

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

113

Town Hall

3/14/89

8:11 P.M.

Present: Supervisor Holbrook
Council Members 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 declared the Public Portion of the meeting open.

Appearance: Donald Tracy, Esq.

Mr. Tracy said before there is any resolution repealing the tax exemption perhaps further inquiry might be made as to whether a pilot agreement could be put into effect, not in conjunction with the zone change, but by virtue of an agreement between Pyramid Company and the Town that would perhaps eliminate the necessity of repealing that program. He went on to say that perhaps the Town should order an investigation as to what the effect would be of electing out of homestead - how beneficial that could be on the residential taxpayer.

Appearance: Mr. Steve Goldman
West Nyack, New York

Mr. Goldman spoke on Item 19 on tonight's agenda (Consultant Fee for Gas Metering Station at Buena Vista Road, New City.) He said he takes exception to this on the basis that when an organization hires people to testify for or against they should bear that cost.

Mr. Goldman wished Supervisor Holbrook a Happy Birthday tomorrow.

Mr. Goldman asked why Agenda Item No. 26 was not discussed at Workshop and was put on the Town Board Agenda and Supervisor Holbrook said he did it. Councilman Maloney remarked that this happens very often and not just during this administration. Rarely is the Town Board Meeting agenda exactly the same as the Workshop Agenda.

Mr. Goldman urged the Town Board to let Mr. Pandolfi go and to get some neutral people on the Ethics Board.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff said he had a problem with Agenda Item 19 (Consultant's Fee for Gas Metering Station at Buena Vista Road, New City.) He said at the Workshop last week it was described in a different manner in that we were helping a civic organization whose legal fees went over their anticipated amount. Last week it was mentioned that they were short attorney's fees. This week it is consultant's fees. He felt government should not bail out a civic organization when it overextends itself financially. He felt it was setting a dangerous precedent. He asked when this item was reached that the Supervisor clarify the intent of this resolution.

Mr. Cuff also spoke regarding Item No. 26 (Francis Pandolfi.) Supervisor clarified what had transpired.

RESOLUTION NO. (216-1989)

AUTHORIZING REDUCTION IN
AMOUNT OF PERFORMANCE
AGREEMENT (SMITH PROPERTY)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (216-1989) Continued

WHEREAS, passbooks containing the sum of approximately \$46,942.90 were furnished to the Town of Clarkstown to secure the construction of the public improvements in connection with a subdivision entitled "SMITH PROPERTY", and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the aforesaid amount be reduced to \$5,000 as considerable work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the amount of the security required may be reduced to \$5,000, subject to receipt of a substitute passbook containing said amount.

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. (217-1989)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI (KOMMITT &
B. R. JOEL V. ASSESSOR OF
TOWN OF CLARKSTOWN AND
BOARD OF ASSESSMENT REVIEW)

Co. Maloney offered the following resolution:

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled LESTER KOMMITT & B. R. JOEL vs. ASSESSOR OF THE TOWN OF CLARKSTOWN AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index Nos. 5235/86 and 4799/87 affecting parcel 33 B Lot 3.1 for the years 1986 and 1987, and

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

1. That the premises owned by the petitioners described on the assessment roll as Map 33, Block B, Lot 3.1 be reduced for the year 1986 from \$1,516,600 to \$1,062,600 and for the year 1987 from \$1,516,600 to \$1,062,600;
2. That reimbursement for the years 1986 and 1987 on the parcel described as Map 33, Block B, Lot 3.1 be made within 90 days through the office of the Commission of Finance. If payment is made within 90 days, no interest will be charged, and
3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown;

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RESOLUTION NO. (217-1989) Continued

NOW, THEREFORE, be it resolved that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

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. (218-1989)

GRANTING PERMISSION FOR USE OF TOWN OF CLARKSTOWN SHOWMOBILE (ROCKLAND MARCH OF DIMES)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland March of Dimes has requested use of the Town of Clarkstown showmobile for the Rockland WalkAmerica '89 for Healthy Babies to be held on Sunday, April 30, 1989, starting in Nanuet, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Rockland March of Dimes to use the Town of Clarkstown showmobile on Sunday, April 30, 1989, for the above purposes and subject to the provision of the necessary insurance policies.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (219-1989)

AUTHORIZING ATTENDANCE AT ANNUAL METROPOLITAN REGIONAL RECREATION MINI CONFERENCE (STAFF MEMBERS OF RECREATION DEPARTMENT) - CHARGE TO ACCOUNT NO. A 7310-414

Co. Maloney offered the following resolution:

RESOLVED, that staff members designated by Edward J. Ghiazza, Supt. of Recreation and Parks, are hereby authorized to attend the Annual Metropolitan Regional Recreation Mini Conference to be held Friday, April 28, 1989, East Meadow, Long Island, New York, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account A 7310-414.

Seconded by Co. Smith

RESOLUTION NO. (219-1989) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (220-1989)

AUTHORIZING ATTENDANCE AT
NATIONAL RECREATION AND
PARK ASSOCIATION'S AMERICAN
PARK AND RECREATION SOCIETY
AND CITIZEN BOARD MEMBERS
BRANCH JOINT NATIONAL FORUM
(OSWALD AND GHIAZZA) -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 7020-414

Co. Maloney offered the following resolution:

RESOLVED, that Wilbur T. Oswald, Chairman and Edward J. Ghiazza, Supt. of Recreation and Parks are hereby authorized to attend the National Recreation and Park Association's American Park and Recreation Society and Citizen Board Members Branch Joint National Forum to be held April 20-23, 1989, Springmaid Beach, South Carolina, and be it

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

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

RESOLUTION NO. (221-1989)

AUTHORIZING INVESTMENTS BY
SUPERVISOR OR COMPTROLLER

Co. Maloney offered the following resolution:

RESOLVED, that the Chief Fiscal Officer - Supervisor of the Town of Clarkstown or the Comptroller of the Town of Clarkstown are hereby authorized to invest in:

Certificates of Deposit issued by a bank or trust company authorized to do business in New York State;

Time Deposit Accounts in a bank or trust company authorized to do business in New York State;

Obligation of New York State;

Obligations of the United States Government;

In Repurchase Agreements involving the purchase and sale of direct obligations of the United States.

All Funds except Reserve Funds may be invested in:

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RESOLUTION NO. (221-1989) Continued

Obligations of agencies of the federal government if principal and interest is guaranteed by the United States.

With the approval of the State Comptroller, in Revenue Anticipation Notes or Tax Anticipation Notes of other local governments.

Only reserve funds may be invested in:

Obligations of the local government.

All other local government officials receiving money in their official capacity must deposit such funds in negotiable order of withdrawal accounts.

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. (222-1989)

DECREASING CONTINGENCY ACCOUNT NO. A 1990-505 AND INCREASING APPROPRIATION ACCOUNT NO. A 8830-313 (CONSUMER AFFAIRS-OFFICE SUPPLIES & PRINTING) AND DECREASING APPROPRIATION ACCOUNT NO. SR 8160-111 (SANITATION DISTRICTS - OVERTIME) AND INCREASING APPROPRIATION ACCOUNT NO. SR 8160-313 (OFFICE SUPPLIES & STATIONERY)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 8830-313 (Consumer Affairs - Office Supplies & Printing) by \$70, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. SR 8160-111 (Sanitation Districts-Overtime) and increase Appropriation Account No. SR 8160-313 (Office Supplies & Stationery) by \$850.00.

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. (223-1989)

DECREASING APPROPRIATION ACCOUNT A 7020-226 (COMPUTER

RESOLUTION NO. (223-1989) Continued

SOFTWARE) AND INCREASING
APPROPRIATION ACCOUNT A
7020-314 COMPUTER SUPPLIES)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 7020-226
(Computer Software) and increase Appropriation Account A 7020-314
(Computer Supplies) by \$200.00.

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. (224-1989)

CLOSING ACCOUNT NO. H
5197-409 (FAIRVIEW AVENUE)
AND TRANSFERRING BALANCE TO
GENERAL FUND

Co. Maloney offered the following resolution:

WHEREAS, the Special Road Improvement for Fairview
Avenue in Nanuet, New York, has been completed, and

WHEREAS, there is a balance of \$350.29 in Appropriation
Account No. H 5197-409 (Fairview Avenue),

NOW, THEREFORE, be it

RESOLVED, to close said account and transfer the
balance to the General Fund.

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. (225-1989)

CANCELLING LIS PENDENS (MAP
127, BLOCK B, LOTS 20.1 AND
21 AND BLOCK C, LOTS 16.1,
17.1 AND 18

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order
and Notice pursuant to Chapter 79 for the following premises has
been corrected:

Map 127, Block C, Lot 16.1;
Map 127, Block C, Lot 17.1;
Map 127, Block C, Lot 18;
Map 127, Block B, Lot 20.1;
Map 127, Block B, Lot 21;

NOW, THEREFORE, be it

RESOLUTION NO. (225-1989) Continued

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office for the aforesaid premises.

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. (226-1989)

CORRECTING RESOLUTION NO.
121-1989 AUTHORIZING
DIRECTOR OF PURCHASING TO
ADVERTISE FOR BIDS FOR BID
#21-1989 - TOWING/REMOVAL
OF ABANDONED VEHICLES

Co. Maloney offered the following resolution:

RESOLVED, that Town Board resolution #121-1989 is hereby corrected to read,

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

BID #21-1989
TOWING/REMOVAL OF ABANDONED VEHICLES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, March 23, 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. (227-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #34-1989 -
CHEMICALS

Co. Maloney offered the following resolution:

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

BID #34-1989
CHEMICALS

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RESOLUTION NO. (227-1989) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, April 7, 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. (228-1989)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #33-1989 - (SECURITY GUARD SERVICE AT TOWN PARKS)

Co. Maloney offered the following resolution:

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

BID #33-1989
SECURITY GUARD SERVICE AT TOWN PARKS

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, April 5, 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. (229-1989)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #32-1989 - REFUSE PICK-UP SERVICE

Co. Maloney offered the following resolution:

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

BID #32-1989
REFUSE PICK-UP SERVICE

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RESOLUTION NO. (229-1989) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, April 4, 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. (230-1989)

AWARDING BID FOR BID
#17-1989 - FIRST AID
SUPPLIES (MICROBIOMEDICS,
NATIONAL HEALTH SUPPLY
CORP., GARDNER SURGICAL
SUPPLY, G. E. PICKERING
CO., AND TRUST MEDICAL
PROD.)

Co. Maloney offered the following resolution:

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

BID #17-1989
FIRST AID SUPPLIES

is hereby awarded to:

MICROBIOMEDICS
717 So. Third Ave.
Mt. Vernon, N.Y. 10550

NATIONAL HEALTH SUPPLY CORP.
2 South St., P.O. Box 737
Garden City, N.Y. 11530

GARDNER SURGICAL SUPPLY
382 Broadway
Brooklyn, N.Y. 11211

G. E. PICKERING CO.
263 Glen Cove Ave.
Sea Cliff, N.Y. 11579

TRUST MEDICAL PROD.
17 Dorset Road
Spring Valley, N.Y. 10977

as per the attached schedule of items/prices.

(Schedule on File in Purchasing Department)

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. (231-1989)

SETTING PUBLIC HEARING RE
EXTENSION OF CLARKSTOWN

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RESOLUTION NO. (231-1989) Continued

CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
LOUIS MOCCIO

Co. Maloney offered the following resolution:

WHEREAS, a written Petition dated February 9, 1989 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District No. 1 in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 11th day of April, 1989 at 8:05 P.M. ES time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

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. (232-1989)

RELEASING CASH GUARANTEE
TORNE BROOK ESTATES, LOT #3

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, a cash guarantee secured by a Certificate of Deposit for the cost of maintenance and operation of a sanitary sewer pump station, furnished to the Town in connection with dedication of the subdivision known as Torne Brook Estates, Lot No. 3, is terminated and the sum of \$15,000 may be released to the guarantor.

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. (233-1989)

MONEY TO BE DEPOSITED IN
RESERVE ACCOUNT TO BE
DIFFERENCE BETWEEN MONEY
RECEIVED FROM TOWN OF
RAMAPO FOR USE OF LANDFILL
LESS EXPENDITURES FOR

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RESOLUTION NO. (233-1989)

RECYCLING, LEAF COMPOSITING
AND BULK PICK-UP INCURRED
PRIOR TO CREATION OF REFUSE
AND GARBAGE DISTRICT

Co. Carey offered the following resolution:

WHEREAS, Resolution No. 247-1987, adopted on March 10, 1987 authorized the Town Comptroller to establish a separate revenue account for the deposit of all funds collected from the Town of Ramapo for use of the Clarkstown Sanitary Landfill, and

WHEREAS, it was the intent of the Town Board to use such funds for environmentally-sound landfill management, closure and planning for future disposal of solid waste from the Town of Clarkstown, and

WHEREAS, in pursuit of the aforementioned goals the Town Board instituted a landfill management program during 1988, which set up procedures for recycling, leaf composting and bulk pick-up, prior to the Sept. 1988 establishment of a Refuse and Garbage District, and

WHEREAS, all expenditures for recycling, leaf composting and bulk pick-up incurred prior to the establishment of the Refuse and Garbage District, must be charged to the General Fund,

NOW, THEREFORE, be it

RESOLVED, that the money to be deposited in the reserve account shall be the difference between the amount of money received from the Town of Ramapo for use of the landfill less the expenditures for recycling, leaf composting and bulk pick-up incurred prior to the creation of the Refuse and Garbage District.

Seconded by Co. Maloney

Councilman Kunis said he was voting no because during the Budget Hearings he voted no. He does not believe the Town of Ramapo funds should be used as part of a general fund in the Town of Clarkstown. He believed they should be placed in reserve for landfill closure.

On roll call the vote was as follows:

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

RESOLUTION NO. (234-1989)

ESTABLISHING JOINT
COMMITTEE TO STUDY
GOVERNMENTAL SPACE NEEDS IN
NEW CITY (MALONEY, KUNIS,
YACYSHYN, HALO, CROPEY,
KOHN AND BERNSTEIN)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby establishes a joint committee to study governmental space needs in New City, and be it

FURTHER RESOLVED, that this committee shall be composed of persons designated by the Town Board and the New City Chamber of Commerce, which names are as follows:

RESOLAUTION NO. (234-1989) Continued

John R. Maloney, Councilman	Patricia Halo
Steven C. Kunis, Councilman	James Cropsey
Rudolph Yacyshyn, Chairman of Planning Board	William Eli Kohn
	Martin Bernstein

and be it

FURTHER RESOLVED, that such persons shall serve without compensation, and be it

FURTHER RESOLVED, that the Town of Clarkstown hereby requests Rockland County to provide members to join this commission on their behalf.

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. (235-1989)

REFERRING TO CLARKSTOWN
PLANNING BOARD REQUEST OF
MAZEL KARKAH CORP. (RIDGE
ESTATES SUBDIVISION) FOR
TOWN TO CONVEY PIECE OF
PROPERTY (MAP 123, BLOCK G,
LOT 20) ENABLING ACCESS TO
LOWERRE PLACE

Co. Maloney offered the following resolution:

WHEREAS, the Mazel Karkah Corp. (Ridge Estates Subdivision), has requested the Town Board to sell a piece of Town property known as Map 123, Block G, Lot 20, in order that Mazel Karkah Corp. can add the Town's property to adjoining premises (Map 123, Block F, Lot 13.04) owned by Mazel Karkah Corp., which additional property would give the Ridge Estates Subdivision direct access to Lowerre Place;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the request of Mazel Karkah Corp., to purchase a piece of Town property to it, to the Clarkstown Planning Board for report and recommendation to the Town Board.

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. (236-1989)

SETTING PUBLIC HEARING RE
ZONE CHANGE PETITION - R-15
TO CS DISTRICT (ROMOLO'S)

Co. Carey offered the following resolution:

WHEREAS, GLOMAR REALTY CORP., d/b/a ROMOLO'S, has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an R-15 District to a CS District;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 11th day of April, 1989, at 8:05 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the Office of 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. (237-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
NYACK-VALLEY COTTAGE LITTLE
LEAGUE FOR ECONOMIC
ASSISTANCE FOR YEAR 1989

Co. Maloney 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 Nyack-Valley Cottage Little League which provides services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the sum of \$1,500.00 in economic assistance to the Nyack-Valley Cottage Little League, to provide such services for the calendar year 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

RESOLUTION NO. (238-1989)

MEMORIALIZING GOVERNOR OF
NEW YORK STATE TO PASS
LEGISLATION FOR GRANT
PROGRAM FOR CLOSING
LANDFILLS

Co. Carey offered the following resolution:

WHEREAS, the New York State Department of Environmental Conservation has ordered the Town of Clarkstown to close its sanitary landfill, and

WHEREAS, the closing of the Clarkstown Sanitary Landfill will create a financial burden on the Town of Clarkstown, and

WHEREAS, Governor Cuomo is presently drafting legislation for a Grant Program to financially aid municipalities in the closing of Sanitary Landfills, and the money for this Program will be generated from the unlicensed bottle deposit fund;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby memorializes the Governor of the State of New York to consider and adopt legislation creating a Grant Program to financially aid municipalities in the closing of sanitary landfills, which money will be generated from the unlicensed bottle deposit fund for this Program.

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. (239-1989)

AUTHORIZING EXPENDITURE FOR
CONSULTANT'S FEE CONCERNING
PROPOSED GAS METERING
STATION ON BUENA VISTA
ROAD, NEW CITY

Co. Carey offered the following resolution:

WHEREAS, the Mid-Rockland Preservation Association hired Professor David Zudkevitch, a gas engineering expert and Carpenter Environmental Associates, environmental engineers, with respect to hearings held by the State Public Service Commission concerning the proposed gas metering station on Buena Vista Road in New City, and

WHEREAS, Professor Zudkevitch testified before the Commission and rebutted testimony given by Orange and Rockland with respect to the gas metering station, and

WHEREAS, the hearings were extensive and the costs were greater than initially anticipated by the Mid-Rockland Preservation Association and they are requesting the Town Board to pay the remaining fee of \$2,300.00 for the consultant's fee, and

WHEREAS, the testimony given by the consultant was of benefit to the Town of Clarkstown and the Town Board wishes to pay the consultant for this testimony;

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RESOLUTION NO. (239-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby agrees to authorize payment of \$2,300.00 for testimony given by Professor Zudkevitch at the Public Service Commission hearings with respect to the proposed gas metering station on Buena Vista Road in New City, and be it

FURTHER RESOLVED, fees for said services shall be charged to Account No. A 1420-409.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (240-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO CLEAN UP DEBRIS ON TOWN EASEMENT (COTTAGE LANE, VALLEY COTTAGE)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to clean up debris on a Town easement located near Cottage Lane in Valley Cottage.

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. (241-1989)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL SIX (6) HYDRANTS (MAPLE AVENUE, COLONIAL DRIVE AND PHILLIPS HILL ROAD)

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:

Six (6) hydrants as follows:

W/S Maple Ave. 30' N/O Second Ave.
W/S Maple Ave. 40' N/O Third Street
W/S Colonial Dr. 213' N/O Shady Lane
W/S Colonial Dr. 187' N/O Pine Tree Lane
W/S Colonial Dr. 40' N/O Short Hill Rd.
N/S Phillips Hill Road 440' W/O Eileen Ave.

Investigation No.: 10473, and be it

Continued on Next Page

RESOLUTION NO. (241-1989) Continued

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

RESOLUTION NO. (242-1989)

REFERRING TO TRAFFIC AND TRAFFIC FIRE SAFETY ADVISORY BOARD AND CLARKSTOWN DEPARTMENT OF ENVIRONMENTAL CONTROL PLANS OF NYACK PUBLIC SCHOOLS FOR MODIFICATION OF CHRISTIAN HERALD ROAD

Co. Maloney offered the following resolution:

RESOLVED, that the plans of the Nyack Public Schools for modification of Christian Herald Road be referred to the Traffic and Traffic Fire Safety Advisory Board and the Clarkstown Department of Environmental Control for their comments, recommendations and approval, and be it

FURTHER RESOLVED, that these recommendations be returned to the Town Board no later than April 30, 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

RESOLUYION NO. (243-1989)

REREFERRING PROPOSED AMENDMENT TO THE ZONING ORDINANCE TO THE ROCKLAND COUNTY COMMISSIONER OF PLANNING AND SETTING PUBLIC HEARING WITH RESPECT TO SAME (SLOPES, LANDS UNDER WATER, LANDS SUBJECT TO FLOODING, WETLANDS, ROCK OUTCROPS, DESIGNATED STREET LINE AND UTILITY RIGHTS OF WAY AND EASEMENTS)

Co. Carey 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 to said Zoning Ordinance;

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RESOLUTION NO. (243-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance be rereferred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report, and be it

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

Amend Section 106-20D to read as follows:

To protect environmental features, increase the useability of lots and create a consistent application of the ordinance, the following standards shall apply:

- (1) Slopes. For slopes (unexcavated) of over thirty percent (30%) for residential uses and twenty percent (20%) for all other uses, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter.
- (2) Lands under water. For lands under water, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter. For purposes of this chapter, lands under water shall include, prior to development, streams and other running water and ponds and lakes.
- (3) Lands subject to flooding. For lands subject to flooding, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter. For purposes of this chapter, lands subject to flooding shall include floodways as shown on FIRM map or other areas so designated by the Town DEC.
- (4) Wetlands. For wetlands, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter. Wetlands shall include NYSDEC or Town designated wetlands and their 100 foot protected perimeter.
- (5) Rock outcrops. For rock outcrops, not more than fifty percent (50%) of the lot area subject to these limitations shall be counted as part of the minimum lot area requirement of this chapter. For purposes of this chapter, rock outcrops shall include any exposed rock area greater than one hundred (100) square feet in surface area.
- (6) Designated street line. For land within a designated street line, no credit shall be given as part of the minimum lot area requirement of this chapter.
- (7) Utility rights of way and easements. For high tension lines, for gas transmission lines, for utilities not serving the lots, not more than 50% credit shall be given as part of the minimum lot area requirement of this chapter.

Continued on Next Page

RESOLUTION NO. (243-1989) Continued

On any lot affected by the prior provisions, the unencumbered area of the lot to be counted to meet the minimum lot requirement of the zoning district shall be no less than the next least restrictive district.

No portion of any lot affected by the (2), (3), (4), (7) provisions may be used for the construction of a building."

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. (244-1989)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF RECREATION
LEADER - PARKS BOARD AND
RECREATION COMMISSION
(PATRICIA H. SMITH)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Recreation Leader #88169 which contains the name of Patricia H. Smith,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Patricia H. Smith, 332 Strawtown Road, New City, New York, as a Recreation Leader - Parks Board and Recreation Commission - at the current 1989 annual salary of \$19,853.00, effective March 27, 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

RESOLUTION NO. (245-1989)

APPOINTING TO POSITION OF
LABORER - SANITARY LANDFILL
(LEROY E. ROGERS)

Co. Maloney offered the following resolution:

RESOLVED, that Leroy E. Rogers, 124 Laurel Avenue, Larchmont, New York (M.P.O. Box 18, Purchase, New York) is hereby appointed to the position of Laborer - Sanitary Landfill - at the current 1989 annual salary of \$17,444.00, effective and retroactive to March 13, 1989.

Seconded by Co. Smith

RESOLUTION NO. (245-1989) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (246-1989)

APPOINTING TO POSITION OF
LABORER - SANITARY LANDFILL
(DAVID J. RYAN)

Co. Maloney offered the following resolution:

RESOLVED, that David J. Ryan, Smith Clove Road, Central Valley, New York, (P.O. Box 9041, Bardonia, New York) is hereby appointed to the position of Laborer - Sanitary Landfill - at the current 1989 annual salary of \$17,444.00, effective and retroactive to March 13, 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

RESOLUTION NO. (247-1989)

APPOINTING TO POSITION OF
LABORER - SANITARY LANDFILL
(LOUIS DiDONATO)

Co. Maloney offered the following resolution:

RESOLVED, that Louis DiDonato, 7 Toni Court, Valley Cottage, New York, is hereby appointed to the position of Laborer - Sanitary Landfill - at the current 1989 annual salary of \$17,444.00, effective and retroactive to March 13, 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

RESOLUTION NO. (248-1989)

THOMAS MITCHELL
RELINQUISHING TITLE OF BUS
DRIVER III AND RETURNING TO
POSITION OF BUS DRIVER -
MINI TRANS DEPARTMENT

Co. Maloney offered the following resolution:

RESOLVED, that in accordance with Article XV Section 1(a) of the Labor Agreement between the Town of Clarkstown and the

Continued on Next Page

RESOLUTION NO. (248-1989) Continued

Clarkstown Unit of the C.S.E.A., Thomas Mitchell, 16 Ridge Street, Pearl River, New York, is hereby voluntarily relinquishing his position of Bus Driver III and returning to the position of Bus Driver - Mini Trans Department - at the current 1989 annual salary of \$22,076.00, effective March 27, 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

RESOLUTION NO. (249-1989)

ESTABLISHING HOURLY RATE
FOR ACCOUNT CLERK
(PART-TIME) - TOWN CLERK'S
OFFICE (MADELINE WEIGOLD)

Co. Maloney offered the following resolution:

RESOLVED, that the 1989 hourly rate for Madeline Weigold, 7 Aspen Lane, New City, New York - Account Clerk (part-time) - Town Clerk's Office - is hereby established at the rate of \$8.25 - effective and retroactive to January 1, 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

RESOLUTION NO. (250-1989)

RECOGNIZING (CONTINGENT
PERMANENT) APPOINTMENT BY
POLICE COMMISSION OF POLICE
SERGEANT - POLICE
DEPARTMENT (ROBERT
FRANCHINO)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles (Contingent Permanent) Police Sergeant #85143A which contains the name of Robert Franchino,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Robert Franchino, P.O. Box 75, Thiells Road, Stony Point, New York, as Police Sergeant - Police Department - at the current 1989 annual salary of \$52,527.00, effective and retroactive to February 13, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (250-1989) Continued

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

RESOLUTION NO. (251-1989)

ALLOWING CUSTODIAL WORKER
 POSITION TO BE FILLED ON A
 TEMPORARY PART-TIME BASIS
 TO COVER SICK LEAVE OF
 RAYMOND DeFOREST, III

Co. Maloney offered the following resolution:

WHEREAS, Raymond DeForest III - Custodial Worker -
 Maintenance Department - has been granted a Sick Leave of Absence,
 with one half pay, and

WHEREAS, Charles Maneri has requested that Raymond
 DeForest's position be filled on a temporary part-time basis,

NOW, THEREFORE, be it

RESOLVED, that Charles Maneri is hereby allowed to fill
 the Custodial Worker position, on a temporary part-time basis, to
 cover the leave of absence of Raymond DeForest, III - at the hourly
 rate of \$7.00.

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. (252-1989)

GRANTING SICK LEAVE OF
 ABSENCE TO POLICE RADIO
 DISPATCHER - POLICE
 DEPARTMENT (TIMOTHY SHEAHAN)

Co. Maloney offered the following resolution:

RESOLVED, that in accordance with Article XVIII,
 Section 3(k) of the Labor Agreement between the Town of Clarkstown
 and the Clarkstown Unit of the C.S.E.A., Timothy Sheahan, 7 Robin
 Place, West Nyack, New York - Police Radio Dispatcher - Police
 Department - is hereby granted a Sick Leave of Absence - at one-half
 pay - effective and retroactive to March 5, 1989 to April 5, 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

RESOLUTION NO. (253-1989)

DECLARING PORTION OF ESCROW FUNDS IN DEFAULT WITH REGARD TO STONEGATE HOMES, INC. (KINGSGATE CONDOMINIUMS)

Co. Maloney offered the following resolution:

WHEREAS, certain public improvements at the Kingsgate Condominium site have not been completed, in particular Kingsgate Parkway, and

WHEREAS, the Town of Clarkstown is holding \$65,000 in escrow to guaranty completion of said public improvements;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, the sum of \$45,000 is hereby defaulted to the Town of Clarkstown, and be it

FUTHER RESOLVED, that the Town of Clarkstown will use the aforesaid escrow funds to complete the public improvements in said site and the funds be transferred to the Highway Fund for that purpose.

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. (254-1989)

AMENDING RESOLUTION NO. (211-1989) RE: CLARKSTOWN ETHICS BOARD CHAIRMAN FRANCES PANDOLFI

Co. Carey offered the following resolution:

RESOLVED, to amend Resolution No. 211-1989 to read: Be it resolved that the resignation dated January 31, 1989, of Clarkstown Ethics Board Chairman Francis Pandolfi, of 132 North Middletown Road, Nanuet, New York, is hereby not accepted.

Seconded by Co. Maloney

Councilman Kunis stated that Mr. Pandolfi only wants to sit in an appointed position on his own terms. He wants to have things his own way and be the tail that wags the dog. Councilman Kunis said perhaps now his fellow Board members can appreciate his motivation. He wants to maintain his political status in a political party while pretending to be an independent member of our Board of Ethics. Councilman Kunis said he doesn't think we should stand for it and he hoped his fellow Board members can see the light and he was voting no.

Councilman Maloney said he did not condone some of the remarks made by Mr. Pandolfi regarding our Town Attorney, Mr. Murray Jacobson or Mr. Kunis. However, he felt the man has done the job that he was asked to do and has tried to be objective. The point last week was just the wording in the resolution. He said Mr. Pandolfi was a New York City police officer who did lay his life

RESOLUTION NO. (254-1989) Continued

down on the line everyday and that does not call for vacillating and therefore he was going to vote not to accept his resignation.

Councilwoman Smith said if it is Mr. Pandolfi's wish to continue his term on the Ethics Board she fully supports it. However, from the letters that she has received it is not clear to her whether he personally wishes to resign or wishes to remain on and she would like his wishes to be granted so she would abstain on this vote.

On roll call the vote was as follows:

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

RESOLUTION NO. (255-1989)

GRANTING CERTIFICATES OF REGISTRATION PURSUANT TO SECTION 83-65 OF TOWN CODE (NO. 89-5 TO H & R PLUMBING, HEATING & AIR CONDITIONING; NO. 89-11 TO MANNY'S BACKHOE SERVICE, INC.; NO. 89-21 TO NORTHEASTERN EXCAVATION, INC.; AND NO. 89-23 TO PHOENIX EXCAVATORS CORP.)

Co. Maloney offered the following resolution:

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

H & R PLUMBING, HEATING AND AIR CONDITIONING, INC.
53 Massachusetts Avenue
Congers, New York 10920

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

NORTHEASTERN EXCAVATION, INC.
50 Lime Kiln Road
Suffern, New York 10901

PHOENIX EXCAVATORS CORP.
62 Rose Road
West Nyack, New York 10994

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 89-5 issued to H & R Plumbing, Heating & Air Conditioning
- No. 89-11 issued to Manny's Backhoe Service, Inc.
- No. 89-21 issued to Northeastern Excavation, Inc.
- No. 89-23 issued to Phoenix Excavators Corp.

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

At this point there was discussion regarding Agenda Item 28 re: Omni Court, New City. Mr. Jacobson said he had a letter from the Planning Board to the Supervisor and Council Members which states:

"Attached please find copy of letter sent October 8, 1987 re the request for waiver for an earthen berm for the above site plan.

If the applicant can provide documentation that the requirements have been complied with, and the Town Board agrees with the granting of the waiver, it is respectfully recommended that one of the conditions of the Town Board resolution be that applicant shall return to the Planning Board for an amendment to the site plan, to amend map notes P & U.

Very truly yours,

/s/ Rudolph J. Yacyshyn (TMS)

Rudolph J. Yacyshyn,
Chairman"

Mr. Jacobson referred to a previous letter from the Town Planning Board dated October 8, 1987 (a copy of which is on file in Town Clerk's Office). He said he had spoken to Mrs. Schwartz about this because Mr. Yacyshyn, at the Workshop, had said he wanted to review the plan approved by the Shade Tree Committee. Mrs. Schwartz was unaware of that. He said Mr. Yacyshyn will be getting a copy of that and will review it. We will then have a resolution for the next meeting.

Supervisor said he thought there was going to be a resolution for this evening but we will wait on this.

RESOLUTION NO. (256-1989)

AUTHORIZING ROBERT P. SHUHY, CPA TO AUDIT BOOKS AND RECORDS OF CORPORATE PROPERTY INVESTORS WITH RESPECT TO TAX CERTIORARI MATTER

Co. Carey offered the following resolution:

WHEREAS, Corporate Property Investors has commenced Tax Certiorari proceedings for the year 1985/86 seeking to reduce its assessment by \$30,000,000.00, and for the tax year 1987/88 seeking to reduce its assessment by \$33,500,000.00, and for the tax year 1988/89 seeking to reduce its assessment by \$35,000,000.00;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of counsel and the Assessor of the Town of Clarkstown, an audit of the books and records of Corporate Property Investors be authorized for the purpose of properly defending such proceedings, and be it

FURTHER RESOLVED, that Robert P. Shuhy, Certified Public Accountant, with offices at Bedford Village, New York, is hereby authorized to conduct such audit and that the Town Board contribute fifty (50%) percent of his fee for services rendered in connection with said audit, which fifty percent sum shall not exceed \$7,500.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (256-1989) Continued

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

RESOLUTION NO. (257-1989)

RESCINDING RESOLUTION NO. 106-1989 AND REFERRING A NEW RESOLUTION REGARDING AN AMENDMENT TO THE ZONING ORDINANCE ON MINI-WAREHOUSES, TO CLARKSTOWN PLANNING BOARD AND THE ROCKLAND COUNTY COMMISSIONER OF PLANNING

Co. Carey 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 to provide for Mini-Warehouses, and

WHEREAS, the Building Inspector and the Planning Board of the Town of Clarkstown have requested the Town Board to consider certain revisions to the proposed mini-warehouse amendment, which comments of the Building Inspector are dated February 7, 1989 and are attached and made a part of this resolution;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 106-1989 adopted on January 24, 1989, with respect to Amending the Zoning Ordinance regarding Mini-Warehouse, is hereby rescinded, and be it

FURTHER RESOLVED, that the following proposed amendment to the Zoning Ordinance be rereferred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report after considering the attached comments of the Building Inspector:

Amend Section 106-3 B. Defined words, to add the following:

"§106-3B. Mini-Warehouse - A structure or group of structures intended for dead storage of goods or wares where individual stalls, garages or lockers are rented to different tenants and each individual unit provides less than 500 square feet of storage area."

Amend Section 106-16. Additional requirements for certain special permit uses, to add the following:

"§106-16 R. Conditions for Mini-Warehouses:

1. Interior driveways serving storage areas shall be not less than 30 ft. wide if units are located on both sides of the driveway, and not less than 20 ft. wide if units are located only on one side. Concrete curbing shall be installed along all edges of paved areas that do not abut buildings;

2. Office or administrative areas are permitted in the mini-warehouse site. At least one off-street parking space shall be

Continued on Next Page

RESOLUTION NO. (257-1989) Continued

provided for each 150 gross square feet of office or administrative area;

3. At least one 12 ft. x 33 ft. off-driveway loading area shall be provided at each elevator or passageway to a second story of a storage area;

4. Site fencing and screening shall be provided as required by the Planning Board. Colors of structures and signs shall be neutral or earth tones, as required by the Planning Board;

5. Not more than one dwelling and two parking spaces may be provided for a full-time caretaker or live-in manager;

6. All structures shall be set back not less than 15 ft. from any lot line;

7. Site plan approval is required from the Planning Board;

8. No retail uses shall be permitted in a mini-warehouse;

9. The maximum overall height of the mini-warehouse shall not exceed two stories or twenty-four (24) feet;

10. The exclusive use shall be for mini-warehouse use and no other accessory uses shall be permitted;

11. The requirement of obtaining a special permit from the Town Board shall not apply to prior amendments made to the Zoning Ordinance which specified that the only permitted use on the property affected shall be a mini-warehouse use.

12. There shall be no parking requirements for a mini-warehouse use except as set forth in Paragraphs "2" and "5" aforesaid.

Amend Table 12, RS district, Column 3, B Town Board as follows:

7. Mini-warehouses.

Amend Table 14, LIO district, Column 3, B Town Board as follows:

7. Mini-warehouses.

Amend Table 15, M district, Column 3, B Town Board, as follows:

10. Mini-warehouses."

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. (258-1989)

AUTHORIZING HIRING OF
PART-TIME STUDENT WORKER -
BUILDING DEPARTMENT (JANE
SQUILLACE)

RESOLUTION NO. (258-1989) Continued

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the hiring of Jane Squillace, as part-time student worker to perform work for the Building Department.

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. (259-1989)

AUTHORIZING HIRING
PART-TIME STUDENT WORKER -
ZONING BOARD OF APPEALS
(LIA SQUILLACE)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the hiring of Lia Squillace, as part-time student worker to perform work for the the Zoning Board of Appeals under the direction of Margaretann Reis.

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

Assessor Nicholas Longo explained that there is a continuing contract with State Equalization and Assessment for their computer services. He said last year we were their pilot program. We did not pay any fees at all and now that we are going to be off the pilot program April 1st they want to get a few dollars out of it. Councilwoman Smith asked what the fee was? Mr. Longo said he believed it was 80¢ or 90¢ a parcel. It used to be somewhere around \$1.10. Councilman Kunis said you are talking about \$25,000.00 annually? Mr. Longo said somewhere around \$25,000.00 with all of the different things we have run in addition to that contract, such as reports, etc. Supervisor asked if anyone had any problems before signing this? No one did.

Councilman Kunis asked Mr. Les Bollman, Director of Environmental Control what our rate was on bringing C & D into the Landfill. Mr. Bollman said \$90.00 a ton. Councilman Kunis said he heard on the radio that the Town of Ramapo has a problem where they are closing their C & D Landfill - the State DEC is closing it. He asked would it be possible for us to accept their C & D? Mr. Bollman said we have no resolution authorizing it. Councilman Kunis stated that he knew we haven't but would it be possible if we resolve to do it? Mr. Bollman said he did not think the State would look favorably on our taking in an additional amount of refuse at

Continued on Next Page

this time, especially C & D because although it is not harmful it is very difficult to manage and that is why we have charged for it.

Supervisor Holbrook said when we had the Landfill fire last year it was in the C & D area. He said we certainly shouldn't do anything until after we speak with DEC. We do not want to complicate matters up there. Councilman Kunis said he agreed with the Supervisor but we should research this because we are talking about 20,000 to 30,000 tons annually at approximately \$100.00 a ton. It could be approximately \$2,000,000.00 to \$3,000,000.00 annual revenue. Councilman Kunis said if we can derive additional revenue for the Town and at the same time help the Town of Ramapo it might be beneficial to both. Mr. Bollman said he would certainly look into it.

On motion of Councilman Maloney, seconded by Councilwoman Smith the continuation of the Public Hearing re: Removal of Tax Exemption for Businesses, originally opened on January 24, 1989 and recessed to February 28, 1989, was opened, time: 8:56 P.M.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Removal of Tax Exemption for Businesses, originally opened on January 24, 1989 and recessed to February 28, 1989, was closed, time: 8:59 P.M.

RESOLUTION NO. (260-1989)

ADOPTING LOCAL LAW NO. 1-1989 RE: 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

Co. Maloney offered the following resolution:

WHEREAS, a proposed local law entitled:

"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"

was introduced by Councilman Maloney at a Town Board meeting held on 10th day of January, 1989, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 10th day of January, 1989, directed that a public hearing be held on the 24th day of January, 1989, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on January 14, 1989, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on December 28, 1988, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on January 24, 1989;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1-1989, entitled:

"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"

RESOLUTION NO. (260-1989) Continued

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.....NO
William J. Carey, Councilman.....NO
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

Councilman Kunis said the financial climate of the state, county and town is in the very midst of some big changes that will affect every taxpayer in our community. He was opposed to abating any of the potential tax revenue from the Palisades Center. He said the center itself will perpetuate future development. He mentioned the proposed industrial development of fifty acres at the Ramapo Valley Airport. He mentioned the closing of the Clarkstown Landfill and the resulting increased taxes that will have to be paid by the Clarkstown taxpayer. He specifically noted the loss of revenues from the Towns of Orangetown and Ramapo and the loss of additional fees to dispose of solid waste. He also discussed the cost of closing the Landfill and the building of a recycling center and transfer station in Clarkstown. He said the closing of the Landfill alone will create a potential combined revenue loss and additional spending of at least \$9,000,000.00 annually.

Councilman Kunis spoke about the potential school tax increase and the 5% inflation figure. He said we need help in Clarkstown and want to attract clean ratables. However, our supply now dicates that we receive 100% of our tax revenue from the balance of our available ratables.

Councilman Kunis said the tax break received by developers should be passed on to tenants and the consumer. In many instances this is not happening. He said retail merchants are not benefitting from the abatement. He said many valid points were made not to rescind 485-b but the points he mentioned far outweigh the reasons for retaining 485-b. He noted it is the responsibility of business to participate in sharing the cost of these additional taxes. He does not believe that the Clarkstown homeowner should be solely responsible for bearing the brunt of paying for the additional expenses we will incur. He concluded it would be in the best interests of the Clarkstown taxpayer to rescind 485-b and he was voting yes to rescind.

Councilman Maloney said there was a time, going back some years ago, when he was certainly in favor of the tax abatement because at that time we did have quite a bit of commercial properties that we were trying to entice business to come and look at. We do not have as much commercial property still in our land bank. He said we want to make definite that the Pyramid people pay every penny they said they were going to pay and our attorneys have informed us the only sure way we can count on getting every tax dollar up front is by rescinding the removal of the real estate tax exemption for business. Everybody starts off on an equal footing and that means everybody that comes in will have to pay their taxes up front and that's how it should be. He said we must think of the homeowner and the increased taxes that are going to be confronting everybody in the next few years. We are still going to do everything possible to attract people. We do know that there is not that much land left in New Jersey and that industry is turning away from Westchester because of the fact that land costs there are very high

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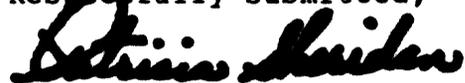
and they don't have the land. We can do everything possible to attract industry here but if they come here it's with the realization they are going to have to pay up front and therefore he votes to rescind.

Councilwoman Smith said we began considering repeal on the tax abatement to ensure that all of the monies to be received from Palisades Center would be received. The repeal does not affect current construction, just future construction. She noted that many commercial recipients never even completed ten years in existence and therefore the Town of Clarkstown never realized one full year of tax. She also noted that those who did receive a full ten year tax abatement on the next year when they were fully assessed they would file a grievance and begin the tax certiorari proceeding which usually results in some kind of a reduction and again we never receive the full tax. The same consideration never goes to the homeowner. They rarely receive a reduction in their assessment and they never receive a grace period. They must pay their taxes 100% each and every year. In the last week alone we have all read headlines telling of tax increases. Money is not coming from the federal government or the state government. We have to stand on our own feet. The homeowner alone cannot be expected to be the only one paying the full tax. We are conservatively looking at a 20% to 30% tax increase next year and if that is just put on the homeowner it will ignite property tax revolution and we cannot permit that. All of us have to pay the full tax. I vote for the repeal.

Supervisor Holbrook said he too favors everybody paying their full tax and he thought that on this issue his position has changed from what it was earlier in the year. He said on the issue of Pyramid he believed it would be simply a Town decision to deny a tax abatement to them if in fact they ever applied for one. They made it clear throughout their operation and application they never intended to apply for one and would, in fact, pay full taxes. The concern he has is in terms of the business climate in the Town and the message sent out. He said he believed it would put us at a disadvantage vis a vis neighboring communities, in regard to the smaller businesses that consider coming to Clarkstown and making a go of it here, with the increased tax burden and everything else. He said land developed or redeveloped and a business there producing income and revenue and paying taxes is far better than empty buildings or empty and fallow land. He said he knew there was concern about the property adjacent to the Champion Building and other properties in the Town who have already expressed concerns about the repeal of 485-b. He said he has changed his mind on this issue because we are sort of punishing everybody else because of Pyramid Corporation. We could handle the Pyramid situation simply by denying them a tax abatement if in fact they ever asked for one. In relationship to the schools, the school position is very clear to the Town - "We don't care what you do as long as we get all our taxes." If we deny the abatement to Pyramid if they ask, and he did not believe they would ask, he thinks we would accomplish that. At the same time if we kept 485-b it would be available for businesses to increase the commercial base of our Town which, if you read in the papers the last few days, is sorely needed, particularly in regard to the Clarkstown school situation. He said his position has changed and he votes against the repeal of this at this time.

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: 9:121 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
CONTINUATION OF PUBLIC HEARING
(January 24th and February 28th)

Town Hall

3/14/89

8:56 P.M.

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

RE: REMOVAL OF TAX EXEMPTION FOR BUSINESSES

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

Supervisor Holbrook said at the initial Public Hearing there was input from the public and subsequent requests for input at the Workshop session of March 7th. Supervisor asked if there was anybody present, who has not already given input on the record, to come forward and speak on this issue.

At this point, Patricia Sheridan, Town Clerk stated that Mr. William Sopko, President of the Building and Construction Trades Council of Rockland County had requested that the following letter be read into the record which she did:

(Letterhead of Building and Construction Trades Council)

*March 6, 1989

SUPERVISOR CLARKSTOWN & ALL COUNCILPERSON(sic):

Please be advised the Building Trades of Rockland does not support removing the Tax incentive presently in effect. In order to compete with the State of New Jersey that has no State Tax and a lower Tax Base compared to ours, we feel this incentive should definitely remain.

With all our future Tax increases projected by many articles in the newspapers, this would be the worst time to remove this incentive since these taxes will be borne by the Homeowners of Clarkstown.

Please read this letter in opposition to the removal of the Tax Incentive.

Very truly yours,

/s/ William A. Sopko

WILLIAM A. SOPKO,
President"

Supervisor Holbrook repeated his request that anyone who wished to speak on this issue come forward now. No one appeared.

Supervisor asked if any Board members had any comments? No one did.

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 8:59 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(After return to the Town Board Meeting and discussion among Council Members RESOLUTION NO. (260-1989) was adopted - LOCAL LAW NO. 1-1989)