

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

6/27/95

8:05 P.M.

Present: Supervisor Holbrook (arrived 8:25 P.M.)  
Council Members Dusanenko, Maloney, Mandia & Smith  
Philip B. Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Deputy Town Supervisor John Maloney declared Town Board Meeting open. Assemblage saluted the Flag.

Deputy Supervisor Maloney read the following proclamation:

"RECREATION AND PARKS MONTH  
JULY - 1995

- WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and
- WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and
- WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and
- WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and
- WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim the month of July, 1995 'Recreation and Parks Month' in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for July.

IN WITNESS WHEREOF I HEREUNTO  
SET MY HAND AND CAUSE THE SEAL  
OF THE TOWN OF CLARKSTOWN TO BE  
AFFIXED THIS 27TH DAY OF JUNE,  
1995.

/s/ Charles E. Holbrook  
CHARLES E. HOLBROOK, Supervisor

/s/ John R. Maloney  
JOHN R. MALONEY, Councilman

( S E A L )

Ann Marie Smith  
ANN MARIE SMITH, Councilwoman

Ralph F. Mandia  
RALPH F. MANDIA, Councilman

Theodore R. Dusanenko  
THEODORE R. DUSANENKO, Councilman"

Superintendent of Recreation and Parks, Charles Connington, accepted proclamation.

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On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, Violation Hearing - Violation of Chapter 216 (Property Maintenance - Durant Road) was opened, time: 8:07 P.M.

On motion of Councilwoman Smith, seconded by Councilman Dusanenko and unanimously adopted, Violation Hearing - Violation of Chapter 216 (Property Maintenance - Durant Road) was closed, RESOLUTION ADOPTED, time: 8:15 P.M.

RESOLUTION NO. (445-1995)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, by Resolution No. 393-1995, dated May 23, 1995, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 56, Block A, Lot 22.24, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 27th day of June, 1995, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated June 5, 1995, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such condition continues to be uncorrected on or after the 7th day of July, 1995, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective measures, including the removal of debris and the costs of this proceeding and all other necessary action, be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

On roll call the vote was as follows:

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

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Councilman Dusanenko said he wished to make a request of our Building Inspector to add two other pieces to the inspection. One is a property on Acorn in New City, which he said he had not seen personally, but which is supposedly overgrown. The other is the Bobbin Inn on Route 9W which he believed involved a feud between the County of Rockland and the owner which has been

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cleared up. He said he has seen people in and around the building which is supposed to have been secured. Deputy Town Attorney Fogel stated that he believed there was a resolution on for 3 Acorn somewhere on the agenda this evening.

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Deputy Supervisor opened the public portion of the meeting.

Appearance: Mr. Russell Trojan  
Nanuet, New York

Mr. Trojan spoke regarding Agenda Item #15 (new polling places for Election Districts #18 and #44). He was informed that we had no choice but to move back to the Fire House where we once had been located.

Appearance: Mr. John Lodico  
New City, New York

Mr. Lodico spoke regarding Red Hill Road with respect to areas of the contract in reference to some of the criteria in the contract. He mentioned the addendum as regards rock excavation, etc. in the proposal that went out for submission to bid for this project. Mr. Lodico also discussed Council Members' liaisons.

Appearance: Ms. Marie Bouchard  
Congers, New York

Ms. Bouchard spoke regarding construction of the dam on Gilchrest Road noting that she felt it was atrocious.

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RESOLUTION NO. (446-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board minutes of June 13, 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.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (447-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 11, 1995, provided for a public hearing on May 23, 1995, at 8:00 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of AVENUE B, Nanuet, New York, as described in "Schedule A" attached, and

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RESOLUTION NO. (447-1995) Continued

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated May 18, 1995, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that a portion of AVENUE B, Nanuet, New York, as described in the attached Schedule "A," is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

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

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

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. (448-1995)

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, Belleville Landscaping Inc. wishes to adopt Lake Road, from Route 303 to Route 9W, Valley Cottage, New York, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Belleville Landscaping Inc. 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 Lake Road, from

Continued on Next Page

RESOLUTION NO. (448-1995) Continued

Route 303 to Route 9W, Valley Cottage, New York, and to provide and coordinate services by Belleville Landscaping Inc. to remove trash from the roadway and install two (2) signs identifying the volunteer adopting Lake Road.

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. (449-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on August 8, 1995, at 8:10 P.M., to consider the adoption of the proposed amendment to the Zoning Ordinance of the Town of Clarkstown, and be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report:

Amend Table of the General Use Regulations, §290-11A, Table 14, LIO District, by Adding the following:

Column 3.B. "10. Manufacturing uses except those specifically prohibited in Sec. 290-18."

Column 4: "17. Accessory Uses to Manufacturing Uses, subject to Town Board special permit approval."

Column 6:

"36. Manufacturing: One parking space for each 300 sq. ft. of floor area in such uses plus 600 sq.ft. of floor area in accessory uses or as determined by the Planning Board.

Amend §290-17 by Adding the following:

"V. Manufacturing in an LIO District, subject to the following conditions:

- (1) All uses shall be conducted within fully enclosed buildings.
- (2) The applicant shall demonstrate that the operation will not produce noise, smoke, or odors outside the building."

Continued on Next Page

RESOLUTION NO. (449-1995) Continued

Amend §290-6. Purpose of districts, by changing Item N.  
as follows:

"N. LIO. The purpose of the Limited Light Industrial Office District is to permit the development of selected industrial uses on land planned and suited to such uses but at the same time protecting the character of the surrounding residential areas or planned residential areas. Manufacturing operations are to be permitted only if they are incidental or accessory to the primary operation of the plant, or allowed by special permit of the Town Board. This district is planned and intended for industrial lands uses characterized by low land coverage, with large year-round landscaped setbacks for protection of residential areas, attractive building designs and developing an industrial parklike setting. The regulations are designed to promote industrial developments using the highest acceptable planning standards to properly handle any obnoxious and objectionable external effects upon the surrounding residential areas, circulation systems, drainage and other natural features. All references throughout this entire chapter to "IO Industrial Office" are hereinafter deemed to refer to "LIO Light Industrial Office."

and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (450-1995)

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 John Callanan v. William Collins, as Chief of Police of the Clarkstown Police Department, The Town of Clarkstown, the Police Commission of the Town of Clarkstown and The Town Board of the Town of Clarkstown;

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

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RESOLUTION NO. (451-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Castletown Estates, the Planning Board of the Town of Clarkstown requested a deed for road widening along Rose 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 May 13, 1995 from James Fogarty, James Daniel Fogarty and Raphael Fogarty to the Town of Clarkstown, gratuitously conveying a strip of land along Rose 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. (452-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #41-1995  
RIVETED CORRUGATED STEEL CULVERT PIPE

is hereby awarded to:

Chemung Supply Corporation  
P.O. Box 527  
Elmira, N.Y. 14902  
Principals: Herman Warshaw  
Myra S. Stemerman  
Chemung Supply Corp. Treasury

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. (453-1995)

Co. Mandia offered and Co. Maloney seconded

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

Continued on Next Page

RESOLUTION NO. (453-1995) Continued

BID #42-1995  
ALUMINIZED STEEL TYPE 2 CULVERT PIPE

is hereby awarded to:

Chemung Supply Corporation  
P.O. Box 527  
Elmira, N.Y. 14902  
Principals: Herman Warshaw  
Myra S. Stemerman  
Chemung Supply Corp.

Capitol Highway Materials Inc.  
Route 6  
Baldwin Place, NY 10505  
Principals: Mark Abrams  
Siddarth Baddicharji  
Victor Pais

Expanded Supply  
RD1 - Box 93 Rt. 9  
Cold Springs, N.Y. 10516  
Principals: Bruce Kehr  
Donna Kehr

Vellano Bros. Inc.  
P.O. Box 837  
Beacon, N.Y. 12508  
Principals: Joseph M. Vellano  
James A. Vellano  
Anthony Vellano, Jr.

as per the attached item/price schedule

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (454-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #44-1995  
PAPER AND PLASTIC SUPPLIES

is hereby awarded to:

STRAUSS PAPER COMPANY  
10 SLATER STREET  
PORT CHESTER, N.Y. 10573  
PRINCIPALS: STEWART STRAUSS  
JOYCE S. JONAP  
RUTH F. STRAUSS

CLEANING SYSTEMS COMPANY  
44A SECOR LANE  
PELHAM MANOR, N.Y. 10803  
PRINCIPALS: EDWARD CULLEN  
BARBARA TRISTER

TRI STATE SUPPLY  
BOX 615  
WEST HAVERSTRAW, N.Y. 10993  
PRINCIPALS: WILLIAM G. O'NEIL

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. (454-1995) Continued

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

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RESOLUTION NO. (455-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the  
Rockland County Small Transit Operators that

BID #58-1994  
MINI BUSES

is hereby awarded to

RAMP TRANSPORTATION CO. INC.  
1595 ROUTE 112  
PORT JEFFERSON STATION, N.Y. 11776

as per their total proposed low bid cost of \$1,516,162.00 for  
Bluebird Model QBRE2903 buses, Type Q

and be it

FURTHER RESOLVED, that funds for same shall be  
reimbursed 80% from Federal Grant, 10% from State Grant.

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. (456-1995) Continued

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the  
project Architect and the Clerk of the Works that

BID #34-1995  
HIGHWAY DEPARTMENT GARAGE RENOVATIONS

is hereby awarded to the following low bidders as per their  
base bids as follows:

(1) GENERAL CONSTRUCTION - AWARDED TO:

Piazza Brothers, Inc.  
8 Legion Drive  
Valhalla, N.Y. 10595  
Principal: Joseph Piazza

Base bid \$658,000.00

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RFSOLUTION NO. (456-1995) Continued

(2) HVAC - AWARDED TO:

Thomas J. Kempton Jr., Inc.  
91 South Main Street  
New City, N.Y. 10956  
Principals: Thomas J. Kempton, Jr.  
Thomas J. Kempton, III

Base bid \$116,900.00

(3) PLUMBING - AWARDED TO:

Thomas J. Kempton, Jr., Inc.  
91 South Main Street  
New City, N.Y. 10956  
Principals: Thomas J. Kempton, Jr.  
Thomas J. Kempton, III

Base bid \$100,500.00

(4) ELECTRICAL - AWARDED TO:

Fanshawe, Inc.  
6 Will Rogers Lane  
Nanuet, N.Y. 10954  
Principal: Barbara Fanshawe

Base bid \$87,300.00

and be it

FURTHER RESOLVED, that said awards are subject to

- (1) Formal Contract documents signed
- (2) Receipt of Performance Bond and a Labor/  
Material Payment Bond each in the amount  
of 100% of award
- (3) Attendance at post award, - pre-construction  
conference as scheduled by the engineer.

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. (457-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the  
Director of Environmental Control, the Town Board of the Town  
of Clarkstown hereby accepts the proposal from Orange and  
Rockland Utilities, Inc. for an additional street light at the  
following location:

Clarkstown Ridge Subdivision  
Mesa Drive  
Spring Valley, New York

On roll call the vote was as follows:

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RESOLUTION NO. (462-1995) Continued

at the current 1995 annual salary of \$26,996.00, effective and retroactive to June 26, 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. (463-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Alfred Camadeco, Jr., 16 Colonial Drive, New City, New York, to the position of (temporary) Automotive Mechanic I & Body Repairer - Town Highway Department - at the current 1995 annual salary of \$45,546.00, effective and retroactive to June 19, 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. (464-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Susan B. Paradiso, 18 Little Brook Lane, New City, New York is hereby appointed to the position of (Part-time) Clerk Typist - Planning Department - at the current 1995 hourly rate of \$10.40, effective and retroactive to June 26, 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. (465-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on May 12, 1995 that the position of Senior Clerk Typist (#0504) can be reclassified to the position of Senior Records Clerk Typist (Law Enforcement) - Police Department,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (465-1995) Continued

RESOLVED, that the position of Senior Clerk Typist #0504 is hereby reclassified to the position of Senior Records Clerk Typist - Law Enforcement) - Police Department - effective and retroactive to June 26, 1995, and be it

FURTHER RESOLVED, that the Grade for the position of Senior Records Clerk Typist (Law Enforcement) is hereby established at a Grade 21.

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. (466-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Marion B. Gionta, 75 Margaret Keahon Drive, Pearl River, New York, is hereby appointed to the position of (Provisional) Senior Records Clerk Typist (Law Enforcement) - Police Department - at the current 1995 annual salary of \$33,509.00, effective and retroactive to June 26, 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. (467-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Rev. Randall G. Rottman, St. Paul Evangelical Lutheran Church, 323 South Main Street, New City, New York, is hereby appointed 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.

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. (468-1995)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (468-1995) Continued

RESOLVED, that upon the recommendation of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed dated September 16, 1991, from GHAT ASSOCIATES, INC., conveying the following road:

ELKS DRIVE 400 L.F.

and other improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Nauraushaun Brook II is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that the sum of \$4,650.00 to be withdrawn from Passbook No. 505011698, shall be held as a maintenance guaranty for a period of one year.

On roll call the vote was as follows:

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

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RESOLUTION NO. (469-1995)

Co. Maloney offered and Co. Mandia seconded

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

BID #40-1995  
ASPHALT ROADWAY & SCHOOL DRIVEWAY RESURFACING

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 on July 26, 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  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (470-1995)

Co. Maloney offered and Co. Mandia seconded

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

BID #47-1995  
COMPUTER & WORD PROCESSING SUPPLIES

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RESOLUTION NO. (470-1995) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 on July 20, 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  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (471-1995)

Co. Maloney offered and Co. Mandia seconded

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

BID #48-1995  
REINFORCED CONCRETE CULVERT PIPE/  
CONCRETE CATCH BASIN BLOCK & BRICK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 on July 24, 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  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (472-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation account numbers require additional funding

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account A 1990-505 and increase Appropriation Account A 1620-306 (Maintenance-Maintenance Supplies) by \$635.00, and be it

FURTHER RESOLVED, to decrease DB 5110-443 (Private Equipment) and increase DB 5110-377 (Road Preserving) by \$38,500.00.

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RESOLUTION NO. (472-1995) 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. (473-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to take such legal action as is necessary to ensure that the encroachment by Yaboo Fence on High Avenue, West Nyack be removed from the Town's right-of-way.

On roll call the vote was as follows:

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

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RESOLUTION NO. (474-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Haverstraw has assessed real property under the Hudson River to unknown property owners, and

WHEREAS, the unknown property owners have not paid real property taxes, as a result of which the County of Rockland has reimbursed the Town of Haverstraw, Village of Haverstraw and North Rockland School District for unpaid taxes for such land underwater, and

WHEREAS, the property was improperly assessed in the first instance resulting in unjust enrichment to the Town of Haverstraw, Village of Haverstraw and North Rockland School District to the detriment of the citizens of the Town of Clarkstown.

NOW, THEREFORE, be it

RESOLVED that the Town Attorney take legal action against the Town of Haverstraw, Village of Haverstraw and North Rockland School District to recoup such payments, and be it

FURTHER RESOLVED, that the County of Rockland be memorialized to commence legal action to seek recovery for taxes which it reimbursed.

On roll call the vote was as follows:

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

\*\*\*\*\*

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RESOLUTION NO. (475-1995)

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 GLEN DIETRICH, BERNARD CUMMINGS and CHARLES QUINN v. THE TOWN OF CLARKSTOWN, THE TOWN ATTORNEY OF THE TOWN OF CLARKSTOWN;

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

\*\*\*\*\*

RESOLUTION NO. (476-1995)

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 SCOTT DONOVAN, BRIAN HEALY and STANLEY YOUNG v. THE TOWN OF CLARKSTOWN, THE TOWN ATTORNEY OF THE TOWN OF CLARKSTOWN;

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

\*\*\*\*\*

RESOLUTION NO. (477-1995)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a large number of motor vehicle accidents have occurred at the intersection of Route 303 and Executive Way in Valley Cottage, and

WHEREAS, there is the potential for future accidents occurring at this location, which could partly be prevented if a traffic control device were installed at this intersection, and

WHEREAS, it would be in the interest and benefit of the health, safety and welfare of resident motorists of the

Continued on Next Page



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RESOLUTION NO. (477-1995) Continued

Town of Clarkstown and others if the New York State Department of Transportation would install a traffic control device at the intersection of Route 303 and Executive Way in Valley Cottage;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby formally requests that the New York State Department of Transportation install a traffic control device at the intersection of Route 303 and Executive Way in Valley Cottage; and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute any and all agreements or documents required by the New York State Department of Transportation, which may be needed in order to implement the installation or maintenance of the traffic control device.

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. (478-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Trinity Presbyterian Church on Middletown Road in Nanuet, New York will no longer be available as a polling place,

NOW, THEREFORE, be it

RESOLVED, that Districts 18 and 44 previously housed in Trinity Presbyterian Church will now be located in the Nanuet Fire House located on Prospect Street, Nanuet, New York.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (479-1995)

Co. Smith offered and Co. Maloney

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

Continued on Next Page

RESOLUTION NO. (479-1995) Continued

FURTHER RESOLVED, that the Town Board shall allocate the following sums in economic assistance for 1995 to:

Association for the Visually Impaired	\$ 1,000.00
CANDLE	\$ 16,000.00
Camp Venture, Inc.	\$ 3,500.00
Clarkstown Baseball Association	\$ 1,050.00
Home Aides of Rockland	\$ 1,400.00
Martin Luther King Center	\$ 7,000.00
Rockland ARC	\$ 3,500.00
Rockland Youth Philharmonic	\$ 1,050.00
Veterans Memorial Association	\$ 525.00
West Nyack Little League	\$ 1,050.00

and be it

FURTHER RESOLVED, that the total amount of \$36,075.00 be transferred from Account #A 1990-505 to Account # A 8840 424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1995 and are to be charged against Account # A 8840 424.

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. (480-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, the following Letters of Credit, furnished by Bradley Development Corp., which were required as Maintenance Bonds in connection with a subdivision known as JOY ACRES NORTH SECTIONS I and II, are hereby released as the maintenance period has ended and no further security is necessary:

Letter of Credit No. 1262, dated March 16, 1993, in the amount of \$10,000;

Letter of Credit No. 1263, dated March 16, 1993, in the amount of \$10,000;

Letter of Credit No. 1264, dated March 16, 1993, in the amount of \$24,350.

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. (481-1995)

Co. Dusanenko offered and Co. Maloney seconded

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

PIPELINE, INC.  
15 Conklin Drive  
Stony Point, New York 10980

RESOLVED, that the following Certificate of Registration be issued:

No. 95-22 Pipeline, Inc.

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. (482-1995)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, OLORI BROS. v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, THE BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, and THE TOWN OF CLARKSTOWN, Index No. 5040/94, affecting parcel designated as Map 33, Block B, Lot 20.5/01, for the year 1994/95, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 33, Block B, Lot 20.5/01 be reduced for the year 1994/95 from \$1,040,900 to \$875,000;
2. That reimbursement for the year 1994/95 on the parcel described as Map 33, Block B, Lot 20.5/01 be made through the Office of the Commissioner of Finance, without interest; 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

Continued on Next Page

RESOLUTION NO. (482-1995) 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  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (483-1995)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water is hereby authorized to install the following hydrant(s):

West side of New Clarkstown Road, approximately 1,470 feet south of the center line of Kingsgate Parkway

West side of New Clarkstown Road, approximately 910 feet south of the center line of Kingsgate Parkway

West side of New Clarkstown Road, approximately 460 feet south of the center line of Kingsgate Parkway

Investigation No.: 11171, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (484-1995)

Co. Smith offered and Co. Mandia seconded

WHEREAS, adverse drainage conditions exist in two locations: Debra Lee Court and Demarest Avenue, both in West Nyack; and

WHEREAS, the Town Supervisor has directed the Department of Environmental Control to have corrective drainage work performed; and

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

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (484-1995) Continued

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire

DANNY CLAPP LANDSCAPING  
59 Schriever Lane  
New City, New York 10956

to perform said corrective drainage work in accordance with the recommendations of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost for said corrective drainage work shall not exceed \$4,500.00 and shall be a proper charge to Account # H 8735 409 0 12 16.

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. (485-1995)

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 Frederick Naclerio and Vincent Naclerio in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 76, Block A, Lot 12.28, 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 8th day of August, 1995 at 8:20 P.M., providing that service of Notice pursuant to Town Code, Chapter 216 is made on or before the 24th day of July, 1995.

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. (486-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a lease agreement with the Board of Fire Commissioners, New City Fire District, in a form approved by the Town Attorney, for rental of the Detective Office and Records Room of the former Clarkstown Police Department located

Continued on Next Page

RESOLUTION NO. (486-1995) Continued

August 1, 1995 and terminating on July 31, 2000, at a fee of \$16.00 a square foot for the first year.

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. (487-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, ANTON KARL, JR. and CLARA KARL are desirous of conveying a permanent easement/right-of-way on their property which is located at 215 Old Haverstraw Road, Congers, New York, more particularly designated on the Clarkstown Tax Map as Map 114, Block A, Lot 19.13 (portion of), in exchange for the Town of Clarkstown removing a tree on the property, and

WHEREAS, Howard Lampert, Traffic Engineering Consultant for the Town, has recommended acceptance of such conveyance because it will benefit the Town in the future;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to accept said easement dated May 19, 1995 from Anton Karl, Jr. and Clara Karl, on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said easement agreement is hereby ordered to be recorded in the Rockland County Clerk's office, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to May 19, 1995.

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. (488-1995)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Building Department to refund building permit fees in the amount of \$9,701.00 to PEP BOYS, with the hope that they relocate within the Town of Clarkstown.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (488-1995) Continued

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

\*\*\*\*\*

RESOLUTION NO. (489-1995)

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to enter into an agreement with Caruso & Horowitz Associates, P.C. for the preparation of schematic design sketches for the layout of a little league field, softball field, parking lot, maintenance building, dugouts, fencing and bleacher stands, based on topographic and survey information presently available, at a fee not to exceed \$2,750.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (490-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Councilman Mandia, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

A LOCAL LAW ENTITLED, "ROUTE 59 CORRIDOR  
(FROM SPRING VALLEY VILLAGE BOUNDARY ON THE  
WEST TO THE PALISADES INTERSTATE PARKWAY ON  
THE EAST) - SPECIAL PERMIT FOR CONVERSIONS  
OF EXISTING SINGLE FAMILY RESIDENCES"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on August 8, 1995, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the newspaper of general circulation and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed local law be referred to the Clarkstown Planning Board and to the Rockland

Continued on Next Page

RESOLUTION NO. (490-1995) Continued

County Commissioner of Planning for their recommendation and report, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (491-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby cancels the Town Board meeting scheduled for July 25th and the Town Board Workshop of July 31, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Violation Hearing re: Chapter 111 (Unsafe Building) 16 West Evergreen Street, New City - Map 58, Block G, Lot 34, was opened, time: 8:35 P.M.

On motion of Supervisor Holbrook, seconded by Councilman Maloney and unanimously adopted, the Violation Hearing re: Chapter 111 (Unsafe Building) 16 West Evergreen Street, New City - Map 58, Block G, Lot 34, was adjourned, sine die, time: 9:10 P.M.

\*\*\*\*\*

RESOLUTION NO. (492-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, proposal for insurance coverage for property and liability have been submitted to the Town of Clarkstown, and

WHEREAS, it appears that the Arthur J. Gallagher & Co. of New York, Inc. package for property and liability insurance is most beneficial to the Town of Clarkstown;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (492-1995) Continued

RESOLVED that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Arthur J. Gallagher & Co. of New York, Inc., in a form satisfactory to the Town Attorney, concerning property and liability insurance in the amount of \$552,958.00 for property and liability insurance, which agreement shall commence July 1, 1995 and terminate June 30, 1996, and be it

FURTHER RESOLVED that such sum shall be charged to property and liability fund Account No. CS 1910-420..

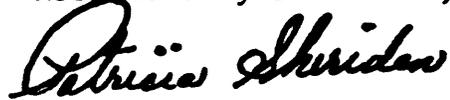
On roll call the vote was as follows:

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

\*\*\*\*\*

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time 9:12 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
VIOLATION HEARING

Town Hall

6/27/95

8:07 P.M.

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

Re: Violation Hearing re: Chapter 216 (Property Maintenance -  
Durant Road, New City)

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted the violation hearing was declared open.

Building Inspector Adolph Milich was sworn in. Mr. Milich testified that a violation was issued on this property on April 27, 1995. It was issued to the First Fidelity Bank located in Hawthorne, New York for property maintenance on property located at 11 Durant Road, New City. The notice is approximately two months old. He stated that his code enforcement officer made an inspection of the property today and noted that he submitted a report which he read as follows:

"A public hearing is being held tonight before the Town Board regarding a clean-up of this lot.

As of June 27, 1995 the condition of the property is as follows:

Branches and leaves are accumulating at the bottom of the driveway, next to the house, next to the rear deck and throughout the rear yard.

Some grass and weeds are growing from 2 feet 3 inches to 4 feet tall.

Some shrubbery needs to be trimmed, especially a forsythia bush at the bottom of the driveway.

Other debris in lot consists of: a bag of beer cans by the garage and a piece of paper litter on the front lawn.

Our information indicates that this house is being auctioned off this week in Newark, New Jersey.

Enclosed are a series of photos of this property taken on June 27, 1995.

/s/ George Burton

GB/ma  
cc: Town Attorney"

Mr. Milich submitted a copy of this report and the photos referred to.

Town Attorney asked Mr. Milich if the pictures were a fair and accurate representation of what was there today? Mr. Milich stated yes.

Councilman Dusanenko asked if the building was secured? Mr. Milich said yes. Councilman Dusanenko said then basically it is just the overgrowth? Mr. Milich said yes. Deputy Supervisor Maloney asked does the building the way it is now present a hazard to the safety or welfare of the community? Mr. Milich said not the structure itself. He said it is more or less a property problem. Deputy Supervisor asked if Mr. Milich wished to add anything to Mr. Burton's report? Mr. Milich said no as Mr. Burton was the one who inspected the property.

Continued on Next Page

Councilwoman Smith noted that a sign on the property looked extremely large. Mr. Milich said yes, because they are auctioning off the property. Councilwoman Smith asked if there was some limit to the size of the sign that could be put up on private property? Mr. Milich said that was just put up and the bank is trying to auction it off.

Deputy Supervisor asked if there was anyone present from First Fidelity Bank? No one appeared. He then asked if anyone present wished to speak.

Appearance: Ms. Linda Golando  
6 Amsterdam Road  
New City, New York 10956

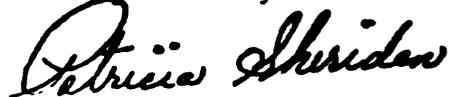
Ms. Golando stated that she was a neighbor whose backyard bordered this property. The house has been abandoned for about a year and a half. It was neglected long before that. For a very long time it has been an embarrassment. She said there are teenagers who have started hanging out there dumping beer cans, etc. It is an eyesore. Last summer the grass grew and dried out so that it became a fire hazard. She was afraid that might happen again this summer. She asked the Town to intervene to please clean this up because even if the house is sold this weekend it may be months before someone will occupy it and take care of the property.

Councilman Dusanenko asked if this violation goes with the land or with the owner? Deputy Town Attorney said it goes with the land because it is assessed against the real property. Councilman Dusanenko said then whatever action we take would be against the old owner and transferred to the new owner as it passes on to the new owner. Deputy Attorney Fogel said that is his understanding of the law.

Deputy Supervisor Maloney asked if any member of the Board had any other comment? Councilman Dusanenko said he wanted to know what counsel suggests we do at this moment? Mr. Maloney said we have a resolution here. They have been given time to clean this up and the resolution is ready.

On motion of Councilwoman Smith, seconded by Councilman Dusanenko and unanimously adopted, the violation hearing was declared closed, RESOLUTION ADOPTED, time: 8:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (445-1995) ADOPTED

TOWN OF CLARKSTOWN  
CONTINUATION OF VIOLATION HEARING

Town Hall

6/27/95

8:35 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) Evergreen  
Street, New City - Map 58, Block G, Lot 34

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the violation hearing which was opened on June 13, 1995 was reopened.

Kevin Shelley, Esq., stated he is representing Kislak Mortgage Service Company, the owner of the property in question having acquired title on or about May 26th of this year. Gold Circle was apparently a prior owner. The property was sold in January at foreclosure. Mr. Shelley said in the two weeks since the beginning of this hearing there have been further efforts to secure the property. However, he said he has not been able to come to an understanding with the Fire Inspector and so would ask the Town Board to set forth the criteria this evening.

Fire Inspector Richard Sullinger was sworn in. He stated that he has pictures of the property which were taken this morning which fairly depicts the appearance of the property at the present time. He showed the pictures to the Board noting the steps the owner has taken to secure the building. He mentioned the surrounding structures which in the event of a fire would be in jeopardy of becoming involved in the fire. He stated that the brush, trees, and other foliage would also become part of the fire problem. He noted the deterioration of the exterior of the building; the inadequate locking of the doors; rodent infestation; bees, etc.

Supervisor asked Mr. Sullinger what his recommendation would be? Mr. Sullinger said he had a meeting with Mr. Klein and he talked to Mr. Shelley on the phone. He requested that the premises be further secured until such time as the Board could meet and determine whether that would be satisfactory or whether further steps to secure would be satisfactory to the Board or if the Board feels that the building should be removed. At 9:00 o'clock this morning the building was exactly as it was two weeks ago. At about 3:55 P.M. Mr. Klein approached me to say he had been over there and had secured the building. Mr. Sullinger said he had put on some more plywood and made it a little more secure. However, it is only a matter of time until someone tries to break into that. We will be in the same position where the Town is policing this property for the owners.

Supervisor asked Mr. Sullinger if he recommended that the building be removed? Mr. Sullinger said yes, absolutely.

Mr. Shelley showed the Building Inspector's report attached to the Order and Notice which gave notice for this hearing. Mr. Shelley asked Mr. Sullinger if he recognized the form. Mr. Sullinger said yes. Mr. Shelley said there is a number of words crossed out on the form. Here reference was made to sections of the form where words had been crossed out. Mr. Shelley asked who had prepared the report and Mr. Sullinger said Mark Papenmeyer, the Chief Fire Safety Inspector.

Mr. Shelley asked Mr. Sullinger if on this report Mr. Papenmeyer had crossed out any of the words and exactly

Continued on Next Page

6/27/95

what the words were? Mr. Sullinger said it is exactly as Mr. Papenmeyer did it. Mr. Shelley asked Mr. Sullinger to read the entire first sentence indicating what words would have been crossed out. Mr. Sullinger complied noting what words had been crossed out. (This report is on file in the Building Inspector's Office.) Mr. Sullinger noted that altering the prepared form by crossing out words is not unusual.

Mr. Shelley asked Mr. Sullinger when was the last time he had made an inspection of the property and the building thereon? Mr. Sullinger said at about 4:30 this afternoon. Mr. Shelley asked were the walls intact? Mr. Sullinger said yes, the walls were intact. There was some exterior stucco pieces that were missing which are indicated on the report. Mr. Shelley said then the walls are standing? Mr. Sullinger said yes. Mr. Shelley asked is there a roof on the premises? Mr. Sullinger said yes. Mr. Shelley said to the best of Mr. Sullinger's inspection was there a floor on the premises? Mr. Sullinger said yes. Mr. Shelley asked if there were any boards or holes in the roof? Mr. Sullinger said he could not say from his inspection. He said he did not believe that the construction was ever in question here. It was the use of the premises and the hazards presented as an attraction to vagrants, vermin and vandals.

Mr. Shelley asked Mr. Sullinger if he thought the house was in danger of collapse? Mr. Sullinger said no. Mr. Shelley asked is the structure unsafe in any manner for any purpose? Has the structure been secured? Mr. Sullinger said not satisfactorily but it has been made more secure than it was two weeks ago and three weeks before that. It really is not satisfactorily secured.

Mr. Shelley said to Mr. Sullinger that earlier he had mentioned the possibility of fire at the premises and danger to the buildings nearby. Is there any reason for your belief that the premises may be more subject to fire than any other premises. Mr. Sullinger said absolutely. Mr. Shelley asked why is that? Mr. Sullinger said there is no heat there in the wintertime and if vagrants go in there and want to get warm they are going to build a fire. Mr. Shelley said notwithstanding any vandalism or any illegal or trespassing acts is the house itself more or less subject to fire other than from vandalism? Mr. Shelley said the major concern is vandalism and someone perhaps starting an arson fire.

Mr. Shelley asked Mr. Sullinger if he knew if there was any electricity going to the house? Mr. Sullinger said he did not know of any. Mr. Sullinger said if it is on fire it would have more of an opportunity to advance to serious stages than in a house that is occupied as a fire would be noticed right away. Mr. Shelley asked is that true of any unoccupied house? Mr. Sullinger said yes.

Mr. Shelley called Mr. Robert Klein.

Mr. Klein was sworn in stating he is the owner of Creative Property Management which is a property preservation company which protects and preserves property for bank mortgage companies.

Mr. Shelley asked Mr. Klein to give his employment and experience briefly to the Board. Mr. Klein said he has been working with Creative Property Management for 12 years.

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He purchased the company three years ago and is now in charge of operations. He gave a detailed description of what the company did by way of protecting and preserving properties for banks and mortgage companies.

Mr. Shelley asked if Mr. Klein would give the Board an estimate of how many of these securings that you do per year. Mr. Klein said literally, hundreds. Mr. Shelley asked Mr. Klein in his capacity as a property preservationist was he aware of any rules, regulations, standards, etc. which any municipalities or federal agencies have according to the securing of such premises. Mr. Klein said the whole industry is based usually on FHA guidelines. There is a standard put out by HUD on property preservation. Also, the local towns usually have their own guidelines as well as private mortgage insurance companies and the VA.

Mr. Shelley asked Mr. Klein to briefly describe for the Board these guidelines? Mr. Klein did so. Mr. Shelley then asked Mr. Klein if he was familiar with the property at East Evergreen? Mr. Klein said yes. Mr. Shelley asked him how often he had visited the property in the last month? Mr. Klein said four or five times. Mr. Shelley asked Mr. Klein what he had done to the property since he was first retained to secure the property. Mr. Klein said he was first retained approximately three or four weeks ago. Mr. Shelley asked Mr. Klein what had been done from that time until we stand here today? Mr. Klein said we prepared an estimate to seal the property - Plans A and B. Mr. Shelley asked would either one of those plans have been acceptable pursuant to the standards of securing to which you testified? Mr. Klein said one of them would have been. The other one was a temporary, emergency type situation because there was a pending motion to demolition the building. So the bank requested a temporary, emergency type into service.

Mr. Shelley asked Mr. Klein to state how many times since then he had been at the property and what had been done on the building and the property itself? Mr. Klein said estimates were prepared, estimates approved, property boarded with plywood, forced entry prevented, etc. Mr. Sullinger came to the property, looked at what we had done and was unhappy with it. He went into detail as to what made Mr. Sullinger unhappy. Mr. Klein said at that time he asked if the Town had any particular guidelines or standards as he would be willing and happy to meet any of those standards if he could be provided with the type of standard. Mr. Sullinger didn't seem to be concerned with the standards because it was not for him to say because it was up to the Town if they wanted to tear the building down or not, not the method of securing.

Mr. Shelley asked Mr. Klein if they then undertook any further work on the property? Mr. Klein said there was an initial lawn cut as the grass was two feet high. We removed the interior and exterior debris on the property which took place over about a two day period. Mr. Shelley asked approximately how much interior and exterior debris was removed? Mr. Klein said 8 cubic yards on the outside and 8 cubic yards on the interior including the rugs so there would be no fire hazards inside. Door securing was then discussed. Photos were presented by Mr. Klein and explained to the Board.

Mr. Shelley asked Mr. Klein if any further work had been done on the casement windows? Mr. Klein said yes and explained what had been done today. Mr. Shelley asked Mr. Klein

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based on the hundreds of securings that he does per year for various banks would he consider the structure secure at this time? Mr. Klein said it will be temporarily secure. He said he felt the proper way is the bolt boarding method which is approved by many municipal agencies. Mr. Shelley said but this property is temporarily secured? Mr. Klein said yes, just as when he goes away on vacation his home is secure. Even if the glass is exposed, his house is still secure. Mr. Shelley asked if someone were to take a saw to the premises, could they possibly get into the premises? Mr. Klein said of course they could. Mr. Shelley said as they could in your own home perhaps? Mr. Klein said or any other building.

Mr. Shelley asked Mr. Klein based on his expert opinion is the structure in danger of collapse? Mr. Klein said no. Mr. Shelley asked is it structurally sound? Mr. Klein said yes. Photos were again inspected. Mr. Klein asked Mr. Shelley if he had observed any rodents or other animals at the premises? Mr. Klein said he observed a large hole near the back door near to the foundation which he thought perhaps might indicate a gopher or a groundhog. Mr. Shelley said did you see any animals? Mr. Klein said no he had not because all the food, etc. had been removed so there would be nothing there for them to breed on. Photographs were again referred to, questions asked and answers given. Reference was made to a second structure and Mr. Klein said that structure was secure.

Supervisor said you have said this is temporarily secure. What is the game plan from this point if the building is not demolished by the Town Board? Where do we go from here? Mr. Klein said the bank is looking to sell the premises. They have been approached by at least two individuals from the area with an eye toward purchasing the premises. Obviously, that was pending the outcome of this hearing. Our efforts have been to properly secure the premises in response to the hearing of two weeks ago and tonight.

Councilman Mandia asked how temporary is temporary? Mr. Klein said it is temporary until someone tampers with it. If there is no tampering with it, indefinitely for an extremely long period of time. Mr. Shelley said in other words it is not vandalism proof? Mr. Klein said nothing is vandalism proof.

Councilman Mandia said what is confusing is that you said there are two levels. One is temporary and one is more permanent. Mr. Klein said he wanted to do the more permanent one but at that time when he spoke to the Fire Marshall he said that it didn't matter if I resecured it any further because you wanted to tear the building down. He did not want to tell me to secure it that way and then have the Board decide to demolish the building anyway and throw good money after bad money.

Supervisor said perhaps we will permit a 60 day adjournment to give you an opportunity to sell this thing and let's see what the condition is. He said he did not want to go back to people breaking in and have this be a hassle on and off. Mr. Shelley said unfortunately they don't know if they will have it sold in 60 days especially with this hearing pending. He said he knows that the Town had issued violations and perhaps that might be a way for the Town to obtain jurisdiction over his client without bringing him (Mr. Shelley) here in sixty days to tell you that it hasn't been sold. Supervisor said if there is no problem in 60 days, maybe it's sold, maybe the problem will go away. He said he was suggesting 60 days so you are not coming back here every

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second. We would notify you when and if we were to bring this back to the Town Board and you should know that we are not going to have a midnight session and order it knocked down. That is not going to happen. We would be happy if you sold the thing and got someone in there to fix it up. We are all hoping for that. Let's adjourn it for 60 days and see what happens.

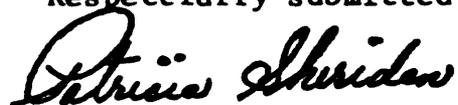
Mr. Shelley said he would respectfully request that this Board make a determination. Supervisor said he is not so sure that they are prepared to go against the recommendations of the Fire Inspector. He said he was not really prepared to do that. He said he is willing to consider 60 days and see how we go.

Town Attorney said we can close and reserve. We are not obliged to make a decision at this particular point. Perhaps the applicant would be willing to secure on a more substantial level.

Mr. Shelley asked if the hearing could be adjourned sine die or be taken under advisement. Supervisor said he would be willing to make a motion to adjourn sine die and Councilman Maloney seconded it. Town Attorney said he would make a request that they secure it in a more substantial fashion. Supervisor said then we will see. Mr. Shelley said if you are requesting my client to do any further work on the premises they would have to get further guidelines. Supervisor said Mr. Sullinger will give him those guidelines. Mr. Shelley said that was his understanding when they adjourned two weeks ago that Mr. Klein was going to speak to Mr. Sullinger and perhaps come to an understanding. Supervisor asked did he meet with him? Mr. Shelley said he has met with him on a number of occasions and I have spoken with him on the telephone. He said what he is looking to do is to avoid coming back here. Supervisor said that is his feeling too. Supervisor said you will be notified as anything comes up.

On motion of Supervisor Holbrook, seconded by Councilman Maloney and unanimously adopted, the violation hearing was again adjourned, sine die, time: 9:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk