

TOWN OF CLARKSTOWN.
TOWN BOARD MEETING

Town Hall

6/13/89

8:15 P.M.

Present: Councilman John Maloney, Deputy Supervisor
Councilmembers Kunis and Smith
(Supervisor Holbrook and Councilman Carey absent)
Murray N. Jacobson, Town Attorney
Sheila Reiter, Deputy Town Clerk

Deputy Supervisor called the meeting to order.
Assemblage saluted the Flag.

Deputy Supervisor read following proclamation:

"DONALD S. KEMP DAY"
JUNE 16, 1989

WHEREAS, DONALD S. KEMP began his career in education 36 years ago, having graduated from State Teachers' College at Millersville, Pennsylvania, received his master's degree at Bucknell University and, in 1961, he moved to Clarkstown with his wife Carol and young family, and

WHEREAS, he co-authored a fifth grade Science text book, the "Cambridge Work-A-Text" which was approved and used in the Clarkstown School District elementary curriculum, and

WHEREAS, DON KEMP was instructional supervisor at Little Tor Elementary School, served as Acting Principal at New City Elementary School and Laurel Plains Elementary School, was Assistant to the Director of Elementary Education and Assistant Principal at Bardonia Elementary School, was appointed as Principal of Bardonia Elementary School in 1971 as well as being appointed to many district committees, notably the Clarkstown Committee on the Handicapped, and

WHEREAS, he began the annual Bardonia Memorial Day observance with a morning ceremony, including the Naurashank American Legion Post of War Veterans, was a Rockland County Wrestling Official, did tournament scheduling, coached and officiated at numerous state wrestling championships, and

WHEREAS, DON KEMP was directly involved with the health, education, safety and welfare of youth, was awarded the Bardonia PTA Life Membership Award in 1978 and a Distinguished Service Award by New York State PTA, and has served with dedication and diligence, actively supporting and devoting himself to his community and its youth,

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim June 16, 1989 as "DONALD S. KEMP DAY" and call upon all our residents to join with me in recognizing his significant contributions to Clarkstown and congratulating him on his retirement, offering our best wishes for continued success.

IN WITNESS WHEREOF I HEREUNTO SET MY
HAND AND CAUSE THE SEAL OF THE TOWN
OF CLARKSTOWN TO BE AFFIXED THIS 16TH
DAY OF JUNE, 1989.

s/s Charles E. Holbrook, Supervisor
CHARLES E. HOLBROOK, Supervisor

s/s William J. Carey
William J. Carey, Councilman
(SEAL)

/s/ Steven C. Kunis
Steven C. Kunis, Councilman

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

/s/ Ann Marie Smith
Ann Marie Smith, Councilwoman

Deputy Supervisor opened the public portion of the meeting.

Appearance: Mr. Ted Dusanenko, Sur.
New City, New York

Mr. Dusanenko objected to rezoning of Map 142, Block A, Lots 7, 7.01, 8.01, 8.02, 32.01 and 32.04 (Exit 10-Palisades Parkway - Agenda Item No. 20). This property is located at Middletown Road and Burda Avenue. He said many years ago Bamberger's and Sears wanted to locate in that area but residents fought bitterly because it is such a dangerous road and should not be zoned PO. He said the Traffic Advisory Board has officially voiced its concern regarding traffic impact.

Mr. Dusanenko noted that Flag Day is June 14th. He requested that all residents recite Pledge of Allegiance on that day at 7:00 P.M.

Appearance: Mr. Louis Sibbio
Nanuet, New York

Mr. Sibbio referred to an article in the paper on June 11th wherein Supervisor Holbrook said the incorporation of Nanuet as a village was a joke. He requested an apology from the Supervisor. Councilman Maloney suggested that Mr. Sibbio take this up with the Supervisor directly. Mr. Sibbio stated that the people of Nanuet will decide whether they want to be a village or not.

Mr. Sibbio noted that it had been stated that Mr. Teplitz, who owns a business in Nanuet, does business with the Town of Clarkstown. He does not.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley stated that he represents the Southern Clarkstown Civic Association. He spoke with regard to Agenda Item #32 (Special Permit for Rock Excavation - Pyramid.) He stated that Pyramid is trying to circumvent getting a blasting permit from the Town Clerk. He said if they get this permit and there is a law suit they want to be able to say they have vested rights.

Mr. Broadley also mentioned the possible incorporation of Nanuet. He said West Nyack is still very active in its own incorporation attempt. He noted that Valley Cottage and Congers are also considering such a move. He felt it was possible that in the future Clarkstown will go the way of the Town of Ramapo.

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

Mr. Pantano spoke regarding the change of zone proposed at Exit 10 of the Palisades Parkway. He said the area is one of the worst, if not the worst, in Clarkstown and possibly Rockland County. He opposed the change of zoning.

Appearance: Ms. Jan Connor
370 South Mountain Road
New City, New York

She asked if the Lake Lucille question was to be discussed tonight as she did not see it on the agenda? She was told that Supervisor Holbrook had requested that it be part of the next Town Board Meeting as he wished to be present for the discussion.

TBM - 6/13/89
Page 3

RESOLUTION NO. (528-1989)

ACCEPTING MINUTES OF TOWN
BOARD MEETINGS OF MAY 9TH
AND MAY 23RD, 1989

Co. Smith offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meetings
of May 9 and May 23, 1989 are hereby accepted as submitted by the
Town Clerk.

Seconded by Co. Kunis

(At this point Councilman Kunis stated that the minutes
of the May 23rd Town Board Meeting on Resolution No. 523 did not
accurately reflect his vote which was an abstention. At the last
meeting he had stated: "Actually, I officially saw this tonight and
I would like more time to review it so I'm not prepared to vote...so
I abstain." (This correction was made to the May 23rd minutes prior
to tonight's meeting but is being inserted here at Councilman Kunis'
request.)

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (529-1989)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE CHAPTER 31
PROCEEDING - MAP 164, BLOCK
A, LOT 16.01 (REICH)

Co. Smith offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized
to institute proceedings as stipulated in Chapter 31 of the Code of
the Town of Clarkstown to remove or rectify violations as reported
by the Building Inspector and the Fire Inspector of the Town of
Clarkstown on premises reputedly owned by Samuel Reich in the Town
of Clarkstown, more particularly described on the Tax Map of the
Town of Clarkstown as Map 164, Block A, Lot 16.01, 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 18th day of
July, 1989, at 8:05 p.m., providing service of Notice pursuant to
Town Code, Chapter 31 is made on or before the 27th day of June,
1989.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (530-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT FOR
ECONOMIC ASSISTANCE FOR
1989 - CHARGE TO ACCOUNT #
8840-424

Co. Smith offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to
enter into an agreement, in a form approved by the Town Attorney,

Continued on Next Page

RESOLUTION NO. (530-1989) Continued

with non-profit organizations, which provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sums in economic assistance to the

Clarkstown Sports Club, Inc.	\$ 1,000
Martin Luther King Multi-Purpose Center, Inc.	10,000
Nyack Community Child Development Center, Inc.	1,500

and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1989 and are to be charged against Account #A 8840-424

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilwoman Smith.....Yes
 Councilman Maloney.....Yes

RESOLUTION NO. (531-1989)

AUTHORIZING NEW YORK STATE
DEPARTMENT OF
TRANSPORTATION TO REMOVE
GRAFFITI FROM ABUTMENT
LOCATED ON MIDDLETOWN ROAD,
NANUET

Co. Smith offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the New York State Department of Transportation to remove graffiti from the abutment located on Middletown Road, Nanuet, New York, situate near the Middlewood Senior Citizens Complex.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilwoman Smith.....Yes
 Councilman Maloney.....Yes

RESOLUTION NO. (532-1989)

AUTHORIZING SUPERVISOR TO
SUBMIT HOME RULE REQUEST TO
STATE LEGISLATURE WITH
RESPECT TO EXCHANGE OF
PARKLANDS (PHILLIPS HILL
ROAD - MAP 61, BLOCK A, LOT
12.01)

Co. Kunis offered the following resolution:

WHEREAS, the Town of Clarkstown is the owner of approximately five acres of parkland situate on Phillips Hill Road, New City, as shown on the subdivision plat of Phillips Hill Park,

Continued on Next Page

RESOLUTION NO. (532-1989) Continued

recorded in the Rockland County Clerk's Office in Book 80, at Page 20, as Map 4015, which five acre parcel is adjacent to property owned by the County of Rockland, and

WHEREAS, the County of Rockland is the owner of approximately five acres of parkland, designated on the Clarkstown Tax Map as Map 61, Block A, Lot 12.01, which is adjacent to Zukor Park property, New City, which is owned by the Town of Clarkstown, and

WHEREAS, it is desirable to exchange the approximate five acre parcel of parkland owned by the Town of Clarkstown as described herein for the approximate five acre parcel of parkland owned by the County of Rockland as described herein, and

WHEREAS, it is desirable to have introduced into the State Legislature an Act to authorize an equitable exchange of parklands;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the concept of a parkland exchange, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to submit on behalf of the Town of Clarkstown a Home Rule Request to the State Legislature requesting legislation approving such parkland exchange.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (533-1989)

AUTHORIZING \$25.00 SERVICE
CHARGE FOR ANY CHECK
RECEIVED MARKED
"INSUFFICIENT FUNDS"

Co. Kunis offered the following resolution:

WHEREAS, the Town of Clarkstown receives insufficient funds checks from various departments and the Town has to expend time to collect said funds,

NOW, THEREFORE, be it

RESOLVED, that there will be a \$25.00 service charge for any insufficient funds check received.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (534-1989)

CORRECTING RESOLUTION NO.
(477-1989) RE: BID #31-1989
- FOOD PRODUCTS FOR USE/SALE

RESOLUTION NO. (534-1989) Continued

AT TOWN OPERATED
REFRESHMENT STANDS
(SCHAFFER FOOD SERVICE CO.,
MAX BRAUN & SONS, COOKIES
UNLIMITED COMMISSARY INC.,
GOLD ROSE FOOD PRODUCTS, F.
WILSON SMITH CO., TAYSTEE
BAKING CO., AND MULLER
DAIRIES)

Co. Smith offered the following resolution:

RESOLVED, that Town Board Resolution #477-1989 is hereby corrected to read

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

BID #31-1989
FOOD PRODUCTS FOR USE/SALE AT
TOWN OPERATED REFRESHMENT STANDS

is hereby awarded to the following bidders as per the attached schedules of items/prices

SCHAFFER FOOD SERVICE CO
P.O. BOX 60
NEW ROCHELLE NY 10805
PRINCIPALS: MONROE SCHAFFER
HARVEY FINKELSTEIN
IRVING SCHWARTZ

MAX BRAUN & SONS
94 WOODWORTH AVE
YONKERS NY 10701
PRINCIPAL: NORMAN BRAUN

GOLD ROSE FOOD PRODUCTS
D/B/A JET FOOD PRODUCTS
237 DIVISION AVE
GARFIELD NJ 07026
PRINCIPAL: JACK ROSENZWEIG

COOKIES UNLIMITED COMMISSARY
INC.
50 MERCEDES WAY
BRENTWOOD NY 11717
PRINCIPAL: NEIL LUKOW

TAYSTEE BAKING CO.
131-33 AVERY AVE
FLUSHING NY 11355
(PUBLIC CORP.)

F. WILSON SMITH CO.
22 HUDSON DRIVE
STONY POINT NY 10980
PRINCIPAL: F. WILSON SMITH

MULLER DAIRIES
17 KLEIN AVE
WEST NYACK NY 10994
PRINCIPAL: KENNETH MULLER

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (535-1989)

AWARDING BID FOR BID
#42-1989 - PRINTING AND
BINDING OF THE CLARKSTOWN
BICENTENNIAL CEMETERIES
BOOK (LEONARDO PRINTING
CORP.)

Co. Smith offered the following resolution:

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

BID #42-1989
PRINTING AND BINDING OF THE
CLARKSTOWN BICENTENNIAL CEMETERIES BOOK

Continued on Next Page

RESOLUTION NO. (535-1989) Continued

is hereby awarded to

LEONARDO PRINTING CORP.
529 EAST THIRD STREET
MT. VERNON, NY 10553
PRINCIPAL: FRANK LEONARDO

as per their low bid proposal of \$5975.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (536-1989)

AWARDING BID FOR BID
#3-1989 - PIN & BUSHINGS
TURN ON A CATERPILLAR 973
LOADER AT SANITARY LANDFILL
(H.O. PENN MACHINERY CO.)

Co. Smith offered the following resolution:

RESOLVED, that based upon the recommendation of the
Deputy Director of DEC and the Director of Purchasing that

BID #43-1989
PIN & BUSHINGS TURN ON A CATERPILLAR
973 LOADER AT SANITARY LANDFILL

is hereby awarded to

H.O. PENN MACHINERY CO.
RD #2, NOXON ROAD
POUGHKEEPSIE, NY 12603
PRINCIPAL: C.E. THOMAS CLEVELAND

as per their proposed cost of \$2,866. for pin & bushing turn and
attached schedule of possible other costs, if required.

Seconded by Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (537-1989)

AWARDING BID FOR BID
#44-1989 - PAPER AND
PLASTIC SUPPLIES (STRAUSS
PAPER COMPANY, BURKE SUPPLY
CO., INC., E.A. MORSE &
CO., AETNA JANITORIAL &
MAINTENANCE SUPPLY, CALICO
INDUSTRIES, INC., AND
CENTURY PAPER

Co. Smith offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (537-1989) Continued

BID #44-1989
PAPER AND PLASTIC SUPPLIES

is hereby awarded to the following vendors as per the attached item/price schedule

STRAUSS PAPER COMPANY
10 SLATER STREET
PORTCHESTER NY 10573
PRINCIPALS: STEWART STRAUSS
RUTH STRAUSS
JOYCE JONAP
ROBERT JONAP

BURKE SUPPLY CO INC
880 MEEKER AVE
BROOKLYN NY 11222
PRINCIPALS: PHIL BURKE
NORMAN BURKE

AETNA JANITORIAL & MAINTENANCE
SUPPLY
137 N MAIN ST
SPRING VALLEY NY 10977
PRINCIPALS: FAY FRIEDMAN
HARRY FRIEDMAN

E. A. MORSE & CO.
PO BOX 728
MIDDLETOWN NY 10940
PRINCIPALS: EMERSON MORSE III
EMERSON MORSE SR
WINIFRD MORSE

CENTURY PAPER
PO BOX 123
HAVERSTRAW NY 10927
PRINCIPAL: MORTON FEIGENBAUM

CALICO INDUSTRIES INC
25 VAN ZANT ST
NORWALK CT 06855
PRINCIPALS: MALCOLM JARET
FRANK JARET

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (538-1989)

AWARDING BID FOR BID #47-1989-
HELICALLY CORRUGATED ALUMINUM
CULVERT PIPE (EXPANDED SUPPLY
PRODUCTS INC., CHEMUNG SUPPLY
CORP, AND CAPITOL HIGHWAY
MATERIALS)

Co. Smith offered the following resolution:

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

BID #47-1989
HELICALLY CORRUGATED ALUMINUM CULVERT PIPE

is hereby awarded to

EXPANDED SUPPLY PRODUCTS INC.
VAN WYCK LANE
WAPPINGERS FALLS NY 12590
PRINCIPALS: BRUCE KEHR
DONNA KEHR

CHEMUNG SUPPLY CORP
PO BOX 527
ELMIRA NY 14092
PRINCIPALS: HERMAN WARSHAW
MYRNA STEMERMAN
SUZANN SUNA

CAPITOL HIGHWAY MATERIALS
ROUTE 6
BALDWIN PLACE NY 10505
PRINCIPALS: MARK ABRAMS
N. KAROGLANEAN
V. PAIS
S. BHATTACHARTI

Continued on Next Page

RESOLUTION NO. (538-1989) Continued

as per the attached item/price schedule.

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

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (539-1989)

AUTHORIZING SUPERVISOR TO
EXECUTE EXTENSION AGREEMENT
WITH GRACE CONSERVATIVE
BAPTIST CHURCH FOR
PRE-SCHOOL PROGRAM - CHARGE
APPROPRIATION ACCOUNT NO. A
7141-424

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown Parks Board and
Recreation Commission wishes to extend the lease agreement with the
Grace Conservative Baptist Church to conduct a pre-school program in
Nanuet, New York,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to
execute an extension agreement with the Grace Conservative Baptist
Church to conduct a pre-school program, and be it

FURTHER RESOLVED, that said agreement shall be in a
form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that said agreement shall cover the
period from June 26, 1989 to June 22, 1990, and be it

FURTHER RESOLVED, that the fee shall remain the same as
the original agreement and be charged against Appropriation Account
No. A 7141-424.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (540-1989)

GRANTING PERMISSION TO
COLUMBUS DAY COMMITTEE OF
ROCKLAND COUNTY FOR USE OF
SHOWMOBILE FOR FAMILY PICNIC

Co. Kunis offered the following resolution:

WHEREAS, the Columbus Day Committee of Rockland County
has requested use of the Town of Clarkstown showmobile on Sunday,
July 30, 1989, for a Family Picnic in Tallman, New York,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (540-1989) Continued

RESOLVED, that permission is hereby granted to the Columbus Day Committee of Rockland County to use the Town of Clarkstown showmobile on Sunday, July 30, 1989, for the above purposes and subject to the provisions of the necessary insurance policies.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (541-1989) FAILED

AUTHORIZING RENEWAL OF
AGREEMENT WITH NEW YORK
STATE THRUWAY FOR USE OF
CLARKSTOWN SANITARY LANDFILL

Co. Smith offered the following resolution:

WHEREAS, the New York State Thruway Authority has an agreement with the Town which provides for use of the Clarkstown Sanitary Landfill for the period beginning May 17, 1988 and ending on May 16, 1989, and

WHEREAS, the Town Board is willing to renew said agreement with the provision that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Clarkstown Sanitary Landfill at the rate required by the Town;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town of Clarkstown, to enter into an agreement with the New York State Thruway Authority to provide for the use of the Clarkstown Sanitary Landfill for a one year period commencing May 17, 1989 and terminating on May 16, 1990, upon payment of the sum of not less than \$5,000.00, and be it

FURTHER RESOLVED, that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Clarkstown Sanitary Landfill at the rate required by the Town, and be it

FURTHER RESOLVED, that in the event the Clarkstown Sanitary Landfill is closed prior to the termination of this agreement, the agreement will be automatically terminated on such closure.

Seconded by Co. Maloney

There was discussion between Councilman Kunis and Les Bollman, Director of Environmental Control regarding problems with the disposal of tires. Mr. Bollman said financially we are breaking even. The Highway Department must transport the tires to Port Newark, New Jersey. Councilwoman Smith asked if we charge the Thruway Authority the same rate as everyone else? Mr. Bollman said we set a rate which is \$2.00 per tire or 10¢ a pound and that is the rate for everyone including the Thruway Authority.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (541-1989) Continued

Councilman Kunis.....No
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

(PLEASE NOTE THE ABOVE RESOLUTION FAILED)

RESOLUTION NO. (542-1989)

AUTHORIZING SUPERVISOR TO
EXECUTE ALL NECESSARY
AGREEMENTS AND DOCUMENTS
FOR PARTICIPATION IN THE
NEW YORK STATE DEPARTMENT
OF TRANSPORTATION WEIGHT
ENFORCEMENT ASSISTANCE
PROGRAM

Co. Smith offered the following resolution:

WHEREAS, pursuant to the Vehicle and Traffic Law, the New York State Legislature has made available, for grants to counties and municipalities other than the City of New York, funding for the purposes of strengthening their weight enforcement program; and

WHEREAS, New York State has allocated funds for these grants during the 1989-90 fiscal year, for the grant period ending September 30, 1990; and

WHEREAS, the Town of Clarkstown has agreed, by formal resolution, to participate in the Divisible Load Overweight Program of the Department of Transportation by honoring the loadings set forth in permits issued under the Divisible Load Overweight Program of the Department of Transportation on designated public highways over which it has Jurisdiction; and

WHEREAS, the Town of Clarkstown desires to participate in the Weight Enforcement Assistance Program (WEAP) of the Department of Transportation,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown shall participate in the Weight Enforcement Assistance Program of the Department of Transportation, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown be and is hereby authorized to execute all necessary agreements and documents on behalf of the Town of Clarkstown required by the New York State Department of Transportation for participation in its Weight Enforcement Assistance Program.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (543-1989)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
AGAINST TOWN OF CLARKSTOWN
(ADEL FISHMAN V. TOWN)

Co. Kunis offered the following resolution:

Continued on Next Page

RESOLUTION NO. (543-1989) Continued

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

Application of ADEL FISHMAN,
Petitioner,

For a judgment pursuant to Article 78
of the CPLR

-against-

CHARLES HOLBROOK, ANN MARIE SMITH
JOHN MALONEY, STEVEN KUNIS and
WILLIAM CAREY, constituting the Town
Board of the Town of Clarkstown,
Rockland County, State of New York,

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. Smith

(Councilman Kunis read the save harmless clause and asked Town Attorney why we are doing this? Town Attorney stated that the save harmless clause referred only to the bid and not to the defense of the action. We must defend this. Councilman Kunis said then the bottom line is that we should not have awarded the bid.)

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (544-1989)

DECREASING APPROPRIATION
ACCOUNT NO. A 1680-110
(DATA-PROCESSING-SALARIES)
AND INCREASING
APPROPRIATION ACCOUNT NO. A
1680-313 (DATA PROCESSING -
OFFICE SUPPLIES & PRINTING)

Co. Kunis offered the following resolution:

WHEREAS, Appropriation Account No. A 1680-313 (Data Processing-Office Supplies & Printing) is overdrawn,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1680-110 (Data Processing-Salaries) and increase Appropriation Account No. A 1680-313 by \$2,000.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

TBM - 6/13/89
Page 13

RESOLUTION NO. (545-1989)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 3310-409

Co. Kunis offered the following resolution:

WHEREAS, Appropriation Account No. A 3310-409 (Traffic
Advisory-Fees for Services) is overdrawn,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A
1990-505 and increase Appropriation Account No. A 3310-409 by
\$3,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (546-1989)

INCREASING APPROPRIATION
ACCOUNT NO. B 8020-201
(FURNITURE & FURNISHINGS)
AND DECREASING
APPROPRIATION ACCOUNT NO. B
8020-328 (BOOKS &
PUBLICATIONS)

Co. Kunis offered the following resolution:

RESOLVED, to increase Appropriation Account No. B
8020-201 (Furniture & Furnishings) and decrease Appropriation
Account No. B 8020-328 (Books & Publications) by \$127.00.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (547-1989)

BUDGET TRANSFERS FOR
RECREATION AND PARKS
DEPARTMENT (VARIOUS
ACCOUNTS)

Co. Kunis offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A
7210-307 (Refreshment Stands-Uniforms) by \$145.00 and to increase
Appropriation Account No. A 7141-307 (Community Recreation
Centers-Uniforms) by \$145.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No.
A 7310-329 (Youth Programs-Recreational Supplies) by \$1,000.00 and
to increase Appropriation Account No. A 7141-222 (Community
Recreation Centers-Park & Recreation Equipment) by \$1,000.00, and be
it

FURTHER RESOLVED, to decrease Appropriation Account No.
A 7610-404 (Programs for the Aging-Travel, Mileage, Meals) by \$600.00

Continued on Next Page

RESOLUTION NO. (547-1989) Continued

and to increase Appropriation Account A 7141-222 (Community Recreation Centers-Park & Recreation Equipment) by \$600.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7141-303 (Community Recreation Centers-Hospital & Medical Supplies) by \$500.00 and to increase Appropriation Account A 7141-222 (Community Recreation Centers-Park & Recreation Equipment) by \$500.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7141-407 (Community Recreation Centers-Equipment Repairs) by \$1,000.00 and to increase Appropriation Account No. A 7141-222 (Community Recreation Centers - Park & Recreation Equipment) by \$1,000.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7141-408 (Community Recreation Centers - Building Repairs & Improvements) by \$1,000.00 and to increase Appropriation Account No. A 7141-222 (Community Recreation Centers - Park & Recreation Equipment) by \$1,000.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (548-1989)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 1420-409
(TOWN ATTORNEY-FEES FOR
SERVICES)

Co. Kunis offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1420-409 (Town Attorney-Fees for Services) by \$900.

Seconded by Co. Smith

Councilman Kunis noted that we are 55% into the fiscal year. This seems like an extraordinary amount of transfers for this time of the year. He suggested that we hire an outside auditor to see where we are going. With the possible closing of the landfill we do not know what the end of the year will bring.

Deputy Supervisor asked if this was an unusual amount of transfers and Comptroller Paul Scholfield said no.

Councilwoman Smith said she agreed with Councilman Kunis and felt that it was time that we had a financial forecast.

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (549-1989)

AUTHORIZING COMPTROLLER TO
PAY (OPTICAL RESOURCES,

RESOLUTION NO. (549-1989) Continued

INC. FOR CONSULTING WORK IN
THE DEVELOPMENT OF BID
SPECIFICATIONS AND JOB
SURVEY AND VISITRAK
INTERNATIONAL CORP FOR
INSTALLATION OF MONITORS IN
CONNECTION WITH DECLARED
PUBLIC EMERGENCY AT THE
SANITARY LANDFILL

Co. Smith offered the following resolution:

WHEREAS, a public emergency was declared by the Town Board of the Town of Clarkstown on May 9, 1989, in connection with the Clarkstown Sanitary Landfill, and

WHEREAS, it was necessary to draw specifications and install video monitoring equipment at the landfill,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Comptroller to pay:

- a) Optical Resources Inc.
15 Harriman Ave.
Sloatsburg, NY

the amount of \$330 for consulting work in the development of bid specifications and job survey, and

- b) Visitrak International Corp.
15 Center St.
Pleasantville, NY

the sum of \$14,820 for the installation of monitors at the landfill.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilwoman Smith.....Yes
 Councilman Maloney.....Yes

RESOLUTION NO. (550-1989)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES ALONG
SOUTH MOUNTAIN ROAD (AVARAS
SUBDIVISION)

Co. Kunis offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated March 21, 1989, between BOZENA HAVLIK a/k/a BOZENA HAVLIK FISHBEN and the Town of Clarkstown for road widening purposes along South Mountain Road, New City, New York, together with a sanitary sewer and drainage easement, required by the Planning Board of the Town of Clarkstown in connection with final approval of a subdivision entitled "Density Subdivision Plat AVARAS", dated September 16, 1988, last revised April 18, 1989, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilwoman Smith.....Yes
 Councilman Maloney.....Yes

RESOLUTION NO. (551-1989)

ACCEPTING DEEDS FOR ROAD
WIDENING PURPOSES ALONG
EAST SIDE OF SOUTH HARRISON
AVENUE, CONGERS (PRESTIPINO
AND RONCA)

Co. Smith offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated February 7, 1989, from GARY PRESTIPINO to the Town of Clarkstown for road widening purposes along the east side of South Harrison Avenue, Congers, New York, and deed dated February 7, 1989, from JULIA RONCA for road widening purposes along the west side of South Rockland Avenue, Congers, New York, required by the Board of Appeals of the Town of Clarkstown in connectin with Appeal No. 2184 are hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (552-1989)

SETTING PUBLIC HEARING RE
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
JOHN G. AND VIVIEN T.
MAISEY

Co. Kunis offered the following resolution:

WHEREAS, a written Petition dated April 20, 1989 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 18th day of July, 1989, at 8:10 P.M. ED time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (553-1989)

ABANDONING PORTION OF
HOWARD STREET AND MORTON
AVENUE, CONGERS AND
AMENDING OFFICIAL MAP OF
TOWN OF CLARKSTOWN
(THOMASISTS)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 11th day of April, 1989, provided for a public hearing on the 9th day of May, 1989 at 8:15 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of Howard Street and Morton Avenue, Congers, New York, as shown on a survey entitled, "Proposed Street Abandonment, Map of Property for Wilhelm Thomasists," Congers, Town of Clarkstown, Rockland County, New York, dated June 24, 1988, prepared by Robert E. Sorace, P.L.S., as described in Schedule "A" attached, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated January 13, 1989, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that a portion of Howard Street and Morton Avenue, Congers, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of Howard Street and Morton Avenue, Congers, as described in Schedule "A" attached, and be it

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

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

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (554-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
GOLDSTEIN & HALPERN FOR
PREPARATION OF ACCOUNTING
STUDY OF CLARKSTOWN
SANITARY LANDFILL - CHARGE
TO ACCOUNT NO. A 1420-409

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (554-1989) Continued

WHEREAS, Golastein & Halpern, Certified Public Accountants, have submitted a proposal dated June 6, 1989, to provide a study of the accounting control systems, internal controls, and related operating procedures used by the Clarkstown Landfill, 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 Goldstein and Halpern, to provide said services, which agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$13,000.00, and shall be charged to Account No. A-1420-409.

Seconded by Co. Kunis

Deputy Supervisor noted that Supervisor Holbrook was in favor of this study.

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (555-1989)

SETTING PUBLIC HEARING
REGARDING ZONE CHANGE
PETITION - MAP 142, BLOCK
A, LOTS 7, 7.01, 8.01,
8.02, 32.01 AND 32.04 FROM
R-15/RS TO RS (PROPERTY
ABUTTING LAKEWOOD SCHOOL)

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, on its own Motion, will consider Amending the Zoning Ordinance of the Town by redistricting properties designated on the Clarkstown Tax Map as Map 142, Block A, Lots 7, 7.01, 8.01 8.02, 32.01 and 32.04, from an R-15/RS District to all RS District;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 for 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 18th day of July, 1989 at 8:10 P.M., relative to the proposed amendment, and be it

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

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. Kunis

Continued on Next Page

RESOLUTION NO. (555-1989) Continued

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (556-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #52-1989 -
REINFORCED CONCRETE CULVERT
PIPE CONCRETE CATCH BASIN
BLOCK & BRICKS

Co. Smith offered the following resolution:

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

BID #52-1989
REINFORCED CONCRETE CULVERT PIPE
CONCRETE CATCH BASIN BLOCK & BRICKS

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, June
29, 1989 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. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (557-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #53 -
GALVANIZED GABIONS

Co. Kunis offered the following resolution:

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

BID #53-1989
GALVANIZED GABIONS

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, June 26,
1989 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. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (558-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #55-1989 -
UNIFORM MAINTENANCE SERVICE
FOR CLARKSTOWN POLICE DEPT.

Co. Smith offered the following resolution:

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

BID #55-1989
UNIFORM MAINTENANCE SERVICE FOR CLARKSTOWN POLICE DEPT.

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, July
5, 1989 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. Kunis

(Councilman Kunis requested that the Director of
Purchasing make every effort to notify Clarkstown businessman of
bids and give them an opportunity to bid on items such as this.)

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (559-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #54-1989 -
COMPUTER & WORD PROCESSING
SUPPLIES

Co. Smith offered the following resolution:

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

BID #54-1989
COMPUTER & WORD PROCESSING 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, July
6, 1989 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. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

With regard to Agenda Item 22 (Corrective Drainage Work in West Nyack) and Item 23 (Corrective Erosion Work in New City) Councilman Kunis asked Mr. D'Antoni, Superintendent of Highways if he knew the firm that would be doing the work. Mr. D'Antoni said yes. Councilman Kunis asked if this was an employee of the town and Mr. D'Antoni said no. Councilman Kunis asked if this was a relative of a town employee and Mr. D'Antoni said yes. Councilman Kunis said he wanted to get other proposals. Mr. D'Antoni said that Mr. Rickli has the equipment we need for these problems. He said he was just following usual procedures. Councilman Kunis said just because that is the way it has always been done does not make it right.

Both items were removed from the agenda.

RESOLUTION NO. (560-1989)

AUTHORIZING THE EXECUTION
OF QUITCLAIM DEED -
PHILLIPS HILL ROAD
EXTENSION (BICHLER AND
GORDON)

Co. Smith offered the following resolution:

WHEREAS, on December 16, 1981, the Town of Clarkstown executed a quitclaim deed to Melvin Gordon and Lillian M. Gordon, his wife, as tenants by the entirety, conveying a portion of the "Phillips Hill Road Extension", and

WHEREAS, such deed has never been recorded and subsequently Lillian M. Gordon, surviving tenant of the entirety, conveyed on May 5, 1987 to Dennis N. Bichler and Felice Matlick Bichler, his wife, the home owned by Mrs. Gordon, together with the property which was conveyed by the deed dated December 16, 1981 between the Town of Clarkstown and said Melvin Gordon and Lillian M. Gordon, his wife, and

WHEREAS, the Town Board has been requested by the Bichlers to execute a quitclaim deed conveying that property conveyed by the deed of December 16, 1981, in order to clear up any title questions concerning the ownership of such property;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a quitclaim deed to Dennis N. Bichler and Felice Matlick Bichler, his wife, in a form satisfactory to the Town Attorney, conveying the same premises as set forth in the quitclaim deed of December 16, 1981 by the Town of Clarkstown to Melvin Gordon and Lillian M. Gordon.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (561-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT IN
CONNECTION WITH PROPOSED
EASEMENT AND RIGHT-OF-WAY
ON GRACE PROPERTY (KENNETH
GRACE AND ELIZABETH GRACE)
- CHARGE TO ACCOUNT NO. H
5110-06-409

RESOLUTION NO. 561-1989) Continued

Co. Smith offered the following resolution:

WHEREAS, it is necessary for the Town to take an easement and right-of-way on property owned by Kenneth Grace and Elizabeth Grace, 116 Highway Avenue, Congers, New York, designated on the Clarkstown Tax Map as Map 126, Block C, Lot 12.05, for road purposes as part of the Lenox Avenue Road Improvement Project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Kenneth Grace and Elizabeth Grace, in a form satisfactory to the Town Attorney, in connection with the proposed easement and right-of-way on the Grace property, and be it

FURTHER RESOLVED, that the Town is authorized to pay \$2,500.00 for said easement and right-of-way for road purposes and such sum shall be taken from the Lenox Avenue Road Improvement Project, Account No. H-5110-06-409, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to June 8, 1989.

Seconded by Co. Kunis

(Councilwoman Smith asked if the residents would have to pay for this. She was told yes - \$2,500.00 each.

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (562-1989)

AUTHORIZING SUPERVISOR TO
SIGN AGREEMENT WITH COUNTY
OF ROCKLAND RE MASS
TRANSPORTATION

Co. Kunis offered the following resolution:

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

(Councilman Kunis stated that he was not at the Workshop and did not follow this. Town Attorney stated that this is something we do every year and the Town receives funds for it.)

Seconded by Co. Smith

RESOLUTION NO. (562-1989) Continued

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (563-1989)

DECLARING PROPERTY
DESIGNATED ON THE
CLARKSTOWN TAX MAP AS MAP
123, BLOCK G, LOT 21 AS
SURPLUS PROPERTY AND
AUTHORIZING ADVERTISEMENT
FOR BIDS FOR SAME (LOWERRE
PLACE, VALLEY COTTAGE MAZEL
KARKAH - RIDGE ESTATES)

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown is the owner of a certain parcel of land designated on the Tax Map of the Town of Clarkstown as MAP 123, BLOCK G, LOT 21 consisting of approximately 3,905 sq. ft. located in Valley Cottage, New York, and

WHEREAS, the Town is considering disposing of said property as surplus property;

NOW, THEREFORE, be it

RESOLVED, that said property is hereby declared surplus municipal property, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Town Clerk to advertise for bids for the sale of such parcel with a minimum sales price of \$25,000 pursuant to the Terms of Sale in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the written sealed bids be returnable to the office of the Town Attorney of the Town of Clarkstown, 10 Maple Avenue, New City, New York, by 10:00 A.M. on July 6, 1989.

Seconded by Co. Kunis

(Councilwoman Smith asked if this was Lowerre Place and Town Attorney said it was. Town Attorney wanted it noted that the transfer of funds in his department, which was the subject of an earlier resolution this evening, was to pay for the survey on this property.)

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (564-1989)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF TOWN CODE
(NO. 89-24 TO THOMAS DORN)

Continued on Next Page

RESOLUTION NO. (564-1989) Continued

Co. Smith offered the following resolution:

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 83-65 of the Code of the Town of Clarkstown:

THOMAS DORN
3 Plymouth Place
Monsey, New York

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 89-24 to THOMAS DORN

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (565-1989)

GRANTING PERMISSION FOR
FIREWORKS DISPLAY AT
CLARKSTOWN SOUTH HIGH
SCHOOL - JULY 3, 1989

Co. Smith offered the following resolution:

RESOLVED, that permission is hereby granted for a fireworks display to be held by the Clarkstown Parks Board and Recreation Commission at the Clarkstown South High School at approximately 8:30 P.M. on Monday, July 3, 1989, pursuant to Section 405 of the Penal Law.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

(Deputy Supervisor wanted Town residents to note that the fireworks would be at the South High School this year and not at Nanuet High School as in previous years.)

RESOLUTION NO. (566-1989)

ACCEPTING DEED FOR SANITARY
SEWER EASEMENT AND
DECLARATION OF RESTRICTIVE
COVENANTS FOR FUTURE ROAD
WIDENING PURPOSES (MAISEY
SUBDIVISION)

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (566-1989) Continued

WHEREAS, as a condition to the approval of the final map of a subdivision known as "Subdivision of Property for JOHN and VIVIEN MAISEY" the Planning Board of the Town of Clarkstown requested a deed for a sanitary sewer easement and a Declaration of Restrictive Covenants for gratuitous dedication of a widening strip along Schweitzer Lane, Bardonia, New York, when and if required by the Town;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated April 20, 1989, from John G. Maisey and Vivien T. Maisey for a sanitary sewer easement, together with a Declaration of Restrictive Covenants for future road widening purposes are hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

(Councilman Maloney stated that this is part of the subdivision and that the Planning Board had asked for this.)

RESOLUTION NO. (567-1989)

AUTHORIZING RELEASE OF
MAINTENANCE BOND AND
ESCROWS FOR EDEN ROC
ESTATES SUBDIVISION

Co. Smith offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, maintenance bond secured by a Passbook in the sum of \$2,850 and escrows for incomplete items secured by a Passbook in the sum of \$3,000 which were furnished to the Town in connection with dedication of the road(s) and improvements on April 10, 1984, in a subdivision known as Eden Roc Estates, Sec. I and II, are terminated and the Passbooks released to the guarantor.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (568-1989)

HIGHWAY DEPARTMENT TO
INSTALL SIGNS - WESTERN
HIGHWAY, DOSCHER AVENUE AND
HOBE STREET, WEST NYACK

Co. Smith offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated March 6, 1989 has recommended traffic safety improvements for Western Highway, Doscher Avenue, and Hobe Street, West Nyack, and

Continued on Next Page

RESOLUTION NO. (568-1989) Continued

WHEREAS, the Traffic and Traffic Fire Safety Advisory Board concurs with this Lampert recommendation,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown is desirous of implementing the following sign installations:

<u>SIGNS</u>	<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
	SB Western Highway, just south of Doscher Ave., West Nyack	WEIGHT LIMIT 5 TONS	RC - 1C
	SB Western Highway, just south of Green Rd., West Nyack	WEIGHT LIMIT 5 TONS	RC - 1C
	Doscher Ave. at Western Highway approx. 50 ft in advance of stop	TRUCKS OVER 5 TONS NO RIGHT TURN	R7 - 6X R3 - 2C
	Green Rd. at western Highway approx. 50 ft in advance of stop	TRUCKS OVER 5 TONS NO RIGHT TURN	R7 - 6X R3 - 2C

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilwoman Smith.....Yes
 Councilman Maloney.....Yes

RESOLUTION NO. (569-1989)

REFERRING SPECIAL PERMIT OF PYRAMID COMPANY OF ROCKLAND TO CLARKSTOWN PLANNING BOARD AND ROCKLAND COUNTY COMMISSIONER OF PLANNING (ROCK EXCAVATION) - MAP 89, BLOCK A, LOT 4

Co. Kunis offered the following resolution:

WHEREAS, PYRAMID COMPANY OF ROCKLAND, with offices at 51 Virginia Street, West Nyack, as property owner has petitioned the Town Board of the Town of Clarkstown for a Special Permit for rock excavation along the north and southbound lanes of the New York State Thruway at approximately Mile Post 19.3, designated on the Clarkstown Tax Map as Map 89, Block A, Lot 4, more particularly described on the attached Schedule "A," 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 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 Commissioner of Planning 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 on or before July 17, 1989:

Continued on Next Page

RESOLUTION NO. (569-1989) Continued

1. Town of Clarkstown Department of Environmental Control
2. Town of Clarkstown Building Inspector
3. N.Y.S. Department of Environmental Conservation
4. N.Y.S. Department of Transportation
5. N.Y.S. Thruway Authority

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.

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

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilwoman Smith.....Yes
 Councilman Maloney.....Yes

RESOLUTION NO. (570-1989)

RECOGNIZING APPOINTMENT BY
PLANNING BOARD OF SENIOR
CLERK TYPIST - PLANNING
DEPARTMENT (BRIDGET
McNAMARA)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89149 Senior Clerk Typist (R.C.N.C.P.) which contains the name of Bridget McNamara,

NOW, THEREFORE, be it

RESOLVED, that the Town board hereby recognizes the appointment by the Planning Board of Bridget McNamara, 119 Laurel Road, New City, New York, as Senior Clerk Typist - Planning Department - at the current 1989 annual salary of \$24,529.00, effective and retroactive to June 12, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilwoman Smith.....Yes
 Councilman Maloney.....Yes

RESOLUTION NO. (571-1989)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF SENIOR CLERK
TYPIST - PARKS BOARD AND
RECREATION COMMISSION
(DIANA T. VIERLING)

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (571-1989) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #89150 Senior Clerk Typist (R.C.N.C.P.) which contains the name of Diana T. Vierling,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Diana T. Vierling, 10 Amberry Lane, Thiells, New York, as Senior Clerk Typist - Parks Board and Recreation Commission - at the current 1989 annual salary of \$20,252., effective and retroactive to June 12, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (572-1989)

ADOPTING FOLLOWING SCHEDULE
OF PAY RATES FOR OFFICE
WORKER STUDENTS FOR 1989

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby adopts the following schedule of pay rates for Office Worker Students for 1989, effective and retroactive to May 30, 1989:

STARTING RATE: (RATE BASED ON GRADE COMPLETED IN MAY/JUNE 1989)

High School Junior	\$4.00
High School Senior	4.25
College Freshman	4.75
College Sophomore	5.25
College Junior	5.75
College Senior	6.25

Seasonally Employed Students (Winter Holiday School Recess,
Spring Recess or during Summer Months)

LABORER STUDENTS - HIGHWAY DEPARTMENT (18 YEARS OR OLDER)

\$5.25	STARTING SALARY FOR ALL NEW EMPLOYEES
\$5.75	2ND YEAR RETURNING EMPLOYEE - COLLEGE SOPHMORE
\$6.25	3RD YEAR RETURNING EMPLOYEE - COLLEGE JUNIOR
\$6.75	4TH YEAR RETURNING EMPLOYEE - COLLEGE SENIOR (FINAL STEP)

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (573-1989)

GRANTING LEAVE OF ABSENCE
TO CLERK TYPIST - TOWN
JUSTICE DEPARTMENT (RITA
SAKOWICZ)

Continued on Next Page

TBM - 6/13/89
Page 29

RESOLUTION NO. (573-1989) Continued

WHEREAS, Rita Sakowicz, has requested a leave of absence, without pay,

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement of January 1, 1987, provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Rita Sakowicz, 2 Teakwood Lane, New City, New York - Clerk Typist - Town Justice Dept. - is hereby granted a leave of absence, without pay - effective September 6, 1989 to October 2, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (574-1989)

APPOINTING SPECIAL STUDIES
INTERN - COMPTROLLER'S
OFFICE (DEBORAH SCHULTZ)

Co. Smith offered the following resolution:

RESOLVED, that Deborah Schultz, 8 Brookdale Court, West Nyack, New York, is hereby appointed to serve in a training program as a Special Studies Intern - Comptroller's Office - to serve without compensation - effective and retroactive to May 30, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (575-1989)

APPOINTING TO POSITION OF
OFFICE WORKER STUDENT -
ASSESSOR'S OFFICE (CAROL
ANN MAGRO)

Co. Smith offered the following resolution:

RESOLVED, that Carol Ann Magro, 25 Bellwood Drive, New City, New York, is hereby appointed to the position of Office Worker Student - Assessor's Office - at the current 1989 hourly rate of \$5.25, effective and retroactive to May 30, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (576-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
(TEMPORARY) CLERK TYPIST -
POLICE DEPARTMENT (MARGARET
RASCOLL)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Margaret Rascoll, 7 Ludvigh Road, Nanuet, New York, as a (temporary) Clerk Typist - Police Department - at the current 1989 annual salary of \$15,346., effective and retroactive to May 25, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (577-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
(CONTINGENT PERMANENT)
CLERK TYPIST - POLICE
DEPARTMENT (HELENA NEJMAN)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk Typist CR-1-89-8 which contains the name of Helena Nejman,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Helena Nejman, 4 Banta Place, New City, New York, as (contingent permanent) Clerk Typist - Police Department - at the current 1989 annual salary of \$15,346., effective and retroactive to April 3, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (578-1989)

ACCEPTING RESIGNATION OF
PART-TIME CUSTODIAL WORKER
- MAINTENANCE DEPARTMENT
(FRANK DeLIBERTIS)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Frank DeLibertis, 5 Oldfield Drive, New City, New York - part-time Custodial Worker - Maintenance Department - is hereby accepted - effective and retroactive to May 23, 1989

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

TBM - 6/13/89
Page 31

RESOLUTION NO. (578-1989) Continued

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (579-1989)

APPOINTING TO POSITION OF
LABORER STUDENT -
MAINTENANCE DEPARTMENT
(DOMINICK EBOLI)

Co. Smith offered the following resolution:

RESOLVED, that Dominick Eboli, 42 Collyer Avenue, New City, New York, is hereby appointed to the position of Laborer Student - Maintenance Department - at the current 1989 hourly rate of \$5.75, effective and retroactive to June 12, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTIONA NO. (580-1989)

APPOINTING TO POSITION OF
MAINTENANCE HELPER -
MAINTENANCE DEPARTMENT
(JOSEPH McCLAFFERTY)

Co. Smith offered the following resolution:

RESOLVED, that Joseph McClafferty, 46 Marion Street, Nyack, New York, is hereby appointed to the position of Maintenance Helper - Maintenance Department - at the current 1989 annual salary of \$19,393, effective and retroactive to June 12, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (581-1989)

ACCEPTING RESIGNATION OF
BUS DRIVER (PART TIME) -
MINI TRANS DEPARTMENT
(PATRICK CHERENFANT)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Patrick Cherenfant, 27 Karnell Street, Spring Valley, New York, Bus Driver (p-t) - Mini Trans Department - is hereby accepted - effective and retroactive to June 2, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (582-1989)

GRANTING THREE (3) MONTH
LEAVE OF ABSENCE TO
PART-TIME BUS DRIVER - MINI
TRANS DEPARTMENT (KAREN
SKINNER)

Co. Smith offered the following resolution:

WHEREAS, Karen Skinner, has requested a leave of
absence, without pay,

WHEREAS, Article XIX, Section 1 of the Town of
Clarkstown Labor Agreement of January 1, 1987 provides for a leave
of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Karen Skinner, 202 N. Oraton Parkway,
East Orange, New Jersey - part-time Bus Driver - Mini Trans
Department - is hereby granted a three (3) month leave of absence,
without pay, effective and retroactive to April 26, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (583-1989)

ACCEPTING (VERBAL)
RESIGNATION OF LABORER -
SANITARY LANDFILL (LEROY
ROGERS)

Co. Smith offered the following resolution:

RESOLVED, that the (verbal) resignation of Leroy
Rogers, 124 Laurel Avenue, Larchmont, New York, (M.P.O. Box 18,
Purchase, New York) - Laborer - Sanitary Landfill - is hereby
accepted - effective and retroactive to May 25, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (584-1989)

APPOINTING TO POSITION OF
OFFICE WORKER STUDENT -
PERSONNEL OFFICE (MICHELLE
CUNNINGHAM)

Co. Smith offered the following resolution:

RESOLVED, that Michelle Cunningham, 34 Parkside Drive,
Congers, New York, is hereby appointed to the position of Office
Worker Student - Personnel Office - at the current 1989 hourly rate
of \$5.75 - effective June 15, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

TBM - 6/13/89
Page 33

RESOLUTION NO. (584-1989) Continued

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (585-1989)

ACCEPTING RESIGNATION OF
AUTOMOTIVE MECHANIC I BODY
REPAIRER - HIGHWAY
DEPARTMENT (RICHARD PLESAK)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Richard Plesak, 225 Landings Drive, Frankfort, Kentucky - Automotive Mechanic I Body Repairer - Highway Department - is hereby accepted - effective and retroactive to May 24, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (586-1989)

RECOGNIZING APPOINTMENT BY
SUPERINTENDENT OF HIGHWAYS
OF LABORER - TOWN HIGHWAY
DEPARTMENT (ROBET KLEIN)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Robert Klein, 15 Theresa Drive, West Nyack, New York, as a Laborer - Town Highway Department - at the current 1989 annual salary of \$17,444., effective June 26, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (587-1989)

APPOINTING TO POSITION OF
OFFICER WORKER STUDENT -
STREET LIGHTS (ROCHELLE
MICHAELSON)

Co. Smith offered the following resolution:

RESOLVED, that Rochelle Michaelson, 10 Colgate Drive, Bardonia, New York, is hereby appointed to the position of Office Worker Student - Street Lights - at the current 1989 hourly rate of \$5.25, effective and retroactive to May 30, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (587-1989) Continued

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (588-1989) APPOINTING TO POSITION OF
OFFICE WORKER STUDENT -
TOWN ATTORNEY'S OFFICE
(JOHN RACHO)

Co. Smith offered the following resolution:

RESOLVED, that John Racho, 3 Pennsylvania Avenue,
Valley Cottage, New York, is hereby appointed to the position of
Office Worker Student - Town Attorney's Office - at the current 1989
hourly rate of \$4.75, effective June 19, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (589-1989) CREATING POSITION OF
WEIGHER - SANITARY LANDFILL

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
certified on June 6, 1989 that the position of Weigher - Sanitary
landfill - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Weigher - Sanitary
Landfill - is hereby created - effective June 14, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (590-1989) APPOINTING TO POSITION OF
DEPUTY TOWN ATTORNEY (TO
FILL UNEXPIRED TERM OF
JAMES FEENEY) (ROBERT
FELLOWS)

Co. Smith offered the following resolution:

RESOLVED, that Robert Fellows, 8 White Birch Court, New
City, New York, is hereby appointed to the position of Deputy Town
Attorney - Town Attorney's Office - (to fill the unexpired term of
James Feeney) - term effective June 19, 1989 and to expire on
December 31, 1989 - at the current 1989 annual salary of \$19,260.,
to serve at the pleasure of the Town Board.

Seconded by Co. Maloney

RESOLUTION NO. (590-1989) Continued

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

RESOLUTION NO. (591-1989)

ALL PAYMENTS TO CLARKSTOWN
SANITARY LANDFILL TO BE
MADE IN CHECK OR MONEY
ORDER FORM WITH NO CASH
ACCEPTED

Co. Smith offered the following resolution:

RESOLVED, that all payments to be made at the
Clarkstown Sanitary Landfill shall be made in a check or money order
form and no cash will be accepted commencing June 19, 1989, and be it

FURTHER RESOLVED, that an advertisement to the
foregoing effect be published by the Town Clerk in the official
newspaper of the Town.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilwoman Smith.....Yes
Councilman Maloney.....Yes

On motion of Councilman Kunis, seconded by Councilwoman
Smith and unanimously adopted, the Public Hearing re: Special
Permit to Conduct Landfill Operation - 303-9W Co., was opened,
time: 9:36 P.M.

On motion of Councilwoman Smith, seconded by Councilman
Kunis and unanimously adopted, the Public Hearing re: Special
Permit to Conduct Landfill Operation - 303-9W Co., was closed,
DECISION RESERVED, time: 10:10 P.M.

On motion of Councilwoman Smith, seconded by Councilman
Kunis and unanimously adopted, the Public Hearing re: Extension of
the Clarkstown Consolidated Water Supply District No. 1 to include
Clifford Rickli III, Et Al., was opened, time: 10:10 P.M.

On motion of Councilwoman Smith, seconded by Councilman
Kunis, and unanimously adopted, the Public Hearing re: Extension of
the Clarkstown Consolidated Water Supply District No. 1 to include
CLifford Rickli III, Et Al, was closed, ORDER SIGNED, time: 10:12
P.M.

On motion of Councilwoman Smith, seconded by Councilman
Kunis and unanimously adopted, the Public Hearing re: Local Law -
License for Plumbing Work, etc., was opened, time: 10:12 P.M.

On motion of Councilwoman Smith, seconded by Councilman
Kunis and unanimously adopted, the Public Hearing re: Local Law -
License for Plumbing Work, etc., was adjourned, sine die, time:
10:30 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Local Law - Fire Prevention, was opened, time: 10:30 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Local Law - Fire Prevention, was closed, RESOLUTION ADOPTED, time: 10:35 P.M.

RESOLUTION NO. (592-1989) ADOPTING LOCAL LAW NO. 1 -
1989 - AMENDMENTS TO
CHAPTER 47 (FIRE PREVENTION)

Co. Smith offered the following resolution:

WHEREAS, a proposed local law entitled:

"AMENDMENTS TO CHAPTER 47 (FIRE PREVENTION)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Smith at a Town Board meeting held on 25th day of April, 1989, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 25th day of May, 1989, directed that a public hearing be held on the 13th day of June, 1989 at 8:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on May 30, 1989, 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 May 31, 1989, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 13, 1989;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. -1989, entitled:

"AMENDMENTS TO CHAPTER 47 (FIRE PREVENTION)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

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:

Charles E. Holbrook, Supervisor.....	Absent
William J. Carey, Councilman.....	Absent
Steven C. Kunis, Councilman.....	Yes
John R. Maloney, Councilman.....	Yes
Ann M. Smith, Councilwoman.....	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. Smith

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local Law - Peddling & Hawking, was opened, time: 10:35 P.M.

Continued on Next Page

On motion of Councilman Kunis, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Local Law - Peddling and Hawking, was closed, RESOLUTION ADOPTED, time: 10:45 P.M.

RESOLUTION NO. (593-1989)

ADOPTING LOCAL LAW NO.
3-1989 - AMENDMENT OF
CHAPTER 75 (PEDDLING AND
HAWKING)

Co. Kunis offered the following resolution:

WHEREAS, a proposed local law entitled:

"AMENDMENT OF CHAPTER 75 (PEDDLING AND HAWKING)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Kunis at a Town Board Meeting held on the 9th day of May, 1989, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 9th day of May, 1989, directed that a public hearing be held on the 13th day of June, 1989 at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on May 30, 1989, 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 May 31, 1989, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on June 13, 1989;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3-1989, entitled:

AMENDMENT OF CHAPTER 75 (PEDDLING AND HAWKING)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN

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:

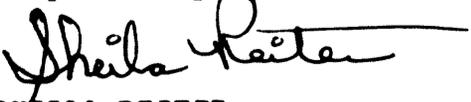
Charles E. Holbrook, Supervisor.....	Absent
William J. Carey, Councilman.....	Absent
Steven C. Kunis, Councilman.....	Yes
John R. Maloney, Councilman.....	Yes
Ann M. Smith, Councilwoman.....	Yes

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. Smith

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 10:46 P.M.

Respectfully submitted,


SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/13/89

9:36 P.M.

Present: Deputy Supervisor John Maloney
Council Members Kunis and Smith
Supervisor Holbrook and Councilman Carey absent
Murray N. Jacobson, Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: SPECIAL PERMIT (LANDFILL OPERATION - ROUTE 303-9W CO.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared open. Deputy Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney noted the following recommendations received:

Town Planning Board. Request for landfill operation should be coupled with, and accompanied by site plan review, to determine how land can be safely developed. The Board is concerned that if the area is filled, what would happen to the natural swale which exists. Also concerned about runoff on the east side.

Town Environmental Control. SEQRA review - The site will have no adverse environmental impact.

County Planning Commissioner

1. The Town should ensure that LIO is appropriate for this area.
2. Review and approval of proposed entranceway by the NYSDOT to guarantee that this is the best and only way to access the property.
3. Review and recommendations of Soil & Water Conservation District.
4. Note - The applicant should specify how he proposes to develop site.

County Health Dept.:

1. Has no objection to use of clean fill at the site.
2. Recommend against the use of any type of demolition debris at this site.

N.Y.S. Dept. of Environmental Conservation

1. Freshwater Wetland HS-8 is located on the property. The boundary limits of this wetland should be depicted on the plan based upon a field determination by the Department so that assessment of the project is possible.
2. Erosion control plans should be prepared to indicate how the wetland will be protected.
3. Evaluate the source of the fill material and potential for contaminants.
4. Evaluate the alternative road locations in consideration of future development of the property.

Deputy Supervisor then explained the format for the public hearing noting that there would be a presentation by the applicant. Town Board members could ask questions. Comments from the public would then be accepted.

Appearance: Milton Shapiro, Esq.
representing Route 303-9W Co.

Mr. Shapiro said this is strictly a landfill application. People are concerned that this would be dumping but that is not so. We are seeking to obtain temporary access road, that is all. In order to do that, it is necessary to fill the site from the place where the traffic light has been inserted at the junction of Route 303 and Route 9W. He said his is a 16 acre site and they will be using clean fill and nothing else.

At this point there was extensive discussion with reference to a map provided by Mr. Shapiro.

Mr. Shapiro said New York State Department of Transportation had readily given their okay to this application. They liked the idea of having a road there.

Mr. Shapiro said there is no permanent site plan. They are not making a permanent commitment at this time.

Mr. Shapiro noted that Mr. Bergstol (owner of the property) will reimburse the Town for any additional inspections required. He said the Planning Board's only concern was they want to see a site plan. He said they have no immediate plans for this site but this road will make the site accessible.

Town Attorney swore in Mr. Dave Ziegler of the firm of Atzl and Scatassa.

Appearance: Mr. David Ziegler
Atzl & Scatassa
5 Delaware Court
Stony Point, New York

Mr. Ziegler said they prepared the map showing the proposed access road at the time the State was doing construction at this intersection. He said the County Planning and the New York State Department of Transportation approved the layout. He noted the amount of fill and said it would take approximately one year to fill this much land. Only clean fill would be used.

Mr. Shapiro said the Planning Board was concerned that someone had made an application for a top soil plant but that information was unknown to his client. He noted that Mr. Bergstol had made it very clear that he had nothing to do with that whatsoever.

Appearance: Mr. Walter Luther
270 Old Haverstraw Road

Mr. Luther read a letter to the Town Board from the Congers Civic Association citing their concerns regarding water table, etc. (This letter is on file in the Town Clerk's office.) He said he did not want the noise and the residents certainly do not need this.

Appearance: Mr. Ken McQuade
164 Old Haverstraw Road

Mr. McQuade said he did not want his view ruined. He was very concerned about the water table. He noted that he has well water and any change would have an adverse effect on this property. He presented the Town Board with a petition with 200 signatures of surrounding residents. He strenuously objected to this proposal because these 16 acres act as a buffer to 9W.

Appearance: Ms. Rosemary Seery
15 Flitt Street
West Nyack, New York

Continued on Next Page

Ms. Seery said she had been present at the Planning Board meeting when the Planning Board wondered why the Department of Transportation would accept another access road. They felt we did not need another ingress and egress road. She stated that it was an exaggeration to say that the State Department of Transportation warmly approved of this.

Appearance: Mr. Richard Frangione

Mr. Frangione voiced the same concerns as the previous speakers. He said he was not given notice that this was happening and it is a major decision. He requested that the Town Board contact the neighbors. He felt it should be discussed by the entire community.

Appearance: Mr. Thomas F. Byrne
10 Old Clove Road
Congers, New York

Mr. Byrne mentioned the amount of money already spent on the intersection of Route 303 and Route 9W and doubted that the State wanted to see the area disturbed again. He asked what this proposed road is for? He asked what will be going on this road?

Mr. Shapiro spoke in rebuttal. The road is a temporary access road for the development of property consistent with the zoning. He said they are not looking for a zone change. There will be no change of use. He said they have no present plans to build at the site. The road will give access to the 16 acres of property to be developed as LIO. He again stated that the State had been happy to give them a permit on December 19, 1988.

Mr. Shapiro said nothing in the area will be disturbed until they get a site plan for development. It will stay in its natural state.

Deputy Supervisor asked if there was any plans at all for immediate development and Mr. Shapiro again said no but that when it is developed it will be in accordance with LIO zoning. He stated that when the owners decide to develop the property they will have to come before the Planning Board for site plan review. That would mean another public hearing. Right now we are only concerned with this request for a special permit.

Councilman Kunis asked how long have you owned this property? Mr. Shapiro said about three years. Councilman Kunis said what would you do if the special permit is not granted? Mr. Shapiro said they would do the same thing but that access without this road would be harder. Councilman Kunis said then you are saying that as it is now you can develop this as zoned and given a new road you would develop this as zoned? Now, are you saying that this road would be beneficial to everyone? Mr. Shapiro said yes. The State was happy to see that intersection become 4 way. They were happy to give us the permit.

Councilman Kunis said you are going to build on this property as zoned? Mr. Shapiro again answered yes.

Mr. Shapiro noted that the drainage will not be affected.

A person from the audience asked Councilman Maloney when the Board makes its decision will you take into consideration the fact that Mr. Shapiro did not answer the question of what was going to be built there?

Councilman Kunis interjected saying that Mr. Shapiro did not answer the question of what is going to be built on the property because he said he did not know.

Continued on Next Page

Councilman Maloney said all things will be taken into consideration when the Town Board makes its decision and it will be rendered in public.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted the Public Hearing was declared closed, DECISION RESERVED, time: 10:10 P.M.

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk.

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/13/89

10:10 P.M.

Present: Councilman John Maloney, Deputy Supervisor
Council Members Kunis and Smith
Supervisor Holbrook and Councilman Carey absent
Murray N. Jacobson, Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT
NO. 1 TO INCLUDE CLIFFORD RICKLI, III, ET AL

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Deputy Town Clerk stated that there was on file in the Town Clerk's Office an affidavit from the Deputy Director of the Department of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

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

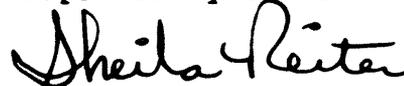
No one appeared.

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

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 10:12 P.M.

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

383

Town Hall

6/13/89

10:12 P.M.

Present: Councilman John Maloney, Deputy Supervisor
Council Members Kunis and Smith
Supervisor Holbrook and Councilman Carey absent
Murray N. Jacobson, Town Attorney
Mark Posner, Deputy Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: PROPOSED LOCAL LAW RE: LICENSE FOR PLUMBING WORK, ETC.

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

Deputy Town Attorney Mark Posner read correspondence between the Building Inspector and the Town Attorney regarding this proposed local law. (Correspondence on file in Town Clerk's office.)

Mr. Colucci then spoke on the proposal. His basic points were (1) under the proposed law the owner of the premises would be exempt from being licensed by the County because he is the owner of a subdivision. This was not the intent of the Town in exempting owners from being licensed. (2) Even those people who will be exempt from being licensed should nevertheless be subject to some sort of testing procedure by the appropriate board to determine initially whether said person has the ability to do the job correctly and in conformity with the New York State Building Construction Code. (3) Proof of County licensing at the time the permit is sought because at that time it may not be known who will be doing, for example, the plumbing work. Rather the appropriate time to demand proof of County licensing should be prior to the time of installation.

Mr. Colucci brought up many problems which Mr. Posner said he would be happy to discuss with him so that the proposed law could be enacted satisfactorily to all concerned.

Deputy Supervisor asked if there was anyone present wishing to speak on the proposal.

Appearance: Mr. Richard DeToma
10 Reservoir Drive
New City, New York 10956

Mr. DeToma said he was in favor of this proposal. He said no one wants incompetent workman in their home and licenses protect people. He said he also did not want to see the Town subject to law suits in the future. He noted that the Town Board will serve the residents by passing this law when alterations are made to it.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein said Mr. Colucci has raised many proper objections. There should be another public hearing after amendments are made so that we can comment on the changes. He felt the public is really not able to see what the law should be.

Town Attorney advised this hearing should be adjourned, sine die.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared ADJOURNED, SINE DIE, time: 10:30 P.M.

RESPECTFULLY SUBMITTED,


SHEILA REITER,
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

385

Town Hall

6/13/89

10:30 P.M.

Present: Councilman Maloney, Deputy Supervisor
Council Members Kunis and Smith
Supervisor Holbrook and Councilman Carey absent
Murray N. Jacoson, Town Attorney
Mark Posner, Deputy Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: PROPOSED LOCAL LAW RE: FIRE PREVENTION

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

Mr. William Bowler, Deputy Fire Inspector read from the proposed local law (on file in Town Clerk's Office.)

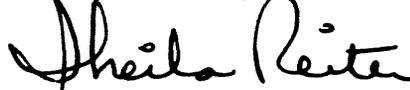
Councilwoman Smith asked a question regarding holding tanks above ground as to just what excess was? Mr. Bowler said excess would be over 275 gallons in an above ground tank. Councilwoman Smith asked if that was filled to capacity? Mr. Bowler said yes, in fact it is more dangerous if it is not filled to capacity.

Deputy Supervisor asked if there was anyone wishing to speak on the proposed local law.

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:35 P.M.

Respectfully submitted,


SHEILA REITER,
Deputy Town Clerk

THIS BECAME LOCAL LAW NO. 2-1989 WITH THE
ADOPTION OF RESOLUTION NO. (592-1989).

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/13/89

10:35 P.M.

Present: Councilman Maloney, Deputy Supervisor
Council Members Kunis and Smith
Supervisor Holbrook and Councilman Carey absent
Murray N. Jacobson, Town Attorney
Mark Posner, Deputy Town Attorney
Sheila Reiter, Deputy Town Clerk

RE: PROPOSED LOCAL LAW RE: PEDDLING AND HAWKING

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

Deputy Town Attorney stated that the Police Department has received many complaints regarding vendors parking along the sides of roads. They are a hazard to themselves and to others. Tax-paying merchants in the Town have also complained. Our previous law said no one could sell from along the road staying in a fixed location, but there is controversy as to just what amount of time one can spend in a "fixed location." He stated that the law is being changed to avoid insufficiency.

Deputy Town Attorney went on to state fixed location should be eliminated and solicitation from side of road should be prohibited except for charitable purposes. He said you can still go from door to door or from business to business.

There was discussion as to First Amendment rights.

Deputy Town Attorney stated that this proposal was being done in agreement with Vehicle and Traffic Law and the General Business Law of the State of New York. He said a basic change would be to have peddling and hawking include soliciting contributions from house to house, business to business or a combination of the two. At this point Deputy Town Attorney quoted from Section 75-4 "No person shall engage in the business of selling or attempting to sell or solicit orders for the sale of any property or any services on any public street or public place." He stated that you cannot stand on the street but you can go door to door.

Deputy Supervisor asked if there was anyone wishing to speak on this proposed local law.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein inquired about food trucks which go to job sites. Mr. Posner said it was not allowed on public streets but if they are called onto private property it was allowable. Mr. Bernstein said contractors should know that this is being proposed because these trucks go to building locations and sometimes cannot park on private property but must use public streets. Mr. Bernstein said when you create these laws you create problems. They seem reasonable at the time but they are not. He felt the public should be aware of what is really being proposed.

Appearance: Mr. Jerry Donellen
Nanuet, New York

Mr. Donellen said he was appearing as an advocate for the Veterans. He stated that a free license was given to veterans after the war as a leg up because this was a respectable way to make a living. Mr. Donellen felt that the restrictions noted in Section

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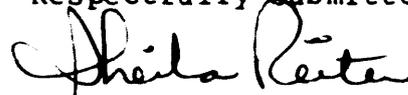
35 of the General Business Law relating to the use of hand driven vehicles should be eliminated and that any veteran living in the County, whether or not they had war injuries, should be licensed.

Deputy Town Attorney said he would recommend deleting Section 35 and leaving Section 32 as is.

Stephen Cole-Hatchard of the Clarkstown Police Department stated that they were in complete agreement with this.

It was agreed that this Local Law be adopted with the revision as above noted.

Respectfully submitted,



SHEILA REITER,
Deputy Town Clerk

THIS BECAME LOCAL LAW NO. 3-1989 WITH
THE ADOPTION OF RESOLUTION NO. (593-1989)