

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

151

Town Hall

5/14/91

8:00 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor stated that the first order of business this evening was the awarding of Certificates of Appreciation to Alvin C. Miranda of Troop 46 of the Boy Scouts of America (Mr. Miranda was not able to attend); to James McCarthy of Troop 78 and to Gregory DiSalvo of Troop 146 of the Boy Scouts of America upon their achieving the rank of Eagle Scout. Supervisor offered his congratulations to both young men and all Town Board members extended their best wishes also.

Supervisor then declared the public portion of the meeting open.

Appearance: Mr. Alan Anderson
170 South Mountain Road
New City, New York

Mr. Anderson was in favor of Item No. 6 (repair of retaining wall vicinity of 151 South Mountain Road, New City) and hoped that the character of the wall would be retained.

Supervisor requested that Mr. Anderson speak with Mr. Les Bollman, Director of the Department of Environmental Control and refer his comments to him.

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

Mr. Lodico spoke regarding Agenda Item 21f (Zukor Park Improvement Project) and commended the Board for their choice of a merit shop contractor.

Mr. Lodico spoke regarding Agenda Item 25 (Lake Lucille Improvement Project) and wanted to remind the Board that they should not spend public funds for private purposes.

Appearance: Mr. Richard Myers
Bardonia, New York

Mr. Myers spoke regarding Agenda Item 21f (Zukor Park Improvement Project) and said he was against the hiring of non-union labor.

Appearance: Mr. Skip Coleman
representing Laborers Union in Rockland County

Mr. Coleman spoke regarding Agenda Item 21f and stated he was against the awarding of contracts to contractors who use non-union labor.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein spoke regarding Agenda Item 4 (Appraisal of four parcels of land in West Nyack) stating that it was not proper for the Town Assessor to do this. Supervisor said they are asking the Assessor to actually do a preliminary appraisal to obtain a ball park figure.

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Mr. Bernstein also spoke on Agenda Item 25 (Lake Lucille Improvement Project) requesting that no Town money be spent for a study on private property.

Supervisor said we basically do this the same way we do road improvement projects. The Town, with a reasonable amount of encouragement from the surrounding property owners undertakes to set this process in motion which ultimately results in the creation of a district and then reimbursement back to the Town. We would not have gotten this far with this unless there had been a commitment from a sizeable number of the residents there.

Mr. Bernstein asked the Supervisor if he thought this would go through and the Supervisor answered in the affirmative.

Appearance: Mr. James Conlon
West Nyack

Mr. Conlon spoke regarding Agenda Item 7 (Amendment to Town Code - Crows Foot Lots) stating that he understood that was returned to the Planning Board. Supervisor said it was ultimately the opinion of the Planning Board to approve. However, a number of Board members wanted them to look at it again and therefore, this was being tabled this evening.

Appearance: Mr. David Reilly
Bardonia, New York

Mr. Reilly said he was a former president of the Independent Contractors Association. He said he was for fellow workers - union or non-union. He said he had no problem with the contractor hired for the Zukor Project.

(RESOLUTION NO. (333-1991) ACCEPTING MINUTES OF TOWN BOARD MEETINGS OF APRIL 23, 1991 AND MAY 6, 1991

Co. Smith offered the following resolution:

RESOLVED, that the minutes of the Town Board Meetings of April 23, 1991 and May 6, 1991 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (334-1991) GRANTING BURNING PERMIT TO VIETMAN VETERANS FOR WATCHFIRES

Co. Kunis offered the following resolution:

WHEREAS, Chapter 333 of the Vietnam Veterans of America has requested permission to light Watchfires on Hook Mountain and Little Tor Mountain as a Memorial Day tribute, be it hereby

RESOLVED, that said permission is hereby granted and that the Clarkstown Fire Inspector is authorized to issue permits to the Vietnam Veterans of America without charge.

Seconded by Co. Mandia

RESOLUTION NO. (334-1991) Continued

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (335-1991)

REFERRING AMENDMENT TO
ZONING ORDINANCE
(BOARDINGHOUSE AND TOURIST
HOME) TO CLARKSTOWN
PLANNING BOARD AND ROCKLAND
COUNTY COMMISSIONER OF
PLANNING

Co. Smith offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown is considering to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 11th day of June, 1991, at 8:05 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown, and be it

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

FURTHER RESOLVED, that 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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report.

Amend Section 106-3. Definitions as follows:

"B. Defined words. Delete definitions of Boardinghouse and Tourist Home."

Amend the General Use Regulations, CS District, Table 11, Columns 3 and 6, Items A-5 and 12 as follows:

"Item A-5 and Item 12. Delete references made to boardinghouses and tourist homes."

Amend the General Use Regulations, RS District, Table 12, Columns 3 and 6, Items A-5 and 12 as follows:

"Item A-5 and Item 12. Delete references made to boardinghouses and tourist homes."

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RESOLUTION NO. (335-1991) Continued

Amend the General Use Regulations, MRS District, Table 13,
Column 3 , Item A-5 as follows:

"Item A-5. Delete references made to boardinghouses and
tourist homes."

Amend Section 106-16, Item I as follows:

"Item I. Delete references made to boardinghouses and
tourist homes."

Seconded by Co. Mandia

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (336-1991)

AUTHORIZING TOWN ASSESSOR
TO OBTAIN APPRAISAL
SERVICES WITH RESPECT TO
VARIOUS PARCELS

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the Town
Assessor, Nicholas A. Longo, to prepare appraisal reports for the
Town of Clarkstown with respect to the following parcels of land:

<u>Map Designation</u>	<u>Owner</u>
Map 89, Block C, Lot 45.02	- The Nature Conservancy
Map 89, Block C, Lot 45.04	- Honig and Conlon
Map 71, Block A, Lot 7	- Robert St. Dennis
Map 71, Block A, Lot 5	- J. Owens Building Co., Inc.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (337-1991)

AMENDING RESOLUTION NO.
1097-1990 RE (TIPPING FEE
SCHEDULE AND DELIVERY
METHOD FOR TRANSFER STATION
AND COMPOST SITES)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby amends Resolution
No. 1097-1990, dated December 11, 1990 (Tipping Fee Schedule for the
Transfer Station and Compost Sites for the Year 1991) to waive the
tipping fee for "Leaves," for pickups, vans, trucks and
non-registered vehicles, if from residential property in Clarkstown
and person is in possession of a certified coupon from the Highway
Department or Department of Environmental Control.

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RESOLUTION NO. (337-1991) Continued

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (338-1991)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO SURVEY AND EXAMINE RETAINING WALL VICINITY OF 151 SOUTH MOUNTAIN ROAD, NEW CITY, NEW YORK

Co. Smith offered the following resolution:

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to survey and examine the condition of the retaining wall in the vicinity of 151 South Mountain Road, New City, N.Y., near the Ramapo border, to determine extent of damage, recommendations for repair or replacement, estimate cost for repair or replacement, together with obtainment of any permits that may be required by the New York State Department of Environmental Control.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (339-1991)

AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH GRACE CONSERVATIVE BAPTIST CHURCH TO CONDUCT PRE-SCHOOL PROGRAM - CHARGE TO 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 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 July 1, 1991 to June 19, 1992, and the fee shall remain

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RESOLUTION NO. (339-1991) Continued

the same as the original agreement and be charged against Appropriation Account No. A 7141-424.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (340-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
VILLAGE OF SPRING VALLEY
RE: REIMBURSEMENT FOR
RECYCLING PICKUPS

Co. Smith offered the following resolution:

WHEREAS, the Village of Spring Valley, by resolution, consented to the establishment of the Town of Clarkstown Refuse and Garbage District to be located partly within those areas of the incorporated Village of Spring Valley within the Town of Clarkstown, and

WHEREAS, The Village of Spring Valley has been collecting recyclables with its own vehicles, and

WHEREAS, the Village of Spring Valley has requested reimbursement for recycling pickups by the Village of Spring Valley;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown be and he hereby is authorized to enter into an agreement with the Village of Spring Valley providing for reimbursement to the Village of Spring Valley for the services described above for the calendar year 1991 at the same rate paid by the District to private carters for such services performed in the unincorporated area of the Town of Clarkstown.

Seconded by Co. Maloney

Councilman Kunis noted that someone had come in and said they might be being double billed by Spring Valley and he would like to have that looked into by the Town Attorney.

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (341-1991)

RESCINDING RESOLUTION NO.
(255-1991) AUTHORIZING
RETURN OF BUILDING PERMIT
FEE (PAUL ELMOWSKY)

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (341-1991) Continued

RESOLVED, that the Town Board hereby rescinds Resolution No. 255-1991, which authorized the return of \$145.00 to Paul Elmowsky, Jr., for Building Permit No. 91-196, since he has requested reinstatement of the Building Permit.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (342-1991)

AUTHORIZING TOWN ATTORNEY
TO ENTER INTO NEGOTIATIONS
FOR PURCHASE OF REMAINDER
INTEREST IN PREMISES 60
GILCHREST ROAD (VERONICA M.
SCHUELER)

Co. Smith offered the following resolution:

WHEREAS, VERONICA M. SCHUELER has offered for sale to the Town of Clarkstown property at 60 Gilchrest Road, Congers, New York, retaining a life estate for herself and her son, EDWIN G. SCHUELER, with the remainder interest to be conveyed to the Town of Clarkstown, and

WHEREAS, it would be in the best interest of the Town of Clarkstown to obtain such remainder interest in the premises at 60 Gilchrest Road, which intrudes into the Congers Lake property owned by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney be and is hereby authorized to enter into negotiations with VERONICA M. SCHUELER for the purchase of the remainder interest in said property subject to a life estate for VERONICA M. SCHUELER and her son, EDWIN G. SCHUELER.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (343-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI (DAVID)

Co. Smith offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled JOAN Z. DAVID v. Town of Clarkstown, Index Nos. 5182/86, 4616/87, 4473/88, 5028/89 and 5470/90 for the years 1986/87, 1987/88, 1988/89, 1989/90 and 1990/91, and

Continued on Next Page

RESOLUTION NO. (343-1991) Continued

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioner described on the assessment roll as Map 24, Block A, Lot 13.20 be reduced for the years 1987, 1988, 1989 and 1990 to \$375,000;

2. That the proceeding commenced by the petitioner respecting Map 24, Block A, Lot 13.20, Index No. 5182/86, be discontinued for the year 1986/87;

3. That reimbursement for the years 1987, 1988, 1989 and 1990 on the parcel designated as Map 24, Block A, Lot 13.20 be made within 90 days through the office of the Commission of Finance. If payment is made within 90 days, no interest will be charged, and

4. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

Seconded by Co. Mandia

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (344-1991)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI (HABER
REALTY)

Co. Smith offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HABER REALTY CO, v. TOWN OF CLARKSTOWN, Index No. 3896/90 affecting parcel 164-A-17.3 for the years 1990/91, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioner described on the assessment roll as Map 164, Block A, Lot 17.3 be reduced for the year 1990/91 from \$3,107,600 to \$1,700,000.

2. That reimbursement for the year 1990/91 on the parcel described as Map 164, Block A, Lot 17.3 be made within 90 days through the office of the Commission of Finance. If payment is made within 90 days, no interest will be charged, and

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RESOLUTION NO. (344-1991) Continued

3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Abstain
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (345-1991)

GRANTING CERTIFICATES OF REGISTRATION PURSUANT TO SECTION 83-65 OF TOWN CODE (91-10 TO NON STOP SEWER & DRAIN AND 91-21 TO MCGANNON LANDSCAPING)

Co. Maloney offered the following resolution:

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

NON STOP SEWER & DRAIN
125 E. George Avenue
Pearl River, New York 10965

MCGANNON LANDSCAPING
Robert McGannon
85A North Central Highway
Garnerville, New York 10923

RESOLVED, that the following Certificates of Registration be issued:

No. 91-10 to NON STOP SEWER & DRAIN
No. 91-21 to MCGANNON LANDSCAPING

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (346-1991)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH HOMES FOR THE EXCEPTIONAL, INC. RE: DRAINAGE

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RESOLUTION NO. (346-1991) Continued

IMPROVEMENTS (NORTH CONGER AVENUE) - MAP 127, BLOCK M, LOT 35

Co. Maloney offered the following resolution:

WHEREAS, the Town is about to construct certain drainage improvements on property designated on the Clarkstown Tax Map as Map 127, Block M, Lot 35 owned by Homes for the Exceptional, Inc. at North Conger Avenue, Congers, New York; and

WHEREAS, the plans for such improvements call for a "tie-in" to a private drainage system owned by Homes for the Exceptional, Inc.; and

WHEREAS, Homes for the Exceptional, Inc. will permit the Town to tie into the private drainage system and will also permit the Town Highway Superintendent and Director of Environmental Control or their agents to enter upon the premises for the construction of said improvements; and

WHEREAS, the Town will maintain said drainage system for as long as the "tie-in" is in existence.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with Homes for the Exceptional, Inc. for the above-mentioned drainage improvements, and be it

FURTHER RESOLVED, that such agreement shall be in a form satisfactory to the Town Attorney of the Town of Clarkstown.

Seconded by Co.

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (347-1991)

ACCEPTING DEED FOR ROAD WIDENING ALONG CHARLES STREET, NANUET (MUNKELT)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated September 24, 1990, from Eric Munkelt, Joanne Munkelt and Alice Munkelt to the Town of Clarkstown required by the Board of Appeals in connection with Appeal No. 2283 gratuitously conveying a road widening strip along Charles Street, Nanuet, New York, 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
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (348-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT FOR
ECONOMIC ASSISTANCE FOR
YEAR 1991 (VARIOUS
ORGANIZATIONS) - CHARGE TO
ACCOUNT NO. A 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, with the following non-profit organizations, to 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

Camp Venture	\$ 5,000.00
C.A.N.D.L.E	16,000.00
Clarkstown Garden Club	500.00
Clarkstown Gridiron Club	3,600.00
Clarkstown Summer Theater Festival	1,000.00
Home Aids of Rockland	2,000.00
Meals on Wheels of R.C., Inc.	15,000.00
Nyack Community Child Dev. Ctr. Inc.	1,500.00
Nyack/Valley Cottage Little League	1,500.00
R.C. Council for Senior Citizens, Inc.	1,000.00
Rockland Center for the Arts	10,000.00
Rockland Youth Philharmonic	1,500.00
Shamrock Drum Corp., Inc.	2,400.00
Valley Cottage Indians, Inc.	3,600.00
West Nyack Little League	1,500.00
West Street Day Care Ctr., Inc.	2,600.00
New City Little League	1,500.00
New City Babe Ruth	1,500.00
Congers Little League	1,500.00

and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1991 and are to be charged against Account No. A 8840-424.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilman Maloney.....Yes
 Councilman Mandia.....Yes
 Councilwoman Smith.....Yes
 Supervisor Holbrook.....Yes

RESOLUTION NO. (349-1991)

AUTHORIZING HIGHWAY
SUPERINTENDENT TO INSTALL
"NO PARKING" SIGNS ON
DEMAREST MILL ROAD

Co. Maloney offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to install "No Parking" signs in front of County Automatic Transmission at 100 Demarest Mill Road, Nanuet.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (349-1991) Continued

Councilman Kunis.....Yes
 Councilman Maloney.....Yes
 Councilman Mandia.....Yes
 Councilwoman Smith.....Yes
 Supervisor Holbrook.....Yes

RESOLUTION NO. (350-1991)

AUTHORIZING SUPERINTENDENT
 OF HIGHWAYS TO INTALL "NO
 PARKING, MONDAY - FRIDAY
 8:00 A.M. to 4:00 P.M."
 SIGNS EAST AND WEST SIDES
 OF MEIN DRIVE, NEW CITY

Co. Maloney offered the following resolution:

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

Signs to read, "No Parking, Monday - Friday
 8:00 A.M. to 4:00 P.M." to be installed on
 the east and west sides of Mein Drive, New City

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
 Councilman Maloney.....Yes
 Councilman Mandia.....Yes
 Councilwoman Smith.....Yes
 Supervisor Holbrook.....Yes

RESOLUTION NO. (351-1991)

AUTHORIZING ATTENDANCE AT
 NEW YORK STATE GOVERNMENT
 FINANCE OFFICERS'
 ASSOCIATION MEETING
 (SCHOFIELD, SQUILLACE,
 LODICO AND FOGEL)

Co. Smith offered the following resolution:

RESOLVED, that the following personnel be authorized to
 attend the New York State Government Finance Officers' Association
 meeting at White Plains, New York on May 8, 1991 at a cost of \$20.00
 per person:

Paul K. Schofield, Comptroller
 Elizabeth J. Squillace, Director of Finance
 Dolores F. Lodico, Deputy Comptroller
 Doris S. Fogel, Administrative Assistant

Seconded by Co. Maloney

On roll call the vote was as follows:

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RESOLUTION NO. (351-1991) Continued

Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (352-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #43-1991 -
PRINTING OF 1991
FALL/WINTER BROCHURE

Co. Maloney offered the following resolution:

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

BID #43-1991
PRINTING OF 1991 FALL/WINTER BROCHURE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, May 31,
1991 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. Smith

On roll call the vote was as follows:

Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (353-1991)

AMENDING RESOLUTION NO.
(308-1991) AUTHORIZING
DIRECTOR OF PURCHASING TO
ADVERTISE FOR BIDS FOR BID
#42-1991 - TRAFFIC SIGNAL
UPGRADES NY STATE
TRANSPORTATION ENERGY
CONSERVATION PROGRAM

Co. Maloney offered the following resolution:

RESOLVED, that resolution No. (308-1991) is hereby
amended to read:

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

BID #42-1991
TRAFFIC SIGNAL UPGRADES
NY STATE TRANSPORTATION ENERGY CONSERVATION PROGRAM

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, June
4, 1991 at which time bids will be opened and read, and be it

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RESOLUTION NO. (353-1991) Continued

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

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (354-1991)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #44-1991
(FENCING AT RUSSIAN
ORTHODOX CONVENT PROPERTY)

Co. Maloney offered the following resolution:

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

BID #44-1991
FENCING AT RUSSIAN ORTHODOX CONVENT PROPERTY
SPRING VALLEY, NEW YORK

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, June 12, 1991 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. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (355-1991)

CORRECTING TOWN BOARD
RESOLUTION NO. 175-1991 RE:
AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #29-1991 -
FACSIMILE MACHINES

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution #175-1991 is hereby corrected to read:

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

BID #29-1991
FACSIMILE MACHINES

Continued on Next Page

RESOLUTION NO. (355-1991) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, June 5, 1991 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. Smith

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (356-1991)

AWARDING BID FOR BID
#35-1991 - CHEMICALS (JONES
CHEMICALS, JERSEY
CHEMICALS, DUSO CHEMICAL,
INC. AND ZEP MANUFACTURING
COMPANY)

Co. Maloney offered the following resolution:

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

BID #35-1991
CHEMICALS

is hereby awarded to

JONES CHEMICALS
P.O. BOX 280
WARWICK, N.Y. 10990
PRINCIPALS: JOHN WILEY JONES ESTATE
DONALD K. EASTERLY,
ADMINISTRATOR

JERSEY CHEMICALS
P.O. BOX 542
RIVERSIDE STATION
PATERSON, N.J. 07524
PRINCIPAL: ALAN TAUB

DUSO CHEMICAL INC.
173 SMITH STREET
POUGHKEEPSIE, N.Y. 12601
PRINCIPAL: ARTHUR LANDESMAN

ZEP MANUFACTURING COMPANY
P.O. BOX 299
SPRINGFIELD, N.J. 07082
PRINCIPAL: PUBLIC CORP.

as per the attached price/item schedule.

(Schedule on File in Town Clerk's Office.)

Seconded by Co. Holbrook

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (357-1991)

AWARDING BID FOR BID
#38-1991 - WASHED SAND AND
GRAVEL (CRYSTAL RUN SAND &

Continued on Next Page

RESOLUTION NO. (357-1991) Continued

GRAVEL, VAN ORDEN SAND &
GRAVEL, LYNKEV TRUCKING,
TILCON, INC., BLUE CIRCLE
RAIA INC., AND E. TETZ SAND
& GRAVEL)

Co. Maloney offered the following resolution:

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

BID #38-1991
WASHED SAND AND GRAVEL

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

CRYSTAL RUN SAND & GRAVEL
P.O. BOX 222
154 SPRING STREET
MONROE, N.Y. 10950
PRINCIPAL: STEVEN SHERMAN

VAN ORDEN SAND & GRAVEL
589 WESTBROOK ROAD
RINGWOOD, N.J. 07456
PRINCIPAL: JANET R. BRAEN,
SAMUEL BRAEN III
SCOTT A. BRAEN

LYNKEV TRUCKING
130 PINELAWN RD
MELVILLE, N.U. 11747
PRINCIPAL: GEORGE HEINKIN

TILCON INC.
P.O. BOX 362
HAVERSTRAW, N.Y. 10927
PRINCIPAL: TILCON INC.
PUBLIC CORP.

BLUE CIRCLE RAIA INC.
P.O. BOX 505
HACKENSACK, N.J. 07602
PRINCIPAL: BLUE CIRCLE, INC.

E. TETZ SAND & GRAVEL
RD. #2 - P.O.B. 65
MIDDLETOWN, N.Y. 10940
PRINCIPALS: EDWARD TETZ JR.
GARY TETZ SR.
CORRINE TETZ
DENISE STILL

(Price Schedule on File in Town Clerk's Office.)

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (358-1991)

AWARDING BID FOR BID
#22A-1991 - OVERHEAD GARAGE
DOOR REPLACEMENT AT
CLARKSTOWN HIGHWAY
DEPARTMENT (RAMSEY DOOR
SERVICE)

Co. Maloney offered the following resolution:

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

BID #22A-1991
OVERHEAD GARAGE DOOR REPLACEMENT AT
THE CLARKSTOWN HIGHWAY DEPARTMENT

is hereby awarded to

Continued on Next Page

RESOLUTION NO. (358-1991) Continued

RAMSEY DOOR SERVICE
163 CENTRAL AVENUE
PO BOX 179
ROCHELLE PARK NJ 07662
PRINCIPAL: HENRY J. GROENEWAL

as per their total low bid proposal of \$10,940.00.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (359-1991)

AUTHORIZING EXTENSION OF
CONTRACT WITH REGARD TO
LANDFILL COVER MATERIAL
(M.J. LUND TRUCKING, INC.)
- BID #69-1989

Co. Maloney offered the following resolution:

WHEREAS, M.J. LUND TRUCKING, INC., has given the Town of Clarkstown a bid (Bid No. 69-1989) for landfill cover material in the amount of \$5.43 per delivered ton, and

WHEREAS, M.J. LUND TRUCKING, INC., has also given the Town of Clarkstown a bid (Bid No. 73-1989) for hauling landfill cover material in the amount of \$85.00 per load, and

WHEREAS, it is necessary to procure such landfill cover material and receive such hauling services in order to place intermediate cover on the closed landfill

NOW, THEREFORE, be it

RESOLVED, that the acceptance of said bids for landfill cover material and hauling services be extended to June 30, 1991.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....No
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (360-1991)

AWARDING BID FOR BID
#26-1991 - FOOD PRODUCTS
(EMPIRE CANDY & TOBACCO CO.
INC., F. WILSON SMITH INC.,
COOKIES UNITED COMMISSARY
INC., KRAFT ROSENBLUM, MAX
BRAUN & SON, COUNTRY COFFEE
& PAPER CO., CHARLES
FREIHOFER BAKING CO. INC.,
SCHAPPER FOOD SERVICE CO.)

RESOLUTION NO. (360-1991) Continued

Co. Maloney offered the following resolution:

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

BID #26-1991
FOOD PRODUCTS

is hereby awarded to

EMPIRE CANDY & TOBACCO CO INC
19 NO MIDDLETOWN ROAD
PEARL RIVER NY 10965
PRINCIPALS: ANTHONY MILITE
 ANTHONY SICILIANO
 MELVIN GOLDBERG

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

KRAFT ROSENBLUM
C/O JACK COOPER
2101 91ST STREET
NORTH BERGEN NJ 07047
PRINCIPALS: PUBLIC CORPORATION

COOKIES UNITED COMMISSARY INC
50 MERCEDES WAY
BRENTWOOD, NY 11717
PRINCIPAL: NEIL LUKOW

MAX BRAUN & SON
94 WOODWORTH AVENUE
YONKERS NY 10591
PRINCIPAL: NORMAN BRAUN

COUNTRY COFFEE & PAPER CO
12 B DEXTER PLAZA
PEARL RIVER NY 10965
PRINCIPALS: WILLIAM CARECCIA
 JULIET L. CARECCIA

SCHAFFER FOOD SERVICE CO.
27 WEYMAN AVENUE
NEW ROCHELLE NY 10802
PRINCIPALS: MONROE SCHAFFER
 HARVEY FINKELSTEIN
 IRVING SCHWARTZ

CHARLES FREIHOFER BAKING CO INC
99 WEST NYACK ROAD
NANUET NY 10954
PRINCIPAL: PUBLIC CORPORATION

as per the attached price/item schedule.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (361-1991)

AWARDING BID FOR BID #16-1991 -
ZUKOR PARK IMPROVEMENT PROJECT
(AARK CONSTRUCTION CORP., RR
CONSTRUCTION, BRIAR ELECTRIC
INC., WENCO HEATING & COOLING
CORP., THOMAS J. KEMPTON, JR.,
INC., AND GENERAL OFFICE
EQUIPMENT) - CHARGE TO CAPITAL
FUND ACCOUNT H -7141-02-409

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendations of Henry Horowitz, P.E., Consulting Engineer; Laurence Kohler, Director of Purchasing and Edward J. Ghiazza, Supt. of Recreation and Parks, that

BID #16-1991
ZUKOR PARK IMPROVEMENT PROJECT

Continued on Next Page

RESOLUTION NO. (361-1991) Continued

is hereby awarded as follows:

SITE GENERAL - AARK Construction Corp.
P.O. Box 203
Spring Valley, NY 10977

Lump Sum Bid-----\$ 1,440,000.00
TOTAL CONTRACT - SITE GENERAL \$ 1,440,000.00
Principal: Raymond Carlisle, Pres.

SITE ELECTRICAL - RR Construction
57 Congers Road
New City, NY 10956

Lump Sum Bid-----\$ 578,500.00
TOTAL CONTRACT - SITE ELECTRICAL \$ 578,500.00
Principal: Robert Champeau, Pres., Kevin Campbell,
Vice Pres., Claudine Schmidt, Secy.

BUILDING GENERAL - AARK Construction Corp.
P.O. Box 203
Spring Valley, NY 10977

Lump Sum Bid-----\$ 477,000.00
Add Bldg. B-----45,600.00
Add Skylights-----3,800.00
TOTAL CONTRACT - BUILDING GENERAL \$ 526,400.00
Principal: Raymond Carlisle, Pres.

BUILDING ELECTRICAL - Briar Electric Inc.
285 Eighth Avenue
Verplank, NY 10596

Lump Sum Bid-----\$ 59,300.00
Add Bldg. B-----10,970.00
TOTAL CONTRACT - BUILDING ELECTRICAL \$ 70,270.00
Principal: Gerald Zubradt, Pres./Treas.,
Donna Dick, V. Pres/Secy.

BUILDING HVAC - Wenco Heating & Cooling Corp.
John Walsh Blvd.
Peekskill, NY 10566

Lump Sum Bid-----\$ 87,861.00
Add Bldg. B-----4,624.00
TOTAL CONTRACT - BUILDING HVAC \$ 92,485.00
Principal: James D'Annibale, Vice Pres.

BUILDING PLUMBING - Thomas J. Kempton, Jr., Inc.
87 S. Main Street
New City, NY 10956

Lump Sum Bid-----\$ 35,600.00
Add Bldg. B-----2,600.00
TOTAL CONTRACT - BUILDING PLUMBING \$ 38,200.00
Principal: Thomas J. Kempton, Jr.,
Thomas J. Kempton, III

SYSTEM FURNITURE - General Office Equipment
381 Market Street
Saddle Brook, NJ 07662

Lump Sum Bid-----\$ 36,549.00
TOTAL CONTRACT - System Furniture \$ 36,549.00
Principal: Garth Weil, Exec. Vice Pres.

TOTAL AWARD: \$2,782,404.00

and be it

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, based upon the

Continued on Next Page

RESOLUTION NO. (361-1991) Continued

recommendation of Henry Horowitz, P.E., not to exceed \$2,877,241.00 to be allocated against Capital Fund Account H-7141-02-409.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (362-1991)

AWARDING BID FOR BID #37-1991 -
PAPER & PLASTIC SUPPLIES (AETNA
JANITORIAL & MAINTENANCE SUPPLY
CO., INC., BURKE SUPPLY CO.,
INC., CALICO INDUSTRIES, INC.,
CENTURY PAPER COMPANY, E. A.
MORSE & COMPANY, AND STRAUSS
PAPER COMPANY)

Co. Maloney offered the following resolution:

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

BID #37-1991
PAPER & PLASTIC SUPPLIES

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

AETNA JANITORIAL & MAINTENANCE
SUPPLY CO., INC.
137 NORTH MAIN STREET
SPRING VALLEY, N.Y. 10977
PRINCIPAL: HARRY & FAY FRIEDMAN

BURKE SUPPLY CO., INC.
BLDG. 293, BROOKLYN NAVY YARD
BROOKLYN, N.Y. 11205
PRINCIPAL: PHIL & NORMAN BURKE

CENTURY PAPER COMPANY
PO BOX 1812
NEW CITY, N.Y. 10956
PRINCIPAL: MORTON FEIGEMBAUM

CALICO INDUSTRIES, INC.
501 MAIN STREET
MONROE, CT. 06468
PRINCIPAL: MALCOLM R. JARET
FRANK JARET

E. A. MORSE & COMPANY
PO BOX 728
MIDDLETOWN, N.Y. 10940
PRINCIPAL: WINIFRED V. MORSE
EMERSON A. MORSE II

STRAUSS PAPER COMPANY
10 SLATER STREET
PORTCHESTER, N.Y. 10573
PRINCIPAL: STEWART & RUTH F.
STRAUSS, ROBERT &
JOYCE JONAP

(Item/price schedule on file in Town Clerk's Office)

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (363-1991)

AWARDING BID FOR BID
#33-1991 - AERIAL LIFT
TRUCK WITH FORESTRY BODY
(DELUXE SALES)

Co. Maloney offered the following resolution:

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

BID #33-1991
AERIAL LIFT TRUCK WITH FORESTRY BODY
is hereby awarded to

DELUXE SALES
600 SOUTH RIVER STREET
HACKENSACK, N.J. 07601
PRINCIPALS: ARLEEN P. STEIN
JOHN PEPE, JR.

as per their low bid proposal of \$87,288.73 for a 1991 International
Model 4900 4 x 2 with an Asplundh Lift device.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (364-1991)

AWARDING BID FOR BID
#39-1991 - CAST IRON CURB
INLETS, CATCH BASINS,
FRAMES & GRATES (CAMPBELL
FOUNDRY COMPANY)

Co. Maloney offered the following resolution:

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

BID #39-1991
CAST IRON CURB INLETS, CATCH BASINS,
FRAMES & GRATES

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

CAMPBELL FOUNDRY COMPANY
800 BERGEN STREET
HARRISON, N.J. 07029
PRINCIPALS: J. ROBERT CAMPBELL, JR.
JOHN CAMPBELL
LEIGH V. MAYNARD

(Item/price schedule on file in Town Clerk's Office)

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (365-1991)

AWARDING BID FOR BID
#34-1991 - MOSQUITO CONTROL
PROGRAM (ROCKLAND TREE
EXPERT CO., INC.)

Co. Maloney offered the following resolution:

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

BID #34-1991
MOSQUITO CONTROL PROGRAM

is hereby awarded to

ROCKLAND TREE EXPERT CO INC.
11 McNAMARA ROAD
SPRING VALLEY, NY 10977
PRINCIPALS: JAMES B. WICKES
JOHN W. WICKES
JENNIFER WICKES

as per their low bid proposal of \$3,160.00.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (366-1991)

INCREASING ACCOUNT
A-7610-301 (PROGRAMS FOR
THE AGING-FOOD) AND
INCREASING ACCOUNT
01-002001 (PARK AND
RECREATION CHARGES)

Co. Mandia offered the following resolution:

RESOLVED, to increase Appropriation Account A-7610-301
(Programs for the Aging-Food) by \$1,001.00 and to increase Revenue
Account 01-002001 (Park and Recreation Charges) by \$1,001.00.

Seconded by Co.Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (367-1991)

TRANSFER OF FUNDS -
COMPTROLLERS OFFICE
(VARIOUS ACCOUNTS)

Co. Mandia offered the following resolution:

WHEREAS, various funds require additional funding, and
be it

Continued on Next Page

RESOLUTION NO. (367-1991) Continued

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01-14-2999-0 (Unexpended Balance) and Appropriation Account No. A 9550-910-1 (Transfer to Capital) by \$73,000.00 and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 15-002954-1 (Transfer from Other Funds) by \$73,000.00 and H 1680-409 (Computerization of Town Hall-Fees for Services) by \$35,000.00 and H 1690-409 (Bldg. Dept. Renovations-Fees for Services) by \$38,000.00

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (368-1991)

TRANSFER OF FUNDS -
COMPTROLLER' OFFICE
(VARIOUS ACCOUNTS)

Co. Mandia offered the following resolution:

RESOLVED, to decrease Appropriation Account A-7140-408 (Building Repairs) by \$4,000.00; to decrease Appropriation Account A-7141-204 (Office Machines) by \$2,000.00; to decrease Appropriation Account A-7180-408 (Building Repairs) by \$2,000.00; to decrease Appropriation Account A-7310-231 (Photographic Equipment) by \$1,500.00 and to increase Appropriation Account A-7141-408 (Building Repairs) by \$9,500.00

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (369-1991)

TRANSFER OF FUNDS -
COMPTROLLER'S OFFICE
(VARIOUS ACCOUNTS)

Co. Mandia offered the following resolution:

WHEREAS, various accounts requires additional funding,
and be it

THEREFORE RESOLVED, to transfer funds as follows:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$3,520	A 1990-505	A 1010-319
4,100	A 1680-110	A 1680-314

Continued on Next Page

RESOLUTION NO. (369-1991) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (370-1991)

DECREASE CONTINGENCY
ACCOUNT A 1990-505 AND
INCREASE A 7141-424, A
7140-424, AND A 7140-222
(PARKS AND RECREATION)

Co. Mandia offered the following resolution:

WHEREAS, the following Appropriation Accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account A 1990-505 by \$9,100.00 and increase the following Appropriation Accounts:

A 7141-424 (Community Centers Contractual Expenses)	\$4,900.00
A 7140-424 (Parks & Playgrounds Contractual Exp.)	2,100.00
A 7140-222 (Parks & Recreation Equipment)	2,100.00

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (371-1991)

TRANSFER OF FUNDS -
COMPTROLLER'S OFFICE
(VARIOUS ACCOUNTS)

Co. Mandia offered the following resolution:

WHEREAS, Appropriation Account No. A 7140-25P90-10-409 (Capital #2 - Armory Drive, Valley Cottage) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 01-14-2999-0 (Unexpended Balance) and increase Appropriation Account No. A 9550-910-1 (Transfer to Capital) by \$13,500.00, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 15-002954-1 (Transfer from other funds) and Appropriation Account No. H 7140-25P90-10-409 by \$13,500.00 and make the necessary transfers to the proper accounts.

Continued on Next Page

RESOLUTION NO. (371-1991) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (372-1991)

DECREASING SPECIAL DISTRICT LIGHTS ACCOUNT S 51821-461 (CONSOLIDATED LIGHTING DISTRICT - ELECTRICITY & GAS) AND INCREASING SPECIAL DISTRICT LIGHTS ACCOUNT S 5182-219 (CONSOLIDATED LIGHTING DISTRICT - MISCELLANEOUS EQUIPMENT)

Co. Mandia offered the following resolution:

WHEREAS, the following Special Districts Lights Account requires additional funding,

NOW, THEREFORE, be it

RESOLVED, that Special District Lights Account S 51821-461 (Consolidated Lighting District - Electricity & Gas) be decreased by \$12,300.00 and Special District Lights Account S 5182-219 (Consolidated Lighting District - Miscellaneous Equipment) be increased by \$12,300.00.

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (373-1991)

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

Co. Maloney 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

Continued on Next Page

RESOLUTION NO. (373-1991) Continued

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.

Seconded by Co. Kunis

Councilman Mandia inquired if this had to do with Mini-Trans at all? Supervisor said it was an agreement with the County for reciprocal service. Comptroller said basically this filters down from the State and has been going on for years. Councilman Mandia asked if we were going to get back any of the \$316,000.00 we lost? He was told no.

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (374-1991)

SETTING A PUBLIC HEARING
WITH RESPECT TO ABANDONMENT
OF A PROTION OF TERRACE
AVENUE, CONGERS

Co. Kunis offered the following resolution:

WHEREAS, a request has been made by HAROLD BESON, CHERYL BESON, ROBERT TAYLOR, CAMILLE TAYLOR, LOUIS PRESTA, VINCENZA PRESTA, JAIME PEREZ, ALICIA PEREZ, NICHOLAS ZERAKHTO, WIRIYAH SAJJA and SOMPORN SAJJA, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of right-of-way as shown on a certain subdivision plan entitled "Plan of Lands Belonging to W.H. Van Guilder Co.," which was filed in the Office of the Rockland County Clerk on March 17, 1892 as Map No. 652, upon the grounds same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said roads appear on the Official Map of the Town of Clarkstown and said applicants have further requested that such allegedly abandoned roads be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portions as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 25th day of June, 1991, at 8:05 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the Journal News and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public hearing and that the Town Clerk cause the same to

Continued on Next Page

RESOLUTION NO. (374-1991) Continued

be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the applicants shall fulfill the additional requirements of Section 106-32(C) of the Zoning Ordinance of the town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred (500') feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the Rockland County Commissioner of Planning and to the Clarkstown Planning Board, for their report and recommendations, 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 Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (375-1991)

AUTHORIZING CARPENTER ENVIRONMENTAL ASSOCIATES, INC. TO PREPARE SEQRA DOCUMENTS REGARDING PROPOSED LAKE LUCILLE AQUATIC DISTRICT - CHARGE TO ACCOUNT NO. H 5110-08-409

Co. Smith offered the following resolution:

WHEREAS, Carpenter Environmental Associates, Inc. has submitted a proposal dated April 15, 1991, to provide the Town of Clarkstown with SEQRA documents concerning the proposed Lake Lucille Aquatic District, and investigating two alternative proposals i.e., 100% sediment hauled off site and 50% usage of sediment along the Lake Lucille shoreline, and

WHEREAS, the Town Board wishes to accet said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clardkstown is hereby authorized to enter into an agreement with Carpenter Environmental Associates, Inc., in a form satisfactory to the Town Attorney, to provide for said services, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$25,500.00 and shall be charged to Account No. H 5110-08-409.

Seconded by Supv. Holbrook

Councilman Kunis asked how much longer it would take if the Lake Lucille Aquatic District people were polled and got back to

RESOLUTION NO. (375-1991) Continued

us in about two weeks? Supervisor said he felt in the informational meeting held here the other evening that we were pretty much told by them not to just go for the small amount, which was the lesser, but for the larger one.

Councilman Kunis said he agreed and has spoken to a lot of the people there. Most of them seem in favor of it but if we put out some sort of a mandate and ask them to get back to us in two weeks with commitments from x amount of people would that sort of hold it up? He said he would feel more comfortable doing it that way. Supervisor said they have been thinking about this for at least 14 years.

Councilman Mandia said he agreed with Councilman Kunis but he thinks based upon the hearing we held with the community he has a larger concern. His larger concern is can that community qualify under the aspects of the State Comptroller? That is a huge amount of money and it is going to affect the taxes on the individual homes. He said he did not know if those people really understand. Supervisor said they seem to. Supervisor said let's adopt the resolution as it will take at least a week to sign the contract. Let's do it that way.

Councilman Maloney said he would go along but he would like to get a further commitment from the people there before we spend \$25,000.00. In keeping with the sentiments expressed by Councilman Kunis he would go along with the vote and hope we get some sort of firm commitment before we go out and give the contract to Carpenter Environmental.

Councilman Mandia said we have already spent over \$50,000.00. He said he was voting no as he wanted the commitment first.

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....No
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (376-1991)

REFERRING MODIFICATION OF
EXISTING SPECIAL PERMIT
REGARDING GASOLINE FILLING
STATION TO TOWN OF
CLARKSTOWN PLANNING BOARD
AND ROCKLAND COUNTY
COMMISSIONER OF PLANNING
(EXXON COMPANY, U.S.A.) AND
SETTING PUBLIC HEARING RE
SAME

Co. Maloney offered the following resolution:

WHEREAS, EXXON COMPANY, U.S.A., lessee, has petitioned the Town Board of the Town of Clarkstown for modification of a Special Permit regarding gasoline filling station pursuant to the provisions of Section 106-11 and Section 106-10A, Table of General Use Regulations for an RS District, Column 3, Item B(3), subject to Section 106-16(G) of the Zoning Ordinance of the Town of Clarkstown, for property located on the southeast corner of Route 59 and Middletown Road, Nanuet, New York, designated on the Clarkstown Tax Map as Map 14, Block B, Lot 19;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (376-1991) Continued

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 25th day of June, 1991, at 8:10 P.M., to consider the application of EXXON COMPANY, U.S.A., lessee, relative to said Special Permit, and be it

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

FURTHER RESOLVED, that the application is hereby referred to the Rockland County Planning Board and the Clarkstown Planning Board for their review and recommendation, and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (377-1991)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF GROUNDSKEEPER
II - PARKS BOARD AND
RECREATION COMMISSION
(FREDERICK C. HASTINGS)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #90218 Groundskeeper II - which contains the name of Frederick C. Hastings,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Frederick C. Hastings, 40 Old Schoolhouse Road, New City, New York, to the position of Groundskeeper II - Parks Board and Recreation Commission - at the current 1991 annual salary of \$36,308.00, effective and retroactive to May 0, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (378-1991)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF (TEMPORARY)
RECREATION LEADER - PARKS
BOARD AND RECREATION
COMMISSION (CHARLES DAMIANI)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Charles Damiani, 29 Lake Drive, New City, New York, to the position of (temporary) Recreation Leader - Parks Board and Recreation Commission - at the current 1991 annual salary of \$21,888.00, effective May 20, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (379-1991)

APPOINTING TO POSITION OF
PRINCIPAL ACCOUNT CLERK -
COMPTROLLER'S OFFICE (MARY
C. DeFOREST)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #90243 Principal Account Clerk which contains the name of Mary C. DeForest,

NOW, THEREFORE, be it

RESOLVED, that Mary C. DeForest, 22 Old Brick Road, New City, New York, is hereby appointed to the position of Principal Account Clerk - Comptroller's Office - at the current 1991 annual salary of \$21,888.00, effective and retroactive to May 7, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (380-1991)

RECOGNIZING APPOINTMENT BY
SUPERINTENDENT OF HIGHWAYS
OF MOTOR EQUIPMENT OPERATOR
I (ROBERT 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, to the position of Motor

RESOLUTION NO. (380-1991) Continued

Equipment Operator I - at the current 1991 annual salary of \$23,318.00, effective and retroactive to April 29, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (381-1991)

GRANTING MILITARY LEAVE OF ABSENCE TO MOTOR EQUIPMENT OPERATOR I - HIGHWAY DEPARTMENT (JAMES SIGNORILE)

Co. Smith offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 7 of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., the Town Board hereby recognizes the granting of the Military Leave of Absence, with pay, by the Superintendent of Highways, for James Signorile, 2 Strathmore Drive, Spring Valley, New York - Motor Equipment Operator I - Highway Department - effective June 1, 1991 through June 15, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (382-1991)

ACCEPTING RESIGNATION OF SENIOR TRANSIT CLERK & BUS DRIVER - MINI TRANS DEPARTMENT (JAMES COMER)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of James Comer, 11 Forest Brook Road, Spring Valley, New York - Senior Transit Clerk & Bus Driver - Mini Trans Department - is hereby accepted - effective May 19, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (383-1991)

ACCEPTING RESIGNATION OF BUS DRIVER III - MINI TRANS

Continued on Next Page

RESOLUTION NO. (383-1991) Continued DEPARTMENT (SERGE VALBRUN)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Serge Valburn, 47 North Cole Avenue, Spring Valley, New York - Bus Driver III - Mini Trans Department - is hereby accepted - effective May 19, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (384-1991) APPOINTING TO POSITION OF
BUS DRIVER - MINI TRANS
DEPARTMENT (SERGE VALBRUN)

Co. Smith offered the following resolution:

RESOLVED, that Serge Valbrun, 47 North Cole Avenue, Spring Valley, New York, is hereby appointed to the position of Bus Driver - Mini Trans Department - at the current 1991 annual salary of \$26,586.00, effective May 20, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (385-1991) APPOINTING TO POSITION OF
BUS DRIVER III - MINI TRANS
DEPARTMENT (JAMES COMER)

Co. Smith offered the following resolution:

RESOLVED, that James Comer, 11 Forest Brook Road, Spring Valley, New York, is hereby appointed to the position of Bus Driver III - Mini Trans Department - at the current 1991 annual salary of \$21,888.00, effective May 20, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (386-1991) APPOINTING TO POSITION OF
LABORER STUDENT -
MAINTENANCE DEPARTMENT
(DANIEL COYNE)

RESOLUTION NO. (386-1991) Continued

Co. Smith offered the following resolution:

RESOLVED, that Daniel Coyne, 6 Brookside Avenue, New City, New York, is hereby appointed to the position of Laborer Student - Maintenance Department - at the current hourly rate of \$7.00 - effective and retroactive to May 13, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Abstain
Supervisor Holbrook.....Yes

RESOLUTION NO. (387-1991)

APPOINTING TO POSITION OF
OFFICE WORKER STUDENT -
ASSESSOR'S OFFICE (KELLY
ANN STANARD)

Co. Smith offered the following resolution:

RESOLVED, that Kelly Ann Stanard, Germonds Village, Building 2, Apt. 2, Bardonia, New York, is hereby appointed to the position of Office Worker Student - Assessor's Office - at the current hourly rate of \$5.50, effective May 20, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (388-1991)

CREATING POSITION OF DEPUTY
TOWN ATTORNEY - TOWN
ATTORNEY'S OFFICE

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on April 22, 1991 that the position of Deputy Town Attorney - Town Attorney's Office - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Deputy Town Attorney - Town Attorney's Office - is hereby established effective May 20, 1991.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (389-1991)

APPOINTING TO POSITION OF
DEPUTY TOWN ATTORNEY - TOWN
ATTORNEY'S OFFICE (RICHARD
GLICKEL)

Co. Smith offered the following resolution:

RESOLVED, that Richard Glickel, 69 Massachusetts Avenue, Congers, New York - is hereby appointed to the position of Deputy Town Attorney - Town Attorney's Office - term effective May 20, 1991 and to expire on December 31, 1991, at the current 1991 annual salary of \$21,641.00, to serve at the pleasure of the Town Board.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (390-1991)

CONSENTING TO ASSIGNMENT OF
CONTRACT FROM GELCO FINANCE
CORPORATION TO
MANUFACTURERS TRADERS TRUST
COMPANY (RE: 1989 SCHMIDT
MODEL 320 SUCTION SWEEPER)

Co. Maloney offered the following resolution:

WHEREAS, a lease with option to Purchase Agreement has been entered into between the Town and Gelco Finance Corporation for one 1989 Schmidt Model 320 Suction Sweeper, and

WHEREAS, Gelco Finance Corporation has sold and assigned the above referred contract to Manufacturers and Traders Trust Company, Buffalo, New York,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby consents to said assignment and the Supervisor is hereby authorized to sign the Notice of Assignment and return same to lessor.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amendment to Chapter 93 (Subdivision of Land - Amend Definition of Subdivision), was opened, time: 8:50 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amendment to Chapter 93 (Subdivision of Lane - Amend Definition of Subdivision), was closed, DECISION RESERVED, time: 8:55 P.M.

On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing re: Local Law to amend Town Code Chapter 36-5 - Fees for Seizure of Dogs, was opened, time: 8:56 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local Law to amend Town Code Chapter 36-5 - Fees for Seizure of Dogs, was closed, time: 8:59 P.M.

RESOLUTION NO: (391-1991)

ADOPTING LOCAL LAW NO.
2-1991 RE AMENDMENT TO
CHAPTER 36 (DOGS) OF THE
TOWN CODE OF THE TOWN OF
CLARKSTOWN

Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 36 (DOGS) OF
THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting held on April 9, 1991, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 9, 1991, directed that a public hearing be held on May 14, 1991, at 8:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 29, 1991, 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 March 28, 1991, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 14, 1991;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2-1991, entitled:

"AMENDMENT TO CHAPTER 36 (DOGS) 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.....	Yes
Steven C. Kunis, Councilman.....	Yes
John R. Maloney, Councilman.....	Yes
Ralph F. Mandia, Councilman.....	Yes
Ann Marie 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 Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local Law No. 3-1991 Re: Amendment to Chapter 47 (Fire Prevention) - Permits - Hazardous Materials, was opened, time: 8:59 P.M.

Continued on Next Page

On motion of Councilwoman Smith, seconded by Councilman Maloney, the public hearing re: Local Law No. 3-1991 Re: Amendment to Chapter 47 (Fire Prefention) - Permits - Hazardous Materials, was closed, RESOLUTION ADOPTED, time: 9:00 P.M.

RESOLUTION NO. (392-1991)

ADOPTING LOCAL LAW NO.
3-1991 RE AMENDMENT TO
CHAPTER 47 (FIRE
PREVENTION) OF THE TOWN
CODE OF THE TOWN OF
CLARKSTOWN

Co. Smith offered the following resolution:

WHEREAS, a proposed local law entitled:

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

was introduced by Councilwoman Smith at a Town Board meeting held on the 9th day of April, 1991, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 9th day of April, 1991, directed that a public hearing be held on the 14th day of May, 1991, at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 29, 1991, 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 1, 1991, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 14, 1991;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. -1991, entitled:

"AMENDMENT TO CHAPTER 47 (FIRE PREVENTION)
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.....	Yes
Steven C. Kunis, Councilman.....	Yes
John R. Maloney, Councilman.....	Yes
Ralph F. Mandia, Councilman.....	No
Ann Marie 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. Maloney

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Road Improvement District - Dustman Lane, Bardonia, was opened, time: 9:01 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re:

Continued on Next Page

Road Improvement District - Dustman Lane, Bardonia, was adjourned sine die, time: 9:45 P.M.

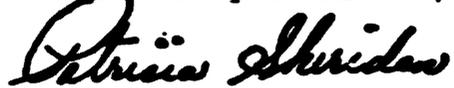
This would be discussed at Workshop on May 20th. It was promised that the people affected would receive written notice when to come back on this matter.

Councilman Maloney requested that this meeting be closed in honor of a person who passed away quite suddenly. He was a civic leader and also a great humanitarian. We would like to end this meeting in his memory - Cosmo Damiani.

Councilman Kunis requested that this meeting be closed also in honor of former Councilman Martin Holbrook who also passed away recently.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Town Board Meeting was declared closed, time: 9:47 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

189

Town Hall

5/14/91

8:55 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Re: Local Law re: Amendment to Chapter 93 of Town Code - Amend
Definition of Subdivision

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

Town Attorney said the Rockland County Planning Board approves. The Clarkstown Planning Board approves. SEQRA states no significant environmental impact.

Supervisor asked if anyone present wished to speak on this matter.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein said he understood that what this local law would do is instead of allowing the Building Department to subdivide a piece of land into two parcels, if it can't be officially subdivided this will now be turned over to the Planning Board. He said if it is turned over to the Planning Board he thinks it will create a very large hardship for property owners for no good reason other than the Town would like to collect money in lieu of land for recreation. Is that the only good reason why this is being suggested? If it is there is another way to solve that without people going through the motions. If a person in this Town owns an acre of land and it is in half acre zoning and they want to just cut off a piece and subdivide it, most probably under the present system it could take possibly two or three weeks through the Building Department. If it goes before the Planning Board with public hearings and they have to create topography maps, surveys, etc. it could probably take three or four months with quite a bit of cost which is okay if it is necessary. He said he knows this particular law because he was on the Planning Board when it was created. Up to that time people were taking property and cutting it in half and then cutting it in half again. So they got around the Planning Board rules. We suggested that the way to solve it is if there is a small piece of property which can't be additionally subdivided because there isn't enough land that this would be a simple way to accommodate people who just want to spin off a small piece without creating any problem. He reiterated his question as to whether there was any other reasons why, other than collecting money in lieu of land?

Supervisor said he did not know if that was the reason. He would think that hopefully it would be more of a planning reason than a financial one.

Mr. Bernstein said he did not think so from what he understands and he understands that the way to solve the money in lieu of land problem is for this Board to just pass a resolution allowing the Building Department to collect money in lieu of land. He said it is his understanding that right now money in lieu of land is not collected.

Supervisor said the Planning Board has from time to time discussed two apparent inequities in reviewing referrals from the Zoning Board of Appeals for two lots: Those subject to Building Inspector review - not being able to obtain road widening strips in conformity with official map procedures and obtaining money in lieu

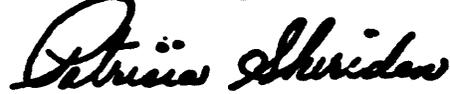
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of land as you said here. The Board grappled with this issue for some time and concluded that this can be resolved by amending the definition of subdivision. Therefore, the Planning Board at its meeting of February 27, 1991 adopted the motion.

Mr. Bernstein said then there are two reasons - one is money in lieu of land and the other is to acquire road widening strips. He asked could that be done without going through this bureaucracy? Supervisor asked the Town Attorney if that was possible? Town Attorney said if people will give it gratis it can but if not as part of the subdivision process it can be required. Mr. Bernstein asked can you do this by just putting the same rule in that you have at the Planning Board for the Building Department to acquire this additional land? Town Attorney said no. Mr. Bernstein asked is there any way that this Board could direct the Planning Board to do the same thing that the Building Department does in the way that they do it without going through a whole bureaucracy and acquire this additional frontage? He said he knows the Planning Board will have public hearings and all kinds of red tape and you will find a lot of small property owners in the Town being hurt badly by this and he did not think it was right.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

191

Town Hall

5/14/91

8:56 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Re: Local Law - Amendment to Town Code Chapter 36-5 - Fees for
Seizure of Dogs

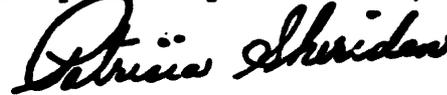
On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney stated that the only change that this Local Law makes is that instead of \$7.50 per day upon the impoundment of the dogs it now becomes \$8.50 per day.

Supervisor asked if there was anyone wishing to comment on this proposed local law? No one appeared.

There being no one wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:59 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (391-1991) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/14/91

8:59 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

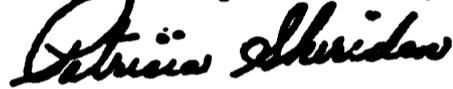
Re: Local Law - Amendment to Chapter 47 (Fire Prevention) - Permits
for Hazardous Materials

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

Supervisor asked if anyone wished to be heard on this matter. No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was closed,
RESOLUTION ADOPTED, time: 9:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 392-1991 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

195

Town Hall

5/14/91

9:01 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Re: Road Improvement District - Dustman Lane, Bardonia

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

Town Attorney stated that Mr. Geneslaw, Town Planning Consultant, had done the SEQRA on this and had reported that this is a Type II action and since no travel lanes are being provided no additional SEQRA processing is necessary.

Supervisor said this means that if the Town Board wishes to do so this evening a vote could be taken on this.

Town Attorney stated that Town Comptroller Paul Schofield has prepared numbers based on frontage and how it would be distributed over 15 years. You can sell a 15 year bond for the road improvement. People will have the alternative of paying in one lump sum and saving the interest or paying in 15 installments with interest. The figures shown on these sheets are without interest. You would have to figure an interest factor on them.

Mr. Schofield said on the right hand side there is listed an annual cost including interest. Town Attorney stated that he stood corrected as the figure does include interest.

Mr. Schofield said on the left hand side is the figure if you want to pay up front and avoid interest. You have that option. The interest figured here is an estimate.

Supervisor said this particular project has been going on for quite some time. He apologized for the delay and stated that the Town Board is prepared to move on this. As others were saying here we do have other road improvement districts in the Town and people have the option, after it is adopted and the final cost quantified, of paying up front or paying it over 15 years. He stated that he knew this was the first time the residents have seen the figures but we are certainly willing to listen to any input.

Supervisor asked if there was anyone wishing to speak?

Appearance: Ms. Catherine Becket
16 Dustman Lane
Bardonia, New York

Ms. Becket stated that Mr. Riley had come to her home sometime ago with a proposal to make the street public. She said it sounded like a great idea for two reasons. First, she would get her mail delivered to her house. She has had a PO box ever since she moved there. She said they would also get some decent snow plowing done. She said she thought it was great until a week and a half ago when she found out it was going to cost her money. She said she was respectfully requesting that her name be withdrawn from the petition to make the street public.

Supervisor said then you would not be in favor of pursuing this? She said that was correct.

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Appearance: Mr. Fotis Tsekouras
70 Dustman Lane
Bardonia, New York

Mr. Tsekouras stated that he had signed the petition for the road but he would now like to withdraw his name as he thought the Town was going to do this.

Appearance: Mother of Mr. William Figaro
7 Amanda Lane
Bardonia, New York

She stated that her son could not make it tonight. She stated that her son did not want to pay and wanted his name removed from the petition.

Appearance: Paul Feeney, Esq.
representing Pauline Dustman

Mr. Feeney asked if this was brought about by a petition or by a resolution of the Town. He was told by a resolution of the Town after people on the street came to the Town indicating interest. Mr. Feeney said Mrs. Pauline Dustman would have to pay approximately \$12,000.00, something which she simply cannot afford. She does not want this. She does not need this. She is definitely not in favor of this. She hopes you will defeat this as the cost is just prohibitive. Mr. Feeney said he believed that two of the people signing the petition stated that they were not properly advised that it would cost them anything. They have indicated that they would withdraw their names. He said he realized that this was not by petition but if that is one of the factors that motivated the Town Board to go forward with this, he respectfully requests that you consider that there is simply not the number of people in favor of this. He said he respectfully suggests that the majority of people on that road do not want this and cannot afford this. He hoped the Board would not vote to create this district on Dustman Lane.

Appearance: Mr. David Riley
51 Dustman Lane
Bardonia, New York

Mr. Riley said the figures came as a shock. He discussed the history of the project. The attorney for Mrs. Dustman seems to be under the impression that it was our petition that initiated this resolution. In 1986, when the subdivision, Dustman Heights, was made the Town, through the Planning Board, required that we give up a 50 foot strip of all the land that we had with a specific mention by the Planning Board and the Town Board that their intent was that they were getting all these strips to make a public road. Mr. Riley read from a letter written in September of 1989: "The issue of Dustman Lane was discussed at the Town Board Workshop. We are moving along toward the dedication of Dustman Lane." He read from another letter written May 3rd: "The issue of Dustman Lane was discussed at our workshop of May 1st. Environmental Control will have a cost estimate and the Town Board will decide whether the Highway Department will do the work or bid out to someone else. In any event the work will be done this year. Probably late summer."

Mr. Riley said he could understand the people being upset that are against this road improvement because in his mind the Town is the one who should pick up the freight for this. They are the ones that took the land telling us they were going to improve the road, waiting until they got the last subdivision, which was the Kiaffa Subdivision and when they got that they were going right ahead. He said to him it seems to be a conscious act just to divide the Dustman Lane residents.

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Supervisor said it is not a conscious act because in the process of doing road improvement districts throughout the Town of Clarkstown it is not unusual for some people on a road to want the improvement and others not to. We've had situations in the Hamlet of Congers where we have gone ahead with road improvement districts where people backed on to the road and they were required to pay a percentage for the improvement of the road even though they backed on it. Obviously, most of those people who were secondary beneficiaries were not in favor. Seldom is there unanimity in regarding road improvement districts because there is a cost. We had one in Lenox Avenue. We now have another petition from residents that was received today from Medway Avenue in Congers. Again, there are those that live closer to the road that feel they don't need it and others who live further down the road who feel they do. Ultimately, it is the Town Board's decision as to whether or not they think it is appropriate to go forward with a public road. Certainly, we would like to do it with unanimity of everybody but we recognize that doesn't happen in reality.

Supervisor went on to say to Mr. Riley that he (Mr. Riley) had mentioned a couple of letters that had been sent to him. It is true that the Supervisor had anticipated that this issue would have been brought up much sooner. He apologized for that but nevertheless, nothing can go forward until such time as the Town Board formally acts after a public hearing. He said while these figures don't necessarily mean the exact figures but are more of an upset we don't have to spend \$60,000.00. To the best of what has been drawn up, we believe that would be the cost. Obviously, we try to keep it to as minimal cost as possible but we wanted to give people at least a little bit of an idea that if that amount were to be expended what they could expect to pay over time or up front if the Town Board went ahead.

Mr. Riley asked are you saying that the Town cannot say okay we are going to pay for it? Supervisor said this is an improvement, such as the aquatic district, where the residents who are the beneficiaries of this improvement pay to bring that road up to Town specifications. The Town then accepts the dedication and forever after maintains the road.

Mr. Riley said you know where our subdivision is and obviously we cannot get to our homes without going through that road. Supervisor said he was not at the Planning Board meetings when the subdivision was approved but it was obviously the intention of the Planning Board that someday there would be a road improvement district that would enable that street to be dedicated all the way through. He recognized that the front portion of it is the portion we are talking about here.

Mr. Riley said to Mr. Jacobson, Town Attorney, then it is not legally feasible that if this road improvement district goes in that the Town picks up the cost. Is there another legality that one can go through where the Town picks up the cost?

Councilman Kunis asked Mr. Riley, as the builder, wouldn't you have to pick up the cost? Mr. Riley said he paid for the whole thing that you have already at no charge to the Town. I took a piece of property that generated \$4,000.00 a year in income and I'm sure that we generate probably \$60,000.00 a year in income yet no mail, no plowing and we are subject to surprises.

Supervisor said there is no surprise if you are a developer in this Town. Mr. Riley said it is a surprise to him right now. Supervisor said we had the Comptroller figure this out. He did not want to parry with Mr. Riley but the people who front on this property are the ones that are going to ultimately pay. It is up to the Town Board to decide whether or not they want to proceed

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with the district. From a planning point of view, the Planning Board, if they required strips to be given for 50 foot right of ways, indicated clearly that they hoped that this might occur in the future. The upset figure of \$60,000.00 is one we don't have to expend. We had an upset figure on Lenox Avenue in Congers of \$147,000.00. He said the final figure was close to it but he didn't think it went over that.

Councilman Mandia told Mr. Riley that his name is not on this list. Mr. Riley said he lives at 51 Dustman Lane and he is not on the list but he feels sorry for the people who are. Supervisor Holbrook said this subdivision was constructed on Dustman Lane in the back and he said he has been on that road. He said basically the road is constructed to Town specifications ready for dedication. However, the front portion of this which is the way to get back there, is not. To make that road a public road all the way through it is necessary for this to be done.

Councilman Mandia asked if there were more residents and businesses beyond that portion that might benefit from this improvement that could expand the district? Mr. Riley said there are residents to the north of us and all of us have to use that road. In response to Mr. Riley calling this a road improvement district Mr. Jacobson said that we loosely call this a road improvement district but it is actually an improvement under Section 200 of the Town Law, which is a section that provides for improvements like curbs, sidewalks, paving, etc., to be done with the assessment of the costs to the people who front on the road and that is what we are doing tonight.

Mr. Riley said if that is the case and this is the only way we could get it approved, he, as a property owner to the west of this would hope that everyone else in the subdivision would say okay we'll help pay for this. Apportion it to everyone who has to use that road instead of tacking all of it onto these few people. He said he believes actually there is an error with Number 7. He said he is not sure of that because it is Amanda Lane. He said maybe they have property that touches on the right of way. Town Attorney said they have 73 feet on the right of way.

Mr. Riley said he would think the fairest way to do it would be for all of us who use that road to pay. Supervisor said what we have here is not necessarily the final figures. If that is the case and others on Dustman Lane wish to do that, that is okay and would certainly help to reduce these figures. You also have a couple of businesses at the front which are involved.

Mr. Riley said remember that Schweitzer Lane comes off of Dustman Lane and there are houses on that. Supervisor said Schweitzer Lane is another unique situation of which he was aware. Supervisor said when the Planning Board approved the subdivision what they were trying to do is to line it up so that this type of action would ultimately be taken. Unfortunately, to create a road improvement district requires the expenditure of monies by those benefitting. He said we could extend the district but he would suggest that the other residents discuss that aspect knowing that you are talking about a ballpark figure of about \$60,000.00.

Mr. Riley, said Number 5 (the Van Cott's) were in his original subdivision and they are on the road that he put in. He did not know how they would apply. He was told they are probably on a corner. Supervisor said their property borders on the right of way of the road. Mr. Riley said that was given to the Town. Supervisor said but their property, whatever they own, still borders.

Mr. Riley said at this time he would like to thank Councilman Kunis and Superintendent Mauro for their prompt response in patching the potholes on Dustman Lane.

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Councilman Maloney said Mr. Riley was under the impression that when the Town was talking about a road improvement that the Town was going to improve it at their own expense. Mr. Riley said yes and no. He said he could not say 100%. This is the first time he saw these figures. He said a year or more ago he remembers something in the neighborhood of \$30,000.00 to \$40,000.00 from Luke's (Mr. Kalarickal - Deputy Director of Environmental Control) office but never saw anything like this. Supervisor said maybe ultimately when we go out to bid, if we go forward with the road improvement district, that might come in as the number. It was clear the improvement of the road would have to be borne by those who front on it.

Mr. Riley said when we got to that step it became clear. He said what the Town's intent was before that was to get the 50 foot right of way so they could make a road which he was assuming would be a public road. Supervisor said well it is easier if you have the right of way where you don't have to acquire the land. Otherwise, there would be an additional cost so that is the reason the Planning Board wanted the right of way so you are not asking for land, you're just now doing the work to build the road. That's why the Planning Board did that and that is typically done throughout the Town to acquire the right of way so they wouldn't have to buy it.

Appearance: Ms. Betsy Evans
71 Dustman Lane
Bardonia, New York

Ms. Evans said her property is just to the north of the property in question. She said one of her concerns is that they actually put macadam down and they actually paid for it themselves. It was all graded so the drainage would go down the lane, around the corner and out toward the front. Has anybody done any kind of an environmental impact study to find out how you are going to affect us? Are you going to back water up on us?

Supervisor said included in this is drainage work which has to be done. If it is done we have to put catches in and that has to be part of the improvement and that is included here.

Ms. Evans said they have a great deal of traffic since the other development was built and the street was connected to theirs. A public street was connected to a private lane and we have a great deal of trouble with traffic. People who drive through are on private property which we now in turn have to pay for. The road is not in good shape now and we are probably going to have to repave it soon. We have to do it at our own cost because it is a private road. We are doing it for public traffic. We don't like that. We don't think it is fair. All you are going to do by enhancing the front part is to just make it more attractive. She said she was very concerned about what is going to be done to them. That also means that we have excess liability. Suppose someone comes along and has an accident? All you are going to do is enhance our expense and our financial liability if something happens. She said she knows the Town's plan is to take the whole lane, condemn us and take the rest of it and we are opposed to that. We like it the way it is. She said she would be opposed to the improvement.

Appearance: Mrs. Alice Van Cott
53 Dustman Lane
Bardonia, New York

Mrs. Van Cott said she wants to go on the record as saying she wants this to be done. She pays enough taxes every single year. She doesn't need to take more money out of her pocket to pay for snow removal. She wants her mailbox up by her house. She is tired of worrying about the potholes and the ruining of her car and her tires. She wants it done. This is a whole lot of

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semantic rigmarole that has been going on for the last four or five years and she would like it done.

Appearance: Mr. Richard Vickers
Dustman Lane, Bardonia

Mr. Vickers said Dustman Lane divides into two sections. There is a smaller private road which takes it onto Schweitzer Lane and that is their only egress from their house. When the new development was put in and connected on to our property, after we had paved the road there had to be a chain fence put up to prevent vehicles taking a short cut from Ludvig Road onto our street and tearing up our macadam. Someone made a statement as to increased traffic flow. Since the fence is there, there is no means for people to increase the traffic flow from that section of Town. The chain link fence is there just to allow emergency vehicles to get in and out. He said he was in favor of the improvements but as this is the first time he had seen this list it changes his opinion about it. He said he would be in favor of it if there was some kind of a revision so that the other families would pay a little portion.

Supervisor said if the Town Board was to go forward and maybe go out to bid the job then maybe we would get a more finite price on the thing. These figures were just to give an idea of what we are talking about so that you are not just shooting in the dark.

Councilman Kunis asked Mr. Vickers that even though he lives in the new section would he be willing to participate in the payment? Mr. Vickers said he donated 50 feet of his property under the idea that when they moved into the area the Town was going to take over the road eventually. He was never presented with the idea that someone is going to have to foot the cost. He said he donated the property and he felt also in the amount of money that he paid for the house and in Mr. Riley building a portion of the road to Town specifications that he had done his job in the purchase price and donating the property to the Town. Supervisor said he was sure that he did. Supervisor said there was no legal obligation for him to pay because as he described it that is probably exactly what happened. The cost of building that road to Town specs was probably included. Mr. Vickers said there are approximately eight families on the new division. When they bought their house they paid a certain amount of their own money thinking that this was going to be done. They donated the property to the Town and everybody was under the assumption that everything was moving along smoothly. He would be in favor of the Town taking over the property and improving it.

Appearance: Ms. Troiola
Dustman Lane
Bardonia, New York

Ms. Troiola said they were under the impression that the Town would be paying for these improvements and that was what she was led to believe. Supervisor said hopefully he did not give her that impression. Ms. Troiola said that was the impression she received. She concurs with Mr. Vickers on what he had to say. She said, of course, they feel that the other people should not be burdened unnecessarily with this. She said they all thought it would be picked up by the Town.

Appearance: Mr. Thomas Van Cott
Dustman Lane
Bardonia, New York

Mr. Van Cott said he wanted to bring to the Town Board's attention that he donated the right of way for the other people to the Town so that everybody could get to Schweitzer Lane.

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He said he has no property along the road at all now. He said also it is very unfair that you are giving the burden of this to people when the County should pick this up. We pay enough taxes and generate enough tax revenue that this should be done.

Appearance: Dennis LeBlang
48 Dustman Lane
Bardonia, New York

Mr. LeBlang stated that he also lives on the newer section. He said he was surprised when he received this list. He was always under the impression that this would be picked up by the Town. He also donated part of his property to this road and he is disappointed that the Town would not pick up the tab. He said his main concern is for the snow removal. In the winter their road is very treacherous. He said it was not fair that some of the people have to pay for the road. He said he would be willing to pay for some of the road if it is really necessary but the Town should really pick up the tab. He was always under that impression and that is how he feels.

Mr. Feeney said he would like an answer to the question could the Town possibly build this at its own expense? You have to do a road improvement district under Town Law. Town Attorney said we never have in this Town. We have always done this when we have taken over a private road. We have always used assessment. The Town can always build a road if they have the right of way. They could always do it but it has not been customary for the Town to do so. If we owned the right of way we could improve it.

Councilman Mandia said if he understood it correctly and this was before he was around, people donated a portion of their land. Now, there is a section of the road that is going to be improved for this district. Would it be proper for the Town to consider that donation which has been made previously as already a contribution made for what he believes is an expanded district beyond those people who live there? He said he has been up there and he believes there are people who will benefit from that improvement. If you expand that to include them, at least in your head which is what he is doing and he does not know if it is legal, if you consider that the people that donated the property before donated in kind, maybe a portion of the cost could be absorbed by the Town being that we were given land for this purpose by these residents awhile ago. Supervisor said if he understands it he thinks the intention is that if this portion is done then the entire road from Route 304 all the way down would then be taken by the Town as a Town road because the newer portion was built that way already.

In response to a question from the audience regarding land donated, Supervisor asked Murray Jacobson, Town Attorney to explain again. Town Attorney said if the Town owns a piece of property and wants to build a road they always can do that if they want to. However, with these private roads (and he has been here for 25 years) we have always done these improvements and we have assessed the people for the improvement. Yes, most of them had deeded us pieces of property. The only think that the not deeding of the property does is that it adds to the cost of the district if it gets spread again. However, the Town has the right to use public monies to build a road which is a proper public purpose.

Supervisor said the portion in the front we don't own. Town Attorney said we have offers of dedication. We could probably get 100% of the right of way.

Mr. Riley said the part of Dustman Lane that would become a public road is already totally improved to Town standards. Supervisor said his portion of it is, absolutely. Town Attorney said the amount shown here is not the portion that is in Mr. Riley's subdivision. We have deeds of dedication but it has not yet been

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dedicated. The portion we are talking about is not that portion.

Supervisor said what you are suggesting is that if we were to acquire deeds of dedication of the right of way out to Route 304 from the property owners on this list we would get the right of way then. What you are suggesting is that if the Town owned that land then the Town could improve it. Town Attorney said some of it we have already gotten deeds for. What we have to do is a resolution of dedication. He said we can get 100% of the right of way. He has checked that. Some we have recorded deeds for. Some we have unrecorded deeds for. Some we have irrevocable offers of dedication for.

Supervisor said what the Town Attorney is saying is that if the Town owns the entire right of way then the Town could improve it. Supervisor asked the Town Attorney to find out what we need to acquire the entire right of way. Town Attorney said he has already looked into it. He went into detail on this.

Supervisor said then if the Town Board wishes to entertain that what is the next step? Town Attorney said acquire all of this and we can improve it.

Councilman Mandia said the next step should be the exact price. Town Attorney said you have to make a decision what you want to do. Do you want to apportion the cost? The attainment of the right of way is feasible. That is not the problem here. The problem is how do you apportion the cost? Supervisor said what is being said by the people who are out here is that if the Town has all of the right of way and we own the land we could decide to improve the road at Town expense, that is what you are saying? Town Attorney said once we acquire the total right of way through the various mechanisms we have to do by recording deeds, etc. -- Supervisor said then we can decide to go ahead and improve the land. Town Attorney said that is correct.

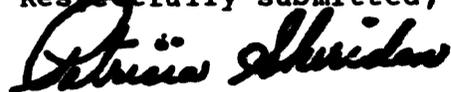
Appearance: Mr. Martin Bernstein
New City, New York

He said to improve the land is really a benefit for the people on the subdivision. It is a little late now but originally the Planning Board should have gotten the developer to improve it so that the people who benefit from it would be paying for it in the long run. Considering that they did not do that could you not expand the district to include all the properties that are benefitting by it and have them share the cost? Town Attorney said you have to do the improvement and assess the people that front on it. That is what the section says. Mr. Bernstein said there is no way that the district can be expanded to include? Town Attorney said it is not a district. Mr. Bernstein said we could make it a district, considering the fact that they are the ones who are benefitting by it not the people who are sitting there on this unimproved property. Why didn't the Planning Board insist at that time that it be done that way?

Supervisor said with regard to the public hearing that we have now there is really nothing to improve at this point. We have to acquire the deeds. Is that correct? Town Attorney said depending on what the Town decides to do the next step then is to finish up acquiring the right of way, that is correct. The Board has to make a decision on what they would like to do.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted the public hearing was adjourned, sine die, time: 9:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk