

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

1

Town Hall

2/23/88

8:09 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 stated that it was his pleasure to congratulate the New City Rams - Clarkstown Gridiron Club for the extensive services they have provided to this community for almost twenty-five years.

Supervisor introduced Mr. John Soy, President of the organization and he made some brief remarks and introduced the students. He discussed the scholarship program and stated that this year they were being presented to five young people in the area.

Supervisor Holbrook added that the Town of Clarkstown provides economic assistance to the Clarkstown Gridiron Club. This is an example of taxpayer's money very well spent.

Councilman Carey presented an award to Frank Celli of Clarkstown South High School.

Councilman Maloney presented an award to Greg Green of Clarkstown North High School.

Councilman Kunis presented an award to Jeanann O'Callaghan of Clarkstown South High School.

Councilwoman Smith presented an award to Debbie Scarlatta of Clarkstown South High School.

Supervisor Holbrook presented an award to Greg Devine of Clarkstown South High School.

Supervisor Holbrook declared the public portion of the meeting open.

Supervisor Holbrook congratulated all the students and their parents for a job well done. He said the Town of Clarkstown is proud of them and of the organization of which they are a part. He said the organization performs a service with their volunteer workers which the Town of Clarkstown would not be able to afford.

Appearance: Mr. Martin Bernstein
New City

Mr. Bernstein spoke regarding proposed Agenda Item No. 17 (purchase of the Champion Building in West Nyack by County of Rockland.) He stated his opposition to the proposal to move the County government out of New City as it will adversely affect the residents and the commercial businesses. He urged the Town Board to do everything possible to stop this.

Supervisor Holbrook said the resolution tonight obviously expresses the Town Board's concern about the move. Some board members are opposed to this and others want to seek additional information. He said the Town of Clarkstown has leverage that it could use but as somebody once said you don't pick up a gun unless you intend to use it. He stated that we intend to find out all the information that can be presented here and take the appropriate action to protect not only New City but the interests of the Town of Clarkstown. We want to look at it from a rational point of view and take the most deliberate and intelligent course of action we can possibly take.

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Supervisor said the resolution will appear again on March 8th in deference to some of the Town Board members' concern that they would like to obtain some additional information. Mr. Bernstein said property owners would like to participate in this with this Town Board and they would like to be kept informed. Supervisor said they would certainly be kept up to date.

Appearance: Mr. Steve Goldman
Organized Taxpayers Association

Mr. Goldman spoke regarding the purchase of the Champion Building. He also had comments regarding the bulk pickup. Mr. Goldman mentioned the little league field on Congers Road and Strawtown Road and wanted it noted that they were opposed to its being sold to a developer to be turned into houses.

Supervisor said the resolution regarding the Champion Building would be brought up again at the March 8th Town Board Meeting. He said nothing had been written in stone regarding the bulk pickup and we would wait until the bids are in. With regard to the ballfield area, Supervisor said nothing has been heard in terms of movement on that property to this point. If something should materialize there are a number of alternatives at which the Town could look.

Town Clerk Patricia Sheridan read a letter from Mr. John P. Tobin of 33 Benson Avenue, West Nyack, New York regarding the laser technology for garbage disposal. (Letter on file in Town Clerk's Office.)

RESOLUTION NO. (180-1988)

AUTHORIZING BUILDING
INSPECTOR TO ENTER INTO A
PERFORMANCE AGREEMENT WITH
J.M.K. BUILDING CORP.
(KINGSGATE)

Co. Maloney offered the following resolution:

WHEREAS, J.M.K. BUILDING CORP., developer of Lot "C" 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 J.M.K. BUILDING CORP., together with security, in the form of a performance bond of the continuation for this performance agreement, of Performance Bond No. 072587 to guaranty the completion of said improvements.

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. (182-1988) Continued

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. (183-1988)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI - MAP 59,
BLOCK A, LOT 20.20 -
(McDONALD'S CORP. V. BOARD
OF ASSESSORS AND BOARD OF
ASSESSMENT REVIEW OF TOWN
OF CLARKSTOWN)

Co. Maloney offered the following resolution:

WHEREAS, a proceeding was commenced in the Supreme Court of the State of New York, County of Rockland, entitled McDONALD'S CORP., PETITIONER, vs. THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN,

WHEREAS, the attorney for the petitioner has proposed to settle the proceeding and to discontinue with prejudice and without costs, upon the following terms and conditions:

1. That the premises owned by the petitioner and described on the assessment roll of the Town of Clarkstown as Map 59, Block A, Lot 20.20, were entitled to the business investment exemption provisions of Section 485b of the Real Property Tax Law of the State of New York pursuant to "grandfather" provisions therein contained.

2. That the petitioner, having duly applied for the business investment exemption prior to March 1, 1986, the taxable status date for 1986/1987 School and 1987 State, County and Town Tax and the 1987/1988 School and 1988 State, County and Town Tax.

3. That the State of New York, Division of Equalization and Assessment has confirmed petitioner's position that the petitioner is entitled to apply pursuant to Section 485b of the Real Property Tax Law to a business exemption on the above property and,

4. That the aforementioned land owned by petitioner be granted the business investment exemption for the year commencing with the 1988/1989 School tax and the 1989 State, County and Town tax so that no taxing jurisdiction will have to make a refund.

5. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this stipulation upon service of a true copy of an order to be entered on the stipulation.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to execute the stipulation settling the above captioned proceeding on the aforesaid terms.

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. (184-1988)

AUTHORIZING THE LOANING OF
MONIES FROM CAPITAL #2 FUND
TO GENERAL FUND (STREET
SCHOOL AND COSCIA
PROPERTIES)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is in the process of
bonding for Street School property and Anthony Coscia property, and

WHEREAS, it has become necessary to close on said
properties,

NOW, THEREFORE, be it

RESOLVED, to loan the Capital Fund #2 Fund \$1,975,000
from the General Fund until such time as the bond proceeds have been
received.

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. (185-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #33-1988
(CURBSIDE PICKUP OF BULK
REFUSE)

Co. Carey offered the following resolution:

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

BID #33-1988
CURBSIDE PICKUP OF BULK REFUSE

and be it

FURTHER RESOLVED, that the Director of Environmental
Control, in coordination with the Town Attorney and the Director of
Purchasing is hereby instructed to prepare required bid
specifications.

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. (186-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR

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RESOLUTION NO. (186-1988) Continued

BIDS FOR BID #34-1988 -
CURBSIDE PICKUP OF
RECYCLABLE MATERIALS

Co. Carey offered the following resolution:

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

BID #34-1988
CURBSIDE PICKUP OF RECYCLABLE MATERIALS

and be it

FURTHER RESOLVED, that the Director of Environmental
Control, in coordination with the Town Attorney and the Director of
Purchasing is hereby instructed to prepare required bid
specifications.

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. (187-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #35-1988 -
TWO(2) COMMERCIAL TYPE MINI
BUSES

Co. Carey offered the following resolution:

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

BID #35-1988
TWO (2) COMMERCIAL TYPE MINI BUSES

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
28, 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. 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. (188-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR

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RESOLUTION NO. (188-1988) Continued

BIDS FOR BID #36-1988 -
PILE FOUNDATION FOR SOLID
WASTE RECYCLINIG CENTER

Co. Carey offered the following resolution:

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

BID #36-1988
PILE FOUNDATION FOR SOLID WASTE
RECYCLING CENTER

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 2:00 P.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 Environmental Control.

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. (189-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #37-1988 -
REPLACEMENT CATERPILLAR
TRUCK ENGINE FOR HIGHWAY
DEPARTMENT

Co. Carey offered the following resolution:

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

BID #37-1988
REPLACEMENT CATERPILLAR TRUCK
ENGINE FOR HIGHWAY 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
17, 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. 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. (190-1988)

GRANTING PERMISSION FOR USE
OF TOWN OF CLARKSTOWN
SHOWMOBILE (NEW CITY FIRE
ENGINE COMPANY NO. 1)

Co. Carey offered the following resolution:

WHEREAS, the New City Fire Engine Company No. 1 has requested use of the Town of Clarkstown showmobile on Thursday, June 9th, Friday, June 10th and Saturday, June 11, 1988 for its Centennial Celebration,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the New City Fire Engine Company No. 1 to use the Town of Clarkstown showmobile for the above purposes and subject to the provision of the necessary insurance policies.

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. (191-1988)

SETTING PUBLIC HEARING FOR
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
SELDEN LEVY AND JOANNE LEVY

Co. Maloney offered the following resolution:

WHEREAS, a written Petition dated January 12, 1988 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 22nd day of March, 1988 at 8:10 P.M. ES time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Dated: February 23, 1988

/s/ Charles E. Holbrook
Charles E. Holbrook, Supervisor

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

/s/ Steven C. Kunis
Steven C. Kunis, Councilman

/s/ John R. Maloney
John R. Maloney

/s/ Ann Marie Smith
Ann Marie Smith

Seconded by Co. Smith

RESOLUTION NO. (191-1988) Continued

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. (192-1988)

AUTHORIZING ATTENDANCE AT
REVENUE SOURCES MANAGEMENT
SCHOOL (EDWARD J. GHIAZZA)
- CHARGE TO APPROPRIATION
ACCOUNT NO. A 7020-414

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission, Edward J. Ghiazza, Superintendent of Recreation and Parks, is hereby authorized to attend the Revenue Sources Management School conducted by the North Carolina State University, as a member of the Board of Regents, from March 12, 1988 through March 18, 1988, in Oglebay Park, Wheeling, West Virginia, at no cost to the Town for meals and lodging, and be it

FURTHER RESOLVED, that all other necessary expenses be allocated against Appropriation Account No. A 7020-414.

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. (193-1988)

AUTHORIZING AND DIRECTING
SUPERVISOR TO NOTIFY
PRESIDENT OF NEW YORK STATE
CIVIL SERVICE COMMISSION
AND REPRESENTATIVES OF
EMPIRE PLAN OF INTENTION TO
WITHDRAW FROM SAID PLAN

Co. Carey offered the following resolution:

BE IT RESOLVED, that the Town Board hereby authorizes and directs the Supervisor of the Town of Clarkstown to notify the President of the New York State Civil Service Commission as well as the necessary representatives of the Empire Plan that the Town intends to withdraw from said plan effective May 31, 1988 and that, thereafter, it will no longer provide health insurance to its employees and retirees through the Empire Plan.

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. (194-1988)

ELIMINATING NEWSPAPERS FROM
TOWN OF RAMAPO REFUSE
DEPOSITS AT CLARKSTOWN
SANITARY LANDFILL

Co. Smith offered the following resolution:

RESOLVED, that after June 1, 1988 refuse from the Town
of Ramapo entering the Clarkstown Landfill shall not contain
newspapers.

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. (195-1988)

AWARDING BID FOR BID
#17-1988 - RELOCATION OF
EXISTING STREAM AT THE
CLARKSTOWN SANITARY
LANDFILL (CAL-MART
CONSTRUCTION CORP.)

Co. Kunis offered the following resolution:

RESOLVED, that based upon the recommendation of Charles
R. Velzy Associates, the Director of the Department of Environmental
Control and the Director of Purchasing that

BID #17- 1988
RELOCATION OF EXISTING STREAM AT THE
CLARKSTOWN SANITARY LANDFILL

is hereby awarded to:

CAL-MART CONSTRUCTION CORP.
357 Route 59
West Nyack, New York 10994

as per their low bid proposal of \$33,300.00, and be it

FURTHER RESOLVED, that said award is subject to the
execution of a contract between Cal-Mart Construction Corp. and the
Town (in a form agreeable to the Town Attorney) and the receipt of a
Performance Bond and Labor and Material Payment Bond.

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. (196-1988)

AWARDING BIDS FOR BID
#20-1988 - HIGHWAY SIGNING
& ROAD MAINTENANCE SUPPLIES
(3M COMPANY, CHEMUNG SUPPLY

RESOLUTION NO. (196-1988) Continued

CORP., TRAFICO INC.,
HIGHWAY TRAFFIC SUPPLY,
CAPITOL HIGHWAY MATERIALS,
BRIGHTON STEEL COMPANY,
SAFETY ROADS MATERIALS CO.,
SIGNS OF SAFETY, GARDEN
STATE HIGHWAY PRODUCTS)

Co. Kunis offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing that

BID #20-1988
HIGHWAY SIGNING & MAINTENANCE SUPPLIES

is hereby awarded to:

3M COMPANY
3M CENTER
BUILDING 223-3N
ST. PAUL, MN. 555144-1000

CHEMUNG SUPPLY CORP.
P.O. BOX 527
ELMIRA, N.Y. 14902

TRAFICO, INC.
209 E. ERIE STREET
BLAUVELT, N.Y. 10913

HIGHWAY TRAFFIC SUPPLY
28 W. WASHINGTON AVENUE
PEARL RIVER, N.Y. 10965

CAPITOL HIGHWAY MATERIALS
ROUTE 6
BALDWIN PLACE, N.Y. 10505

BRIGHTON STEEL COMPANY
RD2 - BOX 267
HOPEWELL JCT., N.Y. 12533

SAFETY ROADS MATERIALS CO.
ROUTE 17 A, P.O. BOX 1021
GOSHEN, N.Y. 10924

SIGNS OF SAFETY
432-40 SO. RIVER ST.
HACKENSACK, N.J. 07601

GARDEN STATE HIGHWAY PRODUCTS
2 FOWSER RD.
MILLVILLES, N.J. 08332

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. (197-1988)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONSENT
DETERMINATION RE LANDFILL
VIOLATION OF CHAPTER 63 OF
TOWN CODE (MARANGI
BROTHERS, INC.)

Co. Maloney offered the following resolution:

WHEREAS, by Charges and Specifications served on or
about November 18, 1987, to MARANGI BROTHERS, INC., located at 560
Chestnut Ridge Road, Chestnut Ridge, New York, a corporation
authorized to use the Clarkstown Sanitary Landfill and engaged in
business of garbage removal in the Town of Clarkstown was charged
with violation of Section 63-10(C) of the Town Code of the Town of
Clarkstown, committed on or about October 15, 1987, for alleged
dumping of garbage, rubbish, or debris into the Town of Clarkstown
Sanitary Landfill without the special permission of the Town Board

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RESOLUTION NO. (197-1988) Continued

when said garbage, rubbish, or debris was collected outside of the Town of Clarkstown, and

WHEREAS, a public hearing was scheduled for February 11, 1988, at 8:00 P.M., pursuant to Town Law and the Town Code of the Town of Clarkstown to inquire into said allegations, and

WHEREAS, MARANGI BROTHERS, INC., the Respondent, has by its attorney offered to enter into a Consent Determination whereby the Respondent would admit the essential Allegations of Specifications No. 1, and consent to the imposition of a civil penalty of \$7,000.00, payable by cash or certified check in three installments as follows: \$2,500.00 within thirty (30) days after signing the Consent Order, \$2,500.00 payable sixty (60) days from the date of the Consent Order and the balance of \$2,000.00 ninety (90) days from the signing of said Consent Order and further consent to the imposition of a fourteen (14) day period of suspension of the Respondent's privilege to use the Clarkstown Sanitary Landfill commencing fourteen (14) days after receipt of a fully signed copy of the Consent Order, and that in all other respects the prior Consent Determination of October 14, 1986 shall remain in full force and effect, and

WHEREAS, the Town Attorney recommends acceptance of the offer to this Consent Determination;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a Consent Determination pursuant to the terms and conditions set forth above in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded with any proposed Consent Determination to the Respondent.

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. (198-1988)

AUTHORIZING ATTENDANCE AT
MACHINE CUSTODIAN SCHOOL
FOR VOTING MACHINE
CUSTODIANS (ROTH AND
PIZZUTELLO)

Co. Maloney offered the following resolution:

WHEREAS, the Board of Elections will hold a Machine Custodian School for Machine Custodians at Ulster County Community College on March 19, 1988 from 9:00 A.M. to 4:00 P.M. at a cost per custodian of \$92.75

NOW, THEREFORE, be it

RESOLVED, that Harold Roth and Vincent Pizzutello, Voting Machine Custodians of the Town of Clarkstown are hereby

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RESOLUTION NO. (198-1988) Continued

authorized to attend said conference with attendant fees to be charged to Account No. 1010-414.

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. (199-1988)

DESIGNATING POLLING PLACES
FOR TOWN OF CLARKSTOWN FOR
THE YEAR 1988

Co. Maloney offered the following resolution:

RESOLVED, that the following Polling Places for the year 1988 are hereby designated:

POLLING PLACES - CLARKSTOWN - 1988

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
1.	New City	Town Hall Lobby 10 Maple Avenue, New City, NY 10956
2.	Congers	Veteran's Memorial Building Lake Road Congers, NY 10920
3.	West Nyack	West Nyack Fire House Strawtown Road West Nyack, NY 10994
4.	Upper Nyack	Upper Nyack Elementary School North Broadway Upper Nyack, NY 10960
5.	Nanuet	Highview School 24 Highview Avenue Nanuet, NY 10954
6.	Central Nyack	Central Nyack Community Center West Broadway & Waldron Avenue Central Nyack, NY 10960
7.	Congers	First Presbyterian Church Highway Avenue Congers, NY 10920
8.	Valley Cottage	Valley Cottage Elementary School Lake Road Valley Cottage, NY 10989
9.	New City	Street Elementary School Zukor Road New City, NY 10956

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RESOLUTION NO. (199-1988) Continued

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| 10. | Spring Valley | Lakeview Village Senior
Citizens Project
Memorial Park Drive
Spring Valley, NY 10977 |
| 11. | Bardonia | Bardonia Elementary School
Route 304
Bardonia, NY 10954 |
| 12. | Nanuet | Highview School
24 Highview Avenue
Nanuet, NY 10954 |
| 13. | New City | Park Evangelical Free Church
Little Tor Road
New City, NY 10956 |
| 14. | Congers | Congers Methodist Church
Lake Road
Congers, NY 10920 |
| 15. | West Nyack | West Nyack Elementary School
Route 59A
West Nyack, NY 10994 |
| 16. | New City | St. Augustine's School
Main Street
New City, NY 10956 |
| 17. | Valley Cottage | Liberty Street Elementary School
Lake Road
Valley Cottage, NY 10989 |
| 18. | Nanuet | Trinity Presbyterian Church
Main Street
Nanuet, NY 10954 |
| 19. | New City | Germonds Presbyterian Church
Germonds Road
New City, NY 10956 |
| 20. | Central Nyack | Nyack Housing Authority
Waldron Avenue
Central Nyack, NY 10960 |
| 21. | Spring Valley | Lakeview Village Senior Citizens
Project
Memorial Park Drive
Spring Valley, NY 10977 |
| 22. | New City | New City Condominium Clubhouse
Heritage Drive
New City, NY 10956 |
| 23. | Upper Nyack | Upper Nyack School
North Broadway
Upper Nyack, NY 10960 |
| 24. | New City | Link Elementary School
Red Hill Road
New City, NY 10956 |
| 25. | New City | Little Tor Elementary School
Gregory Street
New City, NY 10956 |

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RESOLUTION NO. (199-1988) Continued

26. New City Laurel Plains Elementary School
Teakwood Lane
New City, NY 10956
27. New City St. Augustine's School
Main Street
New City, NY 10956
28. West Nyack Birchwood Elementary School
Sickletown Road
West Nyack, NY 10994
29. New City Link Elementary School
Red Hill Road
New City, NY 10956
30. New City New City Park Clubhouse
Collyer Avenue
New City, NY 10956
31. West Nyack West Nyack Fire House
Strawtown Road
West Nyack, NY 10994
32. New City Chestnut Grove School
Old Middletown Road
New City, NY 10956
33. Nanuet Miller Elementary School
50 Blauvelt Road
Nanuet, NY 10954
34. West Nyack West Nyack Elementary School
Route 59A
West Nyack, NY 10994
35. Nanuet Middlewood Senior Citizen Complex
80 N. Middletown Road
Nanuet, NY 10954
36. New City St. John's Episcopal Church
Strawtown Road
New City, NY 10956
37. New City Street Elementary School
Zukor Road
New City, NY 10956
38. Valley Cottage St. Paul's School
Kings Highway
Valley Cottage, NY 10989
39. New City & Spring Valley Hillcrest School
Addison Boyce Road
Spring Valley, NY 10977
40. New City Woodglen Elementary School
Phillips Hill Road
New City, NY 10956
41. Spring Valley Lakeview Village Senior Citizens
Project
Memorial Park Drive
Spring Valley, NY 10977

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RESOLUTION NO. (199-1988) Continued

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| 42. | Congers | Congers Elementary School
Lake Road
Congers, NY 10920 |
| 43. | Valley Cottage | Liberty Street Elementary School
Lake Road
Valley Cottage, NY 10989 |
| 44. | Nanuet | Trinity Presbyterian Church
Main Street
Nanuet, NY 10954 |
| 45. | Bardonia | Bardonia Elementary School
Route 304
Bardonia, NY 10954 |
| 46. | New City | Little Tor Elementary School
Gregory Street
New City, NY 10956 |
| 47. | Nanuet | Highview Avenue
24 Highview Avenue
Nanuet, NY 10954 |
| 48. | New City | Laurel Plains Elementary School
Teakwood Lane
New City, NY 10956 |
| 49. | Central Nyack | Central Nyack Community Center
West Broadway & Waldron Avenue
Central Nyack, NY 10960 |
| 50. | West Nyack | Birchwood Elementary School
Sickletown Road
West Nyack, NY 10994 |
| 51. | Valley Cottage | Valley Cottage Elementary School
Lake Road
Valley Cottage, NY 10989 |
| 52. | New City | Clarkstown Senior High School North
Congers Road,
New City 10956 |
| 53. | New City | Woodglen Elementary School
Phillips Hill Road
New City, NY 10956 |
| 54. | Upper Nyack | Upper Nyack School
North Broadway
Upper Nyack, NY 10960 |
| 55. | New City | New City Elementary School
Elmwood Drive
New City, NY 10956 |
| 56. | New City | Street Elementary School
Zukor Road
New City, NY 10956 |
| 57. | Bardonia | Monterey Senior Citizen Housing
1 Monterey Gardens
Bardonia, NY 10954 |

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RESOLUTION NO. (199-1988) Continued

58. Valley Cottage Mountainview Clubhouse
Sierra Vista Lane
Valley Cottage, NY 10989
59. New City St. Augustine's School
Main Street
New City, NY 10956
60. New City Woodglen Elementary School
Phillips Hill Road
New City, NY 10956
61. Congers Congers Ambulance Corps.
Kings Highway
Congers, NY 10920
62. Valley Cottage Liberty Street Elementary School
Lake Road
Valley Cottage, NY 10989
63. Congers First Presbyterian Church
Highway Avenue
Congers, NY 10920
64. Valley Cottage Valley Cottage Elementary School
Lake Road
Valley Cottage, NY 10989
65. Bardonia Monterey Senior Citizen Housing
1 Monterey Gardens
Bardonia, NY 10954
66. New City Chestnut Grove School
Old Middletown Road
New City, NY 10956
67. New City St. John's Episcopal Church
Strawtown Road
New City, NY 10956
68. New City Street Elementary School
Zukor Road
New City, NY 10956
69. New City Woodglen Elementary School
Phillips Hill Road
New City, NY 10956
70. West Nyack Birchwood Elementary School
Sickletown Road
West Nyack, NY 10994
71. New City Laurel Plains Elementary School
Teakwood Lane
New City, NY 10956
72. New City Little Tor Elementary School
Gregory Street
New City, NY 10956
73. Valley Cottage Mountainview Clubhouse
Sierra Vista Lane
Valley Cottage, NY 10989
74. New City Street Elementary School
Zukor Road
New City, NY 10956

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RESOLUTION NO. (199-1988) Continued

- 75. Spring Valley Lakeview Village Senior Citizens Project
Memorial Park Drive
Spring Valley, NY 10977
- 76. New City & Spring Valley Hillcrest School
Addison Boyce Road
Spring Valley, NY 10977
- 77. New City St. John's Episcopal Church
Strawtown Road
New City, New York 10956

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. (200-1988)

GRANTING YEAR LEAVE OF
ABSENCE TO MAINTENANCE
HELPER - HIGHWAY DEPARTMENT
(FRANCIS LAPPIN)

Co. Maloney offered the following resolution:

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement of January 1, 1987 provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Francis Lappin, 7 Van Nostrand Place, Nanuet, New York - Maintenance Helper - Highway Department, is hereby granted a one year leave of absence, without pay, effective and retroactive to August 21, 1987.

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. (201-1988)

ACCEPTING RESIGNATION OF
SENIOR STENOGRAPHER -
HIGHWAY DEPARTMENT (JANINE
SCAGLIONE)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Janine Scaglione, 81 Blauvelt Avenue, West Haverstraw, New York - Senior Stenographer - Highway Department - is hereby accepted - effective and retroactive to January 27, 1988.

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RESOLUTION NO. (201-1988) Continued

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. (202-1988)

RECOGNIZING APPOINTMENT BY
THE SUPERINTENDENT OF
HIGHWAYS OF HIGHWAY
MAINTENANCE SUPERVISOR I -
HIGHWAY DEPARTMENT (ROBERT
HOLLANDER)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Highway Maintenance Supervisor
I #84106, which contains the name of Robert Hollander,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the
appointment by the Superintendent of Highways of Robert Hollander,
96 Snedecker Avenue, Congers, New York, Highway Maintenance
Supervisor I - Highway Department - at the current 1988 annual
salary of \$28,063.00, effective and retroactive to February 22, 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. (203-1988)

RESCINDING RESOLUTION NO.
165-1988 APPOINTING SENIOR
TYPIST - POLICE DEPARTMENT
(MARION GIONTA)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 165, adopted at the
February 9, 1988 Town Board Meeting, appointing Marion Gionta,
Senior Typist, is hereby rescinded.

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. (204-1988)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF GROUNDWORKER
(JOHN DEERY)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of John Deery, 3 Wheatstone Road, New City, New York, as Groundworker, at the current 1988 annual salary of \$16,534.00, effective on February 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

RESOLUTION NO. (205-1988)

CREATING POSITION OF SENIOR
GROUNDWORKER - PARKS BOARD
AND RECREATION COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 4, 1988 that the Senior Groundworker position - Parks Board and Recreation Commission - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Groundworker - Parks Board and Recreation Commission - is hereby created effective February 24, 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. (206-1988)

CREATING POSITION OF
GRUNDSKEEPER - PARKS BOARD
AND RECREATION COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on February 4, 1988 that the position of Groundskeeper - Parks Board and Recreation Commission - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Groundskeeper - Parks Board and Recreation Commission - is hereby created - effective February 24, 1988.

Continued on Next Page

RESOLUTION NO. (206-1988) Continued

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. (207-1988)

ESTABLISHING PART-TIME
SALARIES FOR CLARKSTOWN
PARKS BOARD AND RECREATION
COMMISSION

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks that the following 1988 part-time salaries be established:

<u>PART-TIME</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Recreation Aide.....	\$3.35/hr.	\$ 4.00/hr.
Recreation Aide (Umpire-depending upon sport/length of game time).....	\$7.00/hr.	\$ 9.00/hr.
Recreation Assistant.....	\$4.50/hr.	\$ 9.00/hr.
Recreation Leader.....	\$6.50/hr.	\$ 12.00/hr.
Recreation Specialist.....	\$6.50/session	\$ 35.00/session
Refreshment Stand Attendant I.....	\$3.75/hr.	\$ 5.50/hr.
Refreshment Stand Attendant II.....	\$6.00/hr.	\$ 8.00/hr.
Lifeguard.....	\$6.00/hr.	\$ 7.25/hr.
Head Lifeguard.....	\$7.50/hr.	\$ 8.50/hr.
Water Safety Instructor.....	\$7.00/hr.	\$ 7.50/hr.
Head Water Safety Instructor.....	\$7.75/hr.	\$ 8.50/hr.
Laborer-Student.....	\$5.00/hr.	\$ 7.50/hr.
Groundworker (L).....	\$7.00/hr.	\$ 8.50/hr.
Custodian Worker (Seasonal) (L).....	\$4.50/hr.	\$ 7.50/hr.
Senior Recreation Leader (Part-time)....	\$8,160.00/yr.	\$11,630.00/yr.
Swim Area Supervisor (Seasonal).....	\$8,160.00/yr.	\$11,630.00/season
Senior Recreation Leader (Seasonal)....	\$3,875.00/season	\$ 6,095.00/season
Senior Recreation Activity Specialist (Seasonal).....	\$2,770.00/season	\$ 4,985.00/season

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

Councilman Kunis asked what the percentage of increase was in part-time rates over the 1987 rate? Mr. Ghiazza said he had submitted the 1987 rates with his resolution but he did not know what had been done with it. He said the permanent part-time was \$5.25, the same as the other employees. The lifeguards' salaries were raised \$1.00 per hour on each end and the others were raised somewhere between 25¢ and 50¢. The lifeguard's salary was the

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RESOLUTION NO. (207-2988) Continued

highest due to the problems and the training necessary to maintain lifeguards.

Supervisor noted that Agenda Item #17 would be put on the March 8, 1988 Town Board meeting.

RESOLUTION NO. (208-1988) AMENDING OLD PHILLIPS HILL ROAD AREA SANITARY SEWER SYSTEM PROJECT - CHARGE TO CAPITAL ACCOUNT #2

Councilman Maloney offered the following resolution:

WHEREAS, at the Town Board meeting of February 10, 1987, the Town Board adopted Resolution No. 160-1987 awarding the Sanitary Sewer System Old Phillips Hill Road Area Project to A. Cestone Company, Inc./Metra Industries, Inc., a joint venture for \$589,919.00; and

WHEREAS, at the Town Board meeting of July 28, 1987, the Town Board adopted Resolution No. 789-1987, authorizing the Director, Department of Environmental Control, to execute a change order deleting the extension of the sewer line on Candlelight Circle to Old Phillips Hill Road; and

WHEREAS, it is recommended by the Director, Department of Environmental Control, that an additional \$70,540.76 be authorized to cover the cost of quantities for the work actually performed since this was a unit price bid and also for the Extra Work Orders No. 1 through 5 all as listed in the Velzy Associates letter dated February 15, 1988;

NOW, THEREFORE, be it

RESOLVED, that the Director, Department of Environmental Control, is hereby authorized to execute a change order and extra for the above at a cost not to exceed \$70,540.76; and be it

FURTHER RESOLVED, that these monies not be released until the Town Attorney is satisfied that all conditions concerning final payment in the contract have been met, and be it

FURTHER RESOLVED, that funds for same should be charged to Capital Account #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

RESOLUTION NO. (209-1988) AUTHORIZING SUPERVISOR TO ENTER INTO NEGOTIATION WITH CoFAB, INC., CONCERNING CONSTRUCTION AND MAINTENANCE

Continued on Next Page

RESOLUTION NO. (209-1988) Continued OF SOLID WASTE DISPOSAL PLANT

Co. Smith offered the following resolution:

WHEREAS, CoFab, Inc., has presented an oral proposal to the Town of Clarkstown concerning the construction and maintenance of a solid waste disposal plant, at no cost to the Town of Clarkstown, subject to the following:

1. The Town of Clarkstown making available acreage as the site of said plant for at least a twenty year period, without cost to CoFab, Inc.
2. Orange and Rockland purchasing electricity generated by such plan, and

WHEREAS, the Town Board of the Town of Clarkstown desires to examine the possibilities of such an offer provided that proper environmental permits can be obtained from the New York State Department of Environmental Conservation;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into negotiation with CoFab, Inc., concerning the construction and maintenance of such solid waste disposal plant, at no cost to the Town of Clarkstown.

Seconded by Co. Maloney

Councilman Carey asked pursuant to the last RESOLVED clause if the Town was going to be held to any kind of binding agreement? Supervisor said he could not sign anything on behalf of the Town Board as it is all predicated on DEC permits. It is basically an exploratory mission to find out whether or not this process can in fact be licensed by the DEC. Councilman Carey said let's assume that the DEC gives permission, where do we stand relative to this particular resolution? Supervisor said it would then have to come back to the Town Board and we would have to vote a formal resolution if we wanted to enter into an agreement. Councilman Carey said how far do we think we are going to go with this particular resolution? Supervisor said whatever is done in Rockland County or in Clarkstown has to be approved by DEC and so far this has not been done. What we are asking here is can this process be permitted and also, concerning the residue which is left over from it, how does the DEC want to treat that? Will that require the creation of an additional landfill? It is exploratory and not committing the Town to anything.

Councilwoman Smith noted that today she had received a call from Ocean County, New Jersey and they have already gone into contract with this, so we will learn from them and we will not be bound by anything that is not possible. Councilman Carey said he would like to see, if that plant comes into being down there in New Jersey and before we make any kind of a move with this situation, that we know exactly what we are doing because this may be the answer to our prayer and then again it may not be. He went on to state that so long as this does not bind the Town in any fashion he would vote yes.

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. (210-1988)

GRANTING CERTIFICATES OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN (SMITH
CONTRACTING, INC. - NO.
88-4; PAUL DE SIMONE - NO.
88-15; AND PETER J. MAYER
AND PHYLLIS MAYER - NO.
88-16)

Co. Maloney offered the following resolution:

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

BRUCE H. SMITH CONTRACTING, INC.
73 Central Drive
Stony Point, New York 10980

PAUL DE SIMONE
35 Madison Avenue
Garnerville, New York 10923

PETER J. MAYER and PHYLLIS MAYER
27 Old Hempstead Road
New City, New York 10956

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of
Registration be issued:

88-4 issued to Bruce H. Smith Contracting, Inc.
88-15 issued to Paul De Simone
88-16 issued to Peter J. Mayer & Phyllis Mayer

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

On motion of Councilwoman Smith, seconded by Councilman
Kunis and unanimously adopted, the Public Hearing re: Chapter 79
Violation - Map 56, Block A, Lot 10.21 (Kane), was opened, time:
8:52 P.M.

On motion of Councilwoman Smith, seconded by Councilman
Kunis and unanimously adopted, the Public Hearing re: Chapter 79
Violation - Map 56, Block A, Lot 10.21 (Kane), was closed,
RESOLUTION ADOPTED, time: 8:57 P.M.

RESOLUTION NO. (211-1988)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO REMOVE
DEBRIS ON PREMISES
DESIGNATED AS MAP 56, BLOCK
A, LOT 10.21 (KANE)

Co. Smith offered the following resolution:

WHEREAS, by Resolution No. 66 dated January 12, 1988,
the Town Board of the Town of Clarkstown has duly instituted
proceedings pursuant to Chapter 79 of the Code of the Town of
Clarkstown affecting property known and designated on the Clarkstown
Tax Map as MAP 56, BLOCK A, LOT 10.21 to remove or correct certain
conditions which are unsafe, dangerous and a threat to the health,
safety and welfare of the community, and

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RESOLUTION NO. (211-1988) Continued

WHEREAS, a public hearing was duly held on February 23, 1988, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to Section 79-3 of the Code of the Town of Clarkstown dated January 12, 1988, have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after March 5, 1988, and be it

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes and the Assessor are hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Amendment to Restrictive Covenants (Omni Court) was opened, time: 8:59 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Amendment to Restrictive Covenants (Omni Court) was closed, DECISION RESERVED, time: 9:25 P.M.

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 Town Board Meeting was declared closed.

Respectfully submitted,

Patricia Sheridan
 PATRICIA SHERIDAN,
 Town Clerk

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TOWN OF CLARKSTOWN
PUBLIC HEARING

27

Town Hall

2/23/88

8:52 P.M.

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

RE: CHAPTER 79 VIOLATION HEARING - MAP 56,
BLOCK A, LOT 10.21 (KANE)

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared open.

Supervisor asked Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown to present the report regarding the property in question. Mrs. Saccende handed up the following report from Richard Sullinger, Code Inspector of the Town of Clarkstown:

"#8 Dalewood Drive, New City, New York
Tax Map 56-A-10.21
Owner of Record: Margaret Kane

At present there are three unregistered vehicles on this property; one car and one truck parked on the front lawn and one car stored in the rear yard. There are also two unregistered motorcycles and various auto parts; including tires and wheels strewn about the property.

This is ostensibly a view of the property as it has appeared since before May 1986. Some of the vehicles have changed locations and some are different ones, but the view has been one of distinct similarity, even after having been summoned by the Justice Court and fined \$100.00 for the same offense in January 1987.

There has been no improvement in the condition since our meeting with Mr. Holbrook last month, see exhibit. I therefore recommend that the Town Board initiate action under the provisions of Chapter 79 to bring the property into compliance with the Town Code.

/s/ Richard Sullinger
Richard Sullinver
Code Inspector"

Supervisor swore in Mrs. Irene Saccende, Code Inspector of the Town of Clarkstown.

Appearance: Mrs. Irene Saccende,
Code Inspector of Town of Clarkstown

Town Attorney Murray N. Jacobson asked Mrs. Saccende if she was familiar with the property at 8 Dalewood Drive, New City, New York to which she replied that she was. Mr. Jacobson asked Mrs. Saccende to describe the present condition of the property which she did.

Mr. Jacobson referred to photos being examined by the Town Board Members and asked Mrs. Saccende if these were photos of the property and she stated they were, some having been taken today and others prior so that it could be seen that conditions had not improved.

Town Attorney asked if any Board members had any questions. No one did. Town Attorney stated the record should reflect that he had a receipt dated February 9, 1988 signed by Margaret M. Kane for certified mail indicating that Margaret M. Kane had received the documents calling this public hearing.

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Town Attorney asked if the owner or representative were present? No one appeared.

Appearance: Brian Quinn, Esq.

Mr. Quinn stated that he was an attorney representing a bank which holds a first mortgage on the property. He said he wanted to note his appearance for the record and also inform the Town Board that this property was going into a foreclosure sale in approximately sixty days. He said he imagined that the Town's charges would be a lien against the property which will be taken care of by the bank.

Supervisor asked if there was anyone present from the public who would like to make a comment on this? No one appeared.

There being no one wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:57 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (211-1988) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

29

Town Hall

2/23/88

8:59 P.M.

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

RE: AMENDMENT TO RESTRICTIVE COVENANTS - OMNI COURT

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

Mr. Jacobson said a representative of Omni Court will be present to give testimony.

Appearance: Mr. Walter Siemans, President
Omni Court Ltd.
New City, New York

Mr. Siemans said what he had asked for and requested was a correction to two of the items on the Restrictive Covenants, specifically that we not be required to put in three foot berms but instead plant the trees that were to go on top of the berms on the ground in the exact same position as the berm would have been in.

Supervisor said there was discussion on this almost a year ago and was the subject of a plan that was approved by the Shade Tree Commission. Mr. Siemans said about a year ago he first appeared before the Planning Board requesting that this restriction be eliminated and at that time they asked him if he would draw up an alternative plan and submit it to the Shade Tree Commission which his landscape architect did. He said in November of 1986 the Shade Tree Commission approved the alternative plan.

Supervisor said then what you are asking here is the elimination of a three foot berm? Mr. Siemans said that is correct and also for them to be allowed to implement the plan that has been approved by the Shade Tree Commission. Councilman Kunis asked where the berm was to have gone on the property. Mr. Siemans said it was to run along the westerly side of the property. He said they were to have a 50 foot buffer zone and that area was to be undisturbed and there was to be an additional 15 foot from the end of the wooded area to where the buildings began. He said the covenant now reads that the 3 foot berm is to be put between the 50 foot set back and the 15 foot additional set back. He said you can't just put in a 3 foot berm and have it on a line because when you put in something that's 3 feet high and you are going to put trees on top of it, it has to have sufficient bulk and size to support the trees. These trees will grow quite large because they are meant to be shade trees. This thing would have to be at least 7 or 8 feet wide. If it is 7 or 8 feet wide where is this going to go?

Mr. Siemans went on to say that the grade of the property behind the buildings is towards the back. If you put in a 3 foot berm all along that side you would then effectively cut off the drainage. Supervisor said there was an apparent mistake occurring on one of the notes. Supervisor stated there had been many problems with this property including the fact that people had lived in this place for a number of years with temporary CO's. It was something that had to have some sort of resolution. He went on to say that last year we had a workshop where certain people appeared and at that time the Shade Tree Commission was charged with the duty of going out and trying to provide an adequate plan that would be approved and that would sufficiently cover this particular amendment. Again, this would require an amendment to the covenant. Since these covenants were part of a zone change hearing they have to be amended, if they are to be amended, by the same process by

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which the zone change was granted and that goes back to 1981. That is why we are here this evening.

Supervisor asked if any of the Board members had any questions of Mr. Siemans?

Councilman Kunis asked Mr. Siemans if he were responsible for the wall on the north end of the property - the wooden wall which was taken down and the concrete wall that was erected? Mr. Siemans said yes. Councilman Kunis asked what was the reason for that? Mr. Siemans said the wooden wall, during a particularly heavy rainstorm we had, started to let go at one point. Mr. Siemans said he could have gone in and repaired it but with a more careful look he felt it would really be better to go in and pour concrete and have a permanent solution.

Supervisor asked if there was anyone from the public wishing to make a comment or ask a question?

Appearance: Warren Kossin, Esq.
Attorney for the Omni Court
Homeowners Association and the
Omni Court Condominiums

Mr. Kossin said unfortunately in this whole process the one party that has not been asked for any input has been the homeowners whose property we are talking about. He said they have written to the Shade Tree Commission and asked to be able to attend the meetings when they were making decisions. He said they never received any response. He said one of the Councilmen, who is present tonight, called the Shade Tree Commission during the summer and told them to come over and walk the property with him. They never got back to the Councilman to walk the property. Mr. Kossin said last night was the first time they found out there was a meeting tonight concerning this issue. There was no prior notice. He said today he went down to the DEC and looked at the map. A couple of Board members who are here have never seen it. They had no idea except for what he (Mr. Kossin) had told them what the plans are which have been suggested by the Shade Tree Commission.

Mr. Kossin said one of the major problems and one of the things that has been overlooked is that in the years the condominiums have existed the people who are governing the condominium - the Board of Managers - and the people who are living there, have been paying money to do landscaping. They could not be expected to stay there and live in what basically was a landscaping squalor left by the builder. Mr. Kossin stated that he left before each Town Board member a copy of an outline that was designed for the condominium by a landscape architect showing the difference between what is there and what was proposed in the original plan. There are some basic similarities but they are not really that great. No where has anyone made Mr. Siemans come back and comply with the original plan, no less at this point having any notes removed from the map, and letting him go on and do something else. He said he suggested before any changes be made to the original plan that he complete what he was originally supposed to do.

Mr. Kossin said the people who are living there have already spent approximately \$28,000.00 on landscaping, some of which was supposed to have been done and some to further enhance the property. What this gentleman wants to do is to go in and have a note removed and have the berm removed from the plans. Mr. Kossin said they are in total agreement with that because the whole concept of having a berm there was a disaster.

Supervisor said we had a workshop and one of the things mentioned was the berm which is the subject of the public hearing

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tonight. Mr. Kossin said he agreed with Mr. Siemans that there is likely to be a drainage problem not to mention that it would be unsightly.

Mr. Kossin said that Mr. Siemans stated that shade trees were going up there. They are not shade trees. It was never intended to be shade trees. If you look at the new plan which was submitted and approved by the Shade Tree Commission it is 63 white pines and they are not shade trees. They are proposed now to be 6 to 8 feet in height assuming he should even comply with this present plan and he said he doubts that.

Supervisor asked Mr. Kossin if he had seen the Shade Tree Commission plan? Mr. Kossin said he had not seen it until today. Mr. Kossin said if the berm is removed what is going to go in there? If you have gone to the property in the back you have a natural wooded area although not of great depth. However, there are trees there and if these 63 white pines are put in there what is going to happen to the trees already existing back there? Are they going to be interfered with or taken down? By putting in these 6 to 8 foot white pines are we going to destroy a natural boundary which exists between the condominiums and the single family dwellings behind it which will actually give more protection and more of a buffer to the condominiums so they will not have to see the single family dwellings.

Supervisor asked in terms of the landscaping itself and the Shade Tree Commission plan was Mr. Kossin asking for time to examine what the plan is and to see whether or not it coincides with what people there think it should be? Mr. Kossin said what he would like is for Omni Court Ltd. to send a copy of the new plan, which was approved by the Shade Tree Commission, so that we can examine it. Then they would like an opportunity to have Mr. Siemans, Board Members and possibly the architect, sit down with the Town Board at a workshop meeting and discuss what will happen next so that the work that the Town will approve to replace the berm will not interfere with existing landscaping plus the landscaping that was put in at the expense of the unit owners.

Supervisor said he thought what the best thing would be is if those parties went to the Shade Tree Commission with notes on the plan they presented, sit down with them and try to iron out something that is mutually acceptable to everyone so that the Town Board can then proceed to act on the covenant here and put this matter to rest and get the plantings in. Mr. Kossin said he agreed with the Supervisor and that was the purpose of the letter sent to Jane Murphy asking that we be notified of the meetings so that we could join in with them.

Supervisor advised Mr. Kossin to write to the Chairman of the Shade Tree Commission, Celia Juris, and ask that he be put onto the next agenda to discuss specifically the plan they approved. At that point we will have a better idea as to where we are going on this with regard to landscaping. Supervisor said we can reserve decision on this particular matter pending your discussions with the Shade Tree Commission.

Mr. Kossin requested Mr. Siemans to send copies of the plan to him so that they can know what the plan is before they walk into any meeting.

Councilman Kunis asked who is removing the trees on the east end of the property? He was told that trees already existing on the property were moved to afford some privacy for the residents along Main Street. Councilman Kunis said originally were they planted according to plan and then you decided to move them on your own? He was told yes. Supervisor said one of the difficulties is that now we are at least four or five years removed from when people moved in there and circumstances change and need to be adjusted as people occupy the area.

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Mr. Kossin said he wholeheartedly agreed with the Supervisor and said one of the problems is that we are now four or five years down the line and people who are living there could not be expected to live with dead bushes and trees which provided no function and so \$28,000.00 of their own money was put into the property.

Supervisor said then you would like to meet with the Shade Tree Commission and Mr. Kossin replied yes.

Appearance: Mr. Henry Grossman

Mr. Grossman asked when the performance contract is agreed to and there is a plan approved by the Town, who will approve the contractor who is to actually carry out the plan? Who has the decision? Will the residents have any input as to who is going to do the work? It is implied that the builder will comply and see to it that the plan that is approved will be carried out and it is our experience, based on the information you have plus additional information based on actual transplanting and first hand knowledge of how the plants were installed in the first place, that there is a lot to be desired with how the builder has treated landscaping in the past. He said he would be cautious as to how the plan is implemented in the future.

Supervisor said if this goes back to the Shade Tree Commission perhaps the subject of the landscape architect will be discussed and there might very well be somebody that everyone can mutually agree upon to do the planting - Shade Tree Commission, residents, and Mr. Siemans. He said that would be the ideal way because at this juncture everyone wants to resolve this situation satisfactorily, if it can be worked out. If not, maybe the Town will have to make recommendations.

Mr. Siemans said he would like to point out that he has been before the Planning Board and he has had several discussions with the Town Board and the Supervisor and we have been working hard trying to resolve this matter and get it finished with and out of the way. He said that he could not find much to disagree with Mr. Kossin about and it was to his (Mr. Siemen's) best interest to get this finished.

Supervisor said he would like this placed on the agenda for the next Shade Tree Commission meeting so that it can be resolved if there are any discrepancies. He said he would like to bring this back to the Town Board for a decision by March 22nd.

Mr. Siemans said he would like to suggest that we try to do this in a reasonable, orderly and expeditious way so that we can get this finished with. He said he was asked to bring this to the Shade Tree Commission and they reviewed it and approved it. He said it seems to be ridiculous to go back and say you better rethink this. Supervisor said it is not a question of rethinking but the residents are saying they want to take a look at it and make some comments to the Shade Tree Commission. They might agree with the plan if they thought about it for awhile. He said what he is saying is let's do that and come back on the 22nd.

Mr. Siemans said wouldn't it be better for the Town Board to eliminate the berm at this time? We have all agreed that there is no place for it. It was a mistake. He said he bears more than his share of the responsibility for it. Let's eliminate the berm and go on to the next step - which is back to the Planning Board, back to the Shade Tree and get it resolved and then we are done with it. We keep going around and then I'm back where I started.

Supervisor said it is not going to spin around again. We are going to decide this on the 22nd. It is just giving the

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residents the opportunity to review it. We have waited five years. We can wait another four weeks.

Mr. Kossin said he did not know what report the Town Board had seen from the Planning Board but on October 7, 1987 the Planning Board met and the opinion of the Board was to enforce the plan of replacing the berm with screening and the cost of the berm should be put to additional landscaping. The screen that was going to be there on top of the berm is now being put on the ground. He said they can't really see where the money that will be saved by not putting the berm in has been put into any additional landscaping on the property. Supervisor said the Town Board is restricted by the Shade Tree Commission because if we approve a landscaping plan that they don't approve of we are going to be in trouble. Let's see if you agree and we will come back on the 22nd.

There being 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, DECISION RESERVED until March 22nd, time: 9:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

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