

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/23/82

8:25 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John A. Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor Dusanenko offered the following proclamation:

"STUDENT GOVERNMENT DAY

Tuesday, November 23, 1982

WHEREAS, Clarkstown Supervisor, Theodore R. Dusanenko, has designated November 23, 1982 as "STUDENT GOVERNMENT DAY" in the Town of Clarkstown; and

WHEREAS, "STUDENT GOVERNMENT DAY" is sponsored by Supervisor Theodore R. Dusanenko and the Clarkstown Youth Commission in an effort to help youth experience government in action; and

WHEREAS, on this day, civic minded students from Albertus Magnus High School, Clarkstown Senior High School North, Clarkstown Senior High School South and Nanuet High School have worked directly with department heads and Councilmen and have participated in a simulated Town Board meeting, solving problems and making decisions in order to better understand the running of government on a local level; and

WHEREAS, these young men and women are to be commended for their interest in civic service and for developing their knowledge of government with the goal of preparing themselves to become better citizens and leaders of tomorrow;

NOW, THEREFORE, be it

RESOLVED, that I, THEODORE R. DUSANENKO, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim November 23rd, 1982 as "STUDENT GOVERNMENT DAY" in the Town of Clarkstown and urge all our residents to join with me in recognizing the good citizenship of these young men and women in their active participation in government affairs.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 23rd DAY OF NOVEMBER, 1982.

THEODORE R. DUSANENKO, Supervisor
Town of Clarkstown"

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Supervisor Dusanenko commended the Councilmen who took time out of their busy schedules to attend all or a portion of the activities of the day. He thanked all the students and teachers who participated.

He thanked all the staff people, especially Department Heads and Councilmen who helped to make this a worthwhile day again.

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Supervisor Dusanenko opened the public portion of the meeting and asked if there was anyone wishing to speak.

Appearance: Mr. Hilton Kaufman, Chairman
Youth Commission

Mr. Kaufman thanked all employees, elected officials, department heads and anyone who helped make this fourth Student Government Day such a success. He felt it helped the students to appreciate just how government was run and that it was quite a hard job. He thanked once again the Supervisor and the Councilmen.

Appearance: Mrs. Judy Coster
29 Concord Drive
New City, New York 10956

She thanked the Supervisor and the Town Board for declaring Clarkstown Awareness Week. She appreciated the education of the children as to the problems of drugs and drinking.

Appearance: Mr. Michael Cefola
6 John Street
New City, New York 10956

Mr. Cefola handed each of the Town Board Members a copy of proposed zone changes in Valley Cottage which was the subject of a public hearing on November 8, 1982. He referred specifically to the second document which was Item #69 - Tax Map 109, Block B, Lot 2.01 and 12.04. He then referred to minutes of the Town Board Meeting of November 8, 1982. He mentioned the fact that Town Attorney John Costa had testified as to the proper posting and publication of the notice of the public hearing. He said there was also on file in the Town Attorney's office two communications from the Rockland County Planning Board showing approval of all of the proposed zone changes. He said that Item #69 had been deleted after publication of the notice of public hearing. He referred to the notice of public hearing dated October 28, 1982 published in the Rockland Journal News showing that Item #69 was deleted and not showing what was deleted. He again referred to the minutes of that public hearing and stated that the Supervisor stated that Item #69 had been deleted because notice had not been properly served. He wanted to know if Mr. Costa had disqualified himself with regard to Item #69 by letter or any other manner. He said that Mr. Costa represents owners of Map 109, Block B, Lot 2.01 and 12.04 in his private practice and a possible conflict of interest may exist. He requested the Town Board to make a decision or recommendation which will avoid any embarrassment to the Town Board of the Town of Clarkstown.

In response to a query from Councilman Holbrook, Mr. Geneslaw stated that the Planning Board had decided to drop that particular proposal. It was not in the original published notice. Councilman Holbrook said that Mr. Costa had not made the decision whether or not this item would be proposed.

Councilman Lettre stated that it was stated at the meeting of November 8, 1982 that the reason that item was not acted upon was because it had not been legally published and the residents properly notified. He was not saying who had made the decision not to publish he was merely stating that the reason it had not been acted upon was because it had not been legally published. There was more dialogue re the same and then Mr. Costa requested a chance to reply.

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Mr. Costa stated that he had absolutely nothing to do with the parcel which was the subject of the issue raised by Mr. Cefola. There is a letter in the record of this matter dated September 21, 1982 which is addressed to the Town Board and comes from Richard J. Paris, Chairman of the Planning Board and the subject is the zoning map amendments and official map amendments using existing zoning categories. In that letter the Planning Board decided not to recommend any zoning change with respect to the property to which you are referring. Mr. Costa said that while he may be wrong on the date of the letter from the Planning Board he was not wrong on the fact that the Planning Board deleted the item in question from its recommendations. That matter was never before the Town Board. It was left on the maps which were prepared but it was indicated in the referral reports that it was not to be considered and the Town Board did not take any action with respect to that matter. Mr. Cefola said that in the minutes it stated that Supervisor Dusanenko said that Item #69 was being deleted because notification had not been properly served. Councilman Holbrook recommended, in these same minutes of November 8, 1982, that this item be included at the next hearing. Supervisor Dusanenko then asked Mr. Geneslaw the first possible date that this item could be heard at a public hearing.

Councilman Lettre said that he recalled that there had been discussion on this item but that Mr. Costa had stated that no action could be taken because it had been deleted.

Councilman Holbrook asked Mr. Cefola if he were saying that Mr. Costa had deleted that item from the notice; or that at least is what you are implying. Mr. Cefola asked if Mr. Costa had made known in writing in any way, shape or form that there was a conflict of interest because he represented the people involved in this particular parcel.

Mr. Costa stated that at such time as any action would pose a conflict of interest before the Town Board he would make the appropriate disclosure.

Supervisor Dusanenko stated that if the Town Attorney ruled that it was legal perhaps this could be gone into after the other agenda items were taken care of.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein said that what had been discussed would appear to be the subject of a hearing before the Board of Ethics of the Town of Clarkstown. This board was created to discuss possible conflicts of interest and never to be discussed in this kind of atmosphere.

Councilman Holbrook said that this parcel of land was never the subject of a public hearing.

Appearance: Mr. Peter Palko
New City, New York

Mr. Palko said that there had been a great turnout last evening for the discussion of sportsfields in New City. He said there is a great need of athletic fields in Clarkstown. If the Town is unable to provide these fields perhaps the best way would be for the private clubs to build these fields or at least that would appear to be the best way at the present time.

There being no one else wishing to be heard at the public portion the Supervisor asked for a motion to open the scheduled public hearing.

Continued on Next Page

RESOLUTION NO. (1092-1982)

ADJOURNING REGULAR TOWN BOARD MEETING IN ORDER TO HOLD SCHEDULE PUBLIC HEARING RE: CONSIDERATION OF TRANSFER OF RIGHTS CONTAINED IN FRANCHISE AGREEMENT WITH TOWN OF CLARKSTOWN FROM TELE-COMMUNICATION, INC., TO TKR CABLE COMPANY

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: to consider the transfer of rights contained in the franchise agreement with the Town of Clarkstown from Tele-Communications, Inc., to TKR Cable Company, time: 8:43 P.M.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1093-1982)

CLOSING SCHEDULED PUBLIC HEARING RE: CONSIDERATION OF TRANSFER OF RIGHTS CONTAINED IN FRANCHISE AGREEMENT WITH TOWN OF CLARKSTOWN FROM TELE-COMMUNICATION, INC., TO TKR CABLE COMPANY AND RETURN TO REGULAR MEETING

Co. Lettre offered the following resolution:

RESOLVED, that scheduled Public Hearing re: to consider the transfer of rights contained in the franchise agreement with the Town of Clarkstown from Tele-Communications, Inc., to TKR Cable Company, be closed, time: 10:10 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1094-1982)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR PRINTING OF TOWN MAILING ENVELOPES

Co. Maloney offered the following resolution:

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

BID # 5-1983
PRINTING OF TOWN MAILING ENVELOPES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, December 15, 1982 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.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1095-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR CRUSHED STONE

Co. Maloney offered the following resolution:

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

BID #6-1983
CRUSHED STONE

bids to be returnable to the Office of the Director of Purchasing, 10
Maple Avenue, New City, New York by 11:00 A.M. on Monday, December 20,
1982 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.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1096-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BIDS FOR WORK UNIFORMS

Co. Maloney offered the following resolution:

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

BID #7-1983
WORK UNIFORMS

bids to be returnable to the Office of the Director of Purchasing, 10
Maple Avenue, New City, New York by 11:00 A.M. on Monday, January 3,
1983 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.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1097-1982)

MEMORIALIZING THE STATE
LEGISLATORS TO HAVE HOME
RULE LEGISLATION ADOPTED
DECLARING NEW CITY PARK
LAKE A PRIVATE BATHING
BEACH

Co. Lettre offered the following resolution:

WHEREAS, the New City Park Homeowners have for many years
provided recreational, social and swimming activities for its members,
and

WHEREAS, it is most important to continue the neighborhood
spirit and cooperation amongst these many neighbors, and

RESOLUTION NO. (1097-1982) Continued

WHEREAS, the Rockland County Health Department has passed a ruling which in effect makes swimming prohibited at the New City Park Lake, and

WHEREAS, it is in the best interest of the Town of Clarkstown and community of New City Park to have swimming facilities reinstated,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown memorializes our State Legislators to have home rule legislation adopted which would declare New City Park Lake a private bathing beach which is defined in Chapter 1, part 6 of the State Sanitary Code, and be it

FURTHER RESOLVED, that the Clerk to the Town Board forward copies of this Home Rule request to the above mentioned State Representatives.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1098-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT
B 8020-313 TO APPROPRIA-
TION ACCOUNTS NOS. B
8020-201 AND B 8020-423

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$21.00 from Appropriation Account No. B 8020-313 to the following Appropriation Account Nos.:

B 8020-201.....\$ 6.00
B 8020-423..... 15.00

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1099-1982)

DECREASE ESTIMATED REVENUE
ACCOUNT NO. 09-2150 AND
INCREASE ESTIMATED REVENUE
ACCOUNT NO. 09-2401

Co. Maloney offered the following resolution:

RESOLVED, to decrease Estimated Revenue No. 09-2150 by \$2,100 and increase Estimated Revenue No. 09-2401 by \$2,100.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1100-1982)

INCREASE ESTIMATED REVENUE
ACCOUNT NO. 01-2401 AND
INCREASE APPROPRIATION
ACCOUNTS NOS.: A 4210-461
AND A 4210-462

Co. Maloney offered the following resolution:

RESOLUTION NO. (1100-1982) Continued

RESOLVED, to increase Estimated Revenue Account No. 01-2401 by \$1,140. and increase the following Appropriation Account Nos.:

A 4210-461..... \$350.00
A 4210-462..... 790.00

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1101-1982)

INCREASE ESTIMATED REVENUE
ACCOUNT NO. 01-2401 AND IN-
CREASE APPROPRIATION ACCOUNT
A 1220-328

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-2401 and increase Appropriation Account No. A 1220-328 by \$75.00.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1102-1982)

INCREASE ESTIMATED REVENUE
ACCOUNT NO. 01-2401 AND IN-
CREASE APPROPRIATION ACCOUNT
NOS.: A 1010-313 AND A 1010-
409

Co. Maloney offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-2401 by \$125.00 and increase the following Appropriation Accounts Nos.:

A 1010-313..... \$ 75.00
A 1010-409..... 50.00

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1103-1982)

TRANSFER OF FUNDS FROM
APPROPRIATION ACCOUNT NO. A
1910-504 TO APPROPRIATION
ACCOUNT NO. A 9000-801

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$10,300 from Appropriation Account No. A 1910-504 to Appropriation Account No. A 9000-801.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1104-1982)

TRANSFER FROM APPROPRIATION
ACCOUNT NO. B 3620-409 TO
APPROPRIATION ACCOUNTS NOS.
B 3620-328, B 3620-209 AND
B 3620-366

Co. Maloney offered the following resolution:

RESOLUTION NO. (1104-1982) Continued

RESOLVED, to transfer \$160.00 from Appropriation Account No. B 3620-409 to the following Appropriation Account Nos.:

B 3620-328.....	\$125.00
B 3620-209.....	25.00
B 3620-366.....	10.00

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1105-1982)

TRANSFER FROM APPROPRIATION ACCOUNT NO. A 1110-201 TO APPROPRIATION ACCOUNT NO. A 1110-459 AND TRANSFER FROM APPROPRIATION ACCOUNT NO. A 1110-443 TO APPROPRIATION ACCOUNT A 1110-111

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$1,200 from Appropriation Account No. A 1110-201 to Appropriation Account No. A 1110-459, and be it

FURTHER RESOLVED, to transfer \$1000.00 from Appropriation Account No. A 1110-443 to Appropriation Account No. A 1110-111.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1106-1982)

TRANSFER FROM APPROPRIATION ACCOUNT NO. A 1640-311 TO APPROPRIATION ACCOUNT NO. A 1640-461

Co. Maloney offered the following resolution:

RESOLVED, to transfer \$822.00 from Appropriation Account No. A 1640-311 to Appropriation Account No. A 1640-461.

Seconded by Co. Carey

All voted Aye.

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RESOLUTION NO. (1107-1982)

ACCEPTING ROADS AND RELATED IMPROVEMENTS (FOXBURN STREET - MIDLAND ESTATES NORTH)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of Environmental Control, deed from Lin Mil Realty, Inc., dated July 20, 1982, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Subdivision of Property for Midland Estates North, Town of Clarkstown, Rockland County, New York", last revised October 23, 1980, and filed in the Rockland County Clerk's Office on January 23, 1981 in Book 96 of Maps, Page 59, as Map #5228 as follows:

FOXBURN STREET (Extension) 165 L.F.

together with an 8.5 foot wide road widening strip along the east side of Burda Lane and a 30 foot wide drainage easement through easterly portion of Lots 6 and 7 is hereby accepted by the Town of Clarkstown,

RESOLUTION NO. (1107-1982) Continued

provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that Maintenance Bond No. 087159M dated the 3rd day of November, 1982 Lin Mill Realty, Inc., as Principal and International Fidelity Insurance Co., as Surety, is hereby accepted.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1108-1982)

ACCEPTING ROADS AND RELATED IMPROVEMENTS
NEWPORT DRIVE - SUB-DIVISION OF PROPERTY FOR NEWPORT ESTATES SOUTH - SECTION 2)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of the Department of Environmental Control, deeds from Lin Mil Realty, Inc. dated July 27, 1982, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Subdivision of Property for Newport Estates South - Section 2, Town of Clarkstown, Rockland County, New York" dated November 19, 1981 and recorded in the Rockland County Clerk's Office on January 15, 1981 in Book 96 of Deeds at Page 56 as Map No. 5225, as follows:

NEWPORT DRIVE 535 L.F.

is hereby accepted by the Town of Clarkstown, provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that Maintenance Bond No. 00692 dated the 3rd day of November, 1982, Lin Mil Realty, Inc., as Principal and International Fidelity Insurance Co., Surety, is hereby accepted; and be it

FURTHER RESOLVED, that the written guaranty with security posted by the developer for the completion of certain items is hereby accepted.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1109-1982)

ACCEPTING ROADS AND RELATED IMPROVEMENTS (DAKEN COURT - SUBDIVISION DAKEN HOMES)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from Meldor Development Corp., dated August 12, 1982, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Subdivision Daken Homes, Located in the Town of Clarkstown, Rockland County, New York" filed in the Rockland County Clerk's Office on April 10, 1981 in Map Book 96 at Page 75 as Map No. 5244 as follows:

DAKEN COURT 450 L.F.

RESOLUTION NO. (1109-1982) Continued

is hereby accepted by the Town of Clarkstown provided all requirements of the Town Attorney's Office have been met, and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that the written guaranty with security posted by the developer is hereby accepted, and be it

FURTHER RESOLVED, that a performance bond secured by Passbook No. 04-628-68329478 issued by Bankers Trust Company containing the sum of \$21,000.00 is terminated and the passbook released to the guarantor.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1110-1982)

AUTHORIZING TOWN ATTORNEY TO DEFEND PROCEEDING (GUBITS AND SAVIA VS. ZONING BOARD OF APPEALS-ARTICLE 78)

Co. Carey offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

DAVID B. GUBITS, RUTH M. GUBITS, JOSEPH SAVIA AND ANGELA SAVIA,

Petitioners,

-against-

THE ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN,

Respondents,

For an Order Pursuant to Article 78 of the Civil Practice Law and Rules, annulling and revering a Decision granting four variances made by Respondent on the appeal of Albert and Mary Jeney.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1111-1982)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PAVE AND STRIPE SHOULDER AREA IN FRONT OF ST. ANTHONY'S CHURCH, NANUET

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Board, the Superintendent of Highways is hereby authorized to pave and stripe the shoulder in front of St. Anthony's Church in Nanuet.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1112-1982)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO ERECT A WINDING ROAD SIGN (W6-R) 40 FT. EAST OF GUIDE RAIL AND LEFT ARROW SIGN (W-7A) CENTER OF THE GUIDE RAIL AT LEONIA AVENUE, NEW CITY

Co. Lettre offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Board, the Superintendent of Highways is hereby authorized to erect a Winding Road sign, a W6-R, 30" x 30" (See Section 231.7 of the New York State Manual of Uniform Traffic Control Devices.) This sign should be erected 40 ft. East of the guide rail. Also to be erected is a W-7A (left arrow) sign (refer to Section 231.81 of the Manual.) This sign should be erected at the center of the guide rail. Location: Leonia Avenue, New City.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1113-1982)

RESCINDING RESOLUTIONS NOS. 793 AND 908 OF 1982 (WIDENING STRIP WITHIN THE PROPOSED EXTENSION OF PENNSYLVANIA AVENUE, CONGERS)

Co. Carey offered the following resolution:

WHEREAS, Resolution No. 793 of 1982 provided that a 10.3 foot wide strip within the proposed extension of Pennsylvania Avenue, Congers, New York, was to be offered for dedication to the Town of Clarkstown in accordance with the decision of the Zoning Board of Appeals dated September 9, 1974, in connection with Appeal No. 1071, and

WHEREAS, Resolution No. 908 of 1982 corrected the description of the property affected by Resolution No. 793, and

WHEREAS, dedication of the 10.3 foot wide strip to the Town of Clarkstown is no longer required;

NOW, THEREFORE, be it

RESOLVED, that Resolution Nos. 793 and 908 of 1982 are hereby rescinded.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (1114-1982)

DIRECTING SUPERVISOR TO ENTER INTO AGREEMENT WITH VILLAGES FOR USE OF SANITARY LANDFILL (DOBBS FERRY, HASTINGS-ON-HUDSON, ELMSFORD, IRVINGTON, TARRY-TOWN AND ARDSLEY)

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to enter into an agreement as shown on the attached

RESOLUTION NO. (1114-1982) Continued

Schedule "A" with the following villages for their use of the Clarkstown Sanitary Landfill:

- Village of Dobbs Ferry
- Village of Hastings-on-Hudson
- Village of Elmsford
- Village of Irvington
- Village of Tarrytown
- Village of Ardsley

Seconded by Co. Lettre All voted Aye.

(Schedule "A" is on file in Town Clerk's Office.)

Councilman Holbrook inquired as to the rates and the Supervisor said as the rates go up in the Westchester facility our rates will also go up.

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RESOLUTION NO. (1115-1982)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES (WESTERLY
RIGHT OF WAY AT SMITH STREET
WITH SOUTHERLY RIGHT OF WAY
AT WEST NYACK TURNPIKE -
BREMER APARTMENT COMPLEX)

Co. Lettre offered the following resolution:

WHEREAS, as a condition to the approval of the site plan with regard to Bremer Apartment Complex, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes at a point formed by the intersection at the westerly right of way at Smith Smith with the southerly right of way at West Nyack Turnpike;

NOW, THEREFORE, be it

RESOLVED, that a deed dated October 15, 1982, from Bremer Apartments Corp. gratuitously conveying a strip of land as aforesaid, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Carey All voted Aye.

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RESOLUTION NO. (1116-1982)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
(1) ONE HYDRANT NORTH SIDE
OLD NYACK TURNPIKE 415
WEST OF CENTER LINE OF
PASCACK ROAD, SPRING VALLEY

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install (1) one hydrant on the north side of Old Nyack Turnpike, approximately 415 feet west of the centerline of Pascack Road, Spring Valley.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (1117-1982)

AUTHORIZING SUPERVISOR
TO ENTER INTO CONTRACT
WITH BURROUGHS CORPORATION
FOR PURCHASE AND INSTALLA-
TION OF COMPUTER SYSTEM

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor is authorized to enter into contract with Burroughs Corporation for the purchase and installation of a computer system in the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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Councilman Holbrook asked how much above the original cost this particular contract was and Mrs. Erard said about \$2,000.00 above the original. Most of that is for in-house training and installation. It also includes additional software. Mrs. Erard stated that it was to be delivered December 15, 1982.

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RESOLUTION NO. (1118-1982)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND UTILITIES,
INC. FOR STREET LIGHTING AT
ROCK DRIVE IN VALLEY COTTAGE
AND GAIL DRIVE IN NEW CITY

Co. Carey offered the following resolution:

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of surrounding property owners directly affected by this proposed lighting was conducted, and

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc., for street lighting at the following locations:

Rock Drive	Valley Cottage
Gail Drive	New City

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1119-1982)

SUPPLYING PART-TIME
DRIVERS WITH MINIMUM
UNIFORM - MINI-TRANS

Co. Maloney offered the following resolution:

WHEREAS, the labor contract calls for workers to be in uniform, and

WHEREAS, the Mini-Trans wants all drivers to be dressed alike while operating buses, and

RESOLUTION NO. (1119-1982) Continued

WHEREAS, part time drivers are not covered by the contract,
and

WHEREAS, persuasion was not effective in getting the
drivers' appearance improved,

NOW, THEREFORE, be it

RESOLVED, that part time drivers be supplied with a
minimum uniform (1/3) normal allowance) so a uniform appearance can be
maintained.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1120-1982)

ADOPTING AND ACCEPTING
MINUTES OF REGULAR TOWN
BOARD MEETING OF OCTOBER
12, 1982

Co. Lettre offered the following resolution:

RESOLVED, that the minutes of the regular Town Board
Meeting held on October 12, 1982, are hereby adopted and accepted as
submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

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There was a discussion regarding emergency repairs for
overhead space heaters at the Town Garage which was tabled until the
next Town Board Meeting.

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RESOLUTION NO. (1121-1982)

AUTHORIZING INSTALLATION
OF STREET LIGHT ON POLE
#58960/40898 (GERMONDS
ROAD AND SOUTH LITTLE TOR
ROAD, NEW CITY)

Co. Lettre offered the following resolution:

WHEREAS, the Clarkstown Garden Club has requested the Town
Board to illuminate the corner of Germonds Road and South Little Tor
Road, New City,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown
authorizes the installation of a street light on pole #58960/40898.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1122-1982)

AUTHORIZING CHANGES IN
LABOR AGREEMENT BETWEEN
TOWN OF CLARKSTOWN AND
CSEA SPECIAL BARGAINING
UNIT DUE TO TYPING ERRORS

Co. Maloney offered the following resolution:

RESOLUTION NO. (1122-1982) Continued

RESOLVED, that due to typing errors which occurred in the following labor contracts the following changes are hereby authorized to be made:

1. Labor agreement between the Town of Clarkstown and the Clarkstown Special Bargaining Unit of the CSEA, effective January 1, 1981, through December 31, 1983, change Article VIII, Salary Plan, Section 3, Paragraph a(ii) to read as follows:

"Any employee hired between October 1, and December 31, shall be eligible to receive an increment on the second January 1, that follows."

2. Labor agreement between the Town of Clarkstown and Clarkstown Unit of the CSEA, Rockland County Local 844, effective January 1, 1981, through December 31, 1983, change Article VIII, Salary Plan, Section 3 Longevity, Paragraph a to read as follows:

"All longevity increments shall be paid in accordance with Appendix "D" on the first day of the fiscal year in which the employee has completed their seventh (7th), eleventh (11th) and fifteenth (15th) year of service, provided however, that when the anniversary date of the employee falls on or after October 1, then the longevity increment shall be paid on the next succeeding January 1."

Seconded by Co. Lettre All voted Aye.

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RESOLUTION NO. (1123-1982) ACCEPTING RESIGNATION OF CROSSING GUARD - POLICE DEPARTMENT (MARY McDERMOTT)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Mary McDermott, 18 Rammler Lane, Bardonia, New York as Crossing Guard - Police Department - is hereby accepted, effective and retroactive to October 25, 1982.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1124-1982) ACCEPTING RESIGNATION OF SUBSTITUTE CROSSING GUARD - POLICE DEPARTMENT (EMILY M. AYLWARD)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Emily M. Aylward, 6 Almuth Drive, New City, New York as Substitute Crossing Guard - Police Department - is hereby accepted, effective and retroactive to September 1, 1982.

Seconded by Co. Holbrook All voted Aye.

* * * * *

RESOLUTION NO. (1125-1982)

ACCEPTING RESIGNATION OF
RADIO OPERATOR - POLICE
DEPARTMENT (MATTHEW J.
DEIGHAN)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Matthew J. Deighan,
2 Dover Road, Congers, New York as Radio Operator - Police Department -
is hereby accepted, effective and retroactive to November 2, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1126-1982)

APPOINTING PROVISIONALLY
POSITION OF CUSTODIAN II
(GRADE 18) - PARKS &
RECREATION DEPARTMENT
(ALBERT CHIANESE)

Co. Maloney offered the following resolution:

RESOLVED, that Albert Chianese, 196 North Middletown Road,
Nanuet, New York is hereby appointed provisionally to the position of
Custodian II (Grade 18) - Parks and Recreation Department - at the
annual 1982 salary of \$12,868.00, effective and retroactive to
November 8, 1982.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1127-1982)

CREATING POSITION OF PART-
TIME CUSTODIAL WORKER -
MAINTENANCE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified
on November 3, 1982 that the part-time Custodial Worker position -
Maintenance Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the part-time Custodial Worker position -
Maintenance Department - is hereby created effective November 24, 1982.

Seconded by Co. Lettre

All voted Aye.

Councilman Carey inquired if this position were to be
filled immediately. This was affirmatively answered.

* * * * *

RESOLUTION NO. (1128-1982)

ACCEPTING RESIGNATION OF
PART-TIME COUNSELING AIDE -
COUNSELING CENTER (JILL
FITZGERALD)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Jill Fitzgerald, 46 Susan
Drive, New City, New York (part-time) Counseling Aide - Counseling Center,

RESOLUTION NO. (1128-1982) Continued

is hereby accepted, effective and retroactive to November 18, 1982.

Seconded by Supv. Dusanenko All voted Aye.

* * * * *

RESOLUTION NO. (1129-1982) APPOINTING PART-TIME
POSITION OF COUNSELING
AIDE - COUNSELING CENTER
(KERWIN MCCARTHY)

Co. Maloney offered the following resolution:

RESOLVED, that Kerwin McCarthy, 62 Rose Road, West Nyack,
New York, is hereby appointed to the (part-time) position of Counseling
Aide - Counseling Center - at the hourly rate of \$5.50, effective
November 24, 1982.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (1130-1982) GRANTING SIXTY (60) DAY
LEAVE OF ABSENCE TO DUMP
ATTENDANT - SANITARY LANDFILL
(JOSEPH MARSICO)

Co. Lettre offered the following resolution:

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., Joseph Marsico, 51 West Street, West
Nyack, New York - Dump Attendant - Sanitary Landfill - is hereby granted
a sixty (60) day leave of absence at one-half pay, effective December
11, 1982.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (1131-1982) APPOINTING PROVISIONALLY
POSITION OF PRINCIPAL
CLERK-STENO - DEPARTMENT OF
ENVIRONMENTAL CONTROL
(GERALDINE KELLY)

Co. Lettre offered the following resolution:

RESOLVED, that Geraldine Kelly, 39 Twin Elms Lane, New
City, New York, is hereby appointed (provisionally) to the position
of Principal Clerk-Steno - Department of Environmental Control - at
the 1982 salary of \$13,479.00, effective November 29, 1982.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (1132-1982) APPOINTING POSITION OF
CUSTODIAL WORKER (PART-
TIME) - MAINTENANCE DEPART-
MENT (RICHARD G. GEIER)

Co. Maloney offered the following resolution:

RESOLUTION NO. (1132-1982) Continued

RESOLVED, that Richard G. Geier, 9 Spur Drive, Nanuet, New York, is hereby appointed to the position of Custodial Worker (part-time) - Maintenance Department - at the hourly rate of \$5.00, effective December 6, 1982.

Seconded by Co. Lettre

All voted Aye.

* * * * *

Supervisor Dusanenko inquired of Town Attorney John Costa if an Executive Session of the Town Board is the proper forum for the discussion of the question raised by Mr. Cefola regarding Mr. Costa's representation of a private client living in an area in Valley Cottage which was pulled from the areas to be rezoned.

Mr. Costa said that the matter can be discussed in Executive Session and it can also be the subject of an inquiry by the Board of Ethics. He said he was unclear just what Mr. Cefola's objections were and he requested that they be put in writing and whatever specific complaints he has be brought to his (Mr. Costa's attention.)

Supervisor again asked if Executive Session would be proper and was told yes.

Councilman Carey said he felt there was nothing to be discussed.

Councilman Lettre said that Mr. Cefola questioned whether the Town Attorney's Office had removed that particular parcel from the hearing but that Mr. Geneslaw assured them that it was the Planning Board who had pulled it. Because of Planning Board's objections it was taken off and Councilman Holbrook had requested that it be placed on another agenda at the very earliest opportunity.

Mr. Costa said there was definitely innuendo that there was a conflict of interest.

Councilman Holbrook said that the whole thing was a lot of nonsense and he objected to the fact of people making that type of innuendo which would impugn the reputation of an appointed official.

Supervisor Dusanenko asked if when this comment comes to the Town Board and to Mr. Costa in writing it be referred to the Board of Ethics?

Councilman Holbrook said absolutely.

Councilman Carey suggested that Mr. Cefola put this in writing and we take it from there.

Supervisor Dusanenko said that it was his understanding that the members of the Town Board did not want to meet and discuss this now. It was agreed by all that it would not be discussed now.

At this point Supervisor Dusanenko called a recess to determine if a matter he had in mind should be discussed at Executive Session.

There being no further business to come before the Town Board and no one further wishing to be heard, Town Board Meeting was adjourned on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, time: 10:37 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/23/82

8:43 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney
John A. Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: CONSIDERATION OF TRANSFER OF RIGHTS CONTAINED IN THE FRANCHISE
AGREEMENT WITH THE TOWN OF CLARKSTOWN FROM TELE-COMMUNICATIONS,
INC., TO TKR CABLE COMPANY

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

Supervisor Dusanenko called upon the attorney for the applicant.

Appearance: Kenneth Resnick, Esq.

Mr. Resnick said the application is somewhat confusing in the sense of the parties. TCI is the wholly-owned subsidiary of Telecommunications, Inc., the owner of the shares of stock of Good-Vue Television which operates the cable television within the Town of Clarkstown. There now exists a Colorado based partnership called TKR which operates in New Jersey. TKR is composed of Knight-Ridder Cablevision which is a subsidiary of the Knight-Ridder newspaper chain and Country Cablevision which is a wholly owned subsidiary of Telecommunications. The present owner, TCI, proposes to transfer to the partnership known as TKR the assets of Good-Vue. The ultimate result is that the same people who now own Good-Vue will be 50% owners and the other 50% will be owned, subject to the Board's approval, of course, by Knight-Ridder Industries.

This will bring within the Cable company some additional managerial staff with technical know-how and it will bring a lot of money. He said there was earmarked for the Orangetown Cable circuit \$3,000,000.00 to be spent during fiscal year 1983. This is a capital investment and right now it is difficult to say just where it will be spent.

He said the service which has been provided by Good-Vue in the past has been less than exemplary and they recognize this. Since TCI has taken over service has improved certainly not as much as it should but it is an ongoing process and it will continue to improve. We want to put an effective technical managerial staff within the Clarkstown area both for development and maintenance of the system.

In response to a question from Councilman Holbrook, Mr. Resnick said that Town Board Meetings are starting to be televised. BOCES programs are starting to go out also. There is a substantial improvement in the product itself.

Supervisor Dusanenko said that a hook-up to the Clarkstown Schools is going to be honored very shortly.

Mr. Resnick asked Mr. Mills how that particular hook-up was coming. Mr. Mills said that the hook-up was operative but that the signal was not, as yet, strong enough. There has been recently spent about \$16,000.00 on a tremendous amount of work and the system has been overhauled completely.

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Councilman Holbrook said he had been asked by many of his constituents and he himself has asked "Why can't I get cable?" There was some question raised about the problem of underground utilities, location, etc. Supervisor Dusanenko said that in 1983 every resident of Clarkstown should be able to get cable or the company will have problems.

Mr. Resnick said there has been a commitment by Good-Vue to completely wire the area it services by the end of 1983. We had hoped for completion by mid-year but it is now apparent that that will not happen.

Road openings were discussed for the laying of cable and Fred Seeger, Superintendent of Highways said that to his knowledge no permits were obtained for the street openings. He said it was his understanding that they did not need permits for that.

Mr. Resnick said that applications were filed and the fees were paid. Mr. Bollman, Director of Environmental Control said that the determination that no permits were needed was made at a time when the lines were being placed behind curbing and that was the reason for that.

Supervisor Dusanenko asked Mr. Resnick if he would deliver the copies of the applications made and the cancelled checks for any permits for his perusal. Mr. Resnick said they would be delivered to the Supervisor tomorrow.

Councilman Holbrook asked when the contract would be renewable. Mr. Resnick said that was going to be determined by New York State Cablevision. The contract expires in 1984. The original contracts drawn in the late sixties or early seventies provided for cablevision rights until the year 2900 or something like that. The State has said they will not issue permits except for five and seven year renewals despite what the cable companies have with the local municipalities. All of the contracts are going to be up for renewal in the Rockland County area in 1984.

Councilman Holbrook said another complaint is that the phone rings and rings and is not answered. Mr. Resnick said that was part of the improvement program also. Sometime in December there will be an additional six lines placed in the Good-Vue offices. Good-Vue is now maintaining a twenty-four hour a day, seven days a week customer service line. Within a reasonable period of time from when you call someone will determine the problem. It may take longer for the repair depending upon the problem but someone will get to you as quickly as possible. The box itself should be quickly repaired or replaced if that is the problem.

At this point it was determined that permits had been obtained and Mr. Resnick was asked to please bring in the cancelled checks for verification.

Mr. Costa said that before Mr. Resnick steps down he had one or two questions in order to clarify the record. A petition was filed in the Town Attorney's office which had been filed with the Cable Commission of the State of New York on behalf of your client. You said at the outset that your client was about to sell a 50% interest in the business. One of the exhibits accompanying the petition was a draft of an agreement of purchase indicating that Good-Vue owned by Telecommunication, Inc., is selling the Good-Vue franchise and equipment to TKR Cable Company. It would seem that they are selling the entire operation lock, stock and barrel. Mr. Resnick said that that is correct. This is an asset transaction not a stock transaction. This would include the franchise Good-Vue and Orangetown as a matter of fact. Mr. Resnick

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said he thought there were economic reasons for the structuring of the arrangement that way.

Mr. Costa said that one of the other exhibits with the petition indicates that the purchaser has arranged for a \$100,000,000.00 line of credit and has \$43,000,000.00 left to draw upon for this acquisition and others. Mr. Resnick said that that sounds like acquisition money to buy other cable companies which may be around.

Mr. Costa said he would also like the record to reflect that there is an additional amendment which was dated July, 1966 which was amended in 1974 and in the amended agreement it talks in terms of a ten year non-exclusive franchise which might be extended at the option of the grantee for an additional five years upon written notice to the town of not less than three months prior to the end of the term. That would place the renewal period during 1984.

Councilman Carey said that Mr. Resnick had mentioned a \$3,000,000.00 expansion program. Mr. Resnick said that this sum is the proposed budget for the capital expansion of TKR in the year 1983. He said where that money would be directed can not be determined right now.

Councilman Lettre said that he understood Mr. Resnick to say that TKR was purchasing the total assets of Good-Vue but then you said that Good-Vue was going to own 50%. Is that correct? Mr. Resnick said that TKR is 50% owned - the same people that own Good-Vue now are now also 50% owners of TKR.

Supervisor Dusanenko asked if there was anyone from the public wishing to comment.

Appearance: Mr. Joel Karp
New City, New York

Mr. Karp said if he is correct grantee means Good-Vue and they have an option to renew for five more years without coming before the Town Board simply by writing a letter. Mr. Costa said they may not be entirely correct because there is a statute on the books which must be followed by the cable company. Mr. Karp wanted to know if the Town Board could insist on modifications to the agreement on June 24, 1983 when it comes up. You are opening up the negotiations now and you can insist on modifications at this point. If, as Mr. Resnick says they are willing to modify the agreement when it comes up in 1984, then perhaps they would be willing to waive that option.

Mr. Resnick said that he never said that his client was willing to waive or modify anything. He said the New York State Cable Commission will probably decide what has to be done. He said that Clarkstown has within the body of its contract a most favored town clause so that what even occurred in any other town is automatically included in the Clarkstown contract. Mr. Resnick said they are running a very complex, expensive, detailed system and they are not interested in giving something to one town and not another. Our intent is to provide the best possible service.

Mr. Karp said his concern was that comes June of 1984 and you find that the Town Board cannot take any action until 1989 we should have that checked out by the Town Attorney. This may be the time to discuss it while the contract is open. He said another concern was that public buildings, police, schools, etc., are entitled to hook-up at very low or no minimum cost. Is cable willing to extend that to county-owned facilities also. Mr. Resnick said absolutely. If there is a need and someone asks for it.

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Mr. Karp then discussed billing problems which people have or have had with the cable company. He felt the Consumer Protection Board should be used and maybe these problems could be more rapidly solved.

Mr. Karp discussed the public access channels and while he complimented the company on recent improvements in personnel and maintenance he hoped that more improvements would be forthcoming. He inquired about all residents being able to receive cable. Supervisor Dusanenko reiterated his earlier remark that all the residents of Clarkstown would be able to receive cable by 1983.

Appearance: Mr. John Lodico
New City, New York

Mr. Lodico said he thought the service of the cable company was not only downright lousy but upright lousy. He asked Supervisor Dusanenko how he could guarantee that all residents of Clarkstown would have cable service by 1983. Supervisor Dusanenko said that he, with the assistance of the Town Board members, had been able to expand and improve the service of the cable company more in the last three years than in the four years that Mr. Lodico was on the Town Board. Mr. Lodico disagreed and said that was a matter of opinion. He requested that each member of the Town Board read the contract already in existence with the cable company and not leave it up to the Town Attorney. In response to a question from Councilman Holbrook Mr. Lodico said he thought approval of this proposal was very premature. Mr. Lodico felt that the Town would not have one bit of control over the operation. This company did not honor its commitments as to installing cable lines while subdivisions were going in. They made no effort to come in and install what was necessary before the subdivisions were completed. Mr. Lodico said that sleeves should be inserted in all future subdivisions for the installation of lines in the future. He again urged the Town Board members to read the contract because if Albany takes away the jurisdiction the Town Board is going to have nothing to say.

Supervisor Dusanenko said to the best of his knowledge the New York State Cable Commission has the power and authority to take anything and everything away from this franchise and also give extra guarantees and demand improvement of service.

Appearance: Mr. Eugene Gurlitz
West Nyack, New York

He felt that the quality of the service Good-Vue delivers is probably average. He stated that in order to have cable in Rockland County it is much more expensive than it is for example in Manhattan due to the amount of wiring required. He felt the quality of the picture was pretty much the same and it is a question of technology - a technology which is only about fifteen years old. Our problem is that there is no local programming. We don't need cable for reception. Most of us get reasonably good reception. The advantage of our having cable is the opportunity to deliver our local programming to every household. He felt Town Board Meetings, School Board Meetings, etc. should be broadcast and rebroadcast. There should be good quality local programming.

Appearance: Dr. Louis Alpert
Valley Cottage, New York

Dr. Alpert said he had been in contact with Mr. Mills and some members of his staff very recently with regard to the opening of his street, which is a private road. Orange & Rockland is going to be putting in electric wires, gas lines and telephone lines will also be installed underground. I requested that cable lines installed at the

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same time would be very worthwhile as it would be an opportunity to do all this while the street was open. He never called back or tried to get in touch with me and I felt there was no spirit of cooperation whatsoever. Cable was brought within inches of our homes yet no attempt was made to contact us at the time. Now with this opportunity with the roads being opened they don't contact us again. I don't understand this at all.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff related his problems with contacting the cable company. It was common for him to have to switch from the cable to his roof antenna. He finally took out their equipment and when he was able to contact them told them to come and pick it up. He did not want it anymore. He urged that consideration be shown to the residents before the Town Board extended any privileges or franchises to this company. He wanted improvements as he did not want to be on the phone two or three days a week if he has the cable reinstalled.

Appearance: Mr. Martin Bernstein
20 Woodglen Drive
New City, New York

Mr. Bernstein felt this was a tremendous opportunity for the Town. If this request had not been made it was his understanding that no change could be made in the contract until 1989. This contract was supposed to come up for renewal in 1984 and this would have given us the opportunity to make certain that Good-Vue will provide all the necessary services. Tonight he learned that it will not come up for renewal until 1989. Before any change is approved the Town Board should sit down with a group of people and study the contract. We should review all the complaints. Good-Vue has made promises but these promises have only come up in the last few months. The Town Board now has the opportunity to make certain that they provide these services and live up to their promises.

Supervisor Dusanenko said that approximately one year ago there was another take over and at that time we did start to get some improvements. There was provision at that time for public as well as educational access.

Appearance: Mr. Dave Fromson
Brewery Road
New City, New York

Mr. Fromson stated that he had at one time paid for the installation of Cable T.V. but has since had it removed as the price doubled and he did not feel he was getting what he paid for. He questioned the ownership of the wires that run from the telephone pole to his home. He was told that Good-Vue owns them and also any wires that run through his home.

Appearance: Mr. Rudolph Yacyshyn
New City, New York

Mr. Yacyshyn stated that he has been a member of the Planning Board since 1966. Mr. Yacyshyn said that the Planning Board has insisted since 1967 that all utilities be placed underground with very rare exceptions. He said the Planning Board had been approached by people who wanted waivers to have the cable company run lines above ground so that they could receive the cable programs. This would have required poles being installed and defeat the purpose of underground utilities in the first place. They were consistently denied. He himself

Continued on Next Page

had recently moved into an area where he could not get the cable which he had enjoyed in his other home in a different area. The roads were dug up twice. We petitioned Good-Vue Cable to install the cable at the latter time. Nothing was done. Finally, one year ago the cable company did come in and install the sleeves for the cable on the town right of way. After four years of aggravation, one month ago the cable company came around and asked us if we wanted to subscribe. He requested that the Town under no circumstances give any consideration without an absolute guarantee that every subdivision have installed at the time other utility cables and wires are being installed, the cable lines.

Supervisor Dusanenko said that he questioned why the cable lines were not mandated to be laid at the same time as the other utility wires are installed as mandated by the subdivision regulations of the Town. Mr. Yacyshyn said he certainly felt it merited looking into. He said the Planning Board would look into the subdivision regulations as soon as the Master Plan rezoning hearings and the work attendant upon them were complete. Mr. Dusanenko said that if he were contacted by any one regarding this type of complaint he would contact the Cable Television Commission which would in turn contact the Public Service Commission. The Public Service Commission could then contact the particular utilities involved requesting their cooperation. Mr. Dusanenko said he had received no communication from the Planning Board advising him that there had been no cooperation from utilities with the cable company. Mr. Yacyshyn said he was surprised at that but he would look into it.

At this point there was discussion among the Councilmen regarding how best to implement the ruling that cable lines be laid at the same time as other utilities. Mr. Yacyshyn said it was his understanding that cable is not considered a utility at this time and it would have to be looked into. Mr. Yacyshyn said he felt there was no reason why the cable could not be laid at the same time as the other utilities and the subdivision regulations changed to reflect this.

Appearance: Mr. Isaac Hersley
Lafayette Drive
New City, New York 10956

Mr. Hersley questioned why the cable line was not being laid in his development as the street was still open. He said that the cable company was not going to do this now. The builder said that it cost too much. He said it was his understanding that the Board had gotten a commitment from the cable company that everything will be wired by the end of 1983. Can they submit to the Board and then to the public a detailed plan by street. Supervisor Dusanenko said that they have a by street detail going back and forth right now. When a certain area is completed the map is updated. This was started in late spring or early summer. Mr. Hersley asked if it were not true that other areas are receiving more channels and better programming than our area? Mr. Hersley also asked if there were a defined schedule of public access channels and when they would be made available in the current contract? Supervisor Dusanenko said that in the contract there is stated that two public access channels would be available, one for educational and one for government but it did not specify when. We are, however, starting to utilize the government channel now.

Mr. Gerlitz said that access is not the same as providing coverage of events in our community. To provide the channel is not enough.

Mr. Lodico said the only way you'll guarantee its being done by 1983 is by cash bond.

Appearance: Mrs. Shirley Thormann
Valley Cottage, New York

When the cable company came in to the Town they wanted the Planning Board to act as the middleman between Cable T.V. and the builders in terms of the cable being put in the ground. The builders came in and said they were more than willing to do the work and to please alert them to the time when the gas and electric lines were being installed. The builder even told the cable company at one time if they would drop the line off at the subdivision the builder told them they would see to it that it was laid. This would have saved the Town an enormous amount of money instead of roads being opened twice. She said cooperation is not too much to ask from someone who wants something from this Town. She suggested that our Town Board sit down with the Town Boards of Ramapo and Orangetown and see what can be worked out which will be beneficial to all.

Supervisor Dusanenko said that he has not had one complaint in writing and that from now on when there is a complaint it should be a written one, directed to him. Then there will be something for him to work with.

Supervisor Dusanenko then called upon Mr. Resnick to summarize.

Mr. Resnick said he thought Mr. Yacyshyn's comments were very well taken and quite appropriate. He reiterated that a cable company is not a public utility. What you can compel a public utility to do you cannot necessarily compel private industry to do. Mr. Resnick said he would be more than happy to work with Mr. Costa and Mr. Yacyshyn to draft new subdivision regulations whereby the cable company would pay for the installation but the actual work would be done by the builder. Mr. Resnick gave an explanation of trenching agreements and the cost to a utility if they take advantage of another utility's opening of the ground. It is usually more expensive than it would be for the utility to open the ground itself. He felt a program should be developed which would be logical and economical. He mentioned that TCI became the owners of the shares of stock of Good-Vue in September of 1981. Until that time Good-Vue was owned by an outfit called CIS (Communication Information Services). We know there were problems and we do not excuse them any more than you do but that does not make the problems any better. But Mr. Resnick did say that things are starting to improve and he mentioned that since the spring more than sixty miles of cable had been laid in the Town of Clarkstown. There is progress being made. He said if their cable is going to run in front of any fire house, that fire house will have an access line.

Mr. Resnick said that the suggestion that the Town Boards all get together was an excellent one. He did mention, however, that upon the approval the most favored town clause becomes operative so that anything which becomes available in any municipality served by the organization that will be known as TKR will be equal. In other words, if you can get it in Orangetown you will be able to get it in Clarkstown. There will be equality of service.

Mr. Resnick thanked the Board and he also thanked the members of the public who came out with their comments and suggestions.

Councilman Holbrook asked Mr. Resnick about community programming. Mr. Resnick said they are not programmers, producers or directors. We do not own television stations. Community programming questions should be more properly directed to those owning and operating television stations.

There being no one further wishing to be heard, the Public Hearing was closed on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, DECISION RESERVED, time: 10:10 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk