

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

09/26/95

8:P.M.

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

Supervisor declared Town Board Meeting open.

Supervisor Holbrook introduced Detective Gary McDonald and the Police Honor Guard for the Presentation of the Colors. Police Chief William J. Collins led the assemblage in saluting the Flag.

Supervisor Holbrook presented a Certificate of Recognition to The Honorable William F. Jankun, United States Immigration Judge of the Department of Justice.

Supervisor Holbrook presented a Certificate of Appreciation to Mr. Santo P. Golando. Supervisor Holbrook commended Mr. Golando, a New York City Fireman, who acted quickly to put out a brush fire outside the Street Community Center. He recognized the other New York City Firemen that were present to honor Mr. Golando.

Reverend Dr. McGill as Chairman of the Ethics Committee reported to the Town Board that Clarkstown had achieved one hundred percent (100%) compliance from all those required to file. Rev. Dr. McGill thanked Victor Vitale and the ladies in the Town Attorney's Office along with the Town Clerk, Patricia Sheridan and her staff for assisting him in accomplishing his goal. He further stated that he had held classes for all the employees in Town Hall regarding the Code of Ethics.

Police Promotional Ceremony conducted by Sergeant Timothy O'Neil. Invocation was given by Councilman John R. Maloney. Police Commissioners, Otto Morch and Ralph Mandia were also present. The following officers then received their shields and took their Oath of Office:

Lt. Peter T. Noonan
Det. Sgt. Bernard J. Cummings
Sgt. Alan Armstrong
Sgt. Michael R. Sullivan
Sgt. Craig W. Andersen

Chief Collins congratulated the Officers and their families. The Town Board praised and congratulated the Officers and their families. The Board recognized their outstanding performance to date and were sure they would continue to reflect credit on the Clarkstown Police Department, their families, themselves, and asked for God's Blessing on them.

Supervisor declared the public portion of the meeting open and invited anyone who wished to speak to come forward.

Appearance: John Lodico,
New City

Mr. Lodico spoke regarding the matching funds from the County and State for Dutch Garden and the restoration of the Tea House and the Gazebo.

RESOLUTION NO. (660-1995)

Co. Maloney Offered Co. Smith Seconded

RESOLVED, that the Town Board Minutes of September 12, 1995 and September 18, 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

RESOLUTION NO. (661-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as CRACOVIA, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Christian Herald Road, Valley Cottage, 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 August 16, 1995 from Lynn Homes, Inc. to the Town of Clarkstown, gratuitously conveying a strip of land along Christian Herald Road, Valley Cottage, 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

RESOLUTION NO. (662-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the zone change application of Stephen Iser and Axel Graf, which requested that a portion of property described as Map 165, Block A, Lot 3.55 be redistricted from an R-15 District to an RG-2 District, the Town of Clarkstown, by resolution dated February 25, 1992, requested a deed for a 50 foot wide right-of-way;

NOW, THEREFORE, be it

RESOLVED, that deed dated May 19, 1994 from Stephen Iser and Axel Graf to the Town of Clarkstown gratuitously conveying a 50 foot wide right-of-way is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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RESOLUTION NO. (662-1995) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (663-1995

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the zone change application of Stephen Iser and Axel Graf, which requested that a portion of property described as Map 165, Block A, Lot 3.55 be redistricted from an R-15 District to an RG-2 District, the Town of Clarkstown, by resolution dated February 25, 1992, requested a deed for a 13.50 foot road widening strip;

NOW, THEREFORE, be it

RESOLVED, that deed dated May 19, 1994 from Timberline Associates, L.P. to the Town of Clarkstown gratuitously conveying a 13.50 foot road widening strip 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

RESOLUTION NO. (664-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has allocated in its 1996 budget the sum of \$1,167,000.00 for the provision of Emergency Medical/Paramedic Services, and

WHEREAS, Section 122b of the General Municipal Law of the State of New York authorizes the Town government to provide in its discretion for emergency medical services for the purposes of providing emergency care to sick and injured persons found within the municipality, and for that purpose a Town may enter into contracts with one or more associations, corporations, or organizations for the furnishing of emergency medical services to such persons, and

WHEREAS, the Town desires that the emergency medical services provided within its jurisdiction be at the level of care provided by Advanced Emergency Medical Technicians, to wit, Paramedics, as defined by New York State Public Health Law, Section 3001(7), and

WHEREAS, Rockland Paramedic Services, Inc. provides a paramedic service capable of providing an "Advanced Life Support System" (as defined by New York State Public Health

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RESOLUTION NO. (664-1995) Continued

Law, Section 3001 (12)), "Advanced Life Support Services" (as defined by Public Health Law Section 3001 (11)), and Advanced Life Support System" (as defined by Pubic Health Law Section 3031) and desires to provide such services to the Town, except such ambulance service which shall be provided by local volunteer ambulance corps, and

WHEREAS, the Town desires to continue the services of Rockland Paramedic Services, Inc. to provide twenty-four hour per day paramedic services, except such ambulance service which shall be provide by local ambulance corps as needed by the Town residents and transient population and has appropriated funds to defray the operational expenses of Rockland Paramedic Services, Inc.;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with Rockland Paramedic Services, Inc., in a form approved by the Town Attorney, in order to provide for Emergency Medical/Paramedic Services for the years 1996, 1997 and 1998, provided that any increase for paramedic services for the years 1996, 1997 and 1998 shall not exceed 4% per annum of the previous year's operational budget, and further conditioned upon Rockland Paramedic Services, Inc. invoicing, in a form acceptable to the Town Board, for all advanced life support system services rendered to the patient or the person legally responsible for such patients' bills, and be it

FURTHER RESOLVED, that the sum of \$1,167,000.00 for the provision of Emergency Medical/Paramedic Services to the Town of Clarkstown by Rockland Paramedic Services, Inc., shall be charged to Account No. A-4540-585.

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. (665-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown, in concurrence with the Towns of Haverstraw, Orangetown, Ramapo and Stony Point and the County of Rockland, want to conduct a County wide revaluation of real property to ensure compliance with the provisions of the Real Property Tax Law §305, and

WHEREAS, it is the desire of the Town Board of the Town of Clarkstown to have introduced into the State Legislature an ACT to authorize that such County wide reassessment continue to achieve uniform percentage of value among all properties in all the towns of Rockland County to perfect the integrity of the assessment process, and

WHEREAS, the aforementioned goal may be best achieved by requiring each town within Rockland County to conduct an update of its assessment every four years;

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RESOLUTION NO. (665-1995) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to submit a Home Rule Request to the State Legislature requesting legislation approving, pursuant to an amendment to the Real Property Tax Law §305, that each of the Town of Rockland County to conduct an assessment revaluation of all properties within their jurisdiction every four years.

On roll call the vote was as follows:

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

RESOLUTION NO. (666-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the sum of \$173.25 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of a transcript in the matter of Karatka v. Amster, et al.

On roll call the vote was as follows:

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

RESOLUTION NO. (667-1995)

Co. Maloney offered and Co. Smith seconded

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

WHEREAS, the Clarkstown P.B.A. has requested permission to dispense alcoholic beverages at its softball game at Germonds Park, West Nyack, New York, on September 30, 1995;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown P.B.A. to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Code of the Town of Clarkstown, which shall be held at Germonds Park, West Nyack, New York, on September 30, 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. (668-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, OPI CONSTRUCTION CO., INC. furnished to the Town of Clarkstown a Performance Bond, No. 023000743, from the Amwest Surety Insurance Company, in the amount of \$103,000, to cover the improvements and other facilities as shown on the Final Plat of CEIL HABER SUBDIVISION, which was filed in the Rockland County Clerk's Office on September 9, 1993, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$12,000, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that upon receipt of an Owner's Performance Bond, together with security in a form acceptable to the Town Attorney in the amount of \$12,000, the aforesaid Performance Bond, No. 233000743, may be released to the developer.

On roll call the vote was as follows:

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

RESOLUTION NO. (669-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Maintenance Bond, secured by a Savings Certificate in the sum of \$7,500, in connection with the dedication of the road(s) and improvements on February 27, 1990 in a subdivision known as Carlton Woods, is terminated; and the sum of \$7,500 may be released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (670-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, BRUNO AND LUCIE VIPPOLIS have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 57, Block C, Lot 7 and Map 57, Lot D, Lots 5 and 6 for the year(s) 1992/93, 1993/94, 1994/95 and 1995/96, and

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

RESOLUTION NO. (670-1995) Continued

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 per appraisal.

On roll call the vote was as follows:

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

RESOLUTION NO. (671-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, ROCKLAND CARPENTERS, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58, Block G, Lot 40.1 for the year(s) 1993/94, 1994/95 and 1995/96, 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

RESOLUTION NO. (672-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, NEW CITY CONDOMINIUMS has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 43, Block E, Lot 6.71 and Map 59, Block A, Lots 271, 272, 273, 274, 276, 277, 280 and 281 for the year(s) 1993/94, 1994/95 and 1995/96, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$3,000.00.

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RESOLUTION NO. (672-1995) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (673-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, SEARS, ROEBUCK & CO. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 14, Block C, Lot 11.1 for the year(s) 1994/95 and 1995/96, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$5,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (674-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a written Petition dated July 12, 1995 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

THE FARM AT NYACK

(DESCRIPTION ON FILE IN TOWN CLERK'S OFFICE)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York in said Town of Clarkstown, on the 24th day of October, 1995 at 8:10 P.M. ES time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other actions as may be required by law or proper in the premises.

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RESOLUTION NO. (674-1995) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. 675-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown, County of Rockland, New York, has heretofore duly caused K. Luke Kalarickal, Director of the Department of Environmental Control, to prepare a general map and plan, and Mark Papenmeyer, Chief Fire Safety Inspector, to prepare a report, which map, plan and report has been duly filed in the Office of the Town Clerk of said Town and is available for public inspection, and

WHEREAS, said Town Board has determined to proceed with the extension of said water supply district, and

WHEREAS, said proposed extension of the Clarkstown Consolidated Water Supply District No. 1 is more particularly described in Schedule "A" attached hereto and made a part hereof, and

WHEREAS, the maximum amount proposed to be expended for supplying fire hydrant services is \$20,168.00, which amount shall be raised by taxation in the proposed extension of said district pursuant to Town Law;

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of said Town of Clarkstown be held at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 10, 1995, at 8:05 P.M., to consider the proposed extension of said Clarkstown Consolidated Water Supply District No. 1 as herein referred to, and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation thereto as may be required by law, and be it

FURTHER RESOLVED, that the Town Clerk publish at least once in the newspaper of general circulation and post on the sign board of said Town maintained pursuant to Subdivision 6 of §30 of the Town Law, and conspicuously in at least five public places within said proposed Clarkstown Consolidated Water Supply District No. 1, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten or more than twenty days before the day designated herein for said public hearing as aforesaid.

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. (678-1995) Continued

New York, and described on the Clarkstown Tax Map as Map 164, Block A, Lot 1.05 has applied for a preliminary site plan approval for the construction of Avalon Gardens, a multifamily project, and

WHEREAS, the State of New York and the County of Rockland will be improving certain intersections in the area of this site which are scheduled to commence somewhere in the year 1997/1998, and

WHEREAS, the Nanuet Civic Association is concerned about the conditions that will exist when the site is constructed by Avalon and the improvements by the State and County won't be completed, and

WHEREAS, the Town Board of the Town of Clarkstown is concerned for the safety, health and welfare of the community;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby memorializes New York State and the County of Rockland to expedite the road improvements for the area of the Avalon Gardens site.

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. (679-1995)

Co. Maloney Offered Co. Smith Seconded

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

Bid #1-1996
STATIONERY SUPPLIES

bids to be returnable to the Office of Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: October 27, 1995 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that the 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. (680-1995)

Co. Maloney offered and Co. Smith seconded

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

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RESOLUTION NO. (680-1995) Continued

BID #52-1995

MAINTENANCE AND REPAIR OF TOWN TRAFFIC SIGNALS AND PEDESTRIAN
CONTROL DEVICES

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.
on: October 31, 1995, at which time bids will be opened and
read and be it

FURTHER RESOLVED, that the 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. (681-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #2-1996
PHOTOCOPIER/FACSIMILE MACHINE SUPPLIES

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.
on: October 26, 1995, at which time bids will be opened and
read and be it

FURTHER RESOLVED, that the 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. (682-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #3-1996
PRINTING OF TOWN ENVELOPES AND STATIONERY

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.
on: October 23, 1995, at which time bids will be opened and
read and be it

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RESOLUTION NO. (682-1995) Continued

FURTHER RESOLVED, that the 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. (683-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown has determined that it would be in the best interest of the people of the Town of Clarkstown to continue the present system for the municipal pickup of garbage and refuse from one, two and three family homes within the unincorporated areas of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for the pickup of garbage and refuse from one, two and three family homes, and

WHEREAS, such bids shall be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York, by 11:00 A.M. on November 27, 1995, at which time the bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents shall be prepared by the Director of Purchasing, in consultation with the Director of the Department of Environmental Control and the Town Attorney, and submitted to the Town Board for review and approval on or before October 16, 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. (684-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$4,560.00 from Corporate Property Investors and \$432.00 from Johnson Burnett Productions, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 (General-Gifts & Donations) and A 3120 111(Police-Overtime) by \$4,992.00, and

WHEREAS, the Town also received \$210.00 from

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RESOLUTION NO. (684-1995) Continued

Hartford Insurance, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 8 2680 0 (General-Insurance Recoveries) and A 1640 406 (Town Garage-Repairs to Vehicles) by \$210.00, and

WHEREAS, the Town also received \$138.00 from Bortech Company, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account B 02 9 2770 0 (TOV-Misc. Revenue) and B 8110 324 (Sewer-Sewer Operation Supplies) by \$138.00, and

WHEREAS, various Appropriation Accounts require additional funding, and be it

THEREFORE RESOLVED, to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A 1670 201 (Mail & Copy-Furniture & Fixtures)		\$300.00
A 1670 212 " Duplicating Equipment)		200.00
A 1670 313 " Office Supplies & Prtg.)		500.00
A 1670 407 " Equipment Repairs)		150.00
A 1670 428 " Maintenance Agreements)		500.00
	A 1310 201 (Finance-Furniture)...	\$1,650.00
A 1620 306 (Maintenance) Maint. Supplies		
	A 1620 313 (Office Supplies)	98.00
A 1690 314 (Data Proc.Supplies)	A 1680 225(Hardware)	3,500.00
A 1640 311 (Town Garage-Gas)	A 1640 199 (Vacation Buybacks)	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

RESOLUTION NO. (685-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to increase Appropriation Account A-7140-408 (Building Repairs) by \$7,500.00 and to increase Appropriation Account A-7310-409 (Fees for Services) by \$3,500.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$11,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (686-1995)

Co. Maloney offered and Co. Smith seconded

Authorizing addition of Laurel Plains School to Bid #40-1995. Asphalt roadway and school driveway resurfacing.

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RESOLUTION NO. (686-1995) Continued

RESOLVED, that the Laurel Plains School driveway is added to the location to be included in Bid #40-1995, Asphalt Reading and School Driveway Resurfacing, as requested by the Clarkstown Central School District and that the quantity of the items listed in Part II of this bid be changed as follows:

Item 1S, Asphalt Concrete Resurfacing be increased from 1,400 tons to 1,650 tons and

Item 4S, Resetting Castings using Masonry Materials, be increased from 12 each to 14 each and be it

FURTHER RESOLVED, that all charges for the aforementioned work be paid for by the Clarkstown Central School District.

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. (687-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95050A Highway Maintenance Supervisor I which contains the name of George A. Roberts,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of George A. Roberts, 308 Old Route 304, New City, New York, to the position of Highway Maintenance Supervisor I - Town Highway Department - at the current 1995 annual salary of \$43,485.00, effective and retroactive to September 18, 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. (688-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95046 Maintenance Supervisor (Automotive) which contains the name of Bruce R. Hoehn,

NOW, THEREFORE, be it

RESOLVED, that Bruce R. Hoehn, 208 Sixth Avenue, Nyack, New York, is hereby appointed to the (permanent)

Continued on Next Page

RESOLUTION NO. (688-1995) Continued

position of Maintenance Supervisor (Automotive) - Town Garage - at the current 1995 annual salary of \$49,734.00, effective and retroactive to September 18, 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. (689-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95046 Maintenance Supervisor (Automotive) which contains the name of Joseph L. Passarella,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Joseph L. Passarella, 3 Bull Run, West Nyack, New York, to the position of Maintenance Supervisor (Automotive) - Town Highway Department - at the current 1995 annual salary of \$49,343.00, effective and retroactive to September 18, 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. (690-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on September 13, 1995 that the position of Receptionist #0740 - Supervisor's Office - can be reclassified to the position of Clerk Typist,

NOW, THEREFORE, be it

RESOLVED, that the position of Receptionist - is hereby reclassified to the position of Clerk Typist - Supervisor's Office - effective and retroactive to September 18, 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. (691-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #94095 Clerk Typist, which contains the name of Lori Ann Zaccaro,

NOW, THEREFORE, be it

RESOLVED, that Lori Ann Zaccaro, 40 Ridge Road, Congers, New York, is hereby appointed to the position of Clerk Typist - Supervisor's Office - at the current 1995 annual salary of \$23,166.00, effective and retroactive to September 18, 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. (692-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Mitchell J. Schroeder,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Mitchell J. Schroeder, 7 Rone Court, New City, New York to the position of (Temporary) Police Officer - Police Department - at the current 1995 annual salary of \$32,717.00, effective and retroactive to September 11, 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. (693-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Anthony S. Nieves,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Anthony S. Nieves, 26 Cooper Drive, Nanuet, New York to the position of (Temporary) Police Officer - Police Department - at the current 1995 annual

Continued on Next Page

RESOLUTION NO. (693-1995) Continued

salary of \$30,717.00, effective and retroactive to September 11, 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. (694-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Terrance P. McCrudden,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Terrance P. McCrudden, 27 Badger Street, New City, New York to the position of (Temporary) Police Officer - Police Department - at the current 1995 annual salary of \$30,717.00, effective and retroactive to September 11, 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. (695-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Thomas A. Holstine,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Thomas A. Holstine, 9 Rolling Ridge Road, New City, New York to the position of (Temporary) Police Officer - Police Department - at the current 1995 annual salary of \$30,717.00, effective and retroactive to September 11, 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. (696-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Mark S. Robinson,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Mark S. Robinson, 148 Sleepy Hollow Lane, Congers, New York to the position of (Temporary) Police Officer - Police Department - at the current 1995 annual salary of \$30,717.00, effective and retroactive to September 11, 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. (697-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Robert W. McDonald,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Robert W. McDonald, 49 Lindberg Lane, New City, New York to the position of (Temporary) Police Officer - Police Department - at the current 1995 annual salary of \$30,717.00, effective and retroactive to September 11, 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. (698-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Stephen A. Baumann, 49 Congers Road, New City, New York is hereby appointed to the position of Custodial Worker (Seasonal) Maintenance Department - at the current 1995 hourly rate of \$8.00 - effective September 27, 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. (699-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Ann Daino, 233 South Harrison Avenue, Congers, New York - Clerk - Assessor's Office - is hereby granted a Sick Leave of Absence - at one-half pay - effective October 10, 1995 to November 10, 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. (700-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Patricia Battles, 5 Woodland Road, New City, New York, is hereby reappointed to the position of Member - Assessment and Review Board - term effective October 1, 1995 and to expire on September 30, 2000 - at the per diem rate of \$100.00 per meeting, when the Board is in session.

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. (701-1995)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to partially reconstruct the Town Highway Building. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$962,700 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$962,700 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$962,700 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Continued on Next Page

RESOLUTION NO. (701-1995)

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

(a) The existing building to be partially reconstructed is of Class "A" construction as defined by Section 11.00 a. 11 (a) of the Law, and the period of probable usefulness of the specific object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 12. (a). (1) of the Law, is twenty (20) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds theretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

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

Continued on Next Page

RESOLUTION (701-1995)

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

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

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

Section 7. This bond resolution is subject to a permissive referendum.

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. (702-1995)

Co. Maloney offered and Co. Mandia seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "JOURNAL-NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in Substantially the following form:

PLEASE TAKE NOTICE that on September 26, 1995, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted September 26, 1995, authorizing the partial reconstruction of the Town Highway Building, stating the estimated maximum cost thereof is \$962,700.00, appropriating said amount therefor, and authorizing the issuance of \$962,700.00 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST, AUTHORIZING said Town to partially reconstruct the Town Highway Building; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$962,700.00; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$962,700.00 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

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RESOLUTION NO. (702-1995) Continued

SECOND: AUTHORIZING the issuance of \$962,700.00 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$962,700.00 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Patricia Sheridan
Town Clerk

Section 2. After said bond resolution shall take effect the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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. (703-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes payment of \$750.00 to Caruso & Horowitz, P.C., for preparing a field survey, computation and plotting of easterly right-of-way of New Clarkstown Road and fence, (commonly known as the Tunnel-by-pass road), and be it

FURTHER RESOLVED, that the fee for such services shall be charged to Account No. H-9710-409-11-1.

Continued on Next Page

RESOLUTION NO. (703-1995) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (704-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to determine the number of catch basin extension frames necessary for the purchase and installation of same by the Highway Department at the location along the edge of pavement at South Main Street, New City, New York, to eliminate the drop-off existing at the catch basins.

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. (705-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a drainage condition exists at the location of Debra Lee Court, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to take such steps as are necessary for the preparation of design work and specifications for the installation of a low flow channel from the culvert under the P.I.P. to the northerly property line of 9 Debra Lee Court, West Nyack, New York, to correct the existing drainage condition.

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. (706-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Highway Superintendent is designated to clean the easement in the vicinity of 93 Lakewood Drive, Congers.

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RESOLUTION NO. (706-1995) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (707-1995)

Co. Maloney offered and Co. Mandia 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 Myrna Simon in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 141, Block B, Lot 53.10 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 24th day of October, 1995, at 8:15 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 9th day of October, 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. (708-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that John F. Mauro, Superintendent of Highways, is hereby authorized to attend the Second Statewide Conference on Local Bridges, sponsored by the Cornell Local Roads Program, to be held at The Hotel Syracuse, Syracuse, New York on November 15 & 16, 1995, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against appropriation account No. DB-5110-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (709-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Dutch Garden is a county park and is in
Continued on Next Page

RESOLUTION NO. (709-1995) Continued

need of immediate emergency repairs in order to prevent the continued deterioration of historic structures in the park; and

WHEREAS, the required 20% of the project cost (\$20,000.00) is currently available within the budget of the Park Commission, and the remaining balance of \$30,000.00 of the County match has been appropriated from contingency, and

WHEREAS, the Town Board is concerned about the appropriation of said funds and the expedition of the project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, Rockland County, New York, hereby memorializes the County Executive and the County Legislature to unfreeze and isolate the \$50,000.00 set aside for the Restoration of Dutch Garden and deposit said funds into an interest bearing account designated for that specific purpose, only.

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. (710-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Dutch Garden is a county park and is in need of immediate emergency repairs in order to prevent the continued deterioration of historic structures in the park; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has approved a grant award of 50% matching funds issued to the County of Rockland for the Resoration of Dutch Garden, the Tea House and the Gazebo; and

WHEREAS, the Town Board is concerned about the appropriation of funds and the expedition of the project, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, Rockland County, New York hereby memorializes Senator Joseph Holland and Assemblyman Alex Gromack to act on unfreezing the matching 50% grant coming from New York State and forwarding these State funds to the County of Rockland to be deposited into an interest bearing account, by the County of Rockland, designated specifically for the purpose of the Reconstruction of the Dutch Garden Project.

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. (711-1995)

Co. Mandia offered and Co. Smith

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to prepare specifications for a bid to purchase a fork lift for the Town of Clarkstown Highway Department.

On roll call the vote was as follows:

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

The Town Board adjourned the meeting in memory of former Councilman Vincent Pizzutello who died suddenly after many years of service to our community.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:00 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

TOWN HALL

09/26/95

8:00 P.M.

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

Re: Zone Change Application
Redistricting property from a PO District to a CS District
Petitioners: Grossman, Loomis J. & Rissa W.
Premises located at: Corner of Lake Road and Route 303,
Valley Cottage, New York
Map 123, Block D, Lot 4.01

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

Supervisor asked for a report from the Town Attorney.

Deputy Town Attorney Philip B. Fogel stated that there were no reports from the Town of Clarkstown Planning Board but as per his conversation with the staff of the Planning Board on September 25, 1995, neither the SEQR filing was complete, nor had the petitioner furnished traffic reports in a timely fashion, therefore the Board had not made recommendation.

Supervisor proposed adjourning this public hearing to another date when the SEQR was complete and the vote would be taken at that time.

Mr. Fogel stated that the Rockland County Planning Board agreed subject to the question of potential development on driveway constraints and other minor modifications. The next Planning Board meeting when this matter would be heard would be sometime in November.

Mr. Yacyshyn, Chairman of the Clarkstown Town Planning Board, recalled that this matter had been heard on September 13, 1995 and the Petitioner had indicated that additional copied studies would be forthcoming and Mr. Yacyshyn stated that as soon as those studies were made available that the application would be put on the agenda and the Board would make its recommendation at that time.

Supervisor stated that for all intents and purposes that this was the Public Hearing and opened the floor to the applicant to make a presentation.

Jay Greenwell from Guterl and Greenwell appeared, and with him was Richard Grossman from Gibraltar Management Co., Harry Baker, traffic consultant and Richard Schweitzer from Gibraltar Management Co. Mr. Greenwell addressed Mr. Yacyshyn's comments by stating that the matter was heard on September 13, 1995 at which time the Planning Board had requested a traffic study which had been prepared by Harry Baker, in draft and this draft traffic report was delivered to Bob Geneslaw, the Planning Consultant on the Friday preceding this hearing, but apparently was not yet reviewed or distributed to the Planning Board. As per his conversation with the Planning Board on September 26, 1995 when he had indicated that the finals would be delivered by the end of the week or the beginning of next week, he had received a preliminary date of October 11, 1995 for hearing. Mr. Greenwell continued by describing the proposed property in detail and

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PH: Zone Change Application from PO to CS (GROSSMAN)
Page 2

stated that the property was originally zoned for CS, up until recent years when the Town changed the Zoning to PO, further claiming that there would be no adverse impact to the adjoining properties in rezoning this property to CS, the intended use encompassing twenty thousand square feet and two free-standing buildings, one being a Rite Aid Pharmacy and the other building being a Kidney Dialysis Center.

Supervisor interjected that then there was no question mark as to the use.

Mr. Greenwell addressed the concerns in regards to traffic, stating that they will not request an access point to Rockland Lake Road, that he anticipated utilizing the existing southerly entrance to the shopping center, further stating Mr. Grossman's desire to place a traffic light at the northerly entrance to the shopping center. Mr. Greenwell pointed to the fact that an access point on Rockland Lake Road would not be feasible because of the close proximity to Valley Cottage Elementary School and noted that the Dialysis Center which functions as a medical office would be a permitted use in the PO zone anyway, so the purpose of the application for the CS zone is for the Rite Aid Pharmacy.

Councilman Mandia asked Mr. Greenwell if he had contacted Valley Cottage Elementary School about this project and whether the School had any objections?

Mr. Greenwell responded by stating that he had not personally contacted the school but Mr. Grossman had spoken to the school which had no problem with the project.

Councilwoman Smith asked does the Rite Aid want to stand alone coming out of that shopping center and asked if they had any idea how many patients the Kidney Dialysis Center had?

Mr. Greenwell responded that the Center had about eighteen (18) patients every twenty four hours, operating on two shifts and closing at 10:00 P.M.

Supervisor asked if there were any questions or comments from the public?

Appearance: Mr. John Lodico
New City

Mr. Lodico stated as former Chairman of the Industrial Development Committee that he was strongly in support of the proposed zone change. He stated that everything conforms in an appropriate manner and would cause no traffic problems. Mr. Lodico hoped that the Town Board would approve this proposed zone change.

There being no one further wishing to be heard and reserving decision on this public hearing until a completed SEQR report is filed, on motion of Councilman Dusanenko and seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

007

TOWN OF CLARKSTOWN
PUBLIC HEARING

TOWN HALL

09/26/95

8:43 P.M.

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

Re: Chapter 216 - Property Maintenance - 6 Ellen Street, New City
(166-A-3.81)

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

Supervisor Holbrook called upon Ms. Irene Saccende, to give her report.

Appearance: Irene Saccende
Code Inspector

Ms. Saccende testified to George Burton's September 26, 1995 exterior inspection report stating:

"An exterior inspection conducted on September 26, 1995 showed the following:

The grass has been cut to an overall height of 6-8 inches. However, as a result, a large volume of grass clippings was not raked up and left on the ground creating an eyesore to adjacent neighbors. There are some loose branches on the ground in the front and rear yard. There are also a few scattered tall weeds and also a cellar window with a missing pane. Rivera is still listed as the current owner on our tax roll, however there is now a notice posted on the house stating that is now the "property of the U.S. Government in the custody of the Administrator of Veteran Affairs" with Charles Fasano (359-6199) representing them as an agent. Mr. Fasano was not in his office when I called this afternoon. A message was left on his answering machine."

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was adjourned until October 11, 1995, time 8:45 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk