

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

1/14/92

8:00 P.M.

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

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

Supervisor declared public portion of the meeting open.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding the PA system; a ten or twelve year old building permit; having trees picked up by carters and brush picked up by the Highway Department; the plastic and newspaper recycling program; and the hiring of an outside appraiser.

Appearance: Mr. Scott Hazen
Seymour Drive
New City, New York

Mr. Hazen spoke regarding agenda item #14 (Article 78 Proceeding re proposed group home at 29 Seymour Drive, New City) and proposed group home at Tennyson Drive.

Appearance: Mr. Alan Rosenblatt
Tennyson Drive
Nanuet, New York

Mr. Rosenblatt spoke regarding the proposed group home and urged continuance of the attorney already engaged regarding this matter.

Appearance: Mr. Stephen Coyle
Congers, New York

Mr. Coyle noted that he was opposed to proposed road widening in Congers.

Appearance: Mr. Ron Schnitker
Congers, New York

Mr. Schnitker noted that he was opposed to proposed road widening in Congers.

Appearance: Mr. Joseph Furfaro
43 Rochelle Drive
New City, New York

Mr. Furfaro spoke in opposition to the creation of group homes. He presented a petition from residents of Tennyson Drive, Nanuet.

Appearance: Mr. Adolph Salon
South Conger Avenue
Congers, New York

Mr. Salon spoke regarding violations on many houses in Clarkstown, particularly in Congers. Mr. Salon asked to view the plans for the proposed police/court facility.

Appearance: Mr. Vincent Reda
New City, New York

Continued on Next Page

Mr. Reda spoke regarding the lack of input by the Republican members on any appointments made by the Town Board.

Appearance: Ms. Marie Bouchard
Congers, New York

Ms. Bouchard spoke regarding agenda item #13 (mileage rate for personal automobile use). She inquired about the use of the Town gas pump on Friday, January 10, 1992 at 4:25 P.M.

Appearance: Mr. Daniel Cea
Congers, New York

Mr. Cea criticized the format of the agenda and the time it is available before a meeting. He also spoke regarding agenda item #8 (Ferguson Electric's bid for police/court facility) and agenda item #13 (mileage rate for personal automobile use).

Appearance: Mr. Al Moroni
6 Waters Edge
Congers, New City

Mr. Maroni spoke in opposition to the proposed road improvement project for Congers Road.

RESOLUTION NO. (45A-1992) ACCEPTING MINUTES OF TOWN BOARD MEETING OF DECEMBER 31, 1991

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the minutes of the Town Board meeting of December 31, 1991 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (45B-1992) ACCEPTING MINUTES OF TOWN BOARD MEETING OF JANUARY 6, 1992

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the minutes of the Town Board Meeting of January 6, 992 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (46-1991) ACCEPTING DECLARATION OF COVENANT FOR WATER SERVICE

RESOLUTION NO. (46-1992) Continued

**CHARGES FOR INSTALLED FIRE
HYDRANT (TOLSTOY
FOUNDATION, INC.)**

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a hydrant investigation has been made by Spring Valley Water Company Incorporated located on an approved site known as Tolstoy Foundation, Inc., designated on the Clarkstown Tax Map as Map 138, Block J, Lot 7, and

WHEREAS, it has been recommended that one (1) fire hydrant be installed within the said approved site for the protection of the residents, and

WHEREAS, said property is private property and the hydrant shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept on behalf of the Town of Clarkstown a Declaration of Covenant by Tolstoy Foundation, Inc. which shall run with the land, whereby Tolstoy Foundation, Inc., or its successor(s) in interest shall pay the water service charges of Spring Valley Water Company Incorporated rendered yearly to the Town of Clarkstown on a per hydrant basis for a fire hydrant installed on the Declarant's property to serve the dwelling units located on such property, presently owned by the Tolstoy Foundation, Inc., located in the Hamlet of Valley Cottage, New York, and the Comptroller is hereby authorized and directed pursuant to such covenant to provide periodic statements to Tolstoy Foundation, Inc. for payment of the water service charges imposed, plus 10% as a handling fee.

