

TOWN OF CLARKSTOWN  
SPECIAL TOWN BOARD MEETING

Town Hall

6/2/81

6:45 P.M.

Present: Supervisor Dusanenko  
Councilmen Holbrook, Lettre, Longo, Maloney  
Everett J. Johns, Town Attorney  
Patricia Sheridan, Town Clerk

Supervisor Dusanenko declared the Town Board Meeting open; assemblage saluted the Flag.

Supervisor Dusanenko explained that the purpose of this special meeting was to create a fourth judgeship for the Town of Clarkstown. It is necessary that this received approval of the Town Board 150 days before the election in November. He further stated that if passed tonight the political parties will nominate candidates for the judgeship and the necessary adjustments will have to be made to accommodate this position.

Councilman Holbrook said he felt the position was superfluous and what should be done was to increase the clerical positions.

Councilman Maloney said that since the Town was awaiting Judge Gagliardi's survey we should wait until this became available.

Councilman Longo said that he had had some reservations but after meeting with Judge Wray and learning that Ramapo and Orangetown have a much larger justice court he felt that the increase was warranted.

Councilman Lettre said that after visiting the court he felt a fourth judgeship was warranted to clear up the backlog in traffic violations, criminal and civil cases.

Supervisor Dusanenko said that in the past the three justices acted independently and that two court clerks acted independently of one another and this has been remedied. Presently there is one court clerk who is acting as department head and one administrative judge speaking for all of the judges.

Supervisor Dusanenko read the following letter from Judge William Wray:

"March 19, 1981

Hon. Theodore Dusanenko  
Members of the Town Board  
Clarkstown Town hall  
10 Maple Avenue  
New City, New York 10956

Gentlemen:

As acting Administrative Judge of the Justice Court of Clarkstown, I have not only the responsibility of being a Town Justice but must also advocate and promote solutions in order to make the Court more efficient and responsive to the needs of the citizens of Clarkstown. There is an old adage in law that "justice delayed is justice denied." Many of our criminal matters are not adjudicated in a timely fashion due to a tremendous caseload. This not only denies the defendants the right to a speedy trial but also exposes the public to the possibility of having multiple crimes committed by the same defendant while his previous case is pending.

The Civil part of the Court must wait in line until the more pressing criminal matters are attended to, thereby reducing an essential

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service to which the citizens of Clarkstown are entitled. There is no reason for an average citizen to wait years before his case is adjudicated.

It is with these problems in mind that I respectfully bring to this Board's attention that since Clarkstown has a population of over 75,000, according to section 20 of the Town Law, any town with a population equal to or more than 75,000 is entitled to a fourth Town Judge. Attached to this letter is a copy of the Senate-Assembly bill dated March 29, 1977 (S.5065 - A. 7326). Said bill created the position of third Town Justice in Clarkstown, which I now hold.

The advantages of creating a fourth Town Justice position will help to solve the problems that presently exist, with the additional advantage of generating additional substantial revenue to the Town of Clarkstown, thereby covering most of the costs coincident with the creation of this position. This was proved true by the third Town Justice job creation. Some additional staff may be necessary as well.

As acting Administrative Judge, I would be derelict if I did not present this request to the Town Board and strongly advocate it. I respectfully further bring to your attention that this resolution must be passed at least 150 days prior to the coming election. I would hope that this proposal would have bi-partisan support since it will directly benefit all of the citizens of Clarkstown.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

/s/ William F. Wray

WILLIAM F. WRAY, JR.  
Acting Administrative Judge  
Town of Clarkstown

WFW/iw"

Supervisor Dusanenko further stated that he had requested Judge Gagliardi to make a complete study of our courts. However, this will not be available until the end of the month at which time it would be too late to have the proper legislation passed to create the fourth judgeship. However, he is not moving any of the employees into the new facility until the report is ready and an analysis of the work which has been going on is available.

RESOLUTION NO. (533-1981)

CREATING FOURTH TOWN  
JUSTICE FOR TOWN OF  
CLARKSTOWN

Co. Longo offered the following resolution:

WHEREAS, Town Law Section 20(1) Paragraph (g) has been amended to read as follows:

- "g. Notwithstanding the provisions of any general, special or local law to the contrary, the town board of the town of Clarkstown, county of Rockland, may adopt a resolution at least one hundred fifty days prior to any biennial town election determining that such town shall have four town justices. If the town board of such town shall have adopted such a resolution, the electors of such town shall elect at the succeeding biennial election, and quadrennially thereafter, such additional town justice for a term of four years beginning on the first day of January next succeeding such biennial town election."

RESOLUTION NO. (533-1981) Continued

NOW, THEREFORE, be it

RESOLVED, that pursuant to Town Law Section 20(1)(g), the office of the fourth town justice be and the same hereby is created within the Town of Clarkstown for a term of four (4) years commencing on the first day of January, 1982, and quadrennially thereafter, and be it

FURTHER RESOLVED, that the said position of the fourth town justice be filled at the biennial Town election to be held November 2, 1981, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Governor and our local state representatives and New York State Department of Audit and Control.

Seconded by Co. Lettre

On roll call the vote was as follows:

Supervisor Dusanenko.....	Yes
Councilman Holbrook.....	No
Councilman Lettre.....	Yes
Councilman Longo.....	Yes
Councilman Maloney.....	No

Supervisor Dusanenko recognized Stephanie Reiss.

APPEARANCE: Stephanie Reiss  
27 Renfrew Road  
New City, New York 10956

Ms. Reiss stated that she felt the creation of fourth judgeship was a purely political issue and was politics of the basest order. She felt the people of Clarkstown deserve an explanation. She questioned how the members of the Board, who were voting for this, could consider themselves fiscal conservatives when the creation of this fourth judgeship would necessitate spending \$18,500.00 for the salary plus any clerical staff which might be necessary - and this on top of a 20% tax increase.

APPEARANCE: Rita Sakowitz  
2 Teakwood Lane  
New City, New York 10956

Ms. Sakowitz said that she hoped the Town Board would not ignore the need for additional staff.

Councilman Lettre said he was surprised that Ms. Reiss had not made any valid points to support her rejection of the fourth judgeship.

Councilman Holbrook stated that he was reiterating his position supporting the hiring of additional clerical help.

Councilman Lettre said that additional clerical help would not remedy the backlog of cases.

Councilman Longo said he thought it was a sad commentary that if there had been one more Democratic vote than there is that the people of the Town of Clarkstown would have had to suffer the loss of the fourth judgeship. The people are entitled to a fourth judge whatever his political persuasion might be.

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Councilman Maloney said he still had not been shown any demonstrable need to support the creation of a fourth judge and he believed that they should wait for Judge Gagliardi's report since his report may suggest many different solutions.

Supervisor Dusanenko said "justice delayed is justice denied." He said the political parties will nominate their candidates but that the judge who would be elected would serve all of the people of Clarkstown. To wait for Judge Gagliardi's report would delay the creation of the judgeship and therefore there would be at least a two year delay before help was available and the people are entitled to swift justice.

There being no one further wishing to be heard on this subject and no further business to come before the Town Board, Special Town Board meeting was adjourned on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted. time: 7:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk