

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

2/28/89

8:10 P.M.

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

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

Supervisor Holbrook read the following proclamation:

GIRL SCOUT WEEK  
March 12-18, 1989

- WHEREAS, Girl Scouts of the U.S.A. recognizes that today's girls will be tomorrow's leaders; and
- WHEREAS, Girl Scouts of the U.S.A. is the largest voluntary organization for girls in the world and draws upon a large resource of positive adult role models; and
- WHEREAS, the Girl Scout Movement continues to emphasize leadership and personal and career development for girls; and
- WHEREAS, our community and world will be the direct beneficiaries of the skilled young women who are Girl Scouts;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, by virtue of the authority vested in me as Supervisor of the Town of Clarkstown, and on behalf of the Town Board, do urge the citizens of Clarkstown to support the Girl Scouts in their endeavors; and be it

FURTHER RESOLVED, that the week of March 12-18, 1989 be proclaimed GIRL SCOUT WEEK in the Town of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO SET MY  
HAND AND CAUSE THE SEAL OF THE TOWN  
OF CLARKSTOWN TO BE AFFIXED THIS 28TH  
DAY OF FEBRUARY, 1989.

/s/ Charles E. Holbrook

Charles E. Holbrook, Supervisor  
Town of Clarkstown

Supervisor presented the above proclamation to several different troops representing many girl scouts in the area.

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Supervisor declared the public portion of the meeting open.

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

Mrs. Seery spoke regarding trucks on Western Highway. She said the traffic is coming mainly from industrial or commercial properties that are a part of Clarkstown. She said that is why they requested the truck ban because they felt most of the truck traffic was coming from Clarkstown. She said people from Clarkstown have been complaining, particularly people who live along Doescher which comes right off Route 59. These people say there are increases in

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should not be used to satisfy a personal political agenda. He stated that at a Town Board Meeting on November 29th he requested that two Ethics Board members resign - these were both Republican committee people who he felt did not belong on an Ethics Board and the reason he requested that these two people do resign is because he received a complaint from a citizens' group of an allged Ethics Board whitewash. Therefore, as he said November 29th, he says now, that both of these Republican Committee people should not be on the Ethics Board and this Town Board should think twice prior to refusing to accept a resignation from an Ethics Board member after he is requesting to rejoin our Ethics Board.

Councilman Carey said three people on this Town Board have voted for Mr. Pandolfi and Mr. Nest. These votes were not taken lightly. The quality of the people involved was taken into consideration. Both happen to be sterling characters. Mr. Nest was retired from the telephone company after 35 to 40 years of wonderful service to this community. Mr. Pandolfi is very active in his parish, St. Anthony's in Nanuet. These appointments were not made lightly and the way these Ethics Boards go they could just as well have been two Democrats or two Conservatives. The whole thing hinges on the alleged swapping of the Mall and the MF-4 designation votes.. That is the real issue here; not a matter of anything other than just that.

Appearance: Mr. Carl Landgren

Mr. Landgren spoke regarding the truck ban which Mrs. Seery mentioned. He said part of that problem could be solved because the developer Bradley originally wanted to put a road in from Western Highway to Route 303. For some reason, Orangetown is blocking that. If Orangetown allowed them to put the road in he did not think there would be a problem.

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On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Designation of Historical Site - Ice House at Rockland Lake, was opened, time: 8:20 P.M.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Designation of Historical Site - Ice House at Rockland Lake, was closed, RESOLUTION ADOPTED, time: 8:25 P.M.

RESOLUTION NO. (184-1989) DESIGNATING HISTORICAL SITE  
- ICE HOUSE AT ROCKLAND LAKE, NEW YORK

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 24th day of January, 1989, provided for a public hearing on the 28th day of February, 1989, at 8:05 P.M., to consider the designation of Ice House No. 3, located at Rockland Lake, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 153, Block A, part of Lot 32, as an Historical Site pursuant to Section 12-3(C) of the Code of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the aforementioned Ice House No. 3, located at Rockland Lake, New York, be and the same hereby is designated as an Historical Site, and be it

RESOLUTION NO. (184-1989) Continued

FURTHER RESOLVED, that said Historical Site be so indicated on the Official Map of the Town of Clarkstown.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Violation Hearing re: Violation - Map 139, Block B, Lot 20 (Kloek) was opened, time: 8:26 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Violation Hearing re: Violation - Map 139, Block B, Lot 20 (Kloek) was closed, time: 8:33 P.M.

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The next order of business was the continuation of a public hearing recessed from the Town Board Meeting of January 24, 1989 regarding the Tax Exemption for Businesses.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Removal of Tax Exemption for Businesses was again recessed until March 14, 1989

RESOLUTION NO. (185-1989)

RECESSING PUBLIC HEARING  
RE: REMOVAL OF REAL ESTATE  
TAX EXEMPTION FOR  
BUSINESSES UNTIL MARCH 14,  
1989

Co. Smith offered the following resolution:

RESOLVED, that a Public Hearing on a proposed Local Law Providing for the Removal of Real Estate Tax Exemption for Businesses Provided by Section 485-b of the Real Property Tax Law of the State of New York having been opened, is hereby recessed until March 14, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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The next order of business was the continuation of a public hearing re: Amendment to the Zoning Ordinance (Maximum Floor Area Ratio) which was recessed from January 24, 1989.

On motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance (Maximum Floor Area Ratio) was recessed at the request of the Clarkstown Planning Board until March 28, 1989.

RESOLUTION NO. (186-1989)

RECESSING PUBLIC HEARING  
RE: AMENDING ZONING  
ORDINANCE OF TOWN OF  
CLARKSTOWN - SECTION  
106-19(F) - FLOOR AREA  
RATIO TO MARCH 28, 1989

Co. Smith offered the following resolution:

RESOLVED, that a Public Hearing Amending the Zoning Ordinance of the Town of Clarkstown - Section 106-19(F) re: Floor Area Ratio having been opened, is hereby recessed until March 28, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (187-1989)

ACCEPTING MINUTES OF  
SPECIAL TOWN BOARD MEETING  
OF FEBRUARY 7, 1989

Co. Smith offered the following resolution:

RESOLVED, that the Minutes of the Special Town Board Meeting of February 7, 1989 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (188-1989)

AUTHORIZING TOWN ATTORNEY  
TO DEFEND PROCEEDING  
AGAINST TOWN OF CLARKSTOWN  
(CARLUCCI AND DQWD V. ZBA)

Co. Maloney offered the following resolution:

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

In the Matter of the Application of  
ROBERT CARLUCCI, PATRICIA CARLUCCI  
and EILEEN P. DOWD,

Petitioners,

-against-

JOHN M. DIANIS, ARNOLD AMSTER, PENNY  
LEONARD, ELIZABETH J. SQUILLACE, JOHN  
FELLA, WILLIAM NIEHAUS, PHYLLIS

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RESOLUTION NO. (188-1989) Continued

BULHACK, constituting the Zoning Board  
of Appeals of the Town of Clarkstown,  
and the Town of Clarkstown,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (189-1989)

AUTHORIZING ATTENDANCE AT  
COURSE IN WORD PERFECT  
(MICRO TREK) (MARY CESTARO)  
- CHARGE TO 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Mary J. Cestaro, Real Property Data  
Controller I is hereby authorized to attend a Course in Word  
Perfect, Version 5 given by Micro Trek located at 518 5th Avenue,  
New York City. This course will be given on March 6, 16, and 31st,  
1989, 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

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RESOLUTION NO. (190-1989)

AUTHORIZING ATTENDANCE AT  
WORD PROCESSING COURSE  
MICROSOFT WORD - MICRO TREK  
(GRAY AND VIERLING) -  
CHARGE TO ACCOUNT A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Edward J.  
Ghiazza, Superintendent of Recreation and Parks, that Eileen Gray,  
Senior Typist and Diana Vierling, Typist, are hereby authorized to  
attend the Word Processing course Microsoft Word conducted by Micro  
Trek, 518 Fifth Avenue, New York, New York, on March 15, 1989, and  
be it

FURTHER RESOLVED, that all proper charges be allocated  
against Appropriation Account A 1010-414.

Seconded by Co. Smith

RESOLUTION NO. (190-1989) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (191-1989)

REFERRING AMENDMENT TO  
ZONING ORDINANCE TO  
CLARKSTOWN PLANNING BOARD  
AND ROCKLAND COUNTY  
COMMISSIONER OF PLANNING  
(RECYCLING FACILITY)

Co. Smith offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report, which shall be returned to the Town of Clarkstown on or before March 30, 1989, and be it

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

Amend §106-3. Defined Words - to add the following:

RECYCLING FACILITY - An area of land upon which is located, permanently or temporarily, structures, machinery and/or other devices which are utilized to separate, process, modify, convert, treat, boil, compost, compact, or prepare solid waste, refuse, leaves, trash, trees or soil, so that any component part of same may be recovered.

TRANSFER STATION - An area of land upon which is located, permanently or temporarily, structures, machinery and/or other devices where any solid waste, refuse, leaves, trash, trees or soil is taken from a collection vehicle and placed either upon the land, into any other transportation unit or into any other device for future movement to another location.

Amend §106-16. Additional requirements for certain special permit uses in an M and LIO Zone - to add Item R as follows:

R. Recycling Facility and Transfer Station are subject to the following conditions:

(1) Compliance with applicable law. The applicant shall in all respects comply with any applicable requirements, rules

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RESOLUTION NO. (191-1989) Continued

or regulations of the State of New York as they relate to a Recycling Facility or Transfer Station, including but not limited to Title 6, Part 360 of the Official Compilation Codes, Rules and Regulations of the State of New York entitled "Solid Waste Management Facilities."

(2) Screening. Screening shall be provided as required by the Planning Board of the Town of Clarkstown.

(3) Disposal. No waste material, product, by-product or residue material which may result from the valid operation of a Recycling Facility or Transfer Station pursuant to the special permit issued shall be disposed of at any sanitary landfill facility operated by the Town of Clarkstown without the express written permission and consent of the Director of the Department of Environmental Control.

(4) Additional conditions. The Town Board may in its discretion establish additional conditions that it deems necessary and appropriate, based upon circumstances that exist at the time of the granting of the special permit.

Amend Section 106-10A, Table 15, Column 3-B of the General Use Regulations, M District by adding Item 10 to read as follows:

"10. Recycling Facility and Transfer Station, subject to §106-16 R"

Amend Section 106-10A, Table 14, Column 3-B of the General Use Regulations, LIO District by adding Item 7 to read as follows:

"7. Recycling Facility and Transfer Station, subject to §106-16 R"

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (192-1989)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO INSTALL SIGN  
"SCHOOL BUS STOP AHEAD"

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A sign to read, "School Bus Stop Ahead" to be installed on the east side of Sandstone Trail, 300 feet from Seneca Court, New City

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Anthony D'Antoni, for implementation.

Seconded by Co. Smith

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RESOLUTION NO. (192-1989) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (193-1989)

ACCEPTING PROPOSALS FROM  
ORANGE AND ROCKLAND  
UTILITIES, INC. FOR STREET  
LIGHTING AT GARRECHT PLACE,  
WEST NYACK AND ROUTE 59,  
WEST NYACK

Co. Maloney offered the following resolution:

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

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

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

NOW, THEREFORE, be it

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

Garrecht Place	West Nyack
(Install - One (1) 5800 lumen sodium vapor street light on existing pole number 59253/39516)	

Route 59	West Nyack
(Install - One (1) 9500 lumen sodium vapor street light on existing pole number 1020, intersection of Doscher Avenue)	

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (194-1989)

ACCEPTING PROPOSALS FROM  
ORANGE AND ROCKLAND  
UTILITIES, INC. FOR STREET  
LIGHTING AT HICKORY DRIVE,  
NANUET, VICTORIA DRIVE,  
NANUET, KINGS HIGHWAY, NEW  
CITY AND CAVALRY DRIVE, NEW  
CITY

Co. Maloney offered the following resolution:

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RESOLUTION NO. (194-1989) Continued

WHEREAS, the Town of Clarkstown is entitled to receive an annual upgrade/replacement of 2% of the total amount of its existing street lighting from Orange and Rockland Utilities, Inc. at no charge to the Town, and

WHEREAS, residents of Victoria Drive, Nanuet and Hickory Drive, Nanuet, Kings Highway, New City and commuters utilizing the Bradlees Shopping Center Commuter Parking Lot have requested upgrades of specific existing street lighting,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Patricia A. Betz, Utility Services Coordinator, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc., for the upgrade/replacement of street lighting at the following locations:

Hickory Drive Nanuet

(Remove - One (1) 4000 lumen mercury vapor street light on existing utility pole #59050/40455  
Install - One (1) 5800 lumen mercury vapor street light on existing utility pole #59050/40455

Victoria Drive Nanuet

Remove - Six (6) 4000 lumen mercury vapor street lights on existing utility pole #'s 58992/40578, 58999/40554, 59034/40544, 59062/40513, 59057/40546, 58988/40596  
Remove - One (1) 7900 lumen mercury vapor street light on existing utility pole #59011/40546)  
Install - Four (4) 5800 lumen sodium vapor street lights on existing utility pole #'s 58988/40596, 58992/40578, 58999/40554, 59034/40544  
Install - Two (2) 9500 lumen sodium vapor street lights on existing utility pole #'s 59011/40546, 59062/40513  
Install - One (1) 9500 lumen sodium vapor street light on 15 ft. UPS on existing utility pole #59057/40546)

Kings Highway New City

(Remove - Two (2) 4000 lumen mercury vapor street lights on existing utility pole #'s 59185/41070 and 99/59  
Install - Two (2) 5800 lumen sodium vapor street lights on existing utility pole #'s 59185/41070 and 99/59)

Cavalry Drive New City

(Remove - Three (3) 4000 lumen mercury vapor street lights on existing utility pole #'s 59536/42048, 08/48 and 78/50  
Install - Four (4) 5800 lumen sodium vapor street lights on existing utility pole #'s 59536/42048, 08/48, 92/49 and 78/50)

Seconded by Co. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (195-1989)

AUTHORIZING SUPERVISOR TO  
EXTEND AGREEMENT WITH DR.  
ERNEST LANDI, D/B/A  
EMPLOYEE HEALTH  
MANINTENANCE SYSTEMS

Co. Carey offered the following resolution:

RESOLVED, that the proposal received on or about May 14, 1987 from Employee Health Maintenance Systems and the supplement thereto received on or about May 27, 1987, which proposal provides for a chiropractic employee wellness program for Town of Clarkstown employees on a voluntary basis during work hours on Town property, is hereby extended for the calendar year 1989, at a total cost not to exceed \$18,000.00 per year, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement as described above, in a form satisfactory to the Town Attorney, subject to the requirement that general liability errors and omission insurance and all other insurance required by the Town's insurance consultant be provided to the Town in aggregate limits of not less than one million dollars per occurrence, and be it

FURTHER RESOLVED, that the agreement is further subject to a right of cancellation after six months should it be deemed by the Town Board in its sole judgment that such program should not be continued.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Kunis said we are voting for a calendar year 1989. This was terminated at the end of calendar year 1988 and it is now February 28th. He said he believed this program was in effect in January and February of this year. Why would be approving something that is not running with a contract two months after the fiscal year began? How does that happen? Supervisor Holbrook said two Board members mentioned to him that they were supportive of it. This was brought to the Board's attention on January 24th and we scheduled it for a workshop in February. It was subsequently pushed off from that date. Basically, that's the reason.

Councilwoman Smith said she happens to be a proponent of preventive care. She said it is very unfortunate that this is not in our budget this year and she thought that those people who are utilizing it are receiving benefit from it. She said statistics have been shown to show that we are saving money. She did not know exactly how much money because there are other variables that have also enabled us to save money this year. However, she said she would like to continue it on the company's property here. She also felt those who are receiving a benefit should pay part of the cost because it is a duplication in our medical plan. She noted that in 1988 our medical premiums went up 50% and in 1989 she thought it was 20% over that so we are paying in excess of \$2,000,000.00 a year in medical premiums. It is very difficult to vote no on something if you really believe that it is helping people. She said what she would like to do in the next year is incorporate more preventive care into our premiums and if you feel that you have proven that there is less injuries and that it has, in fact, helped, then she would be willing to go along with this for 1989. She said she would like to see a lot more substantive changes so that when we say we are providing preventive care it is not only in a chiropractic form. It is also in a well baby care and it would be in areas of mamographies that are for age 50 and over. If we really seriously believe, and she said Mr. Perrella is trying to convince that preventive care is indeed a benefit, she would like to see us get

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RESOLUTION NO. (195-1988) Continued

involved in more causes than just the chiropractic. She said she would vote yes to continue the program.

Councilman Kunis said Mr. Perrella has really made a very sincere and dedicated effort to save the Town of Clarkstown many dollars in 1988. He said when he votes for the program he votes for Mr. Perrella because he believed that he has become a watchdog for the Town regarding compensation cases. The statistics show that of the nine back problem claims which we had in 1988 only one claim was involved with the program and the eight others were not, so that is a positive statistic for the Town. Out of the forty-eight claims in 1988, only six claims of these were people who participated in the program. That is also a positive statistic and he wanted to thank Mr. Perrella for staying on top of this program and watching it in a very businesslike manner to save the Town of Clarkstown dollars and he voted yes.

Councilman Carey.....Yes  
Councilman Kunis....first pass then Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (196-1989)

ABANDONING PORTION OF  
ROCKLAND AVENUE AND HOWARD  
STREET, CONGERS AND  
AMENDING OFFICIAL MAP OF  
TOWN OF CLARKSTOWN

Co. Smith offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 10th day of January, 1989, provided for a public hearing on the 14th day of February, 1989 at 8:05 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of Rockland Avenue and Howard Street, located between Lawrence Street and Endicott Street, Congers, New York, as described in Schedule "A" attached, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Luke Kalarickal, dated April 26, 1988, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment 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

RESOLVED, that a portion of Rockland Avenue and Howard Street, located between Lawrence Street and Endicott Street, Congers, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of Rockland Avenue and Howard Street, Congers, as described in Schedule "A" attached, and be it

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RESOLUTION NO. (196-1989) Continued

FURTHER RESOLVED, that the attached Recommendation of the Superintendent of Highways of the Town of Clarkstown that a Highway be Abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's Office.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (197-1989)

ELIMINATING THE FEE CHARGED TO TOWN RESIDENTS FOR PERMITS FOR THE KEMMER LANE COMMUTER PARKING LOT

Co. Kunis offered the following resolution:

WHEREAS, by Resolution No. 1079 dated December 31, 1985, the Town Board of the Town of Clarkstown designated Kemmer Lane, Nanuet, New York, as a commuter parking lot, pursuant to Section 71-2 of the Town Code of the Town of Clarkstown, and

WHEREAS, by Resolution No. 647-1986 dated June 24, 1986, the Town Board of the Town of Clarkstown amended Resolution No. 1079 to provide that the permits issued shall be charged at the rate of \$100.00 per year or any part thereof per vehicle, and

WHEREAS, the Town Board has determined that the \$100.00 fee charged to Town residents for use of the Kemmer Lane Commuter Parking Lot should be eliminated;

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk is hereby authorized and directed to issue permits at no charge to residents of the Town of Clarkstown to enable such residents to use the designated commuter parking facility for the calendar year 1989, and be it

FURTHER RESOLVED, that any parking permit fees paid for the year 1989 on the Kemmer Lane Parking Lot shall be refunded to the Town resident who paid such fee.

Seconded by Co. Maloney

Councilman Carey said he was voting no on this because it has been his contention right along that this Town expended a great deal of money to create that parking lot. He felt that we should get out of the parking business, sell that and get the money back and the people who are now using that particular lot can move to the one across from the Market Place on Route 59 free of charge.

Councilman Kunis said he had to agree with Councilman Carey in every way but one and that is that the people who use this parking lot are the only people being penalized in the Town of Clarkstown for parking and therefore he votes to rescind the \$100.00 parking fee.

Councilman Maloney stated that he feels the same way.

Supervisor Holbrook said he would have supported a \$50.00 fee for Clarkstown residents. He said he remembered the

RESOLUTION NO. (197) Continued

circumstances under which this lot was built and the pressure the Town was under to do it and the expenditure of money. He would support a reduction to \$50.00 but not the total elimination so therefore he would vote no on this resolution.

On roll call the vote was as follows:

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

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RESOLUTION NO. (198-1989)

AUTHORIZING SUPERVISOR TO  
MAKE APPLICATION TO COUNTY  
FOR EXTENSION OF TIME TO  
COLLECT 1989 TAXES

Co. Maloney offered the following resolution:

RESOLVED, that pursuant to Section 938 of the Real Property Tax Law of the State of New York, the Supervisor of the Town of Clarkstown is hereby authorized to make application to the Rockland County Commissioner of Finance for an extension of time for the collection of 1989 taxes by the Clarkstown Receiver of Taxes from April 1, 1989 to June 1, 1989.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

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RESOLUTION NO. (199-1989)

AUTHORIZING ATTENDANCE AT  
ASSOCIATION OF TOWNS (JOANN  
GEARY)

Co. Smith offered the following resolution:

RESOLVED, to amend Resolution No. 24-1989 to read: Be it resolved that Joann Geary is authorized to attend the Association of Towns on February 19 - February 22, 1989, and reasonable expenses included overnight lodging incurred by the aforementioned be made proper Town charges.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (200-1989)

AUTHORIZING SUPERVISOR TO  
FILE RECREATION PROGRAM FOR  
THE ELDERLY WITH NEW YORK  
STATE OFFICE FOR THE AGING

RESOLUTION NO. (200-1989) Continued

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Superintendent of Recreation and Parks, the Superevisor is hereby authorized to file a Recreation Program for the Elderly renewal application with the New York State Office for the Aging for the period commencing April 1, 1989 to March 31, 1990, and be it

FURTHER RESOLVED, that the total aid for this period will be \$2,575.50.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (201-1989)

AUTHORIZING ATTENDANCE AT ANNUAL SPRING SEMINAR OF NEW YORK STATE ASSOCIATION OF MUNICIPAL PURCHASING OFFICIALS AT SARATOGA SPRINGS, NEW YORK - CHARGE TO ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend the annual spring seminar of the New York State Association of Municipal Purchasing Officials at Saratoga Springs, New York from May 10 - 12, 1989, and be it

FURTHER RESOLVED, that necessary and reasonable expenses related to same be charged to Account A 1010-414.

Seconded by Co. Carey

On roll call the vote was as follows:

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

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RESOLUTION NO. (202-1989)

AUTHORIZING ATTENDANCE AT 29TH ANNUAL NORTH AMERICAN SNOW CONFERENCE (D'ANTONI) - CHARGE TO ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Anthony D'Antoni, Superintendent of Highways, is hereby authorized to attend the 29th Annual North American Snow Conference, April 9 through April 12, 1989, Hartford, Connecticut, and be it

FURTHER RESOLVED, that all proper charges be charged to A 1010-414.

RESOLUTION NO. (202-1989) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (203-1989)

AUTHORIZING SPRING VALLEY  
WATER COMPANY TO INSTALL  
ONE (1) HYDRANT AT N/S  
CORNER CHESTER AND BEACON  
STREET WEST OF HAVERSTRAW  
ROAD - INVESTIGATION NO.  
10464

Co. Carey 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:

N/S Corner Chester and Beacon St.,  
620' W/O Haverstraw Road

Investigation No.: 10464, and be it

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

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RESOLUTION NO. (204-1989)

AWARDING BID FOR BID  
#15-1989 - FORD DUMP TRUCKS  
(CONDIT MOTOR SALES CO.  
INC.)

Co. Carey offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Superintendent of Highways and the Director of Purchasing that

BID #15-1989  
FORD DUMP TRUCKS

is hereby awarded to

CONDIT MOTOR SALES CO., INC.  
Route 206 North  
Newton, New Jersey 07860

George H. Condit, Jr.  
Lawrence R. Condit, Principals

RESOLUTION NO. (205-1989) Continued

as per their lowest bid proposal meeting specifications of \$61,399.00 each vehicle for four (4) complete vehicles.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (205-1989)

AMENDING TOWN BOARD  
RESOLUTION NO. 179-1989  
DECREASING CONTINGENCY  
ACCOUNT NO. A 1990-505 AND  
INCREASING APPROPRIATION  
ACCOUNT NO. A 4211-424  
(DRUG ABUSE PREVENTION  
COUNCIL - CONTRACTUAL  
EXPENSES)

Co. Maloney offered the following resolution:

RESOLVED, to amend Town Board Resolution No. 179-1989 dated February 14, 1989 to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 4211-424 (Drug Abuse Prevention Council - Contractual Expenses) by \$5,000.00.

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

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RESOLUTION NO. (206-1989)

TRANSFERRING AND INCREASING  
AMOUNTS AMONG VARIOUS  
ACCOUNTS RELATING TO  
UNEMPLOYMENT INSURANCE AND  
WORKMEN'S COMPENSATION

Co. Smith offered the following resolution:

RESOLVED, to transfer \$20,000.00 from Appropriation Account No. A 9902-911 (Transfer to Unemployment Insurance) and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 11-005031-2 (Interfund Transfer-Unemployment Insurance) and CS 9050-807 (Liability Insurance - Unemployment Insurance) by \$20,000.00, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 11-005031-1 (Interfund Transfer - Workmen's Compensation) and Appropriation Account No. CS 9040-409 (Workmen's Compensation) by \$362,858 and transfer \$362,858 from the following Appropriation Account Numbers:

Continued on Next Page

RESOLUTION NO. (206-1989) Continued

A 9902-910 (Transfer to Workmen's Comp.)...	\$213,713.00
B 9902-910 " " " " ...	53,430.00
DB 9902-910 " " " " ...	95,715.00

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

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RESOLUTION NO. (207-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #28-1989 -  
INSTALLATION OF A CATCH  
BASIN CLEANER

Co. Smith offered the following resolution:

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

BID #28-1989  
INSTALLATION OF A CATCH BASIN CLEANER

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, April  
3, 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. Kunis

On roll call the vote was as follows:

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

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RESOLUTION NO. (208-1989)

APPOINTING TO POSITION OF  
CLERK TYPIST (PENDING  
REVIEW OF POSITION  
ENCUMBERED BY LEE POUND)

Co. Kunis offered the following resolution:

RESOLVED, that Renee Kirschner, 17 Farm Court, New  
City, New York, is hereby appointed to the position of Clerk Typist  
- (pending review of the position encumbered by Lavarne Pound) -  
effective March 2, 1989 - for a period not to exceed three (3)  
months - at the 1989 hourly rate of \$7.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (208-1989) Continued

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

Supervisor said that Mrs. Lee Pound is retiring. Today is her last day. She was President of the CSEA Union for many years and a loyal Town worker. He said as Supervisor of the Town and as a Town Board member that their relationship was most cordial. He said he would speak on behalf of all the Town Board Members in stating that she will be missed.

\*\*\*\*\*

RESOLUTION NO. (209-1989) AMENDING RESOLUTION NO.  
158-1989 GRANTING SICK  
LEAVE OF ABSENCE AT ONE  
HALF PAY TO RAYMOND  
DeFOREST, III

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. 158-1989 adopted at the February 14, 1989 Town Board Meeting - granting Raymond DeForest, III, a Sick Leave of Absence - at one-half pay - is hereby amended to read "effective and retroactive to February 23, 1989 to March 23, 1989."

Seconded by Co. Maloney

On roll call the vote was as follows:

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

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RESOLUTION NO. (210-1989) APPOINTING TO POSITION OF  
YOUTH COMMISSION MEMBER  
(STUDENT) - RACHEL BEGUN

Co. Maloney offered the following resolution:

RESOLVED, that Rachel Begun, 9 Norwood Place, Nanuet, New York, is hereby appointed to the position of Youth Commission Member (Student) - to serve without compensation - term effective March 1, 1989 and to expire on December 31, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (211-1989) ACCEPTING WITHDRAWAL OF  
RESIGNATION OF FRANCIS  
PANDOLFI FROM ETHICS BOARD

## RESOLUTION NO. (211-1989) Continued

Co. Carey offered the following resolution:

WHEREAS, Francis Pandolfi has requested that his letter of resignation from the Clarkstown Ethics Board be withdrawn,

NOW, THEREFORE, be it

RESOLVED, that the withdrawal of the resignation dated January 31, 1989, of Clarkstown Ethics Board Chairman Francis Pandolfi, of 132 North Middletown Road, Nanuet, New York, is hereby accepted.

Seconded by Co. Maloney

Councilman Kunis said what this basically does is make the Clarkstown Ethics Board the laughing stock of the county and this is really one big joke. It has become a very political board. It is very wrong and certainly not what ethics stand for.

Councilman Maloney said this is his 16th year on the Clarkstown Town Board and he has served with many Supervisors and Councilmen. He said he has always found them to be men of integrity, hard working and industrious and he includes the present board. He said during those 16 years the Ethics Board was so anonymous that he did not think anyone knew who was on the Ethics Board. We rarely had to have them act on anything. The members of the Town Board have always conducted themselves in an ethical manner and always were concerned about the welfare of this Town. When we appointed someone to the Ethics Board there was no concern about whether that person was a Democrat, a Republican or a Conservative. What we were concerned about was somebody that brought a certain amount of integrity, that was interested in serving, that would be objective and this is the kind of person that we wanted on an Ethics Board, when and if that Board was called into service.

Councilman Maloney went on to state that he had voted for Mr. Pandolfi. He had voted for Mr. Nest and probably for most of the people that were on the Ethics Board including the ministers, priests and rabbis over the past years because he was convinced that these people would render a fair and honest decision. He said he was voting for Mr. Pandolfi not because he agrees with some of the words that might have been said in newspaper articles because a lot of things are said in the heat of battle, etc. but he is voting for him as he would for Mr. Nest or anyone else on that board because he feels they will be objective and that they have been concerned about the best interest of the Town of Clarkstown and render the decision as they saw it regardless of what political persuasion they happen to be. He said that is why he is voting not to accept Mr. Pandolfi's resignation or to replace him on the Board of Ethics.

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## RESOLUTION NO. (212-1989)

AMENDING, IN PART,  
RESOLUTION NO. 1294-1987  
ESTABLISHING PERMIT AND  
OTHER FEES TO BE COLLECTED  
FOR MATTERS ADMINISTERED BY  
THE BUILDING DEPARTMENT

Co. Smith offered the following resolution:

WHEREAS, Chapter 29 of the Town Code of the Town of Clarkstown provides that the Town Board may establish the permit and other fees for services provided by the Building Department by resolution, and

WHEREAS, the Building Inspector has made recommendation to the Town Board for an increase in the building permit fees;

Continued on Next Page

RESOLUTION NO. (212-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 29-7 of the Town Code, the fee schedule, a portion of Item A, shall be amended to read as follows:

<u>A.</u>	<u>Permit Type</u>	<u>Fee</u>
	New construction or alteration to existing buildings or structures; accessory building, and swimming pool.	\$75.00 for the first \$1,000.00 of construction cost, plus \$5.00 for each additional \$1,000.00 of estimated construction cost or fraction thereof.

and be it

FURTHER RESOLVED, that the fee schedule established herein shall take effect March 15, 1989.

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. (213-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL NO PARKING SIGNS AT KEMMER LANE COMMUTER PARKING LOT, NANUET, NEW YORK

Co. Maloney offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized and directed to install no parking signs at the Kemmer Lane Commuter Parking Lot, Nanuet, New York, pursuant to Section 71-1 of the Town Code.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (214-1989)

AUTHORIZING ECONOMIC ASSISTANCE 1989 PROGRAM - FUNDS TO BE DISBURSED FROM LINE A 8840-424

Co. Kunis offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form approved by the Town Attorney, with the New City Little League, to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

RESOLUTION NO. (214-1989) Continued

FURTHER RESOLVED, that the New City Little League shall receive economic assistance in the amount of \$1,500.00 as set forth for the calendar year 1989, and be it

FURTHER RESOLVED, that such funds are to be disbursed from line A 8840-424.

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. (215-1989)

RELEASING CLARKSTOWN ETHIC BOARD'S REPORT CONCERNING THE MATTER OF COUNCILMAN KUNIS

Co. Kunis offered the following resolution:

BE IT HEREBY RESOLVED that the Clarkstown Ethic Board's report dated January 13, 1989, concerning the "Matter of Councilman Kunis" be released to the public.

Seconded by Co. Maloney

Councilman Kunis said that although this is quite contrary to what the Code of Clarkstown is, he said he thought we are setting a precedent and a good precedent. He said he feels the people are entitled to know, as he stated in many newspaper articles, about any elected official who represents the people of Clarkstown. He said he also feels that the Ethics Board should be a nonpolitical board and should function in a nonpolitical manner. He said as he stated in a letter to the Journal News this past Sunday that we are setting a precedent and a good one and he votes yes.

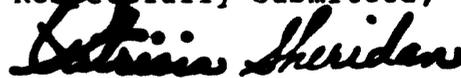
On roll call the vote was as follows:

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

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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Town Board Meeting was declared closed, time: 9:07 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/28/89

8:20 P.M.

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

RE: DESIGNATION OF HISTORIC SITE (ICE HOUSE AT ROCKLAND LAKE)

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.

Appearance: Mr. John Driver

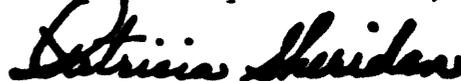
Mr. Driver said this is the third house and one of the largest ones. He said they liked the idea that this proposal would go through because it is very nice for the area. The state is investigating to try to get this on the national register - the whole ice industry at Rockland Lake. This probably would be helpful in the future for us if this were to go through.

Supervisor gave a description of just where this ice house was located. Councilman Carey said you can see this ice house from the easterly side of the walk. Mr. Driver said the boy scouts did an eagle scout project there and made a walkway and a little flight of stairs in there. Councilman Carey asked if there was some clearing going on there right now? Mr. Driver said yes, some of the trees have been taken out so they wouldn't damage any more of the foundation.

Councilman Carey asked what happened to Ice House No. 1 and 2? Mr. Driver said Ice House No. 1 is completely obliterated but there is a small foundation for Ice House No. 2.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Carey and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 184-1989 ADOPTED)

TOWN OF CLARKSTOWN  
VIOLATION HEARING

Town Hall

2/28/89

8:26 P.M.

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

RE: VIOLATION - MAP 139, BLOCK B, LOT 20 - KLOEK

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

Supervisor said this property was located on New York Avenue and owned by Kloek. He said this was for items of debris and a couple of trees.

Supervisor read a letter from Code Inspector William Sullinger regarding the property in question which stated that the owner of record was one, Barbara Kloek. It stated that inspection of the above described property showed that the litter and debris has been removed. There was one licensed vehicle in the driveway plus a car in front of the licensed vehicle that has a car cover over it. Also there is one car with a car cover along the northwest property line. The property appears to be in a neat, orderly condition. However, no work has been done on the two trees along the rear property line.

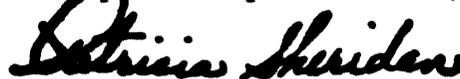
Appearance: Mr. Habbo Kloek

Mr. Kloek stated that he did not remove these trees. The trees have been knocked down for about ten years and Mr. Feldi, when he built on that property, knocked these trees down. Mr. Kloek said he has left them that way. Supervisor said these are apparently two dead trees to which Mr. Kloek agreed. Supervisor said they are pretty big trees. Mr. Kloek said Mr. Feldi took them down to that height, let him take care of them. They are on the property line. Supervisor said they need to be removed and are posing a potential danger to other properties. He said the Town Board would like Mr. Kloek to remove those trees. There was discussion between the Supervisor and Mr. Kloek as to whose property these trees were on and the Supervisor said they have reason to believe that the trees are on Mr. Kloek's property and he should remove them.

Mr. D'Antoni said the trees in question are at least 150 feet high - two ash trees. Mr. Kloek asked Mr. D'Antoni to show him where the trees are that he is talking about. Councilman Maloney said obviously we are talking about two different trees. Supervisor said if they had been cut down we would not be here. Superintendent of Highways Anthony D'Antoni asked Mr. Kloek if he had a fence on his property and Mr. Kloek said yes. Mr. D'Antoni said these trees are inside the fence on Mr. Kloek's corner. Mr. Kloek said that Mr. D'Antoni should show him where they are and he will get them out of there. Supervisor asked Mr. Kloek if he would meet Mr. D'Antoni at the site in the morning and Mr. Kloek said yes. Supervisor said Mr. Kloek has indicated for the record that he will meet Mr. D'Antoni and if Mr. D'Antoni shows him the trees he (Mr. Kloek) will remove them.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
CONTINUATION OF PUBLIC HEARING

Town Hall

2/28/89

8:34 P.M.

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

Supervisor stated that this was a continuation of a public hearing recessed from January 24, 1989 regarding removal of tax exemption for businesses. He said he received a phone call a couple of weeks ago from the Rockland County Builders asking to be present at the Workshop of the 21st. Since we did not have that Workshop he said he would ask the Board to hold off on this and let them make their presentation on March 7th. He said the Board members do not have a problem with that. He said anyone who did not have an opportunity to speak at the meeting of January 24th and would like to speak tonight we would allow that.

Supervisor said he received two calls this evening from Ira Emanuel and Warren Berbit who were the firm representing the Clarkstown School District who would also like to be present on March 7th.

Supervisor asked anyone present who did not speak at the meeting of January 24th if they wished to speak now? If not they will recess this until March 14th where a decision could be made at that time.

Councilman Kunis said he is prepared to vote on this tonight. He said he has been in touch with people on the school board and he knows their feelings regarding this. Supervisor said if that is the feeling of a majority of the Board members then we can close the hearing and vote. Councilman Kunis said he is prepared to close the hearing and vote tonight.

Appearance: Mr. John Dalberti, President  
Rockland County Builders Assn.

Mr. Dalberti read the following letter:

(Letterhead of Rockland County Builders Association)

February 23, 1989

Dear Supervisor Holbrook:

We request that the Town Board continue to defer action on the repeal of commercial tax abatement in Clarkstown until we and a coalition of interested business groups have had the opportunity to discuss this with the Town Board at a workshop session.

Originally we had hoped to meet with the Board at the February 21 workshop. Because that session was cancelled, we would now request an appearance at the March 7 workshop session.

Your consideration of our request would be greatly appreciated.

Sincerely yours,

/s/ Martha C. Siegriest

Martha C. Siegriest  
Executive Officer"

Mr. Dalberti said he felt they are making an effort to try and educate themselves and the Board and they are going to a lot of effort to get the research done and they haven't had their day before the Board to prevent this. By deferring it one more session he felt they could at least get their point across and then obviously you will have to vote.

Councilman Carey said he felt they should hold off until the Board hears what the builders have to say on March 7th and we can make our decision on March 14th. Councilman Maloney said he felt since we did not have a workshop on the 21st it is not fair. He said he had no problem with allowing them to appear on March 7th. He said there were also some members of the Industrial Development Committee who wanted to be here tonight also and they are not here either.

Councilman Kunis said can we recess this until March 7th and vote at the Workshop? Supervisor said we will vote on this on March 14th.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was RECESSED until March 14th.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk