

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/28/95

8:00 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 Pack #78 who led the assemblage in saluting the Flag.

Supervisor recognized and welcomed Pack #78 who are participating in Town Government to earn their citizenship badges.

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

Appearance: John Lodico
New City

Mr. Lodico stated he was not in favor of curbside pickup. He also raised a question regarding a conflict of interest.

Appearance: Russell Trojan
Nanuet

Mr. Trojan stated that he believed Clarkstown was large enough for more than one carter.

RESOLUTION NO. (816-1995)

Co. Maloney offered and Co. Dusanenko Seconded

RESOLVED, that the Town Board Minutes of November 14, 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. (817-1995)

Co. Maloney offered and Co. Dusanenko Seconded

WHEREAS, A.P. Wide World Realty, Inc. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 6, Block B, Lot 19 for the year(s) 1991/92, 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 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.

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RESOLUTION NO. (817-1995) 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. (818-1995)

Co. Dusanenko offered and Co. Maloney Seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as PROCINO SUBDIVISION, the Planning Board of the Town of Clarkstown requested a 15 foot sanitary sewer easement along Route 303, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated October 26, 1995 from William G. Helmke to the Town of Clarkstown for a 15 foot sanitary sewer easement 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. (819-1995)

Co. Dusanenko offered and Co. Maloney Seconded

WHEREAS, as a condition to the approval of the final map with regard to a site known as EIDMAN AGENCY, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Greenbush Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated October 19, 1995 from Roy Eidman and Norma Eidman to the Town of Clarkstown, gratuitously conveying a strip of land along Greenbush Road, West Nyack, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (820-1995)

Co. Dusanenko offered and Co. Maloney Seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as RENELLA SUBDIVISION, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along South Mountain Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated October 27, 1995 from Henry R. Renella and Mary Lucy Renella to the Town of Clarkstown, gratuitously conveying a strip of land along South Mountain Road, 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. (821-1995)

Co. Maloney offered and Co. Dusanenko Seconded

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

"No Parking" signs with directional arrows on both sides of Old Nyack Turnpike from Rte 59 West to Pascack Road, Nanuet, New York.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (822-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks recommended that improvements be made at the Schueler Property, Map 125, Block B, Lots 8 and 8.//2

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$20,757.00 from Money in Lieu of Land to Parklands and Improvements account H-7110-409-1821.

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. (823-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1995 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds, NOW, THEREFFORE BE IT

RESOLVED, that the 1995 budget is hereby amended.

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. (824-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, the Town of Clarkstown has received \$7,000.00 from NYS Historic Preservation, and be it

THEREFORE RESOLVED, to increase Estimated Revenue No. A 01 10 3815 0 (NYS Historic Preservation) and Appropriation Account No. A 7140 222 (Parks & Playgrounds-Park & Recreation Equipment) by \$7,000.00.

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. (825-1995)

Co. Maloney offered and Co. Smith Seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways, that

BID #53-1995
FORK LIFT TRUCK

is hereby awarded to:

MID-HUDSON CLARKLIFT
530 SOUTH 4TH AVENUE
MT. VERNON, NY 10550
PRINCIPALS: ROBERT JOHNMANN,
SAL UNGARO

for one -- CLARK MODEL CGP - 25 PROPANE as per their proposed cost of \$18,750.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (826-1995)

Co. Maloney offered and Co. Smith Seconded

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

Bid #36-1995
FOR A THREE COLOR TRAFFIC SIGNAL ON SMITH ROAD AT
OVERLOOK BLVD/KINGSGATE PARKWAY

is hereby awarded to:

WARDE ELECTRIC CONTRACTING, INC.
100 Wells Avenue
Congers, New York 10920
Principals: McCoy Glover
Joseph Donato
Pat Damiani

as per the lowest proposed cost of \$29,445.00 for parts I and II, and be it

FURTHER RESOLVED, that said award is subject to the receipt of the following:

- 1 - Fully executed formal contract
- 2 - Receipt of a Performance Bond and a

Continued on next page

RESOLUTION NO. (826-1995) Continued

Labor/Material Payment Bond each in the amount of 100% of the award.

- 3 - Receipt of a Certificate of Contractors Liability Insurance with the Town Board named as a co-insured party.

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. (827-1995)

Co. Maloney offered and Co. Smith Seconded

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

BID #52-1995
MAINTENANCE AND REPAIR OF TRAFFIC SIGNALS &
PEDESTRIAN CONTROL DEVICES

is hereby awarded to:

McPhee/ Hazard, Ltd.
199 Brickyard Road
Farmington, Ct. 06032

as per their low bid proposal of \$66,022.00 for Parts I & II and optional Part III \$50,428.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt of the following

- 1 - Fully executed formal contract
- 2 - Receipt of a Performance Bond and a Labor/Material Payment Bond each in the amount of 100% of the award.
- 3 - Receipt of a Certificate of Contractors Liability Insurance with the Town Board as a co-insured party

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. (828-1995)

Co. Smith offered and Co. Maloney Seconded

RESOLVED, that the resignation (by retirement) of Virginia DiBlasi, 39 Pineview Avenue, Bardonia, New York - Senior Clerk Typist - Town Clerk's Office - is hereby accepted - with regret - effective December 2, 1995.

Continued on next page.

RESOLUTION NO. (828-1995) 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. (829-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, the Rockland County Personnel Office has certified on November 20, 1995 that the position of Senior Clerk Typist (#0503) - Police Department - can be reclassified to the position of Senior Clerk -

Now, therefore, be it

RESOLVED, that the position of Senior Clerk Typist (#0503) is hereby reclassified to the position of Senior Clerk - effective December 4, 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. (830-1995)

Co. Smith offered and Co. Maloney Seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Nancy R. Fuchs, 40 Barry Lane, Bardonia, New York, to the position of (permanent) Senior Clerk (Voluntary Demotion) - Police Department - at the current 1995 annual salary of \$27,541.00 Grade 16, Step D - effective December 4, 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. (831-1995)

Co. Smith offered and Co. Maloney Seconded

RESOLVED, that the Town Board hereby recognizes the

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RESOLUTION NO. (831-1995) Continued

appointment by the Superintendent of Highways of Paul Linderman, 55 Cooper Drive, Monroe, New York, to the position of Automotive Mechanic I and Body Repairer - Highway Department - at the current 1995 annual salary of \$39,154.00, effective and retroactive to November 20, 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. (832-1995)

Co. Maloney offered and Co. Smith Seconded

WHEREAS, the Town Board of the Town of Clarkstown duly caused the Director of the Department of Environmental Control of the Town of Clarkstown to supervise the preparation of a map and plan, and the Chief Fire Safety Inspector to prepare a report, for providing the facilities, improvements or services in a portion of the Town of Clarkstown, wherein it was proposed to extend the Clarkstown Consolidated Water Supply District #1, and

WHEREAS, after the map, plan and report were duly filed in the office of the Town Clerk of the Town of Clarkstown, the said Town Board did, on September 26, 1995, duly adopt an Order reciting a description of the boundaries of the proposed extension to the water supply district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection, and specifying that said Town Board shall meet at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 10, 1995, at 8:05 P.M., for the purpose of conducting a public hearing on such proposal to extend the Clarkstown Consolidated Water Supply District #1, with the specified improvements, and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and hear all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, that it be and hereby is determined as follows:

- 1. The notice of hearing was published and posted as required by law and is otherwise sufficient.

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RESOLUTION NO. (832-1995) Continued

- 2. That all of the property and property owners, within the proposed extension of the Clarkstown Consolidated Water Supply District #1, are benefited thereby.
- 3. That all of the property and property owners benefited are included within the proposed extension of the Clarkstown Consolidated Water Supply District #1.
- 4. It is in the public interest to establish the proposed extension of as hereinafter described,

and be it

FURTHER RESOLVED, that the Town Board does hereby approve the extension of the Clarkstown Consolidated Water Supply District #1, to include the area of Pepperidge Drive and Rise Road, New City, New York, as described in Schedule "A," as follows:

SCHEDULE "A"

- Tax Map 76, Block B, Lot 8.07 4 Rise Road, New City, New York
 - Tax Map 76, Block B, Lot 8.08 6 Rise Road, New City, New York
 - Tax Map 76, Block B, Lot 8.09 7 Rise Road, New City, New York
- and be it

FURTHER RESOLVED, that the proposed improvements, including the cost of rights-of-way, construction costs, legal fees and other expenses shall be financed by taxation upon the properties within the extension of the Clarkstown Consolidated Water Supply District #1, and be it

FURTHER RESOLVED, that this Resolution is subject to a Permissive Referendum in the manner provided in Article Seven of the Town Law and subdivision 3 of Section 209-e of the Town Law.

Supervisor stated that a fire hydrant will be included in this water extension which includes only the three properties involved and is contingent upon one of the properties at 4 Rise Road having access to a practical hook-up to water service. If that is not the case then the water district would only include two properties.

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. (833-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, pursuant to Town Law §291, the Town Board

Continued on next page

RESOLUTION NO. (833-1995) Continued

of the Town of Clarkstown has authority and jurisdiction to maintain cemeteries which have been used by inhabitants of the Town for a period of fourteen years, and

WHEREAS, the Old Nyack Cemetery, located on Old Mountain Road, Upper Nyack, New York, is such a cemetery, and

WHEREAS, there are a total of four dead trees in the cemetery which create a potential danger to power lines and the roadway along Old Mountain Road and neighboring properties, and

WHEREAS, the Old Nyack Cemetery has received proposals for the removal of the aforesaid trees;

NOW, THEREFORE, be it

RESOLVED, that Tozwell, P.O. Box 41, Sparkill, New York, be and hereby is authorized to remove a total of four dead trees from the Old Nyack Cemetery, and remove the debris, at a cost not to exceed \$1,950.00, upon Tozwell providing the Town with evidence of Workmen's Compensation Insurance and Liability Insurance, naming the Town of Clarkstown as an additional insured, and be it

FURTHER RESOLVED, that this amount shall be charged to Account No. A-8810-424.

On roll call the vote was as follows:

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

RESOLUTION NO. (834-1995)

Co. Smith offered and Co. Maloney Seconded

RESOLVED, that the Superintendent of Highways of the Town of Clarkstown is hereby authorized to remove a fallen tree from the property of David and Victoria Stone, 47 Lyncrest Avenue, New City, New York, and from property of Thomas and Susan Diehl, 51 Lyncrest Avenue, New City, New York, subject to the receipt of right of entry agreements, and the execution of General Releases of any and all claims which David and Victoria Stone, and Thomas and Susan Diehl, may have as against the Town of Clarkstown.

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. (835-1995)

Co. Smith offered and Co. Maloney Seconded

RESOLVED, that the Superintendent of Highways of
Continued on next page

RESOLUTION NO. (835-1995) Continued

the Town of Clarkstown is hereby authorized to remove a fallen tree from the property of William and Marlene Kawalick, 21 Briarcliff Road, New City, New York, subject to the receipt of a right of entry agreement, and the execution of a General Release of any and all claims which William and Marlene Kawalick, may have as against the Town of Clarkstown.

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. (836-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, a dangerous condition existed on Brookside Bridge, Valley Cottage; and

WHEREAS, the Supervisor of the Town of Clarkstown had directed the Department of Environmental Control to obtain the services of a contractor to perform the emergency repair work;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control be given formal authorization to have hired Cal Mart Construction, Inc., West Nyack, New York, to perform the necessary emergency repairs in accordance with their proposal; and

BE IT FURTHER RESOLVED that the total cost of such emergency is \$19,791.56 and shall be charged to H-1994-400-409-0-14-20.

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. (837-1995)

Co. Maloney offered and Co. Mandia Seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes payment in the sum of \$642.06 for damage sustained to a motor vehicle owned by Harriet Cohn, Pomona, New York, in full payment of any and all claims which said Harriet Cohn may have as against the Town of Clarkstown, and be it

FURTHER RESOLVED, that such payment shall be made upon receipt and General Release of any and all claims which Harriet Cohn may have against the Town of Clarkstown, and be it

FURTHER RESOLVED, that such amount shall be charged to Account No. A-1640-406.

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RESOLUTION NO. (837-1995) 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. (838-1995)

Co. Mandia offered and Co. Maloney Seconded

WHEREAS, the Town Board has adopted a policy resolution limiting the overnight use of Town owned vehicles by employees of the Town of Clarkstown, and

WHEREAS, said policy limits the use of such Town owned vehicles to certain specified employees, and

WHEREAS, a request has been made to permit the use of a Town garage truck to and from home during the winter season (11/15 to 4/15) to enable the employee to install snow chains on essential Town owned vehicles;

NOW, THEREFORE, be it

RESOLVED, that the Auto Mechanic Supervisor be granted permission to drive a Town garage truck to and from home for the period November 15 to April 15, to assure that essential Town owned vehicles are properly equipped with snow chains during inclement weather.

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. (839-1995)

Co. Maloney offered and Co. Mandia Seconded

WHEREAS, the Nanuet Community Ambulance Corps, Inc. has requested the waiving of building permit fees for its proposed addition to its facility;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby waives the building permit fees with respect to the proposed addition to the Nanuet Ambulance Corps building.

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. (840-1995)

Co. Smith offered and Co. Maloney Seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to place shoulder stone on Roosa Lane, Congers, New York, in order to protect the Town easement.

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. (841-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, under the provisions of the New York State Solid Waste Management Act, the County of Rockland (the "COUNTY") is required to develop and implement a plan to reduce, reuse and recycle greater amounts of the solid waste stream than is currently being recovered, and

WHEREAS, the COUNTY has prepared a FINAL INTEGRATED SOLID WASTE MANAGEMENT PLAN (the "PLAN"), which provides for increasing the level of recycling by the development of COUNTY-wide solid waste management facilities, including a materials recovery facility in Clarkstown, New York (the "MRF"), to process commingled recyclables, waste paper and other recyclable materials, and

WHEREAS, the ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY (the "AUTHORITY") was created by the COUNTY to design, construct and finance the MRF which will be available for use by all Rockland municipalities located in the COUNTY, and

WHEREAS, the AUTHORITY must ensure the delivery of commingled recyclables, waste paper and other recyclable materials to the MRF by written agreement with each municipality who will cause to be delivered to the MRF all commingled recyclables, waste paper and other recyclable materials the AUTHORITY will agree to accept without tipping fee or direct charge;

NOW, THEREFORE, be it

RESOLVED, that the TOWN BOARD OF THE TOWN OF CLARKSTOWN hereby determines and agrees to enter into a written agreement with the AUTHORITY, which shall provide for delivery of all commingled recyclables, waste paper and other recyclable materials to the MRF, to be accepted by the AUTHORITY without tipping fee or direct charge, for a term of twenty (20) years, and be it

FURTHER RESOLVED, that the TOWN BOARD OF THE TOWN OF CLARKSTOWN hereby designates Supervisor Charles E. Holbrook, to enter into negotiations with the AUTHORITY, on behalf of the TOWN OF CLARKSTOWN, for the development of the written agreement which shall then be reviewed and approved by the TOWN BOARD, and be it

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RESOLUTION NO. (841-1995) Continued

FURTHER RESOLVED, that the TOWN BOARD OF THE TOWN OF CLARKSTOWN shall undertake further actions and execute further resolutions as may be necessary or reasonably requested by the AUTHORITY to promote and implement the written agreement with the AUTHORITY'S COUNTY-wide recycling programs.

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. (842-1995)

Co. Smith offered and Co. Maloney Seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Robert Geneslaw Co., to continue to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 1996 to December 31, 1996, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. for such services shall be \$7,843.00 per month, and that the total compensation shall be \$94,116.00, which shall be charged to Account No. B-8020-409.

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. (843-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, JOY BUILDERS, INC. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-15 District to a CS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 123, Block B, Lot 12;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33(A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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RESOLUTION NO. (843-1995) Continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (844-1995)

Co. Dusanenko offered and Co. Maloney Seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

PHOENIX EXCAVATORS CORP. 62 Rose Road West Nyack, N.Y. 10994	RONALD J. TARIGO d/b/a/ Ronald J. Tarigo 5 Crosscreek Lane Stony Pont, N.Y. 10980
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RESOLVED, that the following Certificates of Registration be issued:

No. 96-2 Phoenix Excavators Corp.
No. 96-3 Ronald J. Tarigo d/b/a Ronald J. Tarigo

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. (845-1995)

Co. Maloney offered and Co. Smith Seconded

RESOLVED, that upon the recommendation of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from:

R. BRUCE McGAW and NANCY R. McGAW conveying the following road:

NORTH MAY PLACE 300 L.F.
and other improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of McGAW'S HILL is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, subject to receipt by the Town Attorney's Office of a duly executed Equalization and Assessment Form and Gains Tax Affidavit; and be it

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RESOLUTION NO. (845-1995) Continued

FURTHER RESOLVED, that a Maintenance Guaranty, dated November 17, 1995, secured by Passbook No. 08-700561 in the amount of \$27,820 is hereby accepted.

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. (846-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, residents of Pearl Lane, New City, New York, requested a road improvement district; and

WHEREAS the Department of Environmental Control obtained a proposal from Atzl, Scatassa and Zigler, Land Surveyors, P.C., 234 North Main Street, New City, New York 10956, to perform certified right-of-way boundary survey, topographic survey, road design, specifications and stake out for construction;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is authorized to hire Atzl, Scatassa and Zigler, to perform the necessary items in their proposal dated November 21, 1995; and

BE IT FURTHER RESOLVED that the cost shall not exceed \$19,550.00 and shall be a proper charge to Account H-5114-409-0-4-15.

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. (847-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS an adverse drainage condition exists between Sable Court and Klein Avenue, West Nyack, New York; and

WHEREAS the Department of Environmental Control obtained a proposal from Guterl and Greenwell to perform the topographic survey and design;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to hire Guterl and Greenwell, 85 Lafayette Avenue, Suffern, New York 10901, to perform the necessary topographic survey, analysis and design plans in accordance with their proposal dated November 28, 1995; and

Continued on Next Page

RESOLUTION NO. (847-1995) Continued

BE IT FURTHER RESOLVED that the cost of such work shall not exceed \$10,000.00 and shall be a proper charge of Account H-1994-409-0-14-21.

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. (848-1995)

Co. Smith offered and Co. Maloney Seconded

WHEREAS, claims have been made against the Town of Clarkstown and others by the owner of premises designated as 41 and 43 Cranford Drive, New City, New York, alleging damage to their property by reason of flooding, and

WHEREAS, it is the desire of the Town Board to ascertain the extent of the flooding, if any, and to eliminate same should it exist without an admission of liability;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire an engineer to prepare design specifications to eliminate the alleged flooding in the vicinity of the residences located at 41 and 43 Cranford Drive, New City, New York, and be it

FURTHER RESOLVED, that the fee for such work shall not exceed \$5,000.00 and shall be charged to Account No. H-1994-409-0-14-22.

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. (849-1995)

Co. Mandia offered and Co. Maloney Seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an employment Agreement with the Chief of Police and the Captains of Police, for the period of January 1, 1995 through December 31, 1998, and hereby directs that a copy of such Agreement be filed with 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. (850-1995)

Co. Dusanenko offered and Co. Maloney Seconded

RESOLVED, that the condition complained of in the Order and Notice dated November 13, 1995 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 6, Block B, Lot 4 has been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings.

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. (851-1995)

Co. Maloney offered and Co. Dusanenko Seconded

WHEREAS, Resolution No. 786-1995 adopted by the Town Board of the Town of Clarkstown on November 14, 1995, authorized Laurence Kohler, Director of Purchasing to attend a one-day seminar on the Internet in Orangeburg, New York on December 19, 1995, and

WHEREAS, all necessary expenses related thereto shall be charged to account A1345-414;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 786-1995 is hereby amended to authorize Councilwoman Ann Marie Smith to attend the one day seminar on the Internet in Orangeburg, New York on December 19, 1995.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilwoman Maloney, seconded by Councilwoman Smith and unanimously adopted the Town Board meeting was declared closed, time, 9:10 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

TOWN HALL

11/28/95

8:13 P.M.

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

Re: Chapter 216 Property Maintenance - 2 Albert Court, Congers, NY
(Map 141, Block B, Lot 53.10)

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

Supervisor Holbrook requested that Mr. Milich, Building Inspector, give his report.

Appearance: Adolph Milich (sworn)
Building Inspector

Mr. Milich testified that apparently his code enforcement officers have inspected and photographed the property several times and that for a while there have been various problems with debris.

Supervisor asked what was the status of the violations as of today?

Mr. Milich responded that as of November 21, 1995, the pictures in his possession showed that there are still bags of garbage lying around and he doesn't understand why it isn't being placed in the containers.

Supervisor asked if there was any debris on the property aside from that, that would warrant the Town going in to clean up the property.

Mr. Milich responded that the last set of pictures only show the plastic bags.

Supervisor stated that therefore the debris on the property has been taken care of so the only remaining problem is the bags of garbage are not being placed in the cans.

Councilman Dusanenko asked if the plastic bags of garbage were bags of leaves?

Mr. Milich responded that it appears to be garbage.

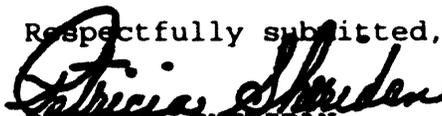
Supervisor asked if there was a property owner present or anyone present who wished to speak on this proceeding?

No one appeared.

Supervisor stated that he was aware that a letter had been written to the property owner about the garbage, stating that this proceeding would be held over and suggested Mr. Milich contact the property owner and asked them to buy some containers for the tenants to place their garbage in.

On motion of Councilman Dusanenko and seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed and held over for decision until December 12, 1995, time: 8:15 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

TOWN HALL

11/28/95

8:17 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 -
18 Hyenga Lake, Spring Valley, NY (Map 6, Block B, Lot 4)

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

Supervisor Holbrook requested that Mr. Sullinger, Asst. Fire Safety Inspector, give his report.

Appearance: Richard A. Sullinger (sworn)
Asst. Fire Safety Inspector

Mr. Sullinger testified that report dated November 27, 1995 stated:

A re-inspection of the property owned by B.G. Schefa Development Corporation at 18 Hyenga Lake, Spring Valley, N.Y. was made on this date at 2:30 P.M. The property was found in good condition, the violation having been corrected. The site of the demolished building no longer presents a hazard to the health and safety of the community, nor will it be attractive to vermin. It will therefore, not require any further action on your part, and the case can be considered closed.

On motion of Councilman Dusanenko and seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:19 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

(RESOLUTION NO. 850-1995 ADOPTED)