

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/13/88

8:02 P.M.

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

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

Supervisor stated that the first order of business would be the Graduation of the 13th Class of the Clarkstown Youth Court. He introduced Detective Christopher Goodyear to preside over the ceremonies. Detective Goodyear stated that he is assigned to the Juvenile Aid Division of the Clarkstown Police Department. He called upon Chief William Collins and Mr. Anthony Schiero to come up front with him and stated that they were two of the principals who help the Youth Court operate. Mr. Schiero is the Chairman of the Steering Committee which oversees the operation of the Legislative Body of the Youth Court System. Detective Goodyear introduced Mrs. Patricia Barad and said that she really kept the Youth Court moving.

Detective Goodyear described the operation of the Youth Court and the mandatory classes the students attend. Detective Goodyear acknowledged members of the Executive Board who are the adult overseers of the Youth Court.

Detective Goodyear then introduced the graduates stating that they were one of the hardest he has trained because of their interrogative nature. He said their questions were always good ones and he tried to give them the best answers he could. He said they were a group to be proud of and he looked forward to working with them.

Detective Goodyear then awarded a certificate to Mr. Anthony Schiero thanking him for his volunteerism in all aspects of life in Clarkstown. Mr. Schiero thanked everyone for the award.

Chief Collins then conveyed his congratulations to all the graduates and thanked them for their involvement in the community.

Supervisor said on behalf of the Town Board he wanted to say they are very proud of the Youth Court. It is a testimony to them and their parents that they braved the weather this evening to attend this ceremony. He said this program has been a model for youth courts around the country and he again thanked the volunteers.

Supervisor stated that the public portion of the meeting was now open.

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

Mr. Lodico spoke regarding Pyramid stating that we should be sure when the project is completed we get full taxes.

Mr. Lodico said to Councilman Kunis that he did not agree with his position in regard to Conservatives, Republicans or Democrats sitting on any particular Board. He said if they represent a conflict they should not be involved in that particular case in order to avoid a conflict. Just because they are members of a party they should not be precluded from taking a position in town government.

Councilman Kunis said he did not want to deny any party member from sitting on a Board but he did want to deny a working

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member of a party, a committee person or an executive board member of a party the right to sit on a board. There is a difference from being a member of a party and being an active member of the political circle working as a committee person or an executive member. Mr. Lodico said the fact that someone is a committee person should not exempt anyone from taking a position where they can do public service or work for the government honor system.

Mr. Lodico then spoke regarding equal opportunity employment. He stated that he hoped that the Town would be an equal opportunity employer as well as having an equal hiring practice. He said every salary in Town Hall should be a posted salary and should be a starting salary. He mentioned in particular the creation of a position in the Assessor's Office. He felt that a person presently in the office should have the opportunity to move up even if the government has to pay for them to go for training.

Councilwoman Smith advised Mr. Lodico that item had been pulled from tonight's agenda.

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

Mr. Bernstein spoke regarding the MF-4 zoning classification. He discussed including in any multi-family zone or any zone a floor area ratio in order to control the bulk and density. He said the three main methods of establishing some control in multi-family is (1) floor area ratio; (2) minimum lot area for dwelling unit; and (3) maximum dwelling units permitted per acre. He said all three should be used in order to make certain that we don't have tremendous bulk or too much on any area.

Mr. Bernstein said it was his understanding that the MF-4 the Town Board recently created does not include a floor area ratio. He said he thought that if you are going to change the zone in Nanuet immediately you could include this as a restrictive covenant to include a floor area ratio or to hold off and amend the ordinance first and then include it.

Supervisor Holbrook said from the comments that Mr. Bernstein had made previously he had asked Mr. Geneslaw (Town Planning Consultant) to make some recommendations. The Planning Board asked to review them again and they will be adopted very shortly. They will be applicable not just to MF-4 zones but also to MF-1, MF-2 and MF-3 as well. Therefore it will be applicable to the existing site.

Appearance: Mr. Steve Goldman, Present
 Organized Taxpayers Association

Mr. Goldman spoke regarding MF-4 (Item 9 on tonight's agenda.) There was a lengthy discussion regarding the Ethics Board and their handling of the matter of the change of zoning of property on Middletown Road belonging to the Lettre family. Mr. Goldman read a letter to the Supervisor requesting the OTA be given the courtesy to give input to the committee members. (This letter is on file in the Town Clerk's Office.)

Mr. Goldman and Deputy Town Attorney Mark Posner discussed ethics and the Ethics Board's position on this matter. Mr. Posner said he did not know what information Mr. Goldman had with regard to the Board of Ethics being subject to the Open Meetings Law as technically this is a personnel matter and Mr. Posner said the Town Code provides for the confidentiality of the records involved. The ethics consideration of the Board were not meant to be a public forum for obvious reasons. Mr. Posner said absent the findings of any substantiality of any accusations, mere accusations in front of Board should not be considered to be public. Personnel matters are not discussed in public meetings and

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that is an exemption from the State Open Meetings Law. Mr. Posner said when an accusation is made in an effort to discipline someone who is a member of a local body then that is considered to be a personnel matter.

Mr. Posner told Mr. Goldman that if he wished to submit further information which members of the Town Board believe to be worthy of consideration by the Board of Ethics he could ask for that. Mr. Goldman and the Supervisor entered into a lengthy discussion regarding the submission of information to the Supervisor and the Board of Ethics regarding the OTA's position. Supervisor said he will take the letter of November 29th and refer it directly to the Ethics Board tomorrow morning. He said he has no objection to doing so.

Mr. Goldman said the vote on MF-4 tonight is not really a vote on MF-4 housing. It is how seriously we take ethics in government. He said he hoped the Board would keep that in mind.

Appearance: Mrs. Rosemary Seery, Co-President
Southern Clarkstown Civic Association
15 Flitt Street
West Nyack, New York

Mrs. Seery said she was delighted to learn of Mr. Goldman's concern for ethics in government. She invited his organization to join hers in bringing suit against Councilwoman Smith and even referring Mr. Kunis to the Ethics Board.

Mrs. Seery said it is interesting that the OTA was concerned about the EIS for the MF-4 designation. She said Pyramid's EIS application was quite lacking. The way they answered some of their questions will come out in court. She would like to have heard the OTA so concerned about the flood plain area in West Nyack.

Mrs. Seery also mentioned a conflict of interest concerning Mr. Goldman and the property his family owns next to the proposed Pyramid mall.

Mrs. Seery said when you go to review the MF-4 zoning she hoped you would consider the cliff hangers on Route 303 in Valley Cottage and be as concerned about them. All you have to do is drive past there to realize that they certainly don't need any more dense zoning. The developer is now coming back for more units on his property there.

Mrs. Seery referred to what District Attorney Gribitz said regarding the entire ethics issue "There is no law on the book that has been broken but that is not to say that there shouldn't be."

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley urged the Town Board to be careful about accessory apartments because zoning in Clarkstown is virtually non-existent or ignored and there are great numbers of illegal two family houses. He wanted to remind the Board that they should carefully structure this law because if it is not drafted right you can be sued for it.

Town Clerk told Mr. Broadley that this matter was up for a public hearing this evening. Supervisor said he thought that it was the feeling of a majority of the Town Board that this hearing would be opened and recessed pending the Planning Board review.

Appearance: Donald Tracy, Esq.
New City, New York

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Mr. Tracy spoke about the Board of Ethics and explained the present ethics law on the books of Clarkstown.

Appearance: Mr. John Cuff
West Nyack

Mr. Cuff spoke regarding Item 9. He referred to an "official document" from the Town of Clarkstown Planning Board which was the Planning Board Minutes of August 20, 1987 discussing the proposed MF-4 regulations. He noted that Former Councilman Edward Lettre and Attorney Donald Tracy had appeared before the Planning Board that evening. He said it is a fallacy and a joke that the Town initiated this proposal for 24 units to an acre. Mr. Cuff said they are not looking for discipline, but ethics, and they are being sold short.

RESOLUTION NO. (1152-1988) ACCEPTING MINUTES OF TOWN BOARD MEETING OF NOVEMBER 15, 1988 AND BUDGET HEARING OF NOVEMBER 17, 1988

Co. Carey offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of November 15, 1988 and the Budget Hearing of November 17, 1988 are hereby accepted as submitted by the Town Clerk.

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. (1153-1988) SCHEDULING YEAR END TOWN BOARD MEETING FOR DECEMBER 30, 1988

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board shall schedule a Town Board Meeting for December 30, 1988, at 12:00 noon, to be held in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, 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

RESOLUTION NO. (1154-1988) AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL ONE (1) HYDRANT S/S BRIGHTON LANE 130' W/O LITTLE TOR ROAD, NEW CITY

RESOLUTION NO. (1154-1988) Continued

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install:

One (1) hydrant as follows:

S/S Brighton Lane 130' W/O Little Tor Road

Investigation No.: 10454, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation 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

RESOLUTION NO. (1155-1988)

AUTHORIZING SPRING VALLEY
WATER COMPANY TO INSTALL
THREE (3) HYDRANTS PATRICKS
PLACE, CONGERS

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install:

Three (3) hydrants as follows:

N/S Patricks Place 80' E/O Route 9W
N/S Patricks Place 30' E/O intersection
E/O Patricks Place 50' N/O intersection

Investigation No.: 10358, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation 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

RESOLUTION NO. (1156-1988)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #11-1988 -
HIGHWAY SIGNING/ROAD
SUPPLIES

Co. Smith offered the following resolution:

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RESOLUTION NO. (1156-1988) Continued

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

BID #11-1989
HIGHWAY SIGNING/ROAD 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, January 16, 1989 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. Carey

RESOLUTION NO. (1157-1988)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #10-1989 - GROUNDSKEEPING/LANDSCAPE SUPPLIES

Co. Smith offered the following resolution:

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

BID #10-1989
GROUNDSKEEPING/LANDSCAPE 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 Wednesday, January 18, 1989 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. 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. (1158-1988)

AWARDING BIDS FOR BID #2-1989 (CENTURY PAPER/BOX CO., STRAUSS PAPER CO., AETNA JANITORIAL, BURKE SUPPLY CO., E.A. MORSE & CO., AND MT. ELLIS PAPER CO.)

Co. Maloney offered the following resolution:

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

BID #2-1989
PAPER & PLASTIC SUPPLIES

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RESOLUTION NO. (1158-1988) Continued

is hereby awarded to:

CENTURY PAPER/BOX CO.
P.O. BOX 123
HAVERSTRAW, N.Y. 10927

STRAUSS PAPER CO.
10 SLATER ST.
PORT CHESTER, N.Y. 10573

AETNA JANITORIAL
137 N. MAIN STREET
SPRING VALLEY, N.Y. 10977

BURKE SUPPLY CO.
880 MEEKER AVENUE
BROOKLYN, N.Y. 11222

E. A. MORSE & CO.
11-25 HARDING ST.
MIDDLETOWN, N.Y. 10940

MT. ELLIS PAPER CO.
P.O. BOX 4083
NEWBURGH, N.Y. 12550

as per attached schedule of prices.

(Schedule on file in Purchasing Department)

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. (1159-1988)

AWARDING BID FOR BID
#6-1989 - BUS
TRANSPORTATION (LAIDLAW
TRANSPORTATION, PETER
BREGA, INC. AND SADDLE
RIVER TOURS)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Supt. of Recreation and Parks and the Director of Purchasing that

BID #6-1989
BUS TRANSPORTATION

is hereby awarded to:

Part A: Summer Youth Transportation
1 - Camp Routes - LAIDLAW TRANSPORTATION
16 Hoffman Street
Spring Valley, N.Y. 10977

2 - Day Trips - LAIDLAW TRANSPORTATION

Part B: Senior Citizens Transportation
1 - Club Routes - PETER BREGA INC.
Kings Highway
Valley Cottage, N.Y. 10989

2. One Day Trips - PETER BREGA

3. One Day Trips - Long Distance - 49 Pass W/Lav.

only

SADDLE RIVER TOURS
119 Graham Lane
Lodi, N.J. 07644

as per schedule of prices on file in the Purchasing Department.

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RESOLUTION NO. (1159-1988) Continued

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. (1160-1988)

AWARDING BID FOR BID #99 A
& B - 1988 COUNTY STREAM
MAINTENANCE (CAL MART
CONSTRUCTION CORP.)

Co. Maloney offered the following resolution:

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

BID #99 A & B - 1988
COUNTY STREAM MAINTENANCE

is hereby awarded to

CAL MART CONSTRUCTION CORP.
357A Route 59
West Nyack, N.Y. 10994

as per their low bid proposals as follows:

Bid #99A - Pascack Brook at Convent Road -	\$74,840.00
Bid #99B - Nauraushaun Brook at Lk. Nanuet -	\$17,400.00

and be it

FURTHER RESOLVED, that said awards are subject to the
execution of a formal contract for each project by the Town Attorney.

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. (1161-1988)

AWARDING BID FOR BID
#97-1988 - AUTOMOTIVE BRAKE
ASBESTOS VACUUM SYSTEM
(NILFISK OF AMERICA, INC.)

Co. Maloney offered the following resolution:

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

BID #97-1988
AUTOMOTIVE BRAKE ASBESTOS VACUUM SYSTEM

is hereby awarded to:

RESOLUTION NO. (1161-1988) Continued

NILFISK OF AMERICA, INC,
300 Technology Drive
Malvern, PA 19355

as per the following proposed pieces for equipment meeting bid specifications

Item #1 - Small capacity unit
Nilfisk model GS 801/500 system @ \$1587.37

Item #2 - Large capacity unit
Nilfisk model GS 82/600 system @ \$3452.09

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. (1162-1988)

AWARDING BID FOR BID
#98-1988 - SALE OF SURPLUS
CATERPILLAR D8-K SERIAL #
77V18709

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Environmental Control and the Director of Purchasing that

BID #98-1988
SALE OF SURPLUS CATERPILLAR D8-K
SERIAL #77V18709

is hereby awarded to

SAPPAH SHOVEL SERVICE
31 Old Middletown Road
Nanuet, N.Y. 10954

as per their high bid proposal of \$30,100.00.

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. (1163-1988)

AWARDING BID FOR BID
#5-1989 -
CUSTODIAL/JANITORIAL
SUPPLIES (HALBRO, INC.,
EARL, INC., MT. ELLIS PAPER
CO., INC., AETNA JANITORIAL
SUPPLY, QUICK CHEMICAL CO.,
BURKE SUPPLY CO., E. A.
MORSE, & CO., AND ROSEBRAND
WIPERS)

RESOLUTION NO. (1163-1988) Continued

Co. Maloney offered the following resolution:

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

BID #5-1989
CUSTODIAL/JANITORIAL SUPPLIES

is hereby awarded to

HALBRO, INC.
2090 Route 110
Farmingdale, N.Y. 11735

JOHN A. EARL, INC.
216 Union St.
Hackensack, N.J. 07601

MT. ELLIS PAPER CO., INC.
P.O. Box 4083
214 MacArthur Ave.
Newburgh, N.Y. 12550

AETNA JANITORIAL SUPPLY
137 N. Main St.
Spring Valley, N.Y. 10977

Quick Chemical Co.
200 Winston Dr.
Cliffside Park, N.J. 07010

Burke Supply Co.
880 Meeker Ave.
Brooklyn, N.Y. 11222

E.A. Morse & Co.
11-25 Harding St.
Middletown, N.Y. 10940

Rosebrand Wipers
517 W. 35th St.
New York, N.Y. 10001

as per schedule of items/prices on file in the Purchasing Department.

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. (1164-1988)

AWARDING BID FOR BID
#7-1989 - WORK CLOTHING
(GOLDSTEIN UNIFORMS, WEAR
GUARD WORK CLOTHES, MAGSON
UNIFORM, CO., INC., EASTCO
INDUSTRIAL SAFETY, TEXIER
GLOVE CO., AND BLISS TIRE &
RUBBER)

Co. Maloney offered the following resolution:

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

BID #7-1989
WORK CLOTHING

is hereby awarded to the following vendors as per the schedule of items/prices on file in the Purchasing Dept.

LOU GOLDSTEIN UNIFORMS
200 So. 13th Ave.
Mt. Vernon, N.Y. 10550

WEAR GUARD WORK CLOTHES
141 Longwater Dr.
Norwell, MA 02061

MAGSON UNIFORM CO., INC.
279 New Britain Rd.
Kensington, Conn. 06037

EASTCO INDUSTRIAL SAFETY
130 West 10th St.
Huntington Stat., N.Y. 11746

RESOLUTION NO. (1164-1988) Continued

TEXIER GLOVE CO.
HWY 22 at Mountain Ave.
No. Plainfield, N.J. 07061

BLISS TIRE & RUBBER
P.O. Box 106
Nyack, N.Y. 10960

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. (1165-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002130 (SLF-REFUSE) AND
APPROPRIATION ACCOUNT NO. A
8160-447 (SLF-EQUIPMENT
REPAIRS)

Supv. Holbrook offered the folowing resolution:

RESOLVED, to increase Estimated Revenue Account NO. 01-002130 (SLF-Refuse) and Appropriation Account No. A 8160-447 (SLF-Equipment Repairs) by \$4,741.65.

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. (1166-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO. 15-
003902 AND APPROPRIATION
ACCOUNT NO. H 7180-01-409

Supv. Holbrook offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 15-003902 and Appropriation Account No. H 7180-01-409 by \$25,000.00.

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. (1167-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO. 01-
002610 (FINES &
FOREFEITURES) AND

RESOLUTION NO. (1167-1988) Continued APPROPRIATION ACCOUNT NO. A
1110-409 (JUSTICE COURT -
FEES FOR SERVICES)

Supv. Holbrook offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 01-002610 (Fines & Forfeitures) and Appropriation Account No. A 1110-409 (Justice Court - Fees for Services) by \$10,000.00.

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. (1168-1988) DECREASING VARIOUS ACCOUNT
NUMBERS AND INCREASING
VARIOUS APPROPRIATION
ACCOUNT NUMBERS
(COMPTROLLER'S OFFICE)

Supv. Holbrook offered the following resolution:

RESOLVED, to decrease the following Appropriation Account Numbers:

A 1010-201...Councilmen-Furniture & Furnishings.....	\$ 1,000.00
A 1010-438... " -Maintenance Agreements.....	40.00
A 1990-505...Contingency Account.....	960.00
A 1315-201...Comptroller-Furniture & Furnishings....	600.00
A 1620-408...Maintenance-Building Improvements.....	2,900.00
A 1670-313...Mail & Copy-Office Supplies & Prtg.....	2,700.00
A 1670-201... " " -Furniture & Furnishings....	750.00
A 1670-212... " " -Duplicating Equipment.....	3,750.00
A 1670-199... " " -Vacation Buybacks.....	800.00
A 1680-201...Data Processing-Furniture & Furnishings	1,922.00
A 1680-204... " -Office Machines.....	1,700.00
A 3020-409...Central Communications-Fees for Services	150.00
A 7550-313...Bi-Centennial-Office Supplies & Prtg....	964.00

NOW, THEREFORE, be it

RESOLVED, to increase the following Appropriation Account Numbers:

A 1010-414...Councilmen-Conferences & Schools.....	1,800.00
A 1315-111...Comptroller-Overtime.....	300.00
A 1315-313... " -Office Supplies & Prtg.....	300.00
A 1620-110...Maintenance-Salaries.....	2,900.00
A 1670-402...Mail & Copy-Rental of Equipment.....	500.00
A 1670-411... " " -Postage.....	6,800.00
A 1670-438... " " -Maintenance Agreements.....	700.00
A 1680-110...Data Processing-Salaries.....	1,922.00
A 1680-463... " " -Data Processing Charges.	1,700.00
A 1910-504...Insurance Premiums.....	20.00
A 3020-230...Central Communications-Comm. Equipment..	150.00
A 7550-307...Bi-Centennial-Uniforms.....	964.00
A 8511-409...Community Beautifications-Fees for Services	60.00
A 8511-412... " -Refuse.....	120.00

Seconded by Co. Maloney

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RESOLUTION NO. (1168-1988) 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. (1169-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
02-002999 (UNEXPENDED
BALANCE) AND APPROPRIATION
ACCOUNT NO. B 9961-610
(TRANSFER TO HIGHWAY FUND)
AND TRANSFER SAME TO
APPROPRIATION ACCOUNT NO.
DB 9000-806
(HIGHWAY-HOSPITALIZATION)

Supv. Holbrook offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No. 02-002999 (Unexpended Balance) and Appropriation Account No. B 9961-610 (Transfer to Highway Fund) by \$38,000.00 and transfer same to Appropriation Account No. DB 9000-806 (Highway-Hospitalization.)

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. (1170-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
02-002999 (UNEXPENDED
BALANCE) AND APPROPRIATION
ACCOUNT NO. B 9961-610
(TRANSFER TO HIGHWAY FUND)
AND TRANSFER SAME TO
APPROPRIATION ACCOUNT NO.
DB 5110-382 (HIGHWAY -
STONE, SAND & GRAVEL)

Supv. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown Highway Department was authorized to repair the stone wall on Casper Hill Road, and

WHEREAS, the bid was for \$15,000.00,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 02-002999 (Unexpended Balance) and Appropriation Account No. B 9961-610 (Transfer to Highway Fund) by \$15,000.00 and transfer same to Appropriation Account No. DB 5110-382 Highway-Stone, Sand & Gravel.)

Seconded by Co. Maloney

RESOLUTION NO. (1170-1988) 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. (1171-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002999 (UNEXPENDED
BALANCES) AND INCREASING
VARIOUS APPROPRIATION
ACCOUNT NUMBERS
(COMPTROLLER'S OFFICE)

Supv. Holbrook offered the following resolution:

RESOLVED, to increase Estimated Revenue Account No.
01-002999 (Unexpended Balances) by \$26,810.00 and increase the
following Appropriation Account Numbers:

A 1330-313...Receiver of Taxes-Office Supplies & Prtg...	\$ 4,700.00
A 3320-409...Traffic Signals-Fees for Services.....	13,100.00
A 5650-409...Commuter Parking-Fees for Services.....	1,000.00
A 5650-461... " " -Gas & Electric.....	300.00
A 8840-424...Economic Assistance-Contractual Expenses...	6,300.00
A 9000-809...Employee Benefits-Wellness Program.....	1,410.00

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. (1172-1988)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
01-002999 (UNEXPENDED
BALANCE) AND APPROPRIATION
ACCOUNT NO. A 9550-910
(TRANSFER TO CAPITAL #2
FUND) AND TRANSFER SAME TO
CAPITAL ACCOUNT NO. H
5110-01-409 (SOUTH HARRISON
AVE., FEES FOR SERVICES)

Supv. Holbrook offered the following resolution:

WHEREAS, the South Harrison Avenue Road Improvement has
been overexpended,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.
01-002999 (Unexpended Balance) and Appropriation Account No. A
9550-910 (Transfer to Capital #2 Fund) by \$19,249.93 and transfer
same to Capital Account No. H 5110-01-409 (South Harrison Ave., Fees
for Services.)

Seconded by Co. Maloney

RESOLLUTION NO. (1172-1988) 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. (1173-1988)

DECREASING APPROPRIATION
ACCOUNT A 5630-110
(SALARIES) AND INCREASING
APPROPRIATION ACCOUNTS A
5630-406 (REPAIRS TO
VEHICLES) AND A 5630-409
(FEES FOR SERVICES)

Supv. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account A 5630-110
(Salaries) and increase the following Appropriation Accounts:

A 5630-406 (Repairs to Vehicles).....	\$ 3,000.00
A 5630-409 (Fees for Services).....	1,000.00

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. (1174-1988)

DECREASING APPROPRIATION
ACCOUNT A 4210-414 (SCHOOLS
& CONFERENCES) AND
INCREASING APPROPRIATION
ACCOUNTS A 4210-201
(FURNITURE & FURNISHINGS),
A 4210-204 (OFFICE
MACHINES) AND A 4210-209
(OTHER EQUIPMENT)

Supv. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account A 4210-414
(Schools & Conferences) and increase the following Appropriation
Accounts:

A 4210-201 (Furniture & Furnishings).....	\$ 11.00
A 4210-204 (Office Machines).....	69.00
A 4210-209 (Other Equipment).....	35.00

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. (1175-1988)

DECREASING APPROPRIATION
ACCOUNT A 8160-382 (STONE,
SAND, GRAVEL) AND
INCREASING APPROPRIATION
ACCOUNT A 8160-409 (FEES
FOR SERVICES)

Supv. Holbrook offered the following resolution:

RESOLVED, to decrease Appropriation Account A 8160-382 (Stone, Sand, Gravel) and increase Appropriation Account A 8160-409 (Fees for Services) by \$4,000.00.

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. (1176-1988)

AUTHORIZING ATTENDANCE AT
COURSE ON ADVANCED INCOME
APPROACH (LONGO - HEINISCH)
- CHARGE TO ACCOUNT 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Nicholas A. Longo, Assessor of the Town of Clarkstown and Frances M. Heinisch, Real Property Appraiser are hereby authorized to attend a Course on Advanced Income Approach in Albany from 1/22 - 27/89 sponsored by the State Department of Equalization and Assessment for continuing education, and be it

FURTHER RESOLVED, that all proper charges be charged against line 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. (1177-1988)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN RS/CS
TO MF-4 (SUSSEX WEST)

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 25th day of October, 1988, on its own motion, provided for a public hearing on the 29th day of November, 1988, at 8:20 P.M. to consider amendment of the zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax MKap as Map 14, Block B, Lot 10.2 from an RS/CS District to an MF04 District, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and

RESOLUTION NO. (1177-1988) Continued

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEQRA, from our Planning Consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated November 29, 1988, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the applicant shall comply with the following conditions:

A) Provide gratuitous road widening along South Middletown Road, in accordance with the Town and County Official Map, whichever is more restrictive;

B) Obtain approval from the Rockland County Drainage Agency for any work required near or around the Naurashaun;

C) That the Planning Board shall determine the unit yield at the time of submission of site plan review upon compliance with the MF-4 zoning district regulations, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an RS/CS District to an MF-4 District, the property designated on the Clarkstown Tax Map as MKap 14, Block B, Lot 10.2, situated in the Hamlet of Nanuet, New York, in said Town, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk as required by law.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilman Kunis stated that he had campaigned against this for one basic reason. What we are doing here is rezoning one piece of property in the entire Town of Clarkstown which will benefit from MF-4. He said he is against this in principle and it has nothing to do with the owner of the property. He said he is voting no but he is sure the Board will pass it. He said although he fought against it, as a Board member he respects the majority of the Board and the battle is over.

Councilman Maloney said he is voting to change this from an RS/CS district because that is not needed in the Hamlet of Nanuet. He said we are talking about a difference over 5.4 acres, perhaps anywhere from 15 to 18 houses. He said if someone in the Town of Clarkstown has a piece of property that meets all the requirements of this particular MF-4 district that person has a right to come before the Town Board and to apply for a zone change to MF-4 and he is voting yes for MF-4.

RESOLUTION NO. (1177-1988) Continued

Councilwoman Smith said she did not believe the area should have more commercial and that residential is proper. She stated that she is voting no on the resolution because establishing a new zone for just one site is incorrect.

Supervisor Holbrook said this has been the subject of a long history through the Route 59 Corridor Study which he wanted to point out has been the subject, not only of the County Route 59 Study which is defunct at this point but more importantly was the basis upon which the State of New York included plans for the improvements of Route 59 in the Town of Clarkstown which was included in the most recent bond issue and will be implemented. He said the two things you can do to control traffic are to control land use and make traffic improvements. By implementing this we are doing what we as a Town Board can do to control the intensity of land use. As a result of this study the State of New York has planned improvements from Hopf Drive to the Palisades which, when finalized, will amount to somewhere between \$8,000,000.00 and \$10,000,000.00 per mile. This will include the widening of Route 59 and the removal of the trestle and bridge so that in conjunction with controlling the intensity of land use with the state improvements to the Route 59 corridor in here, he felt the traffic flow in Nanuet will be much improved. He stated that Nanuet doesn't need another shopping center. Supervisor said that Nanuet has really been almost two Nanuets for too long and with the Town Board initiating the study back three or four years ago what they have done here is bring to fruition a project that was outlined and which we have finally seen through to completion which doesn't often happen. He said for those reasons, which he felt were valid reasons, he was voting yes.

RESOLUTION NO. (1178-1988)

AUTHORIZING CONTINUATION OF
AGREEMENT WITH TOWN OF
ORANGETOWN FOR USE OF
CLARKSTOWN SANITARY LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, by resolution dated December 31, 1986, the Supervisor of the Town of Clarkstown was authorized to enter into an agreement with the Town of Orangetown for its use of the Clarkstown Sanitary Landfill for the period January 1, 1987 through December 31, 1988, and

WHEREAS, the Town Boards of the respective Towns wish to extend the agreement, make provision for increased annual compensation, and to modify same in certain respects;

NOW, THEREFORE, be it

RESOLVED, that the agreement referred to above is hereby extended without termination date subject to the further terms and conditions set forth herein, and be it

FURTHER RESOLVED, that the annual compensation for the year 1989 payable by the Town of Orangetown to the Town of Clarkstown shall be the sum of \$500,000.00 per year payable quarterly commencing on January 1, 1989 and the first day of each quarter thereafter, and be it

FURTHER RESOLVED, that in the event the Town of Orangetown shall fail to deliver cover material as required in said agreement, the Town of Clarkstown may purchase same at a cost not to exceed (\$6.00) dollars per cubic yard which shall be reimbursed to it by the Town of Orangetown, and be it

Continued on Next Page

RESOLUTION NO. (1178-1988) Continued

FURTHER RESOLVED, that the agreement shall be further modified to permit the Director of the Town of Clarkstown Department of Environmental Control to remove landfill cover material from the Town stockpile whenever necessary to make up for any short fall in any cover materials required to be provided by the Town of Orangetown and to bill same to the Town of Orangetown at the cost set forth above, and be it

FURTHER RESOLVED, that the Town of Orangetown is hereby required to abide by the provisions of Chapters 50 and 63 of the Town Code of the Town of Clarkstown, as applicable to the Town of Orangetown, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown reserves the right to terminate the extension of the agreement referred to herein upon sixty (60) days written notice to the Town of Orangetown.

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

Councilman Kunis asked if this came out to \$55.00 per ton? Supervisor said to the best that we could figure it out that was correct. He called upon Les Bollman, Director of Environmental Control to comment upon this. Mr. Bollman said when we gave them credit for the items they recycle etc. that was the difference. With the carters still paying \$25.00 there was \$30.00 that had to be made up. It comes reasonably close to the numbers that we use. Councilman Kunis asked close to \$60.00 a ton? Mr. Bollman said if we use the numbers they submitted to us it came up to \$57.00. Supervisor said that is if they recycle as much as they say they are. It is hard to say based on the tonnage. Supervisor said he would say certainly \$55.00.

Councilman Kunis said we were to make an effort to get \$60.00 a ton from Orangetown because that was our arrangement in the resolution with the Town of Ramapo - bringing in \$55.00 baled or \$60.00 unbaled. If it meets that resolution he said he had no problem with that. He asked Mr. Bollman if he were saying that it does meet that - \$60.00 unbaled? Mr. Bollman said for Ramapo. He did not believe it had any effect on Orangetown although Councilman Kunis was saying it did. Councilman Kunis said what is good for one is good for the other. Mr. Bollman said he could only say again it comes to about \$57.00 or \$58.00 a ton. Councilman Kunis said based on that he will vote yes.

RESOLUTION NO. (1179-1988)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN - NO.
89-2 TO BRUCE H. SMITH
CONTRACTING, INC.

Co. Maloney offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (1179-1988) Continued

BRUCE H. SMITH CONTRACTING, INC.
P.O. Box 563
Stony Point, New York 10980

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of
Registration be issued:

No. 89-2 issued to Bruce H. Smith Contracting, Inc.

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. (1180-1988)

GRANTING A CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN - NO.
89-3 TO CAL MART
CONSTRUCTION CORP.

Co. Maloney offered the following resolution:

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

CAL MART CONSTRUCTION CORP.
Wortendyke Bros. Equip. Corp.
357A Route 59
West Nyack, New York 10994

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of
Registration be issued:

No. 89-3 issued to Cal Mart Construction Corp.

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. (1181-1988)

GRANTING CERTIFICATE OF
REGISTRATION PURSUANT TO
SECTION 83-65 OF CODE OF
TOWN OF CLARKSTOWN - NO.
89-4 TO J & R D'ONOFRIO
PLUMBING & HEATING, INC.

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (1181-1988) Continued

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

J & R F'ONOFRIO PLUMBING & HEATING, INC.
35 West Street
Spring Valley, New York 10977

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 89-4s issued to J & R D'Onofrio Plumbing & Heating, Inc.

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. (1182-1988)

AUTHORIZING SUPERVISOR TO EXECUTE FURTHER AMENDMENT TO AGREEMENT WITH NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR SAFETY BELT AND SPEED ENFORCEMENT PROGRAM

Co. Maloney offered the following resolution:

WHEREAS, the State of New York Governor's Traffic Safety Committee entered into an agreement with the Town of Clarkstown on February 2, 1987 with respect to a grant application by the Clarkstown Police Department for the Safety Belt and Speed Enforcement Program, for the period from January 1, 1988 through December 31, 1988, in the sum of \$101,052.00, and

WHEREAS, the agreement bearing the State Comptroller's Contract No. C-000071 was amended by supplemental agreement dated May 10, 1988, and

WHEREAS, the Clarkstown Police Department has requested an exemption from the 90% expenditure ceiling on the above grant and the Governor's Traffic Safety Committee has approved of said exemption;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the additional grant from the Governor's Traffic Safety Committee for the Safety Belt and Speed Enforcement Program, for the period from January 1, 1988 through December 31, 1988, in the sum of \$11,228.00, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a further amendment to the agreement dated February 2, 1987, to effect said acceptance, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to December 12, 1988.

Continued on Next Page

RESOLUTION NO. (1182-1988) Continued

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. (1183-1988)

ACCEPTING RESIGNATION OF
POLICE RADIO DISPATCHER -
POLICE DEPARTMENT (RANDALL
J. GOLDBERG)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Randall J. Goldberg,
P.O. Box 666, Owings Mills, Maryland - Police Radio Dispatcher -
Police Department - is hereby accepted - effective and retroactive
to November 20, 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. (1184-1988)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION TO
POSITION OF (PROVISIONAL)
POLICE RADIO DISPATCHER -
POLICE DEPARTMENT (RENEE A.
NELSON)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the
appointment by the Police Commission of Renee A. Nelson, 769
Birchwood Court, Valley Cottage, New York, to the position of
(provisional) Police Radio Dispatcher - Police Department - at the
current 1988 annual salary of \$20,047.00, effective and retroactive
to December 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. (1185-1988)

RECOGNIZING APPOINTMENT BY
SUPERINTENDENT OF HIGHWAYS
TO POSITION OF

RESOLUTION NO. (1185-1988) Continued (PROVISIONAL) STOREKEEPER
(AUTOMOTIVE) - HIGHWAY
DEPARTMENT (PETER DI SISTO)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Peter Di Sisto, 12 N. Central Highway, Garnerville, New York, to the position of (provisional) Storekeeper (Automotive) - Highway Department - at the current 1988 annual salary of \$18,022.00, effective and retroactive to November 21, 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. (1186-1988) ACCEPTING RESIGNATION OF
MEMBER AND CHAIRMAN OF
ZONING BOARD OF APPEALS
(JOHN DIANIS)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of John Dianis, 25 Lenox Avenue, Congers, New York - Member and Chairman of the Zoning Board of Appeals - is hereby accepted - effective December 31, 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. (1187-1988) AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT WITH
ROCKLAND COMPUTER PRODUCTS,
INC. FOR DATA PROCESSING

Co. Maloney offered the following resolution:

WHEREAS, the Supervisor is authorized to enter into a contract with Rockland Computer Products, Inc. for the year 1989, utilizing their services as needed,

NOW, THEREFORE, be it

RESOLVED, that the cost not exceed \$45,000.00 to be charged to Appropriation Account No. A 1680-409 (Data Processing - Fees for Services.)

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (1187-1988) Continued

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

RESOLUTION NO. (1188-1988)

AMENDING RESOLUTION 1181-87
 RE: SERVICES OF ROCKLAND
 COMPUTER PRODUCTS, INC.

Co. Maloney offered the following resolution:

RESOLVED, that Resolution 1181-87 dated November 24,
 1987 regarding the services of Rockland Computer Products, Inc., for
 the year 1988 be amended to read "not to exceed \$40,000.00."

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. (1189-1988)

SETTING PUBLIC HEARING WITH
 RESPECT TO THE PROPOSED
 AMENDMENTS TO THE ZONING
 ORDINANCE OF TOWN OF
 CLARKSTOWN - SECTION
 106-10(A) - PARKING SPACES

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
 desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264
 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple
 Avenue, New City, New York, on the 10th day of January, 1989, at
 8:05 P.M., to consider the adoption of the following proposed
 amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-10(A), Table 8, General Use Regulations,
 LO District, Column 6, Item 10. Laboratories

From: "10. Laboratories. At least one parking space for each
 200 sq. ft. of gross floor area."

To: "10. Laboratories. At least one parking space
 for each 300 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 12, General Use Regulations,
 RS District, Column 6, Item 17. Dry-cleaning, rug-cleaning,
 laundry, plants, printing and publishing, or storage and
 warehouses by deleting the word warehouses

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RESOLUTION NO. (1189-1988) Continued

From: "17. Dry-cleaning, rug-cleaning, laundry, plants, printing and publishing, or storage and warehouses. At least one parking space for each 300 sq. ft. of gross floor area."

To: "17. Dry-cleaning, rug-cleaning, laundry, plants, printing and publishing, or storage. At least one parking space for each 300 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 12, General Use Regulations, RS District, Column 6, by Adding Item 18. Warehouses

Add: Item 18. Warehouses. At least one parking space for each 500 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 14, General Use Regulations, LIO District, Column 6, Item 10. Warehouses, wholesaling, freight terminals, by deleting warehouses:

From: "10. Warehouses, wholesaling, freight terminals. At least one parking space for each 1,000 sq. ft. of gross floor area."

To: "10. Wholesaling, freight terminals. At least one parking space for each 1,000 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 14, General Use Regulations, LIO District, Column 6, by adding Item 16. Warehouses:

Add: "16. Warehouses. At least one parking space for each 500 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 14, General Use Regulations, LIO District, Column 6, Item 6(a). Offices, banks

From: "6(a). Office, banks. At least one parking space for each 300 sq. ft. of gross floor area."

To: "6(a). Office, banks. At least one parking space for each 200 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 14, General Use Regulations, LIO District, Column 6, Item 7. Laboratories

From: "7. Laboratories. At least one parking space for each 500 sq. ft. of gross floor area."

To: "7. Laboratories. At least one parking space for each 300 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 15, General Use Regulations, M District, Column 6, Item 12. Light manufacturing uses

From: "12. Light manufacturing. At least one parking space for each 300 sq. ft. of floor area in such uses plus 600 sq. ft. of floor area in accessory uses."

To: "12. Light manufacturing. At least one parking space for each 500 sq. ft. of floor area in such uses plus 600 sq. ft. of floor area in accessory uses."

Amend Section 106-10(A), Table 15, General Use Regulations, M District, Column 6, Item 10. Laboratories:

From: "10. Laboratories. At least one parking space for each 200 sq. ft. of gross floor area."

Continued on Next Page

RESOLUTION NO. (1189-1988) Continued

To: "10. Laboratories. At least one parking space for each 300 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 15, General Use Regulations, M District, Column 6, Item 13. Warehouses, wholesaling, freight terminals, to delete warehouses:

From: "13. Warehouses, wholesaling, freight terminals. At least one parking space for each 300 sq. ft. of gross floor area."

To: "13. Wholesaling, freight terminals. At least one parking space for each 300 sq. ft. of gross floor area."

Amend Section 106-10(A), Table 15, General Use Regulations, M District, Column 6, by adding Item 16. Warehouses:

Add: "16. Warehouses. At least one parking space for each 500 sq. ft. of gross floor area."

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

RESOLUTION NO. (1190-1988)

TOWN BOARD CALLING UPON CALDOR'S TO APPROVE FUNDING FOR ONE HALF OF PROJECT - INTERSECTION/MEDIAN CUT FOR TRAFFIC TO PASS FROM SERVICE MERCHANDISE SHOPPING CENTER TO CALDOR SHOPPING CENTER

Co. Carey offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is desirous of seeing an intersection/median cut constructed which would enable traffic to pass from the Service Merchandise shopping center to the Caldor shopping center, and

WHEREAS, this would enable traffic to proceed east and west on Route 59 without having to pass through the Smith Road intersection, and

WHEREAS, American Continental Properties, Inc., the owners of the shopping center where Service Merchandise is located, have agreed that such an intersection/median cut would be in their best interest, and

WHEREAS, American Continental Properties, Inc., has agreed in concept to fund one-half the cost of the improvements for such an intersection,

RESOLUTION NO. (1190-1988) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Clarkstown hereby calls upon Caldor's to approve funding for the other half of this project, which is much needed for traffic improvements in the Route 59 Corridor.

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

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Local Law for Accessory Apartments, was opened, time: 9:30 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Local Law for Accessory Apartments, was recessed until after comments are received from the Clarkstown Planning Board, time: 9:34 P.M.

On motion of Councilman Maloney, Seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Local Law re: Amendment to Chapter 47 (Fire Prevention) re: Overcrowding in Public Places, was opened, time: 9:35 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Local Law re: Amendment to Chapter 47 (Fire Prevention) re: Overcrowding in Public Places, was closed, RESOLUTION ADOPTED, time: 9:39 P.M.

RESOLUTION NO. (1191-1988)

ADOPTING LOCAL LAW NO. 2
RE: AMENDMENT TO
CHAPTER 47 (FIRE
PREVENTION) -
OVERCROWDING IN PUBLIC
PLACES

Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 47 (FIRE PREVENTION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Smith at a Town Board meeting held on 25th day of October, 1988, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 25th day of October, 1988, directed that a public hearing be held on the 13th day of December, 1988, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 28, 1988, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at

Continued on Next Page

RESOLUTION NO. (1191-1988) Continued)

their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 18, 1988, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 13, 1988;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2-1988, entitled:

"AMENDMENT TO CHAPTER 47 (FIRE PREVENTION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- Charles E. Holbrook, Supervisor....Yes
- William J. Carey, Councilman.....Yes
- Steven C. Kunis, Councilman.....Yes
- John R. Maloney, Councilman.....Yes
- Ann Marie Smith, Councilwoman.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Smith

On motion of Councilman Kunis, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Local Law on Ethics in Government Law, was opened, time: 9:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Local Law on Ethics in Government Law, was recessed until after January 1, 1989, time: 10:45 P.M.

Supervisor wanted it noted that there would be a workshop devoted exclusively to this Ethics question.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 10:46 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/13/88

9:30 P.M.

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

RE: LOCAL LAW (ACCESSORY APARTMENTS)

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

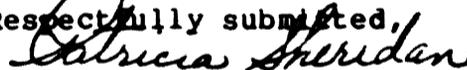
Supervisor Holbrook said that there were a number of Board members who would like to have this rereferred to the Planning Board. Is that right?

Co. Maloney said he thought that the Planning Board has not had an opportunity to look at the proposed local law the way it is currently written. The gentleman who spoke earlier this evening raised some questions that I would have and I'm sure other members of the Board would have in turns of amnesty; what you do about some 3,000 illegal apartments that are out there now; what do we do about bringing them in when this local law is passed and I think there are some other concerns that I think the law would be better served if the Planning Board had a chance to look at that. I'm concerned also about some of the areas that perhaps do not go far enough if we are going to allow people to open up and have affordable housing. In these matters, particularly the amnesty and to clarify some of the concerns that perhaps the Planning Board might have and since this is a very important issue, I don't think it would be unseemly to delay it a few weeks and to adjourn the meeting.

Supervisor Holbrook said we have a motion to recess the hearing pending the Planning Board's comments.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared adjourned pending the Planning Board's comments, time: 9:34 P.M.

Respectfully submitted,

PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/13/88

9:35 P.M.

Present Supervisor Holbrook
Council Members Carey, Kunis, Maloney, Smith
Denise Toriello, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: LOCAL LAW 2. (OVERCROWDING IN PUBLIC PLACES)

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

The Town Attorney, Murray Jacobson, introduced Denise Toriello, Deputy Town Attorney, and explained that he has a policy in his office that the Deputy Town Attorney who works on a matter should hear and answer any questions.

The Supervisor asked the Deputy Town Attorney if she would briefly comment on the nature of this Local Law.

The Deputy Town Attorney said we have had recurring problems in the local pubs with overcrowding and presently the way the code is written the maximum fine that can be imposed on a defendant who is found guilty is \$250.00. Another phase of this problem is the fact that the code section that's being referred to is not as clear as it should be and so I have undertaken to clarify the code in that respect - specifically, making overcrowding a violation of that particular section of the code and imposing higher fines. It will start at \$250.00 for a first violation and repeated offenders will have higher fines. What they have been doing I believe is writing these fines off as a cost of doing business instead of caring about the violation and about the patrons that are there because it is a fire hazard to have overcrowding. The capacity that they have is stated on their permit and they have gone way above what is permitted by the Building Department and Fire Department.

Supervisor asked if any of the Board Members had any questions?

Co. Maloney asked if this would be enforced by the Fire Inspectors and the Building Inspectors?

The Deputy Town Attorney said "yes" the Fire Inspectors.

Supervisor asked if any members of the public would like to make a comment?

Appeared: Martin Bernstein
20 Woodglen Road
New City, NY

Mr. Bernstein asked if violations were in any way affected in terms of their liquor license?

The Deputy Town Attorney said the Fire Inspector does report it to the liquor authorities.

Mr. Bernstein said that's where the real control will be. They will consider this a cost of doing business no matter what you charge them. If in any way it affects their liquor license, you would see a major change. Is this law only related to bars or to all public places?

Ms. Toriello said places of public assembly. Ms. Toriello said the problem that we have been having is with the local pubs and that's what initiated the change in the Code.

Mr. Bernstein said if they have violations that would affect their liquor license, you would see a major change.

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Appearance: Chief Collins
Clarkstown Police

He said that any time there is an overcrowding condition where we accompany the Fire Inspector there is a referral sent in to the State Liquor Authority and there are hearings held and there have been suspensions.

Appearance: Steven Goldman,
representing Organized Taxpayers Assn.

Mr. Goldman spoke extensively regarding the overcrowding of public places and asked if there is any way that the fire inspector would say this is overcrowded and thirty-five of you leave now so that everybody else doesn't burn in the fire?

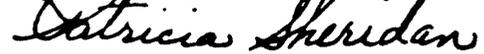
Ms. Toriello said they can do that and they are ordered on the spot to remedy the situation but they are still given a summons in violation.

Supervisor said when they check they are also checking for people being served who are under age.

Supervisor asked if there was anyone else wishing to be heard. No one appeared.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 9:39 P.M.

Respectfully submitted



PATRICIA SHERIDAN
Town Clerk

(RESOLUTION NO. 1191-1988 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

287

Town Hall

12/13/88

9:39 P.M.

Present: Supervisor Holbrook
Council Members Carey, Kunis, Maloney, Smith
Mark Posner, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: LOCAL LAW (ETHICS IN GOVERNMENT LAW)

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

Supervisor said that Mr. Posner was the Deputy charged with the task of putting this law together from what the State had passed last year. He called on Mr. Posner to explain why the Town of Clarkstown is doing this and why we have to do this to comply with State law in the future.

Mr. Posner said that the State has mandated that we submit a law by January 1991 regarding financial disclosure forms. The forms themselves are suggested in the enabling statute and we have adopted the suggested form which is approximately ten pages long. However, the other aspect of the proposed legislature tonight also deals with revamping our own local ethics law which we've tried to put more muscle into by clarifying and expanding those areas of disclosure or outright prohibitions regarding certain conducts of town employees, local elected officials, covered employees and political party officials. There are specific filing requirements regarding the financial disclosure forms - that is, who should file and when they should file and what they should file. All the documents which are submitted to the Board of Ethics which will include the financial disclosure forms will be confidential and there are only certain documents which will be available for public disclosure. Such documents being things like notices of delinquency upon failure to file or if there is a finding of probable cause with respect to a conflict of interest. All proceedings and everything else will be confidential with the Board of Ethics. There is one amendment to the law as set out for public hearing which I would like to include at this time that is on page 9. The amended paragraph should read and this is regarding the composition of the Board of Ethics:

"The members of the present board existing on the effective date of this chapter shall continue in office until the expiration of their respective terms unless they or any one of them is in violation of any of the provisions of subdivision B hereof in which case said member or members are deemed to have vacated their office as of the effective date of this chapter."

Mr. Posner said I would ask that be included in any vote that the Town Board takes regarding this statute.

Mr. Posner said that clarifies the situation of anyone who is a "hold over" being exempt from the provisions of subdivision B.

Co. Kunis asked if we have a situation that exists on the Ethic's Board that would fall into this category?

Mr. Posner said that Mr. Pandolfi and Mr. Nest would both be disqualified from serving on the Board of Ethics according to the proposed legislation effective immediately with adoption of this law unless they choose to resign those other offices which caused the disqualification, in which case they would be allowed to serve on the Board of Ethics. There is also a question which the Town Board might consider at this time regarding (on page 17, item 29, a-p) the members of the various Town Boards and Agencies which

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would be required to file a financial disclosure form. This does include some Boards or Agencies which are merely advisory and which may or may not be policy making positions. If the Board wishes to consider deleting any of these because they are not in fact policy making positions, I submit that to the Board for their consideration.

Mr. Posner said one of the criteria in the State Enabling Statute is the fact that what is deemed to be policy making is where the board or agency has the force and effect of law based upon their findings. For example: the ZBA does have the force and effect of law in their decisions as does the Planning Board, the Architectural Review Board and boards of that sort. Boards which are merely advisory and for which the final determination must be made by the Town Board or some other agency are not considered policy making positions.

Mr. Posner said the ones that the Board is to delete are the Condominium Information Board, Consumer Affairs Commission, Historical Review Board, Litter Control Bureau and Youth Commission. Mr. Posner said that the Town Board has the power to review this entire section (Appendix I) on a yearly basis. As a matter of fact, the Town Board is required to refile this every February. In the meantime, the members of these commissions would have to file a financial disclosure statement by May 15th of each year.

Supervisor asked if that is the form that will be used by everybody if we adopt the law? Mr. Posner said that is the form that will be used by everybody filing a financial disclosure form. This will be filed with the Ethics Board. It will not go to the Town Clerk. It does not matter if they get it sealed or open because they are required to review it immediately to determine the following factors: to make sure that everyone has filed who is required to file; to make sure that the filing is complete and that relevant information is not left out. They have to review each and everything on the financial disclosure form to determine whether or not a conflict of interest may appear on its face. For example: if a particular corporation had a vote for a zone change before the Town Board and one of the members of the Town Board was a stockholder in that corporation and that person was to vote on this, that would be a conflict of interest and therefore it couldn't be a vote by that person. If that appeared on the financial disclosure form, the Board of Ethics would have to review it and make that determination on the face of it. Other items wouldn't be determined on the face of it. It might come as a result of a sworn complaint from a citizen.

. Kunis said here is a hypothetical case - Councilman, President of John Doe Corporation and stockholder/officer of XYZ Corporation who needs a zone change. It is a dummy corporation. Mr. Posner said that the Code of Ethics, as proposed, talks about directly or indirectly and if in fact the corporation is owned by another corporation which, in fact, has as a shareholder this particular individual voting on the issue, that would clearly be a conflict, as long as the evidence showed that these facts as you stated them did in fact exist.

Supervisor said to Mr. Posner that one of the things that he might want to explain is the salaries of the Town officials. They are included in this too. Supervisor said that there is a monetary threshold as well as some positions.

Mr. Posner said there is no monetary threshold regarding financial disclosure. The only requirement deals with political party officials, those being the party leader or chairman of a local town political party committee. The only time they are required to file is if they are earning, as a result of party funds,

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more than \$30,000. That does not apply, as far as I know, in the Town of Clarkstown, therefore they would not be required to file.

Supervisor said his question is if people work for the Town and make an excess of \$30,000 who are in policy making positions? Mr. Posner said the Ethics Code has no relation to the amount of money that they are earning from the Town or any other agency. The only question is whether they are in a policy making position as determined by the Town Board.

Councilman Maloney said would you say that everybody on page 16 would have to file a disclosure?

Mr. Posner said that was up to the Town Board. If they find that this is not a policy making position then they do not have to file.

Councilman Maloney asked what Appendix I refers to?

Mr. Posner said Appendix I deals with all those people who have to file a financial statement and that includes the heads of any agency, department, division, council, board, commission or bureau and their deputies and assistants and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policy making positions.

Mr. Posner said what they are talking about in terms of deputies or assistants of the heads of the agencies are those people who act in the capacity of that particular individual who have the authority to sign documents on behalf of the head of the agency or act in the absence of that head of the agency.

Councilman Maloney said there is a time indicated for filing. Is that right? Mr. Posner said not only is there a time indicated for filing to be May 15 which is one month after personal income tax returns are due but also if a person gets an automatic extension from the Internal Revenue Service or from the State Department of Taxation and Finance, then they could make application to the Board of Ethics for a similar postponement of filing the financial disclosure form until such time as they file the IRS income tax return. There is also provision for applying to the Board of Ethics to delete certain items of disclosure for stated reasons which would have to be included in such an application to the Board of Ethics. That is stated in the statute as well. If a person becomes a Town employee after April 15, whenever that date is when they become a Town employee covered by this financial disclosure law, they must file the financial disclosure form within thirty days of that employment.

Councilwoman Smith said in the Planning Department we don't have a department head. That entire department doesn't fall under this category at all? Mr. Posner said whoever would act in that capacity or who has that policy making decision would be the one.

Supervisor said the chairman of the Planning Board would be the one and he would fall under the Planning Board. Mr. Posner said the entire Planning Board would have to file. Their discretionary power and their decisions have the equivalence of law. If you designate a person other than the head of a Town agency, then that person would be the person to file regardless of what their title is.

Mr. Posner said the Town Board has until the end of February to make any changes to Appendix I regarding who has to file and who doesn't have to file. From February 28 to May 15, people would have plenty of notice as to whether they have to file or not.

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Supervisor asked if any other Board Members had any questions? No one did. He asked if any one from the public wished to speak.

Appearance: Bruce Broadley
West Nyack

This is an important law and obviously there is some confusion here with other employees. I urge you to take your time. Make it good but also I urge you to make it strong enough so that it has a forward reaching effect so that even after people leave office or things happen in the future that you forget them. You can take a hypothetical case where you can have a local business man who is on the Town Board, who would vote for a zone change, say a shopping mall. After that zone change was voted, he could of course then go and sell his business and low and behold show up in the shopping mall. There is always the chance of conflict of interest. He said he thought it is an important law and it should be strong enough so that it restores the public's confidence in government in Clarkstown which is not necessarily good right now.

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

He said that months ago when this started to come under discussion he recommended that this Board appoint a blue ribbon panel of citizens. This blue ribbon panel will discuss with council what is being recommended and then publicly recommend to the general public what they find. He said that very few members of the Board and employees of the Town have very little idea of exactly how this is going to affect them. Therefore, how can you run a Public Hearing expecting us who are not involved to be coming up here and making specific recommendations pro or con? He felt that it should be discussed with a broad based group of people in the Town who can review this ordinance. It is a very complicated thing. In 1964 this Town created the first Town Ordinance in the State of New York - first Code of Ethics in Conflict of Interest Law. At that time what the Town did was to appoint a group of citizens to review the potential for a Code of Ethics and the Conflict of Interest Law. In 1971 the Comptroller of the State of New York said that every municipality has to have a Code of Ethics and a Conflict of Interest Law. He said this Town Board meeting was like a workshop and he felt the Board had not reviewed the law, so how can you expect the public to discuss it?

The Supervisor said we have some time to adopt it. The Town Board itself was committed to comply with what the State was proposing well in advance of 1991.

Councilwoman Smith said if we run off 100 copies like we did for the budget and gave them out, would you have a response by the middle of February?

Mr. Bernstein said then I think you should have a Public Hearing. Does this new ordinance for instance have any proposal for people doing business with the Town and people who come before hearings before the Town to disclose any political donations they have made in this Town? For instance, the county has a law of that sort. Not exactly as broad as it could be but it is a fact that there is such a law and I would like to ask Mr. Posner if that is so?

Mr. Posner said the election law has requirements of disclosure in terms of who received what contributions.

Mr. Bernstein said he knows that. The County of Rockland has a law which speaks of people who go before County agencies and what donations they particularly make.

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Mr. Posner said under the statute section 9-5, subdivision D "No elected official, covered employee, Town employee shall accept any gift with a gift of \$75.00 or more whether in the form of services, loan, thing or promise or any other form from any person, firm or corporation which to his or her knowlege is interested directly or indirectly in any manner whatsoever in business or any case proceeding or application or professional dealings with the Town or any agency thereof."

Mr. Bernstein said that is not what I'm talking about. This law goes back eight or nine years. The County passed this law in order to make certain that people who go before agencies disclose the fact if they make political donations. They are saying that they want it to be disclosed. Mr. Bernstein said that once a year they have to file that they make donations. Is there anything in this new law in terms of enforcement or disclosure that is less than the existing law? I'm talking about conflict of interest. Mr. Posner said there is nothing that makes it less. Mr. Bernstein said there is so much to discuss that you cannot have this at a public hearing without first distributing what is to be dicussed, giving people an opportunity to review the proposal.

Supervisor said we can do two things. We can recess this hearing to another day but in the interim we can schedule a workshop meeting which would specifically deal with questions from the public about the local law.

Appearance: William Vines
148 Sickletown Road
West Nyack, New York

Mr. Vines said Mr. Bernstein raises a very valuable point and that is that this information should be turned over to some sort of committee outside the government to go through it. Mr. Vines said that when you are in office you are under the scrutiny of everybody and I think that is reasonable and acceptable. It would seem to me that if you did create a panel of people and put a mixture of the population on that panel that they probably could come up with some good recommendations and you may find down the road that it would help each and everyone of you so far as your own situations are concerned. He said that he got the feeling tonight that the Board was not familar with the content of this law. He suggested to the Board that they bring in disinterested parties outside the government who could contribute their expertise and then the Board could sift it out and make their judgement on what parts they would leave in and what parts they would delete.

Appearance: Steve Hittman
West Nyack

He agreed with what Mr. Vines said and suggested they might pick someone to be on that panel and come back to the Board with recommendations. He asked Mr. Posner how does this deal with the relationship of the Town employee that may begin after a Town vote took place or after a crucial issue was dealt with by the Town? Does it deal with a relationship that may begin subsequent to a vote?

Mr. Posner said if there is no conflict of interest at the time the vote is taken that's what will determine it.

Mr. Hittman asked if the ten page forms Mr. Posner spoke about are for husband and wife to fill out? Mr. Posner said that most of the information is asked not only of the actual employee but of that person's spouse and relative as defined in the statute.

Mr. Hittman asked if this is the same thing as government integrity which Governnor Cuomo is working on.

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Mr. Posner said there is a temporary commission on local government ethics and there is also an advisory commission regarding that. He said he did not know if these commissions have been formed yet. He said the local government ethics is a State Commission which would be the repository for these financial disclosure forms if we didn't designate our own Board of Ethics to be the repository. The Advisory Board for the local Government Ethics is an Advisory Commission which basically tells us how to administer our own Local Ethics Law. We are required under law to file a copy of our local law with the State Commission on Local Government Ethics or at least let them know that one is on file with our own Board of Ethics and that they will be the repository for the financial disclosure forms, etc.

Mr. Hittman asked if the Board of Ethics would be the watchdog agency? Mr. Posner said "yes." Mr. Hittman asked who determines who is on the Board of Ethics? Mr. Posner said the Town Board.

Mr. Posner said he would read who would be disqualified from the Board of Ethics. "No Member of the Board of Ethics shall 1. Hold any public office elected or appointed or be a public officer or employee. 2. Hold office in any political party or be employed as a lobbyist. 3. Be a relative as that term is defined in Section 9-4 of this chapter of a person holding any office or position described in 1 or 2 above." Those are the disqualifications of a person to be seated on the Board of Ethics under the new proposed law. Anyone else would be eligible.

Appearance: John Cuff
West Nyack

Mr. Cuff said if we had this Code of Ethics in now, Item 9 on the agenda would be null and void for any one of a number of reasons. He thought that the financial disclosure was an excellent idea. He said that all employees who are in any kind of category of enforcement or policy or any thing of that sort should be required to fill out a financial disclosure. He asked Mr. Posner to explain the chapter on gifts again and Mr. Posner complied. Mr. Cuff felt that no gifts should be given to government employees. There was discussion about borrowing money and then buying property. He also asked if a member of the Board purchased land and six months later that parcel of land comes up for a zone change which could make the value of that land tripled or quadrupled could that be construed as an ethical problem?

Mr. Posner said that if the Board Member is the owner of a piece of property before the Town Board, then quite clearly the Town Board Member cannot vote on the issue.

Mr. Cuff said he can in fact own it and he can apply to the Zoning Board of Appeals or the Planning Board?

Supervisor said if he is a member of the Town Board he would have to disclose that interest.

Mr. Posner said he would not be able to vote on it.

Mr. Cuff asked if there would be a statute of limitations as far as after serving on the Board before he could come before the Town Board and ask for anything or receive any kind of consideration.

Mr. Posner said that is correct - it would be two years.

Appearance: Rosemarie Seery
West Nyack

Mrs. Seery said she is the Co-President of the Southern Clarkstown Civic Association. As far as the Ethics Law Review Board

she thought no political appointments should be on this Board. College students, political science majors and senior citizens should be involved. She said the word "probably" is too vague as to who could hold the positions on the Ethics Board. It shouldn't be probably, we should know clearly who could hold.

Mr. Posner said what he said was that the people that the Town Board had in mind probably would be the ones who did it. He then read the statute to show you what the disqualifications were and he said that anyone not fitting those disqualifications would be eligible.

Mr. Posner again read the requirements of the people to serve on the Board of Ethics.

Mrs. Seery said she thought it was a good idea to possibly send copies of the old law and the potential new law out to people who spoke and it be on the record.

Councilwoman Smith suggested that we put an ad in the Journal News advising them that the potential law is printed and it will be available on certain days for review and they could send in written comment and also that there would be a workshop on a certain day in February to speak about it.

Councilman Maloney said we could also mail a copy to the people who did speak tonight.

Appearance: Steve Goldman
West Nyack
Organized Tax Payers Association

Mr. Goldman said when he said that it requires three day's notice and that it be a public meeting that he agrees that he can't see how it would be a public Ethics meeting. The State Open Meetings Law apparently overrides an Ethics Law so that if that is not how you want it to be then you should do something so that it is not overridden and we will give you the reference to check on the so called "expert."

Mrs. Sheridan, the Town Clerk, said that Robert Friedman is the head of the office and she would call him in the morning and check. Mr. Goldman requested that she do just that..

Mr. Goldman said it would be nice to have something enacted by January 1st. He also stated that if we are sending out copies of the proposed law he would like his \$7.50 back that he paid to have it copied. Mr. Goldman said he thought the \$75.00 limit on gifts annually was too high. Mr. Goldman asked if there was some provision to destroy the disclosure forms after x number of years?

Mr. Posner said there is no provision in the local law itself. However there are state regulations regarding when certain documents can be destroyed. The Town Clerk has a record of which documents can be destroyed at what particular times and I have to see where this would fall in that regard.

Councilman Maloney said the financial disclosure that we file every year stays with the Town Clerk. When you leave office, after two years you can take them back.

Mr. Goldman said perhaps that should be automatic that you send them back after two years. Mr. Goldman asked if Mr. Nest and Mr. Pandolfi are not on the Board and you appoint new people, do those new people fill out Nest and Pandolfi's term. Mr. Posner said "yes." In the new law, do we still have to go through an elected official. Mr. Posner read the new law on page 10, 9-7k. "The Board

shall receive sworn complaints alleging a violation of the criteria for reporting requirements established by this chapter or alleging a violation of one or more subdivisions of section 9-5 of this chapter." (9-5 is the conflict of interest Code of Ethic's section.) The other subdivisions involve what the disclosure requirements are and who can or cannot participate in any opinions or whatever be given a direct or indirect financial gain as a result of the proceedings. Your question dealt with how the Board shall get various complaints before it. They have to be sworn complaints and they can be done by a member of the Town Board or by anybody else or at the Board's own insistance and that can happen by a mere review of the financial disclosure forms.

Mr. Goldman asked if he would be able to ask for a review and submit those papers himself.

Mr. Posner said he had to have a sworn complaint stating sworn allegations effect and sworn before a notary public.

Mr. Goldman said his concern is that he wants any citizen to be able to say I have these following problems. I have done whatever research I can do without subpoena powers and I want to go straight to the Board of Ethics and I don't want anyone else to see it until the Board of Ethics decide whether they are interested or not interested. I want to bypass the "Board of Elected Officials" and I can do that. Mr. Posner said the Board of Ethics will have subpoena power. You can make a sworn complaint and the Board of Ethics will look into it.

Mr. Goldman said someone made the statement that the Ethic's Board is only advisory. Is that correct? Mr. Posner said their findings are binding. He said the one thing he did not mention were the penalty provisions. For a violation of the financial disclosure provions, that is: failure to file, filing ineffectively, or one of those provisions, the penalty can be a fine of up to \$10,000. The amount would be determined by the Board of Ethics. For a violation of the Code of Ethics, the conflict of interest section, the fines would be up to \$2,500.

Mr. Goldman asked if there was anything in the law that seeks to undo the damage that was done by this conflict of interest? Mr. Posner said if you are talking about a vote which is therefore termed to be illegal because of a conflict of interest, an action would have to be undertaken in State Supreme Court in order to void that particular vote if it were in fact a conflict as later determined.

Mr. Goldman asked if the Board of Ethics found that there was a problem, can the Town be forced to do it? Mr. Posner said a citizen can bring an action forcing the Town to void the vote. It would be determinative based upon what was improper about it.

Mr. Goldman said we all know what we are talking about tonight. Suppose it went to an Ethics Board January 2nd? They looked at it and said "obvious conflict of interest." Mr. Posner said now you are confusing the issue. Which law are you talking about? You can't invoke two separate laws. Mr. Goldman said suppose this happened under the new law. Mr. Posner said the new law couldn't be effective retroactively. Mr. Goldman said suppose this vote takes place January 1st so now it's under the new law if it's enacted January 1st. You vote for the MF-4. We go to the Ethics Board and the Ethic's Board says you obviously have a conflict of interest. Mr. Posner said meaning that the person should not have voted. Councilman Kunis asked if the Ethics Board could have the power to call a vote invalid. Mr. Posner said no. Mr. Goldman said then there would have to be some suit brought? Mr. Posner said that is correct. Mr. Goldman asked do you have to bring the suit yourself or can you request the Town Board to cause this to happen?

Mr. Posner said the law states to facilitate consideration of potential problems before they arise, minimize unwarranted suspicion and enhance the accountability of government to the people. He went on to state that hopefully this statute as drafted with the help of the public will avoid that particular situation or minimize the number of times that would happen. He said you are obviously talking about a situation which would not or could not have been discovered by a Board of Ethics prior to that and because of the clarity of the law, hopefully, all these potential problems would have been ascertained prior to any vote on the subject. If they are that glaring they would have been adjudicated prior to that. If they weren't that glaring then the question is whether it was a conflict to begin with. If it is ultimately determined after proceedings that it was then the few times that might happen might necessitate legal action. The purpose of the law is to avoid having to go to Court on so many occasions by making the law so clear that this wouldn't happen.

Mr. Goldman said he understands that but if it sneaks through - Town Attorney Murray Jacobson said the answer is that always a taxpayer has the right to ask a legislative body to bring an action. Mr. Goldman said but they are not forced to by this law? Mr. Jacobson said a taxpayer has a right to bring a taxpayer action to force them. Mr. Goldman asked who is paying the lawyer's bill? He was told people bringing the action. Mr. Jacobson said and there are penalties.

Mr. Posner said the statute calls for two separate things. With respect to the violation of the financial disclosure form laws, it is considered a civil fine of up to \$10,000. That specifically does not include any other action brought by the Town to take any disciplinary action under the Civil Service law or any other law in order to suspend or dismiss the offending individual. With respect to the Code of Ethics again it is a civil fine of up to \$2,500 and again the same other possible penalties could apply. I point out further that if the unethical conduct regarding the financial disclosure form is specifically referred by the Board of Ethics to the District Attorney's Office then the civil penalty is not taken out but the matter could be prosecuted as a criminal action but only upon a specific referral.

Mr. Goldman said the Ethics Board would be apolitical, honest, upright and terribly overworked and he just didn't know how they could get all this work done. He felt it would be an awful lot to ask of unpaid volunteers. Supervisor said it would be difficult but the people who serve on the Board will have a tremendous responsibility. Mr. Posner said candidates for elected office will also have to submit these forms. Mr. Goldman said this is a monstrous job and he wondered if the Town would be able to find people willing to do it.

Supervisor requested Mrs. Sheridan to have at least 25 copies of this available in her office for people to pick up and also distribute one copy to every department head.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was Recessed pending discussion at a Town Board Workshop after January 1, 1989, time: 10:45 P.M.

Respectfully submitted

Patricia Sheridan

PATRICIA SHERIDAN
Town Clerk