

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/8/94

8:00 P.M.

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

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

Supervisor noted that the first order of business this evening was the awarding of an Eagle Scout Certificate to Sean Christopher Hull. Sean and his parents were called to the dais and the Supervisor presented the award to Sean on behalf of the Town Board recognizing his achievement upon attaining this highest award in scouting. Both Sean and his parents received the congratulations of the entire Town Board.

Supervisor then opened the public portion of the meeting.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding the Orange & Rockland Substation on the border of the Hackensack Creek which was found to have soil contaminated with PCB's.

Mr. Cuff spoke regarding Pyramid urging the Town Board to get the site location in order whatever it winds up becoming.

Appearance: Mr. Stan Pajewski
West Nyack, New York

He spoke regarding Pyramid saying that Pyramid is gone, he hopes, and good riddance.

Appearance: Ms. Barbara Zwynenburg
West Nyack, New York

She spoke regarding Pyramid and its broken promises and unfulfilled commitments. She urged the Town Board to stay its course.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley spoke regarding Pyramid and its problems. He urged the Town Board to immediately ask the Town Attorney to seek action to freeze all of Pyramid's assets in order that we can collect money to fix up the site.

Appearance: Mr. Bob Jackson
Nanuet, New York

He spoke regarding Metro-North and the purchase of land. He inquired if Mr. Geneslaw could start the SEQRA process?

Appearance: Ms. Marie Broadley
West Nyack, New York

Ms. Broadley spoke regarding Pyramid and the area in question being dubbed "Toxic Valley." She urged the Town Board to beware as she did not think Pyramid was gone. She

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was concerned that they would look for government funding.

Appearance: Ms. Mary Maher
Nanuet, New York

Ms. Maher spoke regarding Metro-North and acquiring the land for parkland thus preventing the railroad from condemning it.

Ms. Maher also spoke regarding Pyramid stating that she did not believe they had folded and felt we had a lot of work to do.

Appearance: Mr. Russell Trojan
Nanuet, New York

Mr. Trojan spoke regarding surveyor stakes on the Parker Nanuet property with the initials M.T.A. on them. He said obviously they are proceeding very rapidly and the Town Board ought to do likewise.

Appearance: Ms. Gilda Donovan
Valley Cottage, New York

Ms. Donovan spoke regarding Pyramid and urged the Town Board to sit down and discuss this and resolve the issue. She inquired if the Nanuet Mall had received the same treatment as Pyramid?

Appearance: Mr. Mel Markwith
Nanuet, New York

He inquired as to the new date for a meeting with Metro-North. He urged the building of a park as that seems to be our only refuge.

Appearance: Mr. Philip Bosco
West Nyack, New York

Mr. Bosco spoke regarding the resignations of people who were on the Industrial Development Commission asking why they had retired?

Appearance: Ms. Lucille Bifano
West Nyack, New York

Ms. Bifano spoke regarding Pyramid noting that the EIS was incomplete. This could cost millions to remediate the site. She urged the Town Board to act in the best interests of the Town.

Appearance: Mr. V. J. Pradhan
West Nyack, New York

Mr. Pradhan spoke regarding Pyramid and asked the Town Board to clean up legally. He urged the Board to do the best for the residents of West Nyack and for the Town of Clarkstown.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Extension of Water District for Mallard Drive,

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Mandarin Lane, Cardinal Court, Pheasant Drive, and a portion of Parrott Road in West Nyack, was opened, time: 8:35 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Extension of Water District for Mallard Drive, Mandarin Lane, Cardinal Court, Pheasant Drive, and a portion of Parrott Road in West Nyack, was closed, RESOLUTION ADOPTED, time: 8:55 P.M.

RESOLUTION NO. (232-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown duly caused the Director of the Department of Environmental Control of the Town of Clarkstown to supervise the preparation of map, plan and report for providing the facilities, improvements or services in a portion of the Town of Clarkstown, wherein it was proposed to extend the Clarkstown Consolidated Water Supply District #1, and

WHEREAS, after the said Director of the Department of Environmental Control duly filed said map, plan and report in the office of the Town Clerk of the Town of Clarkstown, the said Town Board did, on July 13, 1993, duly adopt an Order reciting a description of the boundaries of the proposed extension to the water supply district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection, and specifying that said Town Board shall meet at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 14, 1993, at 8:35 P.M., for the purpose of conducting a public hearing on such proposal to extend the Clarkstown Consolidated Water Supply District #1, with the specified improvements, and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, on September 14, 1993 said hearing was opened and adjourned without date, and

WHEREAS, on March 22, 1994, the Town Board scheduled a public hearing for April 12, 1994, at 8:35 P.M., to continue the discussion on the extension to the Clarkstown Consolidated Water Supply District #1, and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and hear all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

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.

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RESOLUTION NO. (232-1994) Continued

- 2. That all of the property and property owners, within the proposed extension of the Clarkstown Consolidated Water Supply District #1, are benefited thereby.
- 3. That all of the property and property owners benefited are included within the proposed extension of the Clarkstown Consolidated Water Supply District #1.
- 4. It is in the public interest to establish the proposed extension of as hereinafter described,

and be it

FURTHER RESOLVED, that the Town Board does hereby approve the extension of the Clarkstown Consolidated Water Supply District #1, to include the area of Pheasant Drive, Cardinal Court, Mallard Drive and Mandarin Lane, West Nyack, New York, as described in Schedule "A," as follows:

SCHEDULE "A"

<u>TAX MAP</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TAX MAP</u>	<u>BLOCK</u>	<u>LOT</u>
74	A	7.2	74	A	21.1
74	A	7.3	74	A	21.2/01
74	A	7.4	74	A	21.2/02
74	A	7.5	74	A	24
74	A	7.6	74	A	25
74	A	7.7	74	A	26
74	A	7.8	74	A	27
74	A	7.9	74	A	28
74	A	7.10	74	A	29
74	A	7.11	74	A	30
74	A	7.12	74	A	31
74	A	8	74	A	32
74	A	9	74	A	33
74	A	10	74	A	34
74	A	11	74	A	35
74	A	12	74	A	36
74	A	13	74	A	37
74	A	14	74	A	38
74	A	15	74	A	39
74	A	16	74	A	40
74	A	17	74	A	41
74	A	18	74	A	42
74	A	19	74	A	43
74	A	20	74	A	44
74	A	21	74	A	45

FURTHER RESOLVED, that the proposed improvements, including the cost of rights-of-way, construction costs, legal fees and other expenses shall be financed by taxation upon the properties within the extension of the Clarkstown Consolidated Water Supply District #1, 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.

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 Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Proposed Zone Change from R-10/R-15 District to an RS District - Hutton Avenue, Nanuet, was opened, time: 9:00 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Zone Change from R-10/R-15 District to an RS District - Hutton Avenue, Nanuet, was closed, DECISION RESERVED, time 9:40 P.M.

RESOLUTION NO. (233-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of March 22, 1994 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. (234-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as RABONI SUBDIVISION, the Planning Board of the Town of Clarkstown requested a deed for a portion of a T-turnaround at the end of existing Chisholm Court, Spring Valley, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendations of the Director of the Department of Environmental Control and the Superintendent of Highways, deed dated November 18, 1993, from Margaret F. Raboni to the Town of Clarkstown gratuitously conveying a portion of a T-turnaround at the end of existing Chisholm Court, Spring Valley, New York, as shown on the Minor Subdivison Map of Margaret F. Raboni, dated January 15, 1993, last revised September 16, 1993, 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

RESOLUTION NO. (235-1994)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, a proceeding pursuant to Civil Service Law §209-a has been instituted against the Town of Clarkstown

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RESOLUTION NO. (235-1994) Continued

entitled, Matter of Rockland County Patrolmen's Benevolent Association, Inc. v. The Town of Clarkstown;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that this Resolution shall be retroactive to March 21, 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. (236-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a title company to prepare a title report in connection with the proposed acquisition of property designated on the Clarkstown Tax Map as Map 125, Block B, Lot 11, and 11.1, situate south of Congers Lake, Congers, New York, and be it

FURTHER RESOLVED, that the fee for such services shall be charged to Account No. A 1420-409, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to March 30, 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. (237-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, West Clarkstown Professional Center has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 166, Block A, Lot 11.1, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$1,500.00.

RESOLUTION NO. (237-1994) 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. (238-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, 493-499 S. Main Condominium has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 56, Block E, Lots 1, 2, 3 and 4, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$1,500.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (239-1994)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, it is necessary to perform inspection services in connection with the Lake Nanuet Park Improvement Project,

WHEREAS, a proposal submitted by Caruso and Horowitz Associates, P.C. dated February 25, 1994 which outlines the necessary services which include site visits, survey work and checking of shop drawings,

NOW, THEREFORE, be it

RESOLVED, that Caruso and Horowitz Associates, P.C. be hired for the necessary inspection services at a total cost not to exceed \$7,000.00 and that an amount of \$7,000.00 be transferred from Money in Lieu of Land to Parkslands and Improvements.

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. (240-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the NYS Government Finance Officers is sponsoring a seminar on Changes in Governmental Accounting and Advanced Governmental Accounting on April 12-14, 1994 at the Hotel Inter-Continental New York,

NOW, THEREFORE, be it

RESOLVED, that Dolores F. Lodico, Deputy Comptroller and Mary DeForest, Principal Account Clerk, attend and all charges be charged to 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. (241-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Town Clerks' Association is sponsoring the 12th Annual Conference for Town Clerks on April 24 to 27, 1994 at "The Desmond" in Albany,

NOW, THEREFORE, be it

RESOLVED, that Patricia Sheridan, Town Clerk is hereby authorized to attend said conference, and be it

FURTHER RESOLVED, that all proper charges be charged to 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. (242-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, Emily Feiner and Brian Connolly (Clarkstown Counseling Center) attend "The Many Faces of Violence" at the Stony Point Center on Thursday, April 28th, 1994. Registration Fee: \$25.00 per person

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. (243-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that K. Luke Kalarickal, Director, Department of Environmental Control is hereby authorized to attend a conference on Solid Waste Management/Recycling to be held on May 16 and 17, 1994 at the Otesaga Hotel, Cooperstown, 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

RESOLUTION NO. (244-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Marie Geronimo, Receiver of Taxes and Dolores Daubitz, Deputy Tax Receiver, are hereby authorized to attend a Seminar for Tax Collecting Officers co-sponsored by the Association of Towns of the State of New York and New York State Association of Tax Receivers and Collectors on June 12th thru June 15, 1994 at Roaring Brook Conference Center, Lake Luzerne, Warren County, New York, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account No. 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. (245-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, Emily Feiner, CSW, Clarkstown Counseling Center attend annual Youth Forum dinner on Thursday, May 5th, 1994 at Terrace on the Hudson, Haverstraw, New York.

COST: \$25.00 per person

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. (246-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that various members of the Clarkstown Parks Board and Recreation Commission and designated staff members, are hereby authorized to attend the Fourteenth Annual Youth Forum's Annual Youth Award evening, on Thursday, May 5, 1994 at Haverstraw, New York and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Account 7020-414, 7141-414 and 7310-414.

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. (247-1994)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 154-1994, the Town Board of the Town of Clarkstown awarded Bid No. 62-1993 (Voice Recording System for the Police Department) to AAT Communications Corporation, 1854 Hylan Boulevard, Staten Island, New York, and

WHEREAS, subsequent to the bid award, the successful bidder advised that unforeseen delays at the manufacturing level would result in delayed availability of the equipment proposed to be installed in the the new Police/Court facility, and

WHEREAS, the successful bidder has requested rescission of its bid award so as to not cause delay to the completion of the facility;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 154-1994 is hereby rescinded, and be it

FURTHER RESOLVED, that based upon the recommendation of the Chief of Police, Ram Communications and the Director of Purchasing, Bid No. 62-1993 is hereby awarded to the second bidder, DICTAPHONE CORPORATION, 3191 Broadbridge Avenue, Stratford, Ct. 06497, as per its bid proposal of \$68,512.00, and be it

FURTHER RESOLVED, that said award is subject to receipt of a signed contract, Performance Bond, and a Labor and Materials Payment Board as outlined in the bid specifications, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a release to AAT Communications Corporation, releasing it from any liability with respect to the rescinded bid award.

On roll call the vote was as follows:

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RESOLUTION NO. (247-1994) Continued

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

RESOLUTION NO. (248-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Project Engineer, Caruso & Horowitz Assoc., Inc. and the Supt. of Recreation and Parks that

BID #21-1994
LAKE NANUET IMPROVEMENT PROJECT

is hereby awarded to:

S-CAPE LANDSCAPE CONTRACTING, INC.
34 Harold Street
Tenafly, NJ 07670
PRINCIPAL: BARRY D. SMITH

as per their low bid proposal of \$179,165.00, and be it

FURTHER RESOLVED, that said award is subject to the execution of a written agreement between the Town and the successful bidder, and the successful bidder providing

- a) Performance Bond
- b) Labor and Material Payment
- c) Certificate of Liability Insurance with a Save Harmless Clause
- d) Certificate of Workers Compensation Insurance Coverage

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. (249-1994)

Co. Mandia offered and Co. Maloney seconded

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

BID #22-1994
FOOD PROVISIONS FOR TOWN
OPERATED REFRESHMENT STANDS

is hereby awarded to:

RYKOFF-SEXTON COMPANY
360 SOUTH VAN BRUNT STREET
ENGLEWOOD NJ 07631
PRINCIPAL: PUBLIC CORPORATION

NY PRETZEL CO.
64-70 MAURICE AVE
MASPETH NY 11378
PRINCIPALS: RONALD ORFINGER
HERBERT NOVICK

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RESOLUTION NO. (249-1994) Continued

MAX BRAUN
94 WOODWORTH AVE
YONKERS NY 10701
PRINCIPAL: NORMAN BRAUN

SCHAFFER FOOD SERVICE
PO BOX 60
NEW ROCHELLE NY 10805
PRINCIPALS: MONROE SCHAFFER
HARVEY FINKELSTEIN
IRVING SCHWARTZ

HARRISON BAKING CO.
840 JERSEY ST
HARRISON NJ 07029
PRINCIPAL: PUBLIC CORPORATION

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

MULLER DAIRIES
PO BOX 456
FLORIDA NY 10921
PRINCIPAL: WILLIAM J. MULLER

COOKIES UNITED
50 MERCEDES WAY
BRENTWOOD NY 11717
PRINCIPAL: NEIL LUKOW

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. (250-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the
Supt. of Recreation & Parks and the Director of Purchasing that

BID #23-1994
ICE CREAM FOR TOWN OPERATED
REFRESHMENT STANDS

is hereby awarded to

VMQ ICE CREAM DISTRIB.
56 CRICKETTOWN ROAD
STONY POINT, N.Y. 10980
PRINCIPAL: VINCE QUATTROCCHI

as per the attached item/price schedule.

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

On roll call the vote was as follows:

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

RESOLUTION NO. (251-1994)

Co. Mandia offered and Co. Maloney seconded

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RESOLUTION NO. (251-1994) Continued

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

BID #24-1994
SWIMMING POOL AND MISC. CHEMICALS

is hereby awarded to:

JERSEY CHEMICALS INC.
775 RIVER STREET
PATERSON, NJ 07524
PRINCIPAL: ALAN TAUB

ZEP MFG. COMPANY
PO BOX 299
SPRINGFIELD, NJ 07081
PRINCIPAL: PUBLIC CORPORATION

UNIVERSAL CHEMICALS
100 HACKENSACK AVE.
SO. KEARNY, NJ 07032

PRINCIPALS: ANDREW EPSTEIN, DONALD EPSTEIN,
LAWRENCE EPSTEIN, MARK EPSTEIN,
STEVEN EPSTEIN, ABBY JARETT,
ELAINE KAPLAN

as per the attached item/price schedule

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

On roll call the vote was as follows:

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

RESOLUTION NO. (252-1994)

Co. Mandia offered and Co. Maloney seconded

BID #18-1994
ARTS & CRAFTS SUPPLIES

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid for furnishing Arts & Crafts supplies is hereby awarded to the following low bidders who have met the specifications:

J & A HANDY-CRAFTS, INC.
165 S. Pennsylvania Ave.
Lindenhurst, NY 11757
PRINCIPALS: Paul Siegelmen
JoAnne Siegelman

NEW ENGLAND SCHOOL SUPPLY
P.O. Box 3004
Agawam, MA
PRINCIPALS: DAVID KRUPCZAK

CREATIVE CRAFTS INTERNATIONAL
16 Plains Road
Essex, Ct. 06426
PRINCIPALS: Brian Jermainne
Paul Siegel

S & S ARTS & CRAFTS
Mill Street
Colchester, Ct. 06415
PRINCIPAL: Stephen Schwartz

ECONOMY HANDICRAFTS
50-21 60th Ave
Woodside, NY 11377
PRINCIPAL: Laurie Korobkin

VANGUARD CRAFTS
1081 E. 48th St
Brooklyn, NY 11234
PRINCIPALS: Estelle Schwedock
Eric Schwedock

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RESOLUTION NO. (252-1994) Continued

IMC NEEDLECRAFT. INC.
Box 11
Garnerville, NY 10923
PRINCIPAL: Lawrence Peska

GROSS TOTAL OF ALL ITEMS: \$34,890.27

and be it

FURTHER RESOLVED, that this amount be charged against accounts:

7310-329	\$ 11,928.88
7141-329	\$ 5,839.01
7610-329	\$ 17,122.38

(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

RESOLUTION NO. (253-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Department of Environmental Control and the Director of Purchasing that

BID #20-1994
MAINTENANCE & IMPROVEMENTS TO TOWN CUL-DE-SACS

is hereby awarded to:

SOLICITO & SON CONTRACTING CORP.
10 STILL POND TERRACE
WEST NYACK, N. Y. 10994
PRINCIPAL: JOSEPH SOLICITO

As per their low bid proposal of \$29,475.00, and be it

FURTHER RESOLVED, that award is subject to the receipt by the Director of Purchasing of a Certificate of Insurance indicating liability insurance coverage with a combined single limit of \$500,000.00 for bodily injury and property damage, a Save Harmless Clause in favor of the Town, and a certificate of Workers Compensation coverage.

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. (254-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks is recommending that improvements be made at Lake Nanuet,

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$179,165.00 from Money in Lieu of Land to Parklands and Improvements.

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. (255-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received a donation of \$1,000.00 from Star Enterprises for planting trees on town property,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 (Gifts & Donations) and Appropriation Account No. A 7140 413 (Recreation-Trees, shrubs) by \$1,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (256-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown will be purchasing software for Highway for a Integrated Department Management System,

NOW, THEREFORE, be it

RESOLVED, to reduce Contingency Account No. A 1990 505 and increase Appropriation Account No. A 1680 226 (Data Processing-Software) by \$7,500.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (257-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that the resignation of John Lodico, Sr., 94 Birch Lane, New City, New York - Member - Industrial Development Commission - is hereby accepted - with regret - effective and retroactive to March 25, 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. (258-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that the resignation of Fred J. Hensey, 19 North Harrison Avenue, Congers, New York - Member - Industrial Development Commission - is hereby accepted - with regret - effective and retroactive to September 10, 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. (259-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that the resignation of Nick F. Badami, 2 Ethel Drive, New City, New York - Member - Industrial Development Commission - is hereby accepted - with regret - effective and retroactive to August 27, 1992.

On roll call the vote was as follows:

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

RESOLUTION NO. (260-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that Rukmani DeColyse, 21 Endicott Street, Congers, New York is hereby appointed to the position of (provisional) Senior Clerk Typist - Solid Waste Facility - at the current 1994 annual salary of \$28,828.00, effective and retroactive to April 4, 1994.

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RESOLUTION NO. (260-1994) 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. (261-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that Rukmani DeColyse, 21 Endicott Street, Congers, New York is hereby appointed to the position of Secretary (Part-time) - Sanitation Commission - at the current 1994 annual salary of \$2,000.00, effective and retroactive to April 4, 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. (262-1994)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, James Comer 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 James Comer, 11 Forest Brook Road, Spring Valley, New York - Bus Driver III - Mini Trans Department - is hereby granted a leave of absence, without pay, effective April 25, 1994 to September 1, 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. (263-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is presently engaged in the construction of a new Police/Court Facility, and

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RESOLUTION NO. (263-1994) Continued

has solicited and obtained various bids for the installation of telephone switching equipment and compatible telephone instruments for said facility (Bid Nos. 57-1993 and 58-1993), and

WHEREAS, the specifications advertised for said bid allowed for the installation of an on-site switching system, known as a "PBX" system, and

WHEREAS, the Chief of Police has recommended to the Town Board the use of a central station off-site telephone switching system for said Police/Court Facility instead of a "PBX" system for various reasons of public safety, economy and efficiency as stated in a report dated April 12, 1994, and

WHEREAS, the Town Board, by accompanying resolution adopted simultaneously herewith has determined, pursuant to General Municipal Law §103(5), that there is a need for standardization in the procurement of a telephone switching system for the new Police/Court Facility;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby rejects all bids for Bid Nos. 57-1993 and 58-1993.

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. (264-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is presently engaged in the construction of a new Police/Court Facility to serve the public safety and other criminal and civil justice needs of the community, and

WHEREAS, there is a need for a reliable telephone switching system which has the capacity to provide the Police/Court Facility with as many outside telephone lines as there are instruments in use, as well as a secure setting for the location of the switching equipment, and

WHEREAS, by report dated April 12, 1994, the Chief of Police has recommended to the Town Board that it adopt a standardization resolution to provide for the purchase for the new Police/Court Facility of a central station telephone system equipped with compatible instruments so as to provide enhanced public safety for the residents of Clarkstown, as well as economy of maintenance and efficiency of operations, and

WHEREAS, the electronics communications specialist for the Clarkstown Police Department supports the recommendation of the Police Chief, and

WHEREAS, RAM Communications Consultants, Inc., has analyzed the telephone communication needs for the new

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RESOLUTION NO. (264-1994) Continued

Police/Court Facility has advised that the use of the New York Telephone (NYNEX) "Intellipath" service would provide a central station switching system which would be located off-premises in the adjacent New York Telephone Company central station building, and such system, when used with compatible Northern Telecom instruments for voice communication and voice mail, does not require on-site interface devices, and would provide a high degree of reliability and essentially an unlimited number of available lines for incoming and outgoing calls unlike an on-site switching system, known as "PBX" system, which is limited to the number of trunk lines connected to the system, and

WHEREAS, based on the recommendation and information presented, the Town Board believes that during any emergency the Intellipath system will provide enhanced public safety potential for the Clarkstown Police Department, and

WHEREAS, use of a central station switching system would eliminate the cost of obtaining and maintaining an on-site telephone switching system, as well as reduce the potential for a catastrophic failure of telephone communications in the event of a natural or other disaster;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown finds that pursuant to the General Municipal Law § 103(5) for reasons of public safety, efficiency and economy, there is a need for the standardization of telephone communications equipment for the Police/Court Facility by use of the New York Telephone "Intellipath" system with the purchase of compatible instruments for voice and voice mail communications produced by "Northern Telecom" due to the following facts:

1. The "Intellipath" telephone service is provided by a central office based on switching system which eliminates the need for an on-site "PBX" type switch, and as such avoids the potential for total interruption of telephone service in the event of the failure of the on-site switch.
2. The "Intellipath" telephone system designed by Northern Telecom provides for a theoretically unlimited number of incoming and outgoing telephone calls, the number of which is limited only by the number of telephone sets in use, whereas a "PBX" system is limited by design to a specific number of trunk lines servicing the facility and such lines which cannot be expanded immediately to meet extraordinary communication needs arising during public emergencies.
3. The central station where the Intellipath system would be located is immediately adjacent to the new Police/Court Facility in a secure New York Telephone building manned twenty-four (24) hours a day by telephone company personnel.
4. Northern Telecom telephone instruments are designed to work with the Intellipath system

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RESOLUTION NO. (264-1994) Continued

and do not require any on-premises interface device, service unit, PBX switch or hybrid system to function thereby reducing the potential for catastrophic failure of telephone communication due to the failure of such interface device or like equipment.

5. All maintenance and service requirements for the central station switch and instruments will be available from a single source which would eliminate delays inherent in identifying the cause of equipment failure where several vendors' equipment is interconnected.
6. The only current source for the type of central station switch deemed in the best interests of the community is New York Telephone (NYNEX),

and be it

FURTHER RESOLVED, that the Director of Purchasing is hereby authorized to standardize on the selection of a New York Telephone (NYNEX) Intellipath switching system for the Police/Court Facility and to purchase such telephone instruments for voice and voice mail communications as is necessary from said company or Northern Telecom provided such instruments are designed to work on Intellipath system without the use of any on-site interface equipment or other on-site switch.

(Councilman Dusanenko noted that he was abstaining due to the fact that Oren Goetz had not been contacted regarding this.)

On roll call the vote was as follows:

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

RESOLUTION NO. (265-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED that proposals received for

BID #25-1994
MOSQUITO CONTROL PROGRAM

are hereby rejected, and be it

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

BID #25A-1994
MOSQUITO CONTROL PROGRAM

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: April 25, 1994 at which time bids will be opened and read, and be it

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RESOLUTION NO. (265-1994) Continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (266-1994)

Co. Maloney offered and Co. Mandia seconded

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

BID #26-1994
CAST IRON CURB INLETS, CATCH BASINS, FRAMES AND GRATES

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 May 2, 1994 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (267-1994)

Co. Maloney offered and Co. Mandia seconded

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

BID #27-1994
WASHED SAND AND GRAVEL

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 May 3, 1994 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:

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RESOLUTION NO. (267-1994) Continued

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

RESOLUTION NO. (268-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, an adverse drainage condition exists in the right-of-way of Joan Drive, adjacent to Lot 21-A-3.63, New City, New York; and

WHEREAS, the Department of Environmental Control has recommended a solution to ameliorate the adverse condition;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Phoenix Excavating Corporation, 62 Rose Road, West Nyack, New York to perform the necessary improvements; and be it

FURTHER RESOLVED, that the cost of such improvements shall not exceed \$3,500.00 and shall be a proper charge of Account No. H-1989-409-0-325.

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. (269-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, an adverse drainage condition exists in the vicinity of Lot 111-A-28.41, Valley Cottage, New York; and

WHEREAS, the Department of Environmental Control has recommended a solution to ameliorate the adverse condition;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain the services of a qualified drainage contractor in order to perform the required corrective work necessary to ameliorate the adverse condition; and be it

FURTHER RESOLVED, that the cost of such improvements shall not exceed \$5,000.00 and shall be a proper charge of account No. H-1989-409-0-326.

On roll call the vote was as follows:

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RESOLUTION NO. (269-1994) Continued

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

RESOLUTION NO. (270-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, a retaining wall supporting a portion of South Mountain Road collapsed on March 29, 1994, forcing the closure of said portion of South Mountain Road; and

WHEREAS, when inspected by M.G. McLaren and Associates, P.C., West Nyack, New York, it was determined that emergency measures were necessary to support the remaining portion of the roadway; and

WHEREAS, without the emergency improvements, the road could not remain open to local traffic;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Environmental Construction, Inc., P.O. Box 563, Stony Point, New York, to perform the emergency repairs necessary to stabilize and support the affected portion of South Mountain Road in accordance with the sketches prepared by McLaren Associates, P.C., dated March 30, 1994; and be it

FURTHER RESOLVED, that the cost for the emergency repairs shall not exceed \$18,000.00 and shall be a proper charge of Account No. H-8735-409-0-121.

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. (271-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, an adverse sewage condition exists in the vicinity of Pipetown Hill Road and Central Avenue, Spring Valley; and

WHEREAS, the Department of Environmental Control has recommended a solution to ameliorate the adverse condition;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Weston of New York, Valhalla, New York, to prepare plans and specifications; and be it

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RESOLUTION NO. (271-1994) Continued

FURTHER RESOLVED, that the cost of such services shall not exceed \$11,250.00 for design services and \$3,750.00 for easement preparation and shall be a proper charge of Account No. H-8110-409-084.

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. (272-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

W. HARRIS & SON, INC.
37 W. WASHINGTON AVENUE
PEARL RIVER, NEW YORK 10965

RESOLVED, that the following Certificate of Registration be issued:

No. 94-18 W. Harris & Son, Inc.

On roll call the vote was as follows:

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

RESOLUTION NO. (273-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the historical house situated at 312 Strawtown Road, West Nyack, New York, is owned by the Town of Clarkstown, and is need of repair, and

WHEREAS, the temporary renter of the house is willing to pay for the repairs, but is requesting that the Town haul the material away;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to arrange for the debris to be removed from the property at the Town's expense.

On roll call the vote was as follows:

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RESOLUTION NO. (273-1994) Continued

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

RESOLUTION NO. (274-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Superintendent of Highways is hereby authorized to remove debris from the drainage easement located at 11 Scandia Road, Congers, New York.

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. (275-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to erect "No Parking" signs on the west side of High Street, West Nyack, New York.

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. (276-1994)

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 Rockland County Center for the Arts, a non-profit organization, in a form approved by the Town Attorney, to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance to the Rockland County Center for the Arts in the amount of \$20,000.00, to cover costs of capital improvements to that facility as requested by proposal dated March 28, 1994, and be it

FURTHER RESOLVED, that the amount of \$20,000.00 shall be transferred from Account No. A 1990-505 to Account No. A 8840-424, and be it

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RESOLUTION NO. (276-1994) Continued

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1994, and are to be charged against Account No. A 8840-424

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. (277-1994)

Co. Smith offered and Co. Maloney seconded

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

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 1994.

WEST NYACK FREE LIBRARY

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. (278-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the President and the Congress of the United States of America have designated April 21, 1994 as National D.A.R.E. Day, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to reinforce the fact that members of the D.A.R.E. Program are part of a nationwide support system which they can rely on;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Clarkstown hereby memorializes April 21, 1994 as National D.A.R.E. Day in the Town of Clarkstown.

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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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:55 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/12/94

8:35 P.M.

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

RE: Proposed Extension of Water District for Mallard Drive,
Mandarin Lane, Cardinal Court, Pheasant Drive and a
portion of Parrott Road in West Nyack

On motion of Councilwoman Smith, 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 Holbrook explained that this particular project has been going on for quite some time and has required all the time necessary so that people could digest the information and think about the project. We had a number of meetings last year, the last of which was just before Christmas. The Spring Valley Water Company had made a proposal based on requests from various residents there to see what it would take to lay out pipe on all the streets to provide fire protection as well as offering water service to those who wished to partake of that service.

Supervisor said essentially what came up was the fact that if the Town was to be the bank in this it would enable Spring Valley Water to do the job for less than it would normally have cost. There was a proposal put forward which gave various alternatives. Obviously the cost of Spring Valley Water Company doing the work was dependent upon how many owners would be willing to hook up to the Spring Valley Water Service. He said he believed Spring Valley Water Company had given everyone a window period of up to ten years so that people could hook up right away or they could have up to ten years to consider hooking up.

Supervisor said what it came down to was there was a chart that ranged from a number of houses taking service all the way from zero to 48 and in the final analysis if all 48 hooked up the cost at that particular juncture would be approximately \$52,800.00 spread out over the 48 homeowners at a cost of about \$1,100.00. That was exclusive of the money that an individual homeowner would have to pay to hook up from their house to the spur that would be provided for them at the street.

Supervisor said it was the concensus of those in attendance at the meeting right before Christmas to write another letter and to offer people an option asking them two questions. One question was do you want the Town to proceed with the creation of a water district? We have the results tabulated. There was 39 people who responded and of those that responded 27 said yes and 12 said no.

Question number two was if the water district is created would you immediately hook up your home to Spring Valley Water? Of the number responding 18 said they would hook up immediately and 21 said they would not hook up immediately. Based upon those results, and we sent out a couple of letters because some of the results trickled in and because the building season is upon us, we felt that it was appropos to hold this public hearing today.

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Supervisor said subsequent to all of this the Town Board members had asked him to pursue some other methods of trying to deal with that figure of \$52,000.00 or whatever it might be relating to the amount the residents would have to pay even if all of them hooked up. He said the first place he went to was Community Development Funds and unfortunately the area doesn't qualify on an income basis for community development funds to be used for this purpose.

Supervisor said the second thing he did was to go to State Senator Holland and asked him to consider the amount of \$50,000.00 as a member item in the State Senate. He said he got a call from his office in Albany last week stating that they were not putting it in as a member item but rather that they had it included in the State Budget as a line item so that while it is not official if the State budget gets approved and this line item is in there, unless the Governor for some reason finds it and vetos it, \$50,000.00 would go to this district. This would mean that if everyone hooked up even if it were over a ten year period there would be virtually no cost to any of the homeowners except for the hook up to Spring Valley Water from the street. That cost, of course, would be borne by the individual homeowners. There was talk even among those present that maybe they would hire someone collectively to do the job for the entire area.

Supervisor said he spoke today with Senator Holland's office in Albany and while he can't say it is 100%, putting it in as a line item is even better than a member item. The difference is this: that with a member item sometimes it takes a long time for the money to find its way to the members and ultimately to the group that is getting it. A line item in the budget, when approved, is really there immediately for use. If we were to proceed along those lines, keeping the window of ten years and obviously people can still decide whether or not to hook up, it is theoretically a good possibility maybe better than 90%, that cost, and we were talking of whether you could pay it over twenty years or ten years or five years, would not be there. The only cost would be the hookup that you would have to pay from your home to the street.

He said we did not have this information before because he was not sure if we could get this but Senator Holland's office worked on it. He said he had not really thought of a line item in the budget and that was Senator Holland's offer. We are really waiting just for that. He said that was all the information he had. He asked Mr. Mark Rothenberg if we were to proceed with construction when could Spring Valley Water lay the pipes, etc. Mr. Rothenberg said if all the agreements were signed we could probably put it out to bid within thirty days.

Appearance: Mr. Ken Jay
Mallard Drive
West Nyack, New York

Mr. Jay said with the numbers you gave us tonight with the yes and no votes, what is the number it would cost the homeowners exclusive of the \$50,000.00? Supervisor said 18 said yes. We still have 9 people who haven't responded. Say it is 20. The Supervisor said if no one hooked up after this it would be \$178,800.00. Mr. Jay asked how that broke down. Supervisor said that would be \$3,725.00 if nobody else hooked up in that 10 year period. He said he did not believe that would be true. He said that number would probably not go up but down if they could get a good bid on the work. Mr. Jay

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PH - Proposed Extension of Water District
for Mallard Drive, etc. West Nyack

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said if this money came through - what you are saying is like 90% or so - how would that break it down? Supervisor said if only 20 were to hook up that \$50,000.00 would be applied to the \$178,800.00 and that would reduce it down to \$128,800.00. Mr. Jay said then how would that break down. Supervisor said roughly \$2,500.00. Again, that is only if everybody who said they were going to hook up, hooked up now and then nobody else hooked up over the 10 year period. The assumption was that most people would eventually come in.

Mr. Jay asked how would that work with your tax structure? Supervisor said we would be given credit by the water company for the amount - if everybody had hooked up, say if it broke down to \$2,500.00, we would get \$2,500.00 credit and we would reduce the thing down by that. He said he thinks at this juncture if we go ahead with the district he thinks many more people might consider hooking up immediately.

Mr. Jay said you said it would take about 30 days or so to where you could start the project. How long would it take? Mr. Rothenberg said he would say it could probably be completed within 30 days. Mr. Jay said after that 30 days how long would it take them to get some newly paved roads? Supervisor said they would also have to put some drainage in the street when they do this. We want to make sure it is settled a little bit and we would put a binder coarse and then we would pave them. Part of the cost of bringing it down here is our commitment of a few years ago that we would pave the roads but we didn't want to do it because of the gas mains and the gas mains led to the water mains, etc. He said he would say that if we can do it early enough in the year, like by June or July, we could probably have the roads in by the end of the fall so that they would have enough time to settle.

Apperance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff said this is really neat that I am not in an income bracket to get Community Development Funds. That means I must be rich, I guess. He thanked the Town Board for all of the work they put into it and Mr. Rothenberg for putting up with him. The drainage is important but as the old saying goes "Let's get it on."

Appearance: Ms. Ann Sullivan
155 Parrott Road
West Nyack, New York

Ms. Sullivan said she voted no for the water district only because she is a little bit confused. She said she can't decide on anything until she has the facts in front of her. She said the original proposal called for 50 homes and then it was reduced to 48. What happened? Supervisor said two of the original 50 are able to be serviced by existing mains. Supervisor asked if those were the mains in Parrott Road? He was told yes. He said then two homes that would front on Parrott Road would use the hydrant across the street. Ms. Sullivan said one of them is her house but she is still part of the district. At this point maps were referred to.

Mr. Rothenberg said the two homes referred to could be served without any further extension. They have to be included within this district unfortunately because the main goes in front of their property. They could have been served from the side, so to speak. Ms. Sullivan said she could hook up from the front of her house. Supervisor said would they be

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within the district or without? Mr. Rothenberg said they would have to be within the district. Supervisor said actually it is technically 50 but they don't have to hook up. Mr. Rothenberg said they don't have to because they already have service available to them. He said that is something attorneys have to tell you. Supervisor said the figures here are all based on 48. We will determine whether you have to be included or not. Supervisor said theoretically if everybody hooked up and we got the \$50,000.00 you wouldn't have to hook up if you didn't want to so you would have no cost. You would just have the protection. Ms. Sullivan said what if 20 people hooked up? Supervisor said as others hooked up, the costs would come down over time. Ms. Sullivan said then if I do have to be included why not count it as 50 people? Supervisor said perhaps we would have to. Ms. Sullivan said then at that point it becomes 50. Supervisor said if we used 50 these figures would be even less. Ms. Sullivan asked how long would it be before we would find that out? She was told a day or two.

Supervisor said his humble recommendation would be to proceed with the district on the assumption that if we get the money from the State we would be able theoretically to have no cost to people and then if you didn't want to hook up it wouldn't make a difference, really.

Ms. Sullivan said the meeting that was called tonight was to supply fire hydrant services for \$39,000.00 which was the initial proposal with a fire hydrant and with water lines coming down only a part of the road - now we are talking about everything and now she is confused. Supervisor said it started out as fire hydrants and now it's water supply. It was said that if only a certain number of people could hook up with the fire hydrant then maybe we should take a look at laying the pipe in the street and see if everyone can look up. We are here for the whole shooting works.

Ms. Sullivan asked is it possible to have one without the other? Are you going to put out another letter now based on the yes and no votes? Supervisor said based on the responses we have here, even if you count everybody else's no, you have a majority of people indicating that they want to go ahead. Ms. Sullivan said but the hook up now would be individual but that doesn't matter? Supervisor said ultimately most people would hook up given the circumstances. Ms. Sullivan said there is an overwhelming majority of people who want the water district but the hook up now, if you consider the people who didn't respond as no votes, then you have 18 yes votes and 21 no votes plus the ones that didn't respond you've got more people not hooking up, but you are still saying that you are considering water lines down the road. Supervisor said because they want the district. Ms. Sullivan said but you are saying that even if less than half want to hook up you would still consider laying water lines? Supervisor said once they are there he thinks people would hook up.

Mr. Fogel said it is an invalid assumption that the people who haven't responded would vote no. Supervisor said let's say 5 would have said no and 3 yes it would be 30 and 17 or something like that. Ms. Sullivan said she is a little confused about the payment because you have 10 years to decide to hook up. Does that mean the homeowners don't get assessed for 10 years? Supervisor said if we were to do it this year the taxable status is March 1st so this wouldn't appear next year; it would appear January 1996.

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Ms. Sullivan said you figure 20 people hook up now; the cost is a certain amount. Year after year you see more people dribble in what happens? Supervisor said the cost would go down. Every homeowner that would hook up would reduce that cost. Ms. Sullivan said in other words hypothetically 20 people - so her cost would be \$3,725.00 over a 20 year period. Is that going to be divided by 20 years plus interest? Supervisor said that's right, every person who would hook in after that we would get \$3,725.00 credit or whatever it would be. You would have to figure out exactly what it would be but it would drop it down. Ms. Sullivan said then every year after that the amount she would be paying as a line item would be less and less as people hooked up. Supervisor said we can be flexible because the Town in this case, because of the small amount, is the bank basically.

Ms. Sullivan said you have a column here which says the Town pays so much and the homeowner pays so much. What do you mean by that? Does the Town actually float the bond but the homeowner is ultimately paying for it? Supervisor said that is correct. Supervisor said if everybody hooked up we would put up the \$52,000.00. That \$1,100.00 was based on the homeowners paying the Town back with a minimal amount of interest.

Ms. Sullivan said people got excited over the fire district because of the fire. She said when she talked to the firemen the problem that day was that they didn't know where the hydrant was which delayed putting out the fire. For years we have had only one fire hydrant. We have one off Cardinal Court and we have the one in front of Parrott Road. Has our fire service been inadequate? They said they had trouble finding it. They thought there was one down at the end of Mallard Drive so it took them a few minutes to realize where the nearest fire hydrant was so it delayed them a little. She said she was wondering if all these years were they sitting with inadequate fire service.

Fire Inspector Mark Papenmeyer said not at all. There was no delay. They knew where the hydrant was. The initial officer on the scene did not realize that the hydrant was not down there. He had come in the other way. He then explained the normal procedure. Ms. Sullivan said she was wondering why all this came up if they had adequate fire protection why now the extra hydrants? Mr. Papenmeyer said the Fire Chief wrote a letter to the Town Board requesting the possibility of hydrants being put in that area.

Appearance: Mr. Mark Luff
Cardinal Court
West Nyack, New York

Mr. Luff said if I was one of the first 20 families to sign up and my share came out to say \$3,000.00 after the \$50,000.00 is applied, I have 20 years to pay that - so it is \$150.00 per year? Does that mean that after 10 years if I paid \$1,500.00 and everybody else signed up I would get a refund? Supervisor said if you went to the bank, the bank would have a structured thing but the Town being the bank, different people could opt for different things. Some people, if we had an amount that they would have to pay might opt just to pay it all at once. Others might choose to pay it over 5 or 10 or 15 years. Mr. Luff said but obviously if anybody paid all at once, the more people who signed up later on, they would get a refund. Supervisor said our financial people would have to work that out so it would be equitable.

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Councilman Mandia said the fact that the Town is going to fund this allows us a great deal more flexibility. If a bonding company were used he thinks the answer to Mr. Luff's question would be no. If the Town is going to fund it, the answer is yes. He said if everyone in the neighborhood really thinks about this - no one is saying the fire service is inadequate - but it certainly is going to be enhanced. The value of the property, the quality of the neighborhood, the flexibility of the neighborhood, even the environmental concerns that may or may not come up at some point are all addressed and could cost everyone nothing. If someone really analyzes this from a financial standpoint for the benefit of all concerned, especially now with what the Supervisor informed us of this evening, if the State comes across with the money and that is almost assured, not guaranteed, it is a marvelous opportunity for us to help as a Town Board and reduce your cost to an extreme minimum.

Supervisor said once it is in there he thinks most people will sign up.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (232-1994) ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/12/94

9:00 P.M.

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

Re: Zone Change from R-10/R-15 District to an RS District -
Town's Own Motion (Hutton Avenue, Nanuet)

On motion of Councilman Maloney, 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.

Supervisor stated that this public hearing was on the motion of the Town Board and requested that Mr. Yachyshyn, Planning Board Chairman, give a description. Mr. Yachyshyn did so noting that these are properties that were not included in the zone change that occurred last December. They are the only properties that are of residential character at the present time adjacent to and virtually surrounded by the RS zone to the east, west and south. One gentleman stated that he had not received notice of the meeting. Mr. Yachyshyn said notices were sent out as well as legal advertisement in the paper of record. Councilman Maloney asked how many acres this was? Mr. Geneslaw, Planning Consultant, said this was approximately eight and one half acres, six tax lots.

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

Appearance: Mr. Russell Trojan,
Nanuet, New York

Mr. Trojan said the Hutton Avenue zone change was discussed at the last Nanuet Civic Association meeting and a concensus was reached. He said there was no support in favor of the zone change. There was a suggestion of leaving it residential. We realize that the previous zone change of Kemmer Lane makes this mute. He said they oppose the Hutton Avenue zone change to regional shopping because all of Hutton Avenue, Kemmer Lane, the A & H Mall, Day's Inn and everything else north of Route 59 and west of the railroad tracks should be rezoned major regional shopping. The net effect of four medium sized malls in this area is major. Most shopping centers are built parallel to the highway. These four will be perpendicular all in less than 1,000 feet with independent driveways all wanting their own traffic lights. Hi-Nanuet, the Kemmer Lane project, already has requested additional traffic lights.

Mr. Trojan said the net effect is this Route 59 project will be \$40,000,000.00 wasted. The residents of Kemmer Lane cooperated to permit Hi-Nanuet to rezone Kemmer Lane to shopping. The Nanuet Civic Association has come to a concensus. Now the Town Board must force developers to come up with a unified plan instead of the usual piecemeal approach that has led to a disasterous mess in Nanuet today. Major regional shopping will force Hutton, Kemmer, A & H, Day's Inn, etc. to form an integrated site plan with community amenities, something that Nanuet lacks. A unified site plan could be designed for better security and time control - a major concern of the Nanuet Civic Association.

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Mr. Trojan urged the Board to reject this regional shopping zone change. Some might say, what's the difference? We can do RS later. If this Board does not reject the zone change there will be no incentive to do it later and Nanuet will have more haphazard development.

Appearance: Mr. Bob Jackson, President
Nanuet Civic Association
Nanuet, New York

Mr. Jackson asked if the Day's Inn had been purchased? Mr. Yachyshyn said he did not know if there had been a purchase but they have not come back to the Planning Board. Mr. Jackson said it appears that someone is interested in buying that property. We had the other zone change on the other piece of property. The A & H Mall doesn't seem to be doing well. This other piece of land, if you change the zoning there, which probably will be done, if you let them do each individual site, it doesn't seem like good planning. He said this should be kicked back to the Planning Board and the idea researched of looking at this as a whole. He said he is under the impression that the zone will be changed to regional shopping or to major regional shopping whatever we actually need here and to look at it as one piece there. He asked if that was possible?

Mr. Yachyshyn said the answer would be yes. Anything that is done on a comprehensive study basis is much better than piecemeal. He said the recommendation to the Town Board from the Planning Board was that we recognize the realities of the conditions that are involved today being that the other zone change was enacted. That is the case and they unanimously, although reluctantly, recommend to the Town Board that the zone change be made but that it be done on the comprehensive basis that Mr. Jackson and Mr. Trojan have suggested. He said he thinks the Town Board can readily see that and agree with it.

Supervisor said in other words make an MRS designation as opposed to an RS district? Mr. Yachyshyn said just RS, as he did not see any reason for the MRS. It is not needed. Councilwoman Smith said you want to treat it comprehensively so the traffic flows? Mr. Yachyshyn said we would expect that all of - if indeed the Day's Inn were to come in (of course they are currently zoned RS so there would be no zone change involved there) - it is only this site that would be the last anchor to that whole area.

Councilman Maloney said with this comprehensive plan could we accomplish more with that from a planning point of view and traffic, etc. than if we just went straight RS and let it go at that? Is there any advantage to the MRS zone at all? Mr. Yachyshyn said he could not imagine it for this site. Councilman Maloney said could we put some safeguards in and make it comprehensive? Mr. Yachyshyn said if all the various entities would be able to coordinate their activities that might be worth looking into.

Mr. Geneslaw said MRS has only been used twice - for the Nanuet Mall and for the Palisades Center (Pyramid). It was used in those two cases where the developer chose to use it and have a physically integrated site plan and circulation plan. We have never really looked at the possibility of the Town applying it to a property in advance of the owners wanting

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it. He said the minimum lot size for MRS is something on the order of 30 acres. We would have to be sure that the area is large enough to include that minimum.

Mr. Yacyshyn said he was sure the traffic patterns and the configurations that would be here, if in fact the various separate entities were joined together for their common purposes as has been indicated by one of them, at least (rest unclear). Councilman Maloney said the Planning Board would have a lot to say about this in terms of a comprehensive plan for traffic, etc.

Mr. Jackson asked can these developers be forced or can we persuade them to enter an agreement with each other or if they refuse us, is it just out of the question then? Mr. Geneslaw said we can try and persuade them. He did not think we were prepared to say tonight if the Town would have the ability to force them. Councilwoman Smith said everybody makes out with a better traffic situation though. Councilman Maloney said you would have that leverage from a traffic point of view. Supervisor said of course the Planning Board has control over site plan so since they have put that in the record, it is part of the record and since this is being proposed on the Town's own motion he thinks that would ensure that the planners would take that. The developer is not asking for this. The Town is doing it on their own motion so therefore it would have to be the way the Planning Board has indicated in the letter they have given to us.

Mr. Jackson said on the other zone change that was granted for Kemmer Lane, was there some sort of verbiage that the CO would not be issued until Route 59 was completed? Mr. Geneslaw said that was left to the Planning Board to determine for a couple of reasons. The developer wasn't certain at that time as to the exact nature of the uses - what kind of stores would be there. When the Town Board gave the zone change one of the conditions they set was that the Planning Board take a look at the traffic as it would be generated and have a better idea of what kind of stores would be there, etc.. The DOT is talking about letting the first phase the latter part of this year so depending upon how quickly they do that and considering weather, construction should start before 1994 is out.

Mr. Jackson asked whoever develops these parcels are they permitted to start construction before Route 59 is completed? Mr. Geneslaw said that would be up to the Planning Board. Mr. Jackson said if it doesn't have to be kicked back to the Planning Board could we have some sort of statement in whatever you do tonight that a similar thing, if construction was going to take place on this site, no CO would be issued until the improvements on Route 59 are completed? Could we incorporate that there? He said his concern also is if they do Route 59 and somebody comes along and starts doing utility cuts and cutting things up again - we waiting a long time for a nice road and we are going to get a nice road eventually and then somebody comes in and starts digging it up - he was wondering if we could coordinate that whole situation? Supervisor said he thinks we could incorporate the same language that was included in the other one and give the Planning Board that flexibility to determine based upon the timing of that construction because hopefully the State will start that construction in 1994.

Councilwoman Smith asked where is Phase 1 of their construction? Mr. Geneslaw said roughly the Palisades Parkway

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and ends somewhere between the trestle and Grandview Avenue. Somewhere in between they have to work out a transition. They can't construct one part and simply stop and go from six lanes down to four. In that area between the trestle and Grandview will be the transition. When they do the second phase which starts about a year later they will have to do more work again in that same transition area. That area is going to be subject to construction activities on and off for at least three years.

Mr. Jackson said one of his ideas was to throw this back to them and have all this done as one master plan. Supervisor said the Planning Board is intent on dealing with the traffic that would be generated from these sites; essentially that way because they have to coordinate with the lights that they are going to be putting up on the improvements on Route 59. Councilman Maloney said so if we indicate that, because this is on our own motion, the Planning Board would certainly listen to that.

Appearance: Ms. Mary Maher, Treasurer
Nanuet Civic Association
Nanuet, New York

Ms. Maher said the concensus reached by the Nanuet Civic Association the other night as to what kind of code we would have here, we would like this whole area consolidated and put them under the same scrutiny that the Pyramid Mall was put under. Nanuet is so inundated already with shopping that she thinks you are about to place the straw that breaks the camel's back. Can you imagine when the area west of us and Grandview Avenue is under construction what is going to happen to the traffic in Nanuet? Where is it going to go? It is going to go Grandview Avenue to Prospect Street to Convent Road? Nobody is going to mess with that. The railroad trestle, everybody knows, has to be widened. It is a major problem. She said she can't see that the State is going to come in and start widening that road until that trestle has been done. Does anybody know when the railroad trestle is going to be done?

Mr. Geneslaw said we have an estimate from the DOT and that is in the summer of 1995. He said he agrees with Ms. Maher that the trestle is the biggest bottleneck. What they are proposing to do is to construct a new trestle next to the existing trestle and when all finished, close Route 59 for a weekend, tear down the old one and slide the new one in place. The new one will be at least 50% longer than the present one and it will be wider. But only one weekend is supposed to be affected.

Supervisor said the very point that you make in regard to the traffic flow is the reason for doing that because if you try to build a trestle at the same time you're trying to direct traffic, you can't do it. Mr. Geneslaw said this is not the first time something like this has been done. We have distributed proposed detour maps to all of the emergency service agencies in the Nanuet area at the request of the DOT so that they can get whatever reaction there is to this proposal. What they are talking about is sometime on Friday night in the middle of 1995 closing Route 59 and keeping it closed until Monday morning.

Ms. Maher said there is a little culvert in Nanuet on Church Street. It was closed for three months. You tell me on one weekend in Nanuet that they are going to move a railroad

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trestle? I guarantee you it might be December of the following year. Mr. Geneslaw said I started off saying I am going to report what DOT told us. He said he has seen one of these over a stream in a much smaller situation done in an afternoon and if everything comes out right it can be done. Ms. Maher said that stream was probably up state New York somewhere. Mr. Geneslaw said no it was in Bergen County and there was not traffic like Route 59 but there was a lot of traffic and it was the only east/west route in that municipality. It has been done before. If you want me to guarantee you that it is going to work, I can't. Church Street did take a long time. It is still not finished. There is going to be another closing of First Street. I don't know for how long but they are talking about closing it somewhere around the middle of December.

Mr. Yacyshyn said he thinks it is wise to understand we are dealing not only with a bridge over a state road in probably the most congested part of the county but we are dealing with a railroad. If there is any thought that anybody is going to sit and wait for six months for a railroad that has to be completed he would have to say that is ludicrous. He is fully supportive of the projections they have given us. We have made it very clear to the State DOT and to the MTA that this is a critical area not only involving state roads but involving a railroad. He said he cannot imagine that they are going to allow it to take six months.

Ms. Maher said maybe they'll move it but the amount of traffic that is going to be able to go either way there for a long time is doubtful. Maybe they'll move it in a weekend but she said that doesn't mean that the road is going to be open to traffic on Monday morning and that is what she is talking about. Supervisor said the final details have to be worked out. It would be better if it could be put into place as quickly as that. Also that would be advertised so that people would ultimately steer clear of that area too.

Ms. Maher said in the area where all the shopping is going to come in you know is a very, very polluted area. Environmentally, Nanuet is shot. She said that is something that she is very concerned about. She asked the Health Department to come in to do a cancer study in that area because there are high incidences of cancer in that area. She said she is one of those people. Therefore, she is asking the Town Board on behalf of the people in Nanuet, and the Town of Clarkstown for that matter, we are being pushed just so far and we don't want to have to take any action other than what would be considered normal but there is just so much we can take - with shopping, with our roads being dug up, messed up, put back and another project comes in and the road is dug up again. This time she said she wants their area from an environmental point of view to be studied as rigorously as Pyramid Mall was. At least if we got half of what West Nyack got we'd be somewhere in Nanuet.

Ms. Maher said the Mavis Building in Nanuet was bought by the Nanuet Mall and on the same day that it was bought it was turned over to the State. It is so polluted under that building that not even the Nanuet Mall will touch it with a 40 foot pole and yet that same company was able to move from the four corners in Nanuet to an adjacent residential community by Pathmark and not one question was asked at that time. This is what is going on in Nanuet. It has to stop. The people of Nanuet are talking. We are talking in our

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kitchens. We're talking everywhere we can and we are not just talking about where we are going on vacation. We're talking about the downgrading of our community, the inundation with crime, etc. She said she is asking about this particular plan and these greedy entrepreneurs who don't give a damn about the people of Nanuet and who don't give a damn about the people of Nanuet, the Fire Department, anybody. They don't care if they destroy my property, your property, anybody's property. Every person has a right to live with a certain amount of decency at their residence. We have that right.

Ms. Maher said everybody should read what Mr. Hennessey said in the paper yesterday to the Businessmen's Association, when he told them a certain amount of morality has to come into business. You can take an area and you can develop it but you have to be considerate of the people who live there. We breathe the air from these exhausts. We get disease. Our children have allergies. They have asthma. Nobody asks a question. She said she has and the Health Department is coming in and they are going to ask some serious questions because nobody else cares about the health of Nanuet and she said she does. She said she is a cancer survivor and she is here to fight pollution.

Appearance: Ms. Marie Broadley
West Nyack, New York

Ms. Broadley asked who was coming in? Who's the developer? What's coming in here? Supervisor said this is on the Town's motion. She said she thought it might be Home Depot. Supervisor said Home Depot was supposed to be going into the Pyramid Mall. There is talk that it might be going to the Kemmer Lane area but that we don't know. This is just to put the whole area into one zone. This is the last remaining parcel. Ms. Broadley said our quality of life is important in Clarkstown no matter if you are in West Nyack, New City, Nanuet wherever. That is important and you have to consider that. Supervisor said this particular piece was being looked at by a tire place at one time and maybe even still is. Ms. Broadley said she has kids with asthma and other problems. We have so much congestion. We have so much traffic. We have so much pollution. Our air quality is not very good here and you have got to consider this.

Appearance: Mr. Armand Ferreira
Grace Street
Nanuet, New York

Mr. Ferreira said he bought the property on Hutton Avenue with the intention of building residential homes. He said he was planning to move into a house there. Without his knowing it on the 21st of December it was changed over to RS zoning. He said he is going to be stuck essentially with a residential lot in an RS zoning, now that this is all being changed over to RS zoning. He said he really doesn't know if he should be for it or against it. He said if he is against it he is going to be stuck with a residential lot and no one is going to want to buy his house. He said even he doesn't want to live there he he feels the same concerns as other people do with their health. He said he doesn't want to live in front of a tire place or beside a Mavis or whatever. At the same time if you change to RS he is going to be stuck with a worthless piece of property. He noted that his property is the main property in this proposed change.

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Supervisor said if the Town Board changes the zoning your home would be a non-conforming use basically. Councilwoman Smith said he would not have a resale value though. Supervisor said if everything else is RS his recommendation would be yours should be RS and you would have a non-conforming use. Mr. Ferreira said he spent all this money on a subdivision. He had three lots and was going to build two other new homes. Now this is all going to do down the drain. He said he can't build new homes because he can't sell new homes there. He said he might not even build something commercial because of the size of the lots. Before he had 18,000 to 20,000 square feet per lot and he could have built two new houses. Now, he is stuck with one big lot with a private house on it. Councilman Mandia asked how large the lot is? He was told 1.64 acres - 298 feet wide and almost 300 feet deep. Councilman Mandia asked if that was large enough for any kind of commercial use in that zone? Mr. Ferreira said as one single lot where before he had three residential building lots.

Mr. Ferreira said he is selling his house on Grace Street now and he wanted to move. He doesn't know how long this is going to take. He is paying two mortgages and he doesn't have money to hold out. This may take a year or it might take a few months, you don't know. If the decision is going to be RS he does not want to move in there with his kids. Supervisor said ultimately since we have made the motion we will probably go ahead with the caveats that were mentioned by people here so he thinks that you could assume that probably the Town Board will change it to RS although he could not speak for everybody on the Board. He said he thinks that Mr. Ferreira would have to operate under that assumption.

Councilwoman Smith asked if this was one of the RS's that was changed to R-10 at the request of the people who live there? Mr. Geneslaw said it was R-15. It backs on the railroad. Mr. Ferreira asked did anyone know when they were going to start building there? Supervisor said no one has applied to the Town Board with site plans. He said regardless of whether this is zone changed or not you still have to face the prospect of RS on the other side. This is merely a designation on a map. You might as well be RS if everything else is RS there. It doesn't make any sense to be residential. Mr. Ferreira said that is the whole point. If he had known before the December zone change but he was never notified. He said the plan is marked 7/7/93. He said he would never have considered spending the money for six months knowing that it was going to be changed to RS. He was never notified. He never saw any posted signs. Supervisor said you still have the option of developing it as RS if it is changed or selling it to others who want to develop it as RS.

Councilwoman Smith asked if Mr. Ferreira was working with the Town from July until December on this? Mr. Ferreira said his engineer was. Councilwoman Smith said and he never knew of this? Mr. Ferreira said he only found out about two months ago, sometime in February, when he was going to apply for a garage permit for the existing house because there is a detached garage and he wanted to have an attached garage. He was then told that this had been changed and his property was going to be changed to RS also. He said that was the first he heard of it.

Councilman Mandia asked when Mr. Ferreira bought the property? Mr. Ferreira said in July of 1993. Councilman

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PH - Re: Zone Change from R-10/R-15 District
to an RS District - Town's Own Motion
(Hutton Avenue, Nanuet)

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Mandia said you didn't own the house early enough to receive the notice. He said if we do nothing with it, if the Town Board never made the motion, he can't answer it. You have to answer the question yourself. If we do nothing would you rather it lie as a residential zone where it is located or would you rather it go to RS? He said the question kind of answers itself but you can be for it or against it. You are in the position to want the change the most. It probably protects you best. Mr. Ferreira said his position is that is has to move into there because his other house is in contract and he will have to move into there and then will have to move again in a year or so. Councilman Mandia said it may not be a year or so because there is no telling when it will be developed especially if you want the road improved first. It may be years before that happens. Supervisor said you're back under a railroad too. It is not an easy spot. Mr. Ferreira asked if he had ever been down there? Supervisor said yes. Mr. Ferreira said it is a beautiful street. He loves it. It is a nice quiet dead-end neighborhood. He said he now lives on Grace Street. He bought it because it was supposed to be a dead-end. Supervisor said although it is not dead-end now, at one time it was. Mr. Ferreira said he was told that it was going to be a dead-end street. Supervisor said there is a traffic study which will determine whether or not that will be the case. The study will be completed on April 15th and we will have a report shortly thereafter.

Councilwoman Smith said the main purpose of widening the trestle and lengthening it was for the traffic. But now with Metro-North and the railyard and whatever could that have been in their minds for some reason? What impact, if any, would it have on those yards now? Mr. Geneslaw said he would not think it would have any direct impact on the yards.

Appearance: Mr. Ed Duffy
Nanuet, New York

Mr. Duffy said we were here discussing the zone change for Kemmer Lane. Previous to that the Planning Board recommended that the zoning change be disallowed. When it came to the Town Board somewhere along the line it was changed. What is this? The Town Board doesn't talk to the Planning Board? Somewhere along the line Kemmer Lane was given the zone change. He said he missed it. He was out of commission for a little while. Somehow or other it went through very quietly. He said the last he knew was there had to be a study by the Planning Board members as to the effect of the traffic. He said he doesn't think anybody from Nanuet ever found out the results of that.

Mr. Duffy said they are going to take down the railroad trestle over one weekend? He said that reminds him of 1939 - 1940 when Judy Garland was singing "Somewhere Over the Rainbow" or "When You Wish Upon a Star". Which weekend will that be? Christmas weekend. Supervisor said in July. Mr. Duffy asked can I take that to the bank? He was told no. Supervisor said you will see it being built so you will know that it will be coming maybe not July, but that's what they say. Mr. Duffy said from what he understands Grandview Avenue will be blocked off for quite some time. He said this time he believes that you were discussing sending it back to the Planning Board for further discussion. He said he hopes that this time you will listen to the Planning Board. He said he thinks that's why he had a heart attack - because the Planning Board went along with Nanuet for once. It went back from the Planning Board to the Town Board and back in the usual rut.

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Mr. Duffy said he hopes that this time the Planning Board will think long and well about what they are doing and what they are going to do to us in Nanuet. He said you know me for a long time. I have been on top of what you have done to Nanuet. He said he does not see the rest of Clarkstown coming out to help us in Nanuet. They stay home until it is something to do with them. Then they come asking for help from us. This time he said there may be repercussions at the next election. There may be repercussions for all of you. None of you have taken into consideration your constituents of Nanuet. Maybe one day you will.

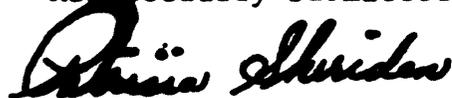
In response to a query from Councilman Dusanenko regarding two resolutions for this proposed zone change Mr. Geneslaw stated that Councilman Dusanenko was accustomed to seeing one resolution which covers both the SEQRA aspect and the zone change. In this case two separate resolutions were prepared. A has to do with the environmental process and adopting the negative declaration, along with the comments which we shared in advance, we anticipated that you would want to have the Planning Board take a look at any developments. If you were to adopt A that would include the environmental process. Adopting B is actually granting approval. Councilwoman Smith said just for clarification in B do you have a comprehensive traffic plan? Supervisor read from the resolution regarding traffic, etc. Councilwoman Smith said in response to what people asked tonight, taking all who are adjoining one another, can you show us a few comprehensive traffic plans that all the developers would be agreeable to?

Mr. Geneslaw said we have already discussed informally with at least two of the prospective developers and maybe a third, representing roughly three quarters of the area behind the frontage, the possibility of combining access points and having a signal controlled entrance and exit roughly midway between the trestle and Grandview. So far we have not gotten the level of cooperation that we were hoping for. We will continue to encourage it but at this point they are all separately owned properties. We can do some encouraging and at staff level the Planning Board can do some site plan review. The DOT can do some and the various agencies at different levels of ability and authority can do some.

Councilwoman Smith asked if Mr. Geneslaw thought that between now and the next Town Board Meeting he could ask them to come in again and try to come up with something that looks agreeable to all just so we have an idea? Mr. Geneslaw said he would certainly make the effort.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted, the public hearing was declared closed, RESERVED DECISION, time: 9:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk