

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hal

2/25/92

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 the Town Board meeting open.
Assemblage saluted the Flag.

Supervisor opened the public portion of the meeting.

Appearance: Joan Gusso
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Pam Sataro EMS
West Nyack, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Ron Schnicker
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Ruth Carlson Safety Coordinator
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Arlene Owen
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road. She presented the Board with a petition with 2,911
signatures.

Appearance: John Lodico
New City

Mr. Lodico spoke on the need to improve Red Hill Road,
the paving of Medway Road, improvement of Lake Lucille, and proper
jurisdiction for the murder in Orangetown.

Appearance: Marie Broadley, President
South Clarkstown Civic Association
West Nyack, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road. She commented on promises made by Pyramid when zone
change was granted.

Appearance: Barbara Zuyneburg
West Nyack, New York

Spoke about the trees that were being taken down on Route
59 by the New York State Department of Transportation.

Appearance: Irwin Schulman
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

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Appearance: Gloria Guristad
Congers, New York

Spoke on Safety Kleen and is opposed to the widening of
Congers Road.

Appearance: William Vines
(Former Supervisor of Clarkstown)
West Nyack, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Theresa Reilly
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Joseph Pantano
Commission for Responsible Government
New City, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Ned Mera
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Valerie Salerno
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Gloria Maida
Valley Cottage, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Diane O'Looney
Bardonia, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Deborah Mayo
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Scott Turner
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

Appearance: Jeff Sasson, President
Congers Civic Association
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening
of Congers Road.

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Appearance: Bruce Broadley
West Nyack, New York

Spoke on Item #8 - "No Turn on Red" sign. Mr. Broadley is opposed to the widening of Congers Road. Mr. Broadley spoke on Pyramid and their taxes.

Appearance: Andrew Guiseppe
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

Appearance: Bernadette Sheridan
West Nyack, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

Appearance: Steve Hittman
West Nyack, New York

Spoke regarding Item #16 - in opposition to the widening of Congers Road. Spoke on Pyramid Shopping Center and their promises.

Appearance: Jim Boyle
Union Representative
New City, New York

Spoke regarding Item #16 - in opposition to the widening of Congers Road. Mr. Boyle presented petitions regarding Pyramid for a new environmental impact study.

Appearance: Daniel Cea
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

Appearance: Wesley Wertheimer
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road and on Item #7 in favor of a street light.

Appearance: Diana Schmitkin
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

Appearance: William Nest
Planning Board Member
New City, New York

Spoke regarding Item #16 - in favor of widening Congers Road.

Appearance: Terry Fitzgerald
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

Appearance: Dorinda Middica
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

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Appearance: Jerome Tractenberg, Esq.
New City, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

Appearance: Jim O'Neill
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

Appearance: Ray DeFalko
Congers, New York

Spoke regarding Item # 16 - in opposition to the widening of Congers Road.

Appearance: Rudolph Yacyshyn, Chairman
Planning Board
New City, New York

Mr. Yacyshyn stated that the Planning Board was in favor of the widening of Congers Road. Mr. Yacyshyn said that Pyramid should submit an Environmental Impact Study. There would be a public scoping session on Thursday, February 27th from 1:00 PM to 5:00 PM and again at 7:00 PM. The Planning Board will accept in writing comments from those who can not attend.

The Board took a recess from 9:55 PM to 10:05 PM

Co. Dusanenko stated that he hoped that the road did not have to be widened. Co. Dusanenko said that the road is too narrow. When you come out of Pine - it is blind. He stated that there was a chance for Federal funding for the widening of Congers Road. Co. Dusanenko stated that he was voting with the Resolution and that our County taxes were going up another half of a percent because we have to pay the engineering on it, but if that is the will of the people, so be it. We are all partners in it.

Co. Maloney stated that he made up his mind to vote to oppose the the road widening. He felt that he owed it to his colleagues to let them know his decision. He thanked the members of the Planning Board for all their work and he thanked Bill Nest.

Co. Mandia stated that he was opposed to the project. He felt that it was a mistake to encourage people to use Kings Highway. He feels that things need to be done there. Co. Mandia voted yes on the Resolution.

Co. Smith stated that safety has always been the main issue on this project and it has not been an easy issue to make a decision on. Co. Smith stated that she believes if the intersection was squared off and corrected, it would be a safe intersection. Now she joins her colleagues in saying that the project should be halted, but also the money that the developer had promised to the Town for his new development on Congers Road be given to us so, that we can make the necessary improvements for sight distance that should be there.

Supervisor Holbrook commended the force of his colleagues on the Town Board. He stated that there are some things that need to be addressed on the Road which, of course, are some of the sight distances coming out of the side streets. Supervisor Holbrook feels that those could be addressed by County Highway Department forces. Supervisor Holbrook supports this Resolution and the Town Board passes it unanimously.

RESOLUTION NO. (149-1992)

REQUESTING ROCKLAND COUNTY
SUPERINTENDENT OF HIGHWAYS TO
CHANGE PLANS RE: CONGERS
ROAD, OLD HAVERSTRAW ROAD AND
KINGS HIGHWAY

Supervisor Holbrook offered and Co. Maloney seconded

RESOLVED, that the Rockland County Superintendent of
Highways is hereby requested to abandon plans for realigning Kings
Highway and Old Haverstraw Road and for widening Congers Road in
Congers.

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. (150-1992)

ACCEPTING MINUTES OF TOWN
BOARD MEETING OF FEBRUARY 11,
1992

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the minutes of the Town Board Meeting of
February 11, 1992, 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

There was a discussion on Agenda Item 2 (Nyack
Evangelical Wesleyan Church (88-D-3). This was tabled for the March
10th meeting.

RESOLUTION NO. (151-1992)

REFERRING AMENDMENT TO ZONING
ORDINANCE (SECTION 106-29C -
EXTENSION OF PERMITS) TO
CLARKSTOWN PLANNING BOARD AND
ROCKLAND COUNTY COMMISSIONER
OF PLANNING

Co. Mandia offered and Co. Maloney seconded

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

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RESOLUTION NO. (151-1992) Continued

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 106-29C of the Zoning Ordinance as follows:

"Existing permits, subject to provisions controlling non-conforming uses, provisions of the Town Law, site plan regulations, subdivision regulations, and §§106-30E and 106-31C(3). This chapter is not intended to abrogate or annul any building permits, certificates of occupancy, variances or special permits lawfully issued, or preliminary site plans and subdivision plats approved before the effective date of this chapter. Notwithstanding any provision of this chapter to the contrary, no special permit or variance hereafter issued shall have any force or effect for a period greater than eighteen (18) months after the date of its issuance by the Town Board or Zoning Board of Appeals, and any special permit or variance heretofore issued shall expire eighteen (18) months after the effective date hereof. Prior to such expiration, the owner or applicant may apply to the Town Board or the Zoning Board of Appeals for an extension of the original special permit or variance, and the Town Board or the Zoning Board of Appeals may, for good reason shown after due notice and public hearing, extend such special permit or variance for a reasonable period, not to exceed an additional eighteen (18) month period, and may place any reasonable conditions on such extension to secure commencement of construction as promptly as possible. In the event construction on said special permit or variance is not commenced within such eighteen (18) month period, or such period as the same may have been extended, reapplication must be made to the Town Board or the Zoning Board of Appeals for said special permit or variance."

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. (152-1992)

AUTHORIZING SETTLEMENT OF TAX CERTIORARI (BRADLEES AND STOP & SHOP)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, BRADLEES NEW YORK, INC. v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index Nos. 3965/90 and 5546/91 and THE STOP & SHOP COMPANIES, INC. v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index Nos. 3762/87, 3951/88 and 4216/89 affecting parcels 59-A-20.20, 59-A-20.21, 59-A-20.22 and 59-A-20.44 for the years 1987/88, 1988/89, 1989/90, 1990/91 and 1991/92, and

Continued on Next Page

RESOLUTION NO. (152-1992) Continued

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

1. That the proceedings commenced by the petitioners respecting Map 59, Block A, Lots 20.20, 20.21, 20.22 and 20.44 be discontinued for the years 1987/88, 1988/89 and 1989/90;
2. That for the years 1990/91 and 1991/92, the assessed valuation for property designated as Map 59, Block A, Lots 20.20, 20.21 and 20.44 shall remain unchanged;
3. That for the year 1990/91, the assessed valuation for property designated as Map 59, Block A, Lot 20.22 shall be reduced from \$5,014,000 to \$4,261,900;
4. That for the year 1991/92, the assessed valuation for property designated as Map 59, Block A, Lot 20.22 shall be reduced from \$5,209,800 to \$4,167,800;
5. That reimbursement for the years 1990/91 and 1991/92 on the parcel designated as Map 59, Block A, Lot 20.22 be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged;
6. 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; and the attorneys for the Clarkstown Central School District have consented to such settlement.

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.

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. (153-1992)

AUTHORIZING SETTLEMENT OF TAX CERTIORARI (WARREN HILLS ASSOCIATES)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled WARREN HILLS ASSOCIATES v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index Nos. 4209/89, 3835/90 and 5560/91 affecting parcels 134-A-55 and 134-A-55.1 for the years 1989/90, 1990/91 and 1991/92, 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:

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RESOLUTION NO. (153-1992) Continued

1. That the proceedings commenced by the petitioner respecting Map 134, Block A, Lot 55 and Map 134, Block A, Lot 55.1 be discontinued for the year 1989/90;
2. That the premises owned by the petitioner described on the assessment roll as Map 134, Block A, Lot 55 be reduced for the years 1990/91 and 1991/92 from \$3,140,600 to \$2,355,500;
3. That the premises owned by the petitioner described on the assessment roll as Map 134, Block A, Lot 55.1 be reduced for the years 1990/91 and 1991/92 from \$2,959,400 to \$2,219,500;
4. That reimbursement for the years 1990/91 and 1991/92 on the parcels designated as Map 134, Block A, Lot 55 and Map 134, Block A, Lot 55.1 be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged;
5. 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.

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. (154-1992)

GRANTING PERMISSION TO
ANCIENT ORDER OF HIBERNIANS
FOR USE OF CLARKSTOWN
SHOWMOBILE

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Ancient Order of Hibernians has requested use of the Town of Clarkstown showmobile on Sunday, March 22, 1992, for the annual St. Patrick's Day Parade to be held in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Ancient Order of Hibernians to use the Town of Clarkstown showmobile on Sunday, March 22, 1992, for the above purposes and subject to the provision of the necessary insurance policies.

On roll call the vote was as follows:

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RESOLUTION NO. (154-1992) Continued

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

RESOLUTION NO. (155-1992)

ACCEPTING PROPOSAL FROM
ORANGE AND ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT SOUTH HARRISON
AVENUE, CONGERS

Co. Dusanenko offered and Co. Maloney 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 a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

South Harrison Avenue, Congers
(Install one (1) - 5800 lumen sodium vapor street
light on existing utility pole number 60688/41526

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. (156-1992)

AUTHORIZING SUPERINTENDENT OF
HIGHWAYS TO INSTALL "NO TURN
ON RED" SIGNS - ON ALL
INTERSECTIONS OF WEST NYACK
ROAD, STRAWTOWN ROAD AND
SICKLETOWN ROAD, WEST NYACK

Co. Dusanenko offered and Co. Maloney seconded

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

Signs to read "No Turn on Red" with panel beneath to read, "From 8:00 AM to 4:00 PM School Days". These signs should be erected on all intersections West Nyack Rd., Strawtown Rd./Sickletown Rd., West Nyack. (The present sign, located on the north side of West Nyack Road/Strawtown Road should be moved further west so that motorists can see the sign.)

and be it

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RESOLUTION NO. (156-1992) Continued

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

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. (157-1992)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
VARIOUS SIGN WORK - OLD
CLOVE ROAD, NEW CITY, SOUTH
OF ROUTE 304

Co. Dusanenko offered and Co. Maloney seconded

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

A Left Turn, 20 MPH (a W1-1C and W9-1X sign)
northbound 150 ft. North of Old Clove Rd., New City

A Right Turn, 20 MPH (a W1-2C and W9-1X sign)
southbound 150 ft. South of Rte 304 (replacement for
Town Speed Limit 30 sign)

Town Speed Limit 30 (a R2-63 sign) southbound 350 ft.
north of Old Clove Rd. (Relocated from 150 ft. South of
Rte. 304)

School Bus Stop Ahead (a W6-4C sign) southbound 300 ft.
North of Old Clove Rd.

Stop Ahead (a W-2-15B sign) northbound 200 ft. South of
Stop sign at Rte. 304.

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.

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. (158-1992)

AWARDING BIDS FOR BID
#11-1992 - SALE OF SURPLUS
VEHICLES

Co. Dusanenko offered and Co. Maloney seconded

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RESOLUTION NO. (158-1992) Continued

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

BID #11-1992
SALE OF SURPLUS VEHICLES

is hereby awarded to

WOODSIDE MOTORS
43-29 CRESCENT STREET
LONG ISLAND CITY, NY 11101
PRINCIPALS: JACK GINGOLD
BILL HUPPERT

TEPLITZ AUTO SALVAGE
PO BOX 280
102 WEST NYACK ROAD
NANUET, NY 10954
PRINCIPALS: ANTHONY N. TEPLITZ III
ADEL K. TEPLITZ

LIBERTY MOTORS
1705 KENNEDY BLVD.
JERSEY CITY, NJ 07305
PRINCIPALS: GARY DROUTMAN

as per the attached item/price schedule

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

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. (159-1992)

AWARDING OF BIDS FOR BID
#12-1992 - BITUMINOUS CONCRETE

Co. Dusanenko offered and Co. Maloney seconded

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

BID #12-1992
BITUMINOUS CONCRETE

is hereby awarded to

COUNTY ASPHALT
P.O. BOX 96 - WEST MAIN ST.
TARRYTOWN, N.Y. 10591
PRINCIPALS: FRANK D. COONEY, JR.
JOHN T. COONEY, SR.

TILCON NEW YORK, INC.
P.O. BOX 362
HAVERSTRAW, N.Y. 10927
A PUBLIC CORPORATION

PLAZA MATERIALS, CO.
969 MIDLAND AVE.
YONKERS, N.Y. 10704
PRINCIPAL: C. PETRILLO

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RESOLUTION NO. (159-1992) Continued

as per the attached price/item.

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

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. (160-1992)

AWARDING BIDS FOR BID
#13-1992 - CRUSHED STONE

Co. Dusanenko offered and Co. Maloney seconded

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

BID #13-1992
CRUSHED STONE

is hereby awarded to

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

LONE STAR INDUSTRIES, INC.
162 OLD MILL ROAD
WEST NYACK, N.Y. 10994
PRINCIPAL: PUBLIC CORPORATION

PLAZA MATERIALS CO.
969 MIDLAND AVENUE
YONKERS, N.Y. 10704
PRINCIPAL: CARL E. PETRILLO

M.J. LUND TRUCKING, INC.
BRISMAN DRIVE
THIELLS, N.Y. 10984
PRINCIPALS: MARTIN J. LUND

STONE INDUSTRIES, INC.
P.O. BOX 8310
CENTRAL AVENUE
HALEDON, N.J. 07538
PRINCIPAL: JANET R. BRAEN

BLUE CIRCLE
RAIA INDUSTRIES
P.O. BOX 505
HACKENSACK, N.J. 07602
PRINCIPAL: PUBLIC CORPORATION

as per attached item/price schedule.

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

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. (161-1992)

CREATING TRANSPORTATION
ADVISORY COMMITTEE -
CLARKSTOWN MINI-TRANS

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Town Board wishes to create a Transportation
Advisory Committee in order to explore ways to further effectuate the
efficiency of the Clarkstown Mini-Trans;

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RESOLUTION NO. (161-1992) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby creates the Transportation Advisory Committee to seek solutions on how to further effectuate the efficiency of the Clarkstown Mini-Trans, and be it

FURTHER RESOLVED, that the following persons are hereby appointed to the position of Member of the Transportation Advisory Committee, who shall serve at the pleasure of the Town Board, with no compensation:

- William Shaffer
- Frank Fee
- Rose Minogue
- Bonnie Freer
- Marjorie Russo

and be it

FURTHER RESOLVED, that Orrin Getz and Michael Prendergast are hereby authorized to serve in the capacity as advisory to the Transportation Advisory Committee, to provide their expertise in the area of transportation.

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. (162-1992)

AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN (ISER AND GRAF)

Supervisor Holbrook offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of May, 1991, provided for a public hearing on the 25th day of June, 1991, at 8:25 P.M., to consider the application of STEPHEN ISER and AXEL GRAF to amend the Zoning Ordinance of the Town of Clarkstown by redistricting a portion of the property of the Petitioners described on the Clarkstown Tax Map as Map 165, Block A, Lot 3.55, from an R-15 District to an RG-2 District, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated February 27, 1991, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-15 District to a RG-2 District, a portion of property known as Map 165, Block A, Lot

100

RESOLUTION NO. (162-1992) Continued

3.55, located in the Spring Valley section of Clarkstown, New York, subject to the following condition:

1. That the subject parcel be developed in conjunction with the abutting multi-family parcel, and thereby gain access and share amenities with said parcel.
2. Access shall be provided to the adjoining parcel owned by Bradco, and designated as map 165, Block A, Lot 3.02 which access shall be as shown on the Official Map of the Town of Clarkstown.

and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

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

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. (163-1992)

AUTHORIZING KARL A. KIRCHNER
TO PREPARE A PRELIMINARY
APPRAISAL ON GUSSACK REALTY
COMPANY

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Gussack Realty Company has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 89, Block A Lots 18, 26, 25, 21 and 24 for the year 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. (164-1992)

AUTHORIZING KARL KIRCHNER TO
PREPARE PRELIMINARY APPRAISAL
ON MAP 14, BLOCK C, LOT 11.1
(SEARS, ROEBUCK & CO.)

Co. Dusanenko offered and Co. Maloney seconded

RESOLUTION NO. (164-1992) Continued

WHEREAS, Sears, Roebuck & Co. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 14, Block C, Lot 11.1 for the years 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. (165-1992)

AUTHORIZING KARL A. KIRCHNER TO PREPARE A PRELIMINARY APPRAISAL ON MAP 32, BLOCK B, LOTS 2 AND 2.1 (WALDBAUMS/CALDOR)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Waldbaums, Inc., #126, Lessee and Caldor, Inc., #31, Lessee have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 32, Block B, Lots 2 and 2.1 for the years 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. (166-1992)

ACCEPTING RESIGNATION OF LISA ROONEY - ASSESSOR'S OFFICE - STUDENT WORKER

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Lisa Rooney, 135 West Nyack Road, Apt. 123, Nanuet, New York - Office Worker Student - Assessor's Office - is hereby accepted - effective and retroactive to February 13, 1992.

RESOLUTION NO. (166-1992) Continued

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. (167-1992)

ACCEPTING RESIGNATION OF
SECRETARY (MARY B. STEIN) -
FIRE BOARD OF APPEALS

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Mary B. Stein, 11
Broward Drive, New City, New York - Secretary (part-time) Fire Board
of Appeals - is hereby accepted - effective and retroactive to
February 7, 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. (168-1992)

APPOINTING TO POSITION OF
SECRETARY (PART-TIME) FIRE
BOARD OF APPEALS - TOMASINA
SCALA

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Tomasina Scala, 29A Amundsen Lane, New
City, New York, is hereby appointed to the position of Secretary
(part-time) Fire Board of Appeals - at the current 1992 annual salary
of \$1,000.00, effective and retroactive to February 24, 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. (169-1992)

GRANTING SICK LEAVE OF
ABSENCE - HIGHWAY DEPARTMENT
(CHARLES F. CONNINGTON)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section
3(k) of the Labor Agreement between the Town of Clarkstown and the
Clarkstown Unit of the C.S.E.A., Charles F. Connington, 212G Lake
Road, Valley Cottage, New York, - Laborer - Highway Department - is
hereby granted a Sick Leave of Absence - at one-half pay - effective
and retroactive to February 21, 1992 to March 21, 1992.

Continued on Next Page

RESOLUTION NO. (169-1992) Continued

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. 170-1992)

AUTHORIZING SUPERINTENDENT OF
HIGHWAYS TO PUT GRAVEL ON
SOUTH GRANT AVENUE, CONGERS
AND EVERGREEN ROAD, NEW CITY

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that the Highway Superintendent is authorized to put gravel on the unimproved portion of South Grant Avenue, Congers, New York and Evergreen Road, New City, New York, due to the fact that severe potholes have emerged as a result of the winter season.

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. (171-1992)

TRANSFERRING POLLING PLACE
(DISTRICT #14) FROM CONGERS
UNITED METHODIST CHURCH TO
CONGERS ELEMENTARY SCHOOL,

Co. Dusanenko offered and Co. Smith Seconded

RESOLVED, that the Polling Place for Election District No. 14 is being transferred from Congers United Methodist Church, Lake Road and Old Haverstraw Road, Congers, New York to Congers Elementary School, Lake Road, Congers.

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. (172-1992)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #23-1992 -
REPLACEMENT OF SEWAGE PUMP AT
LAKEWOOD DR. PUMP STATION

Co. Mandia offered and Co. Maloney seconded

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

BID #23-1992
REPLACEMENT OF SEWAGE PUMPS AT
LAKEWOOD DRIVE PUMP STATION

Continued on Next Page

RESOLUTION NO. (172-1992) 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: MONDAY, MARCH 23, 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. (173-1992)

AUTHORIZING TOWN ATTORNEY TO
ADVERTISE FOR SEALED BIDS FOR
SALE OF SURPLUS MUNICIPAL
PROPERTY (MAP 163, BLOCK A,
LOT 18) - KEMMER LANE, NANUET

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is the owner of a certain parcel of land located at Kemmer Lane, Nanuet, New York, which premises is designated on the Clarkstown Tax Map as Map 163, Block A, Lot 18, and

WHEREAS, by resolution adopted December 10, 1991, said parcel has been declared surplus municipal property which the Town Board may dispose of in accordance with law, and

WHEREAS, the Town Attorney has advised said parcel may be disposed of by public or private sale for not less than its reasonable market value, and

WHEREAS, the Town Board desires to offer this parcel for sale by sealed bids subject to a right to reject any and all such bids;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to advertise for sealed bids for the sale of the parcel as shown on a survey dated August 13, 1985, made by Adler & Young, P.C., copy of which is attached, subject to:

- (a) The right of the Town Board of the Town of Clarkstown to reject all bids.

and be it

FURTHER RESOLVED, that sealed bids shall be returnable to the Office of the Town Attorney of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on or before 2:00 P.M., on April 15, 1992, and be it

FURTHER RESOLVED, that the notice advertised pursuant to this resolution shall advise all bidders that bid security in the amount of ten percent (10%) of the bid price shall be submitted with each bid, and be it

FURTHER RESOLVED, that should any bid be accepted by further Town Board resolution, such sale shall be subject to permissive referendum..

Continued on Next Page

RESOLUTION NO. (173-1992) Continued

(Survey of property on file in Town Clerk's Office.)

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 Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Tralee Estates was opened, time: 10:50 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Tralee Estates was closed, time: 10:51 P.M.

RESOLUTION NO. (174-1992)

ORDER EXTENDING CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT #1 TO INCLUDE TRALEE
ESTATES

Co. Mandia offered and Co. Maloney seconded

A petition in this matter for the EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT #1 of the Town of Clarkstown, excluding any portion already in an existing district, having been duly adopted by the Town Board on the 28th day of January, 1992, for the hearing of all persons interested in the matter on the 25th day of February, 1992, at 8:30 P.M. ES Time, at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, New York and a Public Hearing by the said Town Board having been duly held at such time and place, and it having been duly resolved and determined, following such hearing, that the petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all property and property owners within the proposed extension were benefitted thereby, that all property and property owners benefitted were included within the limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, that there has been and will be no cost to the Town of Clarkstown pursuant to such extension, that no state owned lands are part of the extended district, or if state owned lands are part of the extended district, they consist of less than ten percent of such extended district, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby

ORDERED, that the CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT #1 of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown, described as follows:

(Description on file in Town Clerk's Office)

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: Approval of Sewer Improvements - Route 9W Pump Station was opened, time: 10:52 P.M.

On motion of Councilwoman Smith, seconded by Councilman Dusanenko and unanimously adopted, the Public Hearing Re: Approval of Sewer Improvements - Route 9W Pump Station was closed, time: 10:55 P.M.

RESOLUTION NO. (175-1992)

APPROVING CONSTRUCTION OF
SEWER IMPROVEMENTS WITH MBSIA
NO. 1 (ROUTE 9W PUMP STATION)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board" and "Town" respectively), proposes to reconstruct Route 9W Pump Station including the excavation and demolition of existing chambers, construction of a wet well and valve chambers and installation of submersible pumps (the "Sewer Improvements"), including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor, all within the Master Benefited Sewer Improvement Area No. 1, an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Sewer Improvement Area No. 1"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by Charles R. Velzy Associates, Inc., competent engineers duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$150,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Sewer Improvement Area No. 1 which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds; and

WHEREAS, the Town Board determined to proceed with the construction of such Sewer Improvement and adopted an order on February 11, 1992, reciting a description of the improvements proposed, a description of the proposed benefited area, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying February 25, 1992, at 8:35 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the construction of such Sewer Improvement and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a public hearing in the matter of the construction of the proposed Sewer Improvement was duly held by the Town Board on this 25th day of February, 1992, commencing at 8:35 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the construction of said Sewer Improvement;

Continued on Next Page

RESOLUTION NO. (175-1992) Continued

Now, therefore, upon the evidence adduced at such public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the notice of public hearing was published and posted as required by law, and is otherwise sufficient;

(b) all the property in the proposed Sewer Improvement Area No. 1 is benefited by the Sewer Improvement and all the property benefited by the Sewer Improvement is included in the proposed Sewer Improvement Area No. 1;

(c) it is in the public interest to construct the Sewer Improvement, described in the recitals hereof, within the Sewer Improvement Area No. 1, at the estimated maximum cost of \$150,000; and

(d) the estimated maximum cost of the Sewer Improvement of \$150,000 does not exceed one tenth of one per centum of the full valuation of the taxable real property in the Sewer Improvement Area No. 1, and pursuant to Section 209-q 13. of Article 12-C of the Town Law, the permission of the State Comptroller is not required for the Sewer Improvement.

Section 2. The construction of the Sewer Improvement within the Sewer Improvement Area No. 1 is hereby approved, as hereinabove described, and such facilities are hereby authorized to be constructed, as set forth in said Order Calling Public Hearing, within the Sewer Improvement Area No. 1, in the Town, situate wholly outside of any incorporated village or city, and said Sewer Improvement Area No. 1 is more particularly bounded and described as follows:

All areas of the Town of Clarkstown outside of any village not included in Master Benefited Sewer Improvement Area No. 2 as more particularly shown on the Map of the Town of Clarkstown available for public inspection which is on file with the Town Clerk.

Section 3. The maximum amount proposed to be expended for said improvements is \$150,000 which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Sewer Improvement Area No. 1 which the Town Board shall determine to be especially benefited by such Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution, within ten (10) days after the adoption of this resolution, in the office of the County Clerk of Rockland County.

Section 5. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Dusanenko and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook and Councilmembers Maloney, Smith, Mandia and Dusanenko

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (176A-1992)

APPROPRIATING \$150,000 FOR
CONSTRUCTION OF SEWER
IMPROVEMENTS WITHIN THE MBSIA
NO. 1 AND AUTHORIZING THE
ISSUANCE OF \$150,000 SERIAL
BONDS TO FINANCE SAID
APPROPRIATION

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board") and "Town" respectively), proposes to reconstruct Route 9W Pump Station including the excavation and demolition of the existing chambers, construction of a wet well and valve chambers and installation of submersible pumps (the "Sewer Improvements"), including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor, all within the Master Benefited Sewer Improvement Area No. 1, an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Sewer Improvement Area No. 1"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by Charles R. Velzy Associates, Inc., competent engineers duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$150,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Sewer Improvement Area No. 1, which the Town Board shall determine to be especially benefited by said sewer improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds; and

WHEREAS, after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct said Sewer Improvement within the Sewer Improvement Area No. 1, and ordered that such Sewer Improvement be constructed at the estimated maximum cost of \$150,000;

WHEREAS, it has been determined by the Town Board that the estimated maximum cost of the Sewer Improvement of \$150,000 does not exceed one tenth of one per centum of the full valuation of the taxable real property in the Sewer Improvement Area No. 1, and pursuant to Section 209-q 13. of Article 12-C of the Town Law, the permission of the State Comptroller is not required for the Sewer Improvement,

NOW, THEREFORE, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$150,000 for the reconstruction of Route 9W Pump Station, including the excavation and demolition of the existing chambers, construction of a wet well and valve chambers and installation of submersible pumps (the "Sewer Improvement"), including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor, all within the unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Sewer Improvement Area No. 1"), pursuant to Article 12-C of the Town Law, and in accordance with the map, plan, and report prepared therefor by Charles R. Velzy Associates, Inc., competent engineers duly licensed by the State of New York, on file in the office of the Town Clerk and

Continued on Next Page

RESOLUTION NO. (176A-1992) Continued

heretofore approved by the Town Board of the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$150,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$150,000 to finance said appropriation, and the levy and collection of special assessments from the several lots and parcels of land within the Sewer Improvement Area No. 1 which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$150,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$150,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 3 (1) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

Continued on Next Page

RESOLUTION NO. (176A-1992) Continued

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Councilmember Dusanenko and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Councilmembers Maloney, Smith, Mandia and Dusanenko

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (176B-1992)

DIRECTING TOWN CLERK TO PUBLISH BOND RESOLUTION REGARDING SEWER IMPROVEMENT (ROUTE 9W PUMP STATION)

Co. Smith offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, is hereby directed to publish the foregoing bond resolution, in full, in "THE JOURNAL NEWS", a newspaper published in West Nyack, New York, having a general circulation within the Town and hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Councilmember Dusanenko and duly put to a vote on roll call, which resulted as follows:

AYES: All

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (177-1992)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #24-1992 (NY
STATE ROUTE 9W PUMP STATION
RECONSTRUCTION)

Co. Smith offered and Co. Dusanenko seconded

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

BID #24-1992
N.Y. STATE ROUTE 9W
PUMP STATION RECONSTRUCTION

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,
APRIL 2, 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 Environmental Control.

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. (178-1992)

REQUESTING NEW YORK STATE
DEPARTMENT OF
TRANSPORTATION TO REMOVE
TREES ON ROUTE 59, WEST
NYACK (FOXWOOD ROAD)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the New York State Department of
Transportation has inadvertently cut down trees on Route 59, West
Nyack, New York in the vicinity of Foxwood Road and

WHEREAS, the residents in this area have stated that
the removal of the trees has effected their privacy and has
subjected them to noise pollution.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown
requests that the New York State Department of Transportation put
the screening back.

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. (179-1992)

REQUESTING NEW YORK STATE
THRUWAY AUTHORITY DREDGE
THE HACKENSACK CREEK IN
WEST NYACK

RESOLUTION NO. (179-1992) Continued

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, the Hackensack Creek running under the New York State Thruway in West Nyack, New York is obstructed,

NOW, THEREFORE, be it

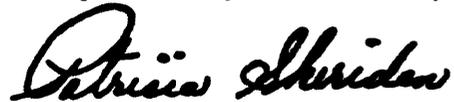
RESOLVED, that the Town Board of the Town of Clarkstown requests that the New York State Thruway Authority dredge the Hackensack Creek in this area to correct this condition.

On roll call the vote was as follows:

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

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: 11:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/25/92

10:50 P.M.

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

Re: Extension of Clarkstown Consolidated Water Supply District #1
to include Tralee Estates

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

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

No one appeared

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

No one appeared

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 10:51 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 174-1992 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/25/92

10:52 P.M.

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

RE: Approval of Sewer Improvements - Route 9W Pump Station

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

Mr. Suttie was sworn in by Murray Jacobson, Town Attorney.

Mr. Suttie gave a description of where the station was to be located and the type of station it was to be. He said it was restricted in the amount of flow it would take. He said the present pump station now lacks the capacity to serve the area. He said there have been problems with the mechanism in the pump station which was built in 1968. We would now like to enlarge the capacity.

Town Attorney asked Mr. Suttie is all the property in the proposed Sewer Improvement Area No. 1 benefitted by this sewer improvement? Mr. Suttie replied in the affirmative. Town Attorney asked if all the property benefitted by the sewer improvement is included in the Master Benefited Sewer Area No. 1? Mr. Suttie again replied in the affirmative.

Supervisor Holbrook said some properties have contributed to this. Are there other properties that should be contributing to this? Town Attorney said not unless they want to come in at some future time from somewhere else. Supervisor said then any new development would have to trade up to come into this? Town Attorney said if it is an adjoining sewer improvement area but not if it is in this area.

Councilman Dusanenko asked what the cost was on this? Mr. Suttie said approximately \$150,000.00. Supervisor asked if this was due to old age or overuse or what? Mr. Suttie said it is overloaded as it is now. Councilman Dusanenko said so this will increase the capacity and modernize it.

Councilwoman Smith asked when work would be started on this? Mr. Suttie said as soon as the Town Board authorizes it. Councilman Dusanenko asked if this could be brought to the next workshop? Supervisor Holbrook said we could just close and reserve decision. Town Attorney said you can do that or you can approve it and pass the bonding resolution.

Councilman Dusanenko said we all agree that this has to be done. If he has to go out to bid maybe we ought to authorize the going out to bid now so that we don't waste time on it. Town Attorney said a bond resolution is subject to permissive referendum so you have to wait thirty days anyway. Les Bollman, Director of Environmental Control said we could go out to bid but he would not want to award the bid until we have the money from the bond. Councilwoman Smith said when can the project begin? Mr. Suttie said all the engineering has been completed and it is ready for bid now. Mr. Bollman asked if you started with the shovel in the ground now how long would it take? Mr. Suttie said approximately three months. Supervisor asked if this was from old age or over use and is it over loaded? Mr. Suttie stated that it was over loaded.

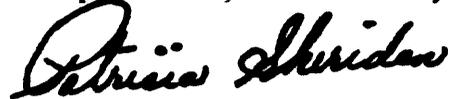
Councilman Dusanenko asked Town Attorney if he recommended that we go out to bid now? Town Attorney said upon

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review he notes that this is not subject to permissive referendum so you could do it if you pass the bond resolution. You do have some periods that you have to run so you could authorize the bond but you can't award a bid for awhile - thirty days or thereabouts. You could authorize him going out to bid but he can't award right away. Town Attorney said then you have three resolutions you have to pass if this is your pleasure.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared closed, time: 10:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTIONS NO. 175-1992, 176A-1992 and 176B-1992 ADOPTED)
(RESOLUTION NO. 177-1992 adopted authorizing going out to bid)