Sterngass said she will take care of the debris if the Town Board will take care of the vehicles.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time:: 10:00 P.M.

Respectfully submitted,
Patricia Sheridan
Patricia Sheridan,
Town Clerk

(Resolution NO. (994-1986) ADOPTED.)