

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/10/95

8:05 PM

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

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, Public Hearing on Proposed Water Extension of Clarkstown Consolidated Water Supply District No. I to include Rise Road, New City, New York was opened, time 8:07 P.M.

On motion of Councilman Maloney and seconded by Councilwoman Smith and unanimously adopted, Public Hearing on Proposed Water Extension of Clarkstown Consolidated Water Supply District No. I to include Rise Road, New City, New York, was closed, DECISION RESERVED, time 8:50 P.M.

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

Appearance: No one appeared.

Supervisor Holbrook read the following Proclamation:

"DAY OF REMEMBRANCE"
October 28, 1995

RESOLUTION NO. (713- 1995)

Co. Smith Offered Co. Maloney Seconded

WHEREAS, in remembrance of the 150th Anniversary of the "Great Hunger" in Ireland during the years 1845-1854, the GREAT HUNGER FOUNDATION, INC. has made its mission to promote and develop a greater understanding and knowledge of this "Great Famine" and its impact on American history and culture, and

WHEREAS, this "DAY OF REMEMBRANCE," to be held at Archbishop Stepinac High School in White Plains, New York, will not only commemorate the Irish and their music, dance and theater but will present exhibits and displays of Irish history and traditions, and

WHEREAS, the GREAT HUNGER FOUNDATION, on behalf of all Irish-Americans, would like to show their gratitude to America for receiving the great influx of poor Irish immigrants of the "Great Hunger" and giving them the opportunity to improve their living conditions and find some hope and meaning in their lives, and

WHEREAS, in correlation with USA Weekend's "MAKE A DIFFERENCE DAY", the GREAT HUNGER FOUNDATION is promoting this "DAY OF REMEMBRANCE" by conducting a charitable movement to help fight hunger here at home, and

WHEREAS, on October 16th through the 27th, the GREAT HUNGER FOUNDATION is working in conjunction with community food banks to collect food for the needy by setting up places of collection at various locations, including Clarkstown Town Hall.

NOW THEREFORE be it,

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, hereby declares this 28th Day of October, 1995 as "DAY OF REMEMBRANCE" and "MAKE A DIFFERENCE DAY" and ask all our residents to support the GREAT HUNGER FOUNDATION in this very worthy cause.

Continued on next page

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. (714-1995)

Co. Dusanenko Offered Co. Maloney Seconded

RESOLVED, that the Town Board Minutes of September 26, 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. (715-1995)

Co. Maloney offered and Co. Dusanenko Seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the operation of the Clarkstown Police JUVENILE AID BUREAU, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching fund basis.

NOW THEREFORE, BE IT

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's JUVENILE AID BUREAU grant application for 50/50% Division for Youth funding for 1996, and

FURTHER BE IT RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

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. (716-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown YOUTH COURT program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local

Municipalities with such programs though the continuation of Division for Youth funding on a 50/50 matching funds basis.

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's YOUTH COURT grant application for 50/50% Division for Youth funding for 1996, and

FURTHER BE IT RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursaunt to the proposed budget submitted therewith.

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. (717-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an Irrevocable Letter of Credit No. 239-89, dated October 25, 1989, in the sum of \$275,000, was furnished to the Town of Clarkstown by Horn Construction Corp. in connection with the subdivision plat of Gold-Ell Heights, dated April 15, 1987 and revised through February 5, 1988, filed in the Rockland County Clerk's Office on April 18, 1988 as Map No. 6191 in Book No. 109 at Page 23, and

WHEREAS, Mountainbrook Estates Corp. is the present owner of record of Lots 1 through 18 in said subdivision, and

WHEREAS, Mountainbrook Estates Corp. has furnished to the Town of Clarkstown an Owner's Performance Bond secured by an Irrevocable Letter of Credit No. 1425, dated August 4, in the sum of \$275,000, to replace the aforementioned Letter of Credit previously furnished by Horn Construction Corp.;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 1425 is hereby accepted; and Letter of Credit No. 239-89 is hereby ordered released to Horn Construction Corp.

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. (718-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, HELEN C. TRACHTENBERG has furnished to the Town of Clarkstown an Owner's Performance Bond secured by an Irrevocable Letter of Credit No. 1423 from Union State Bank, in the amount of \$193,350, to cover the improvements and other utilities as shown on the Final Plat of TRACHTENBERG ESTATES, which was filed in the Rockland County Clerk's Office on June 21, 1995, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$37,000, 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 \$37,000, the aforesaid Letter of Credit No. 1423 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. (719-1995)

Co. Maloney moved and Co. Smith seconded.

RESOLVED, that the Town Board hereby authorizes payment to the Hudson Valley Abstract Company, upon presentation of bills, for providing title services for permanent easements on properties designated on the Clarkstown Tax Map as Map 71, Block B, Lots 1, 4, 4.15, 7, 8, 10, 11 and 29, located in West Nyack, New York, with respect to the Route 59-A Drainage Project, and be it

FURTHER RESOLVED, that the fee for such services is \$2,450.00, and said fee shall be charged to Account No. H 7140-409-6100.

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. (720-1995)

Co. Smith moved and Co. Dusanenko seconded.

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as NEW CLARKSTOWN ESTATES, the Planning Board of the Town of Clarkstown requested a Conservation Easement and deed for roadway purposes along New Clarkstown Road;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Conservation Easement, dated July 12, 1995, by Stephen Iser and Axel Graf to the Town of Clarkstown is hereby accepted and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that deed, dated July 12, 1995, from Stephen Iser and Axel Graf to the Town of Clarkstown, gratuitously conveying lands for roadway purposes along New Clarkstown Road, 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. (721-1995)

Co. Smith moved and Co. Dusanenko seconded.

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as PROVIDENT SAVINGS BANK, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Schriever Lane, New City, 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 September 7, 1995 from Provident Savings Bank, F.A. to the Town of Clarkstown, gratuitously conveying a stip of land along Shriever Lane, New City, 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. (722-1995)

Co. Smith moved and Co. Dusanenko seconded.

WHEREAS, James J. Roth and Patti Ann Roth, by virtue of a decision of the Zoning Board of Appeals of the Town of Clarkstown (Appeal No. 2094), obtained variances from the requirements of §§ 106-27, 106-20 B (6) and 95-2 D of the Zoning Ordinance to permit the construction of a dormer addition and to authorize the locations of an existing shed and existing inground swimming pool, after having been denied a building permit and Certificate of Occupancy by the Building Inspector, and

WHEREAS, as a condition to the decision granting the variances, the applicants were required to provide to the Town of Clarkstown a road widening strip along South Harrison Avenue, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that deed, dated September 28, 1995, from James J. Roth and Patti Ann Roth to the Town of Clarkstown, gratuitously conveying a stip of land along South Harrison Avenue, Congers, 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. (723-1995)

Co. Smith moved and Co. Maloney seconded.

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, RONALD SALVAGGIONE & REBECCA SALVAGGIONE v. ARNOLD AMSTER, Chairman, NICHOLAS DeSANTIS, JOHN SULLIVAN, JOHN FELLA, EDWARD MISTRETTA, and PAUL BAMBARRA, constituting the ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN AND THE ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Attorney 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

RESOLUTION NO. (724-1995)

Co. Maloney moved and Co. Smith seconded.

WHEREAS, the NYS Government Finance Officer's is having their Annual Regional Seminar on Friday, October 20, 1995 at the Hotel Thayer, West Point, NY, BE IT THEREFORE

RESOLVED, that the following persons attend:

- Ann Marie Smith, Councilwoman
- Edward J. Duer, Comptroller
- Dolores F. Lodico, Deputy Controller
- Doris Fogel, Administrative Assistant

AND BE IT FURTHER RESOLVED, that all proper charges be charged to A 1010 414.

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. (725-1995)

Co. Maloney moved and Co. Smith seconded.

WHEREAS, various appropriation accounts require additional funding, BE IT THEREFORE

RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 (General Fund-Unexpended Balance) by \$19,849.00 and increase the following appropriation accounts:

- A 1630 408 (Bldg.-Bldg. Repairs).....\$1,824.00
- A 1670 114 (Mail & Copy-Part Time).....\$445.00
- A 1670 201 (Mail & Copy-Furniture).....\$35.00
- A 1670 313 (Mail & Copy- Office Supplies & Prtg)...\$400.00

A 1670 402 (Mail & Copy Rental of Equipment)	\$150.00
A 3320 409 (Installation Traffic Signals)	\$10,575.00
A 8090 409 (Control of Aquatic Pests)	\$5,695.00
A 9785 640 (Installment Purchases-Principal)	\$475.00
A 9785 740 (Installment Purchases-Interest)	\$250.00

DECREASE	INCREASE	AMOUNT
A 1220 114 (Supervisor-PT)		\$400.00
	A1220 301 (Food)	\$85.00
	A1220 313 (Office Su)	\$45.00
	A1220 319 (Misc. Su)	\$245.00
	A1220 462 (Water)	\$25.00
	Al620 412 (Maintenance-Window Cleaning)	\$5000.00
	A 1620 306 (Maint Su)	\$5000.00
A 1110 407 (Justice Ct. Equip. Repairs)		\$35.00
	A 1110 204 (Office Mac)	\$35.00

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. (726-1995)

Co. Dusanenko moved and Co. Smith seconded.

WHEREAS, on June 27, 1995, a proceeding, pursuant to Chapter 216 of the Code of the Town of Clarkstown, was duly instituted against premises known and described on the Tax Map of the Town of Clarkstown as Map 76, Block A, Lot 12.28, and

WHEREAS, on August 8, 1995, by Order of the Town Board, the Superintendent of Highways was authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the total cost for the proceeding and corrective measures is the sum of \$261.36;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to discontinue all further proceedings upon receipt of the sum of \$261.36, to reimburse the Town for the cost of the cleanup.

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. (727-1995)

Co. Dusanenko moved and Co. Smith seconded.

WHEREAS, Atzl, Scatassa & Zigler, land surveyors for Mr. Garelick and Mr. Sasson, d/b/a A.O.R Developers, owners of premises shown on a proposed subdivision map known as "Density Layout, Subdivision of Property for Rockridge," for property located on the north side of Storms Road and the east side of Route 303, Valley Cottage, New York, has made

application for use of Town Law Section 278 in connection with said subdivision, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the density layout provides for keeping development away from environmental sensitive areas, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 278 authorization is granted for the development of the property shown on such proposed density layout map entitled, "Density Layout, Subdivision of Property for Rockridge," located in the Town of Clarkstown, Rockland County, New York, dated June 9, 1995, prepared by Atzl, Scatassa & Zigler, land surveyors, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 278 for the proposed Subdivision of Rockridge Estates described above, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed subdivision map, and subject further to the applicant returning to the Planning Board for preliminary and final subdivision approval.

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. (728-1995)

Co. Maloney moved and Co.Mandia seconded.

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Highway Maintenance Supervisor I #95050A (Contingent-Permanent) which contains the name of Andrew J. Lawrence,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Andrew J. Lawrence, 58 New Valley Road, New City, New York to the contingent permanent position of Highway Maintenance Supervisor I - Town Highway Department - at the current 1995 annual salary of \$42,585.00, effective and retroactive to October 2, 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. (729-1995)

Co. Maloney moved and Co.Mandia seconded.

RESOLVED, that Kelly Ann Stanard, 2 Germonds Village Apartment #2, Bardonia, New York, is hereby appointed to the position of (Provisional) Real Property Data Collector - Assessor's Office - at the current 1995 annual salary of

\$20,852.00, effective and retroactive to October 2, 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. (730-1995)

Co. Maloney moved and Co. Mandia seconded.

RESOLVED, that Dennis Letson, 105 Braunsdorf Road, Pearl River, New York, is hereby appointed to the position of (Provisional) Environmental Control Supervisor (Survey and Design) - Department of Environmental Control - at the current 1995 salary of \$58,563.00 effective October 23, 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. (731-1995)

Co. Maloney moved and Co. Mandia seconded.

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Ronald Tarigo, 5 Cross Creek Lane, Stony Point, New York, to the position of (temporary) Highway Maintenance Supervisor II - Town Highway Department - at the current 1995 annual salary of \$54,026.00, effective and retroactive to September 25, 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. (732-1995)

Co. Maloney moved and Co. Mandia seconded.

RESOLVED, that the resignation (by retirement) of Clifford A. Rickli, Jr., 60 Basswood Court, Bardonia, New York - Automotive Mechanic I & Body Repairer - Town Highway Department - is hereby accepted - with regret - effective and retroactive to September 17, 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. (733-1995)

Co. Maloney moved and Co. Mandia 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., John Kelly, 47 Hall Avenue, New City, New York - Motor Equipment Operator I - Town Highway Department - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to October 2, 1995 to November 2, 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. (734-1995)

Co. Maloney moved and Co. Mandia seconded.

RESOLVED, that Roberto C. Alpert, 419 Maple Avenue, Upper Nyack, New York, is hereby appointed to the position of (temporary) Custodial Worker - Maintenance Department - at the current 1995 annual salary of \$20,852.00, effective October 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. (735-1995)

Co. Maloney moved and Co. Mandia seconded.

RESOLVED, that the employment of Andre F. Paul, 2 No. Delaware Drive, Central Nyack, New York, as a Bus Driver - Mini- Trans Department - is hereby terminated, effective nad retroactive to September 22, 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. (736-1995)

Co. Maloney moved and Co.Mandia seconded.

RESOLVED, that Paul Pizzutello, 16 Bradley Drive, New City, New York, is hereby appointed to the position of Custodian of Voting Machines for the Town of Clarkstown, at the wage of \$30.00 per machine, each working day, for the remainder of the year 1995, effective pending Rockland County Personnel Office approval.

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. (737-1995)

Co. Maloney moved and Co.Mandia seconded.

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

BID #55-1995
LIQUID CALCIUM CHLORIDE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 6, 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

RESOLUTION NO. (738-1995)

Co. Maloney moved and Co. Mandia seconded.

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

BID #5-1996
CUSTODIAL/JANITORIAL SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 8 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

RESOLUTION NO. (739-1995)

Co. Maloney moved and Co. Dusaneko seconded.

RESOLVED, that Resolution No. 483-1995, adopted by the Town Board on June 27, 1995, is hereby RESCINDED. (Hydrant Investigation No. 11171 New Clarkstown Road, Nanuet)

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. (740-1995)

Co. Maloney moved and Co. Dusaneko seconded.

On roll call the vote was as follows:

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

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 685 feet south of the center line of Kingsgate Parkway (between Lots 6 & 7).

West side of New Clarkstown Road approximately 1,121 feet south of the center line of Kingsgate Parkway (between Lots 2 & 3).

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. (741-1995)

Co. Maloney moved and Co. Mandia seconded.

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

WHEREAS, the Department of Environmental Control has recommended the removal of the silt from the pond to

restore its effectiveness and ameliorate the adverse condition by facilitating runoff;

NOW THEREFORE BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to have Cal Mart Construction Corp. to perform the corrective work necessary in accordance with the recommendation of the Department of Environmental Control; and

BE IT FURTHER RESOLVED, that the cost for said improvements shall not exceed \$5,000.00 and shall be a proper charge to Account #H-8735-400-409-0-12-17.

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. (742-1995)

Co. Maloney moved and Co. Mandia seconded.

WHEREAS, an adverse drainage condition exists in the vicinity of Lot 75-A-19.16, Laurel Road, New City, New York; and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to formulate a plan to ameliorate said adverse drainage conditions; and

WHEREAS, the Department of Environmental Control has obtained a proposal from Travcon Inc. of Congers, New York, to perform the corrective drainage work;

NOW THEREFORE BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Travcon, Inc. of Congers, New York to perform the corrective drainage work in accordance with the recommendation of the Department of Environmental Control; and

BE IT FURTHER RESOLVED, that the cost for said improvements shall not exceed \$3,500.00 and shall be a proper charge to Account #H-8735-400-409-0-12-17.

On roll call the vote was as follows:

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

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

TOWN HALL

10/10/95

8:05 P.M.

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

Re: Proposed Extension of Clarkstown Consolidated Water Supply District No. I To Include "Rise Road" New City
Petitioners: Town of Clarkstown

On motion of Councilman Smith, seconded by Councilman Maloney and unanimously adopted, the water extension hearing was opened.

Before the Clerk read the notice, Supervisor Holbrook addressed the audience and stated that this Public Hearing is for consideration of an extension of the water supply district to include three properties. The Supervisor reminded those present that there was a public hearing held a month or so ago which involved a whole plan for a water district and after that public hearing it was the consensus, not only of the people in the audience, but also of the Town Board, that it would not pass at that time. He also stated that the Town Board tried to draft up a water district that would only include the three affected properties, knowing that some people there were concerned and reiterated for the record that this meeting concerned only those three properties that were involved and listed the specific properties as the Speranza property, the Berenbom property and the Kramer property. Those are the only three properties that were the subject of the public hearing. If the public hearing held was to be had the Town Board would then take an affirmative action on this and any course associated with improving the main or establishing a hydrant on one of those three properties would be worn by the people of those three properties. He stressed no one else. He wanted the Town Board to have a clear understanding that it has an effect on no other properties, just these specific properties. This is a separate and distinct public hearing from the one that occurred a few weeks ago. Town Board had no intention of revisiting that Public Hearing nor extending the Water District as was described at that particular time. He wanted to make that clear so that everyone understood that it was on the public record, reflected in the minutes of the meeting that this was exactly what it was, so there was no way that any other property could be assessed for any expenses relative to this district.

Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor stated that there was a Schedule A as part of the petition, the three properties on the Schedule A are as follows:

Tax Map 76, Block B, Lot 8.07 Address: 4 Rise Road,
Tax Map 76, Block B, Lot 8.08 Address: 6 Rise Road,
Tax Map 76, Block B, Lot 8.09 Address: 7 Rise Road.

Those are the three properties that were in question as the subject of that particular public hearing for the extension of the water district. At this time Supervisor Holbrook asked Mr. Ramundo who is a representative of United Water Company to briefly describe for the Board what was being proposed, that the Board was aware that there are easements to be obtained and the intention here was for the Town to inquire if this goes forward and for the Town to acquire the necessary easements so that this will be a line that will be on a town easement and therefore when it becomes part of the consolidated water district if something should go wrong in the future then the cost would be borne by the entire water district however it first must be brought up to that

standard. He requested Mr. Ramundo explain briefly his intentions and gave him a map to illustrate.

**Appearance: Mr. Ramundo
United Water of New York (formerly
Spring Valley Water Company)**

Mr. Ramundo stated that the proposed main extension as indicated on the drawing which started on Derby Lane coming through an easement and going into Rise Road at which point (440 feet as measured) at the end there would be a fire hydrant installed, and he illustrated same.

Supervisor stated the proposed fire hydrant as you indicate on the map would be on the property of 8.08.

Mr. Ramundo responded that it would go in front of there perhaps it would extend a little bit further down towards the property line. That was basically it, of course this would have to be an easement given to United Water. It would be their facility and they would maintain it, meaning the water main as well as the fire hydrant.

Supervisor stated that the cost of this proposal, referring to the previous public hearing as having the question of cost and that the cost of doing the other plan was far in excess of what was proposed there, To do this specific plan from the easement on Derby Lane up to Rise Road, what was the estimated cost of United Water doing the construction?

Mr. Ramundo responded correct.

Supervisor reiterated yes, correct.

Supervisor asked what is the benefit of United Water doing that construction as opposed to the Town doing the construction? Mr. Ramundo responded that, basically they knew what they are doing and further stated that the water main would remain our responsibility as opposed to what exists there now.

Supervisor commented right.

Mr. Ramundo further stated that they would own the main and maintain it.

Supervisor asked what would be the cost of the construction of this water main assuming that the easements are obtained?

Mr. Ramundo responded \$18,335.00

Supervisor asked if each of the three properties decide to connect to the main, what is the credit against that cost. For each customer that would tie in it would be \$3,125.00 credit.

Supervisor asked which would be deducted from the \$18,335.00?

Mr. Ramundo responded that he was referring to a credit of \$93.76, and the excess would be the balance to be paid \$8,959.00.

Supervisor asked then that balance would be apportioned amongst three properties, correct?

Mr. Ramundo responded yes.

Supervisor stated he hoped he had clarified things here and asked if Mr. Kalarickal as the engineer for the Town, had any specific problems relative to this hook-up.

Mr. Kalarickal responded that as far as the Town was concerned we have no problem with the extension.

Supervisor stated that the one question he had which was raised by a resident from the standpoint of a twenty foot easement as presented there was that ten foot easement on each property, was that an easement straddling the property lines there.

Mr. Kalarickal stated No, his understanding was that Mr. Ramundo you needed only a ten foot wide permanent easement.

Supervisor reiterated same.

Mr. Ramundo responded normally we have 25 feet, 15 feet is the minimum needed.

Supervisor stated that presented here was a preference for a ten foot wide easement which could be accomplished deferring to Mr. Kalarickal.

Mr. Kalarickal stated that his suggestion would be a ten foot wide permanent easement and another ten foot construction easement combined would be twenty feet which would be adequate which is already there.

Supervisor stated that there would be ten foot for construction once the construction was done that is almost would be considered a right of entry and then there would be ten foot permanent easement.

Supervisor asked if there was anyone who wished to speak relative to the district?

**Appearance: Ms. Giselle Klueber
6 Pepperidge Drive
New City, New York 10956**

Ms. Klueber stated that she would like to know from the engineer or the water company if these homes are already serviced by water where is the water coming from now?

Mr. Ramundo responded that the homes were supplied by private lines on Derby Lane.

Ms. Klueber asked is that where you would build?

Mr. Ramundo interrupted and stated we would run a water main from that point.

Ms Klueber asked and what do they have now?

Mr. Ramundo responded private lines.

Ms. Klueber then addressed the Fire Department stating that right now the location of the water hydrant which is roughly 150 feet from the property combined with 10 to 12 feet for the road giving a total of 162 feet away from a fire hydrant why is it necessary to have another fire hydrant installed on Rise Road when they are 375 feet away and have four fire hydrants surrounding them now. Why is this so special? There is no state or county, town law stating where a fire hydrant has to be placed. Generally it is within a thousand feet of the homeowner's property if there are only wells that get no fire hydrant. Generally it is 375 feet away. Theirs is 162 to 165 feet away. Why do they get another one? What makes them so special?

Mr. Ramundo responded you stated 165 feet is that by way of the roadway or is that coming across properties?

Ms. Klueber stated that the proposed fire hydrant hookup on Derby Lane, there is 162 feet.

Supervisor requested that Ms. Klueber illustrate the location on the map of the hydrants pointing out the locations and the footage for the existing fire hydrants she was referring to were located.

Ms. Klueber proceeded to illustrate the locations of the four fire hydrants on the map and questioned why should their be a fifth one and why should it be put there now.

Supervisor responded that the opportunity to put a fire hydrant in was provided and that there are a number of places in the Town which do not have fire protection with hydrants. This is an opportunity if the lot does go in to put a hydrant in.

Ms. Klueber questioned why?

Supervisor again responded and stated that it afforded more fire protection not only for the three people there but for everybody else in the surrounding area, but that cost is the subject of this public hearing which relates only to these three properties, is that cost of the hydrants included in the \$18,000.00.

Mr. Ramundo answered yes.

Ms. Klueber asked if the water company intends to pay the \$85,000.00, they were supposed to pay?

Supervisor answered no, they are not.

Ms. Klueber questioned who is?

Supervisor answered nobody is and further stated that the cost of the \$18,000.00 for the line to be brought across to service three homes and that is what is being discussed here. The \$85,000.00 was the subject of the past public hearing and the point is moot.

Ms. Klueber questioned does that \$18,000.00 include the cost of the fire hydrant?

Supervisor answered yes, understandably Ms. Klueber has

confused the public hearings and the last public hearing is done and that this public hearing pertained to the aforementioned public hearings solely, the cost related to this specific line and this specific hydrant.

Mr. Ramundo commented on hydrant layouts in regards to footage and roadway location.

Ms. Klueber stated that this hydrant was 375 feet.

Mr. Ramundo asked which one was that?

Ms. Klueber responded Pepperidge Drive further stating that this was roadway, that she drove it.

Supervisor stated that we could decide not to put the hydrant there but his personnel opinion was that he thought that if you decided not to put the hydrant there but the opportunity to have the protection is there, if it is part of the district involved and the cost is related to these three homes they can decide not to have the hydrant and while this is being done it would make sense to put the hydrant in.

Co. Mandia questioned as whether there were any other hydrants on Rise Road?

Ms. Klueber responded no, it is a cul-de-sac and there will be the same problem on Westerly and Alcott because they don't have any hydrants either.

Supervisor stated that if they have wells and want to become part of the consolidated water district we would go through the same process. He doesn't want to create a problem if one doesn't exist so that is why the last public hearing we saw what the public feeling was and the proposal wasn't pursued and we can only relate our concerns here to the three properties involved if in fact we could get agreements and if in fact everything could be worked out, but the entire cost of this has nothing to do with any other property other than the three subjects of the public hearing and he thought that said it as succinctly as possible.

Ms. Klueber wanted to know how come Spring Valley Water was donating their services, now.

Supervisor addressed this by saying he wished they were donating them.

Ms. Klueber commented \$18,000.00 versus \$85,000.00.

Supervisor reminded Ms. Klueber that the difference in price reflected the installation of mains in the streets.

**Appearance: Mr. William Klueger
Citizen of Clarkstown**

Mr. William Klueger asked is he within his legal rights to request to the Town Board a fire hydrant closer than the hydrant located within 500 feet of his property. On the fire/homeowner's policy one of the questions was the proximity of the nearest fire hydrant.

Supervisor responded that in every new development in the Town of Clarkstown that has been built in the last twenty-five years or more, it essentially has been the policy where at all possible to extend the consolidated water district to provide that type of protection. Now in this particular case when these homes were built back in the late seventies there wasn't the ability there wasn't water in the street along Strawtown Road at that particular time. There are other places in town, we just recently had Parrot Road/Cardinal Court, a development built about forty years ago and those people have paid to extend the water district and to put hydrants in there so that really is the way it is, further stating that there still remains some pockets for whatever reasons where you don't have the same and they would like to extend the water districts and when offered the opportunity they do.

Mr. Klueger stated that is it the precedent to where people come and request fire hydrants closer to their property.

Supervisor commented that in the present case that is exactly what they did do as a result of a fire they did ask for it to be extended.

Co. Mandia thought it should be pointed out that the

homeowner's are paying for this, the Town is not.
Now is there anybody else relative to this?
Yes, Mrs. Kramer.

Appearance: Mrs. Gertrude Kramer
4 Rise Road,
New City, New York 10956

Mrs. Kramer stated that she was looking at a County Bill which evidenced a Consolidated District No.1 they have always had an item of cost here but what is the extension?

Supervisor stated that it was a benefit charge from the Water District and verified that with Mr. Kalarickal.

Mrs. Kramer stated that we have always been part of the Consolidated District No. 1, how come now it is being extended.

Supervisor stated that it is not a user charge but a benefit charge as an ancillary benefit charge for those that do not have sewerage which possibly could result in sewerage problems for those who did in terms of sewage running into waterways.

Mrs. Kramer asked what about the three lines coming from Derby into this main hydrant?

Supervisor responded that he thought that once this was complete that these lines would be disconnected, is that correct?

Mrs. Kramer questioned what about the repair of them and the faulting that is occurring due to leaf problems.

Supervisor responded that was a separate item.

Mrs. Kramer stated so then the hydrants are a separate item.

Supervisor stated that the hydrants are part of this particular public hearing.

Mrs. Kramer asked didn't this condition instigate the hydrants because for eighteen years she has been calling the Town asking the Town how come they didn't have hydrants. Around April someone had a leak on their property all of this came about?

Supervisor stated that as a result of the problem and the attempt to extend the water district if that was going to be done then there should be hydrants extended, if this problem had not existed, one could make an argument that seventeen years ago the hookup that was there should not have been made. We could spend the next twenty years chasing down the developer who he believed was bankrupt living in Florida at the last known address that he has heard of and/or trying to find out why the Town did it seventeen years ago. To him it made far more sense to try to cut it at this point, put the line in, hook the people up and give you something that will forever provide you with the water so when you attempt to sell your house someday there will be no need for an explanation of this peculiar situation. There is an argument to be made to say why, but at this particular juncture, giving the circumstances here if there is agreement amongst the three people, to go forward if at all possible.

Mrs. Kramer asked then the correction of faulty lines had nothing to do with this hydrant?

Supervisor stated that if we are going to correct the line, it offers an opportunity to put the line in if the line is sufficient which this line will be to supply a hydrant. He didn't think the three existing lines were able to supply a hydrant.

Mr. Ramundo responded no, they were not.

Appearance: Mr. David Kramer
4 Rise Road,
New City, New York 10956

Mr. Kramer stated that they were not adverse to the plan set forth for the three of them, however we would like a few more things defined because their area is working and functioning properly and we have no recourse to think about anything else as far as the need is concerned. However we do propose that their easement is only ten feet.

Supervisor stated that he thought that could be done.

Mr. Kramer asked what would happen with the easement mentioned by Mr. Ramundo regarding construction and the other ten feet?

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Supervisor stated that he thought what they were saying that easement was in essence a right of entry to get permission to do the work, but once the work is done then there would only be a ten foot easement that would permanently be there, that would be the Town's easement. The people would own the property and the town would have an easement on there that would encumber the property.

Mr. Kramer stated that was not what he was saying, he was saying that when they come in for the construction on the other ten feet where do they come in, on their side of twenty feet?

Supervisor stated he did not know, but he thought that would be determined in conjunction with the people. The idea is to put the line in without destroying the neighborhood.

Mr. Kramer stated the next question was that they needed a definition of what their liabilities would be after the line is put in, now would be the cost involved, as far as new meter in the homes and detaching the line to hookup.

Supervisor responded the actual hookup from the line to the house is the responsibility of the homeowners, correct?

Discussion between the audience and Mr. Ramundo.

Supervisor stated that he was reminded to ask what is the type of material that would be installed?

Mr. Kramer said that their lines would no longer exist that this sound like it involves a new line.

Mr. Ramundo said it would be a new line.

Mr. Kramer said he would appreciate more definition as to what is entailed.

Ms. Klueber stated that they currently have a functioning line why would they want to undertake and extend a new line, uprooting all the plantings, going through another of the easement which there is not going to be an easement for construction. We have a ten foot easement right now for ingress and egress and we will not give any more of any easement for any construction.

Supervisor stated that the answer to the first part of her question would be that once she had a more viable line it would probably make sense to hook over to that, he guessed that they could continue to that functioning line or would that be obliterated by this? (he wasn't sure).

Ms. Klueber said why would we want to do this now after eighteen years.

Supervisor stated that is why we have a public hearing to get their input.

Ms. Klueber said that she could feel for the other two neighbors, but this affects them.

Supervisor asked anyone else?

**Appearance: Dan Gallagher
6 Derby Lane
New City, New York 10956**

Mr. Gallagher stated that the easement that currently exists is adjacent to his property line. The question regarding expansion of the current easement, is that going to affect his property in any way.

Supervisor responded that the intended easement is on property Scarropolous.

Discussion between the audience and Mr. Ramundo.

Supervisor commented right now the lines are private.

**Appearance: John Lodico
New City, New York**

Mr. Lodico addressed the Town Board, he believes the history of this responsibility lies on our former Town Board and their planning department and inspection facilities. He believes the three houses are served with plastic pipe. As far as he is concerned the Water Company should be supplying all the lines with no expense to the taxpayers because they ar a monopoly with a franchise to serve the public and if this meeting could start the precedent of having the utility or the Public Service Commission to

speaking to it that their franchise requires that they serve the community that use the water. As far as future situations go, he thinks it is a mistake the traditional easement has always been twenty feet even though it may not be needed but it should be twenty feet if you have to get a backhoe or pieces of equipment in there you can't do it on ten feet. From the standpoint of city water versus well water. if you have a good well you don't need to drink from the "pool", chlorination. The reason for the hydrant is that they will have another annual fee for that hydrant, you don't necessarily need another hydrant for them to cap on some more money.

Supervisor asked if there was anyone else?

Co. Dusanenko commented that it seemed that the three parties have basically agreed to this compromise on this. Can this replacement water main be accomplished without putting the hydrant in the street

Co. Dusanenko stated we do not have to put a hydrant in.

Supervisor answered yes.

Co. Dusanenko, had you dug up the three plastic pipes put the water main in right up to the curb between Speranza and Kramer and not have a fire hydrant.

Deputy Town Attorney Fogel, stated Mr. Dusanenko you are treading on very thin water over there legally, because then your theoretical concept of using public funds for private purposes, the hydrant makes it a public purpose.

Supervisor, well from his standpoint it is practical to put the hydrant in if you are going to put the hydrant in.

Mr. Dusanenko stated that if it can be done legally, if people don't want the hydrant and it can reduce their costs.

Co. Maloney stated they want the hydrant, for safety and a deduction on their insurance.

Discussion amongst the Board members.

Supervisor stated that the Public commission rules and regulations at this juncture does not permit it, but we can check that out and he will ask the Town Attorney to do that.

**Appearance: Mr. Angelo Speranza
6 Rise Road
New City, New York 10956**

Mr. Speranza stated that he appreciated what Mr. Lodico said in reference to the width of the easement being twenty feet, we have had backhoe back there and you don't want to do it. He further stated that having the main come in will be neater and the problem in the past will be avoided, as to the cost the Kramers they would rather not have it done as the leak was not there problem. This past winter in February, they did have a break which cost him \$2500.00 to fix it not boding well for the situation as the winter is coming. If no conclusion is reached at this point, winter is coming and everything will be frozen and to find and answer that is least costly to everyone, to go back years and find out where the problem lies is crazy at this point and maybe can be done at a later point. He stated that for the nominal fee it is going to cost the three homeowners, expressing his concern no breaks happened to his neighbors this winter. the hydrant will serve a point to the people in the area, he doesn't see how the cost is going to hurt other people in light of the hydrant.

Supervisor stated that the Town Board wished to close the Public Hearing at this point and reserve decision and put it on a Workshop on October 16, 1995 for further discussion to give the property owners involved an opportunity to discuss and the Town Attorney will look at the questions came up. He reiterated that the discussion on October 16, 1995 will not affect any other properties. In the Parrot Road, Senator Holland was prevailed upon who did provide the Town with \$25,000.00 for that project to offset some of the costs for fire protection so there are some ways that the nut can be cracked and that is not a guarantee but that was a request that was made and actually was put as a line budget item of

the State of New York for that. If we were to proceed with that I think that the Town Board would be willing to entertain that request again to see if that cost again to see if that cost or some of it could be borne that way.

On motion of Councilman Maloney, seconded by Councilman Smith and unanimously reserved, the public hearing was closed, time 8:56. Supervisor stated that there would be further discussion at the Workshop October 16, 1995 and heldover for decision until the next Town Board on October 24, 1995.

Respectfully submitted,

Patricia Sheridan
Town Clerk