

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/13/92

8:01 P.M.

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

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

Supervisor opened the public portion of the meeting.

Appearance: Mr. John Lodico
New City, New York

Mr. Lodico spoke regarding Town Attorney reviewing the contracts for solid waste. He also spoke about police radio equipment.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding Agenda Item 16 (Bonding for Mobile Data Equipment for Police Department). He also felt that the Highway Department should have trucks purchased annually.

RESOLUTION NO. (697-1992)

ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
OCTOBER 5, 1992

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the minutes of the Town Board Meeting of October 5, 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. (698-1992)

SETTING PUBLIC HEARING
ON PRELIMINARY BUDGET
FOR 1993

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the tentative budget on file in the Town Clerk's office and presented to the Town Board on October 5, 1992, shall be considered the preliminary budget for the purposes of public distribution and review, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to prepare 50 copies of same for public distribution pursuant to Town Law Section 106, and be it

FURTHER RESOLVED, that the public hearing to be held on the preliminary budget shall be October 26, 1992, at 8:00 P.M. in the Town Hall Auditorium, 10 Maple Avenue, New City, New York.

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RESOLUTION NO. (698-1992) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (699-1992)

CORRECTING ADJUSTED
BASE PROPORTION FOR
CERTIFICATION TO STATE
BOARD OF EQUALIZATION
AND ASSESSMENT

Co. Smith offered and Co. Maloney 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 corrects and establishes the adjusted base proportion for the levy of taxes on a certain portion of the 1992 Assessment Roll for the Town of Clarkstown, and be it

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

(Figures 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. (700-1992)

REFERRING AMENDED
PETITION FOR CHANGE OF
ZONE R-15 TO R-10 OR
MF-1 (GOODMAN) TO
CLARKSTOWN PLANNING
BOARD AND ROCKLAND
COUNTY COMMISSIONER OF
PLANNING

Co. Mandia offered and Co. Smith seconded

WHEREAS, JOHN T. GOODMAN, WILLIAM J. GOODMAN, ALEXANDER A. GOODMAN and ROBERT J. GOODMAN, have submitted an amended petition to the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioners, from an R-15 to an R-10 or MF-1 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 141, Block B, Lots 24, 24.1 and 24.2;

NOW, THEREFORE, be it

RESOLVED, that the amended petition is hereby referred to the Clarkstown Planning Board for report pursuant

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RFSOLUTION NO. (700-1002) Continued

to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium 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 November 24, 1992, at 8:35 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEORA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEORA review, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the Office of 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. (701-1992)

REFERRING PETITION FOR CHANGE OF ZONE FROM R-15 TO CS DISTRICT (TERMINELLO ENTERPRISES, INC.) TO CLARKSTOWN PLANNING BOARD AND ROCKLAND COUNTY COMMISSIONER OF PLANNING

Co. Maloney offered and Co. Smith seconded

WHEREAS, TERMINELLO ENTERPRISES, INC. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-15 District to a CS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 126, Block A, Lots 20, portion of 21, 21.01, 21.02, 21.03, 22, 23 and 24;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections

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RESOLUTION NO. (701-1992) Continued

239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium 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 24th day of November, 1992, at 8:40 P.M., relative to the proposed amendment, and be it

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

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the Office of 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. (702-1992)

AMENDING RESOLUTION
NO. (582-1992)
INCREASING COST OF
EROSION CONTROL (12
SALEM ROAD, NEW CITY)
- CHARGE TO CAPITAL 2
ACCOUNT

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, Resolution No. (582-1992) authorized erosion control and stabilization improvements within a drainage easement at 12 Salem Road, New City, N.Y., and

WHEREAS, during construction of the improvements it was noted that the westerly barrel and junction chamber of culvert No. 401 under Salem Road was occluded and therefore not functioning properly, and

WHEREAS, the Superintendent of Highways was notified of this condition and recommends that the contractor currently on site with the necessary equipment perform the required additional work necessary to ameliorate this adverse condition since the Highway Department does not have the manpower, time or equipment presently available,

NOW, THEREFORE, be it

RESOLVED, that the amount approved in Resolution No. (582-1992) be increased by \$6,275.00 for a total cost of \$25,775.00 and same shall be a proper charge of Capital 2 account.

Councilman Dusanenko stated that he wanted the record to show that this work was being done on our easement and is needed.

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RESOLUTION NO. (702-1992) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (703-1992)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO REPROFILE
AND REPAVE LONG CLOVE
ROAD, NEW CITY -
CHARGE TO CAPITAL
ACCOUNT NO. F
5110-409-4-6

Co. Maloney offered and Co. Smith seconded

BE IT RESOLVED, that the Superintendent of Highways is hereby authorized to reprofile and repave Long Clove Road, New City, at a total estimated cost of \$52,415.00, including preparation, material, 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.....Abstain
Councilman Maloney.....Yes
Councilman Mandia.....Abstain
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (704-1992)

AUTHORIZING SETTLEMENT
OF TAX CERTIORARI
(UNITED ARTISTS)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled UNITED ARTISTS REALTY COMPANY v. The Assessor of the Town of Clarkstown, et al., for the years 1987/88, 1988/89, 1989/90, 1990/91, 1991/92 and 1992/93 affecting parcel designated as Map 59, Block A, Lot 20.19, 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 59, Block A, Lot 20.19 be reduced for the tax years 1990/91, 1991/92 and 1992/93 from \$833,400.00 to \$750,000.00;
2. That the proceedings commenced by the petitioner respecting Map 59, Block A, Lot 20.19 be discontinued for the years 1987/88, 1988/89 and 1989/90;

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RESOLUTION NO. (704-1992) Continued

3. That reimbursement for the years 1990/91, 1991/92 and 1992/93 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.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown; and the attorneys for the Clarkstown Central School District have consented to such settlement.

NOW, THEREFORE, be it

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

Councilman Dusanenko wished it noted that they still allow us, at no cost to our commuters, to use that lot for commuter parking.

On roll call the vote was as follows:

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

RESOLUTION NO. (705-1992)

AUTHORIZING HARVEY S. WEINGARD, C.P.A. TO PREPARE AUDIT ON PERGAMENT HOME CENTERS, INC. FOR 1990, 1991 AND 1992

Co. Smith offered and Co. Maloney seconded

WHEREAS, Pergament Home Centers, Inc./Pergament Spring Valley Corp. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 6, Block A, Lots 16.5 and 16.5//3 for the years 1988/89, 1989/90, 1990/91, 1991/92 and 1992/93, and

WHEREAS, it is desirable to retain Harvey S. Weingard, C.P.A. to prepare an audit for the purpose of negotiating and/or trying the aforesaid matter.

NOW, THEREFORE, be it

RESOLVED, that Harvey S. Weingard, C.P.A. be retained for the purpose of preparing an audit for the years 1990, 1991 and 1992 at a fee not to exceed \$80.00 per hour with a cap of \$1,000.00.

Councilman Dusanenko said he would like to go along with Councilwoman Smith. He said we could always reauthorize

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RESOLUTION NO. (705-1992) Continued

at a Special Town Board Meeting if it is essential or at the next Town Board Meeting. He would like to cap this at no more than \$1,000.00 until we get that report from the Town Attorney. This was agreed upon subject to the approval of the Town Attorney.

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. (706-1992)

AUTHORIZING RELEASE OF
ESCROWS FOR INCOMPLETE
ITEMS (CEDAR GROVE
CORNERS SUBDIVISION)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, escrows for incomplete items secured by a passbook containing the sum of \$25,000 furnished to the Town in connection with a subdivision known as Cedar Grove Corners is terminated and the passbook may be released to the guarantor.

Councilman Dusanenko asked if all work requested by the Planning Board had been completed? He was told there is a problem with a retaining wall. Councilman Dusanenko asked if there was sufficient escrow still to cover that? If we release this we won't have escrow. Councilwoman Smith said if it ever had to be moved what would it cost? Mr. Mauro said he really had no idea. Councilman Dusanenko said should we put this on for the next meeting? Supervisor said the people really want the retaining wall and the trees there. Councilman Dusanenko said he was not saying anything about the trees. Supervisor said but the trees are behind the retaining wall. That is the problem; they do not want the wall down. He said the Superintendent of Highways is concerned that when the snow is plowed that the snow won't go off because of the retaining wall but if you remove the retaining wall you get rid of the trees and they want the trees. Councilman Dusanenko asked along which street? Supervisor said Corners Road. Esthetically, it is nice looking.

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. (707-1992)

AUTHORIZING USE OF
TOWN LAW SECTION
280-a(2) - MAP 114,
BLOCK A, LOT 29.01
(VIOLA STOUT)

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RESOLUTION NO. (707-1992) Continued

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law, and pursuant to the recommendations of the Director of Environmental Control, a Building Permit for the erection of a one-family residence may be issued to VIOLA STOUT for property situate on the north side of Chester Avenue, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 114, Block A, Lot 29.01, provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

1. That the property owner shall acknowledge that no Town services including but not limited to maintenance, paving or snow removal shall be provided along Chester Avenue.

2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on any mapped street when and if required by the Town Board of the Town of Clarkstown.

3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of such mapped street to 50 feet in width.

4. That Chester Avenue shall be improved and maintained, at the expense of the property owner, to the satisfaction of the Director of Environmental Control and the Superintendent of Highways.

5. That any deed of conveyance for the subject premises shall be subject to the Declaration of Covenant provided herein.

6. That the Certificate of Occupancy issued for said premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein,

and be it

FURTHER RESOLVED, that prior to the issuance of a Certificate of Occupancy for the subject premises, the owner shall:

- (a) Install macadam pavement 25' from the westerly edge of pavement of Old Haverstraw Road towards Chester Avenue.
- (b) Pave the proposed parking area.
- (c) Install the sanitary sewer system including the spur at no cost to the Town.
- (d) Restore the gravel roadway after the construction to the original condition as required by the Department of Environmental Control.

On roll call the vote was as follows:

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RESOLUTION NO. (707-1992) Continued

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

RESOLUTION NO. (708-1992)

AUTHORIZING SPRING
VALLEY WATER COMPANY
TO INSTALL HYDRANTS -
CAMELOT SUBDIVISION

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install fire hydrants at the following location(s):

North side of King Arthur Court approximately 160 feet east of the center line of Dolphin Road.

North side of King Arthur Court approximately 785 feet east of the center line of Dolphin Road.

Investigation No. 9486

and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation 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. (709-1992)

DECREASING AND
INCREASING VARIOUS
ACCOUNTS

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990-505 by \$17,515.00 and increase the following Appropriation Account Numbers:

A 1010-114--Councilmen-Part-time.....	\$2,000.00
A 1010-313--" -Office Supplies.....	200.00
A 1220-319--Supervisor-Misc. Supplies.....	40.00
A 1470-409--Bd. of Ethics-Fees for Services.....	690.00
A 3410-204--Fire Bd.-Office Machines.....	90.00

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RESOLUTION NO. (709-1992) Continued

A 8090-409--Aquatic Pests-Fees for Services.....	13,425.00
A 8511-319--Com. Beautificalion-Misc. Services.....	70.00
A 8511-409-- " " -Fees for Services.....	1,000.00

and be it,

FURTHER RESOLVED, to decrease Appropriation Account Number A 9710-620 (Principal-BAN's) and increase A 9710-409 (Fees for Services) by \$21,000.00.

Councilman Dusanenko wanted it noted that the Council Members were not increasing their salaries. It was just covering the part-time expenses of the secretary which was underfunded.

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. (710-1992)

INCREASING ESTIMATED REVENUE ACCOUNT NO. DA 042-8-2665-0 (HIGHWAY-DA-SALE OF EQUIPMENT) AND APPROPRIATION ACCOUNT NO. DA 5130-312 (AUTO MAINTENANCE SUPPLIES)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$3,850.00 from the sale of equipment,

NOW, THEREFORE, be it

RESOLVED, to increase estimated Revenue Account No. DA 042-8-2665-0 (Highway-DA-Sale of Equipment) and Appropriation Account No. DA 5130-312 (Auto Maintenance Supplies) by \$3,850.00.

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. (711-1992)

TRANSFER OF FUNDS - VARIOUS ACCOUNTS (HIGHWAY DEPARTMENT)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various funds require additional funding,

NOW, THEREFORE, be it

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RESOLUTION NO. (711-1992) Continued

RESOLVED, to make the following transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$50,000	DB 5110-443 (Hwy. Private Equip. Rental)	DB 5110-381 (Bituminous)
3,000	DA 5130-306 (Maintenance Supplies)	DA 5130-219 (Misc. Equip.)

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. (712-1992)

TRANSFER OF FUNDS FROM
CS 11-8-2680-0
(INSURANCE RECOVERIES)
TO APPROPRIATION
ACCOUNT NO. A 7140-203
(PARKS & RECREATION
-MOTOR VEHICLES)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$2,922.00 from First National Bank of Boston for recovery due to an accident to a vehicle,

NOW, THEREFORE, be it

RESOLVED, to transfer said funds from CS 11-8-2680-0 (Insurance Recoveries) and increase Appropriation Account No. A 7140-203 (Parks & Recreation-Motor Vehicles).

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. (713-1992)

AUTHORIZING ATTENDANCE
AT SEMINAR WITH
RESPECT TO TAX
CERTIORARI PROCEEDINGS
(MURRAY JACOBSON AND
PHILIP FOGEL) - CHARGE
TO ACCOUNT NO. A
1010-414

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes Murray N. Jacobson, Esq., Town Attorney, and Philip F. Fogel, Esq., First Deputy Town Attorney, to attend a seminar sponsored by the New York State Assessors' Association, Inc. on November 10, 1992, with respect to Tax Certiorari proceedings, and be it

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RESOLUTION NO. (713-1992) Continued

FURTHER RESOLVED, that the fee of \$75.00 per person for the seminar shall be charged to 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. (714-1992)

AUTHORIZING ATTENDANCE
AT ANNUAL CONFERENCE
OF NEW YORK STATE
ASSOCIATION OF
MAGISTRATES COURT
CLERKS (JUDITH ROSSER)
- CHARGE TO
APPROPRIATION ACCOUNT
NO. A 1010-414

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Judith Rosser is hereby authorized to attend the Annual Conference of the New York State Association of Magistrates Court Clerks in Fallsview, NY from October 18, 1992 to October 21, 1992, and be it

FURTHER RESOLVED, that all proper charges be charged 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. (715-1992)

RECOGNIZING
APPOINTMENT BY PARKS
BOARD AND RECREATION
COMMISSION OF
(PERMANENT) POSITION
OF STOREKEEPER (JOSEPH
A. BOLACK)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92081 Storekeeper which contains the name of Joseph A. Bolack,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Joseph A. Bolack, 3 Coolidge Street, Haverstraw, New York, to the (permanent) position of Storekeeper - Parks Board and Recreation Commission - at the current 1992 annual salary of \$28,615.00, effective and retroactive to October 1, 1992.

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RESOLUTION NO. (715-1992) Continued

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. (716-1992)

GRANTING SICK LEAVE OF
ABSENCE - PARKS BOARD
AND RECREATION
COMMISSION (EDWARD
DAVIS, JR.)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that in accordance with Article XVIII,
Section 3(K) of the Labor Agreement between the Town of
Clarkstown and the Clarkstown Unit of the C.S.E.A.. Edward
Davis, Jr., 8 Highview Court, Central Nyack, New York -
Custodian I - Parks Board and Recreation Commission - is hereby
granted a Sick Leave of Absence - at one-half pay - effective
October 22, 1992 to November 22, 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. (717-1992)

RECLASSIFYING POSITION
OF CLERK TYPIST TO
DATA ENTRY OPERATOR I
- RECEIVER OF TAXES

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has
certified on September 17, 1992 that the position of Clerk
Typist - Receiver of Taxes Office - can be reclassified to the
position of Data Entry Operator I,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist -
Receiver of Taxes Office is hereby reclassified to the position
of Data Entry Operator I - effective and retroactive to
September 21, 1992.

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. (718-1992)

APPOINTING DATA ENTRY
OPERATOR I
(PROVISIONAL) -
RECEIVER OF TAXES
(KATHLEEN MC DERMOTT)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that Kathleen McDermott, 54 Basswood Court, Bardonia, New York, is hereby appointed to the position of (provisional) Data Entry Operator I - Receiver of Taxes Office - at the current 1992 annual salary of \$18,538.00, effective and retroactive to September 21, 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. (719-1992)

APPOINTMENT OF DATA
ENTRY OPERATOR I (PART
TIME) - POLICE
COMMISSION (DAWN L.
McCABE)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Dawn L. McCabe, 9 Palmer Avenue, Nanuet, New York, to the position of (part-time) Data Entry Operator I - Police Department - at the current hourly rate of \$6.50 - effective and retroactive to September 23, 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 (720-1992)

GRANTING LEAVE OF
ABSENCE - MAINTENANCE
DEPARTMENT (WILLEM
MAXI)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, Willem Maxi, has requested a leave of absence, without pay,

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement of January 1, 1990 provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Willem Maxi, 18 Waldron Avenue, P.O. Box 645, Nyack, New York - Custodial Worker - Maintenance

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RESOLUTION NO. (720-1992) Continued

Department - is hereby granted a six (6) month leave of absence, without pay, effective and retroactive to September 28, 1992 to March 28, 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 (721-1992)

GRANTING SICK LEAVE OF ABSENCE - ASSESSOR'S OFFICE (FRANCES KOPPEL)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Frances Koppel, 41 Lakewood Drive, Congers, New York - Senior Clerk - Assessor's Office - is hereby granted a Sick Leave of Absence - at one-half pay - effective October 13, 1992 to November 13, 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. (722-1992)

GRANTING SICK LEAVE OF ABSENCE - JUSTICE DEPARTMENT (GLADYS LEWIS)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Gladys Lewis, 2 Park Avenue, Congers, New York - Senior Clerk Typist - Town Justice Department - is hereby granted a Sick Leave of Absence - at one-half pay - effective October 23, 1992 to November 23, 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. (723-1992)

BOND RESOLUTION AUTHORIZING PURCHASE

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RESOLUTION NO. (723-1992) Continued

OF MOBILE DATA
COMPUTER SYSTEM FOR
CLARKSTOWN POLICE
DEPARTMENT

Co. Mandia offered and Co. Maloney seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED OCTOBER 13, 1992,
AUTHORIZING THE PURCHASE OF MOBILE DATA
COMPUTER SYSTEM FOR USE BY THE TOWN POLICE
DEPARTMENT, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$239,900, APPROPRIATING SAID
AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE
OF \$239,900 SERIAL BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County
of Rockland, New York (herein called "Town"), is hereby
authorized to purchase a mobile data computer system for use by
the Town Police Department. The estimated maximum cost of said
specific object or purpose, including preliminary costs and
costs incidental thereto and the financing thereof, is \$239,900
and said amount is hereby appropriated therefor. The plan of
financing includes the issuance of \$239,900 serial bonds of the
Town to finance said appropriation, and the levy and collection
of taxes on all the taxable real property in the Town to pay
the principal of said bonds and the interest thereon as the
same shall become due and payable.

Section 2. Serial bonds of the Town in the
principal amount of \$239,900, are hereby authorized to be
issued pursuant to the provisions of the Local Finance Law,
constituting Chapter 33-a of the Consolidated Laws of the State
of New York (herein called "Law") to finance said appropriation.

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

(a) The period of probable usefulness of said
object or purpose for which said \$239,900 serial bonds
authorized pursuant to this resolution are to be issued, within
the limitations of Section 11.a.32. of the Law, is five (5)
years.

(b) The proceeds of the bonds herein authorized
and any bond anticipation notes issued in anticipation of said
bonds may be applied to reimburse the Town for expenditures
made after the effective date of this resolution for the
purpose or purposes for which said bonds are authorized. The
foregoing statement of intent with respect to reimbursement is
made in conformity with Treasury Regulation Section 1.103-18 of
the United States Treasury Department.

Section 4. Each of the bonds authorized by this
resolution and any bond anticipation notes issued in
anticipation of the sale of said bonds shall contain the
recital of validity as prescribed by Section 52.00 of the Law
and said bonds and any notes issued in anticipation of said
bonds, shall be general obligations of the Town, payable as to
both principal and interest by general tax upon all the taxable

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RESOLUTION NO. (723-1992) Continued

real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "ROCKLAND JOURNAL NEWS," a newspaper published in West Nyack, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

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

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

NOES: None

The resolution was declared adopted

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RESOLUTION NO. (724-1992)

**AUTHORIZING TRAFFIC
AND TRAFFIC FIRE
SAFETY ADVISORY BOARD
TO INSTALL CURVE SIGNS
WESTBOUND SOUTH
MOUNTAIN ROAD**

Co. Dusanenko offered and Co. Smith 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 Curve sign (to the left) westbound on South Mountain Road prior to Wyndham Lane, New City and a Curve sign (to the right) eastbound on South Mountain Road prior to Wyndham Lane, New City

and be it

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

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. (725-1992)

**ACCEPTING DEED FOR
ROAD WIDENING (HABER)**

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as "Subdivision for Ciel Haber", the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along West Clarkstown Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated September 2, 1992, from Ciel Haber, a/k/a Ciel Haberkorn, to the Town of Clarkstown gratuitously conveying a strip of land along West Clarkstown Road, New City, New York, is hereby accepted and ordered recorded in the Rockland County 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

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RESOLUTION NO. (726-1992

GRANTING ELECTION
INSPECTORS ADDITIONAL
COMPENSATION FOR WORKING
EXTRA TIME ON REGISTRA-
TION DAY OCTOBER 10, 1992

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Resolution No. (13-1992) Election
Inspectors were granted \$45.00 for serving on Registration Day,
and

WHEREAS, on Registration Day, October 10, 1992
these inspectors worked until 10:30 P.M. instead of 9:00 P.M.,

NOW, THEREFORE, be it

RESOLVED, that an additional \$5.00 be granted to
six Election Inspectors who worked on October 10, 1992 for a
total of \$30.00

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. (727-1992)

DECLARING ESCROW FUNDS
IN DEFAULT (WILDFLOWER
CONSTRUCTION CORP.) -
THE GLEN SUBDIVISION

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown is holding escrows
in the amount of \$2,700.00 from Wildflower Construction Corp.
to cover the cost of work to be performed with respect to Map
40, Block A, Lot 62.9, which lot is located in "The Glen
Subdivision," and

WHEREAS, such items as landscaping, driveway,
corner stakes and shade trees were not completed with respect
to Lot 62.9 pursuant to requirements of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the
Department of Environmental Control of the Town of Clarkstown,
the sum of \$2,700.00 which is being held in escrow with respect
to Lot 62.9, located in "The Glen Subdivision," is hereby
defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the defaulted escrow funds
shall be given to the Department of Environmental Control for
the purpose of completing the work in "The Glen Subdivision,"
with respect to Map 40, Block A, Lot 62.9.

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. (728-1992)

GRANTING USE OF
SHOWMOBILE TO NYACK
CHAMBER OF COMMERCE

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Chamber of Commerce of the Nyacks has requested use of the Town of Clarkstown showmobile on Saturday, October 31, 1992 for an Annual Halloween Parade & Festival to be held in Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Chamber of Commerce of the Nyacks to use the Town of Clarkstown showmobile on Saturday, October 31, 1992, for the above purposes and subject to the provision of the necessary insurance policies.

On roll call the vote was as follows:

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

On motion of Councilman Dusanenko, seconded by Councilwoman Smith and unanimously adopted, the public hearing Re: Road Abandonment - Portion of Second Avenue, Spring Valley (Bernard) was opened, time: 8:36 P.M.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing Re: Road Abandonment - Portion of Second Avenue, Spring Valley (Bernard) was at 8:55 P.M. declared adjourned until October 27, 1992.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Property Maintenance Violation - Chalupa, Lenox Avenue, Congers - Map 126, Block A, Lot 33, was opened, time: 8:55 P.M.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Property Maintenance Violation - Chalupa, Lenox Avenue, Congers - Map 126, Block A, Lot 33, was closed, DECISION RESERVED, time: 9:11 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Property Maintenance Violation - Mormile, Ridge Road, New City - Map 97, Block A, Lot 29.01, was opened, time: 9:12 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Property Maintenance Violation - Mormile, Ridge Road, New City - Map 97, Block A, Lot 29.01, was at 9:40 P.M. adjourned DECISION RESERVED giving the bank ten days notice to correct condition.

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RESOLUTION NO. (729-1992)

ADVISING CITICORP OF
VIOLATION AT 125 RIDGE
ROAD, NEW CITY

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Town Attorney is hereby directed by the Town Board to advise Citicorp by letter that the violation which exists on the premises at 125 Ridge Road, New City, New York more particularly known as Map 07, Block A, Lot 29.01 must be corrected within ten (10) 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: Establishment of Aquatic Plant Growth Control District - Lake Lucille, New City, was opened, time: 9:40 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Establishment of Aquatic Plant Growth Control District - Lake Lucille, New City, was closed, RESOLUTION ADOPTED, time: 10:15 P.M.

RESOLUTION NO. (730-1992)

AUTHORIZING
ESTABLISHMENT OF
AQUATIC PLANT GROWTH
CONTROL DISTRICT (LAKE
LUCILLE)

Co. Mandia offered and Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown, on its own motion, has proposed the establishment of an Aquatic Plant Growth Control District for Lake Lucille in the unincorporated area of the Town of Clarkstown, and

WHEREAS, on June 27, 1989, the Town Board of the Town of Clarkstown, duly adopted a resolution directing Carpenter Environmental Associates, Inc., engineering consultant to the Town of Clarkstown, to supervise and prepare a map, plan and report for providing the facilities and improvements in a portion of the Town wherein an Aquatic Plant Growth Control District was proposed to be established for Lake Lucille, and

WHEREAS, on June 9, 1992, the said map, plan and report prepared by Carpenter Environmental Associates Inc. was duly filed in the office of the Town Clerk of the Town of Clarkstown, and

WHEREAS, on July 14, 1992, the Town Board determined that it shall act as lead agency for the purposes of SEQRA, and authorized and directed Leslie F. Bollman, Director of Environmental Control, to act as agent for the Town Board with respect to SEORA review, and

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RESOLUTION NO. (730-1992) Continued

WHEREAS, the boundaries of the proposed Aquatic Plant Growth Control District are as follows:

LAKE LUCILLE - 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

WHEREAS, the improvements proposed are shown in the report of Carpenter Environmental Associates, Inc., and

WHEREAS, the maximum amount proposed to be expended for such improvement is One Million Five Hundred Thousand Dollars (\$1,500,000.00), and

WHEREAS, the expense of the cost of constructing the improvements in the Aquatic Plant Growth Control District herein described shall be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom, and

WHEREAS, the proposed method to be employed for financing such improvement is by sale of bonds, and

WHEREAS, the map, plan and report describing such improvement are on file in the office of the Town Clerk of the Town of Clarkstown for public inspection, and

WHEREAS, the Town Board of the Town of Clarkstown by Order duly adopted on September 22, 1992, scheduled a public hearing for October 13, 1992 at 8:50 P.M., to consider the establishment of an Aquatic Plant Growth Control District for Lake Lucille, and to hear all persons interested in the subject thereof, and

WHEREAS, the Order calling for the public hearing was duly published and posted as required by law and the public hearing was duly held at the time and place specified in the Order, and the Town Board heard all persons interested in the subject thereof who appeared at such time and place concerning same, and

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from Leslie F. Bollman, Director of Environmental Control, acting as agent on behalf of the Town Board, which the Board has discussed and considered such report in making their decision herein, and

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RESOLUTION NO. (730-1992) Continued

WHEREAS, the evidence offered at such time and place required that the Town Board make the following determination:

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, that it be and hereby is determined as follows:

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed Aquatic Plant Growth Control District are benefitted thereby.
3. That all of the property and property owners benefitted are included within the proposed Aquatic Plant Growth Control District as hereinafter described.
4. It is in the public interest to establish the proposed Aquatic Plant Growth Control District, and be it

FURTHER RESOLVED, that based upon the report dated August 25, 1992, from Leslie F. Bollman, Director of Environmental Control, acting as agent on behalf of the Town Board, as lead agency, the Town Board hereby further determines that the establishment of the proposed Aquatic Plant Growth Control District shall not have any significant impact on the environment, and no further processing pursuant to the requirements of Part 617, NYCRR is required, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of an Aquatic Plant Growth Control District encompassing the following area in the unincorporated area of the Town of Clarkstown:

LAKE LUCILLE - 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

FURTHER RESOLVED, that the Town of Clarkstown shall obtain an easement in the lake bed of Lake Lucille, together with an easement and right-of-way over adjoining lands to provide access to said Lake Lucille in order that the Town of Clarkstown may perform and maintain the work provided for in the map, plan and report for the Aquatic Plant Growth Control District, and be it

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RESOLUTION NO. (730-1992) Continued

FURTHER RESOLVED, that the following improvements in said district be constructed using the required funds being made available or provided for: dredging of Lake Lucille and removing soil and plant growth therefrom to prevent the growth of aquatic plants in the said lake, and be it

FURTHER RESOLVED, that the proposed improvements, including construction costs, legal fees and other expenses shall be financed as follows: issuance of bonds, and be it

FURTHER RESOLVED, that the costs of such district shall be apportioned upon a benefit basis among the various lots or parcels within the district and the maximum amount to be expended shall be not more than \$1,500,000.00, and be it

FURTHER RESOLVED, that this resolution is subject to a Permissive Referendum in the manner provided in Article Seven of the Town Law and Subdivision 3 of Section 209-e of the Town Law, and be it

FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in duplicate in the office of the State Department of Audit and Control, at Albany, New York, together with an application in duplicate for permission to so establish said Aquatic Plant Growth Control District in the manner and form prescribed by Section 209-f of the Town Law of New York, within ten days after the adoption of this resolution, and be it

FURTHER RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute said application on behalf of the Town of Clarkstown, New York.

Before roll call Councilwoman Smith asked Town Attorney to explain the legal manner of the permissive referendum? Town Attorney said what happens is we publish this in the newspaper and there is a thirty day period in which people can file a petition with the required number of signatures requesting a permissive referendum. If such petition is filed then a referendum will be held and voted on and whatever the decision of the vote is it is final as to the creation or non-creation of the district. Councilwoman Smith said if the vote is positive and the bids come in under \$1.5 million what happens if the actual work exceeds that amount of money? Town Attorney said are you asking what happens if the bid comes in over \$1.5 million? Councilwoman Smith said no, if the bid comes in within the amount allotted but then after we get into the project which can happen (as in our next public hearing) it exceeds the specified amount, then what happens? Town Attorney said if we find that the bid exceeds the amount of \$1.5 million that we have authorized then we can't continue until there is another public hearing to increase the amount of the authorization. Councilwoman Smith said she just wanted that to be understood.

On roll call Councilman Mandia said he thinks the concerns of the people all along the way in this process was a heck of a lot of money. He said he was concerned to listen to the way the people felt. He said he knows that the legal requirements which this board has to act in accordance with have been satisfied. He said the argument about the litigation remains. You can always litigate. He said he thinks the argument of shared responsibility remains as well. He said he did not think the Town Board should, nor does he think they

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RESOLUTION NO. (730-1992) Continued

will, abandon anything we can do to try to help and work with the County or with the State or with Spring Valley Water Company wherever we can to try to help mitigate this expense. The issue of shared responsibility is not going to go away either. The most important thing is we have to get off dead center with this and this project has got to go. The longer we wait the worse it is going to get, and the longer we wait the more expensive it is going to get. Environmentally it could be a disaster for a lot more than Lake Lucille because he thinks that portion of the Town that is Lake Lucille adds to the charm and the environmental stability of the whole Town so he thinks it is important. He said the greater good is served by letting this project begin now as soon as possible. He heartily supports it and votes yes.

Councilwoman Smith said she thinks the one point everyone agrees on is that is the lake should be saved. She said she truly feels for the long time residents who have to create this tax district the same way she does when we take a private road and turn it into a public road and people have to pay taxes for years and years. We may not individually enjoy Lake Lucille because it is a private lake but she thinks overall the Town definitely benefits from a healthy, beautiful lake. It is definitely a positive aspect of our Town. She said she has noticed through all the months that this is truly an environmental concern and yet she has never seen a member of any environmental group come to support you nor has she seen them try to get you funds. She agrees with the other four board members here as to its being a shared responsibility. She said she thinks we should go ahead with this district but she said there are many areas we should speak about: the water district, the County, the Town. She said it is a terrific burden on you and she would like to see as the tax district is being created if there is some way that we can work together to alleviate the cost to all of you and she votes yes.

Supervisor Holbrook said he certainly votes yes on this. He said he would like to commend the members of the Town Board for taking this positive, forward step in helping the residents of Lake Lucille help themselves. He said he would also like to thank the residents themselves for having the determination over what amounts to now decades of time in fighting to preserve their community. Certainly when we go back over history there is enough culpability that we can spread around in all areas but he did believe, as Councilman Mandia said, that the greater good is served by having government and people's government and the residents themselves work toward accomplishing something that will benefit generations to come. There is nothing to say that we have to go out and spend \$1.5 million. We know that it is an onerous burden for residents to take upon themselves but as Councilwoman Smith and other members of the Board have said here the Town is prepared to do its utmost and to search without end to try to provide the maximum benefit to the lake and to do it at the most reasonable cost possible. He said government is a function of trying to do things that are positive for the people it represents. It is not an easy decision and it was not an easy decision for you but now we are prepared to move forward and together certainly within the next year or two Lake Lucille will again be reborn and I want to thank you for that and thank the Town Board members too.

On roll call the vote was as follows:

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RESOLUTION NO. (730-1992) Continued

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

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Road Improvement District - Portion of Route 59, Nanuet, Oas opened, time: 10:25 P.M.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Road Improvement District - Portion of Route 59, Nanuet, was closed, RESOLUTION ADOPTED, time: 10:30 P.M.

RESOLUTION NO. (731-1992)

AUTHORIZING
EXPENDITURES FOR ROAD
IMPROVEMENT (PORTION
OF ROUTE 59, NANUET)

Co. Maloney offered and Co. Dusanenko seconded

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 necessary to construct the road improvement exceeds the cost estimate and the amount authorized for the proposed improvement which was \$140,000.00, and

WHEREAS, on September 22, 1992, by Resolution No. 626-1992, the Town Board scheduled a public hearing for October 13, 1992, at 8:55 P.M., to consider whether it is in the public interest to construct said improvement at a cost not to exceed \$250,000.00, and

WHEREAS, the Town Attorney prepared notice of such statutory hearing and that the Town Clerk caused 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, in the time and manner required by law, and

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RESOLUTION NO. (731-1992) Continued

WHEREAS, said public hearing was duly held pursuant to Section 200 of the Town Law, and all persons interested in the construction of said improvement and the cost thereof were duly heard by the Town Board, and

WHEREAS, from the evidence submitted at such hearing, the Town Board has determined that it is in the public interest to construct the said improvement at a cost not to exceed \$250,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby authorize the maximum amount to be expended for said road improvement of a portion of Route 59, Nanuet, New York, to be increased from \$140,000.00 to \$250,000.00, and be it

FURTHER RESOLVED, that the said road improvement of a portion of Route 59, Nanuet, New York, be constructed pursuant to the plans and specifications previously prepared, at a cost not to exceed \$250,000.00, and be it

FURTHER RESOLVED, that pursuant to Section 200 (10) of the Town Law, this resolution shall be subject to Permissive Referendum, and be it

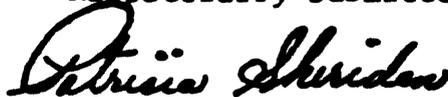
FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall within ten days after the adoption of this resolution cause a Notice to be published in full in the Journal News, a newspaper published in West Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to Town Law.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the Town Board Meeting was declared closed, time: 10:31 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/13/92

8:36 P.M.

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

RE: Road Abandonment - Portion of Second Street, Spring Valley
(Bernard)

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

Town Attorney noted that the Planning Board has not met on this yet and will not meet until 10/21/92. Because of that and SEORA, there can be no decision tonight. The County Planning Board approves subject to the condition that the Village Review Board propose abandonment. We have received word from the Village of Spring Valley that they have no objection to the abandonment. SEORA has not taken place.

Supervisor Holbrook stated that there cannot be a decision tonight. Depending on input from the public, the Town Board will reserve decision pending the SEORA recommendation and recommendation by the Town Planning Board.

Supervisor noted that Lorna Bernard, is an attorney and one of the parties making the application. Her husband, Kelly Beranrd, and she have assembled about five acres in the Clarkstown portion of Spring Valley that is not in the Village, around which they would like to abandon paper streets. They are Second Avenue, Ben Wild Road and Fred Hect Road as they pertain to this particular piece of property. The property is undeveloped and has been for many years and if it is developed, will enable them to have a better configuration of the houses and the roads. They will provide interior roads and, of course, all the drainage that is required. They have purchased the part of Ben Wild Road that is on the southerly part of the bed of the road. They have agreed on a purchase price on the westerly part of Second Avenue that they wish to abandon from Spring Valley homes so that those roads could be incorporated into their development and other roads that make a better configuration would be developed. They plan access from Second Avenue as it would then divide with an exit at the northerly end through the part of Ben Wild Road that they will not be abandoning so that an ambulance or fire engine could get through.

Councilman Dusanenko asked if Mrs. Bernard had any maps that could be shared with the Town Board and/or those interested people who took the time to be here tonight so that it could be better understood what Mrs. Bernard was saying. She replied "yes".

Supervisor Holbrook stated that basically the abandonment of the beds of these streets are part of an assemblage of property which will be the subject of a zone change hearing on October 27, 1992.

Mrs. Bernard stated that attached to the application is a map, Exhibit "A" which gives the area that we are talking about and shows the area around to the east as far as Brooks Estate.

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P.H. Road Abandonment - Portion of Second Avenue, Spring Valley
(Bernard) 10/13/92
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Supervisor Holbrook stated that this is really a demapping of these streets. Mrs. Bernard stated that these streets are on the Official Map but have never been developed.

At this point, the Town Board looked over the map.

Supervisor Holbrook stated that essentially what has been proposed here is the abandonment in the Spring Valley portion of Clarkstown of some mapped streets which have never been built. You cannot build in the bed of a mapped street even though it doesn't exist. It has to be demapped. Basically what this Public Hearing is for is to demap the streets that will never be constructed and then the whole area will be the subject of a Public Hearing for a zone change on the 27th of October.

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

Appearance: Chantel Antoine
Spring Valley

She does not like this idea. It is going to be like living in a project. Councilman Dusanenko asked if she did not like the whole thing or one of the streets in the abandonment in particular? Ms. Antoine stated that the map did not show her anything. She felt she needed something more structured.

Supervisor Holbrook stated that since the Town Board at this time could not take any action the Public Hearing should be adjourned until they get the SEORA report and the Planning Board report.

Councilwoman Smith asked Mrs. Bernard if she were to get the zone change would she be able to show a rendering of what she propose to do? Mrs. Bernard responded, "yes". Mrs. Bernard told Ms. Antoine that she had no intention of coming through her roads.

Appearance: Mr. Winston Whitehurst
Forest Brook Estates

Mr. Whitehurst asked what type of homes were they looking to build? Mrs. Bernard said they are proposing to build homes that would be two units, four units, up to eight units. They would each be owned individually as in Forest Brook Estates. There are two units attached and each unit is owned in fee simple. You own it just as if you had a house on an acre of property. Some might be attached on both sides because there might be as many as eight together, or six, or four, or two depending on the lay out and the areas that we have available.

Mr. Whitehurst said then you are talking about five lots to build on? Mrs. Bernard said there would be six plus two over on the other side, possibly three. In response to further questioning from Mr. Whitehurst regarding the number of families, Mrs. Bernard said they have made a zone change application and are proposing that more than two or four would be on each lot. The reason is if we do not have enough units we can't keep the price down. If we can't keep the price down people won't be able to afford to buy. She said they hoped to have very nice houses even though at the present time they don't know exactly what the configuration will be. She said they do not intend to build shoddy houses and intend to try to

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P.H. Road Abandonment - Portion of Second Avenue, Spring Valley
 (Bernard) 10/13/92
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keep the price very low so the people in the area will be able to buy.

Mr. Whitehurst said then there is a possibility of building four families on each lot. Mrs. Bernard said more. Supervisor said how many units altogether? Mrs. Bernard said fifty. Councilman Maloney said the Planning Board may not allow that. Supervisor said the subject of this hearing is not a zone change. What we are doing here is considering the deletion of these streets from the Official Map. He said what he is suggesting is to adjourn the meeting to the 27th where we will have the Planning Board's input, the SEORA provisions, etc. We can hear the zone change and this together and people will have more input.

Councilwoman Smith said anyone who has questions should enter them into the record tonight so that at the next meeting you can be answered in full detail.

Appearance: Mr. James Wilkins
 45 Second Avenue
 Spring Valley, New York

Mr. Wilkins inquired as to how they were going to build on the side of his house as there is not much land there. Mrs. Bernard told Mr. Wilkins that someone had drawn in an abandonment far beyond what they are asking for. She said they do not intend to abandon Second Avenue south of your lot line. She said they haven't asked to abandon Ben Wild Road east of their property. In other words, Ben Wild Road and this portion of Second Avenue would remain the same. Your property would not be cut off in any way. You would have exactly the same access as you have now.

Appearance: Mr. Walter Giles
 Spring Valley, New York

Mr. Giles said he was representing himself and other people in his area. He said what we are being told here tonight is not the full story and he didn't think people understand what is going on. He said they want to eliminate a paper road on this property so that more property will be available basically to develop these houses. He said they want to put 50 one family units with 150 parking spots. Mrs. Bernard said whatever is required. Mr. Giles said this is a very small area and high density is going to put a hardship on these people's property and lower the value of their property. You have a low density area now that they are going to convert into a high density area. People there spent \$200,000.00 and \$250,000.00 and this is going to decrease the value of the homes. He said just recently a court order refused the building of 40 houses just a short distance away from here. Now you want to put in 50 units basically saying that Clarkstown is giving up paper roads so these people can have something for their own benefit not helping the people who live in the area.

Supervisor said they are petitioning for two things. Right now to abandon these streets and secondly, on October 27th they are petitioning to change the zone. Mr. Giles said why abandon the streets until you see the full picture? Supervisor said we are not going to but the streets could be abandoned and developed some other way, not necessarily with 50 units or they could be developed as single family houses. The streets could be abandoned and some other

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P.H. Road Abandonment - Portion of Second Avenue, Spring Valley
(Bernard) 10/13/92
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plan could come about. He said tonight we are not going to make that decision. What we are going to do is adjourn the meeting to the 27th so they really can be held together which would make better sense.

Supervisor noted that Mrs. Bernard would make herself available after this meeting for anyone else who wishes to ask her questions and to take a look at the maps too.

Mrs. Bernard said she wanted to make it clear that they put both of these applications in to the Town Board at the same time thinking that this would mean that we would have one hearing in order to make it clear but it didn't work out that way. But now we will have both items on the agenda in two weeks time.

Councilman Mandia asked what the property is zoned right now? Mrs. Bernard said R-10. Councilman Mandia asked what have you made application for? Mrs. Bernard said RG-2 but the Town Board on its own motion said or MF-1.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was recessed until October 27, 1992.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/13/92

8:55 P.M.

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

Re: Property Maintenance Violation - Chalupa, Lenox Avenue,
Congers, Map 126, Block A, Lot 33

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

Supervisor said this property is the subject of property maintenance violations. He called upon a representative of the Building Department to give a report.

Appearance: Ms. Irene Saccende
Code Enforcer

Mrs. Saccende presented pictures of the Chalupa property. She noted that Mr. Chalupa is deceased and this is an estate at this time. The property was turned over to the Department of Social Services. She said she has been speaking with Mr. Finnegan, who is the attorney and the property has not been fully turned over to the Commissioner of Finance for Rockland County. He would be the executor of the estate but Mr. Finnegan said the Town should go ahead and clean up this property as the estate doesn't really have the means at this time to do it. Mrs. Saccende said she would recommend, rather than just assigning it to the Highway Department, that you have someone go in there and assess the property because as you can see from the pictures it is so overgrown you can't even view the property properly.

Supervisor asked if there was anyone present wishing to speak regarding this property? No one appeared. Supervisor then asked Mr. Bollman, Director of Environmental Control and Mr. Mauro, Superintendent of Highways to go over to the property and recommend what needs to be done so that we can get it cleaned and then put a lien on the property to get reimbursed for it.

Councilman Mandia said we ought to be checking to see what other liens are on this property. Mrs. Saccende said it belongs to the County having been signed over to Social Services so any liens would be against the County. Supervisor said we would be reimbursed for whatever we spend.

Councilman Dusanenko said yes this property may be liened by the County and if we clean it up our lien might be worth, on top of the County lien, more than the property is worth. He said his second concern would be is this building secured so that no one can go in? Mrs. Saccende said the door is locked. However, she said it would be extremely difficult for anyone to break into the house as it is so tied in with the trees right up to the building.

Councilwoman Smith asked what Mrs. Saccende meant when she said this was turned over to Social Services? Mrs. Saccende said Mr. Chalupa was sick for quite some time. Councilwoman Smith said so it is not completely owned by them and they are not responsible for clearing it yet? Mrs. Saccende said when they go on Social Services they have to turn over the keys to the home to Social Services. Councilwoman

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PH - Property Maintenance Violation - Chalupa, Lenox Avenue,
Congers, Map 126, Block A, Lot 33 10/13/92
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Smith asked the Town Attorney if Social Services would be responsible for cleaning it then? Town Attorney said if they are in charge they should clean it. Are they taking title? Mrs. Saccende said the last time she spoke to Mr. Finnegan, approximately two weeks ago, they had been moving very slowly on this. They have to go to Supreme Court to have the Commissioner of Finance and his office named executor of the estate. It is still in Mr. Finnegan's hands and has not officially been turned over.

Town Attorney said even though it has been signed over to them, they never put it on record is that it? Mrs. Saccende said they had it on record but it doesn't go officially totally to the County because as long as the person is alive he has a right to buy back the rights on it if he is financially able at a later date. Town Attorney asked again if they had recorded the deeds? Mrs. Saccende said they hold the deeds so it cannot be sold. But it is not turned over so they can buy it back.

Supervisor asked the Town Attorney to check out the matter of the deeds with the County. Supervisor asked Mr. Bollman and Mr. Mauro to go over and see what it would take in terms of the Town going in and doing what has to be done. Mr. Bollman asked in regards to property maintenance as though someone were going to live there? Supervisor said to secure it first. Councilman Dusanenko said first, possible maintenance to see what the cost is and for the Town Attorney to find out if there is more in liens on this property than it is really worth because then let the County take care of it.

Town Attorney said it sounds as if the County should record the deeds and take the property. Supervisor said let's see how close they are to doing that before we do anything.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:11 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/13/92

9:12 P.M.

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

Re: Property Maintenance Violation - Mormile, Ridge Road,
New City - Map 97, Block A, Lot 29.01

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

Appearance: Mrs. Irene Saccende
Code Enforcer

Mrs. Saccende stated that this property needs maintenance. The former owner is deceased. The wife is remarried and living in Florida. The property has been taken over by a bank. She said they have had no success in getting it cleaned up. Councilwoman Smith asked if the bank had been contacted? Mrs. Saccende said yes. This has not been finalized and the wife still has papers down in Florida.

Supervisor asked what kind of maintenance are we talking about here? Mrs. Saccende said grass cutting. Councilman Mandia asked if this was in foreclosure? Mrs. Saccende said the last she heard it was in foreclosure, noting that this property is on Ridge Road. She said Mr. Burton has been handling this one. He has been talking to her and to someone at the bank that holds the mortgage.

Councilman Dusanenko asked what happened to the children? Mrs. Saccende said she did not know. Councilman Dusanenko asked Councilman Mandia if the children were still living there after he died? Councilman Mandia said he was murdered - the innocent victim of a drug crime in the city. He lost everything and since that time she has remarried and is living in Florida.

Supervisor asked if anyone present wished to ask a question or make a comment?

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

Mr. Moroni said he owns property adjacent to the Mormile property. His property is Map 97, Block A, Lot 32. He has owned the property for about 12 years, purchasing the property in 1980. Mrs. Saccende is absolutely correct in that Mrs. Mormile has moved to Florida and it is frankly a case of hardship. It is a situation where the husband was murdered. She was unable to carry the property. Mr. Maroni said there was a period of time, specifically in 1989 and 1990 where he did the lawn maintenance on that property himself in an effort to try to help her through her tough time. The property has deteriorated beyond belief. It is not just a matter of cutting grass. In the last four years it deteriorated slowly. In the last two years the property has basically been abandoned. She has been in Florida for the past two years. He stated that he had been in touch with her and had provided her current address to Mr. Burton in the Building Department as well as to Mr. Milich. He said he is a little bit frustrated because as someone who owns the property adjacent to this he finds it

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PH - Property Maintenance Violation - Mormile, Ridge Road,
New City - Map 97, Block A, Lot 29.01 October 13, 1992
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particularly ironic that a number of years ago he stood on this very spot and was publicly chastised and berated by the then Zoning Board Chairman for having the audacity to come before the Board and ask that he be able to put some housing in that barn on that property. At that time fortunately common sense prevailed and he made a vow at that time to maintain that property in an excellent condition and in a spotless condition. He said he was proud to say that he does the maintenance on that property and has been doing so for the past ten years with his own two hands. He said he keeps his property like a park. It has been very frustrating to him as a taxpayer and as a property owner to have to listen to complaints of people who live there that the property in front of them has just gone completely downhill.

Councilwoman Smith asked Mr. Maroni if he knew if the property was in foreclosure? Mr. Maroni said the property is in the foreclosure process. He has been in touch with Citicorp and with the attorney for Citicorp who is handling it. He has provided the names of those two individuals to Mr. Burton and to Mr. Milich. He said Mr. Milich and Mr. Burton are doing as much as they can. They have been very courteous and are working within a system that requires a substantial amount of time and effort in order to orchestrate the legalities and he understands that. He said he thinks several things need to be done. He said the bank has hired a property management company to come in and mow the lawn but they are not mowing the entire lawn. They are mowing just one third of the acre of land. The rest of the land is now going to what is known as second growth. We now have saplings and trees popping up where a lawn used to be. If anyone goes in to cut the lawn now they have a monumental task. It is not just cutting some grass.

Mr. Maroni said he has gained access to this building through the graces of the property management company. He said there is rodent infestation in the house. It has been broken into. It is secured at this time. However, there is evidence of drug abuse and parties going on in that house. It is a danger to the people who live in that neighborhood and something needs to be done more than just cutting grass. He respectfully asked the Town Board to send in the appropriate department to mow the grass on the entire parcel, a dead apple tree leaning over should be cut before it falls on someone's head, and there are tires and refrigerators dumped there.

Supervisor asked if the building was sound? Mr. Maroni said in his opinion the building is structurally sound. It has been vandalized quite heavily however. Councilman Dusanenko asked if the refrigerators had doors on them. Mr. Maroni said they have doors on them. There is a well house with a cover with a door that has not been secured.

Mrs. Saccende said a deck was added to the house. There is no railing on the deck and the stairs are not too secure.

Appearance: Mr. John Lodico
 New City, New York

Mr. Lodico said he felt it was the obligation of the bank. The bank makes money when they lend it to you and he thinks it is premature for the Town to come in. The bank should be notified it is going to be a lien on them and let the bank pay for it.

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PH - Property Maintenance Violation - Mormile, Ridge Road,
 New City - Map 97, Block A, Lot 29.01 October 13, 1992
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Supervisor said we will put the bank on notice but in the meantime what he is suggesting is that we close the public hearing and ask Mr. Bollman's office and Mr. Mauro's office to go and evaluate the property making a list of what needs to be done. We can chase the bank down but that might not happen right away. Let's see what we are talking about in terms of securing the building, the railings, the tree, the grass, so that the people who live around this place do not have to look at this.

Councilman Maloney said get rid of the refrigerators with the doors.

Councilman Dusanenko asked Town Attorney if it would be advisable now to place the bank on notice aside from doing the inspections? If it is not done within the week that we will do it and backcharge the property. Would that be appropriate? Town Attorney said if you pass the resolution it would be appropriate but if all we are going to do is make a decision at a later date then we should either wait for the decision or write them a letter. Supervisor said why don't we put the bank on notice. Have Mr. Bollman go out and if we don't hear back from the bank within ten days we will have Mr. Bollman's report and we can get the work done.

Mr. Maroni said he has had cooperation from the Building Department and they have responded to every call he made. However, he does feel for it to take seven months to take action maybe the process should be looked at where there is a clearly abandoned house as opposed to someone just not obeying the law.

Councilman Mandia asked Mr. Maroni if there are any automobiles on the property? Mr. Maroni said there are automobiles left there, picked up, coming and going and he doesn't believe anyone knows where they come from. He said the Building Department had run a couple of the plates but they don't belong to anyone who owns the property.

Supervisor said then we will give them ten days and we will have a report back for the next workshop on that.

There being no one further wishing to speak on motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 9:40 P.M. DECISION RESERVED pending ten days notice to the bank.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
 Town Clerk

(RESOLUTION NO. 729-1992) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/13/92

9:40 P.M.

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

Re: Establishment of Aquatic Plant Growth Control District -
Lake Lucille, New City

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing was declared open. The Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Town Attorney read for the record the letter from Leslie Bollman, Director of Environmental Control, dated August 25, 1992. (Letter on file in Town Clerk's Office).

Representatives of Carpenter Environmental Associates, Inc. were sworn in by the Supervisor.

Town Attorney asked if all the property and property owners benefited are included within the proposed aquatic plant growth control district and was answered in the affirmative.

Town Attorney asked if it would be in the public interest to establish the proposed aquatic plant growth control district and again was answered in the affirmative.

Supervisor Holbrook asked if anyone wished to ask a question or make a comment regarding the formation of this district.

Appearance: Roger Grahn
338 South Mountain Rd.
New City

Mr. Grahn stated that he has lived in Lake Lucille for thirty-two years. Mr. Grahn feels that for himself on behalf of the owners of the lake property that they should sue the Town of Clarkstown because the owners did not create this situation. When Mr. Grahn moved to the lake, it was clean. They did everything they could to keep it that way.

Appearance: Terry Foley
Lake Drive
New City

Ms. Foley stated that in 1987, the residents of Lake Lucille petitioned the Town Board to help create an aquatic plant growth control district. This was the result of many, many years of the lake becoming overgrown. During the past five years with the help, support and cooperation of the Town Board, we think the majority of the people around Lake Lucille believe that they now have the potential to actually get the job done. If the job is not done at this time, we are going to be living on a swamp. Ms. Foley stated that they were very pleased with the response of the DEC. Ms. Foley stated if the residents do not face the increase in their taxes now, they are never going to be able to sell their property. She urged the Town Board to go ahead with the Resolution.

Councilman Dusanenko asked Ms. Foley, if the majority that wants this was recognized by a formal vote?

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PH - Aquatic Plant Growth Control District - Lake Lucille, New
City
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Ms. Foley stated that they have taken about five polls since 1987. It was not a formal ballot.

Appearance: Dr. Harari
10 Wyndhem Lane
New City

Dr. Harari stated that he will be 72 in December. His wife will be 66. Dr. Harari stated that many people of his age would question very much their taking responsibility for this proposed district. Dr. Harari stated that he would much rather place the issue in the hands of an attorney. He was not speaking against the plan, but against the financing of the plan.

Appearance: Mr. Seth Brodie
22 Milson Drive
New City

Mr. Brodie asked if the silt would benefit Supervisor Holbrook's father-in-law. Supervisor Holbrook said no. Mr. Brodie asked what would be the savings in putting the silt in a near by location? Supervisor responded that the big savings would be that we would not have to pay to remove the dirt and we would save the trucking costs. Mr. Brodie asked if this expense was coming out of the \$1,500,000.00 estimate or is it going to be added on? Supervisor stated that it was hard to determine. We are looking at the whole job. The maximum cost of \$1,500,000.00 was predicated on the fact that we would scoop out the dirt. We hope that we can do it for less than \$1,500,000.00. If we had to truck the dirt a long distance, we do not know if we could do the whole job for \$1,500,000.00.

Mr. Brodie stated that there is some past responsibility. The Town of Clarkstown has allowed uncontrolled building to go on by the lake, and dumping soil into the lake. He feels that the Town of Clarkstown has shown a cooperative mood. He would appreciate if not only the residents of Lake Lucille, but also the Town Board maintain that cooperative mood.

Appearance: Julie Williams
2 Milson Drive
New City

Ms. Williams asked what the difference was between this Public Hearing and the last Public Hearing? Supervisor Holbrook told her that it was required by the law. Ms. Williams is in favor of the Aquatic District. She would rather put her money towards dredging the lake than to sue the Town.

Appearance: Bill McKinstry, President
Lake Lucille Property Owners Association
384 Morningside Road
New City

Mr. McKinstry is president of the Lake Lucille Property Owner's Association. Mr. McKinstry expressed his thanks to the Board for their help over the last few years. We would not be able to go out on our own and get a loan to dredge the lake or even to retain proper counsel. He noted that we are also getting good cooperation from the State. Mr. McKinstry spoke with the State Comptroller about low interest State subsidized bonds and he hoped they would be able to

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PH - Aquatic Plant Growth Control District - Lake Lucille, New
City
10/13/92

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pursue that. As far as any law suit goes, Mr. McKinstry stated that he would be hard pressed to say whether any one single entity was responsible. He feels that the blame would have to be spread over a number of people and the Lake Association may very well be one of those who would be responsible for a portion of dredging costs at that time. He said then we would probably have lost the cooperation of the Town and would be forced to go out and find a loan which wouldn't be subsidized by bonds and which wouldn't necessarily be over thirty years. We would probably be forced to go into our own pockets to pay a court judgement to have the lake dredged.

Appearance: Ms. Jean Marie Grahn
338 South Mountain Road
New City, New York 10956

Ms. Grahn said they regret that this has occurred. She said early on they were for this project because they believe in Lake Lucille. She said we have loved our home and would hope that they would leave it for the next generation. She said the principle here is not good. The answer is not built on the truth and is not morally correct. When you are going to make a decision you have to make it backed on a morally correct decision and we just feel that even if it holds things up we think it should be looked at again for a shared responsibility. She asked what the water company's input was since for years they had to consider the environmental impact on the water that came down through Lake Lucille and into the Hackensack Water Department and they could not put the chemicals that they might have chosen to use to clear our lake from any kind of summer growth or anything? We always were controlled and we still are because "that is the Hackensack Water Department that is receiving that water." Where are they? Where is their interest in this? Where are the flood control people? Where is their interest in this? Why are they not proposing that there be input here from some other areas and other departments into this control and to control this factor. She said they always had to inquire when they were going to open and close the dam so we didn't flood the people out downstream. There are a lot of questions to be answered. She said she feels rather dumb that they are letting something happen to them. She said she has come to many meetings and had many nice things said but then nice things were not done.

Ms. Grahn asked about the storm drains that Clarkstown has in the lake. Are they going to remain? What are they contributing to this? After we clean the lake up are they going to continue to pollute our lake, destroy our lake? What responsibility does Clarkstown have towards them? Maybe we should have a rental fee, if nothing else.

Supervisor Holbrook said we are going to have an easement in the lake. With regard to the water company, one of the public purposes for the Town being involved in this is the fact that it is in the public benefit to do it because it is on a water course. The responsibility of the water company remains problematical. He said he did understand Ms. Grahn's concern and it is not an invalid one. He said one of the reasons for the justification of the district is that it is a public benefit because it is on a water course.

Ms. Grahn said she regrets that the media often reports this as a benefit only for recreational purposes but you have expressed all these other reasons why this condition needs to be addressed and that is why she does believe in shared responsibility.

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Appearance: Mr. Anjan Bhattacharyya, Past President and
Member, Lake Lucille Board
22 Shore Road
New City, New York

Mr. Bhattacharyya said it is very difficult to say anything against his neighbors as he loves them dearly but under no circumstances can he sit in his living room and watch the lake die. He said if he can pay a minimal amount and save the lake he would do that. He said he knows it is a hardship for some people and is very difficult but he said he is sure if the lake is improved the property values will go up higher and we are going to get more money than we have spent. He urged the Board to please do something and pass this tax district.

Appearance: Dr. Herbert Geller
20 Woodhaven Drive
New City, New York

Dr. Geller stated that he has lived at that address for almost 25 years. He said he has seen the good parts of the lake and the bad parts of the lake. He said he was there at times when the lake was drained and emptied and the effect that it had on the surrounding neighborhood was profound. He said he would not want to see that again if the lake should die. He said he believes that the financial, esthetic and environmental features have been eloquently described by other speakers. He said he sympathizes with the people who have expressed their opinions about the hardships that it may cause but he would urge the Town Board to proceed expeditiously with this. He said we have a very narrow window of time that includes low interest rates at this particular time. He thinks we should go ahead. Those people who support the possibility of a suit are deluding themselves because such a suit could take five or more years. It could cost lots of money. There is no guarantee of winning. You might be throwing good money after bad. He said for the above reasons he would respectfully request that the Board proceed as quickly as possible to implement this.

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

Mr. Lodico said this proposal has come before the Town of Clarkstown two or three times before. He said whenever someone comes before the Town Board and threatens a law suit it opens the door for another law suit. He said the Constitution of the State of New York is very clear in Section 8 which clearly defines the responsibility of the Town Board in that you are responsible when you use public funds for private property enhancement or improvement. He said he has no objection to assisting taxpayers when there is a project that they as individuals cannot unilaterally handle at a given point. He said he agrees with road improvement districts - property owners (51%+) must agree. He said there is a difference with having a majority of people at a meeting and 51% of the property owners. That is the responsibility of the Town Attorney's office, the Assessor's office and this governmental body to guarantee that you are going to oblige yourself to uphold Section 8 of the State Constitution dealing with using public funds for private projects.

He said he had heard people say they were here various numbers of years and someone mentioned that he was an

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engineer. You don't have to be an engineer to try to have the whole town pay for this or try to shift it under ruse to the County. It is not the role of the County taxpayers to pay for this either. When you have a private project, private property becomes the responsibility of the elected officials. That you have to understand because you would be subject to another law suit if you approve this and if you violate that section you would individually be responsible.

He said as far as the dirt and Mr. Holbrook's father-in-law that is a ridiculous issue. First of all no one is going to be able to do anything with that dirt until it has been stockpiled and that is something the engineers should look at if they haven't. It is going to have to be stockpiled within very close proximity to the lake and possibly dried out two to four months before it could be moved. You can't suck it out or dredge it out, put it on a truck and have it go from there to his father's-in-law farm. You are going to end up with two yards and the roads are going to be paved and Mr. Mauro won't have to put macadam on because the roads will be paved all the way up there and one yard will come to there.

Mr. Lodico went on to state that he believes in recycling and he does not care whose farm it is, the material should be used. He said he used to fight for everything to go to the landfill but the cost of getting it to the landfill was outrageous. He said he thinks the project should go and he thinks you should keep in mind not the majority of the meeting but the majority of the taxpayers that are required - not the majority of the club - people are not members of that club, they have lived there. He said the east side of Lake Lucille is a dam. He said go 100 yards down the other side of the road of the dam and that is how wide it was on the east end. It was a small creek, a small little ditch. It wasn't an active lake. It was not classified as a lake; the DEC engineer could tell you that. Some entrepreneur came in and saw a stream running down here, saw it going over there, he saw a road that came through and he said what a good idea to pitch it, fill it up and get eight feet at the dam and they developed a lake.

Mr. Lodico said he predicted when the County Sewer System came in that you would get ten or fifteen years and there would be very little water going into that lake because at that time the lake was fed by septic tanks. Everyone of those homes had septic tanks until the County came in. That was the largest percentage of water going in. The rest is runoff water that would support a brook maybe three feet wide. Mr. Lodico said he thinks the project is a good one and is worthwhile but should not be done at taxpayers' expense and should be done as a expense of the private property owners who are going to directly benefit from it and that is those who are on the Dellwood Park side. It will enhance their property values. The others directly involved are on the north side of the lake. Those are two, three and four houses back and are not going to see any benefit but they are going to be stuck with a big chunk of money that many of them can't afford. The question is 51%+ of the property owners must agree, not 51% of the association. That is a legal question and if you go beyond the bounds of Section 8 the Town Attorney will be hiring someone else at \$100,000.00 to defend the Town.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein said he does not live in the district but he has lived here for 35 years and has seen Lake Lucille

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and what has happened to it over the years. He asked if it is true that this Board is making a decision without taking a proper, legal vote? Supervisor said whatever vote we take tonight will be a legal vote. Mr. Bernstein asked will you have to take a vote of the people who are involved in the district? Town Attorney said it will be subject to permissive referendum. Mr. Bernstein asked will that be by people in that district, not the rest of the Town? He was assured that was the case.

Mr. Bernstein said he has watched the properties in the Lake Lucille area and through the years the values have gone down because of what has been happening at the lake - the silting at the lake. He said he thinks it will continue to go down. He asked what it would cost and the estimate was that it would cost the average home of \$200,000.00 which is about the average about \$1,200.00 per year in extra taxes. He said that is a small amount - it is a large amount but it is a small amount - in relation to the value of the property and what will either decrease the value or increase the value if the property were properly changed. If it is done legally then the people who are benefitted by it are the ones who are going to pay for it. He said other people will also benefit within a certain distance away.

Mr. Bernstein went on to say that at one time that area commanded quite a bit of money for homes because of the lake. Waterfront or near waterfront increases the value of homes quite a bit and therefore he said he knows the people who might have to pay additional might think this is just an added assessment that they shouldn't pay. But he said he could tell them financially they are wrong. Of course, it may be very well true that through all the years there were different responsibilities of why this all occurred. It might have even started all the way from Ramapo coming into Clarkstown and approvals that went on because that water doesn't just start right there. He said he would like to see the Town Board if it is done legally and properly to approve this.

Appearance: Mr. Eric Geoca
8 Wyndham Lane
New City, New York

Mr. Geoca said a lot of people are agreed on one thing and one thing only and that is the lake needs to be cleaned up. He said no one is going to tell us not to clean it up as it is the best thing to do. We are not sure who should pay for it but we all think it should be done. His question is what are we doing so that it doesn't happen again? Supervisor said when it is done the fact is that the Town has an easement in there and it would be monitored from that point on to prevent the situation from exacerbating year after year. It would be regularly maintained just like any easement would be. In this particular instance silting would not be allowed to occur so that it would build up. He said to a large degree the area as zoned around there has been developed or if it is developed further would be developed in the low density development so that you probably would not get the immense amount of silt that might have occurred over the years when Clarkstown was developing. Also, Supervisor noted the fact that sewers are in existence and there is more drainage than there used to be. He said maintenance over the years in a timely fashion would prevent this from recurring. Certainly to get a bond for the length of time for which it is being gotten we would have to demonstrate that the improvement will be for that length of time. Otherwise we would not be able to get the money over thirty years.

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Mr. Geoca said would the easement mean that if it were to fill up in five years or seven years or were to be allowed to fill up then it would be the Town's responsibility? Supervisor said the Town would have a responsibility to maintain its easement.

Councilman Dusanenko said when he served as Supervisor and Legislator what he was able to do with the assistance of the Town and the County was to build a sewer trunk link up to Little Tor Road. There were people who didn't want sewers in that area. They felt without sewers there wouldn't be building. Yet, Lake Lucille was there long before the building and these people were floating in their own septic tanks in some cases. We were able to build that sewer line which didn't exist prior to this problem coming on. Secondly, when Dr. Vanadzin was Commissioner of Health of the County we were able to appeal to him to declare a health emergency because the federal government at that time and the state were not going to allow these people at Lake Lucille to hook up to a sewer line that was already built which was insane - to pay sewer taxes and not use a line. The third thing was to knock out the Eagle Court sewer station which was a treatment facility built by the builder who built all the homes from Phillips Hill Road north off the Guttman Estate. That was supposed to be a temporary sewer plant. It went on for years and cost all the people of this Town about \$70,000.00/\$80,000.00 in overtime and the affluent did bring some chemicals in. We did everything we could within our power to better the health and conditions of the people in the area. Those things should not be recurring again.

Appearance: Mr. David Isaacson
286 South Mountain Road
New City, New York

Mr. Isaacson said he has had many meetings with the Supervisor and other people. He said he uses the lake as often as he can, usually weekly. He said he called the Rockland Journal News and had the picture taken that was on the front page last week. He said if we don't do something we are not going to have a lake there. He said in back of his house last week he could have walked out if he didn't mind sinking into mud. He said he is at the upper end where the creek comes in and it is all mud. He said he used to take his boat out last year and could row all around the lake. He can't do it anymore. This lake is not only dying but is already dead. If it is not done now he said he would be back again next year because he owns into the bed of the lake and he would ask permission either to plant rice or plant cranberries or he'll ask to build another house in the back there. He said he owns enough property back there to put in a house. He said he did not want a house. He wants a lake.

Appearance: Ms. Helen Puchelt
6 Wyndham Lane
New City, New York

Ms. Puchelt said the two previous speakers have only been in the area a short time and are already complaining. She said they have no fire hydrants. Where is the water going to come from if there is a fire? There is a lot of silt, a lot of weeds and a lot of junk in there. She said she goes down every day and where those culverts are is already filled. It is like a little island. She said you say it is going to cost a \$1,500,000.00. She said she didn't believe that and felt it would cost more. she said we will end up spending a lot more than that. Supervisor said we are

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proposing an amount up to \$1.5 million. If it were to go above that or the cost or bidding on the project were to go above that it would necessitate another public hearing. He said he feels confident and he thinks the members of the Board do and the experts do that the job can be done for the budget that we have proposed tonight. He said if it should go above that it would require another public hearing such as the one we are going to hold right after this one which in that instance occurred on a road improvement district. We have done this for so long that we feel confident that it won't happen.

Ms. Puchelt said after living here so long she has lost all her faith in the government. She said we can't blame this Board because you weren't here at the time they were building across the lake. She said you don't appreciate what we had and what we have now. She said we can't blame you but somebody has to be responsible for it. She said the young ones coming in don't know. They say we have to have it done. Sure. Who's going to pay for it? We've been paying and taking care of that lake for years and now look what's happened. We have little islands here and there from the silt. She said we have to have it done, yes but she did not believe that they should have to pay for it because we did not do it. We were not responsible for it.

Appearance: Mr. Tom Smith
8 Milsom Drive
New City, New York

Mr. Smith said he does support the lake district. He said he is tired hearing about public funds being used for a private lake. This is a private lake that was destroyed by public building - building around the sewers, the storm sewers run off, etc. The Town is ultimately responsible for controlling that and they failed to do so. They have ruined a private lake. Now, we have to foot the bill. That's fine. People are bringing up political things. Who is going to benefit? Who is not going to benefit? This needs action. The only action we have is to create the district. It costs too much. We don't feel responsible but someone has got to take responsibility. What is to preclude us from suing the Town after the lake is completed. Nothing. If people want to pay the money to sue somebody do it after. Fix the lake and then we'll sue you.

Appearance: Mr. Roger Grahn
(previous speaker)

Mr. Grahn said you expect to take 80,000 yards of silt from the lake. About fifteen years ago they expected to excavate about 14,000 yards. Mr. Bollman said his proposal was to bring it down to maybe better than it has ever been before. It has never been like that. That is where the 80,000 yards come from. Mr. Bollman said it could still be 14,000 today just to take out some of the silt. What the proposal was - the ideal one to make the lake really great - was approximately 80,000 yards. It is going to be better than it ever was since the day it was built if they take out that much.

Appearance: Ms. Bhattacharyya
22 Shore Road
New City, New York

She said in 18 years she has seen the lake go down very fast. She said she was in favor of the lake district because this is the time it can be done. She did not see any other way.

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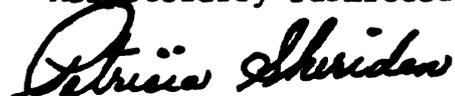
Appearance: Mr. Alan Seiden
17 Roberts Road
New City, New York

Mr. Seiden said he has lived here for 9 years. Looking out his back window he has no benefit of this lake. One of his property stakes is in the stream. After living in this area for 29 years you can find fault all the way across the board. You have tremendous siltation coming down out of the park on any rainy day on the Ramapo side of the line - the Clarkstown side of the line which he thinks is a big cause of it. He really can't see where any of the construction around the lake is the major problem and fault of that siltation. What you have there and people brought out before is a saving grace for Spring Valley Water Company if in the event that lake is dredged and they are not participating in any way in its expense because if that is a natural feeder into the Hackensack River which goes into Lake DeForest they are benefitting from it and we are paying them an horrendous amount of money in water bills.

He said the other portion that disturbs him personally is that he is not a member of the Lake Lucille Association, have never been invited to join that association and up until approximately the early part of July of this year he was never included as part of that lake district. He said he would think that with his property line, the fact that he has a dual easement across the back of his property - one for O & R and one as a conservation easement - he has no legal access to that lake. He said he thinks that the whole project has to be evaluated across the board as to the legality and to find out where the responsibility truthfully should lie. He said to be honest, not being a member of this association, having no benefit, he did not think he should be part and parcel of this thing and he said there are possibly others that might feel the same way.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 10:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (730-1991) Adopted)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/13/92

10:25 P.M.

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

Re: Road Improvement District - Portion of Route 59, Nanuet

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 said this public hearing is to raise the limit from \$140,000.00 to \$250,000.00 based on the bids that came in for the road improvement between Service Merchandise and Caldors on Route 59 in Nanuet.

Town Attorney said he has in hand the highway work permit for both the installation of the traffic light and the construction work from the New York State Department of Transportation since this is a state highway. The bids came in in excess of the \$140,000.00 which was the prior allocation for the road improvement and that is the purpose of this hearing.

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

Councilman Dusanenko said this way there will be another opening halfway between College Avenue and Smith Road. He asked if there had been any contributions toward this from the owners of either shopping center? Supervisor said they are doing the improvement totally. Councilman Dusanenko said then we just have to get the bonding? He was told yes.

There being no one further wishing to speak on motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:30 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

(Resolution No. (731-1992) Adopted)