

**SPECIAL TOWN BOARD MEETING
TOWNS OF CLARKSTOWN & ORANGETOWN
VILLAGES OF NYACK, UPPER NYACK & SOUTH NYACK**

Upper Nyack Elementary School
Upper Nyack, New York

12/04/97

7:30 P.M.

Present: Frank Simeone, Attorney

TOWN OF CLARKSTOWN

Supervisor Holbrook
Co. Mandia
Co. Profenna
Co. Smith
Patricia Sheridan, Town Clerk
Murray N. Jacobson, Town Attorney
Co. Maloney - Absent

TOWN OF ORANGETOWN

Supervisor Kleiner
Co. Fisher
Co. O'Donnell
Co. Larkin
Charlotte Madigan, Town Clerk
Co. Bergeman - Absent

VILLAGE OF NYACK

Mayor Hekker
Trustees: John Shields
Ray O'Connell
Brenda Hudson
Nancy Blaker Weber
Berta Campbell, Village Clerk

VILLAGE OF UPPER NYACK

Mayor Deyrup
Trustees: David Smith
Ralph Bartolacci
Edward Grant
Michael Esmay

VILLAGE OF SOUTH NYACK

Mayor Cross
Trustees: Karen Olsen
Richard Helmke
Patricia Dubow
Sharon Bailey
Sarah Seiler, Village Clerk

Mr. Simeone opened the meeting. Assemblage saluted the flag.

Mr. Simeone explained that purpose of tonight's meeting would be to vote on establishing a Joint Fire District. He explained that after public portion, each municipality would vote on the action.

He explained that the Town of Orangetown would have to vote to dissolve the Upper Grandview Fire District and then vote for the creation of a Joint Nyack Fire District. He read a letter from Terry Tally, the Mayor of Grandview expressing some of her objections. He stated that everyone currently protected by the Nyack Fire District would still be protected after 1/1/98

by the Joint Fire District. He explained that the five appointed Fire Commissioners were in attendance and the 3 year budget was available for those interested. He then opened the public hearing.

Mr. Simeone read a letter from John Iurica of Grandview who was concerned about the fire district map including areas in Grandview and Blauvelt. Mr. Simeone responded that error on the map with regard to Grandview had been corrected after the mayor of Grandview had called attention to it and that his statement about Blauvelt was incorrect. Mr. Simeone invited anyone who wished to speak from the audience to do so.

Appearance: Joseph Hazulcah
Upper Nyack

Spoke regarding equipment, maintenance, furnishings and repairs. Questioned if these expenses were included in the budget. He was in favor of the Joint Fire District.

Appearance: Ray O'Connell
Nyack Village Trustee

Spoke about fire truck and determining where it would go.

Mr. Simeone responded that any equipment would be transferred to the Joint Fire District.

Appearance: Joseph Brady-Amoon
Nyack

Spoke in favor of Joint Fire District.

On motion of Clarkstown Supervisor Holbrook, seconded by Upper Nyack Mayor Deyrup and unanimously adopted, this public hearing was declared closed, time: 8:07 P.M.

At this point, Town of Orangetown voted to pass a resolution to dissolve Nyack Fire District to create a Joint Nyack Fire District. Resolution was unanimously adopted.

Town of Clarkstown voted to adopt the following resolution:

RESOLUTION NO. (908-1997)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Nyack Fire Department has heretofore requested that the municipal officials of the Town of Orangetown and the Town of Clarkstown and the Village of Upper Nyack, the Village of Nyack and the Village of South Nyack take such action as is necessary to establish a joint fire district to comprise all the property presently afforded fire protection by the said Nyack Fire Department, being all the territory presently afforded such protection within the Villages of Upper Nyack, Nyack and South Nyack and all the territory within the Upper Grandview Fire District: and

WHEREAS, all the territory in the proposed Nyack Joint Fire District is contiguous; and

WHEREAS, the Nyack Joint Fire District as it is proposed to be established shall be bounded and described as set forth in Appendix "A" attached hereto, and made a part hereof; and

WHEREAS, it has heretofore been determined to be in the public interest that the Town Boards of the Towns of Orangetown and Clarkstown and the Boards of Trustees of the Villages of Upper Nyack, Nyack and South Nyack hold a joint public hearing on the establishment of the proposed Nyack Joint Fire District; and.

RESOLUTION NO. (908-1997) Continued

WHEREAS, the said establishment has been determined by the Town Board of the Town of Orangetown as designated lead agency to be an "Unlisted Action" for purposes of the State Environmental Quality Review Act, and regulations promulgated thereunder which will not result in any significant environmental effects; and

WHEREAS, an order was duly adopted by this Board on November 13, 1997, setting the 4th day of December, 1997, at 7:30 p.m. at the Upper Nyack Elementary School, located on North Broadway, Upper Nyack, New York within said proposed Nyack Joint Fire District as the time and place where the Town Board will meet for the purpose of holding a public hearing to consider the establishment of the Nyack Joint Fire District; and

WHEREAS, notice of the aforesaid joint public hearing was duly published and posted in the manner and within the time prescribed by the applicable sections of law, and proof of publication and posting have been duly presented to the Town Board; and

WHEREAS, notice of the aforesaid joint public hearing was served by the Town Clerk upon the members of Town Board by certified mail addressed to each such member at his or her last known post office address, on or about November 15, 1997, being at least ten (10) days before said public hearing: and

WHEREAS, said joint public hearing was duly held at the time and place set forth in said order and notice as aforesaid, at which time persons interested, who desired to be heard, were duly heard; and

WHEREAS, the Town Board having duly considered the evidence at said joint public hearing and having duly deliberated.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Clarkstown, Rockland County, New York, pursuant to Article 11-A of the Town Law of the State of New York as follows:

Section 1

Upon the evidence given at the aforesaid joint public hearing, it is hereby found and determined that it is in the public interest to establish and the Town Board hereby approves the establishment of the Nyack Joint Fire District in the Towns of Orangetown and Clarkstown and the Villages of Upper Nyack, Nyack and South Nyack to be bounded and described as set forth in Appendix "A" attached hereto and made a part hereof.

Section 2

It is further determined to be in the public interest and this Board in all respects approves such action as is necessary, in accordance with Section 189-b of the Town Law that this Town Board authorize the transfer to the Nyack Joint Fire District, effective January 1, 1999, or upon such other date as may be required, of any an all fire apparatus and firefighting equipment and fire radio equipment owned by the Town of Clarkstown and in possession of the Nyack Fire Department to the Nyack Joint Fire District without consideration, except for the satisfaction of any debt existing on such apparatus or equipment at the time of transfer.

Section 3

It is further in the public interest and this Board in all respects approves the establishment of the Nyack Joint Fire District with a Board of Fire Commissioners to have and exercise the power, pursuant to Section 189-f of the Town Law to acquire real property or easement located

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RESOLUTION NO. (908-1997) Continued

within the boundaries of the Nyack Joint Fire District. Provided however, that said acquisition shall require the approval of this Board if said real property or easement lies in an unincorporated area of the Town of Clarkstown which may be within the Nyack Joint Fire District.

Section 4

It is further in the public interest and this Board in all respects approves that the Nyack Joint Fire District, be established and commence its operations (excluding fire protection) on June 1, 1998, to be administered, in accordance with the applicable provisions of the Town Law by the following five (5) person Board of Fire Commissioners, who are hereby appointed to serve until December 31, 1998 or until their successors are elected:

Douglas H. Doller
Michael Hatziemmanuel
Robert S. Knoebel
Richard A. Mathsen
Homer Wanamaker

It is further in the public interest and this Board in all respects approves that the Board of Fire Commissioners shall thereafter be elected in accordance with Section 189-e of the Town Law at the first annual fire district election to be held December 8, 1998, in accordance with Section 174 of the Town Law.

Section 5

It is further in the public interest and this Board in all respects approves that commencing January 1, 1999, the Nyack Joint Fire District assume all responsibility for fire protection within its boundaries and at that time and thereafter act as the authority having control of the Nyack Fire Department which shall consist of the following presently existing fire companies:

Orangetown Fire Co. #1;
Mazeppa Fire Engine Co. #2;
Empire Hook & Ladder Co. # 1;
Jackson Fire Engine Co. #3;
Jackson Hose Co. #3;
Chelsea Hook & Ladder Co. #2;
Highland Hose Co. #5;
Nyack Fire Patrol, Inc.;

and such other companies, squads and/or units as may hereafter be duly organized or incorporated according to law.

Section 6

It is further in the public interest and this Board in all respects approves that the Nyack Joint Fire District Board of Fire Commissioners hold their first organizational meeting on June 3, 1998, at 7:30 p.m. within the Nyack Joint Fire District or on such other date as shall be determined by the Board of Fire Commissioners.

Section 7

The Town Clerk is hereby designated and shall , within ten (10) days hereof, publish a notice setting forth the date of the adoption of this resolution, containing an abstract concisely stating the purpose and effect thereof, and specifying that this resolution is subject to permissive referendum.

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RESOLUTION NO. (908-1997) Continued

Section 8

The Village Clerk of the Village of Nyack is hereby designated to act in the following respect on behalf of this Board and shall, within ten (10) days after the effective date of this resolution, cause a certified copy of the determination including this resolution establishing the Nyack Joint Fire District to be filed in the State Department of Audit and Control at Albany, New York and shall further, within ten (10) days after the effective date of this resolution, cause a certified copy of such determination be recorded in the Office of the Rockland County Clerk, as provided in Section 189-d of the Town Law.

APPENDIX 'A'**NYACK JOINT FIRE DISTRICT**BOUNDARY DESCRIPTION

BEGINNING at a point at a bend on the boundary line of the Village of Upper Nyack, and the Town of Clarkstown, said point being approximately 370 feet easterly from the center line of U.S. Route 9W, also known as North Highland Avenue and running thence,

1. on a course through several properties and roadways located within the Village of Upper Nyack South $14^{\circ}-02'$ West 4,594.08 feet to a point at a bend in the boundary line of the Village of Upper Nyack and the Town of Clarkstown as follows:
 - a. Tax Map 60.05, Block 2: Lots 1,2,57,56,50,47,35 and 34 Radcliff Drive and Plamer Drive
 - b. Tax Map 60.09, Block 1: Lots 2,3,4,5,53,52,51 and 50
 - c. Tax Map 60.09, Block 2: Lots 1,92,91 and 84 Christian Herald Road and U.S. Route 9W
 - d. Tax Map 59.16, Block 2: Lot 1

Said course is shown on the Tax Map of the Village of Upper Nyack, dated November 1, 1966, as prepared by William J. Richards Company, Cornwall, New York.

Said point at bend in boundary line is located approximately 310 feet west of the centerline of U.S. Route 9W and 1170 feet southerly of the centerline of Christian Herald Road; thence,

2. on a southerly course along said boundary line South $12^{\circ}-38'$ West 1874.40 feet to a point at the intersection of said boundary line with the boundary line of the Town of Orangetown, which is also the northerly limit of the Village of Nyack; thence,
3. on a southerly course along the boundary line of the Town of Clarkstown and the Village of Nyack (also Town of Orangetown) on a bearing of south $14^{\circ}-09'-15''$ west approximately 2,330 feet to a point on the northerly side of the New York State Thruway Right-of-Way; thence,
4. on a southwesterly course along said boundary line and crossing the New York State Thruway South $13^{\circ}-53'$ West 585.24 feet to a point on the southerly side of said Thruway; thence,
5. on a southwesterly course along said boundary line which line also includes the Village of Nyack, South $14^{\circ}-08'$ west 839.36 feet to a point on said boundary line, and said point being at the intersection with the boundary line of the Village of Nyack and the Village of South Nyack; thence,
6. on the same course along said boundary of the Town of Clarkstown and the Town of Orangetown which includes the Village of South Nyack South $14^{\circ}-08'$ West 250.00 feet to a point where the Town of Clarkstown - Town of Orangetown boundary line will separate from

7. on a southeasterly course along the boundary line of the Town of Orangetown and the Village of South Nyack on a bearing of South $17^{\circ}-12'$ East approximately 2116.80 feet to a point at a bend in said boundary line; thence,
8. on a course along said boundary line South $0^{\circ}-31'$ West 1626.48 feet to a point at a bend in said boundary line; thence,
9. on a southeasterly course along said boundary line and crossing County Roadway Route 5, known as Park Road, and also known as Highland Avenue South $73^{\circ}-00'$ East 556.20 feet to a point at the rear property corners of Lot 1, lands of the Palisades Interstate Park Commission and Lot 2, Block 1 of Map 65.20, which is in the Fire District, and which lot fronts on South Boulevard in the Town of Orangetown; thence,
10. on a course along the rear property lines of the following lots, which are in the Fire District in the Town of Orangetown, but is also commonly known as the unincorporated hamlet of Upper Grandview:

Map 65.20 Block 1: Lots 2,,5,6,7,9,10,11 and 14

to a point on the easterly side of County Route 5. The metes and bounds for this course is as follows:

- a. South $27^{\circ}-33'-44''$ West 120.48 feet
 - b. South $10^{\circ}-12'$ West 419.76 feet
 - c. on a curve to the right with radius = 813.24 feet $\Delta = 26^{\circ}-38'-43''$ and L = 378.24 feet
 - d. South $18^{\circ}-48'$ East 341.52 feet to the above point; thence,
11. on a course along the easterly right-of-way of County Route #5 South $13^{\circ}-16'-11''$ East 154.68 feet to a point; thence,
 12. on a course along the rear property lines of the following lots in the Fire District and in the unincorporated hamlet of Upper Grandview in the Town of Orangetown:
- Tax Map 70.08 Block 1: Lots 1,4,5,6,7,8 and 9
- to a point in the centerline of County Roadway Route 28, known as South Boulevard. The metes and bounds for this course is as follows:
- a. South $14^{\circ}-15'$ East 232.44 feet
 - b. on a curve to the right with radius = 601.08 feet $\Delta = 25^{\circ}-17'-08''$ and L = 265.32 feet
 - c. South $9^{\circ}-22'$ East 58.32 feet
 - d. South $78^{\circ}-45'$ East 398.40 feet
 - e. South $9^{\circ}-34'-32''$ East 1025.40 to the above point in said centerline; thence,
13. on a southerly course along the centerline of South Boulevard South $21^{\circ}-08'$ West 281.28 feet to a point at the intersection of centerlines of County Route 28 and County Route 5; thence,
 14. on a southerly course along the centerline of County Route 5, known as Highland Avenue and more commonly known as South Tweed Boulevard approximately 7,400 feet to a point in the centerline of said road approximately 68 feet from the boundary line of the Town of Orangetown with the northwesterly corner of the Village of Piermont; thence.
 15. on an easterly course between Lot 10 (located in the Fire District), and Lot 11 (out of the Fire District), Block 1 Tax Map 75.05 North $88^{\circ}-10'-11''$ East, 68 feet to the above boundary, and the northwesterly corner of the Village of Piermont; thence,
 16. on an easterly course along the boundary line of the Town of Orangetown and the Village of Piermont and crossing U.S. Route 9W the following metes and bounds to the westerly right of way line of an abandoned railroad:
 - a. North $88^{\circ}-10'-11''$ East 115.00 feet
 - b. North $57^{\circ}-04'$ East 398.04 feet
 - c. North $86^{\circ}-35'$ East approximately 102 feet to the above point; thence,
 17. on a northerly course along the westerly line of the abandoned railroad and said boundary line approximately 50 feet to a point which intersects the boundary line of the Village of Piermont and the Village of Grandview-On-Hudson; thence,

18. on a northerly course along the westerly line of the abandoned railroad for approximately 7,640 feet to a point on the southerly line of the extension of Old Mountain Road, and easterly across the abandoned railroad parcel and along the southerly line of the Old Mountain Road Extension (AKA Mountain Avenue or Chapel Lane) for approximately 40 feet, said courses being the boundary line between the Town of Orangetown and the Village of Grandview-on-Hudson, to a point thence,
19. on several courses along said boundary which crosses the extension of the Old Mountain Road right-of-way in a northerly direction and also along the rear property lines of the following lots which are in the Fire District and in the unincorporated hamlet of Upper Grandview in the Town of Orangetown:
- Tax Map 71.05, Block 2: Lots 9,10,12.2,12.1,13,14.1,14.2,14.3,15,16,18 & 19 and across the New York State Thruway, also known as Interstate Route 87 and 287 to a point intersecting the boundary line with the Village of South Nyack; thence,
20. on a southeasterly course along the boundary line of the Village of South Nyack and the Village of Grandview-On-Hudson South 40°-39 East 1150 feet to a point in the bend of said boundary, said point being in the Hudson River approximately 650 feet from the shoreline as measured along the boundary line and approximately 330 feet northerly from the nearest point on the Tappan Zee Bridge; thence,
21. on an easterly course along said boundary South 77°-38 East 503.40 feet to a point in the Hudson River; thence,
22. on a course due east approximately 5,600 feet to the centerline of the Hudson River denoting the boundary line of Rockland County and Westchester County; thence,
23. on several courses northerly along the above boundary to a point in the centerline of the Hudson River located approximately 4,700 feet due east from the most easterly point of the boundary line between the Village of Upper Nyack and the Town of Clarkstown as follows:
- North 20°-40 East 836.76 feet
 - North 9°-08 East 6282.60 feet
 - North 0°-00 9254.88 feet
 - North 14°-42 East 3205.08 feet
 - North 7°-37 East 2410.08 feet
 - North 3°-57 West 708.84 feet to the above said point; thence,
24. on a course due west approximately 4700 feet to a point in the Hudson River being the most easterly point of the boundary line between the Village of Upper Nyack, and the Town of Clarkstown, said point being approximately 500 feet from the shoreline; thence,
25. on several courses along said boundary line to a point on said boundary as follows:
- South 82°-50 West 1199.64 feet
 - South 4°-50-54° West 226.44 feet
 - South 11°-44 West 2778.72 feet
 - South 11°-50 West 1350.24 feet
 - South 51°-10 West 1466.88 feet
 - South 69°-12 West 786.72 feet
 - South 53°-58 West 1439.16 feet
 - North 74°-14 West 302.28 feet to the point of BEGINNING.

On roll call the vote was as follows:

Councilman Maloney Absent
 Councilman Mandia Yes
 Councilman Profenna Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

The resolution was thereupon duly declared adopted, subject to permissive referendum.

The Village of Upper Nyack voted to adopt the resolution creating a Joint Nyack Fire District. The vote was unanimous.

The Village of South Nyack voted to adopt the resolution creating a Joint Nyack Fire District. The vote was unanimous.

The Village of Nyack voted to adopt the resolution creating a Joint Nyack Fire District. The vote was unanimous.

A Joint Nyack Fire District was created, time: 8:20 P.M.

Town of Orangetown held a public hearing on the dissolution of the Upper Grandview Fire District.

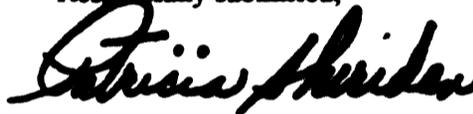
Mr. Simeone read a letter from Mr. Iurica in opposition.

Resolution to dissolve the Upper Grandview Fire District was unanimously adopted.

Town of Orangetown voted to accept a negative SECA report. All voted in favor except Co. Larkin.

Meeting was adjourned, time: 8:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk