

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

9/13/94

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 declared Public Portion open.

Appearance: Rev. Patrick McGill, Chairman  
Board of Ethics - Town of Clarkstown

Father McGill introduced Sister Vincent as the newest member of the Board. He thanked Town Attorney's staff and Victor Vitale, who is counsel to the Ethics Board and a sterling help to their members. He thanked the Town Clerk's Office for maintaining the confidentiality and everything related to the Ethics Board's work. He stated that we are in 99.9% compliance which is outstanding. He said next year the long form will have to be filed as every three years a long form is to be filled out by each person responsible.

Appearance: Mr. Jack Cuff  
West Nyack, New York

Mr. Cuff spoke regarding Item 18 on the agenda (Responsibility for Improvements along Route 59) requesting amplification of such before the voting.

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RESOLUTION NO. (620-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Town Board Minutes of August 9, 1994, August 26, 1994 and September 6, 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

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RESOLUTION NO. (621-1994)

Co. Dusanenko offered and Co. Maloney seconded

PETITION for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include LOUISA CORBY in the Town of Clarkstown, Rockland County, New York.

WHEREAS, a written Petition dated July 7, 1994 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

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RESOLUTION NO. (621-1994) Continued

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 11th day of October, 1994, at 8:35 P.M. ES time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other actions as may be required by law or proper in the premises.

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. (622-1994)

Co. Dusanenko offered and Co. Maloney seconded

PETITION for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include McGaw's Hill Subdivision in the Town of Clarkstown, Rockland County, New York.

WHEREAS, a written Petition dated August 16, 1994 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 11th day of October, 1994, at 8:40 P.M. ES time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other actions as may be required by law or proper in the premises.

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. (623-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown Youth Court Program, and

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RESOLUTION NO. (623-1994)

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Youth Court grant application for 50/50% Division for Youth funding for 1995, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

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. (624-1994)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the operation of the Clarkstown Police Juvenile Aid Bureau, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Juvenile Aid Bureau grant application for 50/50% Division for Youth funding for 1995, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

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. (625-1994)

Co. Dusanenko offered and Co. Smith seconded

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RESOLUTION NO. (625-1994) Continued

WHEREAS, the Federal Government, through the Federal Highway Safety Program has made funds available to the State and units of local government under Section 402(c) of Public Law 89-564, as amended, to assist them in establishing coordinated highway safety programs; and

WHEREAS, the Governor's Traffic Safety Committee has been given the authority to review local programs and allocate funds to local applicants; and

WHEREAS, the Town of Clarkstown is desirous of participating in such a program and has developed the following project:

TOWN OF CLARKSTOWN UNDER 21 ENFORCEMENT PROGRAM

in accordance with the guidelines and objectives of the Governor's Traffic Safety Committee.

NOW, THEREFORE, be it

RESOLVED, that the Chief Executive of the Town of Clarkstown be and hereby is authorized to file an application with the Governor's Traffic Safety Committee, in order to receive funds for participation in the said project in the Town of Clarkstown; and be it

FURTHER RESOLVED, that the Chief Executive of the Town of Clarkstown be and hereby is authorized to enter into a grant agreement with the Governor's Traffic Safety Committee, pursuant to the above mentioned program; and be it

FURTHER RESOLVED, that the Chief Executive of the Town of Clarkstown, be and hereby is authorized to advertise for bids and award contracts in accordance with this application.

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. (626-1994)

Co. Maloney 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:

R & R CONSTRUCTION CO., INC.  
105-B PARKER ROAD  
CHESTER, NEW JERSEY 07930-9533

RESOLVED, that the following Certificate of Registration be issued:

NO. 94-26 R & R Construction Co., Inc.

On roll call the vote was as follows:

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RESOLUTION NO. (626-1994) Continued

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

\*\*\*\*\*

RESOLUTION NO. (627-1994)

Co. Smith offered and Co. Maloney 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 (\$500.00 for leasing or rental and maintenance of meeting facility and \$250.00 for patriotic observance) to the following veteran's organization:

American Legion Naurashank Post 794

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 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. (628-1994)

Co. Maloney offered and Co. Mandia seconded

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

A "STOP" sign on London Terrace at Christopher Drive, New City, New York

and be it

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

On roll call the vote was as follows:

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RESOLUTION NO. (628-1994) Continued

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

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RESOLUTION NO. (629-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated September 8, 1994 has recommended the installation of traffic signs on Mallard Drive, West Nyack,

NOW, THEREFORE, be it

RESOLVED, that John F. Mauro, Superintendent of Highways is hereby authorized to install the following:

<u>SIGNS</u>	<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
	Both east and west side Mallard Drive, West Nyack from intersection Mandarin Lane south to dead end of Mallard Drive	"No Stopping 7:30 AM to 3:30 PM"	P1-8C

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. (630-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a site known as "Facility of Bruce McGaw Graphics prepared for Reynolds Metals Development Company", (Map 51, Block A, Lot 20), the Planning Board of the Town of Clarkstown requested a deed for a sewer and drainage easement and for road widening purposes along West Nyack Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, a deed dated May 15, 1994 from Reynolds Aluminum Development Co. to the Town of Clarkstown gratuitously conveying a strip of land for road widening along West Nyack Road, West Nyack, New York and granting a sewer and drainage easement is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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RESOLUTION NO. (630-1994) Continued

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

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RESOLUTION NO. (631-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, a Maintenance Bond in the form of a Certificate of Deposit in the sum of \$4,500.00 furnished in connection with a subdivision known as THE GABLES, is hereby released as the maintenance period has ended and no further security is necessary.

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. (632-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install:

North side of Peachtree Road  
approximately 50 feet west of the  
center line of Buena Vista Road

Investigation No.: 11070, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (633-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Juster Development Company to provide commuter parking for 100 cars at the Caldor/A&P

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RESOLUTION NO. (633-1994) Continued

Shopping Center at the intersection of Route 59 and Smith Street at a cost not to exceed \$2,500.00 per year.

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. (634-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Account 7140-414 (Conferences and Schools) in the amount of \$500.00 and increase Account 1621-430 (Alarm Systems) in the amount of \$500.00, and be it

FURTHER RESOLVED, to decrease Account 7140-408 (Building Repairs) in the amount of \$400.00 and increase Account 1621-430 (Alarm Systems) in the amount of \$400.00.

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. (635-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various funds require additional funding,

NOW, THEREFORE, be it

RESOLVED, to transfer the following funds:

<u>DECREASE</u>	<u>INCREASE</u>	<u>AMOUNT</u>
A 1110 314	A 1680 225	\$ 1,000.00
A 1990 505	A 1010 414	3,035.00
A 1315 314	A 1315 409	510.00
A 3320 219	A 3320 409	4,350.00

and be it

FURTHER RESOLVED, to increase Estimated Revenue Account B 02 14 2999 0 and increase Appropriation Account No. B 8110 424 by \$8,825.00; increase Estimated Revenue Account A 10 8 2680 and Appropriation Account A 1680 406 by \$8,405.00; increase Estimated Revenue Account A 10 4 2999 0 by \$24,063.00 and increase the following Appropriation Accounts.

A 1220 111.....	\$ 8
A 1220 114.....	2,230
A 1356 114.....	250

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RESOLUTION NO. (635-1994) Continued

A 1356 313.....	\$ 40
A 1430 463.....	1,500
A 1490 199.....	1,690
A 5650 409.....	5,000
A 6256 114.....	3,485
A 6410 405.....	1,275
A 8090 409.....	5,000
A 9785 640.....	2,870
A 9785 740.....	715

and be it

FURTHER RESOLVED, to transfer \$2,624.00 from Reserve Account No. A 887 to Appropriation Account No. A 3120 111.

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. (636-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, Emily Feiner, Michele Paradiso, Glenn Leeds, Arlene Teichberg, Brian Connolly of the Clarkstown Counseling Center attend New York State Office of Alcoholism and Substance Abuse Services meeting on Thursday, October 20, 1994 on Applying State of the Art Knowledge. Registration fee: \$25.00 per person.

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. (637-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that David McLeod, Building Plans Examiner, is hereby granted use of a Town vehicle and permission to attend the New York State Building Officials, Inc. delegates meeting in Kerhonkson, New York on September 28, 1994, and be it

FURTHER RESOLVED, that reimbursement for tolls and gasoline should be charged to Account A 1010-414.

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. (638-1994)

Co. Maloney offered and Co. Dusanenko seconded

RUDOLPH J. YACYSHYN, Chairman of the Clarkstown Planning Board, is hereby authorized to attend the New York Planning Federation Conference to be held in Ellenville, New York, October 23-25, 1994. All fees shall be charged against Department of Planning Account B 8020, Lines 404 and 414.

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. (639-1994)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, Town Board Resolution 3 was adopted on January 3, 1994,

NOW, THEREFORE, be it

RESOLVED, to amend said Town Board Resolution that First Fidelity Bank be designated for funds deposited by the Supervisor, Town Clerk, Receiver of Taxes, Town Justices, Building Inspector, Department of Planning and Comptroller, and be it

FURTHER RESOLVED, that the bank shall pledge collateral for Town funds.

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. (640-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, during the construction of corrective drainage work in the vicinity of 109-B-65, Barry Court, Valley Cottage, New York, an adverse pavement condition was discovered; and

WHEREAS, it was the opinion of the Department of Environmental Control to correct this adverse pavement condition in conjunction with the corrective drainage work for the safety, health and welfare of the general public;

NOW, THEREFORE, be it

RESOLVED, that Town Board Resolution #402-1994 be amended to include the additional work necessary to correct the adverse pavement condition; and be it

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RESOLUTION NO. (640-1994) Continued

FURTHER RESOLVED, that the additional cost of said repairs shall not exceed \$300.00 and shall be a proper charge to H 1989 409 329.

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. (641-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, James Conlon, owner of property described upon the current tax map of the Town of Clarkstown as Map 70 Block A Lot 3.06 requested repair of the collapsing of an existing pipe line and headwall; and

WHEREAS, the Department of Environmental Control has recommended the necessary replacement; and

WHEREAS, the damaged portion of this drainage line was originally installed beyond the limits of a drainage easement located immediately to the south on premises owned by Brophy and described upon the current tax map of the Town of Clarkstown as Map 70 Block A Lot 3.07; and

WHEREAS, Mr. Conlon has insisted that this drainage line be removed from his property and installed in the drainage easement as originally intended; and

WHEREAS, the Town of Clarkstown's Highway Department Superintendent Mauro stated that their equipment is inadequate to handle this project and recommends obtaining the service of a private contractor; and

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

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 said work in accordance with his proposal dated August 5, 1994; and be it

FURTHER RESOLVED, that the total cost shall not exceed \$19,950.00 and be a proper charge to Account No. H 1989 409 3 35.

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. (642-1994)

Co. Maloney offered and Co. Smith seconded

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

BID #39A-1994  
CONCRETE CATCH BASIN BLOCK & BRICKS

is hereby awarded to

FEDERAL BLOCK CORP  
129 WALSH AVE  
NEW WINDSOR NY 12533  
PRINCIPALS: JOHN MONTFORD  
JULES MIRON

J. DE PAULIS STONE & MASONRY  
300 ROUTE 303  
CONGERS NY 10920  
PRINCIPALS: JOSEPH DE PAULIS  
JOHN DE PAULIS

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. (643-1994)

Co. Maloney offered and Co. Smith seconded

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

BID #40-1994  
COMPUTER/WORD PROCESSING SUPPLIES

is hereby awarded to:

ADVANTAGE BUSINESS PROD  
3 CROSS STREET  
SUFFERN NY 10901  
PRINCIPALS: TAMARA BRISK  
SAM SCHWED  
JUDITH SCHWED

CAMBRIDGE DATA SUPPLIES  
75 MONTEBELLO RD  
SUFFERN NY 10901  
PRINCIPALS: JOHN J CONNOLLY  
ANN M CONNOLLY

MANHATTAN STATIONERY  
3010 WESTCHESTER AVE  
PURCHASE NY 10577  
PRINCIPAL: HARVEY ARONOFF

HOLLAND BUSINESS SERVICE  
13 TAMARAC AVE  
NEW CITY NY 10956  
PRINCIPALS: ROBERT HOLLAND  
SHERYL HOLLAND

SUMMIT OFFICE PROD  
66 BROCKWAY PL  
WHITE PLAINS NY 10602  
PRINCIPAL: PUBLIC CORPORATION

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. (644-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the project engineer, Mayo, Lynch & Associates, Inc. and the Superintendent of Recreation and Parks, and the Director of Purchasing that

BID #42-1994  
CONGERS LAKE DAM RECONSTRUCTION PROJECT

is hereby awarded to

CAL-MART CONSTRUCTION CORP.  
357A Route 59  
West Nyack, New York 10994

as per their low bid proposal of \$968,350.00 and a \$30,000.00 contingency, 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

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RESOLUTION NO. (645-1994)

Co. Maloney offered and Co. Smith seconded

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

BID #44-1994  
VENDING MACHINE SERVICES

is hereby awarded to

BELL WOOD VENDING, INC.  
10 BURNSIDE AVENUE  
CONGERS, NEW YORK 10920  
PRINCIPALS: VINCENT RICCIARDI  
ANGELA RICCIARDI

as per the following proposal

Soft Drinks	Proposed Commission	25% @	.75	Retail
Snacks	"	"	.75	"
Snacks	"	"	.50	"
Cigarettes	"	"	12% @ \$2.75	"

and be it

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RESOLUTION NO. (645-1994) Continued

FURTHER RESOLVED, that said award is subject to the submission by the successful bidder of the following to the Director of Purchasing

- 1) Certificate of Insurance, including product liability coverage, personal injury and property damage with limits of liability as stated in bid specifications.
- 2) 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

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RESOLUTION NO. (646-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Town Engineer that the Director of Purchasing is hereby authorized to readvertise for bids for:

BID #46A-1994  
 LAUREL ROAD SIDEWALK PROJECT

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 October 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 upon payment of the prescribed non-refundable fee for each set.

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. (647-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Rockland County Small Transit Operators Consortium intends to publish a joint bid for the purchase of ten (10) buses, and

WHEREAS, the Town of Clarkstown has been granted County funds for the purchase of six (6) buses;

NOW, THEREFORE, be it

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RESOLUTION NO. (647-1994) Continued

RESOLVED, that the Town of Clarkstown Department of Transportation is hereby authorized to join the above consortium and to participate in said bidding.

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. (648-1994)

Co. Maloney offered and Co. Dusanenko seconded

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

BID #52-1994  
PASCACK ROAD ASPHALT SIDEWALK IMPROVEMENT

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 October 18, 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 upon payment of the prescribed non-refundable fee for each set.

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. (649-1994)

Co. Maloney offered and Co. Dusanenko seconded

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

BID #53-1994  
AMORY DRIVE, VALLEY COTTAGE DRAINAGE PHASE I

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by A DATE AND TIME TO BE DETERMINED 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 upon payment of the prescribed non-refundable fee for each set.

On roll call the vote was as follows:

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RESOLUTION NO. (649-1994) Continued

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

\*\*\*\*\*

RESOLUTION NO. (650-1994)

Co. Maloney offered and Co. Dusanenko seconded

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

BID #54-1994  
BROOK HAVEN COURT NANUET DRAINAGE PROJECT

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 October 20, 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 upon payment of the prescribed non-refundable fee for each set.

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. (651-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, in December 1993, President Clinton urged Britain's Prime Minister John Major to do something positive to bring peace with justice to Northern Ireland; and

WHEREAS, two and one half Catholic males are unemployed for every one Protestant male in Northern Ireland; and

WHEREAS, censorship of the British news media by the British government regarding events in Northern Ireland is the law; and

WHEREAS, during his campaign, President Clinton promised to appoint a special envoy to Northern Ireland; and

WHEREAS, an American special envoy will serve as the catalyst needed to keep all parties accountable for the peace process;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown calls upon President Clinton to fulfill his campaign promises to appoint a special envoy to Northern Ireland; and be it

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RESOLUTION NO. (651-1994) Continued

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a certified copy of this resolution to President William Jefferson Clinton; the Honorable Daniel Patrick Moynihan and Honorable Alfonse D'Amato, United States Senators; the Honorable Benjamin Gilman, Congressman; United States Representatives; the Speaker of the House of Representatives; the President pro tem of the United States Denate; and the Majority and Minority Leaders of the United States Senate and House of Representatives; and to such other persons as the Town Clerk may deem appropriate.

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. (652-1994)

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, the State of New York Department of Transportation proposes to construct a State Highway identified as Route 59, Grandview Avenue to Strawtown Road, SH 689 and SH 5504, PIN 8030.23, County of Rockland, within the geographical jurisdiction of the Municipality of Town of Clarkstown, and

WHEREAS, the municipality of the Town of Clarkstown approves of such project and desires to have a highway lighting system on such highway within its geographical jurisdiction, and

WHEREAS, the State of New York has agreed to provide as a part of the project the following items in connection with a street lighting system:

- 1. Poles, conduits, wires where new stand alone lighting is required. All luminaires will be provided by Orange and Rockland under separate agreement with the Town.

providing that the municipality of the Town of Clarkstown agrees to maintain, repair and energize such highway lighting system for a period of 10 years or until such lighting and/or the maintenance of such lighting system is no longer necessary for such State Highway.

NOW, THEREFORE, the Town Board duly convened, does hereby

RESOLVE, the municipality of the Town of Clarkstown approves of the above subject project; and it is hereby

FURTHER RESOLVED, that the municipality of the Town of Clarkstown shall maintain, repair and energize such highway lighting system, and it is hereby

FURTHER RESOLVED, that the Town Board of the municipality hereby authorizes the Supervisor of the municipality of the Town of Clarkstown to enter into and execute an Agreement with the State of New York and through the Commissioner of Transportation to commit the municipality of

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RESOLUTION NO. (652-1994) Continued

the Town of Clarkstown to maintain, at its own expense, the lighting system on the above-identified project, such agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishing of electrical current for the lighting system, and be it

FURTHER RESOLVED, that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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. (653-1994)

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, the New York State Department of Transportation proposes the reconstruction of Route 59, Grandview Avenue to Strawtown Road, S.H. 689 and S.H. 5504 in the Town of Clarkstown, and

WHEREAS, at the request of the Town the State will include as part of the reconstruction of the above mentioned project the constuction of landscaped medians and other areas within the highway boundary as shown on the contract plans relating to the project;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown approve the construction of such landscaped medians and other areas, and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Clarkstown will maintain or cause to be maintained the landscaped medians and other areas performed as above stated and as shown on the contract plans, and be it

FURTHER RESOLVED, that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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. (654-1994)

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, the New York State Department of Transportation proposes the reconstruction of Route 59, S.H. 689 and 5504, in the Town of Clarkstown, and

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RESOLUTION NO. (654-1994) Continued

WHEREAS, the State will include as part of the reconstruction of the above mentioned project the construction of sidewalks, pursuant to Section 10, Subdivision 22 of the Highway Law, and will provide for the replacement of existing sewers pursuant to Section 10, Subdivision 24 of the Highway Law, as shown on the contract plans relating to the project, and

WHEREAS, the service life of the relocated sewer has not been extended;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown approves the construction of sidewalks and the relocation of existing sewers as shown on the contract plans relating to the project and that the Town of Clarkstown will maintain or cause to be maintained the constructed sidewalks and the relocated sewers performed as above stated and as shown on the contract plans, including the control of snow and ice, and be it

FURTHER RESOLVED, that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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. (655-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, ISRAEL HERSKOWITZ, JUDITH HERSKOWITZ and ELIEZER HERSKOWITZ v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index Nos. 4092/93 and 4079/94, affecting parcel designated as Map 120, Block A, Lot 35.49 for the years 1993/94 and 1994/95, and

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

1. That the proceeding commenced by the petitioners respecting Map 120, Block A, Lot 35.49 be discontinued for the year 1993/94;
2. That the assessment on the premises owned by the petitioners described on the assessment roll as Map 120, Block A, Lot 35.49 be reduced for the year 1994/95 from \$441,200 to \$264,700;
3. That reimbursement for the year 1994/95 on the parcel described as Map 120, Block A, Lot 35.49 be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged;

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RESOLUTION NO. (655-1994) Continued

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

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (656-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, ISRAEL HERSKOWITZ, JUDITH HERSKOWITZ and ELIMELACH HERSKOWITZ v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index Nos. 4090/93 and 4078/94, affecting parcel designated as Map 13, Block D, Lot 21.3 for the years 1993/94 and 1994/95, and

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

1. That the assessment on the premises owned by the petitioners described on the assessment roll as Map 13, Block D, Lot 21.3 be reduced for the year 1993/94 from \$594,500 to \$445,900;
2. That the assessment on the premises owned by the petitioners described on the assessment roll as Map 13, block D, Lot 2.13 be reduced for the year 1994/95 from \$594,500 to \$431,000;
3. That reimbursement for the years 1993/94 and 1994/95 on the parcel described as Map 13, Block D, Lot 21.3 be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged;
4. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

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RESOLUTION NO. (656-1994) Continued

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (657-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, JOSEPH HERSKOWITZ v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index Nos. 4093/93 and 4077/94, affecting parcel designated as Map 58, Block F, Lot 20.1 for the years 1993/94 and 1994/95, and

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

1. That the assessment on the premises owned by the petitioners described on the assessment roll as Map 58, Block F, Lot 20.1 be reduced for the years 1993/94 and 1994/95 from \$1,582,900 to \$1,288,000;
2. That reimbursement for the years 1993/94 and 1994/95 on the parcel described as Map 58, Block F, Lot 20.1 be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged;
3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

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

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and oconditions herein

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RESOLUTION NO. (657-1994) Continued

stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (658-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, ISRAEL HERSKOWITZ, JUDITH HERSKOWITZ and BLUMA KAPLAN v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index Nos. 4091/93 and 4080/94, affecting parcel designated as Map 109, Block B, Lot 5.1 for the years 1993/94 and 1994/95, and

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

1. That the assessment on the premises owned by the petitioners described on the assessment roll as Map 109, Block B, Lot 5.1 be reduced for the years 1993/94 and 1994/95 from \$450,000 to \$315,000;

2. That reimbursement for the years 1993/94 and 1994/95 on the parcel described as Map 109 Block B, Lot 5.1 be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged;

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

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

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RESOLUTION NO. (659-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on August 29, 1994 that the position of Clerk Typist (temporary) can be created, for a period not to exceed 3 months,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist (temporary) - Receiver of Taxes Office - is hereby created - effective and retroactive to September 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. (660-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Kathleen McDermott, 54 Basswood Court, Bardonia, New York is hereby appointed to the position of Clerk Typist (temporary) - Receiver of Taxes Office - at the current 1994 annual salary of \$21,287.00, effective and retroactive to September 12, 1994 - for a period not to exceed three (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. (661-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on August 31, 1994 that the position of Data Entry Operator I - Comptroller's Office can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Data Entry Operator I - Comptroller's Office - is hereby created - effective and retroactive to September 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

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RESOLUTION NO. (662-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Data Entry Operator I #93100 which contains the name of Penni J. Scaccio,

NOW, THEREFORE, be it

RESOLVED, that Penni J. Scaccio, 191 South Little Tor Road, New City, New York, is hereby appointed to the position of Data Entry Operator I - Comptroller's Office - at the current 1994 annual salary of \$23,200.00, effective and retroactive to September 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. (663-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Bruce Hoehn, 208 Sixth Avenue, Nyack, New York, is hereby appointed to the position of (Provisional) Maintenance Supervisor (Automotive) - Town Garage - at the current 1994 annual salary of \$45,685.00, effective and retroactive to September 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. (664-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Gary Marina, 726 Nelson Road, R.D. 4, Monroe, New York 10950, is hereby appointed to the position of (temporary) Automotive Mechanic I & Body Repairer - Town Garage - at the current 1994 annual salary of \$43,722.00, effective and retroactive to September 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

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RESOLUTION NO. (665-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Harold McCoy, 298 Old Haverstraw Road, Congers, New York - Bus Driver - Mini Trans Department - is hereby accepted, with regret, effective and retroactive to August 15, 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. (666-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Vincent Narciso has requested a six (6) month leave of absence, without pay, and

WHEREAS, Article XIX, Section 1 of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A. provides for a leave of absence, without pay, and

NOW, THEREFORE, be it

RESOLVED, that Vincent Narciso, 954 Stark Lane, Valley Cottage, New York is hereby granted a six month leave, without pay, from the position of Assistant Maintenance Mechanic - Sewer Department - effective and retroactive to August 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. (667-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, a Performance Bond in the amount of \$11,000 issued by New York Surety Company (Bond No. 30470) is being held by the Town of Clarkstown to insure the completion of the wearing course in connection with the above subdivision, and

WHEREAS, the wearing course has not been completed by the developer;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Town Attorney and the Department of Environmental Control of the Town of Clarkstown, Bond No. 30470 be declared in default, and be it

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RESOLUTION NO. (667-1994) Continued

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown be directed to take all necessary proceedings against said bond to insure completion of the wearing course, in accordance with the Town specifications, and be it

FURTHER RESOLVED, that the Director of Environmental Control and Superintendent of Highways and all other departments or agencies furnish all necessary data to the Town Attorney in order to implement this resolution.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (668-1994)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, it is proposed to open a drinking establishment on premises located at the Town Plaza Shopping Center, South Main Street, New City, New York, to be known as "Beemer's," and

WHEREAS, the Town of Clarkstown believes that locating of a bar or cabaret, at these premises, would be undesirable in relation to the several existing establishments selling alcoholic beverages located within 500 ft. of the proposed club, and the resulting increase in traffic, parking problems and noise in the area;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby memorializes the State Liquor Authority to refuse a liquor license to said "Beemer's," and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to send a copy of this Resolution to the State Liquor Authority.

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. (669-1994)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the American Cancer Society shall hold their annual Blue Hill Challenge Bike/Walk on October 23, 1994, and

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RESOLUTION NO. (669-1994) Continued

WHEREAS, the American Cancer Society has requested permission to erect temporary signs at the following locations: Route 59, Spring Valley, commuter lot, and the Route 303, West Nyack, commuter lot;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the American Cancer Society to erect temporary signs at the following locations: Route 59, Spring Valley, commuter lot, and the Route 303, West Nyack, commuter lot, for their annual Blue Hill Challenge Bike/Walk on October 23, 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. (670-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Atzl, Scatassa & Zigler, engineers for the applicant, Sidney Schulson, who is the owner of premises shown on a proposed subdivision map known as "PELHAM-WEST," for property located on the east side of Pascack Road and the North side of Briar Road, Nanuet, New York, has made application for use of Town Law Section 281 in connection with said subdivision, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 281 in connection with this subdivision because the layout provides for improved road design with four (4) access points, i.e. the continuation of Judith, Charles and Briar Roads, and a proposed road connection to Pascack Road, Nanuet, New York, and

WHEREAS, the applicant has agreed as part of the determination of non-significance, with Town's assistance, to obtain the necessary permit from the US Army Corps of Engineers (USACOE), for building the road connection to Pascack Road, as shown on the revised plans submitted, as well as plan I-D approved by the Planning Board for road layout, and

WHEREAS, it is essential to preserve the Pascack Brook in its natural state and applicant has provided for this on density plan I-D-1, with last revision date of June 27, 1994, wherein a parcel shall be gratuitously dedicated to the appropriate agency for general municipal purposes, and

WHEREAS, the Planning Board agrees with applicant's request for the use of Town Law 281 to preserve the wetlands and to allow for an improved road circulation pattern, and to avoid individual driveways along Pascack Road and disturbance adjacent to the wetland and floodplain, and respectfully requests such authorization from the Town Board based upon all of the foregoing, and

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RESOLUTION NO. (670-1994) Continued

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 authorization is granted for the development of the property shown on such proposed density map entitled, "Density Layout - 1-D.1, Subdivision of Property for Pelham West" dated June 27, 1994, prepared by Atzl, Scatassa & Zigler, P.C., (Project No. 40157), and

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 for the proposed subdivision described above subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed subdivision map, and be it

FURTHER RESOLVED, in the event applicant is unable to secure a permit from USACOE for the road connection to Pascack Road, then density plan 1-D-1 shall be considered null and void, and any approvals granted on such density plan shall be stayed. Applicant shall be required to return to the Planning Board for revision to the subdivision plan.

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. (671-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, 303-9W CO. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an LIO District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 129, Block A, Lot 21;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on November 22, 1994, at 8:35 P.M., relative to the proposed amendment, and be it

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

On roll call the vote was as follows:

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RESOLUTION NO. (671-1994) Continued

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

\*\*\*\*\*

RESOLUTION NO. (672-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown, on its own motion, shall consider amending the Zoning Ordinance of the Town of Clarkstown, by redistricting properties designated on the Clarkstown Tax Map as Map 88, Block A, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 21 and 22, from an R-15 District to an LIO District;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on November 15, 1994, at 8:35 P.M., relative to the proposed amendment, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (673-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the residents of Sulky Lane, Spring Valley, New York, have petitioned the Town Board to change the name of this road to "Carriage Lane", and

WHEREAS, the U.S. Postal Authority intends to change the hamlet name for the Sulky Lane area, from Spring Valley to Nanuet, by October 1, 1994, and

WHEREAS, Mr. Drygas, the owner of the house currently known as 13 Sulky Lane, requests a house number change from #13 to #15;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the house number change from "13 Sulky Lane" to "15 Sulky Lane" as of October 1, 1994, to facilitate the E911 system, and be it

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RESOLUTION NO. (673-1994) Continued

FURTHER RESOLVED, that the Town Board hereby authorizes the street name change from "Sulky Lane, Spring Valley, New York" to "Carriage Lane, Nanuet, New York," as of October 1, 1994, and be it

FURTHER RESOLVED, that the Highway Superintendent take notice of this resolution and make appropriate changes in the street signs as of October 1, 1994, and that the Town Clerk forward a copy of this resolution to the following: the residents along Sulky Lane, the School District, the Fire Department, the Ambulance Corps and the Clarkstown Police Dept.

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. (674-1994)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Clarkstown P.B.A. has requested permission to dispense alcoholic beverages at its softball game at Germonds Park, West Nyack, New York, on September 24, 1994;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown P.B.A. to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Code of the Town of Clarkstown, which shall be held at Germonds Park, West Nyack, New York, on September 24, 1994.

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. (675-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

WHEREAS, the proposed Turkey Shoot is to be held on September 18 and 25, 1994, October 2 and 9, 1994, with a rain date of October 16, 1994, on property of Carl H. Landgren located near Route 9W and Christian Herald Road;

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RESOLUTION NO. (675-1994) Continued

NOW, THEREFORE, be it

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (676-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an action has been instituted against the Town of Clarkstown entitled, R & R CARTING, INC. and DUKE'S CARTING, INC. v. TOWN OF CLARKSTOWN, a municipal corporation, Index No. 4018/94, and

WHEREAS, a notice of claim has been filed against the Town of Clarkstown by MARANGI BROTHERS, INC. and NICHOLAS F. MARANGI, and

WHEREAS, litigation is pending in the Supreme Court, Index No. 1549/91, entitled, THE TOWN OF CLARKSTOWN v. C & A CARBONE, INC., RECYCLING PRODUCTS OF ROCKLAND, INC., C & C REALTY, INC., ANGELO CARBONE and "JOHN DOE 1 through 6."

NOW, THEREFORE, be it

RESOLVED, that the firm of Rogers & Wells, 200 Park Avenue, New York, New York, is hereby appointed special counsel to the Town of Clarkstown to take all necessary steps (1) to defend said action entitled, R & R CARTING, INC. and DUKE'S CARTING, INC. v. TOWN OF CLARKSTOWN, a municipal corporation, (2) to represent the Town of Clarkstown in all matters concerning the claim by MARANGI BROTHERS, INC. and NICHOLAS F. MARANGI v. TOWN OF CLARKSTOWN, and (3) to represent the Town of Clarkstown in the action entitled, THE TOWN OF CLARKSTOWN v. C & A CARBONE, INC., RECYCLING PRODUCTS OF ROCKLAND, INC., C & C REALTY, INC., ANGELO CARBONE and "JOHN DOE 1 through 6," and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to August 22, 1994.

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. (677-1994)

Co. Maloney offered and Co. Mandia seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK ADOPTED SEPTEMBER 13, 1994, AUTHORIZING THE REMOVAL OF FUEL OIL TANKS AT THE TOWN HALL AND THE TOWN HIGHWAY GARAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$485,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$485,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to remove fuel oil tanks at the Town Hall, located in New City, and at the Town Highway Garage, located in Bardonia, including remediation of both sites and related paving. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$485,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$485,000.00 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$485,000.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the purpose for which said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 88. of the Law, is fifteen (15) years, however, said bonds and any bond anticipation notes issued in anticipation of the sale thereof shall mature no later than five (5) years from the date of the original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

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RESOLUTION NO. (677-1994) Continued

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

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. (678-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, NED A. BESSO and BARVAN CORP. have petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioners, from an LIO District to an RS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 106, Block A, Lots 45.01 and 45.02;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (679-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board has requested that certain road improvements be performed along Red Hill Road; and

WHEREAS, additional rights-of-way and topographic survey are required in order to complete the plans and specifications for the improvements;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Jack D. Boswell Associates, P.E., L.S. to perform additional rights-of-way and topographic survey on Red Hill Road between Link Court and Birch Lane; and be it

FURTHER RESOLVED, that the cost should not exceed \$1,000.00 and shall be a proper charge of A 8730-409.

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. (680-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that a request for a demand light at the intersection of Demarest Mill Road and Germonds Road, West Nyack, shall be referred to the Traffic and Traffic Fire Safety Advisory Board for their recommendation.

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. (681-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby memorializes and requests the New York State Legislators Alexander Gromack and Joseph Holland to include sufficient funds for a demand light at the intersection of Demarest Mill Road and Germonds Road, West Nyack, in their funding requests.

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. (682-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby directs the Town Attorney to investigate the feasibility of leasing, for parking purposes, the area in the rear of the Clarkstown Counseling Center, Congers 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

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Councilman Mandia said at our Police Commission Meeting last night two things came out. One is that the Police have now provided the Consolidated Lighting District Coordinator Patricia Betz with lots of street light outages and we are getting Orange & Rockland to (a) fix them and (b) to refund the money. The head of the PBA who is with us tonight was singularly responsible for getting that and he wanted to public recognize that as it means a lot.

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Councilman Mandia said we do have a real alarm law that Officer Bradley worked on with the Town Attorney's Office. It has been referred to the Town Attorney's Office for review before it is presented to the Board for voting. The police officer did a great job. He said he thinks we have a real law that will work. For the information of the Board, there are well over 1,000 alarms being sounded every month with the police running there and 99% of them are false alarms. That is a horrible waste of time. He said he applauded the efforts of Officer Bradley and the Police Department. We are going to get that to the Town Board within the next thirty days.

Supervisor said the parking situation on Main Street which the PBA addressed immediately has made a tremendous difference in the parking there. That was a good job.

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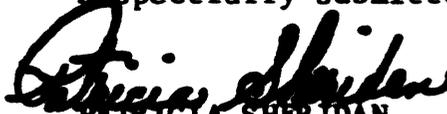
On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Abandonment of Portion of New Jersey Avenue, Congers was opened, time: 8:35 P.M.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Abandonment of Portion of New Jersey Avenue, Congers was closed, DECISION RESERVED, time: 8:50 P.M.

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There being no further business to come before the Town Board Meeting and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 8:51 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/13/94

8:35 P.M.

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

Re: Abandonment of Portion of New Jersey Avenue, Congers

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

Town Attorney stated that SEQRA showed there would be no environmental impact. Rockland County Planning Board stated that this is not within their jurisdiction to review. Clarkstown Planning Board approves subject to a letter from the title company that abutting parcels have access.

Appearance: Everett Johns, Esq.

Mr. Johns stated that he has submitted the title company letter. He said for clarity he was showing to members of the Board copies of the specific area that is sought to be abandoned along New Jersey Avenue. He said he was here approximately a year ago in connection with an abandonment immediately north of this property by the name of Balogh. It has access to a portion of that street that is unnamed - a portion of Jersey Avenue shown as a stub to Highway Avenue and that area that is sought to be abandoned. All of the owners on one side have consented to this. He said they have specifically indicated to the Planning Board and to this Town Board that in no way will this affect the easement rights nor could we affect by abandonment what the adjoining owners now have and enjoy over and upon this portion that is sought to be abandoned. It is just pure woods and wetlands. The abandonment would be in the beneficial interest of the petitioners and also, in our opinion, the adjoining owners who did not join in the petition.

Councilman Dusanenko asked if anyone was against this? Mr. Johns said not to his knowledge. He said no one contacted him and no one appeared to oppose it at the Planning Board.

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

Appearance: Mr. Maurice Mulken representing  
Mosco Holding Corporation

Mr. Mulken was concerned about the corporation. If this goes through Mosco Holding Corporation will be blocked in. He was worried about easement rights.

Supervisor asked Mr. Johns if he had indicated that the easement rights here would be affected? Mr. Johns said we could not legally affect the easement rights and we specifically would agree to incorporate that in any document that the Board would adopt in its adopting resolution.

Councilman Dusanenko asked so it would not be landlocked? Mr. Mulken asked what are our easement rights?

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Town Attorney said the proceeding that we have here today is basically the proceeding to take care of whatever municipal rights there are. If we put it on the Official Map then you can't build in the bed of the street without having a situation where if one day we make it a public road you don't get paid for this improvement that you may have in the bed of the street. Also, the Highway Superintendent is abandoning it saying it has never been opened as a public highway. What's happening here today is we are waiving our future rights to dedication. When you put roads on the filed map it is like a irrevocable offer of dedication to the municipality. What we are doing basically is we are waiving our rights. We don't affect by these proceedings any rights that individuals or corporations or neighbors may have in this paper street. What we are doing is we are removing the municipal rights to dedicate this to the municipality as a road.

Councilman Dusanenko said isn't all we are really doing or what is being asked of us to do is to make a statement for once and for all that the Town is not going to build this as a public street? Town Attorney said yes, in essence that is what is happening. Before we had the rights to dedicate it. Now, if in the future we change our mind, we would have to go through a condemnation proceeding. Right now we have a right to just improve it and pass a resolution to dedicate it because it is on a filed map. What we are doing is we are extinguishing our right to do that. We're saying basically, at this point in time we don't believe we're ever going to open this and therefore we are waiving our rights. This has no effect on the rights of the individuals. Whoever owns it has a right to pass through it and is not affected by our action.

Mr. Mulken said in looking at the map and in looking at the portion that Mosco Holding Company holds, what happens? We're saying in fact that right now we are going to say that from now on this doesn't exist? Town Attorney said no, we are saying the municipality is not going to open it as a road. If you have rights to go through and open it yourself that is not affected. What we are saying is we are not going to open it. Mr. Mulken said are you also telling me that we are not abandoning this street? Town Attorney said you are not, we are. Mr. Mulken said then in effect Mosco Holding Company could be locked in. Town Attorney said no, not if they have a right to get out on it at any time.

Mr. Mulken said he did not know whether they have a right or not. Town Attorney said the only way to tell is if it is on a filed map you would have a title search done and the chances are you do but he said he is not making any decision on that. Mr. Mulken said there is nothing on the deed that he has checked out that indicates anything. Town Attorney said there are filed maps in the County Clerk's Office. This is a street on a filed map. You would have to go through the filed maps.

Supervisor Holbrook said it is on the Official Map and it is there almost as a public notice to indicate when it was filed, which could have been back in 1910 or thereabouts that this was intended to be a road at some point. Subsequent history has demonstrated that it is not going to be. All we are doing, if we approve this, is to remove that designation from the Official Map not affecting anybody's property rights such as they are or whatever might be in the future. Mr. Mulken said there is no indication that we are not going to be affected by that. There is every indication that we will be. Supervisor said you have an easement across there right now,

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correct? Mr. Mulken said yes. Supervisor said we are not affecting that easement. All we are doing is taking that road off the Official Map. Mr. Mulken said again, where does that leave Mosco? Supervisor said Mr. Johns indicated that if this were to go through that they would even recognize your easement.

Mr. Johns said if we have the right to go through but he did not know whether they had that right or not. Supervisor said the Town Board, if it wished to, could ensure that by making it a condition. Town Attorney said we can't make it a condition because we don't own this road and we don't really have anything to do with it. What we are doing is saying that we are going to continue that in the future ad infinitum because we are taking it off the Official Map. If Mosco Holding Company wants to register its feeling against that action, that is the purpose of the public hearing. However, whatever we do does not affect Mosco's rights in the sense that if they have them, they have them and if they don't have them they still don't have them. The Town has no plans to ever open that up and that is what we are basically saying by taking it off the Official Map.

Mr. Johns said he has had forty years experience with the Real Property Law and he can say and certify that whatever action this Board will take will not and could not affect any easement rights that you might have acquired by the purchase of this property by your deed. He said he could not make it any clearer than that. Mr. Mulken said there is nothing in the deed which indicates that they do have the right. Mr. Johns said the question of what rights you have by your examination of the deed is really not the critical issue here because you are not qualified to make that determination. Mr. Mulken said you are right. I am not an attorney. I am an accountant. Mr. Johns reiterated that you can not make the determination what that deed says because it does not mention the fact that you have an easement right. That doesn't mean that it is not so. By the purchase of a lot and block on a filed map implicitly and implied you have an easement right over and upon any of the existing streets out to the nearest public highway. That has been the law in New York State for one hundred years and he said he could assure Mr. Mulken what the Board is doing tonight, if you have that easement right by that deed and I am not giving my opinion on it because I have not examined it -- Mr. Mulken said that is exactly what I am saying. I do not know if we have that easement right. Mr. Johns said that is up to you to have that determined by a title company or your attorney.

At this point Town Attorney examined the deed as presented by Mr. Mulken.

Supervisor asked if there was anyone else wishing to speak while Town Attorney was examining the deed.

Appearance: Chris Wohl  
Congers, New York

Mr. Wohl said he has the property down the road from the property in question. He said as the Town Board will probably remember the area along the back is very swampy. There is a stream that goes through it that allows drainage for all the back of the properties on Highway Avenue and also the drainage for the street goes down into that stream. He said he would like to see a covenant put into the agreement that requires the stream to be maintained as it is now and allow the Town to go in and have whatever access they need to see that

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PH - Abandonment of Portion of New Jersey Avenue, Congers  
9/13/94

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the drainage is kept the way it is and that none of the swamp land back there is filled in to cause any properties adjoining to become flooded. We have no objections to the street being abandoned as the previous one was as long as the proper covenant is put in on it.

Supervisor said are you talking about a covenant about the stream that goes through there? Mr. Wohl said when the previous one was abandoned, next to it, the Town Attorney drew up a covenant requiring the stream to be kept open and that the lands adjoining it would not be filled in as it is all swampy along the back section. The other section of the T that adjoins Highway Avenue is no problem but all along the back is swamp land and the stream does go through that area. If anything were to happen that would cut that off it would flood all of the properties that are north there on Highway Avenue.

Mr. Johns said at the Planning Board Meeting the Town Engineer raised the very issue raised by Mr. Wohl and the Town Engineer did not need or require any such drainage easement at this particular location such as was done in the prior petition. Supervisor asked if there would be any objection to the Town having such an easement? Mr. Johns said there would be no objection to it but you usually comply with the requirements of your Town Engineer.

Mr. Mulken asked that this be deferred until we have an opportunity to have the title searched.

Councilwoman Smith asked if this road was paved at this point? She was told no. She said she noticed that it was 40 feet and 45 feet. She said in the future if this were ever to be included in a road improvement district it wouldn't pick up all these new people who would benefit from it, would it - as part of paying for it? Supervisor said he would think that if it were under the same owner if it were to be abandoned it would be merged with the adjacent lots and become one lot. Councilwoman Smith said but on the Highway Avenue backs would those people be able to get out to New Jersey and therefore be included in the cost of a road improvement? Mr. Mulken said we would have no access to Highway Avenue.

Councilwoman Smith said there are two houses, Lambert and Meehan, who are on Highway Avenue now. If the title search says that you (Mr. Mulken) have an easement and then it is abandoned from the center of the road to each adjoining property they may pick up property and if they decide to have a road improvement district later on then she would not want the people like Meehan and Lambert, etc., to pick up expense for paving a road that they never wanted in the first place. She said if it were abandoned she thought something like that would have to be written into it.

Supervisor asked if there was anyone else wishing to speak relative to this? No one did.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 8:50 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk