

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/14/92

8:00 P.M.

Present: Supervisor Holbrook
Council Members: Dusanenko, Maloney, Mandia & 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: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding Item 29 (a) and (b) which pertained to law suits stemming from alleged charges against town employees.

Appearance: Mr. Warren Getz
New City, New York

Mr. Getz gave information regarding recycling to the Town Board.

Appearance: Mr. Jim Boyd
New City, New York

Mr. Boyd spoke regarding Item 19 (stream maintenance in vicinity of Salem Road).

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

Mr. Salon spoke regarding plans for the proposed police/court facility.

Appearance: Mr. John Lodico
New City, New York

Mr. Lodico spoke regarding the construction of the Police Station and Dutch Gardens restoration.

Appearance: Ms. Dorinda Mittiga
Congers, New York

Ms. Mittiga spoke regarding Item 29 - opposed to Town paying for defense.

Appearance: Mr. Les Bollman
Director, Env. Control

Mr. Bollman spoke regarding Item 19 - stream maintenance vicinity of Salem Road, New City.

Appearance: Mr. Steve Horn

Mr. Horn spoke regarding zone change on Mountainview Avenue.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley spoke regarding Item 19 - separating issues. He also spoke regarding Costco and the elimination of a proposed island which was depicted in the original picture. He

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felt that the angle parking was dangerous. He was opposed to the Town's accepting out of town garbage.

Appearance: Mr. Lou Profena
New City, New York

Mr. Profena presented his resume for the position of Comptroller.

Appearance: Mr. Martin Feldi
New City, New York

Mr. Feldi spoke regarding the ingress from and egress to Laurel Road from his development.

Appearance: Mr. Vincent Reda
New City, New York

Mr. Reda spoke in opposition to the number of deputy town attorneys.

Appearance: Mr. Joseph Pantano
New City, New York

Mr. Pantano spoke regarding double billing in Justice Court and the additional deputy town attorney position.

RESOLUTION NO. (477-1992) ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
JUNE 23, 1992

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that the minutes of the Town Board Meeting of June 23, 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

RESOLUTION NO. (478-1992) AMENDING ZONING
ORDINANCE OF THE TOWN
OF CLARKSTOWN - HOPF
ENTERPRISES, INC. (MAP
164, BLOCK A, LOT 14)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 14th day of April, 1992, provided for a public hearing on the 26th day of May, 1992, at 8:40 P.M., to consider the application of HOPF ENTERPRISES, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 164, Block A, Lot 14, from an R-15 District to an LIO 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

RESOLUTION NO. (478-1992) Continued

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 April 22, 1992, 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 an LIO District, the following described property in the Spring Valley section of Clarkstown, New York, and be it

FURTHER RESOLVED, that the zone change provided for herein shall be subject to the following conditions, and shall be implemented by the property owners or his successor in interest as follows:

1. Applicant shall covenant the Town of Clarkstown that no access shall be allowed to Pascack Road, which covenant shall be in a form satisfactory to the Town Attorney;
2. The area presently zoned R-15, for which change is requested, shall be utilized solely for parking, with no building construction of any kind to be permitted within that area. A restrictive covenant shall be filed to this effect, which covenant shall be in a form satisfactory to the Town Attorney;
3. Applicant shall grant gratuitous widening strip along Pascack Road, which conveyance shall be subject to the satisfaction of the Town Attorney;
4. Ingress/egress from the Hopf property shall provide for right turn in/right turn out only. No left turns shall be permitted;
5. The commercial development should be totally screened from view from the nearby homes;
6. All new and used material (tires, oil, etc.) stored shall be within an enclosed building or screened dumpster;
7. All mechanical operations, particularly tire changing, shall be performed indoors with doors closed, in order to minimize the noise impact on nearby residences;
8. Applicant shall return to the Planning Board for Preliminary and Final site plan review;
9. Applicant agrees to use a joint access with the Haber Realty property, if, as and when such an opportunity becomes available, even after site plan is developed, or any time in the interim period.

and be it

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RESOLUTION NO. (478-1992) Continued

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. (479-1992)

AUTHORIZING PLANNING BOARD TO APPLY TOWN LAW SECTION 281 (AGATHE KONGSHOJ)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Atzl, Scatassa & Zigler, P.C., engineers for the applicant Agathe Kongshou, have made written application for the use of Town Law Section 281 in connection with a subdivision shown on a map entitled, "Average Density Layout, Subdivision of Property for Agathe Kongshoj, Town of Clarkstown, Rockland County, New York," dated July 18, 1991, last revised June 11, 1992, prepared by Atzl, Scatassa & Zigler, P.C., and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 281 in connection with this subdivision because the average density layout provides for a better distribution of area, with no driveway access for Lot 3 from Brookway Avenue, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 authorization is granted for the development of the property for Agathe Kongshoj;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 for the proposed subdivision as shown on a map entitled, "Average Density Layout, Subdivision of Property for Agathe Kongshoj, Town of Clarkstown, Rockland County, New York," dated July 18, 1991, last revised June 11, 1992, prepared by Atzl, Scatassa & Zigler, P.C., subject to the following conditions:

1. Applicant shall have no driveway access for Lot 3 from Brookway Avenue;
2. Applicant shall provide a 25 ft. access for Lot 3 to Maple Road;
3. A note shall be placed on the map, and a Restrictive Covenant shall be submitted by the applicant, that in the event the Heaton property is further subdivided the owner of Lot 2 shall participate in road maintenance up to the end of owner's driveway;

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RESOLUTION NO. (479-1992) Continued

- 4. Applicant shall comply with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed map.

On roll call the vote was as follows:

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

At this point a resolution was read regarding the amendment of restrictive covenants for Kingsgate, Lot E-2 (Timberline). Councilman Dusanenko noted that now we have approximately 130 feet of setbacks and he understood the original request of the owner was to split that 100 feet fifty-fifty but over the last several months negotiations have gone on so that 130 foot buffer now is coming down to a 50 foot on one side and a 30 foot on the other and somebody is picking up 50 extra feet of property. Supervisor asked Mr. Yacyshyn what the recommendation of the Planning Board was with regard to this? Mr. Yacyshyn said not to take action at this time as we have a number of issues to be resolved and taken into account at the same time. It was decided this would be withdrawn and discussed at the workshop on August 3rd.

With regard to Agenda Item 5 (Changing zoning designation of property owned by Bradco Realty Corp.) Supervisor said from his point of view he would remove the R-15 district. Town Attorney said the Planning Consultant sent a memo dated today noting that the property in question may have been the subject of the dumping of industrial waste some years ago by users of the building. It was felt that the Town might wish to consider this before completing the SEQRA process. It was decided to hold off on this item as well.

RESOLUTION NO. (480-1992)

PETITION UNITED STATES
 POSTAL SERVICE TO
 SERVICE CHAPARRAL ROAD
 AND MESA PLACE AS
 NANUET RESIDENCES
 RATHER THAN SPRING
 VALLEY

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clakstown hereby petitions the United States Postal Service to provide postal service to the residences situated on Chaparral Road and Mesa Place in the Town of Clarkstown from the Nanuet, New York post office and to change the postal address of such residences from Spring Valley, NY 10977 to Nanuet, NY 10954

On roll call the vote was as follows:

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RESOLUTION NO. (480-1992) Continued

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

RESOLUTION NO. (481-1992)

AUTHORIZING SUPERVISOR
TO FILE RECREATION
PROJECT RENEWAL
(COMMUNITY CENTER
PROGRAM/5 TOWNS)

Co. Smith offered and Co. Maloney seconded

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Program/5 Towns" with the New York State Division for Youth, in the amount of \$5,624.00 for the period commencing January 1, 1993 through December 31, 1993.

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. (482-1992)

AUTHORIZING SUPERVISOR
TO FILE RECREATION
PROJECT RENEWAL
(COMMUNITY CENTER
PROGRAMS)

Co. Smith offered and Co. Maloney seconded

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, in the amount of \$22,568.00 for the period commencing January 1, 1993 through December 31, 1993.

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. (483-1992)

AUTHORIZING SUPERVISOR
TO EXECUTE AGREEMENT
WITH COUNTY OF ROCKLAND
COMMUNITY (DEVELOPMENT
FUNDS FOR 1990)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (483-1992) Continued

RESOLVED, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Supervisor of the Town of Clarkstown is hereby authorized and directed to execute an agreement with the County of Rockland providing for the allocation of 1990 Community Development Program funds to the Town of Clarkstown in the amount of \$40,000.00.

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. (484-1992)

AMENDING RESOLUTION NO. 1-1992 REGARDING SCHEDULED TOWN BOARD AND WORKSHOP MEETING DATES

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 1-1992, adopted by the Town Board of the Town of Clarkstown on January 6, 1992, establishing Town Board and Workshop meeting days, is hereby amended as follows for the months of July and August:

TOWN BOARD WORKSHOP

TOWN BOARD MEETING

July 6, 1992
August 3, 1992

July 14, 1992
August 18, 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. (485-1992)

AUTHORIZING CERTAIN CLARKSTOWN EMPLOYEES TO ATTEND MANDATORY TRAINING SESSIONS (HEPATITIS VACCINATION) - CHARGE TO ACCOUNT NO. A 9000-806

Co. Smith offered and Co. Maloney seconded

WHEREAS, the New York State Public Employee Safety and Health requirements include provisions to offer HBV (Hepatitis) vaccination and mandatory training sessions to certain designated employees who request the vaccination, which vaccination and training sessions are at no cost to such employees;

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RESOLUTION NO. (485-1992) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown shall offer such HBV vaccination and training sessions to the employees of the Town of Clarkstown designated on Schedule "A" annexed hereto at no cost to such employees, and be it

FURTHER RESOLVED, that the cost of such vaccination and mandatory training sessions shall be charged to Account Number A-9000-806.

(Schedule A 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. (486-1992)

AUTHORIZING ATTENDANCE
AT HOME STUDY COURSE
(VARIOUS PERSONNEL -
HIGHWAY) - CHARGE TO
ACCOUNT #A-1010-414

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Charles Burgio, HMS III, George Drescher, HMS II, John Clune, HMS II, and Karl Gerlach, HMS II, Thomas Westervelt, Nick Mazzio, Eric Gabrielson, Ray Bonelli and Ken Gurnee are hereby authorized to participate in a Home-Study Course (SI-2 "Electrical Hazards"), sponsored by the National Arborist Association, Inc. at a cost of \$110.00 per person, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against appropriation Account No. A-1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (487-1992)

AUTHORIZING CLARKSTOWN
POLICE TO TRANSFER ITS
LOW BAND MOBILE RADIOS
AND REPEATER SYSTEMS TO
ROCKLAND COUNTY HIGHWAY

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Police Department of the Town of Clarkstown have ceased using the Low Band Mobile Radios and repeater systems, and are presently using high band channels and communication equipment, and

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RESOLUTION NO. (487-1992) Continued

WHEREAS, it has been recommended by the Police Department to transfer such equipment to the Rockland County Highway Department, who can use this system;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the transfer of the Low Band Mobile Radios and repeater systems formerly used by the Clarkstown Police Department to be transferred to the Rockland County Highway Department.

On roll call the vote was as follows:

Councilman Dusanenko said he understood that these radios have very little value to us so another municipality, to which we also pay taxes, can use them.

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

A County wide system of assessment was discussed at this point. Town Clerk read a letter (on file in Town Clerk's office) from the Rockland County Assessors' Association dated July 14, 1992 objecting to this proposal which letter is on file in the Town Clerk's Office. The resolution regarding the same was offered by Councilman Dusanenko but received no second.

RESOLUTION NO. (488-1992)

AUTHORIZING SETTLEMENT
OF TAX CERTIORARI
(NORTHGATE PROPERTIES
LIMITED PARTNERSHIP)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled Northgate Properties Limited Partnership v. The Assessor and Board of Review of the Town of Clarkstown, for the year 1991/92, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 120, Block H, Lot 20.1 be reduced for the year 1990 from \$1,797,200 to \$1,579,500;
2. That the premises owned by the petitioner described on the assessment roll as Map 120, Block H, Lot 20.1 be reduced for the year 1991 from \$1,797,200 to \$1,529,500;
3. That reimbursement for the years 1990 and 1991 on the aforesaid parcel be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged;
4. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations,

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RESOLUTION NO. (488-1992) Continued

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 Nyack Union Free 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. (489-1992)

AUTHORIZING SETTLEMENT
OF TAX CERTIORARI
(SEARS, ROEBUCK & CO.)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Sears, Roebuck & Co. v. The Board of Assessors and the Board of Assessment Review of the Town of Clarkstown and the Nanuet Union Free School District for the years 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:

1. That the premises owned by the petitioner described on the assessment roll as Map 14, Block C, Lot 11.1 be reduced for the years 1990/91 and 1991/92 from \$11,400,000 to \$8,400,000.
2. That the premises owned by the peitioner described on the assessment roll as Map 14, Block C, Lot 11.1 be reduced for the year 1992/93 from \$11,400,000 to \$6,000,000.
3. That reimbursement for the years 1990/91 and 1991/92 be made within 60 days through the office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged.
4. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

On roll call the vote was as follows:

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RESOLUTION NO. (489-1990) Continued

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

RESOLUTION NO. (490-1992)

ESTABLISHING ADJUSTED
BASE PROPORTIONS FOR
CERTIFICATION TO STATE
BOARD OF EQUALIZATION
AND ASSESSMENT

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby established the adjusted base proportions for the levy of taxes on the 1992 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

(Attachment on File in Town Clerk's Office)

Councilman Dusanenko noted that county wide assessing would still necessitate having our professional people double check those figures. He said the Town of Ramapo has approximately 20,000 more residents. Using an average home with about 4 residents per home that is 5,000 domiciles of every description. You add the assessment of 5,000 homes. We are paying almost as much County tax, and have been for twenty years, as 20,000 more Ramapo residents. This Town in the past took the State of New York to court and protested. There are people in the Town of Clarkstown who pay more because of being in the Ramapo School District. In one year a Ramapo resident might get an increase of \$100.00 as opposed to a Clarktown resident who may pay a \$300.00 increase for an identical home. Because of these inequities many people in Clarkstown are being short changed in their school taxes if they are in a district that transcends town lines and all of us are being short changed on County taxes. We have to adopt this item, we have no alternative. Dutchess County when it went to county wide assessing found 1,000 parcels that were never taxed going back to King George. In some cases they were vacant land, some were little slivers along highways, and some were beautiful homes and factories that political parties happened to overlook.

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. (491-1992)

AUTHORIZING MOSQUITO
SPRAYING (TIMOTHY
COURT, WEST NYACK)

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RESOLUTION NO. (491-1992) Continued
dCo. Maloney offered and Co. Smith seconded

RESOLVED, that the following residences are hereby added to the list of properties qualifying for mosquito spraying: 1, 2, 3, 4, 5, and 6 Timothy Court in West Nyack.

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. (492-1992)

EXTENDING LEASE
AGREEMENT - WEST NYACK
LITTLE LEAGUE - USE OF
GERMONDS PARK

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the WEST NYACK LITTLE LEAGUE wishes to extend the lease agreement with the Town of Clarkstown for its use of a portion of Germonds Park for little league purposes, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that said property be used by the West Nyack Little League, as it has been for the past five years;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an extension agreement with the West Nyack Little League, for use of portions of Germonds Park for little league purposes, and be it

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

FURTHER RESOLVED, that said agreement shall cover the period March 15, 1992 to March 14, 1997.

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. (493-1992)

WAIVING ALL FEES FOR
CONGERS V.M.A. LITTLE
LEAGUE COMPLEX - MAP
129, BLOCK A, LOT 5.10

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Congers V.M.A. Little League is a not-for-profit organization, and

WHEREAS, they plan to develop a baseball complex that would benefit children within the Town of Clarkstown,

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RESOLUTION (493-1992) Continued

NOW, THEREFORE, be it

RESOLVED, that all fees relating to the planning and construction of their proposed facility on property identified as Map 129, Block A, Lot 5.10 are hereby waived.

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. (494-1992)

DECLARING TOWN PROPERTY
SURPLUS AND AUTHORIZING
SALE - END OF NORTH
FAIRVIEW AVENUE, NANUET

Co. Maloney Offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown is the owner of premises described on Schedule "A" annexed hereto, which premises is located in Nanuet, New York, at the end of North Fairview Avenue, and

WHEREAS, said premises was acquired as part of the installation of North Fairview Avenue and is not necessary for the present maintenance and use of said road, and

WHEREAS, the Town has received an offer to purchase said property from James Rudolph and Joan Rudolph for the sum of \$1,225.00, which price appears to be the fair market value of said property;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That the premises described on Schedule "A" annexed hereto is surplus municipal property;
2. That the offer of James Rudolph and Joan Rudolph to purchase said property for the sum of \$1,225.00, which is equal to the fair market value, is hereby accepted;

and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a Contract of Sale and Bargain and Sale Deed, in a form satisfactory to the Town Attorney, for delivery to the purchaser in accordance with the terms of this Resolution, and be it

FURTHER RESOLVED, that this Resolution shall be subject to Permissive Referendum.

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

On roll call the vote was as follows:

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RESOLUTION NO. (494-1992) Continued

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

RESOLUTION NO. (495-1992)

AUTHORIZING TOWN
ATTORNEY TO DEFEND
PROCEEDING AGAINST TOWN
OF CLARKSTOWN
(BROWNING-FERRIS
INDUSTRIES OF NEW YORK,
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

BROWNING-FERRIS INDUSTRIES OF NEW YORK, INC.

Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

JOHN DANAHY, EUGENE BURNS, MARTIN
MICHAELSON, EDWARD HEED and WENDY
GANNON, constituting the SANITATION
COMMISSION OF THE TOWN OF CLARKSTOWN,
and the TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

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. (496-1992)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID
#49-1992 (ROUTE 59
IMPROVEMENT PROJECT)

Co. Smith offered and Co. Maloney seconded

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

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RESOLUTION NO. (496-1992) Continued

BID #49-1992
ROUTE 59 IMPROVEMENT PROJECT

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 August 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 Environmental Control, upon payment of \$50.00 non-refundable 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. (497-1992)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #51-1992 (TWO PASSENGER TURF VEHICLE)

Co. Smith offered and Co. Maloney seconded

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

BID #51-1992
TWO PASSENGER TURF VEHICLE

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 August 4, 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. (498-1992)

REJECTION OF PROPOSAL RECEIVED FOR BID #47-1992/AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #47-1992 (UNIFORM MAINTENANCE SERVICE FOR POLICE DEPARTMENT) AND

Continued on Next Page

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RESOLUTION NO. (498-1992) Continued

AUTHORIZING ADVERTISE-
MENT FOR BID #47A-1992
RE SAME

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the
Captain of the Police Department and the Director of Purchasing
that the sole proposal received for

BID #47-1992
UNIFORM MAINTENANCE SERVICE FOR CLARKSTOWN
POLICE DEPARTMENT

is hereby rejected, and be it

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

BID #47A-1992
UNIFORM MAINTENANCE SERVICE FOR CHARKSTOWN
POLICE DEPARTMENT

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
August 5, 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. (499-1992)

CORRECTION OF
RESOLUTION NO. 222-1992
(BID #16-1992 -
DRIVEWAY FOR ARC
PROPERTY)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Town Board Resolution #222-1992
dated March 24, 1992 is hereby corrected to read

RESOLVED, that

BID #16-1992
DRIVEWAY FOR ARC PROPERTY
70 NORTH HARRISON AVE., CONGERS

is hereby awarded to

ALL SEASONS LANDSCAPING INC.
P.O. BOX 375
SUFFERN, N.Y. 10901
PRINCIPALS: TIMOTHY GULLA
RICHARD VELARDI

Continued on Next Page

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RESOLUTION NO. (499-1992) Continued

as per their low bid proposal of \$20,050.00 and be it

RESOLVED, that said award is subject to:

- a) The execution of a formal contract between the successful contractor and the Town of Clarkstown.
- b) The receipt by the Town of a Performance Bond for 100% of proposed project cost from the successful contractor.
- c) The receipt of a Certificate of Insurance with coverage and limits as specified in paragraph 20 of the General Instructions to Bidders,

and be it

FURTHER RESOLVED, that said project shall be under the supervision and direction of the Rockland County Office of Community Development.

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. (500-1992)

AWARDING OF BID
 #46-1992 (REINFORCED
 CONCRETE CULVERT PIPE)
 - VARIOUS BIDDERS

Co. Dusanenko offered and Co. Maloney seconded

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

BID #46-1992
 REINFORCED CONCRETE CULVERT PIPE AND
 CONCRETE CATCH BASIN BLOCKS & BRICKS

is hereby awarded to:

VIANINI PIPE COMPANY, INC.
 P. O. BOX D
 SOMERVILLE, N.J. 08876
 PRINCIPAL: VIANINI INDUSTRIA

FEDERAL BLOCK CORPORATION
 P.O. BOX 4090
 129 WALSH AVENUE
 MEW WINDSOR, NY 12550
 PRINCIPAL: JOHN MONTFORT
 STEPHEN E. MIRON

J. DEPAULIS
 300 ROUTE 303 NORTH
 CONGERS, N.Y. 10920
 PRINCIPAL: JOSEPH DEPAULIS
 JOHN DEPAULIS

as per attached price schedule

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

On roll call the vote was as follows:

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RETAKE OF PREVIOUS DOCUMENT

1
1
1
1

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RESOLUTION NO. (499-1992) Continued

as per their low bid proposal of \$20,050.00 and be it

RESOLVED, that said award is subject to:

- a) The execution of a formal contract between the successful contractor and the Town of Clarkstown.
- b) The receipt by the Town of a Performance Bond for 100% of proposed project cost from the successful contractor.
- c) The receipt of a Certificate of Insurance with coverage and limits as specified in paragraph 20 of the General Instructions to Bidders,

and be it

FURTHER RESOLVED, that said project shall be under the supervision and direction of the Rockland County Office of Community Development.

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. (500-1992)

AWARDING OF BID
 #46-1992 (REINFORCED
 CONCRETE CULVERT PIPE)
 - VARIOUS BIDDERS

Co. Dusanenko offered and Co. Maloney seconded

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

BID #46-1992
 REINFORCED CONCRETE CULVERT PIPE AND
 CONCRETE CATCH BASIN BLOCKS & BRICKS

is hereby awarded to:

VIANINI PIPE COMPANY, INC.
 P. O. BOX D
 SOMERVILLE, N.J. 08876
 PRINCIPAL: VIANINI INDUSTRIA

FEDERAL BLOCK CORPORATION
 P.O. BOX 4090
 129 WALSH AVENUE
 MEW WINDSOR, NY 12550
 PRINCIPAL: JOHN MONTFORT
 STEPHEN E. MIRON

J. DEPAULIS
 300 ROUTE 303 NORTH
 CONGERS, N.Y. 10920
 PRINCIPAL: JOSEPH DEPAULIS
 JOHN DEPAULIS

as per attached price schedule

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

On roll call the vote was as follows:

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RESOLUTION NO. (500-1992) Continued

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

RESOLUTION NO. (501-1992)

AWARDING BID FOR BID
#41-1992 - PARK
EQUIPMENT (PEGGY PAYNE &
ASSOC., BILL SIMIONE &
ASSOCIATES, INC., JOHN
P. SMITH CO., AND
UNIVERSAL PLAY SYSTEMS,
INC.)

Co. Dusanenko 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 #41-1992
PARK EQUIPMENT

is hereby awarded to the following bidders as per their lowest bid
proposals which meet specifications

PEGGY PAYNE & ASSOC
2 CHAUCER STREET
HARTSDALE, NY 10530
PRINCIPAL: PEGGY PAYNE

BILL SIMIONE & ASSOCIATES INC
5 KREY BOULEVARD
RENSELAER, NY 12144
PRINCIPAL: WILLIAM M. SIMIONE

JOHN P. SMITH CO
20 BALDWIN DRIVE
PO BOX 840
BRANFORD, CT 06405
PRINCIPAL: BARNARD F. NORTON

UNIVERSAL PLAY SYSTEMS INC
33 CHELSEA ROAD
NEW ROCHELLE, NY 10805
PRINCIPAL: LAUREN MARTELLI

as per the attached schedule

(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. (502-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 43, BLOCK E, LOT
8.51)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby
authorized to institute proceedings as stipulated in Chapter
216 of the Code of the Town of Clarkstown to remove or rectify

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RESOLUTION NO. (502-1992) Continued

violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 43, Block E, Lot 8.51, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:35 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (503-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 42, BLOCK A, LOT
12)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Coce of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 12, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:40 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (504-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 42, BLOCK A, LOT
13)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (504-1992) Continued

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 13, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:45 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (505-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 42, BLOCK A, LOT
16)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 16, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:50 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (506-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 42, BLOCK A, LOT
17)

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Page 21

RESOLUTION NO. (506-1992) Continued

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 17, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:55 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (507-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 42, BLOCK A, LOT
15)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 15, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 9:00 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (508-1992)

AUTHORIZING SUPERVISOR
TO ENTER INTO
AGREEMENT WITH ACUMEN

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RESOLUTION NO. (508-1992) Continued

COMPUTER SERVICE -
APPROPRIATION ACCOUNT
NO. A-1680-409

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with ACUMEN COMPUTER SERVICES, in a form approved by the Town Attorney, for the period commencing July 15, 1992, through May 1993 tdo provide technical support needed to maintain the computer programs and data files currently in use in the office of the Receiver of Taxes, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$3,0000.00. which shall be charged to Appropriation Account No. A-1680-409.

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. (509-1992)

INCREASING ESTIMATED
REVENUE ACCOUNT NO. A
01-10-3830-0 (D.A.R.E.
GRANT) AND
APPROPRIATION ACCOUNT
NO. 3230-110 (D.A.R.E.
- SALARIES)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$1,250.00 from the State of New York,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 01-10-3830-0 (D.A.R.E. Grant) and Appropriation Account No. 3230-110 (D.A.R.E. - Salaries) by \$1,250.00.

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. (510-1992)

DECREASING APPROPRIA-
TION ACCOUNT A 1355-
463 (ASSESSOR-DATA
PROCESSING CHARGES)
AND INCREASING
APPROPRIATION ACCOUNT
A 1680-225 (DATA
PROCESSING-COMPUTER
EQUIPMENT)

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RESOLUTION NO. (510-1992) Continued

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, it is necessary to purchase additional disk capacity for the Town's main computer,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account A 1355-463 (Assessor-Data Processing Charges) and increase Appropriation Account A 1680-225 (Data Processing-Computer Equipment) by \$17,500.00.

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. (511-1991)

INCREASING ESTIMATED REVENUE ACCOUNT NO. H 15-9-2705 (CAPITAL-GIFTS & DONATIONS) AND H 8110-409-18-1 (RE-CONSTRUCTION OF 9W PUMP STATION)

Co. Dusanenko offered and Co. Maloney

WHEREAS, SBRC, Bridgewater II has donated \$10,000 for the Reconstruction of the 9W Pump Station,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. H 15-9-2705 (Capital-Gifts & Donations) and H 8110-409-18-1 (Reconstruction of the 9W Pump Station) by \$10,000).

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. (512-1992)

INCREASING ESTIMATED REVENUE ACCOUNT NO. A-01-3-1520-0 (POLICE) AND APPROPRIATION ACCOUNT NO. A 3120-111 (POLICE-OVERTIME)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$3,285.00 from the County of Rockland as reimbursement for police instructor salaries,

NOW, THEREFORE, be it

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RESOLUTION NO. (512-1992) Continued

RESOLVED, to increase Estimated Revenue Account No. A-01-3-1520-0 (Police) and Appropriation Account No. A-3120-111 (Police-Overtime) by \$3,285.00.

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. (513-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"STOP HERE ON RED"
SIGNS, RELOCATING
EXISTING STOP BAR, AND
IMPLEMENTING RETIMING
OF T.S. #19 - MAIN
STREET, NEW CITY

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, Traffic & Highway Engineering Consultant in a report dated July 6, 1992, the Town Board of the Town of Clarkstown hereby authorizes John F. Mauro, Superintendent of Highways to install the following signs:

<u>SIGNS</u> <u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
s/b Main Street, approximately 50 feet north of traffic signal heads (T.S. #19) (just north of driveway of 143 So. Main Street, New City)	Stop Here on Red	R7-8C

PAVEMENT MARKINGS
Location

Relocate existing stop bar at T.S. #19, approximately 50 feet north of traffic signal heads (just north of driveway of 143 So. Main Street, New City)

TRAFFIC SIGNAL RETIMING

Patricia A. Betz, Utility Services Coordinator is hereby authorized to implement the retiming of T.S. #19 to accommodate the above mentioned intersection markings and signage.

On roll call the vote was as follows:

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

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RESOLUTION NO. (514-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
INTERSECTION AND
DRIVEWAY SIGNS AT 61
DEMAREST AVENUE, WEST
NYACK

Co. Mandia offered and Co. Maloney seconded

RESOLVED, the Town Board of the Town of Clarkstown hereby authorizes John F. Mauro , Superintendent of Highways to install the following signs:

<u>SIGNS</u> <u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
e/b Demarest Avenue approximately 50 ft. in advance of driveway	Intersection	W2-3C
61 Demarest Avenue, West Nyack	Driveway	W15-16

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. (515-1992)

AUTHORIZING SUPERVISOR
TO SIGN ALL DOCUMENTS
NECESSARY TO EFFECTUATE
SETTLEMENT WITH
STONEGATE HOMES, INC.
REGARDING ESCROWS HELD

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown held escrows for pavement work and landscaping to be done in the Kingsgate Condominium project which were deposited by Stonegate Homes, Inc., and

WHEREAS, the Town of Clarkstown defaulted \$48,000.00 of such escrows and used the said \$48,000.00 to pave a portion of the Kingsgate Condominium site, in particular Kingsgate Parkway, and

WHEREAS, there are presently escrow funds totalling \$23,820.97 which covers escrows being held for landscaping on certain units in the Kingsgate Condominiums, together with interest, which landscaping has been completed, and

WHEREAS, Stonegate Homes, Inc. has made a claim against the Town of Clarkstown for the entire escrow funds held including the \$48,000.00 in escrow funds previously defaulted, and

WHEREAS, Stonegate Homes, Inc. is willing to settle their claim for the entire escrow amount if the \$23,820.97 in escrows, presently held by the Town of Clarkstown, is released to Stonegate Homes, Inc.;

NOW, THEREFORE, be it

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RESOLUTION NO. (515-1992) Continued

RESOLVED, that the escrows in the amount of \$23,820.97 shall be released to Stonegate Homes, Inc. in full settlement of all claims against the Town of Clarkstown by Stonegate Homes, Inc., for escrow moneys, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to sign all documents necessary to effectuate this settlement, and be it

FURTHER RESOLVED, that the settlement is conditioned upon the delivery to the Town of Clarkstown of general releases of the Town by Stonegate Homes, Inc.

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. (516-1992)

AUTHORIZING PROVISIONS
OF SECTION 18 OF PUBLIC
OFFICERS LAW WILL APPLY
TO OFFICERS AND
EMPLOYEES OF TOWN OF
CLARKSTOWN

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the provisions of Section 18 of the Public Officers' Law concerning defense and indemnification will apply to the officers and employees of the Town of Clarkstown and (1) to confer the benefits of this section upon its employees, and (2) to be held liable for the costs incurred by these provisions.

On roll call the vote was as follows:

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

RESOLUTION NO. (517-1992)

AUTHORIZING TOWN
ATTORNEY OR HIS
DESIGNEE TO DEFEND
PROCEEDING AGAINST
CLARKSTOWN JUSTICE
COURT CLERK

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against Joanne Geary, Clarkstown Justice Court Clerk, entitled as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND _____ X

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RESOLUTION NO. (517-1992 (Continued))

VICTOR J. ALFIERI, JR.,

Plaintiff,

-against-

JOANNE GEARY AND PATRICIA A. PULEO,

Defendants

INDEX NO

3397/92

X

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney or his designee is hereby authorized to take all necessary steps to defend Joanne Geary, Clarkstown Justice Court Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (518-1992)

APPOINTING TO POSITION
OF (PROVISIONAL)
ASSISTANT DIRECTOR OF
MUNICIPAL COUNSELING
SERVICES (CLARKSTOWN
COUNSELING CENTER)
(MICHELE PARADISO)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Michele Paradiso, 2 Eldor Avenue, New City, New York, is hereby appointed to the position of (provisional) Assistant Director of Municipal Counseling Services - Clarkstown Counseling Center - at the 1992 annual salary of \$38,046.00 (Grade 24 - Step F) effective September 8, 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. (519-1992)

APPOINTING TO POSITION
OF (TEMPORARY)
ENGINEERING TECHNICIAN
- DEPARTMENT OF
ENVIRONMENTAL CONTROL
(GARY J. LANDRO)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Gary J. Landro, 533 Millburn Court, Valley Cottage, New York, is hereby appointed to the position of

Continued on Next Page

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/14/92

8:00 P.M.

Present: Supervisor Holbrook
Council Members: Dusanenko, Maloney, Mandia & 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: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding Item 29 (a) and (b) which pertained to law suits stemming from alleged charges against town employees.

Appearance: Mr. Warren Getz
New City, New York

Mr. Getz gave information regarding recycling to the Town Board.

Appearance: Mr. Jim Boyd
New City, New York

Mr. Boyd spoke regarding Item 19 (stream maintenance in vicinity of Salem Road).

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

Mr. Salon spoke regarding plans for the proposed police/court facility.

Appearance: Mr. John Lodico
New City, New York

Mr. Lodico spoke regarding the construction of the Police Station and Dutch Gardens restoration.

Appearance: Ms. Dorinda Mittiga
Congers, New York

Ms. Mittiga spoke regarding Item 29 - opposed to Town paying for defense.

Appearance: Mr. Les Bollman
Director, Env. Control

Mr. Bollman spoke regarding Item 19 - stream maintenance vicinity of Salem Road, New City.

Appearance: Mr. Steve Horn

Mr. Horn spoke regarding zone change on Mountainview Avenue.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley spoke regarding Item 19 - separating issues. He also spoke regarding Costco and the elimination of a proposed island which was depicted in the original picture. He

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felt that the angle parking was dangerous. He was opposed to the Town's accepting out of town garbage.

Appearance: Mr. Lou Profena
New City, New York

Mr. Profena presented his resume for the position of Comptroller.

Appearance: Mr. Martin Feldi
New City, New York

Mr. Feldi spoke regarding the ingress from and egress to Laurel Road from his development.

Appearance: Mr. Vincent Reda
New City, New York

Mr. Reda spoke in opposition to the number of deputy town attorneys.

Appearance: Mr. Joseph Pantano
New City, New York

Mr. Pantano spoke regarding double billing in Justice Court and the additional deputy town attorney position.

RESOLUTION NO. (477-1992) ACCEPTING MINUTES OF TOWN BOARD MEETING OF JUNE 23, 1992

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that the minutes of the Town Board Meeting of June 23, 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

RESOLUTION NO. (478-1992) AMENDING ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN - HOPF ENTERPRISES, INC. (MAP 164, BLOCK A, LOT 14)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 14th day of April, 1992, provided for a public hearing on the 26th day of May, 1992, at 8:40 P.M., to consider the application of HOPF ENTERPRISES, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 164, Block A, Lot 14, from an R-15 District to an LIO 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

RESOLUTION NO. (478-1992) Continued

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 April 22, 1992, 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 an LIO District, the following described property in the Spring Valley section of Clarkstown, New York, and be it

FURTHER RESOLVED, that the zone change provided for herein shall be subject to the following conditions, and shall be implemented by the property owners or his successor in interest as follows:

1. Applicant shall covenant the Town of Clarkstown that no access shall be allowed to Pascack Road, which covenant shall be in a form satisfactory to the Town Attorney;
2. The area presently zoned R-15, for which change is requested, shall be utilized solely for parking, with no building construction of any kind to be permitted within that area. A restrictive covenant shall be filed to this effect, which covenant shall be in a form satisfactory to the Town Attorney;
3. Applicant shall grant gratuitous widening strip along Pascack Road, which conveyance shall be subject to the satisfaction of the Town Attorney;
4. Ingress/egress from the Hopf property shall provide for right turn in/right turn out only. No left turns shall be permitted;
5. The commercial development should be totally screened from view from the nearby homes;
6. All new and used material (tires, oil, etc.) stored shall be within an enclosed building or screened dumpster;
7. All mechanical operations, particularly tire changing, shall be performed indoors with doors closed, in order to minimize the noise impact on nearby residences;
8. Applicant shall return to the Planning Board for Preliminary and Final site plan review;
9. Applicant agrees to use a joint access with the Haber Realty property, if, as and when such an opportunity becomes available, even after site plan is developed, or any time in the interim period.

and be it

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RESOLUTION NO. (478-1992) Continued

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. (479-1992)

AUTHORIZING PLANNING BOARD TO APPLY TOWN LAW SECTION 281 (AGATHE KONGSHOJ)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Atzl, Scatassa & Zigler, P.C., engineers for the applicant Agathe Kongshou, have made written application for the use of Town Law Section 281 in connection with a subdivision shown on a map entitled, "Average Density Layout, Subdivision of Property for Agathe Kongshoj, Town of Clarkstown, Rockland County, New York," dated July 18, 1991, last revised June 11, 1992, prepared by Atzl, Scatassa & Zigler, P.C., and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 281 in connection with this subdivision because the average density layout provides for a better distribution of area, with no driveway access for Lot 3 from Brookway Avenue, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 authorization is granted for the development of the property for Agathe Kongshoj;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 for the proposed subdivision as shown on a map entitled, "Average Density Layout, Subdivision of Property for Agathe Kongshoj, Town of Clarkstown, Rockland County, New York," dated July 18, 1991, last revised June 11, 1992, prepared by Atzl, Scatassa & Zigler, P.C., subject to the following conditions:

1. Applicant shall have no driveway access for Lot 3 from Brookway Avenue;
2. Applicant shall provide a 25 ft. access for Lot 3 to Maple Road;
3. A note shall be placed on the map, and a Restrictive Covenant shall be submitted by the applicant, that in the event the Heaton property is further subdivided the owner of Lot 2 shall participate in road maintenance up to the end of owner's driveway;

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RESOLUTION NO. (479-1992) Continued

- 4. Applicant shall comply with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed map.

On roll call the vote was as follows:

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

At this point a resolution was read regarding the amendment of restrictive covenants for Kingsgate, Lot E-2 (Timberline). Councilman Dusanenko noted that now we have approximately 130 feet of setbacks and he understood the original request of the owner was to split that 100 feet fifty-fifty but over the last several months negotiations have gone on so that 130 foot buffer now is coming down to a 50 foot on one side and a 30 foot on the other and somebody is picking up 50 extra feet of property. Supervisor asked Mr. Yacyshyn what the recommendation of the Planning Board was with regard to this? Mr. Yacyshyn said not to take action at this time as we have a number of issues to be resolved and taken into account at the same time. It was decided this would be withdrawn and discussed at the workshop on August 3rd.

With regard to Agenda Item 5 (Changing zoning designation of property owned by Bradco Realty Corp.) Supervisor said from his point of view he would remove the R-15 district. Town Attorney said the Planning Consultant sent a memo dated today noting that the property in question may have been the subject of the dumping of industrial waste some years ago by users of the building. It was felt that the Town might wish to consider this before completing the SEQRA process. It was decided to hold off on this item as well.

RESOLUTION NO. (480-1992)

PETITION UNITED STATES
 POSTAL SERVICE TO
 SERVICE CHAPARRAL ROAD
 AND MESA PLACE AS
 NANUET RESIDENCES
 RATHER THAN SPRING
 VALLEY

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clakstown hereby petitions the United States Postal Service to provide postal service to the residences situated on Chaparral Road and Mesa Place in the Town of Clarkstown from the Nanuet, New York post office and to change the postal address of such residences from Spring Valley, NY 10977 to Nanuet, NY 10954

On roll call the vote was as follows:

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RESOLUTION NO. (480-1992) Continued

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

RESOLUTION NO. (481-1992)

AUTHORIZING SUPERVISOR
TO FILE RECREATION
PROJECT RENEWAL
(COMMUNITY CENTER
PROGRAM/5 TOWNS)

Co. Smith offered and Co. Maloney seconded

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Program/5 Towns" with the New York State Division for Youth, in the amount of \$5,624.00 for the period commencing January 1, 1993 through December 31, 1993.

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. (482-1992)

AUTHORIZING SUPERVISOR
TO FILE RECREATION
PROJECT RENEWAL
(COMMUNITY CENTER
PROGRAMS)

Co. Smith offered and Co. Maloney seconded

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, in the amount of \$22,568.00 for the period commencing January 1, 1993 through December 31, 1993.

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. (483-1992)

AUTHORIZING SUPERVISOR
TO EXECUTE AGREEMENT
WITH COUNTY OF ROCKLAND
COMMUNITY (DEVELOPMENT
FUNDS FOR 1990)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (483-1992) Continued

RESOLVED, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Supervisor of the Town of Clarkstown is hereby authorized and directed to execute an agreement with the County of Rockland providing for the allocation of 1990 Community Development Program funds to the Town of Clarkstown in the amount of \$40,000.00.

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. (484-1992)

AMENDING RESOLUTION NO. 1-1992 REGARDING SCHEDULED TOWN BOARD AND WORKSHOP MEETING DATES

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 1-1992, adopted by the Town Board of the Town of Clarkstown on January 6, 1992, establishing Town Board and Workshop meeting days, is hereby amended as follows for the months of July and August:

TOWN BOARD WORKSHOP

TOWN BOARD MEETING

July 6, 1992
August 3, 1992

July 14, 1992
August 18, 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. (485-1992)

AUTHORIZING CERTAIN CLARKSTOWN EMPLOYEES TO ATTEND MANDATORY TRAINING SESSIONS (HEPATITIS VACCINATION) - CHARGE TO ACCOUNT NO. A 9000-806

Co. Smith offered and Co. Maloney seconded

WHEREAS, the New York State Public Employee Safety and Health requirements include provisions to offer HBV (Hepatitis) vaccination and mandatory training sessions to certain designated employees who request the vaccination, which vaccination and training sessions are at no cost to such employees;

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RESOLUTION NO. (485-1992) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown shall offer such HBV vaccination and training sessions to the employees of the Town of Clarkstown designated on Schedule "A" annexed hereto at no cost to such employees, and be it

FURTHER RESOLVED, that the cost of such vaccination and mandatory training sessions shall be charged to Account Number A-9000-806.

(Schedule A 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. (486-1992)

AUTHORIZING ATTENDANCE
AT HOME STUDY COURSE
(VARIOUS PERSONNEL -
HIGHWAY) - CHARGE TO
ACCOUNT #A-1010-414

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Charles Burgio, HMS III, George Drescher, HMS II, John Clune, HMS II, and Karl Gerlach, HMS II, Thomas Westervelt, Nick Mazzio, Eric Gabrielson, Ray Bonelli and Ken Gurnee are hereby authorized to participate in a Home-Study Course (SI-2 "Electrical Hazards"), sponsored by the National Arborist Association, Inc. at a cost of \$110.00 per person, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against appropriation Account No. A-1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (487-1992)

AUTHORIZING CLARKSTOWN
POLICE TO TRANSFER ITS
LOW BAND MOBILE RADIOS
AND REPEATER SYSTEMS TO
ROCKLAND COUNTY HIGHWAY

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Police Department of the Town of Clarkstown have ceased using the Low Band Mobile Radios and repeater systems, and are presently using high band channels and communication equipment, and

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RESOLUTION NO. (487-1992) Continued

WHEREAS, it has been recommended by the Police Department to transfer such equipment to the Rockland County Highway Department, who can use this system;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the transfer of the Low Band Mobile Radios and repeater systems formerly used by the Clarkstown Police Department to be transferred to the Rockland County Highway Department.

On roll call the vote was as follows:

Councilman Dusanenko said he understood that these radios have very little value to us so another municipality, to which we also pay taxes, can use them.

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

A County wide system of assessment was discussed at this point. Town Clerk read a letter (on file in Town Clerk's office) from the Rockland County Assessors' Association dated July 14, 1992 objecting to this proposal which letter is on file in the Town Clerk's Office. The resolution regarding the same was offered by Councilman Dusanenko but received no second.

RESOLUTION NO. (488-1992)

AUTHORIZING SETTLEMENT
OF TAX CERTIORARI
(NORTHGATE PROPERTIES
LIMITED PARTNERSHIP)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled Northgate Properties Limited Partnership v. The Assessor and Board of Review of the Town of Clarkstown, for the year 1991/92, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 120, Block H, Lot 20.1 be reduced for the year 1990 from \$1,797,200 to \$1,579,500;
2. That the premises owned by the petitioner described on the assessment roll as Map 120, Block H, Lot 20.1 be reduced for the year 1991 from \$1,797,200 to \$1,529,500;
3. That reimbursement for the years 1990 and 1991 on the aforesaid parcel be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged;
4. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations,

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RESOLUTION NO. (488-1992) Continued

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 Nyack Union Free 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. (489-1992)

AUTHORIZING SETTLEMENT
OF TAX CERTIORARI
(SEARS, ROEBUCK & CO.)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Sears, Roebuck & Co. v. The Board of Assessors and the Board of Assessment Review of the Town of Clarkstown and the Nanuet Union Free School District for the years 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:

1. That the premises owned by the petitioner described on the assessment roll as Map 14, Block C, Lot 11.1 be reduced for the years 1990/91 and 1991/92 from \$11,400,000 to \$8,400,000.
2. That the premises owned by the peitioner described on the assessment roll as Map 14, Block C, Lot 11.1 be reduced for the year 1992/93 from \$11,400,000 to \$6,000,000.
3. That reimbursement for the years 1990/91 and 1991/92 be made within 60 days through the office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged.
4. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

On roll call the vote was as follows:

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RESOLUTION NO. (489-1990) Continued

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

RESOLUTION NO. (490-1992)

ESTABLISHING ADJUSTED
BASE PROPORTIONS FOR
CERTIFICATION TO STATE
BOARD OF EQUALIZATION
AND ASSESSMENT

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby established the adjusted base proportions for the levy of taxes on the 1992 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

(Attachment on File in Town Clerk's Office)

Councilman Dusanenko noted that county wide assessing would still necessitate having our professional people double check those figures. He said the Town of Ramapo has approximately 20,000 more residents. Using an average home with about 4 residents per home that is 5,000 domiciles of every description. You add the assessment of 5,000 homes. We are paying almost as much County tax, and have been for twenty years, as 20,000 more Ramapo residents. This Town in the past took the State of New York to court and protested. There are people in the Town of Clarkstown who pay more because of being in the Ramapo School District. In one year a Ramapo resident might get an increase of \$100.00 as opposed to a Clarktown resident who may pay a \$300.00 increase for an identical home. Because of these inequities many people in Clarkstown are being short changed in their school taxes if they are in a district that transcends town lines and all of us are being short changed on County taxes. We have to adopt this item, we have no alternative. Dutchess County when it went to county wide assessing found 1,000 parcels that were never taxed going back to King George. In some cases they were vacant land, some were little slivers along highways, and some were beautiful homes and factories that political parties happened to overlook.

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. (491-1992)

AUTHORIZING MOSQUITO
SPRAYING (TIMOTHY
COURT, WEST NYACK)

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RESOLUTION NO. (491-1992) Continued
dCo. Maloney offered and Co. Smith seconded

RESOLVED, that the following residences are hereby added to the list of properties qualifying for mosquito spraying: 1, 2, 3, 4, 5, and 6 Timothy Court in West Nyack.

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. (492-1992)

EXTENDING LEASE
AGREEMENT - WEST NYACK
LITTLE LEAGUE - USE OF
GERMONDS PARK

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the WEST NYACK LITTLE LEAGUE wishes to extend the lease agreement with the Town of Clarkstown for its use of a portion of Germonds Park for little league purposes, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that said property be used by the West Nyack Little League, as it has been for the past five years;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an extension agreement with the West Nyack Little League, for use of portions of Germonds Park for little league purposes, and be it

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

FURTHER RESOLVED, that said agreement shall cover the period March 15, 1992 to March 14, 1997.

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. (493-1992)

WAIVING ALL FEES FOR
CONGERS V.M.A. LITTLE
LEAGUE COMPLEX - MAP
129, BLOCK A, LOT 5.10

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Congers V.M.A. Little League is a not-for-profit organization, and

WHEREAS, they plan to develop a baseball complex that would benefit children within the Town of Clarkstown,

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RESOLUTION (493-1992) Continued

NOW, THEREFORE, be it

RESOLVED, that all fees relating to the planning and construction of their proposed facility on property identified as Map 129, Block A, Lot 5.10 are hereby waived.

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. (494-1992)

DECLARING TOWN PROPERTY
SURPLUS AND AUTHORIZING
SALE - END OF NORTH
FAIRVIEW AVENUE, NANUET

Co. Maloney Offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown is the owner of premises described on Schedule "A" annexed hereto, which premises is located in Nanuet, New York, at the end of North Fairview Avenue, and

WHEREAS, said premises was acquired as part of the installation of North Fairview Avenue and is not necessary for the present maintenance and use of said road, and

WHEREAS, the Town has received an offer to purchase said property from James Rudolph and Joan Rudolph for the sum of \$1,225.00, which price appears to be the fair market value of said property;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That the premises described on Schedule "A" annexed hereto is surplus municipal property;
2. That the offer of James Rudolph and Joan Rudolph to purchase said property for the sum of \$1,225.00, which is equal to the fair market value, is hereby accepted;

and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a Contract of Sale and Bargain and Sale Deed, in a form satisfactory to the Town Attorney, for delivery to the purchaser in accordance with the terms of this Resolution, and be it

FURTHER RESOLVED, that this Resolution shall be subject to Permissive Referendum.

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

On roll call the vote was as follows:

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RESOLUTION NO. (494-1992) Continued

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

RESOLUTION NO. (495-1992)

AUTHORIZING TOWN
ATTORNEY TO DEFEND
PROCEEDING AGAINST TOWN
OF CLARKSTOWN
(BROWNING-FERRIS
INDUSTRIES OF NEW YORK,
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

BROWNING-FERRIS INDUSTRIES OF NEW YORK, INC.

Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

JOHN DANAHY, EUGENE BURNS, MARTIN
MICHAELSON, EDWARD HEED and WENDY
GANNON, constituting the SANITATION
COMMISSION OF THE TOWN OF CLARKSTOWN,
and the TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

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. (496-1992)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR BID
#49-1992 (ROUTE 59
IMPROVEMENT PROJECT)

Co. Smith offered and Co. Maloney seconded

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

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RESOLUTION NO. (496-1992) Continued

BID #49-1992
ROUTE 59 IMPROVEMENT PROJECT

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 August 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 Environmental Control, upon payment of \$50.00 non-refundable 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. (497-1992)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #51-1992 (TWO PASSENGER TURF VEHICLE)

Co. Smith offered and Co. Maloney seconded

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

BID #51-1992
TWO PASSENGER TURF VEHICLE

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 August 4, 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. (498-1992)

REJECTION OF PROPOSAL RECEIVED FOR BID #47-1992/AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BID #47-1992 (UNIFORM MAINTENANCE SERVICE FOR POLICE DEPARTMENT) AND

Continued on Next Page

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RESOLUTION NO. (498-1992) Continued

AUTHORIZING ADVERTISE-
MENT FOR BID #47A-1992
RE SAME

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the
Captain of the Police Department and the Director of Purchasing
that the sole proposal received for

BID #47-1992
UNIFORM MAINTENANCE SERVICE FOR CLARKSTOWN
POLICE DEPARTMENT

is hereby rejected, and be it

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

BID #47A-1992
UNIFORM MAINTENANCE SERVICE FOR CHARKSTOWN
POLICE DEPARTMENT

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
August 5, 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. (499-1992)

CORRECTION OF
RESOLUTION NO. 222-1992
(BID #16-1992 -
DRIVEWAY FOR ARC
PROPERTY)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Town Board Resolution #222-1992
dated March 24, 1992 is hereby corrected to read

RESOLVED, that

BID #16-1992
DRIVEWAY FOR ARC PROPERTY
70 NORTH HARRISON AVE., CONGERS

is hereby awarded to

ALL SEASONS LANDSCAPING INC.
P.O. BOX 375
SUFFERN, N.Y. 10901
PRINCIPALS: TIMOTHY GULLA
RICHARD VELARDI

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RESOLUTION NO. (499-1992) Continued

as per their low bid proposal of \$20,050.00 and be it

RESOLVED, that said award is subject to:

- a) The execution of a formal contract between the successful contractor and the Town of Clarkstown.
- b) The receipt by the Town of a Performance Bond for 100% of proposed project cost from the successful contractor.
- c) The receipt of a Certificate of Insurance with coverage and limits as specified in paragraph 20 of the General Instructions to Bidders,

and be it

FURTHER RESOLVED, that said project shall be under the supervision and direction of the Rockland County Office of Community Development.

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. (500-1992)

AWARDING OF BID
 #46-1992 (REINFORCED
 CONCRETE CULVERT PIPE)
 - VARIOUS BIDDERS

Co. Dusanenko offered and Co. Maloney seconded

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

BID #46-1992
 REINFORCED CONCRETE CULVERT PIPE AND
 CONCRETE CATCH BASIN BLOCKS & BRICKS

is hereby awarded to:

VIANINI PIPE COMPANY, INC.
 P. O. BOX D
 SOMERVILLE, N.J. 08876
 PRINCIPAL: VIANINI INDUSTRIA

FEDERAL BLOCK CORPORATION
 P.O. BOX 4090
 129 WALSH AVENUE
 MEW WINDSOR, NY 12550
 PRINCIPAL: JOHN MONTFORT
 STEPHEN E. MIRON

J. DEPAULIS
 300 ROUTE 303 NORTH
 CONGERS, N.Y. 10920
 PRINCIPAL: JOSEPH DEPAULIS
 JOHN DEPAULIS

as per attached price schedule

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

On roll call the vote was as follows:

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RESOLUTION NO. (500-1992) Continued

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

RESOLUTION NO. (501-1992)

AWARDING BID FOR BID
#41-1992 - PARK
EQUIPMENT (PEGGY PAYNE &
ASSOC., BILL SIMIONE &
ASSOCIATES, INC., JOHN
P. SMITH CO., AND
UNIVERSAL PLAY SYSTEMS,
INC.)

Co. Dusanenko 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 #41-1992
PARK EQUIPMENT

is hereby awarded to the following bidders as per their lowest bid
proposals which meet specifications

PEGGY PAYNE & ASSOC
2 CHAUCER STREET
HARTSDALE, NY 10530
PRINCIPAL: PEGGY PAYNE

BILL SIMIONE & ASSOCIATES INC
5 KREY BOULEVARD
RENSELAER, NY 12144
PRINCIPAL: WILLIAM M. SIMIONE

JOHN P. SMITH CO
20 BALDWIN DRIVE
PO BOX 840
BRANFORD, CT 06405
PRINCIPAL: BARNARD F. NORTON

UNIVERSAL PLAY SYSTEMS INC
33 CHELSEA ROAD
NEW ROCHELLE, NY 10805
PRINCIPAL: LAUREN MARTELLI

as per the attached schedule

(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. (502-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 43, BLOCK E, LOT
8.51)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby
authorized to institute proceedings as stipulated in Chapter
216 of the Code of the Town of Clarkstown to remove or rectify

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RESOLUTION NO. (502-1992) Continued

violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 43, Block E, Lot 8.51, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:35 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (503-1992)

AUTHORIZING TOWN ATTORNEY TO INSTITUTE CHAPTER 216 PROCEEDING (MAP 42, BLOCK A, LOT 12)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stripulated in Chapter 216 of the Coce of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 12, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:40 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (504-1992)

AUTHORIZING TOWN ATTORNEY TO INSTITUTE CHAPTER 216 PROCEEDING (MAP 42, BLOCK A, LOT 13)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (504-1992) Continued

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 13, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:45 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (505-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 42, BLOCK A, LOT
16)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 16, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:50 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (506-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 42, BLOCK A, LOT
17)

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RESOLUTION NO. (506-1992) Continued

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 17, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 8:55 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (507-1992)

AUTHORIZING TOWN
ATTORNEY TO INSTITUTE
CHAPTER 216 PROCEEDING
(MAP 42, BLOCK A, LOT
15)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Neuman Geller, Ltd. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 42, Block A, Lot 15, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 18th day of August, 1992 at 9:00 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 3rd day of August, 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. (508-1992)

AUTHORIZING SUPERVISOR
TO ENTER INTO
AGREEMENT WITH ACUMEN

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RESOLUTION NO. (508-1992) Continued

COMPUTER SERVICE -
APPROPRIATION ACCOUNT
NO. A-1680-409

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with ACUMEN COMPUTER SERVICES, in a form approved by the Town Attorney, for the period commencing July 15, 1992, through May 1993 tdo provide technical support needed to maintain the computer programs and data files currently in use in the office of the Receiver of Taxes, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$3,0000.00. which shall be charged to Appropriation Account No. A-1680-409.

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. (509-1992)

INCREASING ESTIMATED
REVENUE ACCOUNT NO. A
01-10-3830-0 (D.A.R.E.
GRANT) AND
APPROPRIATION ACCOUNT
NO. 3230-110 (D.A.R.E.
- SALARIES)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$1,250.00 from the State of New York,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 01-10-3830-0 (D.A.R.E. Grant) and Appropriation Account No. 3230-110 (D.A.R.E. - Salaries) by \$1,250.00.

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. (510-1992)

DECREASING APPROPRIA-
TION ACCOUNT A 1355-
463 (ASSESSOR-DATA
PROCESSING CHARGES)
AND INCREASING
APPROPRIATION ACCOUNT
A 1680-225 (DATA
PROCESSING-COMPUTER
EQUIPMENT)

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RESOLUTION NO. (510-1992) Continued

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, it is necessary to purchase additional disk capacity for the Town's main computer,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account A 1355-463 (Assessor-Data Processing Charges) and increase Appropriation Account A 1680-225 (Data Processing-Computer Equipment) by \$17,500.00.

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. (511-1991)

INCREASING ESTIMATED REVENUE ACCOUNT NO. H 15-9-2705 (CAPITAL-GIFTS & DONATIONS) AND H 8110-409-18-1 (RE-CONSTRUCTION OF 9W PUMP STATION)

Co. Dusanenko offered and Co. Maloney

WHEREAS, SBRC, Bridgewater II has donated \$10,000 for the Reconstruction of the 9W Pump Station,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. H 15-9-2705 (Capital-Gifts & Donations) and H 8110-409-18-1 (Reconstruction of the 9W Pump Station) by \$10,000).

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. (512-1992)

INCREASING ESTIMATED REVENUE ACCOUNT NO. A-01-3-1520-0 (POLICE) AND APPROPRIATION ACCOUNT NO. A 3120-111 (POLICE-OVERTIME)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$3,285.00 from the County of Rockland as reimbursement for police instructor salaries,

NOW, THEREFORE, be it

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RESOLUTION NO. (512-1992) Continued

RESOLVED, to increase Estimated Revenue Account No. A-01-3-1520-0 (Police) and Appropriation Account No. A-3120-111 (Police-Overtime) by \$3,285.00.

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. (513-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"STOP HERE ON RED"
SIGNS, RELOCATING
EXISTING STOP BAR, AND
IMPLEMENTING RETIMING
OF T.S. #19 - MAIN
STREET, NEW CITY

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, Traffic & Highway Engineering Consultant in a report dated July 6, 1992, the Town Board of the Town of Clarkstown hereby authorizes John F. Mauro, Superintendent of Highways to install the following signs:

<u>SIGNS</u> <u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
s/b Main Street, approximately 50 feet north of traffic signal heads (T.S. #19) (just north of driveway of 143 So. Main Street, New City)	Stop Here on Red	R7-8C

PAVEMENT MARKINGS
Location

Relocate existing stop bar at T.S. #19, approximately 50 feet north of traffic signal heads (just north of driveway of 143 So. Main Street, New City)

TRAFFIC SIGNAL RETIMING

Patricia A. Betz, Utility Services Coordinator is hereby authorized to implement the retiming of T.S. #19 to accommodate the above mentioned intersection markings and signage.

On roll call the vote was as follows:

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

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RESOLUTION NO. (514-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
INTERSECTION AND
DRIVEWAY SIGNS AT 61
DEMAREST AVENUE, WEST
NYACK

Co. Mandia offered and Co. Maloney seconded

RESOLVED, the Town Board of the Town of Clarkstown hereby authorizes John F. Mauro , Superintendent of Highways to install the following signs:

<u>SIGNS</u> <u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
e/b Demarest Avenue approximately 50 ft. in advance of driveway	Intersection	W2-3C
61 Demarest Avenue, West Nyack	Driveway	W15-16

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. (515-1992)

AUTHORIZING SUPERVISOR
TO SIGN ALL DOCUMENTS
NECESSARY TO EFFECTUATE
SETTLEMENT WITH
STONEGATE HOMES, INC.
REGARDING ESCROWS HELD

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown held escrows for pavement work and landscaping to be done in the Kingsgate Condominium project which were deposited by Stonegate Homes, Inc., and

WHEREAS, the Town of Clarkstown defaulted \$48,000.00 of such escrows and used the said \$48,000.00 to pave a portion of the Kingsgate Condominium site, in particular Kingsgate Parkway, and

WHEREAS, there are presently escrow funds totalling \$23,820.97 which covers escrows being held for landscaping on certain units in the Kingsgate Condominiums, together with interest, which landscaping has been completed, and

WHEREAS, Stonegate Homes, Inc. has made a claim against the Town of Clarkstown for the entire escrow funds held including the \$48,000.00 in escrow funds previously defaulted, and

WHEREAS, Stonegate Homes, Inc. is willing to settle their claim for the entire escrow amount if the \$23,820.97 in escrows, presently held by the Town of Clarkstown, is released to Stonegate Homes, Inc.;

NOW, THEREFORE, be it

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RESOLUTION NO. (515-1992) Continued

RESOLVED, that the escrows in the amount of \$23,820.97 shall be released to Stonegate Homes, Inc. in full settlement of all claims against the Town of Clarkstown by Stonegate Homes, Inc., for escrow moneys, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to sign all documents necessary to effectuate this settlement, and be it

FURTHER RESOLVED, that the settlement is conditioned upon the delivery to the Town of Clarkstown of general releases of the Town by Stonegate Homes, Inc.

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. (516-1992)

AUTHORIZING PROVISIONS
OF SECTION 18 OF PUBLIC
OFFICERS LAW WILL APPLY
TO OFFICERS AND
EMPLOYEES OF TOWN OF
CLARKSTOWN

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the provisions of Section 18 of the Public Officers' Law concerning defense and indemnification will apply to the officers and employees of the Town of Clarkstown and (1) to confer the benefits of this section upon its employees, and (2) to be held liable for the costs incurred by these provisions.

On roll call the vote was as follows:

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

RESOLUTION NO. (517-1992)

AUTHORIZING TOWN
ATTORNEY OR HIS
DESIGNEE TO DEFEND
PROCEEDING AGAINST
CLARKSTOWN JUSTICE
COURT CLERK

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against Joanne Geary, Clarkstown Justice Court Clerk, entitled as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND _____ X

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RESOLUTION NO. (517-1992 (Continued))

VICTOR J. ALFIERI, JR.,

Plaintiff,

INDEX NO

-against-

3397/92

JOANNE GEARY AND PATRICIA A. PULEO,

Defendants

X

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney or his designee is hereby authorized to take all necessary steps to defend Joanne Geary, Clarkstown Justice Court Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (518-1992)

APPOINTING TO POSITION
OF (PROVISIONAL)
ASSISTANT DIRECTOR OF
MUNICIPAL COUNSELING
SERVICES (CLARKSTOWN
COUNSELING CENTER)
(MICHELE PARADISO)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Michele Paradiso, 2 Eldor Avenue, New City, New York, is hereby appointed to the position of (provisional) Assistant Director of Municipal Counseling Services - Clarkstown Counseling Center - at the 1992 annual salary of \$38,046.00 (Grade 24 - Step F) effective September 8, 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. (519-1992)

APPOINTING TO POSITION
OF (TEMPORARY)
ENGINEERING TECHNICIAN
- DEPARTMENT OF
ENVIRONMENTAL CONTROL
(GARY J. LANDRO)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Gary J. Landro, 533 Millburn Court, Valley Cottage, New York, is hereby appointed to the position of

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RESOLUTION NO. (519-1992) Continued

(temporary) Engineering Technician - Department of Environmental Control - at the current 1992 annual salary of \$25,556.00 effective July 27, 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. (520-1992)

REAPPOINTING TO
POSITION OF MEMBER -
PARKS BOARD AND
RECREATION COMMISSION
(ROSEMARY DeSALVO)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Rosemary DeSalvo, 5 Lamborn Avenue, Congers, New York, is hereby reappointed to the position of Member - Parks Board and Recreation Commission - to serve without compensation - term effective August 16, 1992 and to expire on August 15, 1997.

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. (521-1992)

APPOINTING TO POSITION
OF (PART-TIME) BUS
DRIVER - MINI TRANS
DEPARTMENT (JEROME
O'CONNOR)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Jerome O'Connor, 4 Elyse Drive, New City, New York is hereby appointed to the position of (part-time) Bus Driver - Mini Trans Department - at the current hourly rate of \$10.10 - effective August 17, 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. (522-1992)

APPOINTING TO POSITION
OF CLERK TYPIST - TOWN
CLERK'S OFFICE
(PATRICIA McGROGAN)

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RESOLUTION NO. (522-1992) Continued

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91198 Clerk Typist which contains the name of Patricia McGrogan,

NOW, THEREFORE, be it

RESOLVED, that Patricia McGrogan, 15 Lyncrest Avenue, New City, New York, is hereby appointed to the position of Clerk Typist - Town Clerk's Office - at the current 1992 annual salary of \$17,765.00, effective August 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

The following two resolutions were offered and seconded but before a roll call vote could be taken a tabling resolution was offered and seconded.

RESOLUTION NO. (523-1992)

APPOINTING TO POSITION
OF TOWN COMPTROLLER -
EDWARD J. DUER

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Edward J. Duer, 9 Scher Drive, New City, New York, is hereby appointed to the position of Town Comptroller - term effective August 3, 1992 and to expire on December 31, 1993 - at the 1992 annual salary of \$54,000.00, to serve at the pleasure of the Town Board.

RESOLUTION NO. (524-1992)

APPOINTING TO POSITION
OF DEPUTY TOWN ATTORNEY
- TOWN ATTORNEY'S
OFFICE (PAUL K.
SCHOFIELD)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Paul K. Schofield, 9 Elyse Drive, New City, New York, is hereby appointed to the position of Deputy Town Attorney - Town Attorney's Office - at the 1992 annual salary of \$21,641.00, term effective pending Rockland County Personnel approval, and to expire on December 31, 1993, to serve at the pleasure of the Town Board.

With regard to the Comptroller's position, Councilman Mandia said last night he met the applicant and that was the first time he heard the job was available. He said while he seems to be a fine gentleman the one thought he had in interviewing him - he has absolutely no experience in municipal accounting and there are other qualified applicants - Mr. Profena, who has been here before and has submitted a resume this evening and he is also aware of Mr. DeSantis, as well as Mr. John Deegan. He thought it was ill advised to interview one person and accept that one person, especially when that person

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RESOLUTIONS NOS. (523-1992 and 524-1992) Continued

has no municipal experience. He said he wanted to nominate Mr. Lou Profena or make a motion to appoint him to return to the office of Comptroller.

Councilman Dusanenko said he was also informed of this last night. He stated that he happens to know Mr. Duer and he is a fine person. He stated that he was told that there was an existing vacant position in the Town Attorney's office for Mr. Schofield to fill and that was why this position was so necessary at this point. He respectfully suggested a motion to table items f and g would be in order. Supervisor said he would entertain the motion to table.

RESOLUTION NO. (525-1992) (FAILED)

TABLING RESOLUTIONS
NOS. 523 AND 524
PERTAINING TO
APPOINTMENTS IN
COMPTROLLER'S OFFICE
AND TOWN ATTORNEY'S
OFFICE

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that Resolution No. 523 and Resolution No. 524 pertaining to appointments in the Comptroller's Office and the Town Attorney's Office are hereby tabled.

On roll call the vote was as follows:

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

The tabling motion having failed, the roll call vote was taken on Resolutions Nos. (523-1992) and (524-1992) as follows:

Before roll call Councilman Dusanenko said the record will show there was an attempt to table items f and g. He said he would like the record to also show that he was given false information about a vacant position being available in the Town Attorney's office but this will require an additional position as the Supervisor clarified earlier in this meeting.

On roll call the vote was as follows:

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

(Please note that both 523 and 524 passed)

RESOLUTION NO. (526-1992)

APPOINTING TO POSITION
OF (TEMPORARY) LABORER
- SOLID WASTE FACILITY
(MICHAEL J. McNAMARA)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (526-1992) Continued

RESOLVED, that Michael J. McNamara, 119 Laurel Road, New City, New York, is hereby appointed to the position of (temporary) Laborer - Solid Waste Facility - at the 1992 annual salary of \$20,194.00, effective July 27, 1992 - for a period not to exceed 30 days.

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 Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change from R-15 to CS - Map 123, Block B, Lots 3 and 10 (Valley Cottage Library) was opened, time: 9:15 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-15 to CS - Map 123, Block B, Lots 3 and 10 (Valley Cottage Library) was closed, RESOLUTION ADOPTED, time: 9:40 P.M.

RESOLUTION NO. (527-1992)

AMENDING ZONING
ORDINANCE FROM RD-15 TO
CS - MAP 123, BLOCK B,
LOTS 3 AND 10 (VALLEY
COTTAGE LIBRARY)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 26th day of May, 1992, provided for a public hearing on the 14th day of July, 1992, at 8:35 P.M., to consider the application of VALLEY COTTAGE FREE LIBRARY, by Marilyn Kelso, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 123, Block B, Lots 3 and 10, from an R-15 District to a CS 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

Continued on Next Page

RESOLUTION NO. (527-1992) Continued

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, dated June 19, 1992, 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 CS District, the following described property in the Hamlet of Valley Cottage, New York, in said Town, and

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that the area does not need to be comprehensively restudied, nor does the Town Board believe that a review of the site expansion variances is needed as recommended by the County, and that the impact of this change shall not be significant, and be it

FURTHER RESOLVED, that the zone change is subject to the covenant and restriction that the use be limited to the provision of library services, and not be expanded to allow for retail and other commercial activities, 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, and be it

FURTHER RESOLVED, that all fees paid to the Town of Clarkstown for processing the application for a zone change shall be refunded to the VALLEY COTTAGE FREE LIBRARY.

(INSERT DESCRIPTION)

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 Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local law 6-1992 - Amendment to Chapter 18 (Ethics) was opened, time: 9:41 P.M.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local Law 6-1992 - Amendment to Chapter 18 (Ethics) was closed, RESOLUTION ADOPTED, time: 9:47 P.M.

RESOLUTION NO. (528-1992)

ADOPTING LOCAL LAW NO.
6-1992 - AMENDMENT TO
CHAPTER 18 (CODE OF
ETHICS)

Co. Mandia offered and Co. Smith seconded

WHEREAS, a proposed local law entitled:

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RESOLUTION NO. (528-1992) Continued

"AMENDMENT TO CHAPTER 18 (CODE OF ETHICS)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting held on June 23, 1992, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 23, 1992, directed that a public hearing be held on July 14, 1992, at 8:40 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on July 1, 1992, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 19, 1992, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 14, 1992;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6-1992, entitled:
"AMENDMENT TO CHAPTER 18 (CODE OF ETHICS)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

Charles E. Holbrook, Supervisor.....	Yes
John R. Maloney, Councilman.....	Yes
Ann Marie Smith, Councilwoman.....	Yes
Ralph F. Mandia, Councilman.....	Yes
Theodore R. Dusanenko, Councilman.....	Yes

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

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Lake Lucille Aquatic Plant Growth Control District was opened, time: 9:48 P.M.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing re: Proposed Lake Lucille Aquatic Plant Growth Control District was closed, RESOLUTION ADOPTED, time: 10:00 P.M.

RESOLUTION NO. (529-1992)

DETERMINING TOWN BOARD
LEAD AGENCY FOR SEQRA
RE PROPOSED AQUATIC
PLANT GROWTH CONTROL
DISTRICT - LAKE
LUCILLE, NEW CITY

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby determines that it shall act as lead agency for the purposes of the New York State Environmental Quality Review Act (SEQRA), concerning the proposed AQUATIC PLANT GROWTH

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RESOLUTION NO. (529-1992) Continued

CONTROL DISTRICT, at Lake Lucille, in the Town of Clarkstown, which shall encompass the following lots, and Leslie F. Bollman, Director of the Department of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEORA review.

MAP 43

- BLOCK A: LOT # 1, 2, 3, 4, 5.01, 6.01, 6.02, 7, 8, 9
- BLOCK B: LOT # 1, 2, 3, 3.01, 3.02, 4, 5, 6, 7, 8, 9, 10, 13.01, 14, 15.01, 17, 18, 19, 20, 21, 22
- BLOCK C: LOT # 1, 2.01, 4, 5, 6, 7, 7.01, 8,9, 10, 11, 11.01, 12, 13, 13.01, 14, 15, 16
- BLOCK D: LOT # 2, 2.01, 3, 4, 4.01, 4.02, 5, 6, 7, 10, 11, 13, 14
- BLOCK E: LOT # 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 8.04, 8.05, 8.08, 8.09, 8.10 8.16, 8.17, 8.18, 8.19
- BLOCK F: LOT # 1.01, 4, 5, 7, 8, 10, 12, 13, 14, 15, 16.01, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30
- BLOCK G: LOT # 1, 2, 2.01, 3.01, 7, 8, 9, 10, 11, 12

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. (530-1992)

GRANTING 280-a TO
BRITTANY HOMES/MARTIN
FELDI

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a subdivision known as Brittany Homes was approved granting ingress and egress through an easement to York Drive, New City, New York, and Section 280-a approval was granted with ingress and egress to York Drive, and

WHEREAS, this matter of ingress and egress to York Drive has been the subject of litigation which is presently on appeal in the Appellate Division, Second Department, and

WHEREAS, Brittany Homes and/or Martin Feldi has commenced construction of one of the houses in the subdivision and desires to complete construction of all of the houses in said subdivision using ingress and egress from Laurel Road;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 280-a of the Town Law, the Brittany Homes Subdivision is hereby granted the right to use an easement for ingress and egress to Laurel Road as the basis for ingress and egress to the homes being constructed in said subdivision.

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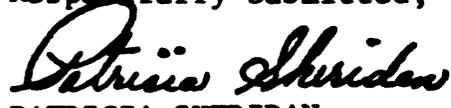
RESOLUTION NO. (530-1992) Continued

On roll call the vote was as follows:

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

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 closed, time: 10:15 P.M.

Respectfully Submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/14/92

9:15 P.M.

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

Re: Zone Change - R-15 to CS - Map 123, Block B, Lots 3 and 10
Valley Cottage Library

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

Town Clerk read a letter from Robert Johnson, a co-owner of A&B Hilltop Service, in opposition to the zone change requested by the Valley Cottage Library (letter on file in Town Clerk's Office).

Town Attorney stated that the County Planning Board disapproves; therefore, there is a need for a majority plus one vote. The Town Planning Board approves subject to the condition that the use be limited to the provision of library services and not be expanded to allow for retail and other commercial activities. SEORA report of the consultants is that there is no environmental impact.

Supervisor Holbrook asked if we can vote on this item tonight and was told yes by the Town Attorney.

Supervisor asked if the applicant was present.

Appearance: Michael Reeder, Esq.
New City
Attorney for Applicant.

Mr. Reeder stated that part of the application is a survey of the entire property owned by the library showing the proposed zone lines. Mr. Reeder showed and explained a map. He stated that from the survey, the library's parcel extends from Route 303 and also has frontage along Christian Herald Road. The area for which the zone change is requested is the front area which is now developed with the library building. The rear of the library's property has been maintained by the library in its natural condition. It is used for conservation type purposes called nature walks so the community technically has a green buffer. It is the library's intention to keep it that way which is why they drew the zone line where it is.

Mr. Reeder stated that at the request of the Planning Board, the question of the covenant of limiting the use under CS Zone, if you should grant this application, to library uses and library services has been consented to by the Library Board both at the Planning Board and officially here tonight. The library presently is one of the few services in our community which expands during recession. People who are looking for education, recreational reading and the activities that libraries provide, go to the libraries when money is tight because they don't have to spend a lot of money to do it. The use of this library as in all other libraries in this County has been expanding historically and probably more so as the economy tightens. This, of course, puts a bind on the library's facilities and on their efforts to meet the demand of the public to provide more and more services. That is why they are here. They want to grow to meet that demand of the community. Mr. Reeder submitted for the record an expanded

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PH - Zone Change - R-15 to CS - Map 123, Block B, Lots 3 and 10
Valley Cottage Library

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copy of the zoning map. The area on the map, colored in yellow with a big CS, presently is zoned CS. The piece of property outlined in red is the library's parcel and a portion of the library parcel colored in yellow is approximately the same as the area shown on the survey which is part of the official records and that is the area for which the zone change is requested. Mr. Reeder noted that the map indicates some of the uses surrounding the library. He went into detail regarding different properties in the area and their zoning. He said The nature of the area for which the zone change is requested and the character of that area really won't change by this zone change. What this zone change does for the library is allow it to exist as a right and to be able to expand a little bit and fit within the bulk requirements without coming before the Zoning Board of Appeals. They would fit within the CS zone where the R-15 would require variance. The library's use and the use of the property will not change.

Mr. Reeder said that the library has always been a good neighbor and will continue to be so. Mr. Reeder stated that this zone change will simply give the library the ability to continue to serve this community as it has over the years and to provide the expanding service that the community has been demanding without costing taxpayers a lot of money to go to zone variance hearings. They can proceed in an orderly fashion complying with the Town Ordinances and give the service they have been able to give over the years.

Councilman Dusanenko asked Mr. Reeder if he was doing this for remuneration and Mr. Reeder answered yes.

Councilman Dusanenko requested that any fees out of the ordinary that were paid by the Valley Cottage Library be reimbursed as has been the tradition.

Appearance: Mr. John Jurkel, Jr.
Valley Cottage, New York

Mr. Jurkel stated that he did not want the zone change to go through and he did not want the library expanded. He did not want his taxes going up. Mr. Jurkel said that when he moved here his library taxes were about \$10.00 a year and have increased to approximately \$150.00 a year. Precast and others pay taxes. Everything from government is a burden to the County. He uses the Valley Cottage Library and he does not see it packed with people wanting the walls to move out and wanting more books. Mr. Jurkel said let's not expand another library and please stop spending my money because I do not give you my permission.

Appearance: Mr. Eugene Powell
460 Christian Herald Road
Valley Cottage

Mr. Powell read a letter in support of the zone change. (Letter on file in the Town Clerk's Office.)

Appearance: Mr. Herbert Lerner
Valley Cottage Library Board
Valley Cottage

Mr. Lerner stated that there is a direct vote of the population relative to the taxing of the Valley Cottage Library. It is not a function of the Town Board. It is not a function of the School Board. It is a direct vote. Mr. Lerner believes it is the only referendum that exists directly for the support of the library.

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PH - Zone Change - R-15 to CS - Map 123, BLock B, Lots 3 and 10
Valley Cottage Library
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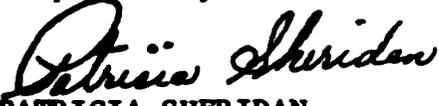
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Appearance: Ms. Ellen Simpson
Director of Valley Cottage Library
Upper Nyack

Ms. Simpson said that she has been the Director for the last seven years. When she arrived, the circulation of items amounted to 65,000 per year. Last year, they had 114,000 and this year, judging by how things are going, they will have well over 120,000 circulation. They have programs going on almost weekly throughout the fall, winter and spring. Their summer program with children this year registered 140 children the first day. They still have more children coming to be registered for programs which encourage them to read and learn to use the library.

There being no one further wishing to be heard, on motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:40 P.M.

Respectfully submitted


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 527-1992 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/14/92

9:41 P.M.

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

PH - Proposed Amendment to Chapter 18 (Ethics) of the Town Code

On motion of Councilman Maloney, seconded by Councilwoman Smith 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.

Supervisor asked Town Attorney the purpose of this amendment?

Town Attorney replied we had a list of certain Boards, Commissions and individuals that had to file. The Clerk of the Works had to be added to the list of those to file.

Councilman Mandia asked if the State mandated some of these.

Town Attorney said, "Yes".

Appearance: Mr. John Lodico
New City

Mr. Lodico asked if all of them were mandated by the State? On behalf of the Industrial Development Committee, Mr. Lodico said, that he felt it was inappropriate in as much as the Town Board sends memorandums to amend or change things. Mr. Lodico stated that ethic applications should be presented by only those who are in a position of judicial authority, planning authority, zoning authority, the Zoning Board of Appeals, and areas where payroll is involved. Advisory committees with no pay or administrative and legislative functions should be removed from it.

Town Attorney said that he had received communication requesting the Clerk of the Works be added.

Appearance: Mr. John Cuff
West Nyack

Mr. Cuff, as a New York State and a Town employee, he is required to fill out this form on the State level and on the Town level. He felt that anyone who is willing to serve government whether they are paid or advisory should be required to fill out a form.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:47 P.M.

Respectfully submitted

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 528-1992 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/14/92

9:48 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko, Maloney, Mandia and Smith
Philip Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Lake Lucille Aquatic Plant Control District

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

Councilman Dusanenko stated that it had been reported in the papers that the County Executive was not happy with this particular project. Councilman Dusanenko appealed to everyone in the room and everyone on the Board to please contact John Grant to get him to reconsider his thinking on this.

Supervisor stated that this particular hearing is a continuation of one that we had a few weeks ago and it was to include three additional properties which were not the subject of the first public hearing. There were determinations to be made on two properties that were to be excluded by our Town Attorney and Engineer.

Councilman Dusanenko asked the names of the property owners that were to be excluded and Supervisor said they were Mrs. Herman and Dr. Nieman.

Supervisor asked if there was anyone present wishing to speak relative to this matter.

Appearance: Dr. Boris Vanadzin
26 Woodhaven Drive
New City

Dr. Vanadzin referred to a map and explained that his property originally had access to the lake but no longer does. He said there would have to be an enormous amount of work done in order for him to get access to the lake and if it were done he would then, theoretically, have access. He said if he had to become a member of this district, which he did not want, perhaps the Board would consider classifying him as a secondary beneficiary. He stated that other properties have unobstructed views of the lake but with such a little view, he feels he should have secondary status.

Supervisor stated that we could have the Town Attorney's office take a look at that again.

Appearance: Ms. Claire Gruber
219 Zucker Road
New City

Ms. Gruber stated that when she purchased her property she was told that she was not a member of the Lake Lucille Property Owner's Association. She does not understand why her property is being included in this new proposed district. Supervisor asked if her property boarded the lake? Ms. Gruber stated that it doesn't.

Deputy Town Attorney Fogel stated that it was part of the original Lake Lucille subdivision map.

Ms. Gruber said that she has papers from the lawyer for the estate of the home, prior to her purchase, telling her

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that she did not have any type of maintenance charges for this and that she would not be included in the Lake Lucille Property Owners' Association. Now her home is being included in this new map that is being created and she is a little bit confused as to why her home will be included.

Deputy Town Attorney stated that all properties that were originally included in the original Lake Lucille subdivision map that was filed CIRCA 1927/1928 were included in the district. The recording of a filed map is the equivalent of recording a deed.

Councilman Maloney asked if the affidavit had anything to do with it? Deputy Town Attorney said that it was the Title Company's opinion. Supervisor Holbrook stated that we would take a look at it again.

Appearance: Mr. John Lodico
New City

Mr. Lodico asked Mr. Fogel if those lots also include the south of the lake in that proposal? Mr. Fogel said not to his memory. Mr. Lodico asked is there anything in the deeds that include those on the south side. Mr. Fogel said he did not look at deeds to the south side of the lake. Mr. Lodico asked is there a possibility that they might have been included? Mr. Fogel said there is a possibility and Mr. Lodico asked him if he would find out if in fact the south side of the lake was part of it so that all persons would be taxed equally. Mr. Fogel said those four people who border the lake are being taxed as primary beneficiaries. Mr. Lodico said his main concern is that the total number of properties, whatever they may be in that district, if they are a hundred or a hundred and fifty you have to have the approval of 51% of those properties to create this district. Mr. Fogel said the approval of a district is subject to permissive referendum by the people who are affected by it and if they object to it and they get the requisite petitions and number of voters the district is not even formed.

Mr. Lodico asked would the Town on its own motion, as they have in the past, push this operation in opposition to the 51% who may not want it? Mr. Fogel said that is a policy decision for the Town Board not the Town Attorney's Office. Mr. Lodico said is it normal procedure in the creation of a district that 51% or more of the property owners must approve of the creation of the district so as to be taxed equally and the burden not be passed onto town taxpayers? Mr. Lodico thinks it is proper if 51% of the property owners agree. He does not want to pay for any improvement district in this Town if the property owners themselves are not prepared to pay for it. It should not be spread over the rest of the Town taxpayers.

Appearance: Ms. Terri Thal
Lake Drive
New City

Ms. Thal stated that she was sorry that two of the Council people were not here two weeks ago when more than fifty or sixty people from Lake Lucille came to a hearing. Of the twenty-four people who spoke, fourteen of the people were very strongly in favor of creating a district. Many people had questions about it and there were about eight people who opposed it. The people who live around Lake Lucille and who have been struggling to get it formed so that we can clean up the lake for years and years have been quite clear as to whether or not a majority of people want it. We have had hearings, referendums,

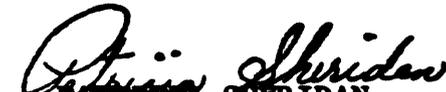
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PH - Proposed Lake Lucille Aquatic Plant Control District
Page 3 7/14/92

polls, we have come before the Town Board and have spoken on numerous occasions. She said there can be no doubt that the people in the area want this district formed.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:00 P.M.

Respectfully submitted


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 529-1992 ADOPTED)