

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/11/94

8:00 P.M.

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

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

Supervisor declared Public Portion of the meeting open.

Appearance: Mr. Russel Trojan
Nanuet, New York

Mr. Trojan spoke regarding the 1995 Budget and requested the use of fixed dollar amounts instead of percentages for salaries; he spoke regarding garbage costs stating we need to find a way to reduce that amount; he suggested the establishment of a Department of Public Works; and he spoke regarding a radio antenna on the Olori property in Nanuet.

Appearance: Ms. Lori Coronta(?)

Spoke regarding CFF Development workshop asking to be included in that.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding the agenda item having to do with the LPN situation at Nyack Hospital and said we should not interfere with that as it was resolved ten months ago.

Appearance: Mr. Armand Miele
Nanuet, New York

Mr. Miele spoke regarding graffiti on his property and also on Main Street in Nanuet.

RESOLUTION NO. (725-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Town Board Minutes of September 27, 1994 and October 3, 1994 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (726-1994)

Supv. Holbrook offered and Co. Dusanenko seconded

WHEREAS, Nyack Hospital serves the residents of Town of Clarkstown; and

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RESOLUTION NO. (726-1994) Continued

WHEREAS, Clarkstown residents deserve the highest quality of medical care available; and

WHEREAS, the Town of Clarkstown recognizes the changing climate in the health care industry, it believes the quality of health care delivered at Nyack Hospital must not be compromised; and

WHEREAS, prior to February 5, 1994, Nyack Hospital had always provided nursing care by skilled, licensed professional nurses; and

WHEREAS, since February 5, 1994, Nyack Hospital has replaced its licensed practical nurses with unlicensed patient care associates, many of whom have no prior experience in the delivery of patient care; and

WHEREAS, the Town of Clarkstown believes that it is in the interest of the residents of Clarkstown to receive bedside nursing care from licensed practical nurses as well as registered nurses;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown, supports and calls upon the Trustees and Administration of Nyack Hospital to reverse its decision and recall licensed practical nurses who have been laid off during the past year.

On roll call the vote was as follows:

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

RESOLUTION NO. (727-1994)

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, Farice Construction Corp. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 14, Block E, Lot 1 for the years 1991/92, 1992/93, 1993/94 and 1994/95, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl A. Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$4,250.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (728-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Roy F. Weston of New York, Inc. has submitted a proposal to the Town of Clarkstown dated September 22, 1994, to provide the design phase for the sewer project located on the west side of Route 9W, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the firm of Roy F. Weston of New York, Inc., in a form approved by the Town Attorney, to provide the design phase for the sewer project on the west side of Route 9W, Valley Cottage, New York, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the sum of \$20,500.00 and shall be charged to Account No. H-8115-400-409-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (729-1994)

Councilwoman Ann Marie Smith offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED OCTOBER 11, 1994, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN ROADS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$850,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$850,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct improvements to various Town roads, including: South Mountain Road, Old Haverstraw Road, Red Hill Road and Brewery Road. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$850,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$850,000.00 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. The Town expects that, with respect to the road improvements herein authorized, grant funds from the State of New York pursuant to the Suburban Highway Improvement Program ("SHIPs") will be available to pay a portion of the cost thereof, and any amounts so received are hereby authorized to be expended towards the cost thereof, or to be applied to the

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RESOLUTION NO. (729-1994) Continued

redemption of the bonds issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on any bonds or bond anticipation notes issued therefor.

Section 2. Serial bonds of the Town in the principal amount of \$850,000.00 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. 20. (c) of the Law, is fifteen (15) years; however, the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years from the date of 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 years.

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 21.00 relative to the issuance of bonds with substantially level or declining annual debt service, 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

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RESOLUTION NO. (729-1994) Continued

bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby directed to cause said bond resolution to be published, in full, 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 the Town for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

Before roll call there was dialogue among the council members. Councilman Dusanenko asked how much this was for. Supervisor said we originally had an allocation of \$1.5 million but for this year we have been approved for \$850,000.00 so that we don't have the money yet but we want to do the projects and we are going to borrow it first and be reimbursed by SHIPs later. Councilman Dusanenko asked how long the duration of these loans would be. He said these are not going to be long term loans are they? Supervisor said not necessarily just as soon as we get the money from SHIPs. Councilman Dusanenko said until what time? He did not believe in bonding for blacktop. Supervisor said we are getting the money from SHIPs. Councilman Dusanenko said can we put that in the resolution somewhere? Supervisor said fine. Town Attorney said this is a fifteen year bond but you only sell bond anticipation notes. Councilman Dusanenko said how do we just limit it so it is not a long term bond? Town Attorney said the only way is if you say it shall not exceed five years. Councilman Dusanenko said five years or the SHIPs reimbursement. Councilman Dusanenko said with that addition it would be fine.

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

AYES: Supervisor Charles E. Holbrook, Councilpersons John R. Maloney, Ann Marie Smith, and Theodore R. Dusanenko

NOES: None

The resolution was declared adopted.

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RESOLUTION NO. (730-1994)

W A S W I T H D R A W N

RESOLUTION NO. (731-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that in order to facilitate the E911 system, the Town Board hereby authorizes the naming of an unnamed street which is located between Old Nyack Turnpike and Route 59, Nanuet, New York, to be "Old Turnpike Way". The area is indicated on the attached map, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Highway Superintendent to take notice of this resolution and install street signs for "Old Turnpike Way", and that the Town Clerk forward a copy of this resolution to the following: 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
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (732-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes and directs the Superintendent of Highways to repair potholes that exist on Miriam Place and Elmwood Drive, New City, New York.

Before roll call Councilman Dusanenko stated that the Superintendent of Highways indicated that will not be a complete resurfacing job because the funds are not in the budget for this year. It will just be a restoration. Supervisor said yes and that is that part of Miriam Place which has been deemed by the Town Attorney to be a public portion.

On roll call the vote was as follows:

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

RESOLUTION NO. (733-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board adopted Resolution No. 720-1994 on September 27, 1994, scheduling a public hearing for December 13, 1994 at 8:40 P.M., to consider amending the Declaration of Restrictive Covenants with regard to the change of the Zoning Ordinance of the Town of Clarkstown on property owned by Parker-Nanuet Associates, which property is designated on the Clarkstown Tax Map as Map 164, Block A, Lots 1 and 2.01,

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RESOLUTION NO. (733-1994) Continued

from an LIO District to an MF-2 District; Map 164, Block A, Lot 12.03, from a PED District to an MF-2 District; Map 164, Block A, Lots 13.2 from an LIO District to a PED District; Map 164, Block A, Lot 12.02, from a PED District to a Modified PED District; and Map 164, Block A, Lots 12.4, 12.5 and 13.1 to remain in a PED District, and

WHEREAS, the Town Board has decided to change the public hearing date to November 7, 1994, at 8:40 P.M.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution NO. 720-1994 by changing the public hearing from December 13, 1994 to November 7, 1994, at 8:40 P.M., to 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, relative to the proposed amendment.

On roll call the vote was as follows:

- Councilman Dusanenko.....Yes
- Councilman Maloney.....Yes
- Concilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (734-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the (verbal) resignation of Harold Roth, 9 Will Rogers Lane, Nanuet, New York - Custodian of Voting Machines - is hereby accepted - with regret - effective and retroactive to June 16, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (735-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the termination (by retirement) of Ronald Altman, P.O. Box 735, Valley Cottage, New York - Motor Equipment Operator II - Highway Department - is hereby accepted - effective and retroactive to April 9, 1994.

On roll call the vote was as follows:

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

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RESOLUTION NO. (736-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #94154 (NCP/T&E) Fire Safety Inspector - which contains the name of Richard A. Sullinger,

NOW, THEREFORE, be it

RESOLVED, that Richard A. Sullinger, 27 Glen Drive, Bardonia, New York, is hereby appointed to the (Permanent) position of Fire Safety Inspector - Building Department - at the current 1994 annual salary of \$47,739.00, effective October 12, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (737-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 9, 1994, provided for a public hearing on September 13, 1994, at 8:35 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of New Jersey Avenue, Congers, New York, as described in Schedule "A" attached, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated June 6, 1994, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that a portion of New Jersey Avenue, Congers, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, subject to any drainage easement required by the Town of Clarkstown, provided, however, that any affected parcel's rights of ingress, egress and utility purposes from New Jersey Avenue to the nearest public highway are not hereby affected, and be it

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

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RESOLUTION NO. (737-1994) Continued

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (738-1994)

Co. Maloney offered and Co. Holbrook seconded

RESOLVED, attendance at conference by Emily Feiner, CSW and Michele Paradiso, CSW, RN, CNS on Thursday, November 3rd, 1994 at the Holiday Inn, Suffern, New York on Trauma and Recovery.

Registration Fee: \$100.00 per person.

On roll call the vote was as follows:

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

RESOLUTION NO. (739-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Howard Lampert, P.E., has requested test holes along a portion of Red Hill Road to be reconstructed; and

WHEREAS, the Supervisor has directed the Department of Environmental Control to obtain the services of a contractor to perform the test holes;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Construction Corp., 357A Route 59, West Nyack, New York, to perform the test holes in accordance with their proposal; and be it

FURTHER RESOLVED, that the total cost of the test holes shall not exceed \$1,800.00 per day and shall be a proper charge of H 1989-409-0339.

On roll call the vote was as follows:

Councilman Dusanenko.....Yes
Councilman Maloney.....Yes

Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

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RESOLUTION NO. (740-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, THE CHRISTIAN AND MISSIONARY ALLIANCE v. TOWN OF CLARKSTOWN, NICHOLAS A. LONGO, Assessor for the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index Nos. 5436/91, 4763/92 and 4315/93, affecting parcel designated as Map 135, Block B, Lot 2.4, for the years 1991/92, 1992/93 and 1993/94, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 135, Block B, Lot 2.4 be reduced for the years 1991/92, 1992/93 and 1993/94 from \$3,733,864.00 to \$2,912,414.00;

2. That reimbursement for the years 1991/92, 1992/93 and 1993/94 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 matter is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (741-1994)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Nyack Hospital for the Employee Assistance Program, for the twelve (12) month period commencing October 1, 1994 and terminating on September 30, 1995, and be it

FURTHER RESOLVED, that the appropriation of \$11,130.00, to pay for services to be provided, shall be charged to Account No. A 8840-424, and be it

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RESOLUTION NO. (741-1994) Continued

FURTHER RESOLVED, that this resolution is retroactive to October 1, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (742-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to transfer \$1,778.00 from Reserve Account A 0887 (D.W.I.) to the following accounts:

A 3120-111 (Overtime) \$1,152.00
A 3120-404 (Travel, Mileage and Meals) \$ 626.00

On roll call the vote was as follows:

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

RESOLUTION NO. (743-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to reduce Appropriation Account No. A 1315 204 (Comptroller-Office Machines) and increase A 1315 404 (Travel, Mileage, Meals) by \$67.00; decrease Appropriation Account No. A 1315 314 (Computer Supplies) by \$530.00, A 1315 301 (Food) by \$200.00, A 1315 328 (Books & Publications) by \$115.00 and increase A 1315 409 (Fees for Services) by \$850.00; decrease Contingency Account No. A 1990 505 and increase A 1430 463 (Personnel-Data Processing Charges) by \$500.00, and be it

FUTHER RESOLVED, to increase Estimated Revenue A 01 14 2999 (General Fund-Unexpended Balance) by \$112,470.00 and increase the following Apropriation Account Numbers:

<u>Account No</u>	<u>Amount</u>
A 1910 420 (Insurance Premiums).....	\$81,500.00
A 1930 505 (Judgement & Claims).....	\$ 2,800.00
A 3320 409 (Installation Traffic Signals)....	\$ 6,450.00
A 5650 409 (Commuter Parking).....	\$ 6,670.00
A 6256 114 (Summer Youth Employment).....	\$ 1,250.00
A 6410 405 (Advertising).....	\$ 3,000.00
A 8090 409 (Control of Aquatic Pests).....	\$10,800.00

On roll call the vote was as follows:

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RESOLUTION NO. (743-1994) Continued

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

RESOLUTION NO. (744-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to increase Appropriation Account A 7310 114 (Youth Programs) by \$12,000.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$12,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (745-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$275,000.00 from the County of Rockland for the Squadron Blvd. Project,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 15 4 2300 0 and Appropriation Account H 8735 409 12 6 (Capital #2-Squadron Blvd.) by \$275,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (746-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, because of the severe snowstorms during the year of 1994 it is necessary for the Town of Clarkstown to bond for the additional expenses incurred by the Highway Department,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue DA 042 13 5710 (Highway-DA-Serial Bonds) by \$800,000.00 and the following Appropriation Accounts:

DA 5142 111 (Overtime).....\$375,000.00
DA 5142 301 (Food).....\$ 15,000.00
DA 5142 386 (Salt, Calcium).....\$210,000.00

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RESOLUTION NO. (746-1994) Continued

DA 5142 443 (Private Equipment).....	\$ 70,000.00
DA 5130 219 (Misc. Equipment).....	\$ 80,000.00
DA 5130 312 (Maint. Supplies).....	\$ 15,000.00
DA 5130 447 (Equipment Repairs).....	\$ 30,000.00
DA 5140 379 (Signs, Posts, Rails).....	\$ 5,000.00

and be it

FURTHER RESOLVED, to decrease Appropriation Account No. SR 8160 314 (Sanitation Dists. Computer Supplies) and increase SR 8160 226 (Computer Software) by \$7,126.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (747-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$885.00 from Provident Washington Ins. Co. for damage to a wall at Gateway and Kings Highway in Valley Cottage,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account DB 041 8 2680 (Highway-DB-Insurance Recoveries) and Appropriation Account No. DB 5110 387 (Sidewalk & Curb Repair) by \$885.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (748-1994)

Co. Maloney offered and Co. Dusanenko seconded

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

BID #46A-1994
LAUREL ROAD SIDEWALK PROJECT

is hereby awarded to:

ARGENIO BROS, INC.
 PO BOX 2068
 RUSEILLI ROAD
 NEWBURGH NY 12550
 PRINCIPALS: GENARO J. ARGENIO
 GENARO A. ARGENIO
 ANDREW J. ARGENIO
 ALBERT A. ARGENIO

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RESOLUTION NO. (748-1994) Continued

as per their low bid proposal of \$35,600.00, and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following:

- 1) Signed Contract Document
- 2) Performance Bond
- 3) Labor & Materials Payment Bond
- 4) Certificate of Contractors Public Liability, Property Damage and Vehicle Liability Insurance
- 5) Certificate of Workers Compensation Coverage

On roll call the vote was as follows:

Councilman Dusanenko.....Yes
Councilman Maloney.....Yes

Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (749-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution No. 600-1994, adopted by the Town Board on August 9, 1994, is hereby amended to read as follows:

WHEREAS, the Town of Clarkstown entered into a contract with Clarkstown Recycling Center, Inc. dated May 18, 1990 for the construction and operation of the Transfer Station on Route 303, West Nyack, New York, and

WHEREAS, such contract contains a requirement obligating the Town of Clarkstown to provide 120,000 tons of solid waste per year during the term of the contract and lesser amounts during the contract extension periods, and

WHEREAS, it is believed to be in the best interest of the Town of Clarkstown that such yearly requirement for 120,000 tons or less be eliminated; and Clarkstown Recycling Center, Inc. is agreeable to the elimination of such requirement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an amendment to the agreement with Clarkstown Recycling Center, Inc., in a form satisfactory to the Town Attorney, which amendment shall provide (1) for the immediate total elimination of any requirement for the furnishing of 120,000 tons of solid waste per year or any lesser annual amount, or payment for any shortage below 120,000 tons or any lesser annual amount, provided the Town of Clarkstown does not increase their tipping fee at the Transfer Station to an amount greater than \$3.00 per ton over the service fee charged by Clarkstown Recycling Center, Inc., and (2) for the extension of the period within which to transfer title of the Transfer Station to the Town of Clarkstown for \$1.00 from December 31, 1995 until April 30, 1996, during which period the per tonnage charge shall continue at the present rate, and (3) for the extension of the final date of the service agreement until April 30, 2002.

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RESOLUTION NO. (749-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (750-1994)

Co. Maloney offered and Co. Dusanenko seconded

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

BID #55-1994
IMPLEMENTATION OF THE ADA
TRANSITION PLAN

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 November 10, 1994 at which time bids will be opened and read, and be it

FURTHER RESOLED, 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (751-1994)

Co. Maloney offered and Co. Dusanenko seconded

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

BID #5-1995
CUSTODIAL/JANITORIAL SUPPLIES/EQUIP.

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 November 17, 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
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

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RESOLUTION NO. (752-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution No. 685-1994, adopted by the Town Board of the Town of Clarkstown on September 27, 1994, is hereby amended by changing the Public Hearing date from November 15, 1994, at 8:40 P. M. to November 22, 1994, at 8:40 P.M., said public hearing to be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, relative to the proposed rezoning of properties designated on the Clarkstown Tax Map as Map 124, Block C, Lots 42 and 55, from an LIO District to and MF-2 District, which properties are located on the south side of Gilchrest Road and the east side of the West Shore Railroad, Valley Cottage, New York, 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
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (753-1994)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that Resolution No. 690-1994, adopted by the Town Board of the Town of Clarkstown on September 27, 1994, is hereby amended by changing the Public Hearing date from November 15, 1994, at 8:35 P. M. to November 7, 1994, at 8:35 P.M., said public hearing to be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, relative to the proposed rezoning of 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 or M District, which properties are located near Pine View Road, West Nyack, New York, 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
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (754-1994)

Co. Maloney offered and Co. Smith seconded

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RESOLUTION NO. (754-1994) Continued

RESOLVED, that the Town Board hereby changes the Town Board meeting of November 15, 1994 to November 7, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (755-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Rochelle S. Berger, Executive Director of the Meals on Wheels program, has requested that the Town Board allow this organization to purchase gas and oil from the Town of Clarkstown for two buses, which buses directly assist Clarkstown residents;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Meals on Wheels organization, in a form approved by the Town Attorney, to purchase gas and oil from the Town of Clarkstown for two buses.

On roll call the vote was as follows:

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

RESOLUTION NO. (756-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that Resolution No. 547-1994, adopted by the Town Board on July 26, 1994, is hereby amended to read as follows:

RESOLVED, that based upon the recommendation of William Collins, Chief of Police, the Supervisor is hereby authorized to enter into an agreement with HTE PUBLIC SAFETY-ILLINOIS, INC., in a form satisfactory to the Town Attorney, to provide licensed data programs, maintenance and any related services to the Town of Clarkstown Police Department, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed \$19,100.00 and shall be charged to Account No. A-3120-422, and be it

FURTHER RESOLVED, that this Resolution is retroactive to January 1, 1994.

On roll call the vote was as follows:

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

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RESOLUTION NO. (757-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law, and pursuant to the recommendations of the Director of Environmental Control, a Building Permit for the erection of a one-family residence may be issued to JOSEPH MITLOF for property situate at Chester Avenue and Beacon Street, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 114, Block A, Lot 19.04, provided, however, the certified record owner shall be required prior to the issuance of such Building Permit to execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and shall provide:

1. That the property owner shall acknowledge that no Town services including but not limited to maintenance, paving or snow removal shall be provided along Chester Avenue, Congers.
2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on any mapped street when and if required by the Town Board of the Town of Clarkstown.
3. That the property owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street fronting the premises to the designated street line to accomplish the widening of such mapped street to 50 feet in width.
4. That Chester Avenue shall be improved and maintained, at the expense of the property owner, to the satisfaction of the Director of Environmental Control and the Superintendent of Highways.
5. That any deed of conveyance for the subject premises shall be subject to the Declaration of Covenant provided herein.
6. That the Certificate of Occupancy issued for said premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein,

and be it

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

- (a) Extend the existing black-top paving on Chester Avenue to the west to a distance of 25'.
- (b) Restore Chester Avenue to the existing condition, during and after construction, to the satisfaction of the Department of Environmental Control.
- (c) The sanitary sewer relocation should be in accordance with the Town's specifications and should be certified by a professional engineer in the State of New York.

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RESOLUTION NO. (757-1994) Continued

- (d) Owner shall submit a cost estimate for the relocation of the sewer line to determine the inspection fee due to the Department of Environmental Control.
- (e) The owner shall provide a sewer easement through the subject parcel. The owner shall deliver to the Town Attorney a deed and transfer tax affidavit, with metes and bonds description of the sewer easement as relocated according to the survey.

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Louisa Corby Subdivision, was opened, time: 8:35 P.M.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Louisa Corby Subdivision, was closed, ORDER SIGNED, time: 8:36 P.M.

RESOLUTION NO. (758-1994)

Co. Maloney offered and Co. Dusanenko seconded

ORDER EXTENDING CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 TO INCLUDE LOUISA CORBY SUBDIVISION SIGNED.

On roll call the vote was as follows:

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

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include McGaw's Hill Subdivision was opened, time: 8:40 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include McGaw's Hill Subdivision was closed, ORDER SIGNED, time: 8:41 P.M.

RESOLUTION NO. (759-1994)

Co. Dusanenko offered and Co. Maloney seconded

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RESOLUTION NO. (759-1994) Continued

ORDER EXTENDING CLARKSTOWN CONSOLIDATED WATER
SUPPLY DISTRICT NO. 1 TO INCLUDE MCGAW'S HILL SUBDIVISION
SIGNED.

On roll call the vote was as follows:

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

There being no further business to come before the
Town Board and no one further wishing to be heard, on motion of
Councilman Maloney, seconded by Councilman Dusanenko and
unanimously adopted, the Town Board Meeting was declared
closed, time: 8:42 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/11/94

8:35 P.M.

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

RE: Extension of Clarkstown Consolidated Water Supply District
No. 1 to Include Louisa Corby Subdivision

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication. Town Clerk stated there was on file in the Town Clerk's Office an affidavit from the Director of the Department of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in favor of this proposed extension.

No one appeared

Supervisor asked if there was anyone present wishing to speak in opposition to this proposed extension.

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared closed, time: 8:36 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/11/94

8:40 P.M.

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

RE: Extension of Clarkstown Consolidated Water Supply District
No. 1 to Include McGaw's Hill Subdivision

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication. Town Clerk stated there was on file in the Town Clerk's Office an affidavit from the Director of the Department of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in favor of this proposed extension.

No one appeared

Supervisor asked if there was anyone present wishing to speak in opposition to this proposed extension.

No one appeared.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 8:41 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk