

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

5/23/95

8:00 P.M.

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

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

Supervisor presented a Certificate of Award to Kevin C. Powers for achieving the rank of Eagle Scout. He stated that on behalf of the entire Town Board he wanted Kevin and his parents to know that we are proud of him. He said we have seen more and more Eagle Scouts each year and that is a wonderful testimony to our youth. Councilman Mandia presented the award to Kevin.

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Supervisor then announced the graduation of the 21st Class of the Clarkstown Youth Court. He stated that this program that has been a trail blazer, not only in Rockland County but across the nation, was started by then Supervisor Dusanenko. He turned the meeting over to Detective Elmendorf who is the person in charge of the Youth Court. Detective Elmendorf gave a brief history of the Youth Court. He introduced Police Chief William Collins; Mr. Tony Schiero, Chairman of the Steering Committee; Sr. Assistant District Attorney Jessie Horowitz, new to the Youth Court Executive Board. He also introduced the secretary to the Youth Court Mrs. Pat Barad. The graduation proceeded and the Town Board congratulated all of the graduates and their parents.

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Supervisor opened the public portion of the meeting.

Appearance: Ms. Janet Fisher  
Nanuet, New York

Ms. Fisher urged the Town Board to support the Melville Realty Zone Change noting that if it is granted the Nanuet Hebrew Center could move to a more appropriate location.

Appearance: Mr. John Cuff  
West Nyack, New York

Mr. Cuff spoke regarding Agenda Item 21 (e) which has to do with the Parrott Road Drainage Project.

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On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Proposed Abandonment of Avenue "B" in Nanuet (Herbert Cocks) was opened, time: 8:25 P.M.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Proposed Abandonment of Avenue "B" in Nanuet (Herbert Cocks) was closed, DECISION RESERVED, time: 8:40 P.M.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Local Law Regulating the Feeding of Waterfowl was opened, time: 8:41 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Local Law Regulating the Feeding of Waterfowl was closed, RESOLUTION ADOPTED, time: 8:43 P.M.

RESOLUTION NO. (363-1995)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled:

"A LOCAL LAW ENTITLED, 'REGULATING THE FEEDING OF WATERFOWL ON LANDS OF THE TOWN OF CLARKSTOWN'"

was introduced by Councilwoman Smith at a Town Board meeting held on April 25, 1995, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 25, 1995, directed that a public hearing be held on May 23, 1995, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News and the Clarkstown Courier on May 10, 1995, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 20, 1995, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 25, 1995, and

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from our consultant K. Luke Kalarickal, P.E., which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of K. Luke Kalarickal, P.E., dated May 3, 1995, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the local law regulating the feeding of waterfowl on lands of the Town of Clarkstown shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEORA) is required, and be it

FURTHER RESOLVED, that Local Law No. 6-1995, entitled:

"A LOCAL LAW ENTITLED, 'REGULATING THE FEEDING OF WATERFOWL ON LANDS OF THE TOWN OF CLARKSTOWN'"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Continued on Next Page

RESOLUTION NO. (363-1995) Continued

Charles E. Holbrook, Supervisor.....Yes  
John R. Maloney, Councilman.....Yes  
Ralph F. Mandia, Councilman.....Yes  
Theodore R. Dusanenko, Councilman.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Local Law - Amendment to Chapter 202 (Parks and Recreation Facilities) (Dogs on Park Property) of the Town Code was opened, time: 8:44 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unaimously adopted, the public hearing re: Local Law - Amendment to Chapter 202 (Parks and Recreation Facilities) (Dogs on Park Property) of the Town Code was closed, RESOLUTION ADOPTED, time: 8:45 P.M.

RESOLUTION NO. (364-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled:

"A LOCAL LAW ENTITLED, 'AMENDMENT TO CHAPTER 202 (PARKS AND RECREATION FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN'"

was introduced by Councilwoman Smith at a Town Board meeting held on April 25, 1995, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 25, 1995, directed that a public hearing be held on May 23, 1995, at 8:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on May 10, 1995, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 20, 1995, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 23, 1995;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 7-1995, entitled

"A LOCAL LAW ENTITLED, 'AMENDMENT TO CHAPTER 202 (PARKS AND RECREATION FACILITIES) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN'"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Charles E. Holbrook, Supervisor.....Yes  
John R. Maloney, Councilman.....Yes  
Ralph F. Mandia, Councilman.....Yes  
Theodore R. Dusanenko, Councilman.....Yes

Continued on Next Page

RESOLUTION NO. (364-1995) Continued

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

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On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing Re: Local Law - Amendment to Chapter 278 (Vehicles and Traffic) (Compliance with Americans with Disabilities Act regarding Handicapped Spaces) of the Town Code was opened, time: 8:46 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing Re: Local Law - Amendment to Chapter 278 (Vehicles and Traffic) (Compliance with Americans with Disabilities Act regarding Handicapped Spaces) of the Town Law was closed, RESOLUTION ADOPTED, time: 8:48 P.M.

RESOLUTION NO. (365-1995)

WHEREAS, a proposed local law entitled:

"A LOCAL LAW ENTITLED, 'AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN'"

was introduced by Councilwoman Smith at a Town Board meeting held on April 25, 1995, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 25, 1995, directed that a public hearing be held on May 23, 1995, at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on May 10, 1995, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 25, 1995, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 23, 1995;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 8-1995, entitled:  
"A LOCAL LAW ENTITLED, 'AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN'"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Charles E. Holbrook, Supervisor.....Yes  
John R. Maloney, Councilman.....Yes  
Ralph F. Mandia, Councilman.....Yes  
Theodore R. Dusanenko, Councilman.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

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RESOLUTION NO. (366-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of May 9, 1995 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  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (367-1995)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, a written Petition dated May 4, 1995 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 13th day of June, 1995, at 8:10 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  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (368-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, an agreement in principle has been prepared by the County of Rockland in conjunction with the Towns of Clarkstown, Haverstraw, Orangetown, Ramapo and Stony Point, all located in the County of Rockland, and requiring each of the Towns located within the County of Rockland to revalue at a uniform percentage of value (100%) by May 1, 1998 and quadrennially thereafter, and

WHEREAS, there appears to be insufficient statutory authority mandating the revaluation of real property at a uniform percentage of value (100%) quadrennially, and

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RESOLUTION NO. (368-1995) Continued

WHEREAS, the Town Board of the Town of Clarkstown is desirous, in conjunction with the Towns of Haverstraw, Orangetown, Ramapo and Stony Point, to provide for mandated revaluation quadrennially;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town of Clarkstown to sign a Home Rule Request concerning such a bill amending Sections 301 and 305 of the Real Property Tax Law of the State of New York, provided that each of the other Towns located within the County of Rockland shall adopt similar home rule legislation, and provided further that such Home Rule Request shall be forwarded to the Assembly and the Senate of the State of New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (369-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, FARICE CONSTRUCTION CORP. v. The ASSESSOR of the TOWN OF CLARKSTOWN, The BOARD OF ASSESSMENT REVIEW of the TOWN OF CLARKSTOWN and the TOWN OF CLARKSTOWN, Index No(s). 6692/91, 8278/92, 4342/93 and 4922/94, affecting parcel(s) designated as Map 14, Block E, Lot 1, for the year(s) 1991/92, 1992/93, 1993/94 and 1994/95, and

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

1. That the premises owned by the petitioner(s) described on the assessment roll as Map 14, Block E, Lot 1 be reduced for the year(s) 1991/92, 1992/93, 1993/94 and 1994/95 from \$251,200 to \$188,400;
2. That reimbursement for the year(s) 1991/92, 1992/93, 1993/94 and 1994/95 on the parcel described as Map 14, Block E, Lot 1 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and
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

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RESOLUTION NO. (369-1995) Continued

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (370-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, In the Matter of the Application of Ronstein Construction Corporation v. Dr. Arnold Amster, Chairman, et al;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (371-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13 BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, New York Trap Rock Corporation (NYTRC) wishes to adopt OLD MILL ROAD, from their driveway to Snake Hill Road bridge, West Nyack, New York, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that New York Trap Rock Corporation will perform a public service in removing trash from said roadway which would otherwise require Town employees perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with New York Trap Rock Corporation, in a form approved by the Town Attorney, to adopt Old Mill Road, from NYTRC driveway to

Continued on Next Page

RESOLUTION NO. (371-1995) Continued

Snake Hill Road bridge, West Nyack, New York, and to provide and coordinate services by New York Trap Rock Corporation, to remove trash from the roadway and install two (2) signs identifying the volunteer adopting Old Mill Road.

On roll call the vote was as follows:

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

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RESOLUTION NO. (372-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, Local Law No. 5-1995, known as the "Burglar Alarm Device Law," became effective May 1, 1995, and

WHEREAS, said local law provides for the establishment of an Alarm Users Review Board;

NOW, THEREFORE, be it

RESOLVED, that GERARD O'ROURKE, 42 Trevor Lake Drive, Congers, New York, is hereby appointed as a member of the Alarm Users Review Board for an interim term to expire on December 31, 1995, and be it

FURTHER RESOLVED, that Councilwoman Ann Marie Smith is hereby appointed as a member of the Alarm User Review Board for an initial term to expire on December 31, 1995, and be it

FURTHER RESOLVED, that the members of the Alarm Users Review Board shall serve without compensation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (373-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Cornell Cooperative Extension has requested use of the Town of Clarkstown showmobile for the Rockland Fest on Friday, July 28, 1995 through Sunday, July 30, 1995 from 11:00 am to 10:00 pm at Letchworth Village, Thiells, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to Cornell Cooperative Extension to use the Town of Clarkstown showmobile on Friday, July 28, 1995 through Sunday, July 30, 1995 from 11:00 am to 10:00 pm for the above purpose and subject to the provision of the necessary insurance policies.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (373-1995) Continued

|                           |     |
|---------------------------|-----|
| Councilman Dusanenko..... | Yes |
| Councilman Maloney.....   | Yes |
| Councilman Mandia.....    | Yes |
| Supervisor Holbrook.....  | Yes |

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RESOLUTION NO. (374-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the County of Rockland has been awarded a grant from the Governor's Traffic Safety Committee to enhance its efforts in making the public aware of the Rockland County Bicycle Helmet Law, and

WHEREAS, the County of Rockland wishes to provide the Town of Clarkstown with a grant to implement such awareness within the Town through the efforts of the Clarkstown Police Department;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, to provide services by the Clarkstown Police Department during the period beginning January 1, 1995 and terminating on December 31, 1995, and be it

FURTHER RESOLVED, that such agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that this Resolution is retroactive to January 1, 1995.

On roll call the vote was as follows:

|                           |     |
|---------------------------|-----|
| Councilman Dusanenko..... | Yes |
| Councilman Maloney.....   | Yes |
| Councilman Mandia.....    | Yes |
| Supervisor Holbrook.....  | Yes |

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RESOLUTION NO. (375-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a dangerous condition exists within an existing drainage easement at number 5 Roland Court, Nanuet (Tax Map Lot 30-A-8.3); and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed the necessary pruning of specific trees within said drainage easement to ameliorate said dangerous condition; and

WHEREAS, the Department of Environmental Control has obtained price estimates for said work;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Felter's Tree Service, Inc., to perform the necessary corrective work; and be it

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RESOLUTION NO. (375-1995) Continued

FURTHER RESOLVED, that the cost of said work shall not exceed \$1,500.00 and shall be a proper charge of H 8735-409-0-12-13.

On roll call the vote was as follows:

|                           |     |
|---------------------------|-----|
| Councilman Dusanenko..... | Yes |
| Councilman Maloney.....   | Yes |
| Councilman Mandia.....    | Yes |
| Supervisor Holbrook.....  | Yes |

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RESOLUTION NO. (376-1995)

Co. Dusanenko offered and Co. Maloney 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 "NO PARKING ANYTIME" sign the east side of Lorraine Court for a distance of 100 feet south from Leonia Avenue, New City

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:

|                           |     |
|---------------------------|-----|
| Councilman Dusanenko..... | Yes |
| Councilman Maloney.....   | Yes |
| Councilman Mandia.....    | Yes |
| Supervisor Holbrook.....  | Yes |

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RESOLUTION NO. (377-1995)

Co. Dusanenko offered and Co. Maloney 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 "NO PARKING FROM HERE TO CORNER" sign on the west side on Lorraine Court, 30 feet from the intersection with Leonia Avenue, New City

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:

|                           |     |
|---------------------------|-----|
| Councilman Dusanenko..... | Yes |
| Councilman Maloney.....   | Yes |
| Councilman Mandia.....    | Yes |
| Supervisor Holbrook.....  | Yes |

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RESOLUTION NO. (378-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to increase Appropriation Account A-7140-222 (Parks & Recreation) by \$926.75 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$926.75.

On roll call the vote was as follows:

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

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RESOLUTION NO. (379-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks is recommending that improvements be made at the following parks:

|  |                             |
|--|-----------------------------|
| a. Tennyson Park: repave approximately 10,400 sq. ft.;<br>color coat approximately 1,111 sq. ft. | \$11,370.00                 |
| b. Lake Nanuet: repave approximately 4,800 sq. ft.;<br>color coat approximately 500 sq. ft.      | 5,325.00                    |
| c. Lake Nanuet: concrete area by lifeguard office  | <u>3,000.00</u>             |
|  | TOTAL \$19,695.00           |
|  | Contingency <u>2,305.00</u> |
|  | GRAND TOTAL \$22,000.00     |

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$22,000.00 from Money in Lieu of Land to Parklands and Improvements Account.

On roll call the vote was as follows:

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

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RESOLUTION NO. (380-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$926.75 from New City Little League,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 01 3 2001 (General Fund-Park & Recreation) and Appropriation Account No. A 7140 222 (Parks & Recreation-Equipment) by \$926.00.

Continued on Next Page

RESOLUTION NO. (380-1995) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (381-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Account A-1990-505  
(Contingency) by \$8,300.00 and to increase Account A-7140-409  
(Parks & Playgrounds-Fees for Services) by \$8,300.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (382-1995)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the  
Superintendent of Highways and the Town Traffic Engineering  
Consultant that

BID #30-1995  
CONCRETE SIDEWALK AND CURB REPLACEMENT

is hereby awarded to

ROTO DO SOL CONSTRUCTION INC.  
PO BOX 8037  
HILLSIDE NJ 07205  
PRINCIPAL: JOSE RODRIGUES

as per their proposal total low bid of \$122,690.26, and be it

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

- a) Performance and Labor/Material Payment Bond each for 100%  
of award
- b) Certificate of Insurance showing evidence of coverage for  
Contractors Public Liability Coverage, Property Damage  
Coverage, Vehicle Liability Insurance Coverage with limits  
as specified in the bid specs.
- c) Certificate of Workers Comp and Disability Coverage
- d) Completed Save Harmless Clause

On roll call the vote was as follows:

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

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RESOLUTION NO. (383-1995)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #32-1995  
WASHED SAND & GRAVEL

is hereby awarded to:

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

VAN ORDEN SAND & GRAVEL OF RINGWOOD  
PO BOX 8246  
HALENDON, NJ 07538-0246  
PRINCIPAL: JANET R. BRAEN

ISLIP BUSINESS CORPORATION  
45 S. 4TH STREET  
BAY SHORE, NY 11706  
PRINCIPAL: GEORGE HEINLEIN  
GARY DEROSA

AMERICAN SAND & GRAVEL COMPANY  
PO BOX 877  
WURTSBORO, NY 12790  
PRINCIPAL: ALLEN DERNBACH

as per the following item/price list

(Item/Price List on File in Town Clerk's Office)

On roll call the vote was as follows:

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

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RESOLUTION NO. (384-1995)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #33-1995  
CAST IRON CURB INLETS, CATCH  
BASINS FRAMES AND GRATES

is hereby awarded to

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

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

AMERICAN CAST IRON PRODUCTS INC.  
PO BOX 610081  
BAYSIDE, NY 11361  
PRINCIPALS: AMIT SEHGAL  
ANITA SEHGAL

PRECAST CONCRETE SALES  
PO DRAWER O  
VALLEY COTTAGE, NY 10989  
PRINCIPALS: RAYMOND M. FISHER  
GREGORY FISHER

RESOLUTION NO. (384-1995) Continued

ANDREWS METAL PRODUCTS, INC.  
745 ANDREWS AVENUE  
YOUNGSTON, OH 44505  
PRINCIPALS: CHARLES J. RAMSEY  
WILLIAM THOMAS JR.  
JOHN H. STOREY  
ALFRED J. FLEMING  
EDWARD BUTCHER

as per the attached price/item schedule

(Price/Item 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  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (385-1995)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #35-1995  
SURPLUS VEHICLES

is hereby awarded to

EXPRESS AUTO  
63 WEST GEORGIANNA DR  
RICHBORO PA 18954  
PRINCIPAL: MIKE MAKO

CROWN MOTORS  
43-29 CRESCENT ST  
LONG ISLAND CITY NY 11101  
PRINCIPALS: JACK GINGOLD  
FAYE GINGOLD

NORTH WHITE AUTO INC  
33 VIRGINIA ROAD  
NORTH WHITE PLAINS NY 10603  
PRINCIPAL: FRANK ANNUNZIALE

MARK GOTTENBERG  
3449 ROUTE 32  
SAUGERTIES NY 12477  
PRINCIPAL: MARK GOTTENBERG

HUNTS POINT AUTO WRECKERS  
1480 SHERIDAN EXPRESSWAY  
BRONX NY 10459  
PRINCIPAL: JOSEPH SIMONE

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  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (386-1995)

Co. Mandia offered and Co. Maloney seconded

Continued on Next Page

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RESOLUTION NO. (386-1995) Continued

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increase for Office Worker Students and Laborer Students effective and retroactive to May 22, 1995:

Year-Round High School Students (Office Worker Students)  
Hired Prior to 1/1/95.....25¢ Per Hour

Year-Round College Students (Office Worker Students & Laborer Students)  
Hired Prior to 1/1/95.....50¢ Per Hour

Year-Round College Students & High School Students -  
(Office Worker Students & Laborer Students) -  
Hired after 1/1/95 and  
Presently on Payroll.....25¢ Per Hour

Returning Seasonal College Students:

Office Worker Students.....25¢ Per Hour  
Laborer Students.....25¢ Per Hour

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (387-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Linda J. Gershon, 24 Seymour Drive, New City, New York - File Clerk - Building Department - is hereby granted an extension of her Sick Leave of Absence - at one half pay - effective and retroactive from May 20, 1995 to June 20, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (388-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on April 27, 1995 that the position of Clerk Stenographer (0072) can be reclassified to the position of Senior Clerk Stenographer,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Stenographer (#0072) - Town Clerk's Office - is hereby reclassified to the

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RESOLUTION NO. (388-1995) Continued

position of Senior Clerk Stenographer - effective and retroactive to May 22, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (389-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #91175 Senior Clerk Stenographer which contains the name of Anne Houlihan,

NOW, THEREFORE, be it

RESOLVED, that Anne Houlihan, 14 Ardsley Drive, New City, New York is hereby appointed to the position of Senior Clerk Stenographer - Town Clerk's Office - at the current 1995 annual salary of \$27,541.00, effective and retroactive to May 22, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (390-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on March 27, 1995 that the position of Clerk Typist (#0083) can be reclassified to the position of Data Entry Operator I,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist (#0083) Town Clerk's Office - is hereby reclassified to the position of Data Entry Operator I - effective and retroactive to May 22, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (391-1995)

Co. Mandia offered and Co. Maloney seconded

Continued on Next Page

RESOLUTION NO. (391-1995) Continued

WHEREAS, the Rockland County Personnel office has furnished Certification of Eligibles #93104A Data Entry Operator I (Promotional) which contains the name of Patricia McGrogan,

NOW, THEREFORE, be it

RESOLVED, that Patricia McGrogan, 15 Lyncrest Avenue, New City, New York, is hereby appointed to the position of Data Entry Operator I - Town Clerk's Office - at the current 1995 annual salary of \$25,254.00, effective and retroactive to May 22, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (392-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Data Collector, Margaret Whelan and Clerk/Data Collector, Kelly Ann Stanard are hereby authorized to attend Fundamentals of Data Collection sponsored by the New York State Office of Real Property Services in Newburgh, New York from June 26-29, 1995 and be it

FURTHER RESOLVED, that all proper charges be charged against line 1010-414.

On roll call the vote was as follows:

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

\*\*\*\*\*.

RESOLUTION NO. (393-1995)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by First Fidelity Bank in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 56, Block A, Lot 22.24, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on the 27th day of June, 1995, at 8:05 P.M., providing that service of Notice, pursuant to Town Code, Chapter 216, is made on or before the 12th day of June, 1995.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (393-1995) Continued

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

\*\*\*\*\*

RESOLUTION NO. (394-1995)

Co. Maloney 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 Board of Directors of the Nanuet Little League have requested permission to dispense alcoholic beverages at its barbecue at Lake Nanuet, Nanuet, New York, on June 17, 1995;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Board of Directors of the Nanuet Little League 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 Lake Nanuet, Nanuet, New York, on June 17, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (395-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown intends that the use of Town-owned cars on a 24 hour-a-day basis shall be provided to employees who may be obliged to respond to emergency situations posing an immediate or serious threat to life or property within the boundaries of the Town of Clarkstown, and

WHEREAS, the use of any Town-owned vehicle is intended solely for the use of full-time employees and designated seasonal employees;

NOW, THEREFORE, be it

RESOLVED, that it is hereby declared to be the policy of the Town Board of the Town of Clarkstown that the following positions in the Town of Clarkstown shall have the benefit of the use of Town-owned cars on a 24 hour-a-day basis:

1. Supervisor;
2. Superintendent of Highways, or his deputy or designated employee in the event of his absence or disability;

Continued on Next Page

RESOLUTION NO. (395-1995) Continued

3. Director of Environmental Control, or his deputy or designated employee in the event of his absence or disability;
4. Chief of Police;
5. Captain(s);
6. Detective-Lieutenant, or in his absence, the Senior Detective-Sergeant;
7. Hazardous Material Officer, or in his absence, the Alternate Hazardous Material Officer;
8. Building Inspector, or his deputy or designated employee in the event of his absence or disability;
9. Fire Inspector, or his deputy or designated employee in the event of his absence or disability;
10. Superintendent of Recreation and Parks, or his deputy or designated employee in the event of his absence or disability;

and be it

FURTHER RESOLVED, that any Town-owned vehicle not specifically assigned for 24-hour use, to a title hereinabove enumerated, shall be parked during nonworking hours in the parking lot of the Town facility to which it is most frequently assigned for business use.

On roll call the vote was as follows:

|                           |     |
|---------------------------|-----|
| Councilman Dusanenko..... | Yes |
| Councilman Maloney.....   | Yes |
| Councilman Mandia.....    | Yes |
| Supervisor Holbrook.....  | Yes |

\*\*\*\*\*

RESOLUTION NO. (396-1995)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Supervisor is hereby authorized to enter into negotiations with the County of Rockland and the New City Fire District No. 1 for the purpose of renting them space in the Town's former "Hall of Justice" building adjacent to Town Hall at 10 Maple Avenue, New City, New York.

On roll call the vote was as follows:

|                           |     |
|---------------------------|-----|
| Councilman Dusanenko..... | Yes |
| Councilman Maloney.....   | Yes |
| Councilman Mandia.....    | Yes |
| Supervisor Holbrook.....  | Yes |

\*\*\*\*\*

RESOLUTION NO. (397-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Town Board has authorized and directed the Director of the Department of Environmental Control to

Continued on Next Page

RESOLUTION NO. (397-1995) Continued

retain the services of an engineer to prepare plans and specifications to alleviate possible dangerous conditions at the intersection of Christian Herald Road at Storms Road and Mountainview Avenue; and

WHEREAS, Howard Lampert, Traffic Consultant, is in the process of preparing sidewalk improvements on Christian Herald Road from the Field House to the Nyack High School entrance and requires drainage improvements in this location to accommodate the proposed sidewalks.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Guterl and Greenwell to perform the topographic surveying and engineering required; and be it

FURTHER RESOLVED, that the cost shall not exceed \$10,000.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (398-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #41-1995  
RIVETED CORRUGATED STEEL CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on June 14, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (399-1995)

Co. Mandia offered and Co. Maloney seconded

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

Continued on Next Page

RESOLUTION NO. (399-1995) Continued

BID #42-1995  
ALUMINIZED STEEL TYPE 2 CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on June 16, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (400-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #43-1995  
CORRUGATED HIGH DENSITY POLYETHYLENE PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on June 21, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (401-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #44-1995  
PAPER & PLASTIC SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on June 15, 1995 at which time bids will be opened and read, and be it

Continued on Next Page

RESOLUTION NO. (401-1995) Continued

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (402-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #39-1995  
PARROTT ROAD DRAINAGE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on June 30, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (403-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #45-1995  
RED HILL ROAD REALIGNMENT AND RETAINING WALL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 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.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (404-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, certain improvements have not been completed in the Mountain Shadows Subdivision, Congers, New York, and

WHEREAS, the Town of Clarkstown has in its possession the sum of \$64,700.00 to secure the improvements for this subdivision;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$64,700.00 is hereby defaulted to the Town of Clarkstown, and the Town shall use the aforesaid escrow funds to complete the work at the Mountain Shadows subdivision.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (405-1995)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Town Board hereby authorizes John Mauro, Superintendent of Highways, to resurface Virginia Street, Valley Cottage, at the extreme eastern portion of the road for approximately 150 feet.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (406-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an unsightly condition exists at the Prospect Street Commuter Parking Lot; and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed the necessary corrective work to ameliorate the adverse condition;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, New City, New York to cut all lawn areas, weed and prune garden beds and remove all dead trees and shrubs for a cost of \$1,550.00; and perform a weekly maintenance program for a cost of \$135.00 per week; and be it

Continued on Next Page

RESOLUTION NO. (406-1995) Continued

FURTHER RESOLVED, that the total cost of such work shall not exceed \$5,500.00

On roll call the vote was as follows:

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

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There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 8:55 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/23/95

8:25 P.M.

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

Re: Proposed Abandonment of Avenue B, Nanuet (Cocks)

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.

Deputy Town Attorney Philip Fogel said the Clarkstown Planning Board has not yet met on this matter and therefore they have not made a final SEQRA determination. Supervisor said we couldn't vote on this tonight. We can have the public hearing but no vote. The Highway Superintendent has duly signed a Certificate of Abandonment. The Rockland County Planning Board recommended the proposed deletion should be reviewed by New York State Department of Transportation. The NYSDOT has responded and said they don't have any interest in the abandonment of Avenue B. Those are the only communications to date.

Supervisor read the following letter from:

"STEFAN FAMILY PROPERTIES, INC.  
1 South Edsall Avenue  
Nanuet, NY 10954

Hon. Charles E. Holbrook  
Supervisor  
Town of Clarkstown  
10 Maple Avenue  
New City, NY 10956

Dear Supervisor Holbrook:

We are in receipt of a Notice of Public Hearing on May 23, 1995 regarding the abandonment of a portion of 'Avenue B', Nanuet, NY as described in an attached Schedule A.

Please be advised that the description in Schedule A is incorrect as the first nine dimensions do not comprise the western boundary of Avenue B. Several of these dimensions, in fact, encroach upon the eastern boundary of our property, as described in our deed, and were never part of the Town right-of-way.

We respectfully request that the Town Board defer further action on this item at this time so that we may fully assess the impact on our property.

Very truly yours,

/s/ James A. Stefan  
James A. Stefan  
President

cc: Robert Geneslaw  
Patricia Sheridan"

Continued on Next Page

Councilman Dusanenko asked if the description is incorrect would we have to have another public hearing? Deputy Town Attorney said no.

Supervisor asked the applicant to make his presentation.

Appearance: Frank Cobb, Esq., representing  
Mr. Cocks, Applicant  
Nanuet, New York

Mr. Cobb said Avenue B was a paper street on a map created prior to anyone here being born. During the course of Mr. Cocks' use of his professional office location and stores located on College and Route 59 he utilized this road for parking and other uses. Our office instituted litigation naming Mr. Stefan's ownership company and the Town of Clarkstown. There is a part of the papers that were part of the petition a court determination - a court order - that has made determination that the property in question before you tonight is owned by Herbert Cocks.

Mr. Cobb said the property has already been taken off the tax map and the only reason we have to appear before you tonight and submit the petition is that technically although we own the property and we can use it, Avenue B is still on the Official Town Map. The abandonment part of our application really is merely a formality. The property is already owned by my client by order of the Court. We merely come here to request the formal abandonment and in addition to that, although you only mention the abandonment, our petition also asks in conjunction with that Avenue B be taken off the Official Map of the Town.

Mr. Cobb said he didn't realize that Mr. Stefan was going to have some objections. The only thing I can suggest to him is that he certainly is at liberty at any time to make the same application we are making if there is a portion of Avenue B which is not included in our petition and he feels that he wants to have it abandoned he (Mr. Cobb) would consent and stipulate on behalf of his client tonight that we would have no objection to his application. There is a boundary line that has been officially, judicially declared as to what we own and what he owns. That boundary line is fixed by court order. It has not been appealed. The time for appeal has long since gone. The matter is res adjudicata. We are only here really for technical reasons and primarily to get Avenue B taken off the Official Map.

Appearance: Robert Rausch, Representing  
Mr. Stefan

He said in opposition to this application Mr. Stefan had written a letter to the Board and in regard to that letter he wanted to present to the Board a survey prepared in 1995 which shows and evidences that the property description annexed as Schedule A to the notice in regard to the hearing tonight is inconsistent with the town line map of Avenue B and it is our position that if there is going to be an abandonment of that highway pursuant to the Highway Law it should be that highway and not greater and not less than that highway that the Town had a right of way. He said that is the purpose of his appearance. Supervisor asked for a copy of the survey to which Mr. Rausch referred so that it could be given to the Planning Board and made a part of the record. The Planning Board has not yet made their determination.

Continued on Next Page

Mr. Rausch said the Stefan family property is the adjoining property to the western property of Avenue B. Another purpose of my appearing is for Mr. Stefan to obtain more time to consider the impact upon his property. This is a significant event. Mr. Stefan only received notice of this hearing merely a week ago and in light of the nature of this proceeding and his investment of the adjoining land he would like to keep the public forum open for at least one more month. Supervisor said given the time table of SECRA it is likely that we would not be voting on this until the second meeting in June so in essence you have a month.

Councilman Dusanenko said the only question he has for counsel is are you saying that the property description and the legal notice are different from your client's deed? There is no problem with any descriptions of Mr. Cocks' property per se only the Town's legal description of the abandonment. Mr. Rausch said their position is that the Town is purporting to abandon more than they had the right-of-way over. Specifically on the survey that he presented to the Board, on the northwestern portion of Avenue B there is a carved out section that Mr. Cocks' petition seeks to have abandoned. The Town's right-of-way never existed over that portion. Furthermore below that carved out section there is a portion of Avenue B that is not being abandoned and the Highway Law talks about the abandonment of a highway and not a portion thereof and that is our concern - that it may have a negative impact upon Mr. Stefan's property.

Mr. Rausch said counsel for Mr. Cocks talked about a judgement and order pursuant to which his client obtained adverse possession of Avenue B. Basically, the petition that he made for purposes of the abandonment - the property description - is basically a virtual verbatim of the property description set forth in the judgment. It is not consistent with the Town line border of Avenue B. We think that if the Town is going to abandon it, it should be done the right way and it should be consistent with what the Town has on record and not more and not less.

Appearance: Mr. Russell Trojan  
Nanuet, New York

Mr. Trojan said he was wondering what this area will become when the road is abandoned. We don't have any future plans to look at. Everything is changing in Nanuet partially due to the widening of Route 59 and the public has no idea of what the future of Nanuet is going to be. Yet the Town is either being requested to change or changing zoning here and there.

Councilman Dusanenko said to the best of his knowledge this property, and maybe the two attorneys can correct him if he is wrong, right now either has buildings or parking lots on it already. It has been used for a different purpose already so it is not like a piece of vacant property through virgin property, am I correct? Supervisor said go back to the 1876 Atlas - Avenue B is on there. It is a mapped street which has never been constructed. Mr. Trojan said it has been there for 120 years. Now, something is going to have to be done in that area regarding a safe pedestrian crossing of Route 59. Supervisor said the State has approved that. Mr. Trojan said his personal feeling is that there should be a pedestrian bridge that meets the American Disabilities Act. He said he did not know what the Town could trade with this Avenue B for other things that the community needs. What is happening? Is everything changing?

Continued on Next Page

Supervisor said the concern about Avenue B is a mapped street. To remove a mapped street from the Official Map of the Town you have to have a public hearing. The road was never constructed. There are other parts of the Town - Central Nyack, Congers and other places which have exactly the same type of thing. Actually what will happen here if we remove it from the Official Map it will look the same as it does right now. Mr. Trojan asked will it allow additions to be built on it. Supervisor said that is a possibility that remains to be seen. With it on the Official Map you can't build anything in the bed of a mapped street. Councilman Dusanenko said you have to go to the Planning Board for that.

Mr. Trojan said he would like the community to have some idea of where we are going. If there are going to be additions we know that before we rush to abandon the street or something. It is a mystery.

Mr. Cobb said there may be a misunderstanding. We have no objection if Mr. Stefan or the ownership of that property wanted to join in the application and include any portion of the mapped street that is not included in our application. Our application only included what the court declared that we own. He said he did not think there was any dispute on that. The survey, the description and the court papers that were submitted with our petition pertain to that property that we were awarded ownership. The Town of Clarkstown was made a party to that law suit and that determination is effective against the Town. He said perhaps he made an error in judgment, as sometimes we do as attorneys, but he believes that the choice here is whether to just bring in the road as it appeared on a paper street and ask for that to be abandoned or to coincide his application with that portion of the property that we actually own. He said he thinks he made the right choice. If he is wrong he will find out but he just wanted the Board to know that is their position.

Supervisor said the Planning Board has more material to finish on this and that survey will be submitted to them so that by the time it comes back to us which will be by the end of June we'll be able to have all the facts and hopefully the right configurations to take some action on.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 8:40 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/23/95

8:41 P.M.

Present: Supervisor Holbrook  
Councilman Dusanenko, Maloney & Mandia  
Paul Schofield, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: Adopting Local Law No. 6-1995 - Feeding of Waterfowl  
on Lands in the Town of Clarkstown

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.

Supervisor said the purpose of this local law is that the County of Rockland recently adopted one. This law essentially emulates exactly what the County of Rockland has done. One of the issues that were involved in this whole episode with waterfowl is the fact that the first thing the federal government tells people to do if you want to protect geese is not to feed them. Essentially that was the basis of the county law and that is really what we are trying to copy.

Supervisor asked if there was anyone wishing to make a comment or ask a question? No one appeared.

There being no one wishing to be heard on motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:43 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (363-1995) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/23/95

8:44 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney & Mandia  
Paul Schofield, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Adopting Local Law No. 7-1995 - Amendment to Chapter  
202 (Parks and Recreation Facilities)

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

Supervisor asked Mr. Charles Connington, Superintendent of Recreation and Parks to explain the purpose of this local law. Mr. Connington said we are amending the existing local law that prohibits pets and animals in the park but we are allowing a lead dog for anyone who has a disability. Supervisor said anybody that has a disability and needs a dog for that particular purpose will obviously be permitted to have that animal on Town parkland and that is actually expanding the language that exists right now. Mr. Connington said that is correct as right now everything is prohibited.

Supervisor asked if there was anyone wishing to make a comment or ask a question? No one appeared.

There being no one wishing to be heard on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 364-1995 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/23/95

8:46 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney & Mandia  
Councilwoman Smith absent  
Paul Schofield, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Adopting Local Law #8-1995 - Amendment to Chapter 278  
(Vehicles and Traffic) of the Town Code (Persons With  
Disabilities)

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

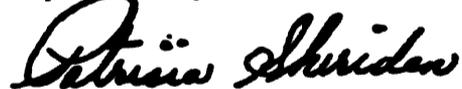
Supervisor asked Deputy Town Attorney Paul Schofield for a synopsis of what this local law would do. Mr. Schofield said this is basically bringing us up to date regarding the Americans with Disabilities Act and the changes that have taken place. Supervisor said this deals with required spaces and parking facilities, etc. Mr. Schofield said posting a blue sign for handicapped parking. Supervisor said it also increases penalties for improper parking in these spaces.

Supervisor said one of the problems we've had is that we get criticized and our police get criticized for not enforcing these handicapped parking spaces. Part of the problem sometimes in enforcing these is because of the lack of proper signage. We have to do a better job in that regard but at least now our codes will be brought up to date so they are in compliance with this so we can do a better job of enforcing these laws that are on the books and handicapped spaces will be used by people who are in fact handicapped and not by others who feel like using them. We have had quite a few problems with that.

Supervisor asked if there was anyone wishing to make a comment or ask a question? No one appeared.

There being no one wishing to speak on motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:48 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (365-1995 ADOPTED))