

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

6/13/95

8:00 P.M.

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

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

Supervisor stated that the first order of business this evening would be the awarding of a certificate to Michael Richard Ruf of Troop 61 upon his attaining the rank of Eagle Scout. Supervisor called Michael and his mother to come forward and Councilman Mandia made the presentation to Michael on behalf of the entire Town Board. Michael received the congratulations of all Town Board Members.

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Upon motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Violation of Chapter 111 (Unsafe Building - Gold Circle, Evergreen Street, New York, Map 58, Block G, Lot 34) was opened, time: 8:05 P.M.

This hearing was recessed at 8:12 P.M. on motion of Councilman Dusanenko, seconded by Councilman Mandia, and unanimously adopted, until the return of Mr. Sullinger and Mr. Shelly who left to inspect the premises in question.

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During the recess of the previous hearing on motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include DePaulis was opened, time: 8:13 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include DePaulis was closed, ORDER SIGNED, time: 8:15 P.M.

RESOLUTION NO. (407-1995)

Co. Maloney offered and Co. Mandia seconded

ORDER EXTENDING DISTRICT adopted and signed.  
(Complete Order on file in Town Clerk's Office. In the matter of the Petition for Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Giuseppe DePaulis and Lucy DePaulis.)

On roll call the vote was as follows:

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

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Supervisor opened the public portion of the meeting.

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Appearance: Mr. Martin Bernstein  
New City, New York

Mr. Bernstein spoke regarding Agenda Item 6 (Referring petition for a special permit - MacGuffie - Map 81, Block A, Lot 19.01); Agenda Item 7 (Implementing a "cafeteria plan" to comply with the Internal Revenue Code); Agenda Item 9 (Designating fire lanes at Century 21 Rand, 268 S. Main St., New City - Map 56, Block A, Lot 30); and Agenda Item 26 (Authorizing Agreement with Samimi & Murphy to "adopt" the Town's portion of Main Street, New City.)

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RESOLUTION NO. (408-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of May 23, 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  
Councilwoman Smith.....Abstain  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (409-1995)

Co. Maloney offered and Supv. Holbrook seconded

WHEREAS, the Town of Clarkstown has in its possession a passbook in the Independence Bank of New Jersey, Account No. 505011698, assigned to it, to secure the public improvements in two subdivisions known as NAURAUSHAUN BROOK and NAURAUSHAUN BROOK II, and

WHEREAS, by Resolution number 236-1995, dated March 28, 1995, and upon the recommendation of the Director of the Department of Environmental Control, the Town of Clarkstown defaulted the sum of \$3,100.00 to complete the public improvements at said site, and

WHEREAS, the Director of the Department of Environmental Control has now recommended the dedication of the aforementioned subdivision, and

WHEREAS, a one year cash guarantee in the amount of \$4,650.00 is required;

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to take all necessary steps to withdraw the sum of \$4,650.00 from Passbook No. 505011698 to be held as a maintenance guaranty for a period of one year, and be it

FURTHER RESOLVED, that upon receipt of the funds provided for herein, the Town Attorney is hereby authorized to release from the security assignment any remaining funds by due notification to all interested parties.

Dated: June 13, 1995

On roll call the vote was as follows:

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RESOLUTION NO. (409-1995) Continued

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

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RESOLUTION NO. (410-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland for the Substance Abuse Services Program through the Department of Mental Health for the period January 1, 1995 through December 31, 1995, for a total consideration of \$120,206.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (411-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Atzl, Scatassa & Zigler, 234 North Main Street, New City, New York, land surveyors, to provide a survey dealing with easements located on property designated on the Clarkstown Tax Map as Map 125, Block B, Lots 11 and 11.1, relative to the improvements to the Congers Lake Dam site, Congers, New York, and be it

FURTHER RESOLVED, that the fee for such survey shall not exceed the sum of \$5,350.00 and shall be charged to Account No. H 1994-400-409-0-1416.

On roll call the vote was as follows:

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

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RESOLUTION NO. (412-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, additional restoration work must be performed on property owned by Robert F. Cozzi, in connection with the "Barmore Hill Pumping Station," and

WHEREAS, it has been determined that it would be more cost effective for the restoration work to be performed by the property owner;

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RESOLUTION NO. (412-1995) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes payment to Robert F. Cozzi, the sum of \$8,000.00, in full payment of all restoration work subject, however, to receipt of a general release running to the benefit of the Town of Clarkstown and evidence of payment of restoration work by the property owner, and be it

FURTHER RESOLVED, that the cost 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  
Councilman Mandia.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (413-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, MARTHA MacGUFFIE has petitioned the Town Board of the Town of Clarkstown for a Special Permit to operate a private hospital facility pursuant to the provisions of the Zoning Ordinance of the Town of Clarkstown §290-11A in an R-160 District, Table 18, Column 3, Item B-1, and §290-11A in an R-80 District, Table 1, Column 3, Item B-2, for property located on the east side of South Mountain Road, New City, New York, which property is designated on the Clarkstown Tax Map as Map 81, Block A, Lot 19.01;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their review, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (414-1995)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Town Board of the Town of Clarkstown has determined that it is in the best interest of its employees

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RESOLUTION NO. (414-1995) Continued

to adopt a so called Cafeteria Plan which will better enable eligible employees to provide for health and other medical and dental benefits in a cost effective fashion, and

WHEREAS, the Congress of the United States of America has enacted legislation in the form of Sections 105, 106, and 125 to Internal Revenue Code of 1986, which is designed to encourage employers to offer their employees health benefits and accident and disability coverage operated on a nondiscriminatory basis;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, in order to accomplish such purposes, and for the purpose and intent of complying with all the requirements of Internal Revenue Code of 1986, Sections 105, 106, and 125 governing the tax treatment to eligible employees of health, accident, and disability benefits does hereby adopt and authorize the Supervisor of the Town of Clarkstown to execute such a Cafeteria Plan retroactive to January 1, 1994, and be it

FURTHER RESOLVED, that such plan shall be interpreted whenever possible comply to the applicable provisions of the Internal Revenue Code.

On roll call the vote was as follows:

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

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RESOLUTION NO. (415-1995)

Co. Maloney offered and Co. Smith seconded

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

MARK BAKER  
NORTHEASTERN EXCAVATION INC.  
50 Limekiln Rd.  
Suffern, New York 10901

RESOLVED, that the following Certificate of Registration be issued:

No. 95-21 Mark Baker, Northeastern Excavation Inc.

On roll call the vote was as follows:

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

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RESOLUTION NO. (416-1995)

Co. Smith offered and Co. Mandia seconded

WHEREAS, WILLIAM BOSLEY, President of Labozz Design Builders Corp., has made application for use of Town Law Section 278 in connection with a proposed subdivision known as "The Farm at Nyack," for property located at the west side of Mountain View Avenue and the north side of the New York State Thruway, Valley Cottage, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the layout is a superior layout, in that it preserves environmentally sensitive lands, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 278 authorization is granted for the development of the property shown on such proposed density layout map entitled, "Density Map Proposed Subdivision The Farm At Nyack, Town of Clarkstown, Rockland County, New York, dated March 23, 1995, and last revised on April 11, 1995," prepared by John E. Collazuol & Assoc., Engineers and Land Surveyors, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 278 for the proposed subdivision of "The Farm at Nyack" described above, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed subdivision map, and subject further to the following conditions:

- 1) Applicant shall install drainage and sewers in accordance with the requirements of the Department of Environmental Control;
- 2) Applicant shall contribute money in lieu of land for all new lots;
- 3) All utilities shall be installed underground;
- 4) Applicant shall provide gratuitous road widening on Mountainview Avenue, in accordance with the Official Map.
- 5) Applicant shall comply with the requirements of the Superintendent of Highways regarding the road width and the cul-de-sac.
- 6) Applicant shall provide Conservation Easement and form along the south, west, north and east property lines, to maintain the rural nature of the area.
- 7) Planning Board shall add a map note to the subdivision map of The Farm at Nyack, indicating that any individual pump stations for each lot installed in this subdivision will not be the responsibility of the Town.

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RESOLUTION NO. (416-1995) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (417-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 395-1995, adopted by the Town Board on May 23, 1995, is hereby amended as follows:

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;
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 designated employee in the event of his absence or disability;
9. Deputy Building Inspector;
10. Chief Fire Safety Inspector, or his designated employee in the event of his absence or disability;
11. Fire Safety Inspector;

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RESOLUTION NO. (417-1995) Continued

12. 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, and be it

FURTHER RESOLVED, that this Resolution is retroactive to May 23, 1995, and be it

FURTHER RESOLVED, that this Resolution shall become effective on June 15, 1995.

On roll call the vote was as follows:

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

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RESOLUTION NO. (418-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various funds require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1410 313 (Town Clerk-Office Supplies & Printing) and increase A 1410 424 (Contractual Expense) by \$280.00; decrease Contingency Account No. A 1990 505 by \$5,225.00 and increase the following Appropriation Account numbers:

A 1220 313 (Supervisor-Office Supplies & Prtg.).....\$ 125.00  
A 1220 319 ( " -Misc. Supplies).....\$ 100.00  
A 5650 409 (Commuter Parking-Fees for Services.....\$5,000.00

and

WHEREAS, the Town of Clarkstown has received \$8,208.00 from Corporate Property Investors,

NOW, THEREFORE, be it

FURTHER RESOLVED, to increase Estimated Revenue Account A 01 9 2705 (General Fund-Gifts & Donations) and Appropriation Account No. A 3120 111 (Police-Overtime) by \$8,208.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (419-1995)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Town Board Resolution No. 184-1995 is hereby rescinded, and be it

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

BID #10-1995  
FIREWORKS DISPLAY

is now hereby awarded to

ZAMBELLI FIREWORKS MFG. CO. INC.  
20 SOUTH MERCER STREET  
NEW CASTLE, PA. 16103  
PRINCIPALS: GEORGE R. ZAMBELLI  
CONSTANCE J. ZAMBELLI

as per their proposed cost for a Fireworks display of \$3,900.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (420-1995)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #37-1995  
HELICALLY CORRUGATED ALUMINUM CULVERT PIPE

is hereby awarded to:

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

EXPANDED SUPPLY PRODUCTS  
54 INNESBROOK BLVD.  
HOPEWELL JCT., NY 12533  
PRINCIPALS: BRUCE KEHR  
DONNA KEHR

as per the attached item/price schedule.

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

On roll call the vote was as follows:

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RESOLUTION NO. (420-1995) Continued

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

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RESOLUTION NO. (421-1995)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #38-1995  
HELICALLY CORRUGATED STEEL CULVERT PIPE

is hereby awarded to

CHEMUNG SUPPLY CORPORATION  
P.O. BOX 527  
ELMIRA, NY 14902  
PRINCIPALS: HERMAN WARSHAW  
MYRA S. STEMERMAN  
CHEMUNG SUPPLY CORP TREASURY

EXPANDED SUPPLY PRODUCTS  
54 INNESBROOK BLVD.  
HOPEWELL JCT., NY 12533  
PRINCIPALS: BRUCE KEHR  
DONNA KEHR

as per the attached item/price schedule.

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (422-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Town Board Resolution No. 400-1995  
authorizing the Director of Purchasing to advertise for  
competitive bids for:

BID #43-1995  
CORRUGATED HIGH DENSITY POLYETHYLENE PIPE

is hereby cancelled, and be it

FURTHER RESOLVED, that Town requirements for this  
commodity can be satisfied by use of current New York State  
Contract.

On roll call the vote was as follows:

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RESOLUTION NO. (424-1995) Continued

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

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RESOLUTION NO. (425-1995)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Trachtenberg Estates, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Old Mill Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated June 8, 1995 from Helen C. Trachtenberg to the Town of Clarkstown, gratuitously conveying a stip of land along Old Mill Road, West Nyack, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

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RESOLUTION NO. (426-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Rev. Patrick J. McGill (All Saints Episcopal Church) - 182 Ridge Road, Valley Cottage, New York is hereby reappointed to the position of Member - Board of Ethics - at the current 1995 annual salary of \$1,000.00, term effective June 27, 1995 and to expire on June 26, 2000, and be it

FURTHER RESOLVED, that the Town Board hereby recognizes the appointment by the Members of the Board of Ethics of Rev. Patrick J. McGill as Chairman of the Board of Ethics for the year 1995 - at the current 1995 annual salary of \$500.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (427-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Matthew T. August, 6 Tempo Road, New City, New York is hereby appointed to the position of (Provisional) Environmental Control Inspector I - Department of Environmental Control - at the curent 1995 annual salary of \$26,996.00, effective June 14, 1995.

On roll call the vote was as follows:

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

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RESOLUTION NO. (428-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Helen McCrudden, 20 Plains Drive, New City, New York - Clerk Typist - Purchasing Department - is hereby accepted - with regret - effective and retroactive to June 3, 1995.

On roll call the vote was as follows:

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

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RESOLUTION NO. (429-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on May 12, 1995 that the position of Clerk Typist (#0078) can be reclassified to the position of Data Entry Operator I - Town Justice Department -

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist (#0078) is hereby reclassified to the position of Data Entry Operator I - effective and retroactive to June 12, 1995.

On roll call the vote was as follows:

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

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RESOLUTION NO. (430-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Sheila Fergus Mellon, 27 Westview Avenue, Congers, New York, is hereby appointed to the position of (Provisional) Data Entry Operator I - Town Justice Department - at the current 1995 annual salary of \$30,603.00, effective and retroactive to June 12, 1995.

On roll call the vote was as follows:

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

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RESOLUTION NO. (431-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the St. Francis of Assisi Youth Group, in a form approved by the Town Attorney, for this non-profit organization which provides services and programs for residents of the Town of Clarkstown which are deemed beneficial to Town residents, and which organization shall receive the economic assistance amount of \$1,000.00 for the calendar year 1995.

On roll call the vote was as follows:

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

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RESOLUTION NO. (432-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists that impacts the rear yards of Lots 38 B 5.23, 5.24, 5.25, 5.28, 5.29, and 5.30, Lindberg Lane and Havermill Road, New City, New York; and

WHEREAS, the Department of Environmental Control has recommended that clearing and regrading of an existing drainage swale be performed to restore its effectiveness and ameliorate the adverse condition by facilitating run-off;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Cal Mart Construction Corp., West Nyack, New York, to perform the corrective work necessary in accordance with the recommendations of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost for such improvements shall not exceed \$8,000.00 and shall be a proper charge to Account Number H 8735 409 0 12 15.

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RESOLUTION NO. (432-1995) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (433-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the pond located at 2 1/2 Mary Ann Lane, New City, New York is silted up and obstructing the normal stream flow; and

WHEREAS, the Department of Environmental Control has recommended the removal of the silt from the pond to restore its effectiveness and ameliorate the adverse condition by facilitating runoff;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to perform the corrective work necessary by the use of summer help.

On roll call the vote was as follows:

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

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RESOLUTION NO. (434-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the New City Fire Engine Company No. 1 will be holding its Firefighters Convention/Parade in New City, New York, on Saturday, September 9, 1995, and

WHEREAS, the New City Fire Engine Company No. 1 has requested the following:

1. Permission to use the Town Hall Parking Lot from Noon till 6:00 P.M. for parade participants vehicles.
2. Permission to erect a banner across South Main Street, in the vicinity of the A&P, from August 1st to September 14, 1995.
3. Permission to dispense alcoholic beverages in the vicinity of the Firehouse from 10:00 A.M. on September 9th until 1:00 A.M. on September 10, 1995.

NOW, THEREFORE, be it

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RESOLUTION NO. (434-1995) Continued

RESOLVED, that the Town Board hereby grants permission to the New City Fire Engine Company No. 1 for the following, subject to receipt of a Certificate of Insurance:

1. Use of the Town Hall Parking Lot from Noon till 6:00 P.M. for parade participants vehicles.
2. Erection of a banner across South Main Street, in the vicinity of the A&P, from August 1st to September 14, 1995.
3. Dispensing of alcoholic beverages in the vicinity of the Firehouse from 10:00 A.M. on September 9th until 1:00 A.M. on September 10, 1995, subject to and in accordance with §93-2A and 2B of the Town Code.

On roll call the vote was as follows:

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

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RESOLUTION NO. (435-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the sum of \$289.00 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript in the matter of Ronstein Construction Corporation v. Dr. Arnold Amster, Chairman, et. al. (Appeal No. 2647).

On roll call the vote was as follows:

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

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RESOLUTION NO. (436-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement extending the contract between the Town of Clarkstown and Ralph Lauria, whereby Ralph Lauria agrees to provide services to the Department on Environmental Control on an advisory and consultative basis, consistent with the terms of said contract, for the period from June 7, 1995 to August 6, 1995, and be it

FURTHER RESOLVED, that this Resolution is retroactive to June 7, 1995.

On roll call the vote was as follows:

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RESOLUTION NO. (436-1995) Continued

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

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RESOLUTION NO. (437-1995)

Co. Maloney offered and Co. Mandia seconded

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

A painted crosswalk from the north side of Elinor Place to the east side of South Main Street, New City. Install a Pedestrian sign (a W5-2 per Section 235.1 of the Manual of Uniform Control Devices) 15 ft. north and south of the crosswalk.

Also install W5-2 signs prior to the W5-1 signs, 150 ft. north and south of the crosswalk.

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

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RESOLUTION NO. (438-1995)

Co. Maloney offered and Co. Mandia seconded

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

A New York State sign R9-4C that reads, "State Law Do Not Block Cross Road" on west bound Lake Road at the Ridge Road/Christian Herald Road intersection.

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

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RESOLUTION NO. (439-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Saw Mill Estates, the Planning Board of the Town of Clarkstown requested a Conservation Easement;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Conservation Easement, dated May 12, 1995, from Sawmill Construction Corp. to the Town of Clarkstown, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

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RESOLUTION NO. (440-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the County of Rockland Department of Planning has proposed an agreement, pursuant to the authority provided in General Municipal Law Article 12-B, §239-m 4(c) and §239-n, to provide that certain proposed actions and subdivision plats are of local rather than county-wide concern, and are not subject to referral to the Rockland County Department of Planning, or are to be excepted from referral;

NOW, THEREFORE, be it

RESOLVED, that in consideration of the promises and mutual benefits to be realized by the provisions contained in the agreement, the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, to exempt certain zoning and planning decisions from review by the County, pursuant to General Municipal Law §239-1, §239-m and §239-n, subject to the changes proposed by the Town of Clarkstown Planning Board, in a form approved by the Town Attorney.

On roll call the vote was as follows:

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

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RESOLUTION NO. (441-1995)

Co. Smith offered and Co. Maloney seconded

Continued on Next Page

RESOLUTION NO. (441-1995) Continued

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, Samimi & Murphy, Attorney's at Law, wish to adopt Main Street, from Route 304 to New Hempstead Road, New City, New York, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Samimi & Murphy, 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, in a form approved by the Town Attorney, to adopt Main Street, from Route 304 to New Hempstead Road, New City, New York, and to provide and coordinate services by Samimi & Murphy, Attorney's at Law, to remove trash from the roadway and install two (2) signs identifying the volunteer adopting Main Street.

On roll call the vote was as follows:

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

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RESOLUTION NO. (442-1995)

Co. Smith offered and Co. Maloney seconded

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

BID #46-1995  
AMORY DRIVE DRAINAGE PROJECT - PHASE I

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York (DATE AND TIME TO BE SCHEDULED) at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (443-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Nelson & Zucker d/b/a Bridon Realty Co. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 57, Block C, Lot 4.60 and Map 120, Block A, Lots 34 and 34.1 for the year(s) 1993/94 and 1994/95, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

The public hearing re: Violation of Chapter 111 of the Town Code was resumed on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, time: 8:30 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted the violation hearing was adjourned for two weeks and will be placed back on the agenda for the June 27, 1995 meeting, time: 8:33 P.M.

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Councilman Dusanenko stated that at the last meeting Councilwoman Smith was absent, which is why she abstained on accepting those minutes. We had an item on Page 23 of our last Town Board Minutes - Resolution No. 404-1995 - where a comment was made and we did get their attention. But since that comment was made we have a law suit against the Town from the same attorneys who represented Mr. McGee successfully for a large amount of about \$25,000,000.00 and he thinks it is in order, unless he hears from Luke that he wants this work done right now and it should be done right now and if he gives the owner an order to do it right now then I am in ... do you have any comments on that? Mountain Shadows. Supervisor said you can read the Courier today. It is all over the Courier. Councilman Dusanenko asked Luke if his staff wanted all that paving done in its entirety right now? Mr. Kalarickal said no I think we ought to make it safe - maybe give them to the fall until all the heavy construction is concluded, however he could definitely do the driveway right now. I don't think there is any problem with that. Councilman Dusanenko said the point is we don't need more litigation, more attorneys, etc. He said he is prepared at this point in time, and he would be happy to reinstate it if we are not getting cooperation, to rescind Resolution No. 404-1995.

RESOLUTION NO. (444-1995) (F A I L E D)

Co. Dusanenko offered and Co. Mandia seconded

Continued on Next Page

RESOLUTION NO. (444-1995) Continued

RESOLVED, that Resolution No. 404-1995, adopted by the Town Board on May 23, 1995, defaulting escrow funds to complete the work at the Mountain Shadows Subdivision, is hereby RESCINDED.

On roll call the vote was as follows:

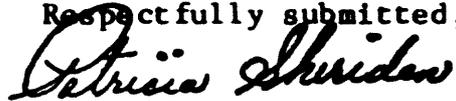
Councilman Dusanenko.....Yes  
Councilman Maloney.....No  
Councilman Mandia.....Yes  
Councilwoman Smith.....Abstain  
Supervisor Holbrook.....No

Supervisor Holbrook said right now nothing has happened with the bond. We haven't taken any measures to forfeit anything. We just want them to do the work. Just do what he says, that's all. Supervisor said in this case we want him to do something. Councilman Dusanenko said whatever you want him to do that's fine but he just feels a little uneasy that whether it is people there or the rest of the Town residents to start getting hit with more litigation especially that is successful against us. Supervisor said we are not going to take any action if there is progress.

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On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 8:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
VIOLATION HEARING

Town Hall

6/13/95

8:05 P.M.

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

Re: Violation of Chapter 111 (Unsafe Building) Gold Circle,  
Evergreen Street, New City - Map 58, Block G, Lot 34

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the violation hearing was declared open. Deputy Town Attorney stated that violation notices were duly posted by certified mail, return receipt, indicating that a public hearing would be held in connection with the violation of Chapter 111 of the Town Code.

Mr. Richard Sullinger was sworn in by the Supervisor and stated that he was a Fire Inspector for the Town of Clarkstown. With regard to 16 West Evergreen Avenue, New City, New York he read the following statement by Chief Fire Safety Inspector Mark Papenmeyer:

"An inspection of the premises on May 4, 1995 with Deputy Building Inspector finds an unoccupied structure that is not secured. The owners have failed to maintain the structure for the use as originally intended, a one family structure. The building is in a poor state of repair. In addition, it is evident that several small fires have occurred within the premises.

The owner of the premises, to the best knowledge of this Office is: Gold Circle Holding Corp., 1254 Castlehill Ave, Bronx, NY 10462. The owners were duly notified by Order #95-15, on May 4, 1995 to remove the structure. This building presents a hazardous condition and presents other dangers to the health, safety, morals and general welfare of the public.

Because of the condition of this building as described above, and because of past similar violations on this property, it is recommended that the building be removed.

MARK PAPENMEYER  
CHIEF FIRE SAFETY INSPECTOR

MP/ts"

Supervisor asked if anyone wished to make a statement.

Appearance: Mr. Kevin Shelley, representing  
(?) Mortgage Service Corp.

The property was owned by Gold Circle Holding Corp. The property went into foreclosure and a judgment of foreclosure was granted by the Supreme Court on January 25, 1995. Foreclosure sale followed on May 25, 1995 at which time M Bank the mortgagor made a successful bid and took possession of the property. His client, J. I. (?) Mortgage Service Corp. took an assignment of that bid and is now the legal title holder of the property as of May 25, 1995. Accordingly, the first notice of the condition of the property that his client had was this Order and Notice, part of which was identified in Order of Notice Pursuant to Town Code, Chapter 111, which was dated May 22, 1995 and received by his client soon thereafter.

Continued on Next Page

Upon receipt of this Order and Notice his client immediately contacted a service corporation which was in the business of remediating these properties which come into their possession through foreclosure sales. They received an estimate on June 9, 1995 to secure the premises, clean it up and do whatever has to be done. The estimate was accepted and he presented a copy of the estimate and a copy of a fax which he received this afternoon in his office. The work was completed on Saturday of this past weekend (June 10th) and yesterday (June 12th). He said he visited the premises before tonight's meeting and the work has in fact been completed although he does not have a sign off report from the contractor because he was out in the field today.

Supervisor said this property has been a problem for a long time and we have residents who live on the other street who have a constant concern about what is going on in the building. He said he was not blaming Mr. Shelley as he just arrived on the scene. Supervisor said you have stated that you have secured the building at this juncture. Is that correct? Mr. Shelley said yes. Supervisor asked what is the future of the building? We are concerned that we secure the building only to have it unsecured. It is in a busy section behind the shopping center and it has become a hangout. The Town Board is looking for some sort of plan as to what is going to be done with this property so we are not back here in six months doing the same thing all over again.

Mr. Shelley said his client took title to the property in late May of this year, is right now clearing up the title, and plans to sell it immediately. He said apparently there were previous problems and previous building code violations, none of which his client had any notice of. In light thereof he thinks the Order directing the demolition of the property at this time is premature based on the notice that his client has received and the immediate remediation that has taken place within the last two weeks.

Supervisor asked Mr. Sullinger if the property had been inspected? Mr. Sullinger said what is in the photographs is what he saw this afternoon. Councilman Maloney said if it is the same as in these pictures it has not been remediated. Councilman Dusanenko asked if the doors are still open? Mr. Sullinger said yes and so are the windows. Councilman Maloney said then there is no remediation. Mr. Shelley said he is not a witness here but he was at the premises an hour ago.

Deputy Town Attorney asked Mr. Sullinger if those pictures that are being submitted as an exhibit to this Town Board to consider in connection with this hearing were made by you in the regular course of your duties. Mr. Sullinger said yes by Mark Papenmeyer on the 18th of May. Deputy Town Attorney asked if they were a fair and accurate representation of what those pictures purport to show.

Councilman Dusanenko asked if he could make a suggestion that we recess this public hearing to be continued upon the return of both gentlemen (Mr. Sullinger and Mr. Shelley) and see if in fact they are discussing the same building or if an expenditure was made on different properties.

At this point, 8:12 P.M., a recess was declared.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the violation hearing was reopened.

Supervisor asked if the weeds and the junk had been removed. Mr. Shelley said a large amount of weeds and junk have been removed. He showed the Supervisor an estimate of the contract which his client had to secure the property. It states that he was going to cut the grass, remove interior debris and remove approximately 15 cubic yards of exterior debris. That has taken place.

Supervisor asked what are the prospects for the future now that we have gotten to this point? Mr. Shelley said his client is looking to sell the property as soon as he can. We took title to this property in late May. The first notice that we had that there were problems with the property was the notice for this hearing. Supervisor said are you going to have ongoing maintenance for this property as that was one of the problems. What happens is that we board it up and we cut the grass and then once again we have lions and tigers and bears walking through there.

Mr. Shelley said as I've said my client has recently taken possession of the property. He is looking to sell the property. He has taken all reasonable steps since having notice of problems. Supervisor said why don't you give your card to Mr. Sullinger and this way we can be in contact. He said let's adjourn this hearing, sine die.

Councilman Mandia said he would like to hear what Mr. Sullinger has to say. Mr. Sullinger said he was out there at 1:30 p.m. this afternoon. Since 1:30 this afternoon it has been boarded up on the inside and the doors have been secured. He said in his opinion it wouldn't take much for somebody to push in the board which is covering the windows and gain entry and then just remove the rest of it from inside. It is secured but for how long a period of time?

Supervisor said then let's not recess this sine die. Let's recess this for two weeks and bring this back here with another inspection on the 27th of June. Mr. Shelley said he would like more time in order to contact his client, etc. Supervisor said let's bring it back in two weeks. Mr. Shelley again requested more time because his client may in fact sell the property within that time. Supervisor said that is even better. Mr. Shelley said, of course, for all parties including himself. Supervisor said let's adjourn this hearing until the next Town Board Meeting and see where we are then. Supervisor said apparently the Fire Inspector is not satisfied with the nature of the security. Rather than us passing a resolution tonight to have it knocked down let's give you some opportunity to comply with the Fire Inspector's recommendations to see if it can be secured the way they want it.

Mr. Shelley said if that is the case he would like to have a little more understanding of what the Fire Inspector would require above and beyond ... Supervisor said and we will give you two weeks to do that. Councilman Mandia said you or the contractor should be in contact with the Fire Inspector. Supervisor said if you are in contact with him, he can come and make a report and if is satisfactory then you probably won't even have to appear if that is the case, only if there is a problem. Supervisor said if I close the meeting then we have

Violation Hearing - Re: Violation of Chapter 111 (Unsafe  
Building) Gold Circle, Evergreen Street, New City - Map 58,  
Block G, Lot 34 6/13/95  
Page 4

to do this all over again. We have to readvertise, etc. Mr.  
Shelley said we accept an adjournment. Supervisor said the guy  
that owned the property was a nogoodnik anyway and that is what  
has gotten us into this. We are not taking it out on your  
client.

On motion of Councilman Maloney, seconded by  
Councilwoman Smith and unanimously adopted, the violation  
hearing was adjourned for two weeks, time 8:30 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

6/13/95

8:13 P.M.

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

RE: Extension of the Clarkstown Consolidated Water Supply  
District No. 1 to Include DePaulis

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared open. Town Clerk read notice 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 relation to this proposed water extension.

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 8:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(ORDER SIGNED RESOLUTION NO. 407-1995)