

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/14/94

8:00 P.M.

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

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

Supervisor stated that the first order of business this evening would be the awarding of a certificate to Carlos Alimurung of Troop 78 for achieving the rank of Eagle Scout. Supervisor asked Carlos and his parents to approach the dais and offered his congratulations. Carlos then received the congratulations of the entire Town Board.

There followed the graduation ceremonies for the 20th class of the Clarkstown Youth Court. The graduates were presented with certificates. Detective David Elmendorf was presented with a plaque in appreciation by the Clarkstown Youth Court. Town Board Members gave congratulatory messages to the graduates.

The next item on the agenda was the Clarkstown Drug Abuse Prevention Council Poster Contest Awards. Supervisor introduced Judge William Kelly. He presented a plaque to Miriam Kurisko for 20 years of dedicated service to this Council. Judge Kelly noted there were 560 entries and from these the winning selections were made. The winners were presented with their awards.

Supervisor declared public portion of the meeting open.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein spoke regarding having the one hour parking restriction enforced on Main Street in New City.

Supervisor said authority is going to be given to our Code Inspectors at the next Town Board Meeting to enforce the parking on Main Street. Town Attorney said a Local Law will be presented and if enacted will be enforced.

Appearance: Russell Trojan
Nanuet, New York

Mr. Trojan spoke regarding the Supreme Court sanitation decision. He asked that police officers assigned to this sanitation detail now be returned for regular duty in the Town. He asked that the number of Code Enforcers in the Town be reduced. He spoke regarding Metro North and the recent blockage of Pineview Avenue by trains left there.

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Condemnation of Property for Congers Lake Dam was opened, time: 8:35 P.M.

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On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Condemnation of Property for Congers Lake Dam was closed, RESOLUTION ADOPTED, time: 8:45 P.M.

RESOLUTION NO. (408-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the attached Determination and Findings, pursuant to Eminent Procedure Law §204, is hereby adopted, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to publish such findings in accordance with §204 of the Eminent Domain Procedure Law and take all other steps necessary to obtain title for the Town of Clarkstown to the property described in Schedule "A," and together with a temporary construction easement more particularly described on Schedule "B" annexed hereto, of the attached Determination and Findings.

(Schedules A and B 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. (409-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board minutes of May 24, 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. (410-1994)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, a certain veteran's organization has requested monetary assistance from the Town, to defray rent costs, provide funds for parades, memorial services and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750.00 (\$500 for leasing or rental and maintenance of meeting facility and \$250 for patriotic observance) to the following veteran's organization:

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RESOLUTION NO. (410-1994) Continued

Vietnam Veterans of America

Chapter 333

and be it

FURTHER RESOLVED, that claims for such sum shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 1994 Account No. A-6510-401.

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. (411-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, JOHN GENTILE LANDSCAPE CONTRACTING COMPANY, INC. was low bidder for the project known as "South Mountain Retaining Wall Project, Town of Clarkstown, Low Bidder" Bid No. 48-1993, and

WHEREAS, the Town of Clarkstown has not awarded said bid as of this date and has been advised by said low bidder that it would have difficulty entering into a contract for said project at this time, and

WHEREAS, a hearing was convened on May 19, 1994, pursuant to Resolution of the Town Board before Edward Lettre, hearing officer, and

WHEREAS, it was stipulated at said hearing to adjourn said hearing to enable the Town Board to consider granting permission to low bidder to withdraw its bid, and

WHEREAS, the Town Attorney has recommended that the low bidder be permitted to withdraw due to the lapse of time from the date of opening of the bids, provided that mutual releases are exchanged;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the exchange of mutual releases between the Town and JOHN GENTILE LANDSCAPE CONTRACTING COMPANY, INC., and approves of the withdrawing of said bidder's proposal subject to exchange of general releases, in a form approved by the Town Attorney.

On roll call the vote was as follows:

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

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RESOLUTION NO. (412-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland for the Substance Abuse Services Program through the Department of Mental Health for the period January 1, 1994 through December 31, 1994, for a total consideration of \$116,908.00.

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. (413-1994)

Co. Dusanenko offered and Co. Smith seconded

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

BRAD COCKS DBA BRADLEY A. COCKS
33 WEST NYACK ROAD
NANUET, NEW YORK 10954

RESOLVED, that the following Certificate of Registration be issued:

No. 94-22 Brad Cocks DBA Bradley A. Cocks

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. (414-1994)

Co. Dusanenko offered and Co. Smith seconded

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

JAMISONS ASSOCIATES, INC. and/or
R.C. EXCAVATING INC.
7 KINDERKAMACK ROAD
MONTVALE, NEW JERSEY 07645

RESOLVED, that the following Certificate of Registration be issued:

No. 94-23 Jamisons Associates, Inc.

On roll call the vote was as follows:

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RESOLUTION NO. (414-1994) Continued

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

RESOLUTION NO. (415-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Columbus Day Committee of Rockland County has requested use of the Town of Clarkstown showmobile on Sunday, October 9, 1994, for the Annual Columbus Day Parade to be held in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Columbus Day Parade Committee of Rockland to use the Town of Clarkstown showmobile on Sunday, October 9, 1994, for the above purposes and subject to the provision of the necessary insurance policies.

On roll call the vote was as follows:

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

RESOLUTION NO. (416-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a sanitary sewer line has been installed on property owned by JOHN P. LAWLER and EILEEN F. LAWLER, said property being known and designated on the Clarkstown Tax Map as Map 76, Block B, Lot 10.05, and

WHEREAS, JOHN P. LAWLER and EILEEN F. LAWLER have agreed to convey a 10 foot wide easement of approximately 169 lineal feet to the Town for this purpose, and

WHEREAS, the Town has agreed to pay the sum of \$210.00 for said easement, and

WHEREAS, the Town Attorney recommends acceptance of said conveyance;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said easement on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the sum of \$210.00 be paid to the property owners from Account No. B-8110-444.

On roll call the vote was as follows:

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RESOLUTION NO. (416-1994) Continued

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

RESOLUTION NO. (417-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the drainage easement from Buena Vista Road through Lots 170-A-24 (Lot 6) and 170-A-23 (Lot 5) containing approximately 380 feet (20" wide 380" long) is accepted by the Town of Clarkstown, and be it

FURTHER RESOLVED, that the owners of said lots be notified of this acceptance, and be it

FURTHER RESOLVED, that certified copies of this resolution be sent to the Town Clerk and County Clerk of Rockland County.

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. (418-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, MICHAEL J. DOLAN & ASSOCIATES have submitted a proposal dated May 24, 1994, to provide television cable consultant services to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with MICHAEL J. DOLAN & ASSOCIATES to provide television cable consultant services to the Town of Clarkstown, for the sum of \$5,000.00, which fee shall be charged to Account No. A-1315-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (419-1994)

Co. Dusanenko offered and Co. Maloney seconded

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RESOLUTION NO. (419-1994) Continued

WHEREAS, a request has been made by CHRIS TAKATSCH, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of right-of-way known as Forest Avenue, Nanuet, New York, as shown on the Clarkstown Tax Map 15, which is attached, upon the grounds same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portions as described above;

NOW, THEREFORE, be it

RESOLVED, that a copy of this resolution be referred to the Rockland County Commissioner of Planning and to the Clarkstown Planning Board, for their report and recommendations.

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. (420-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, The Christian and Missionary Alliance has commenced tax certiorari proceedings against the Town of Clarkstown affecting Map 135, Block D, Lot 2.4 for the years 1991/92, 1992/93 and 1993/94, 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 \$2,500.00.

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. (421-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Newco Development has commenced tax certiorari proceedings against the Town of Clarkstown affecting Map 57, Block C, Lot 4 for the year 1993/94, 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 \$2,500.00.

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. (422-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Stipe Realty Corp. has commenced tax certiorari proceedings against the Town of Clarkstown affecting Map 71, Block A, Lot 4 for the years 1991/92, 1992/93 and 1993/94, 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 \$2,500.00.

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. (423-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, Michele Paradiso, CSW, RN, CNS, of the Clarkstown Counseling Center attend conference on Friday, June 17th, 1994 on Infection Control at Best Western Inn.

Registration fee: \$45 per person

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RESOLUTION NO. (423-1994) 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. (424-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to increase Appropriation Account A 7140-222 (Parks & Recreation) by \$936.50 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$936.50.

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. (425-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 7520-313 (Historical Review Board) by \$1200.00.

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. (426-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Caruso and Horowitz Associates, P.C., Engineers and the Superintendent of Recreation and Parks, Charles F. Connington, are recommending that an additional amount of \$60,000.00 be added to Bid #21-1994 to do the necessary improvements at Lake Nanuet,

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$60,000.00 from the Money in Lieu of Land Account to the Parklands and Improvements Account (18-7) to pay for the necessary improvements at Lake Nanuet.

On roll call the vote was as follows:

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RESOLUTION NO. (426-1994) Continued

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

RESOLUTION NO. (427-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the following account requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account DB 5110-381 (Bituminous) and increase Appropriation Account DB 5110-448 (Traffic Line Markings), by \$20,000.00.

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. (428-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #31-1994
CORRUGATED ALUMINUM CULVERT PIPE

is hereby awarded to:

CHEMUNG SUPPLY CO.
PO BOX 527
ELMIRA NY 14902
PRINCIPALS: HERMAN WARSHAW
MYRA STEMERMAN
CHEMUNG SUPPLY CORP TREASURY

NEWBURGH WINWATER WORKS CO.
653 RT 52 EAST
WALDEN NY 12586
PRINCIPALS: PATRICK CONNELL
RAY BUZZETTO
NEWBURGH WINDUSTRIAL
W/W WATER WORKS INC.

as per the attached item/price schedule.

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (429-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #32-1994
HELICALLY CORRUGATED STEEL CULVERT PIPE

is hereby awarded to:

Newburgh Winwater Works Company
653 Rt. 52 East
Walden, NY 12586
Principal: Patrick Connell
Ray Buzzetto
Newburgh Winindustrial Co.
Winwater Works Inc.

as per the attached item/price schedule.

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. (430-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #30-1994
PRINTING OF FALL/WINTER RECREATION BROCHURE

is hereby awarded to:

Tobay Printing Co., Inc.
1361 Marconi Blvd.
Copiague, New York 11726
Principal: Robert Rogers

as per their lowest bid proposal of \$5,750.00 for 30,000
copies, 2 color brochure; additional four pages @ \$1,581.00;
additional half-tones @ \$6.00 each.

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. (431-1994)

Co. Dusanenko offered and Co. Maloney seconded

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RESOLUTION NO. (431-1994) Continued

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

BID #34-1994
RIVETED CORRUGATED STEEL CULVERT PIPE

is hereby awarded to:

EXPANDED SUPPLY PRODUCTS
RD #1, BOX 93
COLD SPRINGS NY 10516
PRINCIPALS: BRUCE KEHR
DONNA KEHR

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. (432-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #35-1994
ALUMINIZED STEEL TYPE 2 CULVERT PIPE

is hereby awarded to

CAPITOL HIGHWAY MATERIALS, INC.
ROUTE 6
BALDWIN PLACE, N.Y. 10505
PRINCIPAL: MARK ABRAMS

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

NEWBURGH WINWATER WORKS CO.
653 ROUTE 52 E.
WALDEN, N.Y. 12586
PRINCIPALS: PATRICK CONNELL
RAY BUZZETTO
NEWBURGH WINDUSTRIAL
WINWATER WORKS INC.

VELLANO BROS. INC.
P.O. BOX 837
BEACON, N.Y. 12508
PRINCIPALS: JOSEPH M. VELLANO
JAMES A. VELLANO
ANTHONY VELLANO, JR.

as per the attached item/price schedule.

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (433-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Ford Products Corporation owes taxes and payment in lieu of taxes to the Town of Clarkstown, County of Rockland, and the Nyack School District, for the years 1991, 1992, 1993 and 1994 to date, and

WHEREAS, Ford Products Corporation has been in bankruptcy in the U.S. Bankruptcy Court, Southern District of New York, Case No. 92 B 20622 (JHG), since 1992, and

WHEREAS, a proposed settlement of the taxes and payment in lieu of taxes has been proposed in the U.S. Bankruptcy Court, Southern District of New York, as per the Stipulation of Settlement annexed hereto, and

WHEREAS, the amounts of such settlement, as shown on the annexed Stipulation, have been recommended by the Assessor of the Town of Clarkstown and the Town Attorney of the Town of Clarkstown as being in the best interest of the various municipalities involved, and

WHEREAS, the proposed settlement is being submitted to the Rockland County Legislature for approval, and will be executed by the Nyack School District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the settlement in the matter before the U.S. Bankruptcy Court, Southern District of New York, entitled, In re FORD PRODUCTS CORPORATION, Case No. 92 B 20622 (JHG) and FORD PRODUCTS CORPORATION v. TOWN OF CLARKSTOWN, NEW YORK, and COUNTY OF ROCKLAND, NEW YORK, Adv. Pro No. 94-5120A, as per the Stipulation annexed, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown and the Town Attorney of the Town of Clarkstown are hereby authorized to execute any documents necessary to effectuate such settlement.

(Stipulation of Settlement Annexed)

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. (434-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of John Angelis, 9 Rake Street, Harriman, New York - Automotive Mechanic I - Town Garage - is hereby accepted - effective and retroactive to June 1, 1994.

On roll call the vote was as follows:

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RESOLUTION NO. (434-1994) Continued

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

RESOLUTION NO. (435-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the following Data Entry Operator I employees of the Town of Clarkstown are hereby granted a temporary appointment - not to exceed 3 months - pending recanvassing and review of the Data Entry Operator I Certification of Eligibles List - effective and retroactive to June 8, 1994:

Linda Gershon
Kathleen McDermott
Loretta Raimone
Margaret Rascoll
Madeline Weinberg

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. (436-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Lori A. Zaccaro, 40 Ridge Road, Congers, New York, is hereby appointed to the position of (temporary) Clerk Stenographer - Supervisor's Office - at the current hourly rate of \$10.00 - effective June 15, 1994 for a period not to exceed 3 months.

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. (437-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Harold McCoy, 298 Old Haverstraw Road, Congers, New York - Bus Driver - Mini Trans Department - is hereby granted a Sick Leave of

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RESOLUTION NO. (437-1994) Continued

Absence - at one-half pay - effective and retroactive to June 12, 1994 to July 12, 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. (438-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Roy F. Weston of New York, Inc. has submitted a proposal for the design services for Phase 2 of the continuing Sanitary Sewage Pump Station Rehabilitation Program, and

WHEREAS, the stations recommended for rehabilitation for the year 1994 are as follows:

| | |
|---|-------------|
| Congers Road West Pump Station upgrading and replacement of pumps | \$20,000.00 |
| Forest Brook Ejector Station replacement | \$40,000.00 |
| Holland Drive Ejector Station replacement | \$40,000.00 |

NOW, THEREFORE, be it

RESOLVED, that the proposal from Roy F. Weston of New York, Inc. for the design services for Phase 2 of the Sanitary Sewage Pump Station Rehabilitation for a fee not to exceed \$100,000.00 is hereby accepted, and be it

FURTHER RESOLVED, that this expense shall be charged to MBSIA #2 Account 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. (439-1994)

Co. Smith offered and Co. Maloney seconded

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

ASPHALT CONCRETE RESURFACING

bids to be returnable to the Office of the Director of Purchasing, Town of Clarkstown, 10 Maple Avenue, New City, New York 10956, by 11:00 A.M., on July 28, 1994, at which time bids will be opened and read, and be it

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RESOLUTION NO. (439-1994) 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. (440-1994)

Co. Smith offered and Co. Maloney seconded

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

CONCRETE CURB AND SIDEWALK REPLACEMENT

bids to be returnable to the Office of the Director of Purchasing, Town of Clarkstown, 10 Maple Avenue, New City, New York 10956, by 10:00 A.M., on July 28, 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. (441-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an existing retaining wall adjacent to 87 Westlyn Drive, Bardonia, is in a deteriorated condition and in need of replacement; and

WHEREAS, the Department of Environmental Control has been directed by the Supervisor to make recommendations for the replacement of said wall; and

WHEREAS, the Department of Environmental Control has evaluated the problem and determined that a complete wall replacement is required;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is authorized to hire Werner Construction Corp., 513 South Mountain Road, New City, New York, to replace the retaining wall in accordance with their proposal dated June 6, 1994; and be it

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RESOLUTION NO. (441-1994) Continued

FURTHER RESOLVED, that the cost shall not exceed \$3,500.00 and shall be a proper charge to H 8735-400-409-0-12-7.

On roll call the vote was as follows:

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

RESOLUTION NO. (442-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition caused damage to Lot 123-G-9.02; and

WHEREAS, the Department of Environmental Control has been directed by the Supervisor to have performed necessary repairs; and

WHEREAS, the Department of Environmental Control has obtained a proposal to perform the necessary repairs;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to hire Danny Clapp Landscaping, 55 Schriever Lane, New City, New York, to perform said repairs in accordance with his proposal dated June 14, 1994; and be it

FURTHER RESOLVED, that the cost should not exceed \$600.00 and be a proper charge to H 8730-409-0-10-4.

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. (443-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition caused damage to Lot 123-G-9.03; and

WHEREAS, the Department of Environmental Control has been directed by the Supervisor to have performed necessary repairs; and

WHEREAS, the Department of Environmental Control has obtained a proposal to perform the necessary repairs;

NOW, THEREFORE, be it

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RESOLUTION NO. (443-1994) Continued

RESOLVED, that the Director of the Department of Environmental Control be authorized to hire Environmental Construction Company, P.O. Box 563, Stony Point, New York, to perform necessary repairs in accordance with the recommendations of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost shall not exceed \$1,300.00 and shall be a proper charge to Account # H 8735-409-12-9.

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. (444-1994)

Co. Maloney offered and Co. Smith seconded

Resolution No. 774-1993 is hereby amended to read as follows:

WHEREAS, the Rockland County Integrated Solid Waste Management Plan and Generic Environmental Impact Statement ("ISWMP") calls for different types of recycling facilities to be located in the County of Rockland, and

WHEREAS, a material recovery facility ("MRF") is one of the facilities described and provided for in the ISWMP, and

WHEREAS, as to the siting of the MRF, it is proposed that it be located in the Town of Clarkstown at the former landfill site, Route 303, West Nyack, New York, and

WHEREAS, it would be in the best interest of the County of Rockland and the Town of Clarkstown to locate the MRF at said Clarkstown site because of the benefits accruing to both parties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown consent to the location of the County Material Recovery Facility (MRF) at the former Clarkstown Sanitary Landfill site, Route 303, West Nyck, New York, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland, its agencies, or a Rockland County Solid Waste authority, providing for the location of the MRF at the former Clarkstown Sanitary Landfill site, and containing the following terms and conditions:

1. The County, its agencies, or a Rockland County Solid Waste authority, will pay the Town of Clarkstown \$1.00 per ton for all recyclable material delivered to the said MRF based upon actual scale records;

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RESOLUTION NO. (444-1994) Continued

2. Immediately prior to the start of permitted operations, the County, its agencies, or a Rockland County Solid Waste authority, will make a one-time payment to the Town of Clarkstown of Seven Hundred Sixty Thousand Dollars (\$760,000.00);

3. All trucks accessing the MRF site must use Route 9W, Route 303, and the New York State Thruway and must not use local roads in the Town of Clarkstown. Truck traffic will be coordinated to avoid peak commuter hours;

4. Preference in local hiring at the MRF will be given to residents of the Town of Clarkstown;

5. The Town Board of the Town of Clarkstown, or their designee, will be allowed to have input into the architectural development of the MRF project and will be invited to attend all meetings relating to the matter;

6. The Town of Clarkstown shall convey to the County, its agencies, or a Rockland County Solid Waste authority, without compensation, an eight (8+) acre parcel, more or less, at the former landfill site for the location of the MRF;

7. The Town of Clarkstown shall be responsible for the cost of all remediation required by the NYSDEC at the MRF site.

8. The Town of Clarkstown shall provide access to the MRF site over the existing interior roads in the former landfill;

9. The Town of Clarkstown shall grant to the County, its agencies, or a Rockland County Solid Waste authority, the use of the scales at the site for weighing of the trucks containing recyclables which will be entering the MRF facility;

10. The Town of Clarkstown shall indemnify the County, its agencies, or a Rockland County Solid Waste authority, against any environmental liability resulting from the use of the site as a sanitary landfill and arising under local, state and federal laws.

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. (445-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown wishes to examine the impact of closing Grace Street and East Orchard Street in Nanuet, to through vehicular traffic, and

WHEREAS, ROBERT GENESLAW CO. has submitted a proposal dated September 23, 1993, to the Town of Clarkstown,

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RESOLUTION NO. (445-1994) Continued

to provide a traffic study on the possible closings of said streets;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Robert Geneslaw Co., in a form approved by the Town Attorney, to provide a traffic study with respect to the possible closings of Grace Street and East Orchard Street, Nanuet, New York, and be it

FURTHER RESOLVED, that the fee for such service shall not exceed \$4,000.00, which fee shall be charged to Account No. B-8020-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (446-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, the following deeds required by the Planning Board of the Town of Clarkstown for approval of the subdivision known as DeForest Estates are hereby accepted and ordered recorded in the Rockland County Clerk's Office:

1. Deed dated May 9, 1985 between Spring Valley Water Company, Inc. and the Town of Clarkstown, for a 20 foot wide drainage easement;

2. Deed dated May 13, 1985 between West Nyack Swim Club, Inc. and the Town of Clarkstown, for a 15 foot wide drainage easement and a 15 foot wide sanitary sewer easement;

3. Deed dated August 13, 1985 between MCL Building Corp. and the Town of Clarkstown, for a 15 foot wide drainage easement and and 15 foot wide sewer easement;

4. Deed dated August 13, 1985 between MCL Building Corp. and the County of Rockland for a 13.5 foot road widening strip;

5. Deed dated August 13, 1985 between MCL Building Corp. and the Town of Clarkstown for dedication of DeForest Court (1,270 linear feet) and the extension of Hemlock Road (375 linear feet).

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. (447-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Clarkstown Highway Superintendent is authorized to have tree limbs and yard debris removed from property of the Historical Society of Rockland County, Zukor Road, New City, 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. (448-1994)

Co. Smith offered and Co. Mandia seconded

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 the said Director of the Department of Environmental Control having duly filed said map, plan and report in the office of the Town Clerk of the Town of Clarkstown, and 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 on September 14, 1993 said hearing was opened and adjourned without date, and 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 said Town Board did, at the time and place specified in said Orders, 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 it having been duly resolved and determined following such hearing and continuation of said hearing that the notice of hearing was published and posted as required by law and is otherwise sufficient, that all of the property and property owners, within the proposed extension of the Clarkstown Consolidated Water Supply District #1, were benefited thereby, that all of the property and property owners benefited were included within the proposed extension of the Clarkstown Consolidated Water Supply District #1, and that it was in the public interest to grant in whole the relief sought, and it having been then and there further duly resolved that the extension of the Clarkstown Consolidated Water Supply District #1, to include the area of Pheasant Drive, Cardinal

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RESOLUTION NO. (448-1994) Continued

Court, Mallard Drive and Mandarin Lane, West Nyack, New York, as proposed be approved, subject to permissive referendum in the manner provided in Article 7 of the Town Law, and a certificate of the Town Clerk having been filed pursuant to Subdivision 4 of Section 209-e of the Town Law, certifying that no petition was filed requesting such a referendum, and the permission of the State Comptroller not being required pursuant to Section 209-f of the Town Law, it is hereby

ORDERED, that the Clarkstown Consolidated Water Supply District #1 of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown, in the area of Pheasant Drive, Cardinal Court, Mallard Drive and Mandarin Lane, West Nyack, New York, to be of the following description and boundary, to wit:

| <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 |

and it is further

ORDERED, that fire hydrant services and improvements be provided in said extension of the Clarkstown Consolidated Water Supply District #1, and it is further

ORDERED, 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 it is further

ORDERED, that the Town Clerk of the Town of Clarkstown, is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the clerk of Rockland County in which the Town of Clarkstown is located, within ten (10) days after adoption of this order, and it is further

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RESOLUTION NO. (448-1994) Continued

ORDERED, that the Town Clerk is hereby authorized and directed to file a certified copy of this order in the Office of State Department of Audit and Control, Albany, New York, within ten (10) days after the adoption of this order.

On roll call the vote was as follows:

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

Councilman Maloney requested we honor the memory of Bill Carey, who was a Councilman for eight years. His passing last week was a shock and he will be missed. You could not have found a better gentleman to have served with and to follow.

Councilman Maloney also requested that we remember Gladys (Sig) Lewis who passed away last week and who for twenty-three years was a devoted member of the Justice Court and she also will be missed.

A moment of silence was observed in the memory of both individuals.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the Town Board Meeting was declared closed, time: 9:00 P.M.

Respectfully submitted,


 PATRICIA SHERIDAN,
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/14/94

8:35 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko, Maloney, Mandia & Smith
Richard Glickel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: Condemnation of Property for Congers Lake Dam

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

Mr. Glickel stated that some time ago the Board had approved an improvement project for the Congers Lake Dam which also involves the Town's recreational property at Congers Lake. For some time we have had outstanding, the resolutions approving both an appraisal for the taking as well as the preparation of an acquisition map. By statute we are required to engage in negotiation with the property owner. This property is on Stern Place which is a private road ending in a cul de sac adjacent to the Congers Lake property. We did not receive any favorable response; that is, there was no acceptance to the proposal that we put forth to the property owner which was based, as it must be by statute, upon the appraisal that we received from our appraiser. That being the case, and in order for us to move forward with the taking, it was then necessary for us to notify the property owner, as well as the public, of a hearing so that the Board could render its determination as to whether or not it deemed the taking necessary. He stated that Mr. Charles Connington, Director of Parks and Recreation, had impressed upon him how much Parks and Recreation would very much like to see this project ready to go once Congers Pool is closed after Labor Day. He said we are now on track for that to happen.

Mr. Glickel said the necessity for the taking obviously in part is a temporary construction easement to allow the heavy equipment that will be employed in making the renovations to the dam to have access over the property and, of course, part of the compensation to the property owner entails that temporary taking. Approximately a third of an acre or 15,000 square feet will be taken in fee. Initially, that was shown as a permanent drainage easement but in as much as a permanent drainage easement in effect operates as a taking of the land we have converted that to a fee taking.

Supervisor asked if that was a third of an acre and Mr. Glickel said that was correct. He said with the improvement to the dam and the increased size of the spillway a portion of that property may very well be under water so it won't be of any use to the property owner and the fair thing to do is to compensate the property owner in accordance with the appraisal we have received.

Supervisor asked Mr. Connington to come to the microphone to answer a couple of questions in relation to this matter. Supervisor said presently we have a permit from the New York State Department of Environmental Conservation to repair the Congers Lake Dam. When does that permit expire? Mr. Connington said in December. Supervisor asked is it necessary for this project to be done this particular year because we have already had two or three extensions on this permit? Mr. Connington said the fall would be the best time to do it. The swimming season would have ended and the work that needs to be done would not impact on picnickers, etc.

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PH - Re: Condemnation of Property for Congers Lake Dame
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Supervisor asked has the money already been appropriated for this particular project? Mr. Connington said yes. Supervisor said then it is essential for this to take place at this time? Mr. Connington said we were put on notice, he believes, twelve years ago. Supervisor said for the health, safety and welfare of those living down stream that if this dam were to give way that could propose a potential flood problem. Mr. Connington said the present condition of the dam necessitates that a staff member be sent out whenever we have a heavy rainfall just to make sure that the dam is still doing its proper job as best as it can in its present condition.

Supervisor asked if Town Board Members had any questions?

Councilwoman Smith asked if you do start at the close of the park season will the end of the year be enough time to have this completed? Mr. Connington said it may run over into the spring of 1995 but in talking with the engineers they are indicating that there will be enough time. Councilwoman Smith asked would that be all right with our permit or do we have to get an extension? Mr. Connington said we would have to get another extension prior to 1995 which should not pose a problem.

Supervisor asked if any member of the public wished to make a comment or raise a question? No one did.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (408-1994) ADOPTED