

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

5/11/93

8:00 P.M.

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

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

Supervisor noted that the first order of business would be the Youth Court Graduation. He introduced Detective David Elmendorf, the Administrator of the Youth Court who thanked the Town Board for the recognition of the 21 young adults completing 12 weeks of training. He introduced Captain Archacki; Patricia Barad; and Anthony Schiero, the Chairman of the Steering Committee who has been with the program for twelve years. Detective Elmendorf gave an explanation of how the Youth Court works and then Mr. Schiero explained the operations of the Steering Committee. He introduced the Secretary of the Steering Committee, Regina Coyne.

Certificates were then awarded to the graduating members of the Youth Court. The Town Board members congratulated the graduates and their parents as well as the officers and staff of the Youth Court.

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Supervisor opened the public portion of the meeting.

Appearance: Mr. Oren Goetz

Mr. Goetz spoke regarding the proposed skating rink. He asked that priority be given to an analysis for the proposed rink.

Appearance: Mr. John Cuff  
West Nyack, New York

Mr. Cuff spoke regarding the skating rink. He felt that the County should be contacted, not Clarkstown, if all residents of Rockland County would be using the facility.

Mr. Cuff also spoke regarding gypsy florists on the Palisades Parkway. They are unfair to shopkeepers in Clarkstown. He wanted the law enforced.

Appearance: Ms. Marie Bouchard  
Congers

Ms. Bouchard spoke regarding the proposed rink. She felt we would be left with a financial burden unless we did it on our own. She urged the Board to look very carefully at this issue.

Appearance: Mr. Jerome Miller  
New City, New York

Mr. Miller spoke regarding Cable T.V. He presented an article written regarding a rate increase which is to be rolled back. He felt TKR was not abiding by the law and urged the Town Board to make a complaint so that it would be put on an expedited calendar. He said he had been told that they could use the cost of a new building to hold up rate decreases. Supervisor said it would be looked into.

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RESOLUTION NO. (305-1993)

ACCEPTING MINUTES OF  
TOWN BOARD MEETING OF  
APRIL 27, 1993

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the minutes of the Town Board Meeting of April 27, 1993, 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.....Abstained  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (306-1993)

AUTHORIZING SETTLEMENT  
OF TAX CERTIORARI (REM  
ASSOCIATES)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled REM ASSOCIATES v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, Index Nos. 3834/90, 5548/91 and 4922/92, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 58, Block G, Lot 40 be reduced for the years 1990/91, 1991/92 and 1992/93 from \$2,933,300 to \$2,072,300;

2. That the premises owned by the petitioner described on the assessment roll as Map 58, Block G, Lot 40.32 be reduced for the years 1990/91, 1991/92 and 1992/93 from \$1,564,400 to \$1,156,600;

3. That the premises owned by the petitioner described on the assessment roll as Map 58, Block G, Lot 40.33 be reduced for the years 1990/91, 1991/92 and 1992/93 from \$1,042,900 to \$771,100;

4. That reimbursement for the years 1990/91, 1991/92 and 1992/93 on the parcels designated as Map 58, Block G, Lots 40, 40.32 and 40.33 be made within 90 days through the office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged.

5. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions

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RESOLUTION NO. (306-1993) Continued

aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown; and the attorneys for the Clarkstown Central School District have consented to such settlement.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (307-1993)

AUTHORIZING SETTLEMENT  
OF TAX CERTIORARI (HEY  
DEVELOPMENT, INC.)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled HEY DEVELOPMENT, INC. v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index No. 5367/92, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 7, Block A, Lot 26 be reduced for the year 1992 from \$128,800 to \$92,400;
2. That the premises owned by the petitioner described on the assessment roll as Map 7, Block A, Lot 30 be reduced for the year 1992 from \$114,700 to \$83,900;
3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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RESOLUTION NO. (307-1993) Continued

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

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RESOLUTION NO. (308-1993)

ACCEPTING DEED FOR  
ROAD WIDENING ALONG  
MOUNTAINVIEW AVENUE  
(JALCA BUILDING CORP.)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a deed for road widening purposes along Mountainview Avenue, Valley Cottage, New York, was required by the Planning Board of the Town of Clarkstown in connection with granting final approval of a subdivision known as Jalca Building Corp.;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated October 20, 1992, from JALCA BUILDING CORP. gratuitously conveying a road widening strip along Mountainview Avenue, Valley Cottage, New York, to the Town of Clarkstown 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. (309-1993)

AUTHORIZING USE OF  
TOWN LAW 280-a(4)  
(PETER BREGA  
SUBDIVISION III

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, the Town Board hereby establishes "an Open Development Area" for the property situate on the southeast corner of Ahearn and Tramquill Avenues, Valley Cottage, New York, more specifically designated on the Clarkstown Tax Map as Map 123, Block D, Lot 15.03, which property may be subdivided as a result of the application of Peter Brega (Brega Subdivision III), presently pending before the Clarkstown Planning Board, provided, however, prior to the issuance of any Building Permit the following conditions shall be met by the owner:

1. The "Open Development Area" shall consist of the area as shown on a subdivision map entitled, "Preliminary Subdivision Brega-Ahearn Avenue, Town of Clarkstown, Rockland County, New York," dated December 4, 1992, drawn by Henry

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RESOLUTION NO. (309-1993) Continued

Horowitz, Inc., civil engineers and land planning consultants, for which building permits or certificates of occupancy may be issued.

2. A Declaration of Restrictive Covenants which shall run with the land, in a form acceptable to the Town Attorney, shall be recorded in the Rockland County Clerk's Office prior to the issuance of any Building Permit, which declaration shall contain the following declaration and covenants:

(A) That the property owner, acknowledges that access to the nearest public road has been obtained by private easement or right-of-way over parcel designated on the Clarkstown Tax Map as Map 123, Block D, Lot 15.03, and that the property owner(s) shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services provided to residents of the Town of Clarkstown whose properties front on a public road;

(B) That the deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein;

(C) That the fee ownership of the easement or right-of-way shall be vested in the abutting lot owners;

(D) That the declaration shall contain provisions for reciprocal easement and maintenance agreement to provide for regular maintenance, repair, snow plowing and other necessary services on the right of way by the owners and sharing of the cost of same on an equitable basis;

(E) That the Certificate of Occupancy Issued for any premises shall be conditioned upon observance and subject to the Declaration of Covenants herein required.

(F) That in the event the property owner at any time in the future shall request establishment of a road improvement or otherwise seek to dedicate the private right-of-way or easement as a public street, the owners shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner in the easement or right-of-way and any property adjacent thereto to accomplish the widening of the easement or right-of-way to the then existing standards for public roads, and said owners shall covenant in said Declaration of Covenants to participate in any such road improvement at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such road improvement being assessed in accordance with the provisions of law.

(G) That the applicant shall return to the Planning Board for subdivision review and approval, and that any subdivision map approved by the Planning Board shall contain a map note referring to the resolution establishing the "Open Development Area" by date and number, which map note shall also state that the issuance of Building Permits and Certificates of Occupancy are subject to the Declaration of Covenants herein required.

On roll call the vote was as follows:

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RESOLUTION NO. (309-1993) Continued

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

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RESOLUTION NO. (310-1993)

REFERRING PETITION FOR  
ZONE CHANGE FROM R-80  
DISTRICT TO R-40  
DISTRICT TO CLARKSTOWN  
PLANNING BOARD AND  
ROCKLAND COUNTY  
COMMISSIONER OF  
PLANNING (RENELLA)

Co. Smith offered and Co. Maloney seconded

WHEREAS, HENRY RENELLA and MAY RENELLA have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioners described from an R-80 District to an R-40 District,  
and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 81, Block B, Lot 6;

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

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. (311-1993)

AUTHORIZING HIRING OF  
CLAPP LANDSCAPING TO  
CLEAR DEBRIS AT  
SQUADRON BOULEVARD  
SENIOR CITIZENS  
COMPLEX - CHARGE TO  
LINE A 8730-384

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (311-1993) Continued

WHEREAS, the western embankment of the Squadron Boulevard Senior Citizens Complex is overgrown with plant material and contains garbage and debris and is unsightly;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is authorized to hire Danny Clapp Landscaping at a cost not to exceed \$4,100.00 to prune and remove dead and overgrown plant material and existing garbage degree from the western slope of the senior citizen complex and let this be a proper charge to Line A-8730-384.

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. (312-1993)

AMENDING RESOLUTION  
NO. (208-1993) RE:  
PAYROLL DEDUCTIONS FOR  
MET LIFE INSURANCE

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board adopted Resolution No. 298-1993 on March 23, 1993, offering employees the opportunity to obtain insurance through Payroll Deduction from Met Life, and

WHEREAS, the CSEA has objected that any such opportunity offered to members of its bargaining unit would violate Article VII of its Collective Bargaining Agreement;

NOW, THEREFORE, be it

RESOLVED, that Resoluton No. 208-1993, is hereby amended to exclude members of the CSEA Bargaining Unit.

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. (313-1993)

AUTHORIZING ATTENDANCE  
AT CONFERENCE ON SOLID  
WASTE MANAGEMENT  
(LESLIE F. BOLLMAN)-  
CHARGE TO ACCOUNT NO.  
A 1010-414

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Leslie F. Bollman, Director, Department of Environmental Control, is hereby authorized to attend a conference on Solid Waste Management to be held on May

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00000-00000-0342

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RESOLUTION NO. (313-1993) Continued

23-25, 1993 at the Villa Roma Resort Hotel, Callicoon, New York, 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

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RESOLUTION NO. (314-1993)

AUTHORIZING DIRECTOR  
OF PURCHASING TO  
ADVERTISE FOR BID  
#34-1993 - PRINTING OF  
FALL/WINTER RECREATION  
& PARKS BROCHURE

Co. Smith offered and Co. Maloney seconded

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

BID #34-1993  
PRINTING OF FALL/WINTER  
RECREATION AND PARKS BROCHURE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on June 1, 1993 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

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RESOLUTION NO. (315-1993)

AUTHORIZING DIRECTOR  
OF PURCHASING TO  
ADVERTISE FOR BID  
#35-1993 - HELICALLY  
CORRUGATED ALUMINUM  
CULVERT PIPE

Co. Smith offered and Co. Maloney seconded

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

BID #35-1993  
HELICALLY CORRUGATED ALUMINUM CULVERT PIPE

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RESOLUTION NO. (315-1993) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on June 3, 1993 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

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RESOLUTION NO. (316-1993)

AUTHORIZING DIRECTOR  
OF PURCHASING TO  
ADVERTISE FOR BID  
#36-1993 - HELICALLY  
CORRUGATED STEEL  
CULVERT PIPE

Co. Smith offered and Co. Maloney seconded

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

BID #36-1993  
HELICALLY CORRUGATED STEEL CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on June 4, 1993 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

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RESOLUTION NO. (317-1993)

CORRECTING RESOLUTION  
NO. (279-1993) AWARD-  
ING BID FOR BID #23-  
1993 - FOOD PROVISIONS  
(VARIOUS BIDDERS)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Resolution No. 279-1993 is hereby corrected to read:

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

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RESOLUTION NO. (317-1993) Continued

BID #23-1993  
FOOD PROVISIONS

is hereby awarded to:

DECARLO DISTRIBUTORS INC.  
P.O. BOX 2365  
1630 N. OCEAN AVENUE  
HOLTSVILLE, NY 11742  
PRINCIPALS: VINCENT DI CARLO  
JOHN DI CARLO  
MICHAEL DI CARLO

COUNTRY COFFEE CO.  
12B DEXTER PLACE  
PEARL RIVER, NY 10965  
PRINCIPALS: JULIET CARECCIA  
WILLIAM CARECCIA

COOKIES UNITED COMMISSARY INC  
50 MERCEDES WAY  
BRENTWOOD, NY 11717  
PRINCIPAL: NEIL B. LUKOW

CHARLES FREIHOFFER BAKING  
99 WEST NYACK ROAD  
NANUET, NY 10954  
PRINCIPAL: PUBLIC CORPORATION

SCHAFFER FOOD SERV. CO.  
P.O. BOX 60  
NEW ROCHELLE, NY 10805  
PRINCIPALS: MONROE SCHAFFER  
HARVEY FINKELSTEIN  
IRVING SCHWARTZ

NEW YORK PRETZEL  
64-70 MAURICE AVE.  
MASPETH, NY 11278  
PRINCIPAL: RONALD ORFINGER  
HERBERT NOVICK

MULLER DIARIES  
17 KLEIN AVENUE  
WEST NYACK, N.Y. 10994  
PRINCIPAL: WILLIAM MULLER

(Price list 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

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RESOLUTION NO. (318-1993)

AWARDING BID #30-1993 - WASHED  
SAND AND GRAVEL (E. TETZ & SONS,  
INC. AND LYNKEV TRUCKING CO.,  
INC.)

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

BID # 30-1993  
WASHED SAND AND GRAVEL

is hereby awarded to:

E. TETZ & SONS INC.  
RD #2, BOX 65 CRYSTAL RUN ROAD  
MIDDLETOWN, N.Y. 10940  
PRINCIPALS: EDWARD TETZ, JR.  
GARY TETZ, SR.  
CORINNE TETZ  
DENISE STITT

LYNKEV TRUCKING CO.INC.  
130 PINELAWN ROAD  
MELVILLE, N.Y. 11747  
PRINCIPAL: GEORGE HEINLEIN

as per the following item/price list

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RESOLUTION NO. (318-1993) Continued

	<u>DELIVERED</u>	<u>PICKED UP</u>	<u>AWARD</u>
TAILINGS	\$13.50/TON	\$ 8.50/TON	E. TETZ
3/4" GRAVEL	13.00/TON	8.00/TON	E. TETZ
3/8" GRAVEL	13.25/TON	8.25/TON	E. TETZ
BANK RUN	8.25/TON	3.25/TON	E. TETZ
MORTAR MASON SAND	14.50/TON	10.00/TON	E. TETZ
SAND BLASTING SAND		NO AWARD	
CONCRETE SAND	9.82/TON		KENEV
CONCRETE SAND		4.75 /TON	E. TETZ

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. (319-1993)

AWARDING BID NO. 24A -  
 SOFT DRINKS FOR TOWN  
 OPERATED SUMMER  
 REFRESHMENT STANDS  
 (COCA COLA BEV. SERV.)

Co. Smith offered and Co. Maloney seconded

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

BID #24A-1993  
 SOFT DRINKS FOR TOWN OPERATED SUMMER REFRESHMENT STANDS

is hereby awarded to:

COCA COLA BEV. SERV.  
 35 WINTHROP AVENUE  
 NEW ROCHELLE NY 10801  
 A DIVISION OF COCA-COLA BOTTLING CO OF NY -  
 A PUBLIC CORP

as per their low bid proposal as follows:

<u>ITEM</u>	<u>BID QUOTE PER</u> <u>5 GAL. CONTAINER</u>
COCA COLA CLASSIC.....	\$ 30.75
DIET COKE.....	\$ 30.75
SPRITE.....	\$ 30.75
MINUTE MAID.....	\$ 30.75
IF APPLICABLE: COST OF CO2 GAS PER CYLINDER.....	\$12.00
STATE SIZE OF CO2 CYLINDER.....	20 LBS
COST OF CO2 HOOK-UP (IF ANY)	-0-
PERCENT COST INCREASE FOR SECOND YEAR SHOULD CONTRACT BE EXTENDED	<u>0%</u>

On roll call the vote was as follows:

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RESOLUTION NO. (319-1993) Continued

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

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RESOLUTION NO. (320-1993)

AWARDING BID FOR BID  
#32-1993 - COVERALL  
RENTAL SERVICE (JASON  
UNIFORM RENTAL)

Co. Smith offered and Co. Maloney seconded

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

BID #32-1993  
COVERALL RENTAL SERVICE

is hereby awarded to:

JASON UNIFORM RENTAL  
200 SOUTH 13TH AVENUE  
MT. VERNON, NY 10550  
PRINCIPALS: LOWELL LEVINE  
BARBARA LEVINE

as per their low bid proposal of \$.50 per garment, per week.

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. (321-1993)

AWARDING BID #31-1993  
- CAST IRON CURB  
INLETS, CATCH BASINS,  
FRAMES AND GRATES  
(CAMPBELL FOUNDRY AND  
EXPANDED SUPPLY  
PRODUCTS, INC.)

Co. Smith offered and Co. Maloney seconded

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

BID #31-1993  
CAST IRON CURB INLETS, CATCH BASINS  
FRAMES AND GRATES

is hereby awarded to

CAMPBELL FOUNDRY  
800 BERGEN STREET  
HARRISON, N.J. 07029  
PRINCIPALS: J. ROBERT CAMPBELL, JR.  
JOHN CAMPBELL  
LEIGH V. MAYNARD

EXPANDED SUPPLY PRODUCTS, INC.  
RD 1, BOX 93, RT. 9  
COLD SPRING, N.Y. 10516  
PRINCIPALS: BRUCE KEHR  
DONNA KEHR

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RESOLUTION NO. (321-1993) Continued

as per the attached item price schedule.

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (322-1993)

AWARDING BID #29-1993  
- PAPER AND PLASTIC  
SUPPLIES (VARIOUS  
BIDDERS)

Co. Smith offered and Co. Maloney

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

BID #29-1993  
PAPER AND PLASTIC SUPPLIES

is hereby awarded to:

M TUCKER CO  
900 SOUTH SECOND ST  
HARRISON NJ 07029  
PRINCIPALS: STEPHEN TUCKER  
MARC FUCHS  
MICHAEL TUCKER

MT ELLIS PAPER CO  
PO BOX 4083  
NEW WINDSOR NY 12553  
PRINCIPALS: SEYMOUR KAPLOWITZ  
CLIFFORD KAPLAN

E.A.MORSE & CO  
PO BOX 728  
MIDDLETOWN NY 10940  
PRINCIPALS: WINIFRED V MORSE  
EMERSON A MORSE  
JOHANNE N CORTRIGHT

STRAUSS PAPER CO  
10 SLATER ST  
PORT CHESTER NY 10573  
PRINCIPALS: STEWART STRAUSS  
JOYCE JANAP  
RUTH STRAUSS

BURKE SUPPLY CO  
BLDG 293  
BROOKLYN NAVY YARD  
BROOKLYN NY 11205  
PRINCIPALS: NORMAN BURKE  
PHIL BURKE

CENTRAL POLY CORP  
PO BOX 4097  
LINDEN NJ 07036  
PRINCIPALS: ANDREW HOFFER  
AGNES SERHOFER

as per the attached item/price list

(Item/price list 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

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RESOLUTION NO. (323-1993)

REAPPOINTING MEMBER OF  
SANITATION COMMISSION  
(MARTIN MICHAELSON)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Martin Michaelson, 10 Colgate Drive, Bardonia, New York, is hereby reappointed to the position of Member - Sanitation Commission - at the current 1993 annual salary of \$1,000.00 - term effective May 22, 1993 and to expire on May 21, 1998.

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. (324-1993)

GRANTING ONE (1) YEAR  
LEAVE OF ABSENCE TO  
AUTOMOTIVE MECHANIC I  
- TOWN GARAGE (JOHN  
ANGELIS)

Co. Smith offered and Co. Maloney seconded

WHEREAS, John Angelis has requested a leave of absence, without pay, and

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

NOW, THEREFORE, be it

RESOLVED, that John Angelis, 9 Rake Street, Harriman, New York - Automotive Mechanic I - Town Garage - is hereby granted a one (1) year leave of absence - without pay - effective May 27, 1993 to May 26, 1994.

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. (325-1993)

AMENDING RESOLUTION  
NO. 249-1993 RE:  
SALARY OF SENIOR CLERK  
STENOGRAPHER - PARKS  
BOARD AND RECREATION  
COMMISSION (EILEEN  
GRAY)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 249, adopted at the Town Board Meeting of April 13, 1993 is hereby amended to reflect the corrected salary of \$31,711.00, for Eileen Gray,

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RESOLUTION NO. (325-1993) Continued

Senior Clerk Stenographer - Parks Board and Recreation Commission.

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. (326-1993)

ACCEPTING RESIGNATION  
OF MEMBER OF  
SANITATION COMMISSION  
AND REAPPOINTING TO  
ARCHITECTURE AND  
LANDSCAPE COMMISSION  
(WENDY GANNON)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Wendy Gannon, 85B Lake Road, Valley Cottage, New York, Member - Sanitation Commission - is hereby accepted - effective and retroactive to May 10, 1993, and be it

FURTHER RESOLVED, that Wendy Gannon is hereby appointed to the position of Member - Architecture and Landscape Commission - to fill the unexpired term of Celia Juris - at the current 1993 annual salary of \$1,000.00 - term effective and retroactive to May 11, 1993 and to expire on October 13, 1993.

On roll call the vote was as follows:

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

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RESOLUTION NO. (327-1993)

APPOINTING MEMBER OF  
CLARKSTOWN SANITATION  
COMMISSION (TO FILL  
UNEXPIRED TERM OF  
WENDY GANNON)(ALAN  
BRENNER

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Alan Brenner, 159 Kings Highway, Congers, New York is hereby appointed to position of Member - Sanitation Commission - to fill the unexpired term of Wendy Gannon - at the current 1993 annual salary of \$1,000.00, term effective May 11, 1993 and to expire on December 31, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (328-1993)

INCREASING  
APPROPRIATION ACCOUNT  
A 7610-301 (PROGRAMS  
FOR THE AGING-FOOD)  
AND INCREASING REVENUE  
ACCOUNT 01-002001  
(PARK AND RECREATION  
CHARGES)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to increase Appropriation Account  
A-7610-301 (Programs for the Aging-Food) by \$650.00 and to  
increase Revenue Account 01-002001 (Park and Recreation  
Charges) by \$650.00.

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. (329-1993)

TRANSFERRING FUNDS IN  
VARIOUS ACCOUNTS

Co. Smith offered and Co. Maloney seconded

WHEREAS, various appropriation accounts require  
additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A  
1640-311 (Town Garage-Gasoline) and increase Account No. A  
1640-111 (Overtime) by \$2,145.00, and be it

FURTHER RESOLVED, to increase Estimated Revenue  
Account No. SL9 14 2999 0 (Unexpended Balance) and SL 5182-225  
(Spec. Dists. Light-Computer Highway) by \$1,245.00.

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. (330-1993)

TRANSFERRING FUNDS -  
POLICE DEPARTMENT -  
VARIOUS ACCOUNTS

Co. Smith offered and Co. Maloney seconded

WHEREAS, the New York State Legislature has  
appropriated funds to the Division of Criminal Justice Services  
(DCJS) for the purpose of financing the Neighborhood  
Preservation Crime Prevention Act, and

WHEREAS, the Clarkstown Auxiliary Police will  
receive funding under this grant,

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RESOLUTION NO. (330-1993) Continued

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account A 01 10 3835 (Auxiliary Police) by \$10,256.00 and increase the following Appropriation Accounts:

A 3270-230 (Communication Equipment).....	\$4,800.00
A 3270-293 (Law Enforcement Equipment).....	\$2,756.00
A 3270-326 (Law Enforcement Supplies).....	\$1,300.00
A 3270-314 (Computer Supplies).....	\$ 200.00
A 3270-405 (Publicity).....	\$1,200.00

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. (331-1993)

REGULATING USE AND OPERATION OF MOTOR VEHICLES ON PRIVATE STREETS (1200 MASTER ASSOCIATION, INC.)

Co. Maloney and Co. Smith seconded

WHEREAS, Section 278-2(D) of the Clarkstown Town Code provides for regulating the use and operation of motor vehicles in private apartment complexes, and

WHEREAS, a request has been received from the 1200 Master Association, Inc. requesting that the Town Board undertake traffic enforcement on private streets and roadways of the 1200 Master Associations, Inc., which includes Kingsgate Parkway;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown will regulate the use and operation of motor vehicles on the private streets and roadways of 1200 Master Association, Inc., including Kingsgate Parkway.

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. (332-1993)

AUTHORIZING SUPERVISOR TO EXECUTE LICENSE AGREEMENT WITH 1200 MASTER ASSOCIATION, INC.

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (332-1993) Continued

WHEREAS, the 1200 Master Association has requested a license agreement with the Town of Clarkstown in order to cut the grass, remove litter, and install and groom landscaping along Kingsgate Parkway;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a license agreement with the 1200 Master Association, Inc. to cut grass, remove litter, and install and groom landscaping in an area 400 ft. in length and 60 ft. in wide along Kingsgate Parkway, running north from the northwest corner of Kingsgate Parkway at its intersection with Smith Road.

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. (333-1993)

AUTHORIZING HOWARD  
LAMPERT TO PERFORM  
STUDY RE SIDEWALK  
INSTALLATION (DEMAREST  
AVENUE, WEST NYACK)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, it is proposed to install sidewalks on Demarest Avenue, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that Howard Lampert, Traffic Engineering Consultant, perform a study to install sidewalks on the proper side of Demarest Avenue, and be it

FURTHER RESOLVED, that all fees shall be charged to Account No. A-3320-409.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (334-1993)

AUTHORIZING SUPERVISOR  
TO EXECUTE COOPERATION  
AGREEMENT WITH COUNTY  
OF ROCKLAND

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Community Development Cooperation Agreements with the County of Rockland and the Town of Clarkstown expire with the 1993 Program Year, and

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RESOLUTION NO. (334-1993) Continued

WHEREAS, in order for the County of Rockland to apply for Community Development funds as an Urban County, three year Cooperation Agreements for the Program Years 1994, 1995 and 1996 must be executed;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Cooperation Agreement submitted by the County of Rockland for Community Development Program Years 1994, 1995 and 1996, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown has determined that the Cooperation Agreement complies with State and Town Law, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said Agreement and to take all steps necessary to implement this Resolution.

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. (335-1993)

AUTHORIZING CORRECTION  
OF ZONING MAP RE CS  
ZONE (MAP 56, BLOCK A,  
LOT 27)

Co. Maloney offered and Co. Smith seconded

WHEREAS, it has come to the attention of the Town Board that the southerly line of the CS Zoning District should run along the northerly line of Tax Map 56, Block A, Lot 27, and

WHEREAS, the southerly line of the CS Zoning District is incorrectly shown on the northerly boundary line of Tax Map 56, Block A, Lot 28 and through Tax Map 56, Block A, Lot 29.01;

NOW, THEREFORE, be it

RESOLVED, that the Zoning Map of the Town of Clarkstown be corrected to show the southerly line of the CS Zoning District as it runs along the northerly line of Tax Map 56, Block A, Lot 27.

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. (336-1993)

AUTHORIZING SUPERVISOR  
TO ENTER AGREEMENT  
WITH ARTHUR CONKLIN

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RESOLUTION NO. (336-1993) Continued

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement extending the contract between the Town of Clarkstown and Arthur Conklin, whereby Arthur Conklin agrees to provide services to the Building Department on an advisory and consultative basis, consistent with the terms of said contract, for the period from May 14, 1993 to November 13, 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. (337-1993)

AUTHORIZING DIRECTOR  
OF ENVIRONMENTAL  
CONTROL TO HAVE  
INSTALLED NEW CULVERT  
UNDER ROUTE 303

Co. Smith offered and Co. Maloney seconded

WHEREAS, on April 14, 1992, the Town Board adopted Resolution Number 237-1992 creating a road improvement district to improve a portion of Medway Avenue, Congers, New York, to Town specifications; and

WHEREAS, as part of the improvement project a new drainage culvert under Route 303 is required to provide positive drainage for Medway Avenue; and

WHEREAS, the Town Superintendent of Highways has requested that a contractor be hired to provide the necessary equipment and labor to install the new culvert;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Environmental Construction, Inc., Stony Point, New York, to provide the equipment and labor necessary to install the new culvert; and be it

FURTHER RESOLVED, that the cost shall not exceed \$17,500.00 and shall be a proper charge of Capital #2 (H-400-409-0-4-7).

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. (338-1993)

AUTHORIZING SUPERVISOR  
TO ENTER AGREEMENT

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RESOLUTION NO. (338-1993)

WITH SPRING VALLEY  
WATER COMPANY RE  
ACCESS TO THEIR  
PROPERTIES

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the Spring Valley Water Company for access to their properties within the Town of Clarkstown, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to May 3, 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. (339-1993)

AUTHORIZING ATTENDANCE  
AT HUDSON VALLEY CODE  
ENFORCEMENT OFFICIALS  
EDUCATIONAL CONFERENCE  
(BUILDING DEPARTMENT  
PERSONNEL)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes four Building Department personnel to attend day sessions of the Hudson Valley Code Enforcement Officials Education Conference to be held on May 3, 4 and 5, 1993, at Newburgh, New York, and be it

FURTHER RESOLVED, that all proper charges shall be charged against Appropriation Account No. A-1010-414, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to April 30, 1993.

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. (340-1993)

AMENDING RESOLUTION  
NO. 253-93 RE:  
HAZARDOUS WASTE

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 253-1993, adopted by the Town Board of the Town of Clarkstown on April 13, 1993, is hereby amended as follows:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

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RESOLUTION NO. (340-1993)

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on May 25, 1993 at 8:35 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend General Use Regulations, LIO District, Table 14, Column 3, Paragraph B, to add the following:

"9. Shipping and receiving of hazardous waste and regulated medical waste, subject to 106-16U."

Amend General Use Regulations, LIO District, Table 14, Column 6, to add the following:

<u>"Use</u>	<u>At Least 1 Parking Space for Each:</u>
35. Shipping & receiving of hazardous waste and regulated medical waste."	1,000 square feet of gross floor area

Amend General Use Regulations, M District, Table 15, Column 3, Paragraph B, to add the following:

"11. Shipping and receiving of hazardous waste and regulated medical waste, if not totally indoors, subject to 106-16U.

The proposed mixing or combination of unlike materials, or the opening of sealed containers, requires a special permit."

Amend General Use Regulations, M District, Table 15, Column 6 to add the following:

<u>"Use</u>	<u>At Least 1 Parking Space for Each:</u>
22: Shipping and receiving of hazardous waste and regulated medical waste."	1,000 square feet of gross floor area

Amend 106-3 Definitions to add the following:

"HAZARDOUS WASTE - As defined in 6NYCRR Part 371."

"REGULATED MEDICAL WASTE - As defined in 6 NYCRR Part 364.9(c), (1); (2)."

Amend Section 106-16 to add the following:

"U. Shipping and Receiving of Hazardous waste and regulated medical waste, subject to the following conditions:

(1) In an LIO zone, the storage, placement, or handling of hazardous and medical waste is not to be within 200 feet of a property line of a residential use or

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RESOLUTION NO. (340-1993)

an area zoned for residential use. In an M zone, the storage, placement, or handling of hazardous and medical waste is not to be within 200 feet of a property line of an area zoned for residential

use. This requirement applies to all parking, storage and loading of transport vehicles.

- (2) All liquid waste stored outside of a building shall be stored in double wall above ground tanks. Containers containing liquid waste shall be stored indoors only in areas providing secondary containment. All tanks and containers must meet the requirements of all applicable agencies, including but not limited to Chapter 143 of the Clarkstown Code, 9NYCRR, N.F.P.A., R.C. Health Department, N.Y.S. D.E.C.
- (3) If located uphill of a water course that is part of a water supply source, the double wall tank must be within a concrete or similar impervious dike capable of holding 125 percent of the contents of the tank.
- (4) Any portion of the site with outdoor tank storage shall be surrounded by security fencing at least 10 feet in height with self-closing doors.
- (5) Operations shall include only material handling, i.e., short term storage, transfer and transfer shipment. No processing, mixing, sorting or other operations shall be undertaken that allow mixing of unlike products or byproducts or exposure to air, (other than transferring like materials between containers) soil, or water.
- (6) Except for outdoor storage tanks, all operations shall be conducted within fully enclosed buildings.
- (7) Prior to issuance of the special permit, the applicant shall have received all other necessary town, county, special district, state and federal permits, including an approved closure plan where required by such other agencies.
- (8) The applicant shall furnish an emergency response plan approved by appropriate participating or permitting organizations. Said plan will confirm the availability of any trained personnel or specialized equipment that may be necessary. The emergency response plan must contain a complete listing including Material Safety Data Sheet (MSDS) or equivalent of all materials handled and quantities regularly handled. A copy of the response plan shall be furnished to the Fire Inspector and the local fire department by the applicant.
- (9) All transport vehicles shall be fully permitted by appropriate agencies."

and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and

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RESOLUTION NO. (340-1993) Continued

that the Town Clerk cause the same to be published in the Journal News, the official newspaper of the Town, as aforesaid, and file proof thereof in the office of the said clerk, and be it

FURTHER RESOLVED, that the proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report, 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 Leslie F. Bollman, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (341-1993)

AUTHORIZING  
PREPARATION OF SURVEYS  
FOR EASEMENTS AT  
CONGERS LAKE DAM (JACK  
D. BOSWELL, P.E.)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is acquiring easements for work to be performed at the Congers Lake Dam, and

WHEREAS, it is necessary to obtain surveys for said easements;

NOW, THEREFORE, be it

RESOLVED, that Jack D. Boswell, P.E., is hereby authorized to prepare surveys for such easements at a total cost not to exceed \$900.00, and be it

FURTHER RESOLVED, that such fee shall be charged to Account No. H 9710-400-409-0-11-3.

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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On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Proposed Abandonment of Portion of New Jersey Avenue, Congers, was opened, time: 8:35 P.M.

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On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Abandonment of Portion of New Jersey Avenue, Congers, was closed, RESOLUTION ADOPTED, time: 8:51 P.M.

Before voting on the resolution Town Attorney asked if the Board wanted mutual deeds filed? Supervisor said yes. Councilman Dusanenko said because those deeds have to be recorded. Supervisor added with the covenants in them. Town Attorney said what he was going to do was have Mr. Johns prepare a covenant in recordable form - Councilman Dusanenko interjected with a quitclaim deed, both - Town Attorney continued stating that they both could join in it. It would be mutual. Supervisor said and we could file that with the County Clerk's Office? Town Attorney said that is correct. Councilman Mandia said the covenants in a deed are a lot more enforceable than a covenant in a resolution so that is the way it should be. Councilman Maloney said that is right.

RESOLUTION NO. (342-1993)

ABANDONING PORTION OF  
NEW JERSEY AVENUE,  
CONGERS AND AMENDING  
OFFICIAL MAP OF TOWN  
OF CLARKSTOWN

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 23, 1993, provided for a public hearing on May 11, 1993, at 8:35 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of New Jersey Avenue, Congers, New York, as described in Schedule "A" attached, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of K. Luke Kalarickal, P.E., acting as staff to the Town Board as lead agency, dated May 11, 1993, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that a portion of New Jersey Avenue, Congers, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, subject to drainage requirements of the Clarkstown Highway Department and the Department of Environmental Control, including clearance of any obstructions to the free flow of the stream through the premises, and the owners of the bed of the street to prepare and file a Restrictive Covenant, in recordable form satisfactory to the Town Attorney, Town of Clarkstown, for drainage of the stream running through the premises, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of New Jersey Avenue, Congers, as described in Schedule "A" attached, and be it

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RESOLUTION NO. (342-1993) Continued

FURTHER RESOLVED, that the Recommendation of the Superintendent of Highways of the Town of Clarkstown that a Highway be Abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's Office.

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

On roll call the vote was as follows:

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

\*\*\*\*\*

There being no further business to come before the Town Board Meeting and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 8:52 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/11/93

8:35 P.M.

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

RE: Proposed Abandonment of Portion of New Jersey Avenue,  
Congers

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

Town Attorney stated the Clarkstown Planning Board has no objection except for one condition, that being that it be subject to the requirements of the Clarkstown Highway Department and the Department of Environmental Control. Rockland County Planning Board states that it is not subject to their jurisdiction. Chairman of the Clarkstown Planning Board, Rudolph Yacyshin, stated that the Planning Board supports the proposal. Town Attorney said this is a small portion about 150 feet north of where Highway Avenue makes the bend. (At this point the map was produced and discussed.) Town Attorney noted that there was a two and one half story brick building that protrudes a little bit into the road.

Supervisor asked if the applicant or attorney for the applicant wished to make a presentation.

Appearance: Everett Johns, Esq.  
representing applicant

Mr. Johns stated that this property was purchased about 1975 by the petitioner and unknown to them a portion, about three and one-half feet, of the dwelling lies within the bed of this old paper street. They have now sought to retire and this voids the contract of sale due to the title company's objection as to the encroachment in this paper street. This street has trees, water, and swamp and has never been used or built upon. In addition to the abandonment, under the Highway Law, it also asks that it be stricken from that part of the Official Map of the Town which is the nub of the problem because the Official Map of the Town shows New Jersey Avenue as a paper street and therefore we have a technical encroachment of this structure which has been there maybe some forty or fifty years. Supervisor asked if it was the actual piece of the house that was in the bed of the street? Mr. Johns said yes. The present contract of sale of the house is subject to the title company's removal of this exception which can only be done by the deletion from the Official Map of the Town and also the abandonment must be done according to Highway Law. The petitioners are here this evening if the Board would like to ask questions.

Supervisor asked if any Board Member had any questions? No one did.

Supervisor asked if any member of the public wished to ask a question or make a comment?

Appearance: Mr. Musorrafiti  
12 Wisconsin Avenue  
Congers, New York

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Mr. Musorrafiti asked if this piece is abandoned will he and the neighbor who has this problem be able to share equally in the abandonment of twenty feet apiece? Town Attorney said if they actually have title to the bed they will. We don't do a title search to see who has title. If they do have title the answer is yes. We give up our rights in it. Supervisor said we don't have any fee rights in the bed of the road. If it is abandoned then he would imagine adjacent property owners maybe would exchange deeds - give each other quitclaim deeds to the other half and then you file the deed with the County Clerk's Office. So for the price of a survey he would imagine you would be able to acquire that property subject to whoever the heirs and assigns are of the Boston Improvement Company. We haven't heard about them since 1895. The land is not owned by the Town. That we know. So it would be up to the adjacent property owners to work that aspect out, probably with an exchange of quitclaim deeds.

Appearance: Mr. Chris Wohl  
107 Highway Avenue  
Congers, New York

Mr. Wohl said he lives two houses down from the property in question. He said he was sure the Board is aware that they have had some very serious flooding problems. The stream that runs behind his house and other houses in the area basically goes through this piece of property that is going to be abandoned. He said he would be concerned if it went to a private owner it might not be properly maintained or it might be backfilled to a higher level than what it is now making the problems we are currently having worse than they are now. If it is owned by the Town it can be cleaned and maintained. If it is owned by private owners there is no telling what might happen to it. Supervisor said he did not think it is owned by the Town. Mr. Wohl said it is a paper street. Supervisor said it is just on the Official Map but the ownership of the land is not the Town's. We do not know who owns it. He said he would assume that the people on either side who have used it for all these years own it. On the Official Map you can't build in the bed of a mapped street and apparently what he understands from the hearing here is that a portion of this home is within the bed of that mapped street. What this hearing is designed to do is to permit them to be able to sell their house. They don't necessarily own the property except that if we take it off the Official Map they won't have the preclusion of not having a piece of their home in the bed of a mapped street.

Mr. Wohl said he did not object to the portion of the house that sits on this road but as far as going twenty feet into the swamp area and once they take over ownership of it they would have no preclusion from backfilling it which has already been done and is causing the drainage problems that we have. If the Town has released even partial ownership or control over it anyone is prevented from changing it from what it is right now. He said he would be concerned if it became the owner's personal property then they could do whatever they wanted with it.

Supervisor said except they can't grade it to such a degree that it would adversely affect your property. Basically, when we take it off the map the fee ownership is there to whomever wants to file a deed. From the standpoint of practicality it would make sense that each adjoining property owner would absorb one half.

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Town Attorney said if the Town Board decides to do the abandonment in our resolution we have a section "is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, subject to drainage requirements of the Clarkstown Highway Department and the Department of Environmental Control..." We put that in based on the recommendation of the Planning Board.

Mr. Wohl said did you look at the drainage map? Supervisor said we know there is other problems associated with the drainage there. Mr. Wohl said right where the swamp is, as a matter of fact, the engineer has proposed a pond within a short distance of this property because of the swampy conditions that exist there now. It has already been illegally backfilled. If you look at the property you will see that there is a bridge there where the stream used to be. If you look straight down the stream you will see a concrete bridge on this piece of property. You will see all around it has been backfilled with leaves, debris, dirt, logs, etc. That is why the stream makes a right hand turn (here reference was made to a map of the area.) He said the area has already been raised up and he is just concerned that if it is raised up any more that is it going to be a bigger problem.

Town Attorney again reiterated that it was subject to requirements of the Highway Department and the Department of Environmental Control. There are actual drainage requirements. Mr. Wohl said but the things he is talking about have already been done (the bridge, the fill, etc.). Supervisor asked Mr. Bollman, Director of Environmental Control if there is a problem? Mr. Yacyshin answered stating that the SEQRA review by Environmental Control didn't indicate anything to us. We were aware of the conditions on the adjoining area and that is why we recommended the conditions be part of any resolution.

Councilwoman Smith said well that would actually make it an outright violation if they did build it whereas before there wasn't any statement like that. Supervisor said by taking it off the Official Map it is still not their property technically. It is not ours and it is not theirs. It belongs to the heirs and assigns of the Boston Improvement Company. The likelihood is that they would do something to correct that by maybe filing a deed but he said he thinks we could put something maybe even a little more stringent - that they would have to, prior to acquiring titles, satisfy the drainage with our engineering department to make sure that what is done is subject to approval of the DEC and the Highway Department and subject to both adjoining, abutting owners filing mutual quitclaim deeds. Supervisor said it would be subject to the Clarkstown Department of Environmental Control from the standpoint of drainage. The Town DEC would recommend, if there has been filling on the property, that brush, etc. be cleared prior to the deed being ... Town Attorney interjected that rather than doing that he would say "including clearance of obstructions."

Mr. Wohl asked if this covenant would bear on future property owners because this is up for sale right now. Supervisor asked if we could put a drainage restriction on this? Town Attorney said yes. Mr. Wohl asked if the Town would be able to enforce that. Supervisor said then the subsequent property owner couldn't block the flow. Town Attorney said then we want them to file a covenant in recordable form of a drainage easement on that property. Councilman Dusananko said that is why he would like to see that

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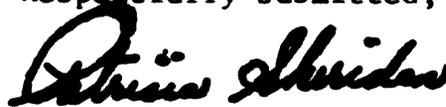
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they both have to file a quitclaim deed so this would be a condition of the deed and not just something else where an owner who is not of record. Supervisor said the Town Attorney said an easement in recordable form. Town Attorney said in recordable form for drainage and Mr. Johns will have to submit that to us.

Mr. Wohl asked if they would be notified if this is approved or what? Supervisor said it would be approved subject to their fulfilling those conditions. Mr. Wohl asked if he could have a copy of that resolution so that if in the future there are any problems we can come back and address that? He was told yes.

There being no one further wishing to be heard on motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:51 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 342-93 ADOPTED)