

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

9/8/92

8:00 P.M.

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

Supervisor declared Town Board Meeting open.  
Assemblage saluted the Flag. Councilman Dusanenko stated that Councilman Mandia was out of Town on business.

Supervisor opened the public portion of the meeting.

Appearance: Donald Tirschwell, Esq.  
108 New Hempstead Road  
New City

Mr. Tirschwell represents the mortgagee for the Top of the Mountain subdivision project. A foreclosure sale is scheduled for October 2, 1992 at 3:00 P.M. Mr. Tirschwell requested the Town Board to wait until the October meeting because at that time they will know who the highest bidders are and we will know who would be responsible and what commitments we can get.

Appearance John Lodico  
2 Birch Lane  
New City

Mr. Lodico asked the Town Board to add landscaping for the front entrance of the landfill to the budget. He asked the Board if there was anything they could do about the billboard on Town property. Mr. Lodico wanted to know what progress has been made in reducing the electrical cost by \$15,000.00 to \$20,000.00 on the new Police Department building.

Appearance: John Cuff  
West Nyack

Mr. Cuff spoke on the magnetic decals for Town cars. Also, he read from McKinney's Consolidated Laws of New York, Book II, and it states that Town employees are not allowed to go on private property to do any work for a private citizen.

Appearance: Peter Green  
6 Roberts Road  
New City

Mr. Green spoke on cleaning up Roberts Road, New City. He is the president of the Homeowner's Association in South of the Mountain Village.

Appearance: Mary Maher  
36 Freund Dr.  
Nanuet

Ms. Maher spoke regarding the Christian Love Redeeming Church, the buffer zone and the fence involved.

Appearance: Rudolph Yacyshyn  
Chairman, Planning Board

He spoke regarding the buffer zone and fence at the Christian Love Redeeming Church.

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Appearance: Nancy Brescher  
Van Houton Fields  
West Nyack

Ms. Brescher spoke regarding sidewalks for walkers on Sickletown Road.

Appearance: Arlene Owen  
Congers

Ms. Owen spoke regarding rules for Town cars.

Appearance: Jerome Miller

Mr. Miller requested that the Town Board delay renewing the TKR franchise.

Appearance: Bruce Broadley  
West Nyack

Mr. Broadley spoke regarding recycling phone books, Town cars and letter from Bill Chase regarding Pyramid Shopping Center.

Appearance: John Servidio  
Congers

Mr. Senidio spoke regarding advertising space in the Journal News.

Appearance: Steve Hoffman  
New City

Mr. Hoffman spoke regarding the median barrier and the need for reflectors on Route 304. He also spoke on the use of Town Cars.

Appearance: Adolph Salone  
Congers

Mr. Salone spoke regarding the model for the proposed Police Station.

Appearance: Nicholas Longo  
Assessor

Mr. Longo stated that he, at his own expense, bought the magnetic backing for the decals and wants the ones that were removed from his car returned.

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On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Local Law to Allow Farms to Use Agricultural Assessment Values for Fire and Ambulance District Services Provided by Town, was opened, time: 9:05 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Local Law to Allow Farms to Use Agricultural Assessment Values for Fire and Ambulance District Services Provided by Town, was closed, RESOLUTION ADOPTED, time: 9:10 P.M.

RESOLUTION NO. (590-1992)

ADOPTING LOCAL LAW NO. 8  
- AGRICULTURAL ASSESS-  
MENT FOR FIRE AND  
AMBULANCE DISTRICT

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RESOLUTION NO. (590-1992) Continued                      SERVICES PROVIDED TO FARMS

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled:

"A LOCAL LAW PROVIDING THAT THE AGRICULTURAL ASSESSMENT VALUE MAY BE USED TO DETERMINE BENEFIT ASSESSMENTS FOR SPECIAL AD VALOREM LEVIES ON FIRE AND AMBULANCE DISTRICT SERVICES PROVIDED TO FARMS"

was introduced by Councilman Maloney at a Town Board meeting held on the 18th day of August, 1992, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the August 18, 1992, directed that a public hearing be held on September 8, 1992 at 8:35 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 27, 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 August 18, 1992, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 8, 1992;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 8-1992, entitled:

"A LOCAL LAW PROVIDING THAT THE AGRICULTURAL ASSESSMENT VALUE MAY BE USED TO DETERMINE BENEFIT ASSESSMENTS FOR SPECIAL AD VALOREM LEVIEU ON FIRE AND AMBULANCE DISTRICT SERVICES PROVIDED TO FARMS"

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....Abstain  
John R. Maloney, Councilman.....Yes  
Ann Marie Smith, Councilwoman.....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.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Amendment to Section 188-18 of the Town Code Regarding Timely Forwarding of Notices of Defect Submitted to Town Clerk, was opened, time: 9:11 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Amendment to Section 188-18 of the Town Code Regarding Timely Forwarding of Notices of Defect Submitted to Town Clerk, was closed, RESOLUTION ADOPTED, time: 9:12 P.M.

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RESOLUTION NO. (591-1992)

ADOPTING LOCAL LAW NO. 9  
- AMENDMENT TO CHAPTER  
188 (NOTIFICATION OF  
DEFECTS)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 188 (NOTIFICATION OF DEFECTS)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting held on the 18th day of August 1992 and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 18th day of August, 1992, directed that a public hearing be held on the 8th day of September at 8:45 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 27, 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 August 14, 1992, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 8, 1992;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 9-1992, entitled:

"AMENDMENT TO CHAPTER 188 (NOTIFICATION OF DEFECTS)  
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  
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.

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RESOLUTION NO. (592-1992)

ACCEPTING MINUTES OF  
TOWN BOARD MEETING OF  
AUGUST 18, 1992

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the minutes of the Town Board Meeting of August 18, 1992 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (593-1992)

SETTING A PUBLIC HEARING  
(PROPOSED LOCAL LAW  
AMENDING CHAPTER 262 -  
TAXATION) - SENIOR  
CITIZEN EXEMPTION

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, Councilman Dusanenko, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 262 (TAXATION) OF THE CODE OF THE TOWN OF CLARKSTOWN."

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 22nd day of September, at 8:35 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (594-1992)

AUTHORIZING TOWN  
ATTORNEY TO INSTITUTE  
CHAPTER 216 PROCEEDING -  
MAP 97, BL. A, LOT 29.01  
(MORMILE)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as provided in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations, as reported by the Building Inspector, on premises reputedly owned by DOMINICK MORMILE and BARBARA RUBINO (formerly known as Barbara Mormile) located at 125 Ridge Road, New City, New York, more particularly described on the Tax Map of the Town of Clarkstown as MAP 97, BLOCK A, LOT 29.01, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of October, 1992, at 8:45 P.M., providing service of Notice pursuant to Chapter 216 of the Town Code is made on or before September 28, 1992.

On roll call the vote was as follows:

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RESOLUTION NO. (594-1992) Continued

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

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RESOLUTION NO. (595-1992)

AUTHORIZING TOWN  
ATTORNEY TO INSTITUTE  
CHAPTER 216 PROCEEDING -  
MAP 126, BLOCK A, LOT 33  
(CHALUPA)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as provided in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector on premises reputedly owned by the estate of Harold Chalupa for which Harold Peterson as Rockland County Director of Finance has been appointed public Administrator. The property is located at 29 Lenox Avenue, Congers, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 126, Block A, Lot 33, 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 13th day of October, 1992, at 8:40 P.M., providing service of Notice pursuant to Town Code Chapter 216 is made on or before September 28, 1992.

On roll call the vote was as follows:

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

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RESOLUTION NO. (596-1992)

ORDER CALLING PUBLIC  
HEARING (ROAD  
IMPROVEMENT, ROUTE 59,  
NANUET)

Co. Dusanenko offered and Co. Smith seconded

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Avenue, New City, New York, in said Town of Clarkstown on the 8th day of September, 1992

P R E S E N T :

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

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RESOLUTION NO. (596-1992) Continued

In the Matter  
of a  
Road Improvement Project for a  
portion of New York State Route 59,  
Nanuet, New York

ORDER CALLING FOR  
A PUBLIC HEARING

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WHEREAS, pursuant to Section 200 of the Town Law, the Town Board of the Town of Clarkstown considered the improvement of a portion of a street known as New York State Route 59, lying between Smith Street and First Street, benefitting properties shown on the Tax Map of the Town of Clarkstown as Map 32, Block B, Lots 2, 2.01, 5, 18 and 85.06, situate in the Hamlet of Nanuet, New York, and

WHEREAS, the maximum amount proposed to be expended originally for such improvement pursuant to cost estimates was \$140,000.00, and

WHEREAS, a public 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, on July 24, 1990, by Resolution No. 702-1990, the Town Board authorized the creation and the construction of a road improvement for a portion of New York State Route 59, Nanuet, New York, at a cost not to exceed \$140,000.00, and

WHEREAS, after the receipt of bids for the construction of the said improvement, it was determined that the amount of \$140,000.00 authorized for the proposed road improvement is insufficient to cover the cost of the construction;

NOW, THEREFORE, it is

ORDERED, that a public hearing pursuant to Section 200 of the Town Law be held at Room 311 of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 22nd day of September, 1992, at 8:45 P.M., to hear all persons interested in the construction of said improvement and the cost thereof, and to consider whether it is in the public interest to construct said improvement at a cost not to exceed \$250,000.00, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the Town Clerk, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five public places along New York State Route 59, Nanuet, New York, in the time and manner required by law.

On roll call the vote was as follows:

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

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RESOLUTION NO. (597-1992)

AUTHORIZING TOWN  
ATTORNEY TO APPEAL

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RESOLUTION NO. (597-1992) Continued                      DECISION (C & A CARBONE, INC.)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Supreme Court of Rockland County has rendered a decision in the matter of C & A CARBONE, INC. against the Town Board of the Town of Clarkstown, and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (598-1992)                                      AUTHORIZING TOWN ATTORNEY TO APPEAL DECISION (DAYTOP)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Supreme Court of Rockland County has rendered a decision in the matter of Daytop Village Foundation, Inc. and Daytop Village, Inc. v. The Assessor of the Town of Clarkstown, et al. against the Town of Clarkstown, and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to take the necessary steps to appeal said decision.

On roll call the vote was as follows:

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

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RESOLUTION NO. (599-1992)                                      AUTHORIZING AGREEMENT FOR LIBRARY ASSISTANCE (SEC. 256-EDUCATION LAW) - NANUET PUBLIC LIBRARY AND NEW CITY PUBLIC LIBRARY

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organizations listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

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RESOLUTION NO. (599-1992) Continued

FURTHER RESOLVED, that said libraries shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 1992.

NANUET PUBLIC LIBRARY  
NEW CITY LIBRARY

On roll call the vote was as follows:

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

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RESOLUTION NO. (600-1992)

AMENDING RESOLUTION NO.  
586-1992 (ESCROW FUNDS  
IN DEFAULT) - WILDFLOWER  
CONSTRUCTION (FOXWOOD  
HILLS SUBDIVISION)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that Resolution No. 586-1992, adopted by the Town Board on August 18, 1992, with respect to defaulting escrow funds deposited by Wildflower Construction Corp./Foxwood Hills Subdivision, is hereby amended to be effective as of September 8, 1992.

On roll call the vote was as follows:

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

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RESOLUTION NO. (601-1992)

AUTHORIZING PAYMENT FOR  
TUNNEL BY-PASS (NEW  
CLARKSTOWN ROAD)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has constructed a road from West Clarkstown Road to Route 59, commonly known as the Tunnel By-Pass Road (New Clarkstown Road), and

WHEREAS, as part of the construction of said road an acquisition of property was necessary from the Russian Orthodox Church, "Novo-Diveevo," Inc., which involved the exchange of parklands and other consideration, and

WHEREAS, the exchange of such parklands as been authorized by action of the New York State Legislature, and

WHEREAS, such road has been constructed and opened, and

WHEREAS, it is now necessary to install a vehicular gate, said gate to be installed by the Russian Orthodox Church, at a cost of \$1,280.00, and

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RESOLUTION NO. (601-1992) Continued

WHEREAS, a curb cut is required to be installed at the location of the said gate, which work shall be performed by the Clarkstown Highway Department;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the payment of \$1,280.00 to the Russian Orthodox Church "Novo-Diveevo," Inc. as the final consideration for the exchange of properties, and be it

FURTHER RESOLVED, that the Clarkstown Highway Department is hereby authorized to perform the work of installing the appropriate curb cut.

On roll call the vote was as follows:

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

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RESOLUTION NO. (602-1992)

ASSESSING COST-CHAPTER  
111 PROCEEDING (MAP  
113-A-23.2 - DE HART)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proceeding pursuant to Chapter 111 (formerly Chapter 31) of the Code of the Town of Clarkstown was duly instituted against premises known and designated on the Tax Map of the Town of Clarkstown as MAP 113, BLOCK A, LOT 23.2, and

WHEREAS, by Order of the Town Board, the Building Inspector was authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the cost to date for the proceeding and corrective measures is the sum of \$8,350.00 and said sum remains unpaid;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and Receiver of Taxes are hereby authorized and directed to levy the sum of \$8,350.00 against Map 113, Block A, Lot 23.2, and be it

FURTHER RESOLVED, that Resolution No. 574 adopted on August 18, 1992, which authorized cancellation of the Lis Pendens was adopted in error and same is hereby rescinded.

On roll call the vote was as follows:

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

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RESOLUTION NO. (603-1992)

AUTHORIZING TOWN  
ATTORNEY TO SETTLE  
ACTION (SCHWARZ)

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RESOLUTION NO. (603-1992) Continued

Co. Maloney offered and Co. Smith seconded

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

LILY SCHWARZ,

Plaintiff,

-against-

TOWN OF CLARKSTOWN, a municipal corporation with offices at 10 Maple Avenue, New City, New York,

Defendant.

WHEREAS, the said suit seeks a declaration that the Plaintiff owns the fee to the subject property and the Town of Clarkstown has only a right of way for the purposes of ingress and egress over the subject property, and

WHEREAS, an examination of the record discloses that the Plaintiff's assertions are correct;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to settle the aforesaid lawsuit on the basis that Plaintiff owns the subject property in fee and the Town of Clarkstown has a right of way easement for ingress and egress over the said property, and be it

FURTHER RESOLVED, that the Town Attorney is authorized to execute any and all documents to effectuate this settlement.

On roll call the vote was as follows:

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

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RESOLUTION NO. (604-1992)

DIRECTING ENVIRONMENTAL DIRECTOR TO PREPARE PLAN FOR CONTINING SIDEWALK (WEST SIDE OF SICKLETOWN RD. FROM FOXWOOD RD. TO VAN HOUTEN FIELDS)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare a plan for the continuation of the school sidewalk on the west side of Sickletown Road to be continued from Foxwood Road to Van Houten Fields, a distance of approximately 350 feet.

On roll call the vote was as follows:

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

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RESOLUTION NO. (605-1992)

AUTHORIZING SUPERVISOR  
TO ENTER INTO LEASE WITH  
D'ANDREA (STORING OF  
POLICE EQUIPMENT AND  
SUPPLIES)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that upon the recommendation of the Chief of Police of the Town of Clarkstown and the Clarkstown Police Commission, the Supervisor of the Town of Clarkstown is hereby authorized to enter into a lease with Barthlomeu D'Andrea, for the purpose of storing police equipment and supplies, at a rental fee of \$300.00 per month for a period of one year commencing September 15, 1992 and terminating on September 14, 1993.

On roll call the vote was as follows:

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

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RESOLUTION NO. (606-1992)

AMENDING RESOLUTION NO.  
562-1992 (AUTHORIZING  
TURKEY SHOOT-NYACK LIONS

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Resolution No. 562, adopted by the Town Board of August 18, 1992, is hereby amended as follows:

WHEREAS, the Nyack Lions Club, has requested the consideration of the Town Board of the Town of Clarkstown to hold a Turkey Shoot as a fund raiser for their organization, and

WHEREAS, the proposed Turkey Shoot is to be held on October 11th, 18th, 25th and November 1, 1992, with rain dates of November 8, 1992, on property of Carl H. Landgren located near Route 9W and Christian Herald Road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants approval to the Nyack Lions Club to hold a Turkey Shoot on the dates specified, and be it

FURTHER RESOLVED, that the Chief of Police of the Town of Clarkstown shall be notified of the time and place of each Turkey Shoot.

On roll call the vote was as follows:

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

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RESOLUTION NO. (607-1992)

AUTHORIZING HIGHWAY  
SUPERINTENDENT TO  
SURFACE TREAT PIPPIN PL.  
AND KENDALL DR., NEW  
CITY & PHILLIPS LA.,

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RESOLUTION NO. (607-1992) Continued      WEST NYACK (ACCOUNT #H  
5110-409-4-6)

Co. Smith offered and Co. Maloney seconded

BE IT RESOLVED, that the Superintendent of Highways is hereby authorized to surface treat Pippin Place and Kendall Drive in New City and Phillips Lane in West Nyack, and be it

FURTHER RESOLVED, that all proper charges be charged against the Capital Account #H 5110-409-4-6.

On roll call the vote was as follows:

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

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RESOLUTION NO. (608-1992)      AUTHORIZING HIGHWAY  
SUPERINTENDENT TO  
SURFACE TREAT CLEARVIEW  
RD. & OVERLOOK RD., NEW  
CITY CHARGE ACCOUNT #H  
5110-409-4-6

Co. Smith offered and Co. Maloney offered

RESOLVED, that the Superintendent of Highways is hereby authorized to surface treat Clearview Rd. and Overlook Rd., New City, at a total estimated cost of \$9,888.00, including preparation, material as per Rockland County Bid 92-52, and equipment rental, and be it

FURTHER RESOLVED, that all proper charges be charged against the Capital Account #H 5110-409-4-6.

On roll call the vote was as follows:

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

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RESOLUTION NO. (609-1992)      AUTHORIZING HIGHWAY  
SUPERINTENDENT TO  
INSTALL SIGN ("STATE LAW  
DO NOT BLOCK SIDE ROAD")  
NORTHSIDE OF CONGERS RD.

Co. Smith offered and Co. Maloney seconded

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

a sign to read, "State Law Do not Block Side Road" (NYS sign #R9-4C) on the northside of Congers Rd. just east of American Legion Way.

and be it

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RESOLUTION NO. (609-1992) Continued

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (610-1992)

AUTHORIZING HIGHWAY  
SUPERINTENDENT TO  
INSTALL "NO PARKING"  
SIGN ON EASTSIDE OF  
SOUTH HARRISON AVE.,  
CONGERS

Co. Smith offered and Co. Maloney seconded

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

"No Parking" sign with directional arrows on the eastside of South Harrison Avenue, Congers a distance of 100 ft. north of the Congers Fire House

and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (611-1992)

ACCEPTING PROPOSAL FROM  
ORANGE & ROCKLAND  
(STREET LIGHTING -  
TRALEE ESTATES)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendations of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following location:

Tralee Estates, Valley Cottage, NY 10989

On roll call the vote was as follows:

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

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RESOLUTION NO. (612-1992)

ACCEPTING PROPOSAL FROM  
ORANGE & ROCKLAND  
UTILITIES FOR STREET  
LIGHTING (ENDICOTT  
STREET, CONGERS)

Co. Dusanenko offered and Co. Maloney seconded

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

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

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

NOW, THEREFORE, be it

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

Endicott Street, Congers  
(Install one (1) - 5800 lumen sodium vapor street light on existing utility pole number 60693/42002)

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (613-1992)

AWARDING BID #51A-1992 -  
TWO (2) TWO PASSENGER  
TURF VEHICLES - WILFRED  
MAC DONALD INC.

Co. Maloney offered and Co. Smith seconded

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

BID # 51A-1992  
FOR TWO (2) TWO PASSENGER TURF VEHICLES

is hereby awarded to

WILFRED MAC DONALD, INC.  
340 MAIN AVENUE  
CLIFTON, N.J. 07014  
PRINCIPALS: JAMES H. PELRINE  
MICHAEL J. PELRINE

for two (2) Cushman Model 532 two passenger utility turf vehicles outfitted as described in bid specifications as per their low bid unit cost of \$10,400.00 each.

On roll call the vote was as follows:

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RESOLUTION NO. (613-1992) Continued

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

\*\*\*\*\*

RESOLUTION NO. (614-1992)

AUTHORIZING ATTENDANCE  
AT 64TH ANNUAL NEW YORK  
STATE BUILDING OFFICIALS  
CONFERENCE (BUILDING  
DEPARTMENT) - ACCOUNT  
NO. A-1010-414

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the following personnel of the Building Department are hereby authorized to attend the 64th Annual New York State Building Officials Conference and School for continuing education to be held at the Granite Conference Center in Kerhonkson, New York on September 23, 24 & 25, 1992.

Adolph Milich, Jr. - Building Inspector  
David B. McLeod - Building Plans Examiner  
William Mahoney - Ass't. Building Inspector  
Irene Saccende - Code Inspector

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  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (615-1992)

AUTHORIZING ATTENDANCE  
AT NEW YORK PLANNING  
FEDERATION CONFERENCE  
CHARGE TO ACCOUNT  
B8020-404 & 414

Co. Maloney offered and Co. Smith seconded

Rudolph J. Yacyshyn, Chairman of the Clarkstown Planning Board is hereby authorized to attend the New York Planning Federation Conference to be held in Niagara Falls, November 8th to 11th. All fees shall be charged against Department of Planning Account B8020, Lines 404 & 414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (616-1992)

AUTHORIZING ATTENDANCE  
AT CONFERENCE (NEW YORK

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RESOLUTION NO. (616-1992) Continued

STATE OFFICE OF  
ALCOHOLISM & SUBSTANCE  
ABUSE SERVICES)

Co. Maloney offered and Co. Smith seconded

RESOLVED, Brian Connolly, CSW, of the Clarkstown Counseling Center, attend a conference on Thursday, October 22nd, 1992 sponsored by New York State Office of Alcoholism and Substance Abuse Services, on Building Resiliency with Youth, Family and Communities.

On roll call the vote was as follows:

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

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RESOLUTION NO. (617-1992)

AUTHORIZING ATTENDANCE  
AT ANNUAL CONFERENCE OF  
NEW YORK STATE  
MAGISTRATES ASSOCIATION  
- ACCOUNT NO. 1010-414

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Kenneth S. Rones, Victor Alfieri, Jr., Harry Edelstein and Scott B. Ugell are hereby authorized to attend the Annual Conference of the New York State Magistrates Association at the Neville in Fallsburg, N.Y. from October 19, 1992 until October 21, 1992, and be it

FURTHER RESOLVED, that all proper charges be charged against appropriation account #1010-414

On roll call the vote was as follows:

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

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RESOLUTION NO. (618-1992)

AUTHORIZING ATTENDANCE  
AT ANNUAL CONFERENCE OF  
NEW YORK STATE ASSOC. OF  
MAGISTRATES COURT CLERKS  
- ACCOUNT NO. 1010-414

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Joann Geary, Justice Court Clerk, is hereby authorized to attend the Annual Conference of the New York State Association of Magistrates Court Clerks in Fallsview, N.Y. from October 18, 1992 to Octoer 21, 1992, and be it

FURTHER RESOLVED, that all proper charges be charged against appropriation account #1010-414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (619-1992)

GRANTING EXTENSION OF  
SICK LEAVE OF ABSENCE  
(WILLEM MAXI) -  
MAINTENANCE DEPARTMENT

Co. Smith offered and Co. Maloney

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Willem Maxi, 28 Waldron Avenue, P.O. Box 645, Nyack, New York, Custodial Worker - Maintenance Department - is hereby granted an extension of his Sick Leave of Absence - at one-half pay - effective and retroactive to August 24, 1992 to September 24, 1992.

On roll call the vote was as follows:

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

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RESOLUTION NO. (620-1992)

APPOINTMENT BY PARKS  
BOARD & RECREATION  
COMMISSION (ANGELA T.  
CLEARY) CLERK  
STENOGRAPHER

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91201 Clerk Stenographer which contains the name of Angela T. Cleary,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Angela T. Cleary, 19 Mein Drive, New City, New York, to the position of Clerk Stenographer - Parks Board and Recreation Commission - at the current 1992 annual salary of \$20,595.00, effective and retroactive to August 17, 1992.

On roll call the vote was as follows:

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

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RESOLUTION NO. (621-1992)

MEMORIALIZING CLARKSTOWN  
LEGISLATORS TO INTRODUCE  
LEGISLATION TO COUNTY OF  
ROCKLAND FOR FUNDS FOR  
MINI TRANS SYSTEM

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Clarkstown Mini Trans serviced 217,000 riders in the past year, of whom 31,000 were senior citizens and 20,000 were handicapped persons, and

WHEREAS, such Mini Trans performs a vital public service in the Town of Clarkstown and the County of Rockland, and

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RESOLUTION NO. (621-1992) Continued

WHEREAS, if such public service was not performed by the Clarkstown Mini Trans, the County of Rockland would have to perform such additional services through their Trips Program, and

WHEREAS, in past years the County of Rockland has made grants of monies to help defray the cost of the Clarkstown Mini Trans;

NOW, THEREFORE, be it

RESOLVED, that the Clarkstown Legislators are hereby memorialized and requested to introduce legislation providing that the County of Rockland grant funds to the Clarkstown Mini Trans in order to help defray the cost of the operation of the Clarkstown Mini Trans system.

Co. Dusanenko stated that before requesting the funds, this Town Board unanimously agreed that the County should take over the roads around Pyramid. Co. Dusanenko stated that there is little that happens in the County at the direction of the County Executive. We should rephrase this to suggest that the County Executive direct his transportation people.

Co. Smith stated that the County Executive understands the viability of our Mini Trans. Co. Smith also spoke with Ken Ingenito and Bill Chase to seriously consider this with the Clean Air Act that is coming. There is more encouragement to get people out of cars and into mass transportation and most importantly with the American Disability Act, our lines now afford seniors and the handicapped people more service than the Trips County line. In the future, Co. Smith would like to see our service expanded to those two segments of people.

Supervisor Holbrook stated that we do fill the gap in the middle of the County which the County of Rockland does not serve.

On roll call the vote was as follows:

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

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RESOLUTION NO. (622-1992)

AUTHORIZING TOWN  
ATTORNEY TO DEFEND  
PROCEEDING AGAINST THE  
TOWN OF CLARKSTOWN  
(PULEO V. TOWN OF  
CLARKSTOWN AND ALFIERI

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding was commenced in the Division of Human Rights of the State of New York, entitled "Patricia A. Puleo v. Town of Clarkstown and Victor J. Alfieri, No. 3E-S-92-1250778-E";

NOW, THEREFORE, be it

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RESOLUTION NO. (622-1992) Continued

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend the Town of Clarkstown in this matter.

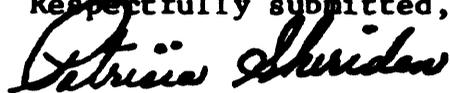
On roll call the vote was as follows:

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

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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 9:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/8/92

9:05 P.M.

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

Re: Proposed Local Law to Allow Farms to Use Agricultural  
Assessment Values for Fire and Ambulance District Services  
Provided by the Town

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

Supervisor asked the Town Attorney if there was anything he would like to add?

Town Attorney Murray Jacobson stated that up until recently, the agricultural districts had to have fifty acres or more. The State changed it so that you could have an agricultural assessment for a parcel of land that was dedicated for agricultural uses for a period of at least eight years. Recently an enabling act was passed that you may use this agricultural assessment for benefit districts such as fire and ambulance.

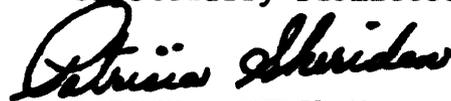
Supervisor asked if there was anyone present wishing to make a comment or ask a question?

Appearance: John Lodico  
2 Birch Lane  
New City

Mr. Lodico stated that it is important to keep farms in our Town. The open space is necessary for our proper environment. Mr. Lodico thinks it is important that we make it possible that farmers can have some reduction. However if in eight or ten years the property is subdivided, then there should be a bounty on the number of lots. He hopes that the farms will stay in business for one hundred years.

There being no one further wishing to make a comment or ask a question, on motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 9:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

(RESOLUTION NO. 590-1992 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/8/92

9:11 P.M.

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

Re: Proposed Amendment to Section 188-18 of the Town Code Regarding Timely Forwarding of Notice of Defect Submitted to the Town Clerk

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

Supervisor asked if there was anyone wishing to make comments for or against?

Town Attorney Murray N. Jacobson stated that a couple of words were left out of this Local Law. It says that the Town Clerk should cause all written notices received by her, etc., etc. within five days of receipt thereof or at the next succeeding Town Board meeting whichever should be sooner. What it should read and should be changed to is "shall cause all written notice to be presented to the Town Board within five days of receipt thereof or at the next succeeding Town Board meeting."

There being no one further wishing to make a comment or ask a question, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 9:12 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN  
Town Clerk

(RESOLUTION NO. 591-1992 ADOPTED)