

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/31/86

12:00 P.M.

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

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

Supervisor introduced Audrey Paley, Chairman of the
Litter Control Bureau. Mrs. Paley presented awards to:

1. Steven Lehman, who first suggested the Town form a
Litter Control Bureau to specifically address the problem.
2. Clarkstown Garden Club which takes care of the
Kevin Landau Park, "Welcome" sign at the entrance to New City from
Route 304, and Exit 10 of the PIP. Accepting this award was Terry
Stewart, Executive Vice President of the Clarkstown Garden Club.
3. Congers Civic Association which holds an annual
Town Clean Up Day. They maintain the "Welcome" sign and plantings
at the intersection of Lake Road and Route 303 in Congers. She
noted that Thomas Langer was President of this group.
4. New City Chamber of Commerce which recommended
placement of additional trash receptacles in downtown New City.
5. Irene Saccende, Code Inspector for the Town of
Clarkstown for her enforcement of Chapter 79 of the Town Code.
6. Tricia Betz, Service Investigation Clerk of the
Town of Clarkstown for her cooperative enforcement of the Town Code
Chapter 64.
7. John O'Sullivan, Superintendent of Highways for his
innovative program of roll-off containers placed in different
hamlets each weekend within the Town. Residents can take their
litter to these places rather than to the Landfill or waiting for
the summer bulk pick-up.
8. Curt Settle, Juvenile Aid Officer of the Clarkstown
Police Department for his program of directing juvenile offenders in
performing clean-up chores on public eye sore areas such as Route
304 and Route 59.
9. Thomas Goldrick, Sheriff of Rockland County for his
program of alternative work programs for weekend prisoners. These
offenders, instead of spending time in jail, perform community
service.
10. Charles Holbrook, Supervisor of Clarkstown, for his
personal concern for the Town of Clarkstown.

Supervisor Holbrook thanked Mrs. Paley for the award
and stated that the appearance of the Town of Clarkstown was very
important to him and the Town Board. He said he was very proud of
this Town Board and the support they have given to efforts to make
Clarkstown a cleaner and greener place to be. He said next year we
would see efforts redoubled to search out and punish habitual
offenders in so far as litter is concerned. He thanked Mrs. Paley
and the Litter Control Bureau for all their work.

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On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Special Permit for Rockland County Center for Physically Handicapped, was opened, time: 12:11 P.M.

On motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Special Permit for Rockland County Center for Physically Handicapped, was closed, RESOLUTION ADOPTED, time: 12:16 P.M.

RESOLUTION NO. (1257-1986)

SPECIAL FINDINGS AND
RESOLUTION GRANTING A
SPECIAL PERMIT TO OPERATE
AN INTERMEDIATE CARE
FACILITY (ROCKLAND COUNTY
CENTER FOR PHYSICALLY
HANDICAPPED, INC. - JAWONIO)

Cp. Maloney offered the following resolution:

WHEREAS, ROCKLAND COUNTY CENTER FOR THE PHYSICALLY HANDICAPPED, INC., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating an Intermediate Care Facility on Camp Jawonio property for adults over the age of 21 years, located at 260 Little Tor Road North, New City, New York

WHEREAS, by resolution dated December 3, 1986, a public hearing was scheduled to be held before the Town Board on the 31st day of December, 1986 at 12:05 P.M., to consider such application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board pursuant to its authority under Section 106-14(B) and Section 106-10A, Table 4, Column 3, Note B-2 of the Zoning Ordinance of the Town of Clarkstown makes the following Findings of Fact:

1. That the Rockland County Center for the Physically Handicapped, Inc., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating an Intermediate Care Facility for unrelated adults over the age of 21 years;

2. That all persons wishing to be heard were heard at the aforesaid public hearing;

3. That after due notice published and posted, a public hearing was held before the Town Board on the 31st day of December, 1986 at 12:05 P.M., to consider such application;

4. That the proposed facility will consist of one building which will house up to thirty-one (31) developmentally disabled individuals and may be termed a convalescent home as described in the Zoning Ordinance of the Town of Clarkstown.

5. The proposed facility will comply with all other regulations applicable to such use as a convalescent home.

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

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

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

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RESOLUTION NO. (1257-1986) Continued

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to operate an Intermediate Care Facility as described above is hereby GRANTED, upon compliance with the following conditions:

A. The applicant, Rockland County Center for the Physically Handicapped, Inc., shall file proof with the Town Attorney that it has title or right of occupancy to the premises known as 260 Little Tor Road North, New City, New York;

B. That the applicant comply with all rules, regulations and ordinances and secure site plan approval from the Town of Clarkstown Planning Board;

C. That no alterations or construction of any kind shall commence without having first obtained site plan approval from the Town of Clarkstown Planning Board as specified above and required Building Permit(s) from the Town of Clarkstown Building Inspector;

D. The fees for the within application as provided in the Town Code be paid to the Town Clerk, and be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

Councilman Carey.....	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: Local Law No. 6-1986 - Increase of Permit Fees for Excavation in Public Right-of-Way, was opened, time: 12:17 P.M.

On motion of Councilman Carey, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing re: Local Law No. 6-1986 - Increase of Permit Fees for Excavation in Public Right-of-Way, was closed, RESOLUTION ADOPTED, time: 12:19 P.M.

RESOLUTION NO. (1258-1986)

ADOPTING LOCAL LAW NO.
6-1986 RE: INCREASE OF
PERMIT FEE FOR EXCAVATION
IN PUBLIC RIGHT-OF-WAY

Co. Carey offered the following resolution:

WHEREAS, a proposed local law entitled:

"AMENDMENT OF SECTION 91-18 OF CHAPTER 91 (STREETS AND SIDEWALKS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN TO INCREASE THE PERMIT FEE FROM \$50.00 TO \$100.00 FOR ALL PERMITS REQUIRED FOR EXCAVATION IN THE PUBLIC RIGHT-OF-WAY"

was introduced by Councilman Maloney at a Town Board meeting held on 18th day of December, 1986, and

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RESOLUTION NO. (1258-1986) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 18th day of December, 1986, directed that a public hearing be held on the 31st day of December, 1986 at 12:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on December 19, 1986, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on December 12, 1986, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 31, 1986;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6-1986, entitled:

"AMENDMENT OF SECTION 91-18 OF CHAPTER 91 (STREETS AND SIDEWALKS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN TO INCREASE THE PERMIT FEE FROM \$50.00 TO \$100.00 FOR ALL PERMITS REQUIRED FOR EXCAVATION IN THE PUBLIC RIGHT-OF-WAY,"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Honorable Charles E. Holbrook, Supervisor....Yes
Councilman William J. Carey, Councilman.....Yes
Councilman John R. Maloney.....Yes
Councilman Catherine Nowicki.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Nowicki

RESOLUTION NO. (1259-1986)

AUTHORIZING TOWN ATTORNEY TO INSTITUTE PROCEEDINGS AND SETTING PUBLIC HEARING FOR VIOLATIONS ON PREMISES MAP 57, BLOCK D, LOTS 5 AND 6 (SAVINO)

Co. Carey offered the following resolution:

WHEREAS, Section 79-6 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Superintendent of Highways or other designee to remove any nuisance, hazard or litter from any property within the Town of Clarkstown upon the failure of the property owner(s), tenant(s) or occupant(s) to comply with written notice from the Police Department, Fire Inspector, Building Inspector, Superintendent of Highways or other delegees to remove such nuisance, hazard or litter as defined in Section 79-3 of the Code of the Town of Clarkstown existing on private property, and

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 57, BLOCK D, LOTS 5 and 6, located at 145 and 147 South Main Street, New City, New York, reputedly

RESOLUTION NO. (1259-1986) Continued

owned by LEONARD P. SAVINO, has been the subject of a violation notice issued against the property owner(s) for lack of property maintenance of the property in that there are discarded mattresses, a bed spring, bathroom fixtures, rusted metal containers, fish tanks, discarded air conditioners and other miscellaneous debris on the premises, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 57, BLOCK D, LOTS 5 and 6, reputedly owned by LEONARD P. SAVINO, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice upon the property owner(s) directing that said nuisance, hazard and litter be removed within 20 days from the receipt of said Order and Notice, and be it

FURTHER RESOLVED, that the said Notice and Order shall advise the property owners that upon failure to remove and otherwise correct the nuisance existing on said property that the Town Board may, after a public hearing, cause such nuisance, hazard and litter to be removed by the Superintendent of Highways or other designee and that the cost of such removal shall be charged and assessed against the property owners in accordance with the provisions of Section 79-6 of the Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of February, 1987, at 8:30 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order, if warranted, be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owner(s) by personal service, if possible, and by certified mail, return receipt on or before January 20, 1987.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1260-1986)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
PROCEEDINGS AND SETTING
PUBLIC HEARING FOR
VIOLATION ON PREMISES
MAP 5, BLOCK B, LOT 19
(LOUIS-CHARLES)

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RESOLUTION NO. (1260-1986) Continued

Co. Carey offered the following resolution:

WHEREAS, Section 79-6 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Superintendent of Highways or other designee to remove any nuisance, hazard or litter from any property within the Town of Clarkstown upon the failure of the property owner(s), tenant(s) or occupant(s) to comply with written notice from the Police Department, Fire Inspector, Building Inspector, Superintendent of Highways or other delegees to remove such nuisance, hazard or litter as defined in Section 79-3 of the Code of the Town of Clarkstown existing on private property, and

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 5, BLOCK B, LOT 19, located at 9 Birchwood Avenue, Spring Valley, New York, reputedly owned by IVES LOUIS-CHARLES, and EDWIDGE LOUIS-CHARLES, have been the subject of a violation notice issued against the property owners for lack of property maintenance of the property in that there are approximately three (3) unregistered vehicles, two (2) discarded refrigerators, automobile parts, including but not limited to tires, wheels, engine block, transmission, engine parts, a motor bike and bicycles on the premises, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 5, BLOCK B, LOT 19, reputedly owned by IVES LOUIS-CHARLES and EDWIDGE LOUIS-CHARLES, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice upon the property owner(s) directing that said nuisance, hazard and litter be removed within 20 days from the receipt of said Order and Notice, and be it

FURTHER RESOLVED, that the said Notice and Order shall advise the property owners that upon failure to remove and otherwise correct the nuisance existing on said property that the Town Board may, after a public hearing, cause such nuisance, hazard and litter to be removed by the Superintendent of Highways or other designee and that the cost of such removal shall be charged and assessed against the property owners in accordance with the provisions of Section 79-6 of the Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of February, 1987, at 8:25 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owner(s) by personal service, if possible, and by certified mail, return receipt on or before January 20, 1987.

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RESOLUTION NO. (1260-1986) Continued

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1261-1986)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
PROCEEDINGS AND SETTING
PUBLIC HEARING FOR
VIOLATION ON PREMISES
MAP 120-BLOCK A, LOT
31.1 (EDMUND LANE)

Co. Carey offered the following resolution:

WHEREAS, Section 79-6 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Superintendent of Highways or other designee to remove any nuisance, hazard or litter from any property within the Town of Clarkstown upon the failure of the property owner(s), tenant(s) or occupant(s) to comply with written notice from the Police Department, Fire Inspector, Building Inspector, Superintendent of Highways or other delegees to remove such nuisance, hazard or litter as defined in Section 79-3 of the Code of the Town of Clarkstown existing on private property, and

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 120, BLOCK A, LOT 31.1, located at 116 Route 59, Central Nyack, New York, reputedly owned by EDMUND LANE, d/b/a HEGERTY HOMES, has been the subject of a violation notice issued against the property owner(s) for lack of property maintenance of the property in that there are approximately thirty (30) unregistered and/or unlicensed vehicles on the premises, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 120, BLOCK A, LOT 31.1, reputedly owned by EDMUND LANE, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice upon the property owner(s) directing that said nuisance, hazard and litter be removed within 20 days from the receipt of said Order and Notice, and be it

FURTHER RESOLVED, that the said Notice and Order shall advise the property owner(s) that upon failure to remove and otherwise correct the nuisance existing on said property that the Town Board may, after a public hearing, cause such nuisance, hazard and litter to be removed by the Superintendent of Highways or other designee and that the cost of such removal shall be charged and assessed against the property owner(s) in accordance

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RESOLUTION NO. (1261-1986) Continued

with the provisions of Section 79-6 of the Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of February, 1987, at 8:20 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owner(s) by personal service, if possible, and by certified mail, return receipt on or before January 20, 1987.

Swconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1262-1986)

AUTHORIZING TOWN ATTORNEY TO INSTITUTE PROCEEDINGS AND SETTING PUBLIC HEARING FOR VIOLATIONS ON PREMISES MAP 106, BLOCK A, LOT 26.04 (EASTERN STATE TIRES)

Co. Carey offered the following resolution:

WHEREAS, Section 79-6 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Superintendent of Highways or other designee to remove any nuisance, hazard or litter from any property within the Town of Clarkstown upon the failure of the property owner(s), tenant(s) or occupant(s) to comply with written notice from the Police Department, Fire Inspector, Building Inspector, Superintendent of Highways or other delegees to remove such nuisance, hazard or litter as defined in Section 79-3 of the Code of the Town of Clarkstown existing on private property, and

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 106, BLOCK A, LOT 26.04, located at 322 Route 59, West Nyack, New York, reputedly owned by HARRY ADLER, has been the subject of a violation notice issued against the property owner(s) for lack of property maintenance of the property in that there are piles of tires located at the side of the building and at the rear of the lot, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on

RESOLUTION NO. (1262-1986) Continued

said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 106, BLOCK A, LOT 26.04, reputedly owned by HARRY ADLER, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice upon the property owner(s) directing that said nuisance, hazard and litter be removed within 20 days from the receipt of said Order and Notice, and be it

FURTHER RESOLVED, that the said Notice and Order shall advise the property owner(s) that upon failure to remove and otherwise correct the nuisance existing on said property that the Town Board may, after a public hearing, cause such nuisance, hazard and litter to be removed by the Superintendent of Highways or other designee and that the cost of such removal shall be charged and assessed against the property owner(s) in accordance with the provisions of Section 79-6 of the Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of February, 1987, at 8:05 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owner(s) by personal service, if possible, and by certified mail, return receipt on or before January 20, 1987.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1263-1986)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
PROCEEDINGS AND SETTING
PUBLIC HEARING FOR
VIOLATIONS ON PREMISES
MAP 7, BLOCK E, LOT 10
(BROWN)

Co. Carey offered the following resolution:

WHEREAS, Section 79-6 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Superintendent of Highways or other designee to remove any nuisance, hazard or litter from any property within the Town of Clarkstown upon the failure of the property owner(s), tenant(s) or occupant(s) to comply with written notice from the Police Department, Fire Inspector, Building Inspector, Superintendent of Highways or other delegees to remove such nuisance, hazard or litter as defined in Section 79-3 of the Code of the Town of Clarkstown existing on private property, and

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RESOLUTION NO. (1263-1986) Continued

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 7, BLOCK E, LOT 10, located at 4 Second Avenue, Spring Valley, New York, reputedly owned by CLYDE BROWN, has been the subject of a violation notice issued against the property owner(s) for lack of property maintenance of the property in that there is litter and debris including but not limited to eleven (11) unregistered automobiles, four (4) unregistered trucks, a boat, tanks, auto parts, tires, wheels, furniture and other discarded items, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 7, BLOCK E, LOT 10, reputedly owned by CLYDE BROWN, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice upon the property owner(s) directing that said nuisance, hazard and litter be removed within 20 days from the receipt of said order and Notice, and be it

FURTHER RESOLVED, that the said Notice and Order shall advise the property owner(s) that upon failure to remove and otherwise correct the nuisance existing on said property that the Town Board may, after a public hearing, cause such nuisance, hazard and litter to be removed by the Superintendent of Highways or other designee and that the cost of such removal shall be charged and assessed against the property owner(s) in accordance with the provisions of Section 79-6 of the Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of February, 1987, at 8:15 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property owner(s) by personal service, if possible, and by certified mail, return receipt on or before January 20, 1987.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1264-1986)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE

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RESOLUTION NO. (1264-1986) Continued

PROCEEDING AND SETTING
PUBLIC HEARING ON
VIOLATIONS ON PREMISES
MAP 141, BLOCK A, LOT 14
(MID-TOWN AUTO)

Co. Carey offered the following resolution:

WHEREAS, Section 79-6 of the Code of the Town of Clarkstown provides that the Town Board may, by resolution, authorize the Superintendent of Highways or other designee to remove any nuisance, hazard or litter from any property within the Town of Clarkstown upon the failure of the property owner(s), tenant(s) or occupant(s) to comply with written notice from the Police Department, Fire Inspector, Building Inspector, Superintendent of Highways or other delegees to remove such nuisance, hazard or litter as defined in Section 79-3 of the Code of the Town of Clarkstown existing on private property, and

WHEREAS, it has been reported by the Building Inspector that premises known and designated on the Tax Map of the Town of Clarkstown as MAP 141, BLOCK A, LOT 14, (Mid-Town Auto, a/k/a Dutch's Auto Service) located at 48 Route 9W, Congers, New York, reputedly owned by MARTIN FELDI, has been the subject of a violation notice issued against the property owner(s) for lack of property maintenance of the property in that there are six (6) unlicensed vehicles on the premises, which to the extent such accumulation has occurred on said property has created a nuisance and hazard to the health, safety and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to institute a proceeding to compel the removal of the violations and elimination of the nuisance and hazard allegedly existing on said premises pursuant to the authority contained in Chapter 79 of the Code of the Town of Clarkstown on premises known and designated as MAP 141, BLOCK A, LOT 14, reputedly owned by MARTIN FELDI, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town Board to serve an Order and Notice upon the property owner(s) directing that said nuisance, hazard and litter be removed within 20 days from the receipt of said Order and Notice, and be it

FURTHER RESOLVED, that the said Notice and Order shall advise the property owners that upon failure to remove and otherwise correct the nuisance existing on said property that the Town Board may, after a public hearing, cause such nuisance, hazard and litter to be removed by the Superintendent of Highways or other designee and that the cost of such removal shall be charged and assessed against the property owners in accordance with the provisions of Section 79-6 of the Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 10th day of February, 1987, at 8:40 P.M., at which time the then existing condition of the property shall be determined and appropriate enforcement Order if warranted be made to preserve and protect the health, safety and welfare of the community, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to serve the Order provided for herein and the notice of the public hearing upon the record property

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RESOLUTION NO. (1264-1986)

owner(s) by personal service, if possible, and by certified mail, return receipt on or before January 20, 1987.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1265-1986)

MEMORIALIZING RESOLUTION
FOR ASSOCIATION OF TOWNS
RE: MUNICIPAL TORT
LIABILITY

Co. Maloney offered the following resolution:

WHEREAS, in 1985 the Assembly Standing Committee on Local Governments issued a report entitled "Deep Pockets - a Study of Municipal Tort Liability" which concluded that municipal tort liability had entered a crisis stage and that insurance was both unavailable and unaffordable to hundreds of New York State local governments, and

WHEREAS, in 1986 the New York State Legislature and the Governor began to address this problem by enacting laws which modified the tort system in New York and established certain insurance reforms, and

WHEREAS, despite these new laws, insurance remains unaffordable for many municipalities and in some instances, unavailable;

NOW, THEREFORE, be it

RESOLVED, that the 1986 legislation which modified the doctrine of joint and several liability in the case of non-economic damages, be extended to totally abolish the joint and several liability doctrine in cases involving municipal subdivision for both economic and non-economic damages, and be it

FURTHER RESOLVED, that a limitation of \$250,000.00 be imposed for recovery of non-economic damages until such time as a mechanism is established which would provide more uniform standards or schedules for compensation of non-economic damages, and be it

FURTHER RESOLVED, that the defense of assumption of risk be modified by passage of an equitable personal responsibility statute applicable to sports and recreational activities to impose that one who voluntarily assumes a known risk and is then injured should suffer the consequences of one's own behavior, and be it

FURTHER RESOLVED, that a contingency fee schedule similar to that which was included as part of the 1985 medical malpractice legislation be imposed, and be it

FURTHER RESOLVED, that certain procedural reforms be enacted, including:

- (a) Requiring plaintiffs and defendants to verify the truthfulness of the allegations contained in their respective pleadings;

RESOLUTION NO. (1265-1986) Continued

(b) Changing the process for jury selection to adopt the Federal procedures, and

(c) Requiring all Appellate Divisions of the State to establish rules permitting bifurcation of liability and damages in personal injury trials, and be it

FURTHER RESOLVED, that the present version of court-annexed arbitration be extended so that arbitrators would be permitted to hear cases and make awards up to \$25,000.00, and be it

FURTHER RESOLVED, that no further changes in the statute of limitations for "toxic tort" be enacted, and be it

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Association of Towns in support of its legislative program for consideration at the annual meeting in February, 1987.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1266-1986)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #13 -1986 (MILL STREAM DRAINAGE IMPROVEMENT PROJECT)

Co. Maloney offered the following resolution:

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

BID #13-1987
MILL STREAM DRAINAGE IMPROVEMENT PROJECT

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, February 4, 1987 at which time bids will be opened and read, and be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

ABE536

RESOLUTION NO. (1267-1986)

SETTING PUBLIC HEARING
AND REFERRING PETITION
ROCKLAND COUNTY AND TOWN
OF CLARKSTOWN PLANNING
BOARDS (WEINBERGER -
PARK AVENUE EAST)

Co. Maloney offered the following reslution:

WHEREAS, SAMUEL WEINBERGER, 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 on Schedule "A" attached, located on Park Avenue, New City, New York, from a CS DISTRICT to an MF-3 District;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 10th day of February, 1987 at 8:05 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that said petition shall be referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board, and other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

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

(Description of Property on File in Town Clerk's Office)

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1268-1986)

AMENDING RESOLUTION NO.
366-1986 WITH RESPECT TO
FEES FOR RENOVATION OF
LAKE NANUET- GASTON
LAWRENCE RAFFAELLI -
CHARGE TO ACCOUNT NO.
A 7180-409

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Superintendent of Recreation and Parks, the agreement

RESOLUTION NO. (1268-1986) Continued

with Gaston Lawrence Raffaelli of Rock Hill, New Jersey, for engineering services for the renovation of Lake Nanuet dated June 5, 1986 in accordance with Town Board Resolution No. 366-1986 dated April 8, 1986 is hereby amended to read fees not to exceed \$60,000.00 which will include daily site visits when requested, and be it

FUTHER RESOLVED, that this amendment is subject to receipt of written acceptance from Gaston Lawrence Raffaelli within fifteen (15) days from receipt of a copy of this resoluition, and be it

FURTHER RESOLVED, that the necessary expenses be charged against Appropriation Account No. A-7180-409.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1269-1986)

AWARDING BID FOR BID NO.
64-1986 - ROTARY VANE
COMPRESSORS FOR
CLARKSTOWN SEWER DEPART-
MENT (SARGENT-WELCH
SCIENTIFIC CO., G.M.
ENGINEERING AND EMERICK
ASSOCIATION)

Co. Maloney offered the following resolution:

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

BID #64-1986
ROTARY VANE COMPRESSORS FOR
CLARKSTOWN SEWER DEPARTMENT

is hereby awarded to:

Sargent-Welch Scientific Co.
35 Stern Avenuer
Springfield, New Jersey 07081

G. M. Engineering
PO Box 278
17 Industrial Pkwy
Warburn, Mass 01801

Emerick Association
1107 Laudon Rd.
Cohoes, N.Y. 12047

as per the following schedule

Item #1 - One (1) Lammerts Rotary Vane Compressor
model 05113C - proposed cost \$2,857.14 -
Sargent Welch

Item #2 - Two (2) Clow Yoeman #545 Rotary Vane Compressors
Proposed Cost \$2,015.00 each -
G.M. Engineering

Continued on Next Page

ABE536

RESOLUTION NO. (1269-1986) Continued

Item #3 - Two (2) Rebuilding Kits for Yoeman #545 Compressors
Proposed Cost \$18.00 each
Emerick Association

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1270-1986)

AUTHORIZING SETTLEMENT
OF CLAIM (GEOFFREY D.
WILLIAMS)

Co. Maloney offered the following resolution:

WHEREAS, GEOFFREY D. WILLIAMS commenced an action against the Town of Clarkstown alleging his civil rights were violated by members of the Clarkstown Police Department during events which led to his arrest and subsequent thereto on or about May 21, 1983, and

WHEREAS, it is recommended by the Town Attorney that the matter be settled by payment of the sum of \$8,500 in exchange for a general release from the claimant, subject to receipt from the Town's former insurance carrier the sum of \$4,250 towards the total settlement cost;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized on behalf of the Town of Clarkstown to enter into a settlement with the claimant as described above, and be it

FURTHER RESOLVED, that the sum of \$8,500 shall be paid from the Liability Insurance Reserve Account (1983) and that upon receipt of the contribution from the insurance carrier such sum shall be restored to said account.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1271-1986)

ACCEPTING ROADS AND
RELATED IMPROVEMENTS IN
TOWN OF CLARKSTOWN -
LAKEWARD ESTATES (FRIEND
STREET, FRIEND COURT AND
LAKEWARD AVENUE)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Director of the Department of Environmental Control and the Town Attorney, deeds from NARLAN

RESOLUTION NO. (1271-1986) Continued

DEVELOPMENT CORP. dated July 30, 1984, and Bard Rock Pension Plan Trust dated January 13, 1986, conveying roads and other public improvements to the Town of Clarkstown in a subdivision on Final Plat of LAKEWARD ESTATES, filed in the Rockland County Clerk's Office on July 24, 1984, in Book No. 102 at Page 22 as Map No. 5640, as follows:

FRIEND STREET	50' x 20'	
FRIEND COURT	480	L.F.
LAKEWARD AVENUE	610	L.F.

are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording, and be it

FURTHER RESOLVED, that the agreement guaranteeing the roads and improvements for a period of one (1) year, with security posted by the developer in the amount of \$4,650.00 is hereby accepted.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1272-1986)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW -
TAXATION EXEMPTIONS

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,

"A LOCAL LAW AMENDING SECTION 96-2(B) AND SECTION 96-3(D) OF CHAPTER 96 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN

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 January, 1987 at 8:45 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

Continued on Next Page

ABE536

RESOLUTION NO. (1272-1986) Continued

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 Maloney.....	Yes
Councilman Nowicki.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (1273-1986)

AUTHORIZING CONTINUATION
OF THE AGREEMENT WITH
TOWN OF ORANGETOWN FOR
USE OF CLARKSTOWN
SANITARY LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, by resolution dated February 11, 1985, the Supervisor of the Town of Clarkstown was authorized to enter into an agreement with the Town of Orangetown for its use of the Clarkstown Sanitary Landfill for the period January 1, 1985 through December 31, 1986, and

WHEREAS, the Town Boards of the respective Towns wish to extend the agreement, make provision for increased annual compensation, and to modify same in certain respects;

NOW, THEREFORE, be it

RESOLVED, that the agreement referred to above is hereby extended without termination date subject to the further terms and conditions set forth herein, and be it

FURTHER RESOLVED, that the annual compensation for the year 1987 payable by the Town of Orangetown to the Town of Clarkstown shall be the sum of \$250,000.00 per year payable quarterly commencing on January 1, 1987 and the first day of each quarter thereafter, and the annual compensation for the year 1988 shall be the sum of \$270,000.00 payable quarterly on the first day of each quarter in said year, and be it

FURTHER RESOLVED, that in the event the Town of Orangetown shall fail to deliver cover material as required in said agreement, the Town of Clarkstown may purchase same at a cost not to exceed six (\$6.00) dollars per cubic yard which shall be reimbursed to it by the Town of Orangetown, and be it

FURTHER RESOLVED, that the agreement shall be further modified to permit the Director of the Town of Clarkstown Department of Environmental Control to remove landfill cover material from the Town stockpile whenever necessary to make up for any short fall in any cover materials required to be provided by the Town of Orangetown and to bill same to the Town of Orangetown at the cost set forth above, and be it

FURTHER RESOLVED that the Town of Orangetown is hereby required to abide by the provisions of the recently readopted Chapters 50 and 63 of the Town Code of the Town of Clarkstown, as applicable to the Town of Orangetown, and be it

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RESOLUTION NO. (1273-1986) Continued

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown reserves the right to terminate the extension of the agreement referred to herein upon sixty (60) days written notice to the Town of Orangetown.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

ABE536

RESOLUTION NO. (1274-1986)	CREATING POSITION OF YOUTH COUNSELOR I - COUNSELING CENTER
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Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 11, 1986 that the position of Youth Counselor I - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Youth Counselor I - Counseling Center - is hereby created - effective December 31, 1986.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1275-1986)	SETTING PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CHAPTER 3 OF THE CODE OF THE TOWN OF CLARKSTOWN (APPEARANCE TICKETS)
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Co. Carey offered the following resolution:

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

"A LOCAL LAW AMENDING CHAPER 3 (APPEARANCE TICKETS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

RESOLUTION NO. (1275-1986) Continued

Town Hall, 10 Maple Avenue, New City, New York, on the 27th day of January, 1987 at 8:15 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 Maloney.....Yes
Councilman Nowicki.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (1276-1986)

ADOPTING CLARKSTOWN
ELECTION DISTRICT MAP AS
REDRAWN TO CONFORM TO
CURRENT REQUIREMENTS OF
LAW

Co. Nowicki offered the following resolution:

RESOLVED, that the Town of Clarkstown Election Districts Map as redrawn to conform to the current requirements of law, a copy of which is on file in the Office of the Town Clerk, is hereby adopted, effective immediately.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (1277-1986)

ACCEPTING CONSERVATION
EASEMENT (ROCKLAND
CORPORATE CENTER)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Town Attorney in accordance with a Final Plat entitled ROCKLAND CORPORATE CENTER, prepared by Henry Horowitz, P.E., dated April 4, 1986, last revised September 2, 1986, a declaration of covenant establishing a Conservation Easement affecting portions of Map 71, Block B, Lot 13.2 (Lot #2) and Map 71, Block B, Lot 13.3 (Lot #3) on said subdivision map about to be filed is hereby accepted and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to sign said easement.

RESOLUTION NO. (1277-1986) Continued

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1278-1986)

AMENDING RESOLUTION NO.
1173 AND RESOLUTION NO.
883 RE: SETTING OF
PUBLIC HEARING ON
PROPOSED ZONE CHANGE
(ROBERT CHAMPEAU)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 1173, dated December 2, 1986, which scheduled a public hearing on the proposed zone change application of Robert Champeau, is amended herewith to change the date and time of the public hearing from January 13, 1987 to January 27, 1987 at 8:10 P.M., at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that Resolution No. 883 dated September 9, 1986, is hereby amended to add a parcel located on the east side of Demarest Avenue and the south side of Old Schoolhouse Road, New City, designated on the Clarkstown Tax Map as: Map 57, Block M, Lot 2 to the other parcels to be considered for possible rezoning, and be it

FURTHER RESOLVED, that the application for a zone change shall be referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board, and other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

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RESOLUTION NO. (1279-1986)

SETTING PUBLIC HEARING
AND REFERRING TO
ROCKLAND COUNTY AND
CLARKSTOWN PLANNING
BOARDS A SPECIAL PERMIT
TO CONDUCT A LANDFILL
(MARTIN FELDI)

Co. Maloney offered the following resolution:

WHEREAS, MARTIN FELDI has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation for property located on Kings Highway, Valley Cottage, New York, pursuant to Chapter 106-10A, Table 14, Column 3, Item B-3 of the Zoning Ordinance of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 24th day of February, 1987 at 8:05 P.M., to consider the application of MARTIN FELDI, relative to said Special Permit, and be it

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

FURTHER RESOLVED, that this application be referred to the Clarkstown Planning Board pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law for study and report, and the following agencies for comment or study and report by February 19, 1987:

1. Department of Environmental Control of the Town of Clarkstown.
2. Department of Environmental Conservation
3. Building Inspector of the Town of Clarkstown
4. Rockland County Soil Conservation
5. Rockland County Drainage Agency
6. Rockland County Health Department
7. Clarkstown Shade Tree Commission

and be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1280-1986)

ACCEPTING CONSERVATION
EASEMENT (FIELDSTONE
FARM, SEC. III)

RESOLUTION NO. (1280-1986) Continued

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Town Attorney and in accordance with a Final Plat entitled FIELDSTONE FARM, Sec. III, prepared by Atzl & Scatazza Associates, P.C., dated March 15, 1983, last revised October 24, 1986, a declaration of covenant establishing a Conservation Easement affecting Lots 1 through 6 on said subdivision map about to be filed is hereby accepted and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to sign said easement.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1281-1986)

ACCEPTING CONSERVATION
EASEMENT (LONG CLOVE
ROAD ASSOCIATES)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Town Attorney and in accordance with a Final Plat entitled LONG CLOVE ROAD ASSOCIATES, prepared by William Youngblood Associates, dated May 31, 1984, last revised September 26, 1986, a declaration of covenant establishing a Conservation Easement on portions of Lots 4.05, 4.06, 4.07, 4.08 and 4.09 in said subdivision plan about to be filed is hereby accepted and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to accept said easement.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1282-1986)

AUTHORIZING TOWN
ATTORNEY TO OBTAIN
DRAINAGE EASEMENT
(STANLEY SOLTZER)

Co. Maloney offered the following resolution:

WHEREAS, in 1974 the Town of Clarkstown commenced a legal proceeding for the condemnation of drainage easements against the properties of Soltzer, Babinelli and Fish Management Corporation, and

Continued on Next Page

ABE536

RESOLUTION NO. (1282-1986) Continued

WHEREAS, Babinelli and Fish Management have conveyed the necessary easements to the Town of Clarkstown for the sums of \$3,000.00 and \$650.00, and

WHEREAS, the attorney for Soltzer has indicated his client would accept the sum of \$3,000.00 to convey said easement to the Town of Clarkstown, and

WHEREAS, the Director of the Department of Environmental Control has indicated that this is an active drainage easement required by the Town, and the Town Assessor has indicated that the amount demanded for conveyance of the easement is reasonable,

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to obtain the necessary drainage easement, in form satisfactory to the said Town Attorney, from Stanley Soltzer, et al, for the sum of \$3,000.00.

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

Referring to the following resolution Councilman Maloney asked if this was the first time we are going to appeal on this matter. Town Attorney said this has gone to Article 78 proceeding and the decision was against the Town. At this point it would be necessary to take it further by filing a Notice of Appeal and perfecting it. The resolution was before the Town Board in December and the Town Board did not adopt it. Councilman Maloney said is this the same one? Town Attorney replied in the affirmative.

RESOLUTION NO. (1283-1986)

AUTHORIZING TOWN
ATTORNEY TO APPEAL
DECISION OF SUPREME
COURT (SUPER VALUE, INC.
V. ZBA)

Co. Carey offered the following resolution:

WHEREAS, the Supreme Court of Rockland County has rendered a decision in the matter of SUPER VALUE, INC. v. ZONING BOARD OF APPEALS of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1284-1986)

AUTHORIZING TOWN
ATTORNEY TO PUBLISH
NOTICE THAT TRANSFER OF
PROPERTY FROM THE STATE
OF NEW YORK TO TOWN OF
CLARKSTOWN IS IMMINENT
(ROUTE 45 TUNNEL BY-PASS
PROJECT)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has made application to the New York State Department of Transportation for permission to construct a new Town road within a 60 ft. right-of-way to be obtained from the New York State Department of Transportation through property formerly intended for a now defunct state road known as the Route 45 By-Pass, and

WHEREAS, by notice dated December 22, 1986, the Town has been notified by the Department of Transportation that all of its requirements and the requirements of SEQRA have been met, subject to the publication of a legal notice that a transfer of property from the State of New York to the Town of Clarkstown is imminent;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to publish the Notice referred to herein in the form as shown on the annexed Schedule "A"; and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to send a copy of this resolution and the Affidavit of Publication to the New York State Department of Transportation.

(Schedule "A" on file in Town Clerk's Office)

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

RESOLUTION NO. (1285-1986)

DESIGNATING POLLING
PLACES FOR TOWN OF
CLARKSTOWN FOR THE YEAR
1987

Co. Maloney offered the following resolution:

RESOLVED, that the following Polling Places for the year 1987 are hereby designated:

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
1.	New City	Town Hall Lobby 10 Maple Avenue, New City, NY 10956
2.	Congers	Veteran's Memorial Building Lake Road Congers, NY 10920
3.	West Nyack	West Nyack Fire House Strawtown Road West Nyack, NY 10994

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RESOLUTION NO. (1285-1986) Continued

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
4.	Upper Nyack	Upper Nyack Elementary School North Broadway Upper Nyack, NY 10960
5.	Nanuet	Highview School 24 Highview Avenue Nanuet, NY 10954
6.	Central Nyack	Central Nyack Community Center West Broadway & Waldron Avenue Central Nyack, NY 10960
7.	Congers	First Presbyterian Church Highway Avenue Congers, NY 10920
8.	Valley Cottage	Valley Cottage Elementary School Lake Road Valley Cottage, NY 10989
9.	New City	Street Elementary School Zukor Road New City, NY 10956
10.	Spring Valley	Lakeview Village Senior Citizens Project Memorial Park Drive Spring Valley, NY 10977
11.	Bardonia	Bardonia Elementary School Route 304 Bardonia, NY 10954
12.	Nanuet	Highview School 24 Highview Avenue Nanuet, NY 10954
13.	New City	Park Evangelical Free Church Little Tor Road New City, NY 10956
14.	Congers	Congers Methodist Church Lake Road Congers, NY 10920
15.	West Nyack	West Nyack Elementary School Route 59A West Nyack, NY 10994
16.	New City	St. Augustine's School Main Street New City, NY 10956
17.	Valley Cottage	Liberty Street Elementary School Lake Road Valley Cottage, NY 10989
18.	Nanuet	Trinity Presbyterian Church Main Street Nanuet, NY 10954
19.	New City	Germonds Presbyterian Church Germonds Road New City, NY 10956

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RESOLUTION NO. (1285-1986) Continued

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
20.	Central Nyack	Nyack Housing Authority Waldron Avenue Central Nyack, NY 10960
21.	Spring Valley	Lakeview Village Senior Citizens Project Memorial Park Drive Spring Valley, NY 10977
22.	New City	New City Condominium Clubhouse Heritage Drive New City, NY 10956
23.	Upper Nyack	Upper Nyack School North Broadway Upper Nyack, NY 10960
24.	New City	Link Elementary School Red Hill Road New City, NY 10956
25.	New City	Little Tor Elementary School Gregory Street New City, NY 10956
26.	New City	Laurel Plains Elementary School Teakwood Lane New City, NY 10956
27.	New City	St. Augustine's School Main Street New City, NY 10956
28.	West Nyack	Birchwood Elementary School (Rise West) Sickletown Road West Nyack, NY 10994
29.	New City	Link Elementary School Red Hill Road New City, NY 10956
30.	New City	New City Park Clubhouse Collyer Avenue New City, NY 10956
31.	West Nyack	West Nyack Fire House Strawtown Road West Nyack, NY 10994
32.	New City	Chestnut Grove School Old Middletown Road New City, NY 10956
33.	Nanuet	Miller Elementary School 50 Blauvelt Road Nanuet, NY 10954
34.	West Nyack	West Nyack Elementary School Route 59A West Nyack, NY 10994
35.	Nanuet	Middlewood Senior Citizen Complex 80 N. Middletown Road Nanuet, NY 10954

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<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
36.	New City	St. John's Episcopal Church Strawtown Road New City, NY 10956
37.	New City	Street Elementary School Zukor Road New City, NY 10956
38.	Valley Cottage	St. Paul's School Kings Highway Valley Cottage, NY 10989
39.	New City & Spring Valley	Hillcrest School Addison Boyce Road Spring Valley, NY 10977
40.	New City	Woodglen Elementary School Phillips Hill Road New City, NY 10956
41.	Spring Valley	Lakeview Village Senior Citizens Project Memorial Park Drive Spring Valley, NY 10977
42.	Congers	Congers Elementary School Lake Road Congers, NY 10920
43.	Valley Cottage	Liberty Street Elementary School Lake Road Valley Cottage, NY 10989
44.	Nanuet	Trinity Presbyterian Church Main Street Nanuet, NY 10954
45.	Bardonia	Bardonia Elementary School Route 304 Bardonia, NY 10954
46.	New City	Little Tor Elementary School Gregory Street New City, NY 10956
47.	Nanuet	Highview Avenue 24 Highview Avenue Nanuet, NY 10954
48.	New City	Laurel Plains Elementary School Teakwood Lane New City, NY 10956
49.	Central Nyack	Central Nyack Community Center West Broadway & Waldron Avenue Central Nyack, NY 10960
50.	West Nyack	Birchwood Elementary School (Rise West) Sickletown Road West Nyack, NY 10994
51.	Valley Cottage	Valley Cottage Elementary School Lake Road Valley Cottage, NY 10989

RESOLUTION NO. (1285-1986) Continued

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
52.	New City	Clarkstown Senior High School North Congers Road, New City 10956
53.	New City	Woodglen Elementary School Phillips Hill Road New City, NY 10956
54.	Upper Nyack	Upper Nyack School North Broadway Upper Nyack, NY 10960
55.	New City	New City Elementary School Elmwood Drive New City, NY 10956
56.	New City	Street Elementary School Zukor Road New City, NY 10956
57.	Bardonia	Monterey Senior Citizen Housing 1 Monterey Gardens Bardonia, NY 10954
58.	Valley Cottage	Mountainview East Clubhouse Sierra Vista Lane Valley Cottage, NY 10989
59.	New City	St. Augustine's School Main Street New City, NY 10956
60.	New City	Woodglen Elementary School Phillips Hill Road New City, NY 10956
61.	Congers	Congers Ambulance Corps. Kings Highway Congers, NY 10920
62.	Valley Cottage	Liberty Street Elementary School Lake Road Valley Cottage, NY 10989
63.	Congers	First Presbyterian Church Highway Avenue Congers, NY 10920
64.	Valley Cottage	Valley Cottage Elementary School Lake Road Valley Cottage, NY 10989
65.	Bardonia	Monterey Senior Citizen Housing 1 Monterey Gardens Bardonia, NY 10954
66.	New City	Chestnut Grove School Old Middletown Road New City, NY 10956
67.	New City	St. John's Episcopal Church Strawtown Road New City, NY 10956

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RESOLUTION NO. (1285-1986) Continued

- 68. New City Street Elementary School
Zukor Road
New City, NY 10956
- 69. New City Woodglen Elementary School
Phillips Hill Road
New City, NY 10956
- 70. West Nyack Birchwood Elementary School
Sickletown Road
West Nyack, NY 10994
- 71. New City Laurel Plains Elementary School
Teakwood Lane
New City, NY 10956
- 72. New City Little Tor Elementary School
Gregory Street
New City, NY 10956
- 73. Valley Cottage Mountainview East Clubhouse
Sierra Vista Lane
Valley Cottage, NY 10989
- 74. New City Street Elementary School
Zukor Road
New City, NY 10956
- 75. Spring Valley Lakeview Village Senior Citizens
Project
Memorial Park Drive
Spring Valley, NY 10977
- 76. New City & Spring Valley Hillcrest School
Addison Boyce Road
Spring Valley, NY 10977
- 77. New City St. John's Episcopal Church
Strawtown Road
New City, NY 10977

Seconded by Co. Nowicki

On roll call the vote was as follows:

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

Councilman Nowicki addressed the Town Board and the audience stating that this would be her last meeting:

"Ladies and Gentlemen:

Edwin Arlington Robinson, the great American poet once wrote 'There are two kinds of gratitude - the sudden kind we feel for what we take and the larger kind that we feel for what we give.' Today my heart is full of gratitude for the magnificent gift offered to me one year ago by this Town Board - the opportunity to serve as the first woman Town Board member in the long and illustrious history of Clarkstown. Their larger gifts were their faith that I could do the job well, their unqualified and constant support and their experience that they so generously shared with me.

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I believe that the gift that I gave was a joyful desire to live up to their expectations and the genuine love and admiration for my colleagues on the Board and for the elected and appointed officials and for the wonderful people who serve in Town Hall and who work daily for the good citizens of Clarkstown. Nineteen Eighty Six was a banner year for our Board and for the Town. An aura of cooperation prevailed. There was a total lack of acrimony. In the words of Woodrow Wilson we had "not a balance of power but a community of power, not organized rivalries but an organized common peace." We always respected one another's differences of opinion. I deeply regret that I will not be a part of this vital level of government in the coming year.

It would be impossible to pay in gratitude for all that you, the members of the Town Board, have given me. I must pay in kind somewhere else in life and this I promise to do. I learned more in this chair than I had ever known about government in my twenty-five years as an observer. We do truly serve the community. We agonize over two valid alternatives. We are humbled by how little and how much difference our decisions will make. In the main we must help and respect one another. Let us be a community where love prevails. I ask God's blessings on you all and I wish a happy and successful new year to my beloved and respected colleagues. Thank you."

Councilman Maloney thanked Catherine Nowicki "for the time and the energy and the service that she did render to the Town of Clarkstown during the past year. Nobody knows what it's like to sit up here until you actually have sat here. No one knows the pressures. No one knows the kind of decisions you have to make; the hours that you put in; the telephone calls, etc. I join with, I hope, the members of the Board to thank her for the year of service that she has given us - the Town of Clarkstown - and I wish her well in the coming year."

Councilman Carey stated that "as the last official meeting of 1986 is concluded I wish to take this opportunity to thank Catherine Nowicki for her year of dedicated service to the Town of Clarkstown. Catherine brought to the Board the ability to understand Town problems and to articulate solutions. Her sensitivity and warmth in relating to her fellow Board members and to the people of Clarkstown have made it a pleasure to work with her. Catherine, you have the distinction of being the first woman to serve as a Town Board member and I commend this Board for opening a door that allows others to follow. May they serve the Town as graciously as you have done. So as 1986 silently slips away I wish you to know that your contribution as a Town Board member has been wonderfully memorable and appreciated and as one who knows you well, I know that with your resilience and productive ability you will be preparing for the next chapter of your life as the new year begins unfolding. Good luck and may God bless you and your future endeavors."

Councilman Nowicki was presented with a beautiful bouquet of roses.

Supervisor Holbrook stated "On behalf of the Town I would like to thank Catherine for the loyalty she has given this Board and the work that she has put in and the advice that she has provided for us and in helping us take the directions that we have taken during the course of this last year. Time goes very quickly. It is hard to believe that I was serving my last day as a Councilman this time last year. It is hard to believe that 365 days passed. But they do pass quickly and too often we don't have the opportunity to do all that we want to do within the time allotted to us. I certainly think that you made the most of the time that you had with us. So on behalf of the Town and in recognition of the service that you performed for the Town of

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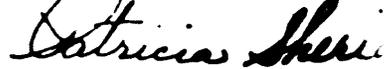
Clarkstown I would like to present this small token of our esteem to you and I also would just like to add in keeping with the tradition that we sort of started here we have your picture outside. Thank you once again for your service."

Supervisor presented a gavel to Mrs. Nowicki.

Mrs. Nowicki thanked the Supervisor and everyone in the room. She said she looked out over the wonderful sea of faces - all the faithful people who come to the Board meetings and all the wonderful people who serve this Town. She said she did not realize until she sat here how much they all give. She thanked them for the experience.

Supervisor Holbrook on behalf of the Town Board wished all employees and the citizens of the Town of Clarkstown a healthy and Happy New Year. He invited all present upstairs for refreshments which are being served in Room 311 and with that he concluded the meeting.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/31/86

12:11 P.M.

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

RE: SPECIAL PERMIT TO OPERATE INTERMEDIATE CARE FACILITY TO ROCKLAND COUNTY CENTER FOR PHYSICALLY HANDICAPPED, INC.

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

Appearance: Anthony Montalbano, Esq.
representing Camp Jawonio

Mr. Montalbano spoke regarding the need for the intermediate home and gave pertinent data as to the description of the facilities and urged the Board's approval.

Town Attorney stated that the Town Planning Board's recommendation was on file and they recommended approval of this request.

Supervisor asked if anyone present had a comment or a question with regard to this application.

No one appeared.

There being no one wishing to be heard on motion of Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 12:16 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

Resolution No. (1257-1986) ADOPTED.

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TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/31/86

12:17 P.M.

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

RE: LOCAL LAW NO. 6-1986 - INCREASE OF PERMIT FEE FOR EXCAVATION
IN PUBLIC RIGHT-OF-WAY

Councilman Maloney, seconded by Councilman Nowicki and unanimously adopted, the public hearing was declared open, time: 12:17 P.M.

Town Clerk read notice calling public hearing and Town Attorney testified as to proper posting and publication.

Supervisor asked if Town Attorney had any correspondence on this and he said no.

Supervisor asked if any Town Board member had any questions.

Councilman Maloney inquired as to whether the \$50.00 fee covered the expense of opening the road or was more money needed. Superintendent of Highways John O'Sullivan said it had been \$50.00 for many years going back to when Fred Seeger was Superintendent of Highways.

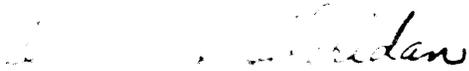
Councilman Carey said they were getting a bargain even with the \$100.00 fee.

Supervisor asked if any member of the public wished to make a comment or had any questions.

No one appeared.

There being no one wishing to be heard on motion of Councilman Carey, seconded by Councilman Nowicki and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 12:19 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

Resolution No. (1258-1986) ADOPTED

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