On roll call the vote was as follows:

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

RESOLUTION NO. (47-1992)

**AUTHORIZING RELEASE OF
ESCROWS (STARKE CORNER
SUBDIVISION)**

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, security posted by the developer in the sum of \$500.00 for the completion of certain items, required by the Town in connection with dedication of the improvements in the Starke Corner Subdivision on March 22, 1988, may be released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (48-1992)

AUTHORIZING PREPARATION OF
PRELIMINARY APPRAISAL
(UNITED ARTISTS REALTY CO.
- MAP 59, BLOCK A, LOT
20.19) - KARL A. KIRCHNER

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, United Artists Realty Co. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 59, Block A, Lot 20.19 for the years 1988/89, 1989/90, 1990/91 and 1991/92, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter

NOW, THEREFORE, be it

RESOLVED, that Karl A. Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$1,500.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (49-1992)

AMENDING RESOLUTION NO.
375-1991 AUTHORIZING
CARPENTER ENVIRONMENTAL
ASSOCIATES, INC. TO PREPARE
SEQRA (LAKE LUCILLE AQUATIC
DISTRICT) - CHARGE TO
ACCOUNT NO. H-5110-08-409)

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, Carpenter Environmental Associates, Inc. has entered into an agreement with the Town of Clarkstown to provide SEQRA documents concerning the proposed Lake Lucille Aquatic District for a fee of \$25,500.00; and

WHEREAS, a meeting was held with the New York State DEC which resulted in responses and cost estimates beyond the scope of the original agreement totaling \$1,048.70 for professional personnel efforts;

NOW, THEREFORE, be it

RESOLVED, that the fees authorized by Resolution No. 375-1991, dated May 14, 1991, be increased by \$1,048.70 for a new total of \$26,548.70 and be charged to Account No. H-5110-08-409.

Before the roll call, in response to a question from Co. Dusanenko, Supervisor stated that these fees are initially charged to the Town and when the Town goes ahead with the ditrict they will become a district expense and paid back to the Town. He noted that we are almost to the point of having a public hearing to create the district.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (49-1992) Continued

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

RESOLUTION NO. (50-1992)

GRANTING VARIOUS
CERTIFICATES OF
REGISTRATION FOR THE YEAR
1992

Co. Mandia offered and Co. Maloney seconded

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

J & R D'Onofrio Plumbing
& Heating, Inc.
35 West Street
Spring Valley, New York 10977

Kevin Stokes Excavating, Inc.
Box 812
Pearl River, New York 10965

Robert McGannon t/a
Bob McGannon Excavating
85A North Central Highway
Garnerville, New York 10923

C.E.T. Plumbing Inc.
d/b/a Advance Plumbing
68 American Legion Way
New City, New York 10956

Monsey Excavating Inc.
18 Laura Drive
Monsey, New York 10952

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

Sorgine Construction Services
111 Wilmuth Street
Mahwah, New Jersey 07430

RESOLVED, that the following Certificates of Registration be issued:

- No. 92-5 J & R D'Onofrio Plumbing & Heating, Inc.
- No. 92-8 Kevin Stokes Excavating, Inc.
- No. 92-9 Robert McGannon t/a Bob McGannon Excavating
- No. 92-10 C.E.T. Plumbing, Inc. d/b/a/ Advance Plumbing & Heating
- No. 92-11 Monsey Excavating, Inc.
- No. 92-12 Travcon, Inc.
- No. 92-13 Sorgine Construction Services

On roll call the vote was as follows:

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

RESOLUTION NO. (51-1992)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ACTION (KIMBALL
PARKER AND CLIFF PARKER)_

Co. Maloney offered and Co. Dusanenko seconded

Continued on Next Page

RESOLUTION NO. (51-1992) Continued

WHEREAS, an action has been instituted against the Town of Clarkstown entitled as follows:

KIMBALL PARKER and CLIFF PARKER

Plaintiffs,

-against-

THE TOWN OF CLARKSTOWN,

Defendant.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (52-1992)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING
(FERGUSON ELECTRIC CO.,
INC. V. TOWN OF CLARKSTOWN
AND TAPPAN ZEE ELECTRIC
CO., INC./HERBERT G.
MARTIN, INC.)

Co. Smith offered and Co. Maloney seconded

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

In the Matter of

FERGUSON ELECTRIC CO., INC.,

Petitioner,

-against-

TOWN OF CLARKSTOWN and TAPPAN
ZEE ELECTRIC CO., INC./HERBERT
G. MARTIN, INC., A Joint Venture,

Respondents.

for an Order and Judgment Pursuant to
Article 78 of the Civil Practice Law and
Rules declaring Void and Unenforceable
Town Board Resolution No. 876-1991 and
Declaring Void and Unenforceable a public
Contract designated New Police/Court
Facility Contract No. 4 - Electrical

Continued on Next Page

RESOLUTION NO. (52-1992) Continued

entered into between Respondents for electrical work to be performed at the New Police/Court Facility in the Town of Clarkstown, as such award violated CPLR Sec. 7803, and General Municipal Law Sec. 101 et seq.

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that this Resolution shall be retroactive to January 7, 1992.

Before roll call Councilman Mandia noted that he had performed his legislative duty and was the sole dissenter for the police station because he thought we should have done it cheaper. However, he agrees with the Town's position in this matter. Legislation has recently been introduced that municipalities such as our Town can accept bids within 5% if those bids will provide work to people who live here and work here. He said that this particular bidder is working in a state that insists, by state law, that local workers work on local state projects and you cannot bring in people from out of state.

On roll call the vote was as follows:

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

RESOLUTION NO. (53-1991)

ACCEPTING PROPOSALS FROM ORANGE AND ROCKLAND UTILITIES, INC. FOR STREET LIGHTING AT CLINTON STREET, SPRING VALLEY, GREENWOOD DRIVE, NEW CITY, AND WHITE OAK LANE, BARDONIA

Co. Mandia offered and Co. Smith seconded

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

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

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

NOW, THEREFORE, be it

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

Continued on Next Page

RESOLUTION NO. (55-1992) Continued

LIGHTING AT WEST CLARKSTOWN
ROAD AND RED HILL ROAD, NEW
CITY

Co. Mandia offered and Co. Smith seconded

WHEREAS, Joseph S. Nappo, President, Rockland County Girl Scout Council, 211 Red Hill Road, New City, has requested the Town Board of the Town of Clarkstown to improve existing street lighting at West Clarkstown Road/Red Hill Road, New City intersection, and

WHEREAS, Orange and Rockland Utilities, Inc. upon investigation of this request has recommended the upgrade of seven existing street lights, and the installation of one additional street light,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A. Betz, Utility Services Coordinator, the Town Board of the Town of Clarkstown hereby accepts the proposal dated December 16, 1991 from Orange and Rockland Utilities, Inc. for the upgrade of existing street lighting at the following locations:

West Clarkstown Road and Red Hill Road New City
(Upgrade seven (7) - 4000 lumen mercury vapor street lights on existing utility pole numbers 58712/41484, 58722/41520, 58722/41540, 58719/41556, 58714/41582, 58730/41545, 58758/41543 to 5800 lumen sodium vapor street lights)

West Clarkstown Road and Red Hill Road New City
(Install one (1) - 5800 lumen sodium vapor street light to existing utility pole number 58743/41544)

On roll call the vote was as follows:

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

RESOLUTION NO. (56-1992)

ACCEPTING PROPOSALS FROM
ORANGE AND ROCKLAND
UTILITIES FOR STREET
LIGHTING AT RENFREW ROAD,
NEW CITY

Co. Mandia offered and Co. Smith seconded

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

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

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

NOW, THEREFORE, be it

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RESOLUTION NO. (57-1992) Continued

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

RESOLUTION NO. (58-1992)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #12-1992 -
BITUMINOUS CONCRETE

Co. Smith offered and Co. Maloney seconded

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

BID #12-1992
BITUMINOUS CONCRETE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday,
February 12, 1992 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (59-1992)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #13-1992 -
CRUSHED STONE

Co. Smith offered and Co. Maloney seconded

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

BID #13-1992
CRUSHED STONE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,
February 13, 1992 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.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (59-1992) Continued

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

RESOLUTION NO. (60-1992)

CORRECTING RESOLUTION 945-1991 AND AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #66-1991 - ASBESTOS REMOVAL/BUILDING DEMOLITION CHESTNUT STREET, CENTRAL NYACK (MAP 120-G-37)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Town Board Resolution #945-1991 is hereby corrected to read

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

BID #66-1991
ASBESTOS REMOVAL/BUILDING DEMOLITION
CHESTNUT STREET, CENTRAL NYACK (120-G-37)

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, January 27, 1992 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (61-1992)

CORRECTING RESOLUTION NO. 944-1991 AND AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #52A-1991 - ASBESTOS REMOVAL/BUILDING DEMOLITION PASCACK ROAD, SPRING VALLEY (MAP 164, BLOCK A, LOT 16.01)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Resolution #944-1991 is hereby corrected to read

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

Continued on Next Page

RESOLUTION NO. (61-1992) Continued

BID #52A-1991
ASBESTOS REMOVAL/BUILDING DEMOLITION
PASCACK ROAD, SPRING VALLEY (164-A-16.01)

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, January 27, 1992 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (62-1992)

CORRECTING RESOLUTION NO.
946-1991 AND AUTHORIZING
DIRECTOR OF PURCHASING TO
ADVERTISE FOR BIDS FOR BID
#67-1991 - ASBESTOS
REMOVAL/BUILDING DEMOLITION
HUTTON AVENUE, NANUET, NY
(MAP 163-A-11)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Resolution #946-1991 is hereby corrected to read

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

BID #67-1991
ASBESTOS REMOVAL/BUIDING DEMOLITION
HUTTON AVENUE, NANUET NY (MAP 163-A-11)

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, January 27, 1992 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (63-1992)

AWARDING BIDS FOR BID
#6-1992 -ATHLETIC AND
RECREATION SUPPLIES
(VARIOUS BIDDERS)

Continued on Next Page

RESOLUTION NO. (63-1992) Continued

Co. Smith offered and Co. Maloney seconded

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

Bid #6 - 1992 - Athletic and Recreation Supplies

(List of Bidders and Item Numbers on file in Town Clerk's Office)

GROSS TOTAL FOR ALL ITEMS: \$28,818.22

and be it

FURTHER RESOLVED, that this amount \$28,818.22 be charged against accounts:

7140-307.....	\$ 293.04
7141-329.....	1,274.63
7180-307.....	2,495.16
7180-329.....	78.30
7210-307.....	230.40
7310-307.....	15,173.27
7310-329.....	8,666.98
7620-307.....	91.44
7620-329.....	515.00

and be it

FURTHER RESOLVED, that award pending on item #26, 36, 62, 63b(male). No bid awarded to item #44.

On roll call the vote was as follows:

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

RESOLUTION NO. (64-1992)

AWARDING BID FOR BID
#7-1992 - PRINTING OF 1992
SPRING/SUMMER RECREATION
AND PARKS BROCHURE (NORMAN
REED ASSOC INC.)

Co. Mandia offered and Co. Maloney seconded

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

BID #7-1992
PRINTING OF THE 1992 SPRING/SUMMER
RECREATION & PARKS BROCHURE

is hereby awarded to

NORMAN REED ASSOC INC
155 AVENUE OF THE AMERICAS
NEW YORK NY 10013
PRINCIPALS: HERMAN SHILLIN
NORMAN LEFKOFF

Continued on Next Page

RESOLUTION NO. (64-1992) Continued

as per their low bid proposal of \$9,499.00 for 24 page brochure on .80 lb recycled stock.

On roll call the vote was as follows:

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

RESOLUTION NO. (65-1992)

AWARDING BID FOR BID
#61A-1991 - ACCESSORIES FOR
CUSHMAN MODEL 809 MOWER
(WILFRED MAC DONALD INC.)

Co Mandia offered and Co. Maloney seconded

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

BID #61A-1991
ACCESSORIES FOR CUSHMAN MODEL 809 MOWER

is hereby awarded to

WILFRED MAC DONALD INC
340 MAIN AVE
CLIFTON NJ 07014
PRINCIPALS: JAMES PELRINE
MICHAEL PELRINE

as per their low bid proposal as follows:

Item #1 - cab enclosure Cushman #887020.....- \$1,490.00
Item #2 - cab heater/defroster Cushman #887809.....- \$ 295.00
Item #3 - light package Cushman #885831.....- \$ 104.00
Item #4 - wheel weights Cushman #886694.....- \$ 110.00
Item #5 - hanson - general model 10300 upfront
snow blower for Cushman 809.....- \$3,110.00
Item #6 - giant vac model 16FM three way P-T-O
blower for Cushman 809.....- \$1,455.00

On roll call the vote was as follows:

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

RESOLUTION NO. (66-1992)

AUTHORIZING TOWN ATTORNEY'S
OFFICE TO PROSECUTE ACTION
(PEOPLE V. ALYSSA GARFIELD)

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, in an action known as People v. Alyssa Garfield, the District Attorney's Office of Rockland County has asked the Town Attorney's Office to prosecute this action;

Continued on Next Page

RESOLUTION NO. (66-1992) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney's Office to prosecute the action known as People v. Alyssa Garfield, subject to receipt of written authorization from the District Attorney of Rockland County.

Councilman Mandia said he wanted to support the Town and Town Attorney in this. He was aware of what this case is and he complained about the District Attorney's action. This is a civil matter and should have been handled in his office.

Councilwoman Smith said she believes it does belong in the District Attorney's Office and for that reason she was voting no.

On roll call the vote was as follows:

Councilman Dusanenko.....Abstain
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....No
Supervisor Holbrook.....Yes

RESOLUTION NO. (67-1992)

AMENDING RESOLUTION NO.
5-1992 ESTABLISHING MILEAGE
FOR USE OF VEHICLES ON TOWN
BUSINESS

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Resolution No. 5-1992, adopted by the Town Board on October 6, 1992, is hereby amended to change the mileage rate from 27-1/2¢ to 28¢ for payment to designated personnel for use of their personal automobiles in performance of their official duties.

There was extensive dialogue among Town Board members and the Comptroller with regard to this resolution. Supervisor said he would pass this subject to approval of Town Labor Attorney Ron Longo.

On roll call the vote was as follows:

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

RESOLUTION NO. (68-1992)

AUTHORIZING TOWN ATTORNEY
TO COMMENCE ARTICLE 78
PROCEEDING REGARDING
PROPOSED GROUP HOME -
SEYMOUR DRIVE, NEW CITY,
NEW YORK

Continued on Next Page

RESOLUTION NO. (68-1992) Continued

Co. Smith offered and Co. Mandia seconded

WHEREAS, Elin M. Howe, Commissioner of the Office of Mental Retardation and Developmental Disabilities, has rendered a decision against the Town of Clarkstown in regard to the objections filed against the establishment of a group home at 29 Seymour Drive, New City, New York, and

WHEREAS, it appears to the Town Board of the Town of Clarkstown that the establishment of such group home would be detrimental to the health, safety and welfare of the Town of Clarkstown and cause an over saturation of group homes within the Town of Clarkstown and the area of the Town in question;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized and directed to commence an Article 78 Proceeding against the Commissioner of the Office of Mental Retardation and Developmental Disabilities, for the purpose of reviewing and nullifying the findings by said Commissioner in regard to the establishment of a group home at 29 Seymour Drive, New City, New York.

Councilman Maloney said he would abstain in order to save the taxpayers money. We have heard a lot tonight about people concerned about how taxpayers' money is being spent and we have spent some \$30,000.00 to date trying to fight the establishment of this particular group home. He said the reason we haven't won a case in 18 years is because the highest court in the State has indicated that a group home, whether for neglected deprived children or for those with mental disabilities, is to be treated as a family and therefore, as a family, it has a right to be established in a residential area.

Councilman Mandia said he has supported this all along and continues to. He said the statistics gathered prove to him what he has been suspicious of and that is the saturation level. He said Rockland County is being targeted. The statements we have heard today and the steps this Board has taken so far makes him feel strongly that we should take every possible step and carry this as far as we can to satisfy ourselves and satisfy the community that there is nothing more we can do except petitioning our state legislators to perhaps amend the Padovan Law to address saturation.

On roll call the vote was as follows:

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

RESOLUTION NO. (69-1992)

APPOINTING TO POSITION OF
PART-TIME BUS DRIVER - MINI
TRANS DEPARTMENT (FRANCIS
THOMAS)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Francis Thomas, 609 Sierra Vista Lane, Valley Cottage, New York is hereby appointed to the position of

Continued on Next Page

RESOLUTION NO. (69-1992) Continued

part-time Bus Driver - Mini Trans Department - at the current 1992 hourly rate of \$10.10 an hour - effective January 15, 1992 - for a period not to exceed 30 days - pending completion of a satisfactory pre-employment physical examination.

On roll call the vote was as follows:

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

RESOLUTION NO. (70-1992)

AMENDING 1992 SALARY
SCHEDULE TO REFLECT CHANGE
IN ANNUAL SALARY OF MOTOR
EQUIPMENT OPERATOR I -
HIGHWAY DEPARTMENT (MICHAEL
MURPHY)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the 1992 Salary Schedule, adopted at the January 6, 1992 Town Board Meeting, is hereby amended to reflect a change in the annual salary of Michael Murphy, Motor Equipment Operator I - Highway Department - to \$27,915.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (71-1992)

ACCEPTING WITH REGRET
RESIGNATION (BY RETIREMENT)
OF SENIOR ENGINEERING
TECHNICIAN - DEPARTMENT OF
ENVIRONMENTAL CONTROL
(ALEXANDER J. DeBOK)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Alexander J. DeBok, 3 Trimble Street, Garnerville, New York, Senior Engineering Technician - Department of Environmental Control - is hereby accepted - with regret - effective February 3, 1992.

On roll call the vote was as follows:

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

RESOLUTION NO. (72-1992)

ACCEPTING WITH REGRET
RESIGNATION (BY RETIREMENT)
OF CLERK - MAIL AND COPY
ROOM (ROSE ROMEO)

RESOLUTION NO. (72-1992) Continued

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Rose Romeo, 2 Rone Court, New City, New York - Clerk - Mail and Copy Room - is hereby accepted - with regret - effective February 1, 1992.

On roll call the vote was as follows:

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

RESOLUTION NO. (73-1992)

ACCEPTING RESIGNATION OF
CLERK STENOGRAPHER - PARKS
BOARD AND RECREATION
COMMISSION (MARGARET SMITH)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Margaret Smith, 4 Crieff Lane, New City, New York - Clerk Stenographer - Parks Board and Recreation Commission - is hereby accepted - effective and retroactive to January 3, 1992.

On roll call the vote was as follows:

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

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Property Maintenance Violation - Nyack Society Church (Map 88, Block D, Lot 3), was opened, time: 9:05 P.M.

On motion of Councilman Mandia, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Property Maintenance Violation - Nyack Society Church (Map 88, Block D, Lot 3), was closed, ADJOURNED TO FEBRUARY 11, 1992, time: 9:15 P.M.

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 Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:16 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/14/92

9:05 P.M.

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

Re: Property Maintenance Violation - Nyack Society Church
4 Tompkins Avenue, West Nyack, New York (Map 88, Block D, Lot 3

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open.

Supervisor Holbrook presented a series of pictures depicting the property as it appeared on September 20, 1991 and as it appeared on January 14, 1992. While the Town Board members were examining the photos Supervisor asked if there was anyone wishing to speak on this matter?

Appearance: Reverend Searles, Pastor

Reverend Searles said he has always tried to do his duty as a minister. He has been a minister since 1942 or 1943. He said he has served as pastor and a minister in at least seven states. He said this is the first time in all of his experience in all these years that he has ever been served with a criminal summons. He said he has moved churches, rebuilt, laid foundations, etc. and has worked all his life. He said he has done the best he could. He does not like the idea of being served a criminal summons for something he was not even aware of. He said he did not like to be harrassed. This has been a case of continual harrassment. He said he has been in court about once a month since the middle of May and he doesn't appreciate it.

Supervisor Holbrook asked when he was going to finish cleaning up the property? Rev. Searles said have Mr. Burton give a list of what he wants done. He has tried but Mr. Burton has not cooperated with him. Supervisor said he notices in recent months that there has been a dumpster on the property, is that correct? Rev. Searles said they are trying to fill it up now.

Supervisor Holbrook said what the Town Board and surrounding residents, who have made the complaints, are concerned about is that they perpetually have to look at the debris on the property and the box and everything else. He said the Town Board does not want to be in the position of harrassing you. All we want you to do is clean the property up, put the junk in the box and take it to our transfer station where it can be disposed of.

Rev. Searles said the debris has been cleaned up. He said there is a group of people who do community service. They have been there twice. They completely raked the whole property and cleaned it all up. He said it seems that every time Mr. Burton comes he finds something else to write down. This has been an ongoing thing. Supervisor asked Rev. Searles if he thought he could give the Board a time when he thought this would be put to rest - within a thirty day period so that we could adjourn the meeting pending your agreement to have the property totally cleaned up in thirty days. Rev. Searles said possibly in thirty days he wouldn't own it. It is for sale and he thinks it is sold. He said they are going to continue and fill up the dumpster because they have some material inside. He said he has not been able to get a list from Mr. Burton of what he wants done. Supervisor said that was stated in the violation that you were given but if you need a copy of that he will see to it that you get it.

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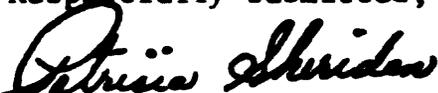
Councilman Dusanenko mentioned that photographs had been shared with the Town Board members. He said maybe you could take the latest set and share them with the pastor and see if there is anything in those photographs that he feels is valuable that he needs. The photographs were given to Rev. Searles noting that they had been taken today. Supervisor said you are heading in the right direction. He said he will see that Mr. Burton compile a list for you if it has not already been done of what has to be removed. He said he would recommend to the Town Board that we give you until February 11, 1992 to have the property cleaned up.

Councilwoman Smith asked if the Reverend had a youth group or if anyone had ever contacted the Boy Scouts or the Girl Scouts to do some community service? Rev. Searles said they had a group of about eight or nine men - Supervisor said they were from the Sheriff's office. Rev. Searles said they did a lot of work. His neighbor across the street told him that he didn't know what they were checking on because it looked good to him.

Councilwoman Smith said maybe the civic associations in the neighborhood might be interested in helping. Reverend Searles said in the last ten years he has kept busy doing missionary work and has taken no dollars. He said he does carpentry work and he does keep some ladders and things. Supervisor said he notes there are some things in the violation notices from Mr. Burton which he gave to Reverend Searles. He said he would recommend that we adjourn the public hearing to February 11, 1992 and reconvene this at that time and see what the pictures show.

On motion of Councilman Mandia, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared adjourned until February 11, 1992, time: 9:15 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk