

Town Hall

2/9/88

8:00 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney, Smith  
Murray N. Jacobson, Town Attorney  
Patricia Sheridan, Town Clerk

Supervisor Holbrook declared Town Board Meeting open.  
Assemblage saluted the Flag.

Supervisor declared the Public Portion of the meeting  
open.

Appearance: Mr. Milton Levy  
Normandy Village  
Nanuet, New York

Mr. Levy spoke regarding the increases in rent and wanted to direct his remarks to landlords in the Town. He stated that he hoped that everyone was familiar with the increases designed by the landlords, what the county guidelines are and what the renters have offered the landlords. He said the landlords want a 5-1/2% increase the first year, another 5-1/2% increase on the second year in a two year lease and another 5-1/2 increase on the third year in a three year lease. The last guidelines called for a 2-1/2% increase on a one year lease and a 4-1/2% on a two year lease. He said the renters have said they would be glad to accept a 3-1/2% increase on a one year lease, a 5-1/2% increase on a two year lease and 6-1/2% for a three year lease. He referred to a statement made by Mr. Torsoe in 1985 which appeared in the Journal News in which Mr. Torsoe stated that "rent increases in line with those of the County Rent Board would only reduce my profits and not put Normandy Village into the red at least in the immediate future."

Mr. Levy said there must be some percentage between what the landlords desire and those of the guidelines which will give the landlords a reasonable profit. Mr. Levy also quoted from correspondence from a former Town Board member to the tenant's attorney, Mr. Fromson. He said the letter dated November 10, 1987 referred to the attempt of keeping the proposed rent increases close to the rent guidelines. Mr. Levy asked if 5-1/2% was near the rent guidelines? He mentioned rents in 1986 as to what is contemplated for the next two years. He gave as an example an apartment that rented for \$8640.00 per year and taking an increase of 1986 the rent would be \$10,800.00 or an increase of \$2,150.00. He showed how hard it was for senior citizens to pay the increase considering the drop in their incomes due to inflation. Their social security income and pension income does not keep pace with the inflation rate.

Mr. Levy requested Mr. Torsoe to discuss the situation with other landlords and that the increase be held up at least until the next meeting of the Town Board.

Appearance: Mr. John Cuff  
Pheasant Drive  
West Nyack, New York 10994

Mr. Cuff spoke regarding Agenda Item No. 25e (Creation of the position of Highway Maintenance Supervisor in the Highway Department). He stated that recently we were told that the bulk pick-up, etc. would be taken care of by private carters. He questioned the necessity for another Highway Maintenance Supervisor since there was a Highway Maintenance Supervisor for every four employees.

Mr. Cuff spoke regarding Agenda Item No. 35 (temporary disposal of Ramapo's solid waste in the Clarkstown Sanitary Landfill). He said he has watched the steady caravan of covered over trucks coming in from Ramapo. He said we have imported

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hundreds of thousands of tons of garbage from Ramapo into West Nyack. At the time that agreement was reached Ramapo was going to build a sludge burning facility and we were going to take their garbage. He said they have not even chosen a site for a sludge burning facility in Ramapo. He said we have been hoodwinked.

Supervisor Holbrook said Ramapo has passed a resolution stating that they would be the host town for a sludge burning facility. We all realize that the most sensible place to put a sludge burning facility is for the present operation in Orangetown to continue burning it, upgrade it and pipe it in from the County Plant. That would save the taxpayers of this county about \$15,000,000.00 but the County does not do anything, basically. If the plant which we outlined in the overall picture fails then this site in Ramapo will be the site because the Rockland County Sewer Commission (of which Ramapo and Clarkstown are the majority) have voted to site that sludge plant in the Town of Ramapo. From a taxpayer's point of view what makes the most sense is to continue burning it where it is. He said if the plan outlined a few weeks ago by the Towns in Rockland County to solve solid waste fails, then Clarkstown and Ramapo are going to have to solve this problem between them and Ramapo would take the sludge plant.

Mr. Cuff said meantime the taxpayers of Clarkstown are losing, day by day, what very little we have as far as the supposed asset of a landfill is concerned. West Nyack has become the garbage capital of Rockland County.

Supervisor Holbrook said the fees we have accumulated from Ramapo (in excess of \$1,000,000.00) are in an account for the capping of the landfill which will ultimately cost the Town somewhere between \$5,000,000.00 and \$7,000,000.00. We anticipate upwards of almost \$2,000,000.00 this year from fees from Ramapo which will give us a total of \$3,000,000.00.

Mr. Cuff said if we are going to help out Ramapo they should be willing to pay the going rate for removal of their garbage. Supervisor said there is no problem with that. Mr. Cuff said apparently there has been a problem because we have been hauling their garbage in for close to a year now and we are not getting anywhere near the going rate. He said he would like to be fair but we should take a firm stand and take into consideration the citizens of Clarkstown and the citizens of Ramapo and Orangetown, second and third.

Supervisor Holbrook said a methane collection system will be implemented this year which will be a turn key operation. The Town of Clarkstown over the next twenty years expects to receive a minimum of \$8,000,000.00 in revenue. The Town Board is not just taking the revenue, washing it through the General Fund to make us look good from a financial point of view but maximizing the profits that we can obtain from a methane collection system as well as garbage fees. He said coming due this year is the two year contract with the Town of Orangetown. Next year both of these contracts will be settled simultaneously with each town receiving basically the same terms.

Mr. Cuff said with the cooperation we have gotten from the Town of Orangetown and the promises from the Town of Ramapo it is time that we took a step forward and got top dollar for accepting all their grief and all their garbage.

Appearance: Mr. Arthur A. Walsh  
Normandy Village  
Nanuet, New York

Mr. Walsh spoke regarding Agenda Item No. 9. He said he was confused as to the "volunteer tenants." He asked Supervisor Holbrook if he had a list of the tenants who agreed to accept a

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proposed increase. Supervisor said it was a voluntary agreement between the landlords and the Town of Clarkstown. Mr. Walsh said this was misleading and should be changed. There is no voluntary attitude on the part of any tenant. He asked that the wording be changed for the record so that it does not indicate that the tenants are volunteering anything.

Supervisor Holbrook said he would.

Appearance: Mr. John Lodico  
2 Birch Drive  
New City, New York

Mr. Lodico said he was Executive Director of the Independent Contractors Association of Rockland County. Other than rent problems from tenants there have probably been no problems with the Torsoe development. Free enterprise should continue to reign. Renting apartments is equal to a proper return on an investment. He felt the rent situation should remain in the free enterprise system and that government should not get into regulation of how much profit should be made by someone in private business.

Mr. Lodico spoke regarding Item No. 35 on the Agenda (temporary disposal of Town of Ramapo solid waste in the Clarkstown Sanitary Landfill.) He said it did not matter what we are charging Ramapo at the present time. Their agreement was in excess of what you are trying to negotiate down. Whatever they are paying at the present time is much lower than they were paying before we bailed them out. He said as to the IOU that they are going to accept being host of a sludge plant, we should think about possibly considering as an overall basis of reducing our rate when that sludge plant is built in the Town of Ramapo then maybe we can talk about a cooperative effort and not until then. From the time negotiations and studies and engineers are hired there could be three different administrations in the Town of Ramapo before that ever comes into being. We should consider maintaining our asset of the landfill. Whatever we produce out of it, whether it be methane gas or whatever, that is our asset.

Mr. Lodico said he hoped the Town Board would seriously study possible land that was considered surplus at the Landfill before it comes up again to be removed. Supervisor said we are getting a second appraisal on that. Mr. Lodico said we should have protection written into this situation so it is just not a piece of land that is going to be sold under the guise that it is surplus. Right now its the key to 36 acres in the back that could quadruple. He said maybe by the next meeting the Town Attorney and the Town Board could give us an assessment as to where we stand in acquiring that parcel which is directly behind this piece of surplus land.

Mr. Lodico said he hoped the Town Board would consider since we have minimal amount of commercial development land that we have a serious study and remove the tax abatement procedure on our future commercial development land.

Appearance: Mr. George Zuckerman  
Normandy Village

Mr. Zuckerman said he is chairman of the Normandy Village Tenants Association. He said Supervisor Holbrook stated that the Town Board tonight was passing a resolution entering into an agreement with the landlords of Clarkstown to enable them to get three year leases with a 5-1/2% increase the first year, another 5-1/2% the second year, and another 5-1/4% the third year, totaling over 16%. Such increases are unwarranted, unfair, unjustified and outrageous. He said their attorney and members of the executive board of their association have met with Supervisor Holbrook, with Councilwoman Smith and Councilman Kunis at five meetings to try to resolve the problem. Mr. Pepe and Mr. Torsoe each attended one

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meeting. They seem to feel that what they wanted would be approved by the Town Board and they were correct.

Mr. Zuckerman said their final proposal was 3-1/2% for a one year lease, 5-1/2% for a two year lease for twenty-four months, not a 5-1/2% increase each year and 6-1/2% for a three year lease for thirty-six months not 6-1/2% each year. He said all he is asking at this time is for the Town Board to table the resolution and to be good enough to give us an extension of thirty (30) days during which time the Rent Increase Agreement can be presented to the regular membership which consists mostly of senior citizens for their consideration. He said he hoped the Town Board would reconsider the adoption of the resolution and grant the thirty (30) day extension. He said they are not looking for ETPA and are going along with this system. He said he wanted to thank the tenants who came to this meeting tonight to show support for his request of a thirty (30) day extension. He requested the tenants to stand.

Appearance: Mr. William Holl  
Congers, New York

Mr. Holl spoke at length regarding a problem he had with his mailbox which he felt had been knocked down when the Highway Department was removing snow. He wanted to know how he can get restitution. He said the mailbox is small and insignificant but he did not think that the Superintendent of Highways has a right to damage property just because it is within a ten foot right of way. The mailbox is placed according to the postal regulations which mandates that the person delivering the mail has to deliver the mail from his vehicle. The mailbox is three feet above the ground clearly visible. He said the excuse he got was that the Superintendent of Highways was trying to save the Town money. He might be saving the Town money but Mr. Holl thought it was destructive. If a juvenile or a child did this his parents would pay restitution for it. He said he did not think the present Superintendent of Highways should be able to get away with this. He called two times in the past and the mailbox was fixed with no problem. He wants to know why he is having this problem? He said if the Highway men had been more careful this would not have happened. It should be repaired or replaced. He asked what he could do?

Supervisor Holbrook said the Highway Law creates a Catch 22 situation because if you put the mailbox out of the right of way the mail won't be delivered. If you put it in the right of way, at times, it can be knocked over. The Town Board has discussed this on a number of occasions and essentially has indicated a willingness to fix the mailboxes. This is within the jurisdiction and purview of the Highway Superintendent. Supervisor said his personal opinion is that we should allocate some money for some posts as we have over three hundred miles of roads and this is bound to happen. We should fix them. He said he is only one Board member but other Board members have indicated that basic premise. If the Town Board indicates that, maybe the Highway Superintendent would go along with it. Councilman Maloney said we intend to do that.

Mr. Holl said the Superintendent of Highways is here tonight. Supervisor said he did not want to get into a debate tonight over mailboxes. Town Board members will issue their feelings to the Highway Superintendent and maybe we can handle this situation that way.

Councilman Maloney said this is something that the Town Board should do. The Town Board should take it upon themselves to repair or replace the small number of mailboxes that are knocked down each year accidentally. Councilman Maloney said perhaps we could have a resolution to take care of this problem. Supervisor said we could write a resolution tonight to pass that. It was agreed that it would be done tonight.

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Appearance: Mr. Martin Bernstein  
New City, New York

Mr. Bernstein said six months ago he came before this Board to discuss the Code of Ethics we have in force in this Town. He pointed out that more than twenty years ago when this Code of Ethics was created in the Town there was a resolution passed to provide every new employee and every new member of every Board with a copy of this code so that they would know what their responsibilities are. At the beginning they were given out to people. Supervisor said at Mr. Bernstein's request last year he did so. Mr. Bernstein said are they all given out to every member of every agency? Supervisor said he thought so. Mrs. Sheridan concurred with this.

Supervisor said at the Association of Towns Meeting coming up later this month there is a special session dealing with ethics in Town Government at one of the morning sessions. The Board Members will be going down there and that should be one of the sessions possibly to drop in at.

Appearance: Mr. Robert DiPaci  
Central Nyack, New York

Mr. DiPaci spoke in reference to Agenda Item No. 18 (Zone Change for Hegarty Homes). He gave the Supervisor a petition. Supervisor said even though there won't be a resolution in affirmation tonight, he thought it was the intention of the Board for the next Town Board Meeting to put forth a resolution denying the zone change. The petition was given to the Town Clerk to be stamped in.

Appearance: Mrs. Rosemarie Seery  
15 Flitt Street  
West Nyack, New York

Mrs. Seery wanted to give an update on what is happening down in the toxic area of West Nyack, in Clarkstown. She mentioned that she has been on the phone and visiting the DEC office for the past weeks. She spoke with Cathy Quinn, who is the Assistant Public Health Engineer at the Rockland County Health Department. She spoke with Vance Bryan, who is Chief of Technical Services at the Division of Environmental Enforcement of the DEC in Albany. She had ascertained that the dredging which is being proposed for the Hackensack River in West Nyack right behind the Pathmark Shopping Center has turned up petroleum hydrocarbons. She stated that may not mean very much but if you think about what petroleum is in the terms of vaseline, it sticks to anything with which it comes in contact. She is trying to find out if it is in the dirt is it ever possible to get rid of it? It is also fat soluble which means it does not dissolve in water. The Hackensack River is our drinking water in West Nyack. It flows down through not only West Nyack, but into Orangetown and down into New Jersey. Our artesian wells which are deep wells in the ground are dotted along the Hackensack. Some of the wells, called the Blauvelt Wells, have already been so highly contaminated that they have been shut down. Now we have the tetrahydrocarbons and this is just the first round of tests that have come up. They are doing the second round of tests. If the second round of tests show up that there are toxic wastes it cannot be dredged because then it couldn't go on the Clarkstown Landfill. It would be too expensive to truck it out of Clarkstown so it would remain.

She said the Orange & Rockland Utilities in West Nyack had a PCB spill there earlier in the 1980's and what they are thinking about doing is blacktopping over the PCB spill. She stated that she had spoken with Vance Bryan again and he was extremely concerned about that as well as with the dredging because it all impacts on our water supply. The Nyack Water Company sits opposite the Orange & Rockland Utilities where the PCB spill was.

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Mrs. Seery went on to state that most people do not know that the State Superfund List is numbered to indicate that a site goes from 1 to 4 or 5 until you are delisted. She said she has found out that there are no number 1's. If they had a number 1 it would be something like Love Canal. This list was made up after Love Canal so the number 1 spots are those that are designated as number 2's and the Clarkstown Landfill is a Number 2. The Orange & Rockland Utilities is a 2A. The Dexter site which is being proposed for the Mall was a 2A until September and then it was down graded to a 3. These are sites which need extensive testing when they are considered 2A's. An incinerator is being proposed for this area. Incinerators should never go in a wetland area. This is a wetland area. They should never go in a valley because of the inversion. This is a valley inversion area.

Mrs. Seery said that Ramapo, as Supervisor Holbrook has stated, has said that they will take the sludge facility. She wanted to know and wanted all the residents to know what sites are being proposed?

Supervisor said the site in the Torne Valley for the sludge facility. He said to clarify the point once and for all, no other community in Rockland County has volunteered to take sludge and that was part of the agreement worked out with the Town of Ramapo in return for garbage last year. It was also the beginning of trying to make some sort of sense out of all the nonsense that has been passed around in terms of solid waste in Rockland County. The Rockland County Sewer District (which Supervisor Holbrook said he happens to sit on) voted to site a sludge facility in the Town of Ramapo and the Ramapo members of that Sewer Commission voted for that as did the Ramapo Town Board members. Supervisor said common sense and the interests of the taxpayers of Rockland County dictate where it should be burned is where the sludge is but since we never do what is common sense in Rockland County we have to come up with other alternatives. The alternative, if that fails, is taking the sludge to Ramapo. The process that we are working on and the request for proposals is a pelletization process which is a private process and that's where it sits right now.

Mrs. Seery asked what would be done with the pellets and Supervisor said they would be sold for fertilizer. Mrs. Seery asked if the Supervisor had any idea what is in the pellets? She said it is the same substances that were going to be in the compost that we fought out five years ago to get rid of the compost because the compost had heavy metals in it and could not be placed on anybody's property. Supervisor said whatever it is it must receive a DEC permit so apparently they can obtain a DEC permit. Supervisor said in the final analysis something has to be done with sludge, garbage, etc. Otherwise it won't cause only a toxic valley - it will be sludge valley. The Supervisor stated that the site for the sludge facility is not going to be West Nyack.

Mrs. Seery said we keep taking Ramapo's garbage. We took it back when they begged us five years ago - then we didn't take it - and now we are taking it again with the promise of the sludge. It has been almost a year now. Two months ago they finally were interviewing engineering firms. That doesn't mean they chose them but interviewing them. It took them eight months to do that. The Torne Valley happens to be the area that was the old Ramapo Landfill. The Ramapo Landfill has been shut down because of hazardous wastes. Do you really think the DEC is going to allow a sludge plant there? She said she just wanted everyone to realize that we have to be realistic about this. One of the sites in Ramapo that was quickly taken off the list - the old Ramapo incinerator site which probably would have been the best site for this - was all of a sudden turned into a file storage location for the town records. This eliminated it from being used as one of the sites.

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Mrs. Seery said she is just not buying this. When she sees it she'll believe it and in the meantime we are still taking Ramapo's garbage.

Supervisor said it does take time for these things. If you talk about incineration in Rockland County, if we started it today and went through to the conclusion it would take upwards of six years. So the fact that it has taken a year or so really is not that long in terms of the whole process. He said he would like to see it go quicker than that. Common sense dictates you should burn the sludge where the sludge is but again that has not come to pass. If that doesn't come to pass the alternative is Ramapo. That is basically what their Town Board has agreed to and what the Rockland County Sewer District has approved.

Mrs. Seery said some sort of pressure should be put on Ramapo to move more quickly. Supervisor said we should be putting pressure on Orangetown to burn our sludge where it is right now. Mrs. Seery said but since Ramapo is the only town agreeing to do it and we are taking their garbage we should be putting pressure on them to do something about. Supervisor said we do not have to put pressure on them because they have already approved it. The Town Board in Orangetown has not agreed to take anything except give us a hard time. Maybe we should just give them back their garbage since they want to recycle 100%. Mrs. Seery said that is an idea but then they would tell us that they are taking our sewer sludge which is what they have always been telling us.

Mrs. Seery mentioned Agenda Item 7A (award of bids for recycling material containers) and said she hoped we were not taking about those pathetic, little, blue containers. Supervisor said we are talking about those. Mrs. Seery said we stood up here at a meeting about three months ago and we are talking about a crate that we are supposed to put our recyclables in. She said she told the Town Board then that for her family of seven that container is not big enough for one day's supply. So what that means is whoever cuts a deal to accept these little things - I will have to, out of my taxes, pay for this little blue container and then will have to, out of my money, go out and buy some big containers that will really take care of my family or are you going to give me twelve of the little blue ones?

Supervisor said we have travelled to Toronto, Canada and seen that system in operation. He said Councilman Carey attended a seminar in Delaware where they also reiterated and reaffirmed basically the process which we saw in Canada. Mr. Carey was with us on the trip to Canada. He said one might take a look at the box and conjure up that you have more recyclables. After you get to the initial recycling process the box will be sufficient for the majority of people. You don't necessarily need the box to recycle but what the Town is attempting to do with the container is to set a tone that we get our public to recycle and recycle as much as possible. To get a larger container would create a much greater problem in terms of pickup because we are going to be doing that with special trucks. Supervisor said it should be indicated that the Town Board of the Town of Clarkstown is not getting involved in a pathetic operation of recycling. We are committing a recycling center and there will be no community in New York State that will have a recycling program to compare to the one that we will implement here on a mandatory basis. We are committed to doing it on a wholesale level. We are committed to making weekly pickups with special trucks. This is not the Boy Scouts or the Lions on weekends and dropping it off places. We are talking about recycling en masse and that is the only way that you are going to protect the environment. Not only are we going to require Clarkstown residents to do that but we are going to require residents from Orangetown and Ramapo to do that. That is something to be considered when we talk about Ramapo and Orangetown and taking garbage. This is a method through which the Town of Clarkstown through its leadership will

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bring recycling on a countywide basis to Rockland County which will make the environment better and will make better whatever ultimate plan for getting rid of solid waste in the future far more compatible with the environment.

Mrs. Seery said she did not want to leave the impression that they are on opposite sides of the fence with this. She said maybe the reason why she thinks the containers are too small, (besides the fact that they have no covers, so what do you do when it rains or snows - how do they pick it up then?) is because she is very much in favor of recycling and she wants to teach her children, the schools, the community and everyone about it, beyond what any of our politicians are talking about recycling. For that reason, our organization, the Southern Clarkstown Civic Association, is sponsoring a meeting here tomorrow night and we are having a speaker here from NYPIRG to discuss incinerators and recycling. There will be a question and answer session afterwards. The meeting is at 8:00 P.M. and she invited everyone to attend.

Appearance: Mr. Steve Goldman  
West Nyack, New York

Mr. Goldman stated that his mailbox gets knocked down a lot by garbage trucks. The last time, former Superintendent of Highways, John O'Sullivan put a new one up. The time before that, Nick Longo put one up. He said he was a little dismayed to find out that next time a garbage truck knocks into it Mr. D'Antoni is not going to put one up. Councilman Kunis asked if a private garbage truck knocked it down, is the Town paying for it? Mr. Goldman corrected himself and said they were Town garbage trucks when they plow. Supervisor said we have compactors. Mr. Goldman said he hoped they would deal with that problem.

Mr. Goldman then spoke regarding Item 35 (Ramapo dumping their garbage here.) He said he wanted to remind all of the members of the Town Board that there wasn't a single Ramapo vote ever cast for any of you for this office. We voted for you - the people of Clarkstown and you are here to represent us. Your salaries are paid through our taxes, not Ramapo's taxes. He said we need to recycle and get cooperation from everybody but we don't need to be the first people "screwed." That is what is happening. He did not see any reason why we should be the wholesale recipient of garbage.

Supervisor said if the Town Board indicated they were prepared to take a site at the landfill for an incinerator ipso facto we would be. He said he was not saying it was right or wrong but he was just making a statement. We would be addressing that when we get to that resolution. Mr. Goldman said we voted for you, we pay your salaries and no one in Ramapo ever did that. Supervisor said or Orangetown. Mr. Goldman said he would send Orangetown's garbage back to them and not even take it. He might even set up a toll over there and not let anybody in.

Mr. Goldman asked how come we will be picking up bulk twelve times a year instead of the old once a year. Supervisor said when we indicated at the creation of the district no one can be pleased with the way our Town looks in the summer time when we waited for bulk pickup and devoted five or six months to our Highway Department collecting all this stuff. If someone was planning a wedding, a vacation, whatever or if the pickup was late the community looked like a junkyard for a prolonged period. Another reason is it will help us recycle from the standpoint of white goods which are now being recycled and it will provide more efficient service to our taxpayers and make our Town look better.

Mr. Goldman asked who puts out items for bulk pick up in the snow. Supervisor said a lot of people do. Mr. Goldman said he looked around just before January 27th and he said he saw one

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television in the whole neighborhood. To send out a whole truck to pick up one television is ... Supervisor interrupted to say it is right on the carter's routes. We used to send out a truck to do that with the Highway Department and we used to pay people extra money. Supervisor went on to say it was a far more efficient method and cost effective. We are now in the process of determining what type of tonnage came in. It might very well be that given a year's experience we might decide to change the number of pickups back to nine. Mr. Goldman asked if we would be getting monthly tonnage on this so we can know if this is making sense? Supervisor said Mr. Les Bollman, Director of Environmental Control is in the process of developing those numbers right now.

Mr. Goldman asked what we are paying for this? Mr. Goldman said not what is the Town paying but what is the homeowner paying for this? Supervisor said that rate will be determined when we go out to bid. It was indicated in the report that it would be somewhere between \$3.00 and \$4.00 per month. Mr. Goldman said if the rate has not been fixed was this pickup on January 27th made? Supervisor said yes. He asked what kind of an idiot picks up garbage without knowing what he is getting paid for it? Supervisor said the Town Board, at the time, felt it was important to start the program and we are in the process of getting the districts squared away with the State which we are doing now, so it has started. Mr. Goldman asked if the Sanitation Commission had looked at the figures and what was their figures per household? Supervisor said yes and they were going to charge .50¢ per household. Mr. Goldman said then we are looking at a possible error of 10 to 1. Supervisor said he did not really think you could pick it up at .50¢ a household. Mr. Goldman said they think so. Mr. Bollman said it is going out to bid and that will determine it. Supervisor agreed with that.

Mr. Goldman said if these pickups are right on their routes, are we going to find that a bid is nothing but a formality wherein guy "X" who always does route "X" wins the bid on bulk pickup? Supervisor said it could be consortium of the carters or anybody else who wants to bid who is able to obtain a license for the Clarkstown Landfill. Any responsible person who believes they can handle 19,957 households, not to mention ultimately the commercials, is free to bid on this.

Mr. Goldman said he hoped we were going to follow this a lot more closely than we have been. He is troubled by twelve pickups. He could see garbage in the snow when we try to plow. He could see a truck coming down to pick up one thing. Supervisor said even if you do that it is not a cost to the Town. When the Highway Department did that it was a cost to the Town. Mr. Goldman said that was his other question - are the monies in the Highway Department budget changed so that there is no money now in the budget to do a bulk pickup? Has that been dropped? Supervisor said we did make adjustments in the budget but we have now designated our Highway Department back to what they are supposed to be doing - maintaining the roads, maintaining the streams, etc. Mr. Goldman asked what were they doing before? Supervisor said they were picking junk up for four months. At least half of the Highway Department was picking up junk for four months, damaging our equipment, wasting time so that catch basins were never cleaned out. He said he was not faulting the Highway Department but during the best months of our year when we are supposed to be improving the infrastructure of this community we were in the garbage business. They will be doing highway work which is what they are supposed to be doing.

Mr. Goldman asked then we can expect 100% improvement in our highways with no further expenditure of money? Supervisor said that was correct. Mr. Goldman said if we don't have that then we go back and look at our homework again. He said that sounds fair. He thanked the Board for their courtesy.

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Appearance: Mr. Rick Lowe  
Tick Tock Photo  
Service Merchandise Center  
Nanuet, New York

Mr. Lowe thanked the Town Board for complying with Judge Kelly's decision to reopen Grace and Orchard Streets in Nanuet. He said while the Town has complied based on the good will of the shopping center to go forward with plans to put a median cut in there, the Town is only complying with the letter of the law as written in Judge Kelly's decision. Mr. Lowe went on to state that he did not believe it was the intent of the law to leave the dead end signs up as well. He said he did not believe that Judge Kelly knew that the dead end signs were on those streets and had he known they probably would have been included in his decision. He hoped the Town would rectify that situation and remove the dead end signs pending the appeal and the solution to that problem. He said in the meantime he wanted to thank the Board again on behalf of the tens of thousands of residents of Clarkstown and Rockland County who use that shopping center and for the businesses in there.

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Mr. S. Hazard Gillespie appeared stating that he was President of the Tappan Zee Preservation Coalition Inc. which has a membership of over four hundred people and which has submitted this proposal to the Town Board tonight. He said they have made two other proposals to six communities that will lie within the area of this district which we are asking the state to designate at this time. He said they would like the Town Board's support in their application to the State for this designation. He said in order to ensure that exactly the same proposal is made to each of the communities just mentioned a brief written statement has been prepared and which has gone to each of these boards. Mr. Gillespie then read a statement (which is on file in the Town Clerk's Office.) He indicated that there were some members of the organization here who would be glad to answer questions. He introduced some people who would assist the public.

Supervisor asked what type of resolution Mr. Gillespie's group would like from the Town Board? Mr. Gillespie stated that they had a draft resolution which is similar to the resolution which has already been adopted by four other communities. In essence it says we approve the effort on the part of our coalition to get this scenic district.

Supervisor asked if they had a copy of that resolution and he handed it up to the Town Board. The Board indicated that they were ready to vote on said resolution immediately.

RESOLUTION NO. (125-1988)

MEMORIALIZING RESOLUTION  
RE: TAPPAN ZEE SCENIC  
DISTRICT

Co. Carey offered the following resolution:

WHEREAS, pursuant to Article 49 of the Environmental Conservation Law, the New York State Department of Environmental Conservation is authorized to identify and designate scenic areas within the state, and

WHEREAS, the Department exercised this authority in 1980 by designating Mid-Hudson Historic Shorelands Scenic District in Dutchess and Columbia Counties, and

WHEREAS, the Tappan Zee, nearby shorelands, and the palisades rim from the New Jersey border to Hook Mountain possess outstanding scenic, ecological, historical and cultural resources, and

Continued on Next Page

WHEREAS, these resources have been documented by the Tappan Zee Preservation Coalition, Inc., which is proposing that the western part of the Tappan Zee and its uplands be designated as a state scenic district and has submitted supporting documentation and a map setting forth its boundaries, and

WHEREAS, such designation would heighten public awareness of the scenic, historic and cultural attributes of the Tappan Zee and its environs, promote a positive image for the community at large, and document the importance of the aforementioned resources,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown supports the Scenic District as proposed and requests the Commissioner of the New York State Department of Environmental Conservation to designate the Tappan Zee Scenic District pursuant to the authority of Article 49 of the Environmental Conservation Law.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (126-1988)

AUTHORIZING TOWN PLANNING CONSULTANT TO PREPARE ENVIRONMENTAL IMPACT STATEMENT (ROCKLAND CENTER ASSOCIATES V. TOWN BOARD OF TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN AND SETTING PUBLIC HEARING FOR AMENDMENT OF OFFICIAL MAP OF TOWN OF CLARKSTOWN RE: GRACE STREET AND EAST ORCHARD STREET, NANUET

Co. Maloney offered the following resolution:

WHEREAS, by Decision and Judgment of the Supreme Court, Rockland County, dated January 14, 1988, in Application of Rockland Center Associates, Petitioner, For a Judgment Pursuant to CPLR Article 78 v. CHARLES HOLBROOK, Supervisor, WILLIAM CAREY, EDWARD LETTRE, JOHN MALONEY and ANN MARIE SMITH constituting the Town Board of the Town of Clarkstown and the TOWN OF CLARKSTOWN, Respondent, Index No. 4667/87, the Honorable Theodore A. Kelly remanded the subject matter of the elimination of through traffic at the terminus of Grace Street and East Orchard Street, where said streets abut the shopping center formerly known as "Korvettes" located at Route 59, Smith Street, New York, back to the Town Board of the Town of Clarkstown for an examination of the environmental concerns pursuant to State Environmental Quality Review Act (SEQRA) and for the preparation of an Environmental Impact Statement and such further proceedings that the Town Board might deem appropriate;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes Robert Geneslaw, Planning Consultant, to prepare an Environmental Impact Statement for consideration by the Board at a public hearing regarding the environmental impact of the Amendment

Continued on Next Page

ABE545

REESOLUTION NO. (126-1988) Continued

to the Official Map of the Town of Clarkstown which will eliminate through traffic at the terminus of Grace Street and East Orchard Street, where said streets abut the shopping center formerly known as "Korvettes" located at Route 59, Smith Street, New York, and be it

FURTHER RESOLVED, that a public hearing shall be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 8, 1988 at 8:15 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider amending the Official Map of the Town of Clarkstown, to eliminate through traffic at the terminus of Grace Street and East Orchard Street, where said streets abut the shopping center formerly known as "Korvettes" located at Route 59, Smith Street, New York, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that the Building Inspector and the Town Attorney shall fulfill the additional requirements of Section 106-32(c) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred (500) feet of the affected property.

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (127-1988)

ACCEPTING DEED FOR ROAD  
WIDENING FROM LEYDEN AND  
HAYWARD (OLD MILL ROAD,  
VALLEY COTTAGE, NEW YORK)

Co. Maloney offered the following resolution:

RESOLVED, that deed dated January 21, 1988, from JAMES LEYDEN and THOMAS HAYWARD gratuitously conveying a road widening strip along Old Mill Road, Valley Cottage, New York, required by the Building Department, is hereby accepted upon the recommendation of the Dept. of Environmental Control and the Town Attorney, and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (128-1988)

AUTHORIZING BUILDING  
INSPECTOR TO ENTER INTO

Continued on Next Page

RESOLUTION NO. (128-1988) Continued

PERFORMANCE AGREEMENT WITH  
TIMBERLINE ASSOCIATES,  
LIMITED RE: KINGSGATE

Co. Maloney offered the following resolution:

WHEREAS, TIMBERLINE ASSOCIATES, LIMITED, a Partnership, developer of LOT E-1 in the project commonly known as Kingsgate has requested issuance of Certificates of Occupancy for completed units prior to completion of all necessary required site work, and

WHEREAS, the Director of the Department of Environmental Control has recommended that the developer establish a security fund and enter into a performance agreement to guaranty that all required site work shall be completed;

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector is hereby authorized to enter into a performance agreement with TIMBERLINE ASSOCIATES, LTD., together with security in the form of an irrevocable Letter of Credit of not less than \$60,000, and in a form approved by the Town Attorney, which shall provide that the Town of Clarkstown may draw against said security in the event required site improvements are not completed to the satisfaction of the Director of the Department of Environmental Control, and as required by the site plan within twelve months from the date of said agreement.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

Supervisor Holbrook said that this would enable us to dispense with the crazy policy of issuing temporary certificates of occupancy which go on for years and years. Now, when people move in they will be given permanent certificates of occupancy which they should be getting.

\*\*\*\*\*

There was a question regarding agenda item no. 5 the amount of the performance bond re J.M.K. Building Corp. as developer of Lot "C" in Kingsgate. This was tabled.

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RESOLUTION NO. (129-1988)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID NO. 25-1988  
(SURVEYING EQUIPMENT)

Co. Maloney offered the following resolution:

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

BID #25-1988  
SURVEYING EQUIPMENT

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 Tuesday, March 1, 1988 at which time bids will be opened and read, and be it

Continued on Next Page

ABE545

RESOLUTION NO. (129-1988) Continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (130-1988)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BID #26-1988 (ARTS & CRAFTS  
SUPPLIES)

Co. Maloney offered the following resolution:

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

BID #26-1988  
ARTS & CRAFTS SUPPLIES

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, March 7, 1988 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. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (131-1988)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #27-1988  
(FIREWORKS DISPLAY)

Co. Maloney offered the following resolution:

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

BID #27-1988  
FIREWORKS DISPLAY

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 Friday, March 18, 1988 at which time bids will be opened and read, and be it

Continued on Next Page

RESOLUTION NO. (131-1988) Continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

RESOLUTION NO. (132-1988)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #28-1988 (MAINTENANCE/IMPROVEMENTS TO TOWN CUL DE SACS )

Co. Maloney offered the following resolution:

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

BID #28-1988  
MAINTENANCE/IMPROVEMENTS TO TOWN CUL DE SACS

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, March 14, 1988 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. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

RESOLUTION NO. (133-1988)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #30-1988 (SALE OF SURPLUS VEHICLES AND OFFICE EQUIPMENT)

Co. Maloney offered the following resolution:

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

BID #30-1988  
SALE OF SURPLUS VEHICLES AND OFFICE EQUIPMENT

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, March 16, 1988 at which time bids will be opened and read, and be it

Continued on Next Page

ABE545

RESOLUTION NO. (133-1988) Continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (134-1988)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #29-1988 (GAME TABLES FOR RECREATION/PARKS DEPARTMENT)

Co. Maloney offered the following resolution:

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

BID #29-1988  
GAME TABLES FOR RECREATION/PARKS DEPARTMENT

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 Thursday, March 3, 1988 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. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (135-1988)

AWARDING BID FOR BID NO. 11-1988 - RECYCLING MATERIAL CONTAINERS (MID-ATLANTIC PLASTIC SYSTEMS, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendations of the Director of D.E.C. and the Director of Purchasing that

BID #11-1988  
RECYCLING MATERIAL CONTAINERS

is hereby awarded to:

Continued on Next Page

RESOLUTION NO. (135-1988) Continued

MID-ATLANTIC PLASTIC SYSTEMS, INC.  
P.O. Box 507  
320 Chestnut Street  
Roselle, N.J. 07203

offering A-1 Products Corporation "BLUE BOX" recycling container as per their low bid proposal of \$4.70 each.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (136-1988)

AWARDING BID FOR BID  
#13-1988 -TWO (2) FLASHING  
BEACON SIGN ASSEMBLIES WEST  
CLARKSTOWN ROAD AT ADDISON  
BOYCE DRIVE, SPRING VALLEY  
(WARDE ELECTRIC CO.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Traffic Consultant, Utility Services Coordinator, and the Director of Purchasing that

BID #13-1988  
FURNISHING AND INSTALLING TWO (2) FLASHING  
BEACON SIGN ASSEMBLIES ON WEST CLARKSTOWN  
ROAD AT ADDISON BOYCE DRIVE, SPRING VALLEY

is hereby awarded to

WARDE ELECTRIC CO.  
100 Wells Avenue  
Congers, New York 10920

as per their low bid proposal of \$13,199.00, and be it

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

- (A) Performance Bond (100% of proposal project cost),
- and
- (B) Certificate of Liability and Workers Compensation Coverage as outlined in bid specifications.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

ABE545

RESOLUTION NO. 137-1988)

AWARDING BID FOR BID  
#19-1988 - PRINTING OF 1988  
RECREATION & PARKS BROCHURE  
(NORM REED ASSOCIATES)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Superintendent of Recreation & Parks and the Director of Purchasing  
that

BID #19-1988  
PRINTING OF THE 1988 RECREATION & PARKS  
BROCHURE

is hereby awarded to

NORM REED ASSOCIATES  
155 Avenue of the Americas  
New York, New York 10017

as per their low bid proposal of \$10,400.00 and \$345.00/m for any  
additional 4 page additions, if necessary, and \$20.00 per half tone,  
if required, and be it

FURTHER RESOLVED, that successful bidder shall be  
required to post a 10% performance bond as required by bid  
specifications.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (138-1988)

ACCEPTING TOWN BOARD  
MINUTES OF JANUARY 12, 1988  
AND JANUARY 26, 1988

Co. Kunis offered the following resolution:

RESOLVED, that the minutes of Town Board Meetings of  
January 12, 1988 and January 26, 1988 are hereby accepted and  
adopted as submitted by the Town Clerk.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (139-1988)

ACQUIESCING TO PROPOSED  
INCREASES IN RENTS FOR  
1988, 1989 AND 1990

Co. Carey offered the following resolution:

Continued on Next Page

RESOLUTION NO. (139-1988) Continued

RESOLVED, that the Town Board, upon receipt of a letter from Ross Pepe of the Rockland County Apartment Owners Association, Inc. acquiesces to the proposed increase for rents for the years 1988, 1989 and 1990 as follows:

1988 - 5 1/2%

1989 - 5 1/2%

1990 - 5%

and be it

FURTHER RESOLVED, that this resolution is retroactive to February 1, 1988, and be it

FURTHER RESOLVED, that the Town of Clarkstown's consent in this matter is conditioned upon the landlords' making provision to adjust rents in 1988 in relation to their savings as a result of the suspension of the County property taxes.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	No
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

Councilman Kunis noted that he was voting no because as a new member of the Board he was not involved in previous discussions. He said he felt that 30% compounded over a five year period is a very large increase in a day and age when inflation is approximately 3% annually. He said we have to address the affordable housing situation in the Town of Clarkstown for young people moving in, for middle aged people who can't afford anything better and for our senior citizens on a fixed income. You have a commitment from me to try to take action and make improvements and have affordable housing in Clarkstown. It's incumbent upon all of us on the Town Board to look for creative ways in which to provide affordable housing for our citizens of Clarkstown and for the many young people who have grown up in Clarkstown who are moving out because they can no longer afford Clarkstown.

Councilman Maloney said he was voting yes and he felt that they were concerned about affordable housing and within the next month we will be making a proposal to move Clarkstown off dead center where it has been and we will be making a proposal to amend some of our zoning ordinances to allow for accessory apartments and then to move on from there with affordable housing. We are going to ake that bull by the horn and we are going to have something within the next month on that.

Councilwoman Smith said she was voting yes. She stated that the landlords did make an attempt. They were the very first ones to offer the rebate of County taxes long before the County even got into the act of asking landlords and they have come down in the figures for 1990 to 5%.

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RESOLUTION NO. (140-1988)

SETTING PUBLIC HEARING RE  
AMENDMENT TO DECLARATION OF  
RESTRICTIVE COVENANT  
PERTAINING TO OMNI COURT

Continued on Next Page

ABE545

RESOLUTION NO. (140-1988) Continued

CONDOMINIUMS (MAP 59, BLOCK  
A, LOTS 7.01 AND 7.02)

Co. Maloney offered the following resolution:

WHEREAS, by resolution of the Town Board of the Town of Clarkstown, property designated on the Clarkstown Tax Map as Map 59, Block A, Lots 7.01 and 7.02 was rezoned from a PO District to an RG-1 District, and

WHEREAS, as part of said resolution there was a requirement for the filing of a Declaration of Restrictive Covenant and said Declaration was duly filed in the Rockland County Clerk's Office in Liber 1065 at Page 411, and

WHEREAS, subsequent to said zone change and the filing of the Declaration of Restrictive Covenant the project known as Omni Court Condominiums was constructed, and

WHEREAS, the developer, Omni Court Limited, has requested an amendment to the Declaration of Restrictive Covenant in so far as to permit the elimination of the requirement for an additional fifteen (15) ft. set-back along the easterly and southerly boundary lines of the property, and also eliminate the earthen berm and the requirement of planting evergreens on top of the berm, and

WHEREAS, the Town Board wishes to consider such an amendment of the Declaration of Restrictive Covenant;

NOW, THEREFORE, be it

RESOLVED, that a public hearing will be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 23, 1988 at 8:15 P.M., to consider the adoption of an amendment of Declaration of Restrictive Covenant deleting the following paragraphs:

"C. Provide, create and maintain a 50 foot buffer area along the entire westerly property line of the subject premises, said buffer to remain as an undisturbed area containing no permanent fixtures or encroachments of any kind and further along the westerly property line of the subject premises, an additional 15 foot building set-back, said 15 foot being measured from the easterly line of the 50 foot buffer area and a further planting of evergreens between the 15 foot set-back and the easterly line of the 50 foot buffer area, said planting of evergreens to be on top of a berm of at least three feet in height.

D. Provide, create and maintain a 50 foot buffer area only along the southerly property line of the subject premises abutting the residentially zoned parcels, said buffer to remain as an undisturbed area containing no permanent fixtures or encroachments of any kind and further along said southerly property line an additional 15 foot building set-back, said 15 foot being measured from the northerly line of the 50 foot buffer area, said planting of evergreens to be on top of a berm of at least three feet in height;"

and substituting the following language:

"C. Provide, create and maintain a fifty (50) foot buffer area along the entire westerly property line, said buffer area to contain no permanent fixtures or encroachments of any kind.

D. Provide, create and maintain a fifty (50) foot buffer area along the southerly property line adjoining residentially zoned parcels, said buffer area to contain no permanent fixtures or encroachments of any kind,"

Continued on Next Page

RESOLUTION NO. (140-1988) Continued

and be it

FURTHER RESOLVED, that if any proposed amendment is so adopted by the Town Board that the matter be referred to the Planning Board of the Town of Clarkstown for the purpose of modifying Map Notes "P" and "U" on the approved site plan for Omni Court so as to conform to the amendment to the Declaration of Restrictive Covenant, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, the official newspaper of the Town, as aforesaid, and file proof thereof in the Office of the said Clerk.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

Supervisor said the permanent CO's for the Omni Court people, after a wait of five years, are now being distributed

\*\*\*\*\*

RESOLUTION NO. (141-1988)

TEMPORARILY SUSPENDING USE  
OF TOWN HALL MEETING ROOMS  
TO PUBLIC DURING DAY FROM  
JUNE 1988 UNTIL FURTHER  
NOTICE

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown is preparing to construct a parking lot on Town property located at Demarest Avenue, New City, and

WHEREAS, the State of New York is preparing to widen Route 304 from Laurel Road to Congers Road, New City, and shall also construct a sidewalk on property now being used for parking by employees of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that during said construction the use of Town Hall meeting rooms by the public during the day is hereby temporarily suspended from June, 1988, until further notice.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

Supervisor Holbrook stated that we were doing this in order to give people who will hold meetings in the summer a chance to make other arrangements, perhaps meeting at night, etc.

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ABE545

RESOLUTION NO. (142-1988)

AUTHORIZING TOWN ATTORNEY  
TO OBTAIN APPRAISAL  
SERVICES (MAP 105, BLOCK A,  
LOT 33.01 - ROUTE 303, WEST  
NYACK)

Co. Smith offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a second qualified appraiser, including expert testimony, to provide such services for the Town of Clarkstown with respect to the proposed sale of possible surplus Town property which is located in the vicinity of Route 303, West Nyack, and is designated on the Clarkstown Tax Map as Map 105, Block A, Lot 33.01, and be it

FURTHER RESOLVED, that the fees for such appraisal services shall not exceed \$2,500.00 and shall be charged to Account No. A 1420-409.

Seconded by Co. Maloney

Because this resolution originally read "not exceed \$5,000.00" Councilman Kunis questioned why appraisal for one piece of property should be \$2,500.00 and appraisal for another piece of property should be \$5,000.00?

When asked by the Supervisor to explain why that should be the Town Attorney said it was a typographical error and it should read \$2,500.00.

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (143-1988)

ESTABLISHING OPEN  
DEVELOPMENT AREA (280-a(4)-  
MAP 124, BLOCK B, LOTS 6  
AND 6.01 - AND GRANTING  
PERMISSION FOR SUBDIVISION  
PURSUANT TO TOWN LAW  
SECTION 281 - SUBDIVISION  
FOR JAMES R. PETERSON AND  
H. ROBERT PETERSON

Co. Maloney offered the following resolution:

WHEREAS, an application has been made to the Planning Board of the Town of Clarkstown for development of premises known and designated on the Clarkstown Tax Map as Map 124, Block B, Lots 6 and 6.01, to permit the construction of three (3) single family dwellings, and

WHEREAS, the Planning Board has recommended that the Town Board grant approval, pursuant to Town Law Section 280-a(4) and Town Law Section 281, of a proposed subdivision entitled, "Subdivision for James R. Peterson and H. Robert Peterson, prepared by Joseph T. Caruso, P.E., P.C. & Associates, dated January 26, 1988," which provides for the development of three (3) single family dwellings for premises located on Ridge Road, Valley Cottage, New York, with a common area of approximately 53,539 sq. ft., and

Continued on Next Page

RESOLUTION NO. (143-1988) Continued

WHEREAS, the Town Board of the Town of Clarkstown favors the development of the premises as presently planned and referred to above, and

WHEREAS, the Town Board by this resolution intends to grant permission for further processing of this application before the Planning Board of the Town of Clarkstown pursuant to the provisions of Town Law Section 281 and to further create an open development area pursuant to the provisions of Town Law Section 280-a(4) to provide that building permits may be issued for the construction of the three (3) single family dwellings although they shall not directly front on a Town owned or maintained road;

NOW, THEREFORE, be it

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law and pursuant to the recommendations of the Town of Clarkstown Planning Board, the Town Board hereby establishes an "Open Development Area" for property situate on the east side of Ridge Road, Valley Cottage, New York, which is intended to be developed with three (3) single family dwellings having access only by right-of-way which property is more specifically designated on the Clarkstown Tax Map as Map 124, Block B, Lots 6 and 6.01, consisting of 53,539 sq. ft., which property may be developed as a result of application of James R. Peterson and H. Robert Peterson, presently pending before the Clarkstown Planning Board, provided, however, prior to the issuance of any building permit the following conditions shall be met by the record owner:

1. The "Open Development Area" shall consist of the right-of-way and common areas as shown on a proposed subdivision plat entitled, "Subdivision for James R. Peterson and H. Robert Peterson, prepared by Joseph T. Caruso, P.E., P.C. & Associates, dated January 26, 1988," building permits or certificates of occupancy may be issued for not more three (3) single family dwellings subject to obtaining final subdivision plan and any required approval of the Clarkstown Planning Board for which access to said dwellings is to be given by the private right-of-way or easement;

a) Add map note "The travelway serving lots 1, 2 and 3 is a private travelway except for utility easements and public vehicles, and shall not receive any Town services of road maintenance and repair, snow removal, lighting or any other Town service since the premises will not be on a Town dedicated or maintained road."

b) Add map note "The owner of lots 1, 2 and 3 shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest in the 25 ft. right-of-way, and any property adjacent thereto necessary to accomplish the widening of the private right-of-way if as and when required for future Town road."

c) The pavement of the private right-of-way shall conform to Town specifications, 25 ft. right-of-way with 15 ft. pavement, with installation of concrete curbs. The end of the private right-of-way shall have a T turnaround.

d) The applicant shall comply with all other rules, regulations and requirements of law and of the Clarkstown Planning Board not inconsistent with the plan depicted on the aforesaid proposed subdivision map.

2. Prior to final approval, applicant shall provide a Declaration of Restrictive Covenant which shall run with the land in a form acceptable to the Town Attorney and which shall be recorded in the Rockland County Clerk's Office, which Declaration shall contain the following Declaration and Covenants:

Continued on Next Page

ABE545

RESOLUTION NO. (143-1988) Continued

A. That the property owner acknowledges that access to the nearest public road has been obtained by private easement or right-of-way, and that the property owner(s) shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services provided to residents of the Town of Clarkstown whose properties front on a public road;

B. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein;

C. That the fee ownership of the easement or right-of-way shall be vested in the abutting owners;

D. That the declaration shall contain provision for reciprocal easement and maintenance agreement to provide for regular maintenance, repair, snow plowing and other necessary services on the right-of-way or easement by the owners and sharing of the cost of same on an equitable basis;

E. That the Certificate of Occupancy issued for any premises shall be conditioned upon observance and subject to the Declaration of Covenants herein required.

F. That in the event the property owner(s) at any time in the future shall request establishment of a road improvement district or otherwise seek to dedicate the private right-of-way or easement as a public street, the owner(s) shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner in the easement or right-of-way and any property adjacent thereto to accomplish the widening of the easement or right-of-way to the then existing standards for public roads, and said owner(s) shall covenant in said Declaration of Covenants to participate in any such road improvement district at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such improvement district being assessed in accordance with the provisions of Town Law.

3. That any subdivision map approved by the Planning Board shall contain a note referring to the resolution establishing the "open development area" by date and number, which map note shall also state that the issuance of building permits and certificates of occupancy are subject to compliance with the Declaration of Covenants herein required, and be it

FURTHER RESOLVED, that the Town Board hereby GRANTS permission to develop the property pursuant to Town Law Section 281 provided that no modifications or alterations of the proposed subdivision referred to above shall be made unless a prior approval of the Town Board is obtained.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (144-1988)

SETTING PUBLIC HEARING WITH  
RESPECT TO ABANDONMENT OF

Continued on Next Page

RESOLUTION NO. (144-1988) Continued

HOWARD STREET, CONGERS,  
NEW YORK

Co. Maloney offered the following resolution:

WHEREAS, the Superintendent of Highways and the Town Board of the Town of Clarkstown have decided to take action pursuant to Section 205 of the Highway Law to abandon that portion of a right-of-way known as Howard Street, lying between Morton Avenue and North Grant Avenue, as shown on a Map of the Boston Improvement Company, Sections E and F, located in Congers, Town of Clarkstown, Rockland County, New York, Filed July 9, 1889 as Map No. 23, upon the grounds that same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portion of Howard Street as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 22nd day of March, 1988, at 8:05 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the Journal News and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall fulfill the additional requirements of Section 106-32(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred (500') feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the the Clarkstown Planning Board and Rockland County Planning Board for its report and recommendation, if any, and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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ABE545

RESOLUTION NO. (145-1988)

AUTHORIZING SUPERVISOR TO  
ENTER INTO LICENSE  
AGREEMENT WITH FINANCIAL  
MANAGEMENT SYSTEMS (FOR  
COURT MANAGEMENT SYSTEM FOR  
JUSTICE COURT) - CHARGE TO  
ACCOUNT NO. A 1110-225

Co. Maloney offered the following resolution:

WHEREAS, a written agreement has been prepared by  
FINANCIAL MANAGEMENT SYSTEMS to provide a Court Management System  
for the Justice Court of the Town of Clarkstown, all as described in  
said agreement, and

WHEREAS, the Chief Clerk of the Justice Court and  
Rockland Computer Products, Inc., as Computer Consultant for the  
Town, recommend that the Town enter into said license agreement to  
obtain such services;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor, on behalf of the Town of  
Clarkstown is hereby authorized to enter into a license agreement  
with FINANCIAL MANAGEMENT SYSTEMS, INC. in a form approved by the  
Town Attorney and in accordance with its proposed agreement at a  
cost not to exceed \$5,155.00, and be it

FURTHER RESOLVED, that said sum is hereby appropriated  
from Account No. A 1110-225 to pay for the services to be provided.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (146-1988)

DIRECTING SUPERINTENDENT OF  
HIGHWAYS TO INSTALL STOP  
SIGNS (VARIOUS LOCATIONS  
TOWN OF CLARKSTOWN)

Co. Smith offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway  
Engineering Consultant in a report dated December 31, 1987 has  
recommended the installation of stop signs at various four-way  
intersections and various major street intersections within the Town,

NOW, THEREFORE, be it

RESOLVED, that Anthony D'Antoni, Superintendent of  
Highways, is hereby directed to install the following:

<u>SIGNS</u>	<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
	e/b Willow Avenue at intersection West Broadway, Central Nyack	STOP	R1-1
	w/b Willow Avenue at intersection West Broadway, Central Nyack	STOP	R1-1

Continued on Next Page

RESOLUTION NO. (146-1988) Continued

ABE545

<u>SIGNS</u>	<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
e/b Jill Drive at intersection Elrod Drive, West Nyack		STOP	R1-1
w/b Jill Drive at intersection Elrod Drive, West Nyack		STOP	R1-1
e/b Donna Street at intersection Duane Avenue, New City		STOP	R1-1
w/b Donna Street at intersection Duane Avenue, New City		STOP	R1-1
e/b Banta Place at intersection Preakness Lane, New City		STOP	R1-1
w/b Banta Place at intersection Preakness Lane, New City		STOP	R1-1
n/b Ellen Street at intersection Bender Road, Spring Valley		STOP	R1-1
s/b Ellen Street at intersection Bender Road, Spring Valley		STOP	R1-1
e/b Reina Lane at intersection Park Terrace, Valley Cottage		STOP	R1-1
w/b Reina Lane at intersection Park Terrace, Valley Cottage		STOP	R1-1
s/b Deer Track Lane at intersection R1-1 Old Mill Road, Valley Cottage			STOP
e/b Old Phillips Hill Road at intersection Phillips Hill Road New City		STOP	R1-1
w/b Old Phillips Hill Road at intersection Phillips Hill Road at Buena Vista Road, New City		STOP	R1-1

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Carey.....Yes  
 Councilman Kunis.....Yes  
 Councilman Maloney.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (147-1988)

REQUESTING SUPERINTENDENT  
 OF HIGHWAYS, ROCKLAND  
 COUNTY HIGHWAY DEPARTMENT  
 TO INSTALL STOP SIGNS -  
 MIDDLETOWN ROAD, NANUET,  
 AND KINGS HIGHWAY, CONGERS

Co. Smith offered the following resolution:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway  
 Engineering Consultant in a report dated December 31, 1987 has

Continued on Next Page

RESOLUTION NO. (147-1988) Continued

recommended the installation of stop signs at the intersections listed below; said intersection being within the purview of the Rockland County Highway Department

NOW, THEREFORE, be it

RESOLVED, that Manuel daCunha, County of Rockland Superintendent of Highways, is hereby requested to install the following:

<u>SIGNS</u>	<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
e/b Orchard Street at intersection Main Street (Middletown Road), Nanuet		STOP	R1-1
w/b Orchard Street at intersection Main Street (Middletown Road), Nanuet		STOP	R1-1
w/b Waldberg Avenue at intersection Kings Highway, Congers		STOP	R1-1

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Carey.....Yes  
 Councilman Kunis.....Yes  
 Councilman Maloney.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (148-1988)

AMENDING AGREEMENT WITH  
KOZMA ASSOCIATIONS FOR DEIS  
STATEMENT RE: IMPROVEMENT  
OF HACKENSACK RIVER - CHARGE  
TO CAPITAL ACCOUNT #2

Co. Maloney offered the following resolution:

WHEREAS, the Town entered into an agreement with Kozma Associations for the preparation of a Draft Environmental Impact Statement (DEIS) concerning the improvement of the Hackensack River on November 26, 1986; and

WHEREAS, the New York State Department of Environmental Conservation in a letter dated November 5, 1987, requested additional samples and testing in order to render a determination as to the classification of the excavated material; and

WHEREAS, Carpenter Environmental Associates, Inc., subcontractor to Kozma Associates, in a letter dated November 25, 1987, has indicated that the sample collection, testing and a summary report to satisfy the New York State Department of Environmental Conservation requirements will cost approximately \$65,000.00; and

WHEREAS, the Hackensack Water Company has indicated that they will contribute \$15,000.00 toward the sample testing;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (148-1988) Continued

RESOLVED, that the aforementioned agreement with Kozma Associates be increased by \$50,000.00; and be it

FURTHER RESOLVED, that the additional cost be a proper charge to Drainage - Capital Account No. 2.

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

Supervisor Holbrook said that the testing along the Hackensack will greatly enhance our knowledge of exactly what is there and provide us with a little better insight of how that problem should be handled. Even though it is for a drainage project in the future it is money well spent even if that drainage project never goes forward.

Councilman Kunis asked if this was the project that we discussed having the County of Rockland pay for? Supervisor said that is correct. Councilman Kunis asked if a letter had been written to that effect and Supervisor said Mr. Bollman had submitted, on the Town's behalf, bills to the County's Finance Director Harold Peterson and we intend to pursue that avenue. He said basically the environment of West Nyack at the time dicates that the Town Board take action and we intend to do that.

Councilman Kunis said he had spoken to several of the legislators and they indicated that a letter should be sent to them directly and they will discuss it with the County Comptroller. Mr. Bollman asked to whom it should go and both Councilman Kunis and the Supervisor said it should be sent to all six legislators. Mr. Bollman said it would be his suggestion that we wait until we have this \$50,000.00 or \$60,000.00 to add to it and then send the whole thing. Supervisor said write the letter right now and we can add the \$50,000.00 to it. Councilman Kunis said let them fight for the taxpayers of Clarkstown as they do represent them.

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Agenda item No. 18 was tabled to the next Town Board meeting.

\*\*\*\*\*

RESOLUTION NO. (149-1988)

GRANTING PERMISSION FOR USE  
OF TOWN OF CLARKSTOWN  
SHOWMOBILE (ROCKLAND COUNTY  
ANCIENT ORDER OF HIBERNIANS)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Ancient Order of Hibernians has request4ed use of the Town of Clarktown showmobile on Sunday, March 20, 1988, for the Annual St. Patrick's Day Parade in Pearl River, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Rockland County Ancient Order of Hibernians to use the Town of Clarkstown showmobile on Sunday, March 20, 1988, for the above

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ABE545

RESOLUTION NO. (149-1988) Continued

purposes and subject to the provision of the necessary insurance policies.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (150-1988)

GRANTING PERMISSION FOR USE  
OF TOWN OF CLARKSTOWN  
SHOWMOBILE (UNITED JEWISH  
COMMUNITY OF ROCKLAND  
COUNTY)

Co Maloney offered the following resolution:

WHEREAS, the United Jewish Community of Rockland County has requested use of the Town of Clarkstown showmobile on Sunday, October 23, 1988, for the Annual Walk-a-thon at Rockland Lake State Park,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the United Jewish Community of Rockland County to use the Town of Clarkstown showmobile on Sunday, October 23, 1988. for the above purposes and subject to the provision of the necessary insurance policies.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (151-1988)

AUTHORIZING TOWN ATTORNEY  
TO MAKE FORMAL TENDER OF  
VALUE PURSUANT TO EMINENT  
DOMAIN PROCEDURE LAW - MAP  
105, BLOCK A, LOT 26.02  
(TED ROB REALTY CORP.) -  
CHARGE TO MBSIA NO. 2  
ACCOUNT H 8150-07-409

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to make a formal tender, pursuant to Eminent Domain Procedure Law, of the value determined by the Town appointed appraiser (\$1,100.00) to acquire a permanent easement or fee of a portion of the property owned by Ted Rob Realty Corp., 155 Route 303, West Nyack, New York, Map 105, Block A, Lot 26.02, for the purpose of installing sanitary sewer facilities, which property to be acquired is described on the attached Schedule "A" and as further shown on attached Schedule "B", and be it

RESOLUTION NO. (151-1988) Continued

FURTHER RESOLVED, that it is also necessary for the Town to obtain a temporary easement being situate ten feet on either side of the permanent easement, which the Town shall rent for \$550.00 per month until such time as the Town no longer needs the temporary easement, and be it

FURTHER RESOLVED, that the funds for the payment of said tender shall be charged to MBSIA No. 2 Account H-8150-07-409.

Seconded by Co. Kunis

(Schedules A and B on file in Town Clerk's Office)

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (152-1988)

AUTHORIZING PAYMENT FOR  
ADDITIONAL ENGINEERING  
SERVICES TO HENRY HOROWITZ  
RE: ROUTE 45 TUNNEL  
BY-PASS ROAD - CHARGE TO  
BOND CAPITAL ACCOUNT NO. 2

Supv. Holbrook offered the following resolution:

WHEREAS, by Resolution No. 965-1986 dated October 14, 1986, Henry Horowitz, P.E., was retained by the Town of Clarkstown to provide engineering, surveying and construction management services for the Route 45 Tunnel By-Pass Road Project, and

WHEREAS, by agreement dated October 29, 1986, Henry Horowitz, Inc. was authorized, for a fee not to exceed \$100,000.00, to perform the services referred to above, and

WHEREAS, by Resolution No. 429-1987 dated April 7, 1987, the Town Board further authorized test borings to be performed which were necessary south of Smith Road and to reimburse the consultant the sum of \$10,000.00 as pre-agreed fee, and

WHEREAS, the Director of Environmental Control has recommended that the agreement with Henry Howoritz, Inc. be further modified to increase the compensation provided for in the agreement by \$20,750.00 which covers all items mentioned in the letter from Henry Horowitz, Inc., dated December 2, 1987;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized on behalf of the Town of Clarkstown to approve payment to Henry Horowitz, P.E., for the sum of \$20,750.00, for the work performed as mentioned in the letter from Henry Horowitz, Inc., dated December 2, 1987, which is attached, and be it

FURTHER RESOLVED, that the amount paid pursuant to this resolution be charged to the Bond Capital Account No. 2.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

ABE545

RESOLUTION NO. (152-1988) Continued

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Abstain  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (153-1988)

APPROVING REPLACEMENT OF  
SIDEWALKS AND AGREEING TO  
THE MAINTENANCE OF SAME  
RE: ROUTE 304 IMPROVEMENT  
FROM LAUREL ROAD TO CONGERS  
ROAD, S.H. 9005

Co. Carey offered the following resolution:

WHEREAS, the New York State Department of Transportation  
proposes the construction of the Route 304 improvement from Laurel  
Road to Congers Road, S.H. 9005 in the Town of Clarkstown; and

WHEREAS, the State will include as part of the  
construction, reconstruction, or imporvement of the above-mentioned  
project the construction of sidewalks, pursuant to Section 10,  
Subdivision 22, Section 46, or Section 349-c of the Highway Law, and  
will provide for the replacement of existing sidewalks, pursuant to  
Section 10, Subdivision 24 of the Highway Law, as shown on the  
contract plans relating to the project; and

WHEREAS, the State will provide for the reconstruction  
of the above-mentioned work, as shown on the contract plans relating  
to the project;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown approves the  
replacement of such existing sidewalks, and the above-mentioned work  
performed on the project and shown on the contract plans relating to  
the project and that the Town of Clarkstown will maintain or cause  
to be maintained the replaced sidewalk, performed as above stated  
and as shown on the contract plans, including the control of snow  
and ice; and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed  
to transmit five (5) certified copies of the foregoing resolution to  
the State Department of Transportation.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (154-1988)

AUTHORIZING TOWN ATTORNEY  
TO OBTAIN APPRAISAL  
SERVICES - MAP 57, BLOCK  
J., LOT 8 (46 MAPLE AVENUE,  
NEW CITY) - CHARGE TO  
ACCOUNT NO. 1420-409

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (154-1988) Continued

RESOLVED, that the Town Attorney is hereby authorized and directed to obtain the services of a qualified appraiser, to provide such services with respect to premises located at 46 Maple Avenue, New City, New York, more particularly known and designated on the Tax Map of the Town of Clarkstown as MAP 57, Block J, Lot 8, and be it

FURTHER RESOLVED, that the fees for such appraisal services shall not exceed \$2,500.00 and shall be charged to Account No. 1420-409.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (155-1988)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO ERECT  
BARRIERS ON ELKS DRIVE,  
NANUET

Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Highways is directed to erect barriers at either end of the abandoned Erie Railroad bed on Elks Drive, Nanuet.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (156-1988)

ACCEPTING RESIGNATION OF  
EMPLOYMENT ASSISTANT -  
COUNSELING CENTER (EILEEN  
CAVANAGH)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Eileen Cavanagh, 29 Deerfield Drive, New City, New York - Employment Assistant - Counseling Center - is hereby accepted - effective and retroactive to January 29, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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ABE545

RESOLUTION NO. (157-1988)

ACCEPTING RESIGNATION OF  
OFFICE WORKER STUDENT -  
COUNSELING CENTER (EVELYN  
DALY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Evelyn Daly, 2 River Road, Suffern, New York, Office Worker Student - Counseling Center - is hereby accepted - effective and retroactive to February 1, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (158-1988)

APPOINTING TO TRAINING  
PROGRAM SPECIAL STUDIES  
INTERN - SUPERVISOR'S  
OFFICE (RON FIAT)

Co. Maloney offered the following resolution:

RESOLVED, that Ron Fiat, 31 Thornwood Drive, New City, New York, is hereby appointed to serve in a training program as a Special Studies Intern - Supervisor's Office - to serve without compensation - effective and retroactive to January 12, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (159-1988)

APPOINTING TO POSITION OF  
PART-TIME BUS DRIVER - MINI  
TRANS DEPARTMENT (WINSTON  
HAMILTON)

Co. Maloney offered the following resolution:

RESOLVED, that Winston Hamilton, 4 West 4th Street, Mount Vernon, New York, is hereby appointed to the position of Part-time Bus Driver - Mini Trans Department - at the current 1988 hourly rate of \$8.27 - effective and retroactive to January 26, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (160-1988)

CREATING POSITION OF  
HIGHWAY MAINTENANCE  
SUPERVISOR I - HIGHWAY  
DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on January 29, 1988 that the position of Highway Maintenance Supervisor I can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Highway Maintenance Supervisor I - Highway Department - is hereby created effective February 10, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (161-1988)

APPOINTING TO POSITION OF  
ASSESSING CLERK -  
ASSESSOR'S OFFICE (SUSAN  
STEVENSON)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #87194 Assessing Clerk which contains the name of Susan Stevenson,

NOW, THEREFORE, be it

RESOLVED, that Susan Stevenson, 41 Demarest Avenue, West Nyack, New York is hereby appointed to the position of Assessing Clerk - Assessor's Office - at the current 1988 annual salary of \$28,334.00, effective February 10, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (162-1988)

APPOINTING TO POSITION OF  
CODE INSPECTOR - BUILDING  
DEPARTMENT ( RICHARD  
SULLINGER)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #87141 Code Inspector which contains the name of Richard Sullinger,

Continued on Next Page

ABE545

RESOLUTION NO. (162-1988) Continued

NOW, THEREFORE, be it

RESOLVED, that Richard Sullinger, 27 Glen Drive, Bardonia, New York, is hereby appointed to the position of Code Inspector - Building Department - at the current 1988 annual salary of \$23,882.00, effective February 10, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (163-1988)

AMENDING RESOLUTION NO.  
118-1988 RE: APPOINTMENT  
OF JAMES MARTZ AS POLICE  
SERGEANT

Co., Maloney offered the following resolution:

RESOLVED, that Resolution No. 118 adopted at the January 26, 1988 Town Board Meeting (Appointing James Martz, Police Sergeant) is hereby amended to "16 Patricia Avenue, Congers, New York."

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (164-1988)

GRANTING A SICK LEAVE OF  
ABSENCE TO RECREATION  
LEADER - CLARKSTOWN PARKS  
BOARD AND RECREATION  
COMMISSION (MICHAEL CARROLL)

Co. Maloney 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., Michael Carroll, 322 Old Route 304, New City, New York, Recreation Leader - Clarkstown Parks Board and Recreation Commission - is hereby granted a Sick Leave of Absence, at one half pay, effective February 16, 1988, for a period not to exceed one month.

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (165-1988)

RECOGNIZING APPOINTMENT BY  
THE POLICE COMMISSION OF  
SENIOR TYPIST - POLICE  
DEPARTMENT (MARION GIONTA)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has  
furnished Certification of Eligibles Senior Typist #86099 which  
contains the name of Marion Gionta,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
appointment by the Police Commission of Marion Gionta, 75 Margaret  
Keahon Drive, Pearl River, New York, as a Senior Typist - Police  
Department, effective February 9, 1988.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (166-1988)

APPOINTING TO POSITION OF  
CHAIRMAN - FIRE BOARD OF  
APPEALS (EDWARD HEWITT)

Co. Maloney offered the following resolution:

RESOLVED, that Edward Hewitt, 8A Bittman Lane, New  
Cituy, New York, is hereby appointed to the position of Chairman -  
Fire Board of Appeals - (to fill the unexpired term of Arthur Smith)  
- to serve without compensation - effective February 9, 1988 and to  
expire on March 11, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (167-1988)

AUTHORIZING FIRE LANE  
DESIGNATIONS AT BRAEMAR  
CONDOMINIUMS

Co. Carey offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector  
of the Town of Clarkstown recommend implementing certain provisions  
of Local Law No. 9-1971, as amended, known as the VEHICLE AND  
TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec.  
14, of the Code of the Town of Clarkstown, at

BRAEMAR CONDOMINIUMS (56-D-15.2)

by the installation of fire lane designations, and

Continued on Next Page

ABE545

RESOLUTION NO. (167-1988) Continued

WHEREAS, ROBERT ROTH, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (168-1988)

AUTHORIZING TOWN ATTORNEY TO DEFEND PROCEEDING (CLASS CARTING OF CLARKSTOWN, INC. FOR JUDGMENT ANNULLING OR MODIFYING DECISION AND ORDER OF CLARKSTOWN SANITATION COMMISSION

Co. Maloney offered the following resolution:

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

In the Matter of the Application of CLASS CARTING OF CLARKSTOWN, INC.

Petitioner,

for a Judgment annulling or modifying a decision and order of the Clarkstown Sanitation Commission and compelling said Commission to grant Petitioner's application.

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

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RESOLUTION NO. (172-1988) Continued

WHEREAS, thue proposal is consistent with the legislative objectives as set forth in Section 7B of the Town Code of the Town of Clarkstown entitled, "Drug Abuse Prevention Council,"

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby appropriates funds to provide for a grant or grants to the Town of Clarkstown organizations or groups as recommended by the Drug Abuse Prevention Council up to a total amount of \$5,000.00, and be it

FURTHER RESOLVED, that all grant awards shall be subject to approval by further resolution of the Town Board prior to distribution of funds, and be it

FURTHER RESOLVED, that said grant monies shall be appropriated from Account No. A 8840-424.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

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RESOLUTION NO. (173-1988)

AWARDING GRANT AS  
RECOMMENDED BY DRUG ABUSE  
PREVENTION COUNCIL (STUDENT  
ASSEMBLY BY THE TIMES) -  
CHARGE TO ACCOUNT NO. A  
8840-424

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has established a Drug Abuse Prevention Council pursuant to local law, and

WHEREAS, by resolution dated February 9, 1988, the Town Board appropriated the sum of \$5,000.00 to provide for grants to the Town of Clarkstown organizations or groups recommended by the Drug Abuse Prevention Council for the purposes of establishing programs or otherwise engaging in activities which would seek to prevent or combat drugs and other substance abuse problems within tfhe Town, and

WHEREAS, the Drug Abuse Prevention Council has recommended certain grant awards be made;

NOW, THEREFORE, be it

RESOLVED, that the following organization is hereby awarded a \$500.00 grant pursuant to the authority contained in Chapter 7 of the Town Code:

<u>PROJECT &amp; DIRECTOR</u>	<u>PURPOSE</u>
Ms. Karen Meltzer Clarkstown Central School District	Student assembly by The Times

and be it

Continued on Next Page

ABE545

RESOLUTION NO. (173-1988) Continued

FURTHER RESOLVED, that the appropriations provided for herein shall be charged to Account No. A 8840-424.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (174-1988)

APPOINTING FINANCIAL  
ADVISOR WITH RESPECT TO  
BONDING SERVICES (MUNISTAT  
SERVICES, INC.) AND  
AUTHORIZING SUPERVISOR TO  
ENTER INTO AGREEMENT WITH  
SAME

Co. Smith offered the following resolution:

RESOLVED, based on the recommendation of Paul K. Schofield, Town Comptroller, Munistat Services, Inc., is hereby appointed financial advisor with respect to bonding services, and be it

FURTHER RESOLVED, that Supervisor Holbrook is authorized and directed to enter into an agreement with Munistat Services, Inc. in a form approved by the Town Attorney, to obtain such services and compensation not to exceed \$6,500.00 plus expenses.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (175-1988)

AMENDING RESOLUTION  
#86-1988 RE: INSTALLATION  
OF STOP SIGN AND STOP LINE  
ON ROLAND COURT AT TOWNLINE  
ROAD, NANUET

Co. Maloney offered the following resolution:

RESOLVED, that Resolution #86-1988 is amended to read as follows:

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant, in a report dated January 23, 1988 has recommended the installation of a STOP sign and STOP line on Roland Court at Townline Road, Nanuet,

NOW, THEREFORE, be it

RESOLVED, that Manuel daCunha, Rockland County Superintendent of Highways, is hereby directed to install the following:

RESOLUTION NO. (175-1988) Continued

<u>SIGNS</u>	<u>LEGEND</u>	<u>NYS SIGN #</u>
Roland Court, at intersection of Townline Road, Nanuet	STOP	R1-1

PAVEMENT MARKINGS

Roland Court, at intersection of Townline Road, Nanuet stop bar

Seconded by Co Kunis

On roll call the vote was as follows:

Councilman Carey.....Yes  
 Councilman Kunis.....Yes  
 Councilman Maloney.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (176-1988)

GRANTING CERTIFICATES OF REGISTRATION PURSUANT TO SECTION 83-65 OF THE CODE OF TOWN OF CLARKSTOWN (NO. 88-12 TO HENRY SMITH, INC. AND NO. 88-13 TO MANNY'S BACKHOE SERVICE, INC.)

Co. Maloney offered the following resolution:

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 83-65 of the Code of the Town of Clarkstown:

HENRY SMITH, INC.  
Spook Rock Road  
Tallman, New York 10982

MANNY'S BACKHOE SERVICE, INC.  
495 Country Club Lane  
Pomona, New York 10970

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 88-12 issued to Henry Smith, Inc.  
No. 88-13 issued to Manny's Backhoe Service, Inc.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Carey.....Yes  
 Councilman Kunis.....Yes  
 Councilman Maloney.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (177-1988)

REGARDING TEMPORARY DISPOSAL OF TOWN OF RAMAPO'S SOLID WASTE IN CLARKSTOWN SANITARY LANDFILL

Co. Smith offered the following resolution:

Continued on Next Page

ABE545

RESOLUTION NO. (177-1988) Continued

WHEREAS, by Resolutions No. 240, 247 and 508, dated March 5, 1987, March 10, 1987 and April 28, 1987, respectively, the Town of Ramapo has been authorized to dispose of up to 110 bales per day of solid waste, weighing approximately one ton each, in the Clarkstown Sanitary Landfill for a tipping fee of \$14.00 per ton, plus 1/2 ton of acceptable cover material per ton of solid waste up to a maximum of 600 tons per week and \$21.00 per ton, plus 1/2 of acceptable cover material per ton of solid waste in excess of 600 tons per week, and

WHEREAS, the Town of Ramapo had been disposing of the balance of its solid waste in another landfill which has recently been closed, and

WHEREAS, in the continued spirit of municipal cooperation, the Town Board of the Town of Clarkstown wishes to authorize the continued disposal within the Clarkstown Sanitary Landfill of the balance of the solid waste presently being generated in the Town of Ramapo for a temporary period during which period Ramapo shall take all necessary steps to obtain authorization to dispose of the additional refuse referred to herein at the landfill recently closed to Ramapo or at another acceptable site;

NOW, THEREFORE, be it

RESOLVED, that Resolutions No. 240, 247 and 508, except as herein modified, are confirmed, and be it

FURTHER RESOLVED, that the Clarkstown Sanitary Landfill shall continue to receive the Town of Ramapo solid waste at the rate of \$20.00 per ton, plus 1/2 ton of acceptable cover material per ton of solid waste up to a total of 600 tons per week, Mondays through Saturdays, and in addition thereto any additional solid waste in excess of 600 tons per week from the Town of Ramapo processed at the baling station shall be accepted but shall be charged at the rate of \$27.00 per ton, plus 1/2 ton of acceptable cover material per ton of solid waste, and be it

FURTHER RESOLVED, that all solid waste materials disposed of in the Town of Clarkstown Sanitary Landfill are required to have originated from within the Town of Ramapo and that all provisions of law, including Chapter 63 of the Code of the Town of Clarkstown shall be complied with, and be it

FURTHER RESOLVED, that the Town Comptroller is hereby authorized and directed to deposit any additional revenues derived subject to and in accordance with the provisions of Resolution No. 247-1987, and be it

FURTHER RESOLVED, that the disposal of solid waste referred to herein shall be conditioned upon receipt of additional written or verbal authorization or waiver of the Town of Clarkstown Consent Order with the New York State Department of Environmental Conservation, and be it

FURTHER RESOLVED, that the authorization to accept Ramapo solid waste in excess of 600 tons per week shall cease automatically upon the reopening to Ramapo of the landfill formerly used by it or upon sixty (60) days written notice from the Supervisor of the Town of Clarkstown to the Supervisor of the Town of Ramapo, and be it

FURTHER RESOLVED, that this resolution be retroactive to January 1, 1988 through December 31, 1988.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (177-1988) Continued

On roll call the vote was as follows:

Councilman Kunis said that the rate we are charging Ramapo now of \$20.00 per ton for 600 and under and \$27.00 for 600 and over is a very reasonable rate. He stated that some other landfills charge their neighbors much higher rates and he recited those charges. He said the Town of Clarkstown has certainly done its share. He said we have been very fair and the new rate is very fair. He proposed that at the end of this year we look into increasing the rates, on an equal basis, to the Towns of Ramapo and Orangetown. The new rate would still be within the spirit of municipal cooperation. He cited examples. He said he thought the landfill should be treated as a major revenue producer for the Town of Clarkstown as it is a valuable commodity. He said we should be neighborly and the new proposed rates will be very fair. The increased revenue we would receive from Orangetown and Ramapo would then be placed in high interest bearing accounts or used to expedite our recycling operation as proposed by Supervisor Holbrook. It would be used for the purchase of trucks and building of a recycling center and would eliminate Clarkstown having to go out and bond this money. This would be a tremendous saving. He said as a Town Board member he is committed to this program and feels it will be beneficial to all neighboring communities in the spirit of municipal cooperation.

Supervisor Holbrook stated that the Town of Rampapo is required to provide two pieces of equipment plus men as well as the cover to accommodate this. At the present time our balefill is operative. He said the intention of the Town Board is to basically treat the Towns of Orangetown and Ramapo on an equal basis. That is what this resolution is intending to do.

On roll call the vote was as follows:

Councilman Carey.....Yes  
Councilman Kunis.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (178-1988)

REFERRING AMENDMENT TO  
ZONING ORDINANCE TO TOWN  
AND COUNTY PLANNING BOARDS  
- AMENDMENT OF SECTIONS  
106.3 AND 106.10(A) AND  
GENERAL USE REGULATIONS  
(HOME OCCUPATION)

Co. Maloney offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

WHEREAS, the Town Board of the Town of Clarkstown is considering to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Planning Board for their recommendation and report:

Continued on Next Page

ABE545

RESOLUTION NO. (178-1988) Continued

Amend Section 106-3. Definitions to eliminate existing definition of Home Occupation and replace it with the following:

HOME OCCUPATION - A home occupation is any occupation, business or professional activity which results in a product or service, and is conducted in whole or in part in a dwelling or on a residentially zoned property, is clearly subordinate in space utilization and intensity to the residential use of the dwelling unit and has received a permit from the Building Inspector or the Board of Appeals.

Home Occupations do not include:

outside storage of equipment or material

the use or storage on site of a wheeled vehicle in excess of 4,000 lbs. gross weight and no more than one wheeled vehicle other than passenger cars.

activities after the hour of 11 p.m. and before 7 a.m. on weekdays, 11 p.m. - 9 a.m. on Saturday, Sunday and legal holidays.

the keeping of goods for sale.

A home occupation does not include animal hospital, mortician, limousine service, automotive-repair service, barbershop, beauty parlor, restaurant.

Amend Section 106-10(A), General Use Regulations, for the following:

R-80 District, Table 1, Column 4;  
R-40 District, Table 2, Column 4;  
R-22 District, Table 3, Column 4;  
R-15 District, Table 4, Column 4;  
R-10 District, Table 5, Column 4;  
R-160, and Table 18, Column 4,

- A. Accessory use by right from the Building Inspector (issuance of a permit) if the following standards are met.
1. The use, including related storage, must be located in and may occupy no more than 25% of the habitable floor area of the existing principal residence, or no more than 250 square feet in the principal residence, whichever is less.
  2. The number of persons who assist, or are employed in any capacity, whether as employees, commission agents, independent contractors, partners, officers, directors, or stockholders shall not exceed one person outside those residing in the family unit.
  3. Visiting clientele may not exceed more than one vehicle per one-half hour.
  4. The applicant shall provide an affidavit setting forth the scope of operations proposed.
  5. Off-street parking shall be shown on a plan and shall be provided without paving more than 25 percent of the required front yard. The off-street parking shall be provided on the side closest to side lot line.
  6. The plan shall show two parking spaces in addition to those which the premises are designed to accommodate.

Continued on Next Page

RESOLUTION NO. (178-1988) Continued

7. Landscaping shall be provided to screen parking from adjoining properties.
8. The home shall be the actual place of residence of the person conducting the home occupation.
9. The home occupation shall not involve the on site use or storage of any commercial vehicles or construction equipment or mechanical equipment not permanently affixed to the premises, except for one vehicle not over 4000 lbs.
10. The home occupation shall not involve the use of any chemical, mechanical or electrical equipment or fixture which is not a customary household appliance or light office equipment.
11. No manufacturing or assembly shall be permitted using other than manually operated equipment.
12. There shall be no more than one home occupation per residential building.
13. Instructional services shall be limited to no more than two students at a time.
14. The applicant shall demonstrate that there will be no noise, smoke, glare, or vibration beyond the property line.
15. Provision for dust collection or similar by-products shall be provided.

Amend General Use Regulations for the following:

- R-80 District, Table 1, Column 3, Add Item 11;
- R-40 District, Table 2, Column 3, Add Item 11;
- R-22 District, Table 3, Column 3, Add Item 11;
- R-15 District, Table 4, Column 3, Add Item 11;
- R-10 District, Table 5, Column 3, Add Item 8;
- R-160 District, Table 18, Column 3, Add Item 7.

Special Permit for Home Occupation

11. May allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.
  - a. May allow up to 25% of habitable floor areas of principal building even if exceeds 250 square feet.
  - b. Number of employees may be increased to two.
  - c. Affidavit shall be provided in accordance with section A. above.
  - d. Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.
  - e. The home shall be the actual place of residence of the person conducting the home occupation.

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ABE545

RESOLUTION NO. (178-1988) Continued

- f. May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable.

Seconded by Co. Kunis

On roll call the vote was as follows:

Councilman Carey.....Yes  
 Councilman Kunis.....Yes  
 Councilman Maloney.....Yes  
 Councilwoman Smith.....Yes  
 Supervisor Holbrook.....Yes

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With regard to the question of the Town's responsibility for replacement of damaged mailboxes, Mr. Anthony D'Antoni, Superintendent of Highways, stated that his department is governed by the State Highway Law and his obligations under that law are very clear. He said he would hope that the Board would not put him in conflict with a possible chance of his violating his oath of office by giving him a resolution which would be contrary to State Highway Law and certainly asking him to break the law of the State Highway Law. Supervisor said in light of what Mr. D'Antoni stated he would request Town Attorney Jacobson to research that point but it is the intention of the Town Board to permit the mailboxes to be replaced. Supervisor said we do not want the Superintendent of Highways to violate the law but by the same token the point he raises should be checked out.

Mr. D'Antoni said he would like everyone to see the complaint of the resident at 19 Tanglewood Court and he would like to know from anyone here how his plow could hit that mailbox without damaging the post or anything else. It is a very clear picture. He said he does look at the complaints and where something is justified he will take care of it. Under these circumstances the Superintendents of Highways of the County of Rockland have all banded together with respect to the mailbox law. Supervisor asked Town Attorney to please research this and get an answer within a couple of days so that the mailboxes can be replaced so long as there is no impediment because that is how the majority of the Town Board feels.

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RESOLUTION NO. (179-1988)

MEMORIALIZING RESOLUTION RE ABORTION

Co. Maloney offered the following resolution:

WHEREAS, since the United States Supreme Court decision of January 22, 1973, over seventeen and one-half million babies (4000 per day) have lost their lives, and

WHEREAS, the undersigned members of the Clarkstown Town Board, on behalf of many of the residents of Clarkstown, is desirous of memorializing those innocent victims of abortion,

NOW, THEREFORE, be it

RESOLVED, that the undersigned members of this Town Board call upon the President of the United States, the members of the Congress of the United States and the United States Supreme Court to reaffirm that part of our Declaration of Independence which states that every human being is endowed by his/her Creator, "with certain unalienable rights, that among these are life..." and we

Continued on Next Page

RESOLUTION NO. (179-1988) Continued

call upon those elected bodies to enact legislation which will bring an immediate halt to the present wanton destruction of all innocent human life.

Charles E. Holbrook, Supervisor

/s/ John R. Maloney  
John R. Maloney, Councilman

/s/ William J. Carey  
William J. Carey, Councilman

/s/ Ann Marie Smith  
Ann Marie Smith

Steven Kunis

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Kunis.....	Abstain
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Abstain

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Violation Proceeding - Map 89, Block A, Lot 10 (DiGiulio) was opened, time: 9:58 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Violation Proceeding - Map 89, Block A, Lot 10 (DiGiulio) was adjourned for sixty days, time: 10:04 P.M.

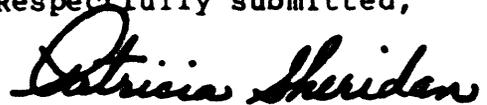
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Mr. Tracy said he would like to go back to the agenda for one moment. He stated that he had heard about the recycling bins that are out for bid. He said he was under the impression that the people who are going to speak to the Town Board on Thursday night take care of the whole recycling process automatically so it may be a good idea to just defer bidding.

Supervisor said we have not picked them up yet. Mr. Tracy said once you pass a resolution that is a contract. Supervisor said we will have to check into that.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the public hearing was declared closed, time: 10:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

ABE545

TOWN OF CLARKSTOWN  
PUBLIC HEARING

321

Town Hall

2/9/88

9:58 P.M.

Present: Supervisor Holbrook  
Council Members Carey, Kunis, Maloney, Smith  
Murray N. Jacobson, Town Attorney  
Patricia Sheridan, Town Clerk

RE: VIOLATION PROCEEDING - MAP 89, BLOCK A, LOT 10  
DiGIULIO

On motion of Councilman Maloney seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open.

Mr. Donald Tracy, attorney for Mr. DiGiulio, stated that with regard to this public hearing he believed that Mrs. Saccende, Code Inspector for the Town of Clarkstown, would verify that Mr. DiGiulio has cleaned up some of the loose junk that was lying around his yard and for which he was cited along with six construction trailers. He has had these parked on the property since 1972. He keeps his surplus electrical equipment in these trailers. Mr. Tracy said that Mr. DiGiulio alleges that these trailers are trailerable although it would appear that it would be some job to get them out. Mr. DiGiulio intends to do something about this matter and he would like Mr. Tracy to go to the Zoning Board of Appeals and obtain him an variance to put up a fancy looking storage building behind his house. He could store the electrical equipment and components, which he keeps in the trailers, in a storage, small warehouse type building thereby getting rid of this unsightly condition. In the meantime they respectfully indicate that it is not junk. There is some very expensive equipment stored in these trailers. It is the facility which holds them which is unsightly.

Mr. Tracy stated that they would like a sixty day adjournment. Supervisor Holbrook asked if they were going to file for a variance? Mr. Tracy said they are going to file for a variance to permit a storage building to house the electrical gear to replace these vehicles.

Mrs. Saccende said she had one correction. Three of the trailers are the wood structured construction type trailers. Three are tractor trailers - the rear section. Supervisor asked if this was in a residential zone? Mrs. Saccende said yes. Mr. Tracy said it is in the old C-1 zone at which time the front house was converted to an office building and another use by appeal of New York State Board of Appeals. He said at the present time it is in an R-15 historic district. Mrs. Saccende said it is in a residential zone.

Supervisor said the recommendation is to have the place cleaned up. He asked would an application to the Zoning Board stay this type of thing? Town Attorney said yes. Mrs. Saccende said at this point thirty days more will let him exhaust all of his possibilities. Mr. Tracy said there has been some cleaning up. Mrs. Saccende said there has been minimal clean up. Some of the loose debris scattered around has been cleaned up. Supervisor Holbrook asked Mr. Tracy if he was going to file an application with the Zoning Board post haste and Mr. Tracy said it won't be post haste because they need construction plans, twenty-five copies of this and that, so it will take about two and one half weeks to gather the material presuming that there is an available surveyor who can crank the work out. He went on to state that before the thirty days are up he will have filed the requisite forms to stay the action.

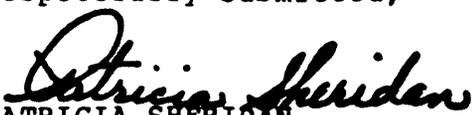
Supervisor Holbrook asked for Town Attorney's opinion and he said he felt thirty days was unrealistic and we should grant sixty days. He said he could not even get a hearing within thirty days.

Continued on Next Page

ABE545

On motion of Councilman Smith, seconded by Councilman Maloney and unanimously adopted the Public Hearing was adjourned for sixty days, time: 10:04 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN  
Town Clerk