

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/9/89

8:18 P.M.

Present: Supervisor Holbrook
Council Members Carey, Kunis and Smith
Councilwoman Smith arrived at 8:27 P.M.
Councilman Maloney on vacation
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor opened Town Board Meeting. Assemblage saluted the Flag.

Supervisor declared Public Portion of meeting open.

Appearance: Mr. Joseph Pantano
South Little Tor Road
New City, New York

Mr. Pantano spoke regarding a liaison to the Town Board and was informed by the Supervisor that Councilman Kunis was the liaison to the School Board. Mr. Pantano hoped that the Clarkstown School Board would appoint a liaison to the Town Board so that communication between the two boards would be effected.

Supervisor congratulated Mr. Pantano on his winning election to the Clarkstown School Board.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding the Clarkstown Landfill and urged the Town Board to consider Councilman Kunis' suggestion, which he made last fall, requesting a tying in of the scale operation there to a computer system maintained at Town Hall. He also spoke about the suggestion that Ramapo guarantee us a certain amount of tonnage for 1989 which was never adopted. He discussed the shortfall expected this year and the attendant problems. He asked the Town Board to advise the residents of Clarkstown what to expect in the next few months as he predicts some very serious deficits at the end of this year and very serious tax increases going into 1990.

(Councilwoman Smith arrived - 8:27 P.M.)

Councilman Kunis noted that it states in the Journal News that the Town Board is ultimately responsible for all decisions made in the Town. He said as a Town Board member he assumes full responsibility for any such decision. Councilman Kunis full statement is as follows:

"THE CLARKSTOWN SANITARY LAND FILL IS A MULTI MILLION DOLLAR PROFIT CENTER FOR THE TOWN OF CLARKSTOWN. IT IS ESSENTIAL THAT THE LAND FILL BE OPERATED IN A BUSINESS LIKE MANNER. THERE MUST BE A SYSTEM OF CONTROLS WITH CHECKS AND BALANCES IN THE OPERATION OF ALL DEPARTMENTS THAT HANDLE MONEY. EVERY DOLLAR COLLECTED AS REVENUE, IS A DOLLAR LESS THAT THE CLARKSTOWN TAXPAYER PAYS.

THE TOWN SHOULD PRESS FOR FULL RESTITUTION FROM THOSE RESPONSIBLE FOR SKIMMING OFF FUNDS, AND FROM ALL OF THOSE WHO PARTICIPATED WITH TOWN EMPLOYEES IN THESE ALLEGED PAY OFFS.

BACK IN OCTOBER 1988, I PUBLICLY STATED AT BUDGET WORKSHOP MEETINGS THAT A DIRECT VIDEO MONITORING SYSTEM AND COMPUTER SYSTEM INTERFACED WITH THE LANDFILL SCALE BE INSTALLED AT CLARKSTOWN TOWN HALL.

TODAY I WOULD LIKE TO OFFER THE FOLLOWING RECOMMENDATIONS BE ADAPTED AS STANDARD OPERATING PROCEDURE.

1. ALL LAND FILL EMPLOYEES THAT WORK IN THE SCALE HOUSE BE BONDED. PRIOR TO HIRING, A SECURITY BACKGROUND CHECK BE COMPLETED.

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2. NO CASH BE EXCHANGED AT THE LAND FILL. ALL TRANSACTIONS SHOULD BE TRANSACTED BY CHECK OR BY PROPER BILLING THROUGH AN ACCOUNT SET UP IN ADVANCE. ALL ACCOUNTS WOULD BE SET UP THROUGH THE TOWN CONTROLLERS OFFICE.

3. A GUARD SHOULD BE STATIONED AT THE ENTRANCE TO THE LAND FILL (AS MANDATED BY THE DEC.) THIS GUARD SHOULD KEEP A DAILY LOG (LICENSE PLATE) OF ALL MOTOR VEHICLES ENTERING THE LAND FILL. THIS LOG SHOULD ALSO BE KEPT IN TRIPLICATE WITH COPIES SIGNED BY THE INDIVIDUAL KEEPING THE LOG AND THE LAND FILL MANAGER. A VEHICLE COUNT SHOULD BE MATCHED UP WITH THE SCALE COUNT AT THE DAY'S END. ANY DIFFERENCES SHOULD BE RECONCILED AT THE DAY'S END. IN ANY EVENT ALL VEHICLES SHOULD BE ACCOUNTED FOR.

4. A DAILY REVENUE REPORT BE FILLED OUT AT THE END OF EACH WORK DAY. THIS REPORT SHOULD BE MADE OUT IN TRIPLICATE. 1 COPY STAY IN THE LAND FILL OFFICE, 1 COPY TO THE TOWN CONTROLLER, AND THE 3RD COPY TO THE DEPARTMENT OF ENVIRONMENTAL CONTROL OFFICE. EACH COPY MUST BE SIGNED BY THE SCALE HOUSE ATTENDANT AND LAND FILL MANAGER AT THE END OF EACH SHIFT OR WORK DAY.

5. A VIDEO MONITORING SYSTEM OF THE LAND FILL ENTRANCE, SCALE HOUSE AND SCALE BE ON DURING ALL OPERATING HOURS. THE SYSTEM SHOULD AUTOMATICALLY START & STOP WHEN THE LAND FILL MAIN GATE IS OPEN & LOCKED.

6. ALL COMPUTER CONNECTIONS AT THE SCALE, SCALE HOUSE, AND LAND FILL OFFICE BE SECURED AND LOCKED.

7. A DAILY PRINT OUT OF TOTAL VEHICLES, VEHICLES WEIGHED, TONNAGE, TONNAGE BREAKDOWN, TYPE OF PAYMENT AND ALL OTHER PERTINENT INFORMATION BE FURNISHED WHEN CLOSING DOWN THE COMPUTER AT THE DAY'S END. THIS REPORT SHOULD BE INITIATED FROM THE TOWN CONTROLLER'S OFFICE, WITH COPIES GOING TO THE LAND FILL MANAGER AND ENVIRONMENTAL CONSERVATION OFFICE. THE COMPUTER SHOULD BE PROGRAMMED TO ONLY HAVE THESE REPORTS INITIATED IN THE CONTROLLER'S OFFICE.

8. ALL BLANK REPORT FORMS SHOULD BE RECORDED NUMERICALLY. EVERY FORM SHOULD BE ACCOUNTED FOR AND SIGNED OUT FOR BY THAT EMPLOYEE RECEIVING IT AT THE OPENING OF THE WORK DAY.

9. THAT THE TOWN HIRE A FIRM TO DO AN INDEPENDENT OPERATING AUDIT OF ALL DEPARTMENTS HANDLING TOWN REVENUE. THIS SHOULD BE IMMEDIATELY COMMISSIONED BY THE TOWN BOARD."

RESOLUTION NO. (414-1989)

ACCEPTING MINUTES OF TOWN BOARD MEETING OF APRIL 11 AND APRIL 25, 1989

Co. Carey offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting of April 11 and April 25, 1989 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (415-1989)

AUTHORIZING RELEASE OF
ESCROWS - MANUEL S. EMANUEL
ASSOCIATES, INC. (CLINTON
SQUARE PLAZA, INC.)

Co. Smith offered the following resolution:

WHEREAS, escrows were furnished to the Town to be paid to Manuel S. Emanuel Associates, Inc., Community Planning and Development Consultants, pursuant to Resolution No. 1211/87 of the Town Board, in connection with the zone change application of Clinton Square Plaza, Inc., and

WHEREAS, Manuel S. Emanuel Associates, Inc. has completed its Draft Environmental Impact Statement;

NOW, THEREFORE, be it

RESOLVED, that the balance of \$2,043.25 which remains in escrow for services rendered by Manuel S. Emanuel Associates, Inc. is hereby released.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (416-1989)

AUTHORIZING TOWN ATTORNEY
TO OBTAIN APPRAISAL
SERVICES OF SIDNEY TRAGER
RE: MAP 123, BLOCK G, LOT
21 (NEAR LOWERRE PLACE,
VALLEY COTTAGE)

Co. Smith offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of appraiser, SIDNEY TRAGER, having an office at 3 Wayne Avenue, New City, to prepare an appraisal for the Town of Clarkstown with respect to the proposed sale of possible surplus Town property which is located near Lowerre Place, Valley Cottage, and is designated on the Clarkstown Tax Map as Map 123, Block G, Lot 21, and be it

FURTHER RESOLVED, that the fees for such appraisal services shall not exceed \$900.00.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

(Councilman Kunis felt that we should know exactly what the service is going to cost going in and not have an "up to" figure.)

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

RESOLUTION NO. (417-1989)

APPROPRIATING FUNDS TO
AMERICAN LEGION - WM. E.

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RESOLUTION NO. (417-1989) Continued

DeBEVOISE, JR., POST NO.
1682 - CHARGE TO ACCOUNT
NO. A 6510-401

WHEREAS, the Wm. E. DeBevoise, Jr., Post No. 1682, have requested monetary assistance from the Town for its organization, to defray rent costs, provide funds for parades, memorial services and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750.00 to the Wm. E. DeBevoise, Jr., Post No. 1682, (\$500 for leasing or rental and maintenance of meeting facility - \$250 for patriotic observances), and be it

FURTHER RESOLVED, that claims for such sum, shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 1989 Account No. A 6510-401.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (418-1989)

APPROPRIATING FUNDS TO VFW
- LT. RAYMOND B. JAUSS,
POST NO. 2607 - CHARGE TO
ACCOUNT NO. A 6510-401

Co. Kunis offered the following resolution:

WHEREAS, the Lt. Raymond B. Jauss, Post No. 2607, have requested monetary assistance from the Town for its organization, to defray rent costs, provide funds for parades, memorial services and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750.00 to the Lt. Raymond B. Jauss, Post No. 2607, (\$500 for leasing or rental and maintenance of meeting facility - \$250 for patriotic observances), and be it

FURTHER RESOLVED, that claims for such sum shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 1989 Account No. A 6510-401.

Seconded by Co. Smith

On roll call the vote was as follows:

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

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RESOLUTION NO. (419-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT FOR
CONSULTING SERVICES TO
BUILDING DEPARTMENT (ARTHUR
CONKLIN)

Co. Smith offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement extending the contract between the Town of Clarkstown and Arthur Conklin, whereby Arthur Conklin agrees to provide services to the Building Department on an advisory and consultative basis, consistent with the terms of said contract for the period from May 14, 1989 to November 13, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (420-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #44-1989 -
PAPER & PLASTIC SUPPLIES

Co. Carey offered the following resolution:

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

BID #44-1989
PAPER & PLASTIC SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Wednesday, May 31, 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
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (421-1989)

CORRECTING TOWN BOARD
RESOLUTION #386-1989 RE
AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #37-1989 -
FLASHING BEACON SIGN
ASSEMBLY ON STRAWTOWN ROAD,
WEST NYACK, NEW YORK

Co. Carey offered the following resolution:

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RESOLUTION NO. (421-1989) Continued

RESOLVED, that Town Board Resolution #386-1989 is hereby corrected to read

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

BID #37-1989
FLASHING BEACON SIGN ASSEMBLY ON
STRAWTOWN ROAD, WEST NYACK, NEW YORK

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, May 26, 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
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (422-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #45-1989 -
SUCTION SWEEPER FOR UNIMOG
U900

Co. Carey offered the following resolution:

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

BID #45-1989
SUCTION SWEEPER FOR UNIMOG U900

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, June 5th, 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
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (423-1989)

AWARDING BID FOR BID
#21-1989 - TOWING/REMOVAL
OF ABANDONED VEHICLES
(KEAHON AUTO WRECKERS, INC.
AND JAMES D. KEAHON, JR.)

RESOLUTION NO. (423-1989) Continued

RESOLVED, that based upon the recommendation of the Chief of Police and the Director of Purchasing that:

BID #21-1989
TOWING/REMOVAL OF ABANDONED VEHICLES

is hereby awarded to

KEAHON AUTO WRECKERS, INC.
BEACH ROAD, P.O. BOX 486
WEST HAVERSTRAW, N.Y. 10993

JAMES D. KEAHON, JR.
ROBERT W. KEAHON
WILLIAM J. KEAHON
Principals of Corporation

as per their proposed sum of \$10.00 per towed vehicle, and be it

FURTHER RESOLVED, that said award is subject to the receipt of a Performance Bond in the amount of \$5,000 in a form acceptable to the Town Comptroller.

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (424-1989)

AWARDING BID FOR BID
#29-1989 - SOFT DRINK FOR
SALE AT TOWN REFRESHMENT
STANDS (PEPSI-COLA,
NEWBURGH BOTTLING CO., INC.)

Co. Smith offered the following resolution:

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

BID #29-1989
SOFT DRINK FOR SALE AT
TOWN REFRESHMENT STANDS

is hereby awarded to:

Pepsi-Cola, Newburgh Bottling Co. Inc.
237 Dupont Avenue
Newburgh, N.Y. 12550

as per the following schedule

cola @ \$40.00 per five gallon container
diet cola @ 40.00 per five gallon container
lemon @ 40.00 per five gallon container
orange @ 40.00 per five gallon container

Co2 (20lb. cylinder) @ \$9.00 + 15.00 deposit.

Seconded by Co. Kunis

On roll call the vote was as follows:

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RESOLUTION NO. (424-1989) Continued

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

RESOLUTION NO. (425-1989)

ACCEPTING DEED FOR ROAD
WIDENING ALONG OLD
SCHOOLHOUSE ROAD, NEW CITY,
NEW YORK - ZBA APPEAL NO.
2217 (ADDITIONS UNLIMITED)

Co. Smith offered the following resolution:

RESOLVED, that deed dated April 26, 1989, between
ADDITIONS UNLIMITED and the Town of Clarkstown for road widening
purposes along Old Schoolhouse Road, New City, New York, required in
connection with ZBA Appeal No. 2217, is hereby accepted and ordered
recorded in the Rockland County Clerk's Office.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (426-1989)

SETTING PUBLIC HEARING ON
PROPOSED LOCAL LAW AMENDING
CHAPTER 75 (PEDDLING &
HAWKING)

Co. Kunis offered the following resolution:

WHEREAS, Councilman Kunis, a member of the Town Board
of the Town of Clarkstown, has introduced a proposed local law
entitled,

"AMENDMENT OF CHAPTER 75 (PEDDLING AND HAWKING)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20
of the Municipal Home Rule Law, be had at the Auditorium of the Town
Hall, 10 Maple Avenue, New City, New York, on the 13th day of June,
1989, at 8:15 P.M., or as soon thereafter as possible, relative to
such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and
purpose of such hearing shall be published in the Journal News, the
official newspaper of the Town of Clarkstown and posted in the
manner provided by law, and be it

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

Seconded by Co. Smith

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RESOLUTION NO. (426-1989) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (427-1989)

INCREASING APPROPRIATION
ACCOUNT A 7610-301
(PROGRAMS FOR THE AGING -
FOOD) AND ESTIMATED REVENUE
ACCOUNT 01-002001 (PARK &
RECREATION CHARGES)

Co. Smith offered the following resolution:

RESOLVED, to increase Appropriation Account A 7610-301
(Programs for the Aging-Food) by \$842.00 and to increase Estimated
Revenue Account 01-002001 (Park & Recreation Charges) by \$842.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (428-1989)

INCREASING SANITARY
LANDFILL PETTY CASH

Co. Smith offered the following resolution:

WHEREAS, the Sanitary Landfill needs petty cash for
their cash drawer,

NOW, THEREFORE, be it

RESOLVED, to increase the Sanitary Landfill petty cash
from \$100 to \$200.

Seconded by Co. Carey

(Councilman Kunis said he did not want any cash
transactions of any kind at the Landfill. Councilwoman Smith said
she agreed that there should be no cash transactions at the
Landfill. However, that policy will not be able to be implemented
until June 1st and since today is only May 9th we have to do
something in the interim and she would vote for it.)

On roll call the vote was as follows:

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

RESOLUTION NO. (429-1989)

STATE OF EMERGENCY DECLARED
AT CLARKSTOWN SANITARY
LANDFILL - BIDDING

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RESOLUTION NO. (429-1989) Continued

PROCEDURES TEMPORARILY
SUSPENDED - NECESSARY
AUDIO-VISUAL, COMPUTER OR
OTHER NECESSARY EQUIPMENT
SHALL BE PURCHASED AND
INTALLED AT THE LANDFILL
AND AT TOWN HALL

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown Town Board declares the
Sanitary Landfill in a state of emergency,

NOW, THEREFORE, be it

RESOLVED, that the bidding procedures will be
temporarily suspended, and be it

FURTHER RESOLVED, that any necessary audio-visual,
computer or other necessary equipment shall be purchased and
installed at the Sanitary Landfill and Town Hall.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (430-1989)

CANCELLING LIS PENDENS RE:
MAP 7, BLOCK E, LOT 10
(BROWN)

Co. Carey offered the following resolution:

WHEREAS, by resolution adopted April 12, 1988, the Town
Board authorized the Assessor and the Receiver of Taxes to levy
expenses incurred for the cost of a Chapter 79 proceeding against
Map 7, Block E, Lot 10, and

WHEREAS, the expenses incurred totalling \$210.00 have
been paid;

NOW, THEREFORE, be it

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 on February 2, 1987, as the Town has
been reimbursed for the expenses incurred.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (431-1989)

SETTING TOWN BOARD WORKSHOP
MEETINGS AND TOWN BOARD
MEETINGS FOR JULY AND
AUGUST, 1989

RESOLUTION NO. (431-1989) Continued

Co. Carey offered the following resolution:

BE IT RESOLVED, the Town Board Workshop meetings will be held on July 11th and August 22nd, 1989, and be it

FURTHER RESOLVED, the Town Board meetings will be held on July 18th and August 29th, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (432-1989)

ACCEPTING ROAD AND
IMPROVEMENTS (TALL TIMBERS
SUBDIVISION)

Co. Carey offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deeds dated December 20, 1988, from DLR ENTERPRISES, INC., conveying road(s) and other improvements in the Town of Clarkstown in a subdivision as shown on Final Plat of Subdivision of Property for Tall Timbers of New City, filed in the Rockland County Clerk's Office on November 13, 1987, in Book No. 108 at Page 66 as Map No. 6134, as follows:

PERTH LANE 410 L.F.

are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office upon receipt of a continuation report of clear title to date of recording, and be it

FURTHER RESOLVED, that the agreement guaranteeing the road and improvements for a period of one (1) year with security posted by the developer in the amount of \$2,650.00 is hereby accepted.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (433-1989)

AUTHORIZING ATTENDANCE AT
MICROSOFT WORD PROCESSING
COURSE - MICROTREK (LODICO,
KEVANE, FOGEL, KAKOS,
DECOLYSE, GEARY, KELLY,
MACAYLO, WALSH AND
LOEFFLER) - CHARGE TO
APPROPRIATION ACCOUNT NO. A
1010-414

Co. Smith offered the following resolution:

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RESOLUTION NO. (433-1989) Continued

RESOLVED, that the following Town personnel are hereby authorized to attend the Microsoft word processing course at Microtrek, 518 Fifth Avenue, New York, New York on May 23, 1989:

- Dolores Lodico
- Eileen Kevane
- Doris Fogel
- Katherine Kakos
- Rukmani Decolyse
- Jo Ann Geary
- Geraldine Kelly
- Lori Ann Macaylo
- Josephine Walsh
- Mary Loeffler

and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (434-1989)

AUTHORIZING PAYMENT TO SECRETARY TO BOARD OF APPEALS (MARGARETANN RIES) RE: VIPPOLIS V. BOARD OF APPEALS

Co. Carey offered the following resolution:

RESOLVED, that the sum of \$611.00 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript of the public hearing held in the matter of:

VIPPOLIS v. BOARD OF APPEALS

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (435-1989)

AUTHORIZING TOWN TO RELEASE ESCROW MONIES SUBJECT TO RECEIPT OF RELEASES FROM OMNI COURT LTD. AND OMNI COURT HOMEOWNERS' ASSOCIATION, INC.

Co. Carey offered the following resolution:

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RESOLUTION NO. (435-1989) Continued

WHEREAS, the improvement to the condominium known as Omni Court have been completed except for certain landscaping work, and

WHEREAS, the Omni Court Homeowners' Association, Inc., has requested that such landscaping work be performed by themselves instead of Omni Court Ltd., the developer, and

WHEREAS, both Omni Court Ltd. and Omni Court Homeowners' Association, Inc. have asked for the release of all escrow monies held by the Town of Clarkstown, and have further requested that such escrow monies be disbursed as follows:

(a) \$27,000.00 to Omni Court Homeowners' Association, Inc.

(b) Balance to Omni Court Ltd.
and

WHEREAS, Omni Court Ltd. and Omni Court Homeowners' Association, Inc. have agreed to release the Town of Clarkstown from any liability concerning said escrows and the installation of the landscaping upon the disbursement of said monies to Omni Court Ltd. and Omni Court Homeowners' Association, Inc., as aforesaid;

NOW, THEREFORE, be it

RESOLVED, that the escrow monies being held by the Town of Clarkstown for the improvements in the Omni Court Condominiums shall be released as follows:

(a) \$27,000.00 to Omni Court Homeowners' Association, Inc.

(b) Balance to Omni Court Ltd.
and be it

FURTHER RESOLVED, that such release of escrow monies is subject to the delivery to the Town of Clarkstown of releases from both Omni Court Ltd. and Omni Court Homeowners' Association, Inc., which releases shall authorize the disbursements of escrow monies as aforesaid and release the Town of Clarkstown from any liability for the installation of the landscaping, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute any documents necessary to effectuate the release of said escrow monies in a form satisfactory to the Town Attorney.

Seconded by Co. Kunis

(Councilman Kunis said that Empire Bank of America which was just built has curbing on the east side of the road which is concrete which the bank put in. Eight feet of it is black top right on North Main Street. While we are discussing Omni Court he wanted Mr. Les Bollman, Director of Environmental Control, to put that down in his file. Mr. Bollman advised him that was a County road.)

On roll call the vote was as follows:

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

RESOLUTION NO. (436-1989)

CONSENTING TO INCORPORATION
OF MOUNTAINVIEW NORTH AND
SOUTH SEWAGE WORKS
CORPORATION

Co. Carey offered the following resolution:

WHEREAS, the Town Board has received a petition from Hiroshi Nakazawa, the owner of the Mountainview North and South Subdivision, which subdivision has been approved by the Town of Clarkstown Planning Board and filed in the Rockland County Clerk's Office, for the Town Board's consent to the incorporation of a sewage-works corporation pursuant to Article 10 of the Transportation Corporations Law of the State of New York, which corporation shall own, operate, and maintain the sewage disposal system which will be constructed in the Mountainview North and South Subdivision which is located within the Town of Clarkstown, Valley Cottage, New York, and

WHEREAS, the Town Board is willing to consent to the formation of said corporation;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby consents to the formation of a sewage-works corporation to be known by the name of Mountainview North and South Sewage-Works Corporation, and hereby consents to the filing of the Certificate of Incorporation for said corporation by the Secretary of State for the State of New York, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown be and hereby is authorized and directed to certify to the enactment of this Resolution and to provide the same to the applicant.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (437-1989)

AUTHORIZING SUPERVISOR TO
EXECUTE A BOUNDARY LINE
AGREEMENT WITH HOWARD
FERGUSON (OLD MILL ROAD
VICINITY OF HEATON'S POND)

Co. Carey offered the following resolution:

WHEREAS, the boundary line between the premises at Heaton's Pond owned by the Town of Clarkstown and the adjoining premises owned by Howard Ferguson, which runs along the high water mark of Heaton's Pond, is unclear, and

WHEREAS, certain property owned by Howard Ferguson, running along Old Mill Road, would be helpful to the Town of Clarkstown for the operation and maintenance of the Heaton's Pond Project, and

WHEREAS, Howard Ferguson has offered to deed a parcel of property running along Old Mill Road to the Town of Clarkstown without consideration and has offered to enter into a boundary line agreement with the Town of Clarkstown to clarify the boundary line

RESOLUTION NO. (437-1989) Continued

between the Ferguson property and the Town of Clarkstown property running along the high water mark of Heaton's Pond;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown will accept the conveyance of a parcel of land from Howard Ferguson, running along Old Mill Road, with an area of approximately 4,228 sq. ft., without consideration, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute a boundary line agreement between the Town of Clarkstown and Howard Ferguson concerning the boundary between the Ferguson property and the Town of Clarkstown property, running along the high water mark of Heaton's Pond, which boundary line agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that Henry Horowitz, Inc., is hereby authorized to provide a survey delineating the Howard Ferguson property including the boundary line along the high water mark of Heaton's Pond, which survey shall be the basis for the boundary line agreement as aforesaid.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (438-1989)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT FOR ECONOMIC ASSISTANCE FOR THE YEAR 1989 (VARIOUS ORGANIZATIONS)

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 non-profit organizations, which provide 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 following sums in economic assistance to the

Home Aids of Rockland	\$ 2,000
Clarkstown Summer Theater	1,000
Clarkstown Garden Club	500
Rockland Center for the Arts	5,000
Assoc. for Learning Disabled	2,000
Clarkstown Gridiron Club	3,000
West Street Day Care Center	2,000
Veterans Memorial Association	500

These sums are to assist in providing such services for the calendar year 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (438-1989) Continued

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

RESOLUTION NO. (439-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO LABOR AGREEMENT
FOR PERIOD JANUARY 1, 1989
THROUGH DECEMBER 31, 1991
WITH CHIEF OF POLICE AND
CAPTAINS OF POLICE - TO BE
FILED IN TOWN CLERK'S OFFICE

Co. Carey offered the following resolution:

BE IT RESOLVED, that the Town Board of the Town of
Clarkstown hereby authorizes the Supervisor to enter into a Labor
Agreement for the period January 1, 1989 through December 31, 1991
with the Chief of Police and Captains of Police and hereby directs
that a copy of such Agreement be filed with the Town Clerk.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (440-1989)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ARTICLE 78
PROCEEDING (NEW JERSEY
TRANSIT RAIL OPERATIONS) v.
COUNTY OF ROCKLAND, ET AL.

Co. Carey offered the following resolution:

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

APPLICATION OF NEW JERSEY TRANSIT RAIL
OPERATIONS, A DIVISION OF NEW JERSEY
TRANSIT CORPORATION,

Petitioner,

FOR A JUDGMENT PURSUANT TO ARTICLE 78 OF
THE CPLR and a DECLARATORY JUDGMENT PURSUANT
TO CPLR § 3001

-against-

COUNTY OF ROCKLAND; HAROLD PETERSON, COMMISSIONER
OF FINANCE, COUNTY OF ROCKLAND; TOWN OF RAMAPO;
CLARA M. WILLIAMS, I.A.O., TAX ASSESSOR, TOWN OF
RAMAPO; TOWN OF ORANGETON; JOSETTE POLZELLA, ASSESSOR
OF TAXES, TOWN OF ORANGETOWN; TOWN OF CLARKSTOWN;
NICHOLAS LONGO, ASSESSOR OF TAXES, TOWN OF CLARKS-
TOWN; CLARKSTOWN CENTRAL SCHOOL DISTRICT; EAST RAMAPO
CENTRAL SCHOOL DISTRICT; NANUET UNION FREE SCHOOL
DISTRICT; NYACK UNION FREE SCHOOL DISTRICT; PEARL
RIVER UNION FREE SCHOOL DISTRICT; RAMAPO CENTRAL
SCHOOL DISTRICT and ORANGETOWN SCHOOL DISTRICT,

Continued on Next Page

RESOLUTION NO. (440-1989) Continued

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. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (441-1989)

SETTING PUBLIC HEARING RE
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
CLIFFORD A. RICKLI III, ET
AL

Co. Smith offered the following resolution:

WHEREAS, a written Petition dated April 25, 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 Water District in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 13th day of June, 1989, at 8:00 P.M. DS 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. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (442-1989)

GRANTING USE OF TOWN LAW
281 (SUBDIVISION OF
PROPERTY FOR LOUIS PICKETT)

Co. Carey offered the following resolution:

WHEREAS, Atzl & Scatassa, P.C., engineers for the applicant, Louis Pickett, have made written application for the use of Town Law Section 281 in connection with a subdivision shown on a map entitled, "Average Density Layout, Subdivision of Property for

Continued on Next Page

RESOLUTION NO. (442-1989) Continued

Louis Pickett, Town of Clarkstown, Rockland County, New York, Dated July 11, 1988, last revised March 10, 1989, prepared by Atzl & Scatassa, P.C.," and

WHEREAS, the Planning Board of the Town of Clarkstown recommends approval of the use of Town Law Section 281 in connection with this subdivision, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 is used in this subdivision as shown on a map entitled, "Average Density Layout, Subdivision of Property for Louis Pickett, Town of Clarkstown, Rockland County, New York, dated July 11, 1988, last revised March 10, 1989, prepared by Atzl & Scatassa, P.C.," subject to the following conditions:

1. Applicant shall provide a common driveway for Lots 2 and 3 as recommended by the Department of Environmental Control and the Planning Consultant.
2. Applicant shall secure variances for lot frontage, after which applicant shall return to the Planning Board for preliminary and final subdivision review.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision as shown on a map entitled "Average Density Layout, Subdivision of Property for Louis Pickett, Town of Clarkstown, Rockland County, New York, dated July 11, 1988, last revised March 10, 1989, prepared by Atzl & Scatassa, P.C.," subject to the conditions stated above and all other subdivision requirements.

(Councilman Kunis said he knew that in the past 281's, one of the questions was road width and he did not see that as a condition here. Supervisor asked Mr. Les Bollman, Director of Environmental Control to respond to that. Mr. Bollman said he was not that familiar with this but in most of the 281's the road width is 50 feet and the road is dedicated to the Town. He said if there was a map he would take a look at it. There was reference to a map at this point. Town Attorney said this is a three lot subdivision. Mr. Bollman said apparently there are no roads created. Councilman Kunis said then he had no problem.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (443-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING MONDAY - FRIDAY 8:00 AM TO 4:00 PM NORTHSIDE CAIRNSMUIR LANE FROM STRAWTOWN ROAD TO WHERE ROAD NARROWS

Co. Carey offered the following resolution:

Continued on Next Page

RESOLUTION NO. (443-1989) Continued

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

Signs to read "No Parking Monday - Friday 8:00 A.M. to 4:00 P.M. on the northside of Cairnsmuir Lane from Strawtown to where the road narrows. (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

On roll call the vote was as follows:

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

RESOLUTION NO. (444-1989)

AUTHORIZING RELEASE OF
ESCROWS (REGENT PARK
SUBDIVISION)

Co. Kunis offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow funds secured by a passbook furnished to the Town for Incomplete Items which were required in connection with the dedication of the roads and improvements in Regent Park Subdivision on December 9, 1986, be and hereby is released.

(Councilwoman Smith asked Mr. Les Bollman, Director of Environmental Control, if absolutely everything was done? She asked if there was a backup report? Mr. Bollman said he was sure there was a report from his deputy, Mr. Kalarickal, which was submitted to the Town Attorney. Town Attorney said he had a letter from Mr. Kalarickal dated May 8, 1989 stating that there should be no objection to reducing the escrow. He said there was a prior reduction in October, 1988 and now there is a consent to the release of \$10,000.00.)

Seconded by Co. Carey

On roll call the vote was as follows:

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

RESOLUTION NO. (445-1989)

AUTHORIZING SETTLEMENT OF
TAX CERTIORARI (151 SOUTH
MAIN STREET REALTY
ASSOCIATES V. ASSESSOR OF
TOWN OF CLARKSTOWN AND
BOARD OF ASSESSMENT REVIEW
(MAP 57, BLOCK D, LOT 7)

RESOLUTION NO. (445-1989) Continued

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled 151 South Main Street Realty Associates v. Assessor of the Town of Clarkstown and the Board of Assessment Review of the Town of Clarkstown, Index Nos. 5748/85, 5237/86, 4798/87 and 3497/88 affecting parcel 57-D-7 for the years 1985, 1986, 1987 and 1988, 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 57, Block D, Lot 7 be reduced for the year 1985 from \$772,600 to \$500,000; be reduced for the year 1986 from \$772,600 to \$550,000; be reduced for the year 1987 from \$772,600 to \$600,000; and be reduced for the year 1988 from \$772,600 to \$650,000,

2. That reimbursement for the years 1985, 1986, 1987 and 1988 on the parcel described as Map 57, Block D, Lot 7 be made within 90 days through the office of the Commissioner of Finance of the County of Rockland. 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.

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. Smith

(Councilwoman Smith inquired as to who this was? Town Attorney said this is the Pumpkin Building and the reason for the settlement is that they had the wrong sales price and it is three quarters of an acre not one and one-half acres. There were errors on the property cards. Councilman Kunis said there are many such buildings where a tenant directly pays these taxes to the landlord and it is broken down on the tenant's tax bill. He said there should be some way in which we can notify the tenants because he did not think that the landlord is really entitled to this money. The tenant who paid these taxes is entitled to this money. He said he would make it a point to see these tenants and see if they can receive restitution.)

On roll call the vote was as follows:

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

RESOLUTION NO. (446-1989)

AUTHORIZING APPROPRIATION
OF FUNDS TO THE CLARKSTOWN
POLICE DEPARTMENT HONOR

Continued on Next Page

RESOLUTION NO. (446-1989) Continued

GUARD - CHARGE TO A
3120-301 (POLICE, TRAVEL,
MILEAGE AND MEALS) DECREASE
CONTINGENCY ACCOUNT NO. A
1990-505 AND INCREASE
APPROPRIATION ACCOUNT NO. A
3120-301

Co. Carey offered the following resolution:

WHEREAS, the Clarkstown Police Department Honor Guard has been invited to participate in the ground breaking ceremony for the National Law Enforcement Monument in Washington, D.C., on the 17th day of May, 1989, and further participate in a ceremony to be held at the White House on May 18, 1989, and

WHEREAS, the Chief of Police is requesting the Town Board to authorize the appropriation of \$2,300.00 to cover the costs of attendance at said ceremonies;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the appropriation of \$2,300.00 to cover the costs of attendance by the Clarkstown Police Department Honor Guard at said ceremonies, and be it

FURTHER RESOLVED that all charges be charged to A-3120-301 (Police, Travel, Mileage and Meals), and be it

FURTHER RESOLVED, that Contingency Account No. A-1990-505 be decreased and Appropriation Account No. A-3120-301 be increased by \$2,300.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (447-1989)

WAIVING BIDDING
REQUIREMENTS TO PURCHASE
EXERCISE EQUIPMENT FOR THE
FITNESS COMMITTEE OF THE
CLARKSTOWN P.B.A.

Co. Carey offered the following resolution:

WHEREAS, the Fitness Committee of the Clarkstown Police Benevolent Association ("P.B.A.") and the Town of Clarkstown have been involved in a joint effort to expand and improve the workout facility of the Clarkstown Police Department, and

WHEREAS, exercise equipment is needed, which equipment must be geared to an entire spectrum of individuals regardless of degree of fitness, sex, or size, and

WHEREAS, the only equipment to meet these criteria, after extensive investigation by the Fitness Committee, is the Stair Master 4000 PT and and Stair Master Gravitron, and

WHEREAS, the total cost of said equipment is estimated to be \$6,610.00, which amount exceeds the threshold for competitive bidding;

Continued on Next Page

RESOLUTION NO. (447-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that competitive bidding requirements be waived with respect to this equipment, and be it

FURTHER RESOLVED, that the Director of Purchasing be authorized to purchase said equipment in the amount not to exceed \$6,610.00, and be it

FURTHER RESOLVED, that said equipment shall be charged to Account No. A-3120-209.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (448-1989)

SETTING PUBLIC HEARING AND
REFERRING TO CLARKSTOWN
PLANNING BOARD AND ROCKLAND
COUNTY COMMISSIONER OF
PLANNING PROPOSED
AMENDMENTS TO ZONING
ORDINANCE OF TOWN OF
CLARKSTOWN (LOADING BERTHS)

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 desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 23rd day of May, 1989, at 8:15 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Table 8, General Use Regulations, LO District;
Section 106-10A, Column 8, Item "7" by Eliminating the
Words "and loading berths."

Amend Table 8, General Use Regulations, LO District;
Section 106-10A, Column 8, by Adding Item 16 to read as follows:

"16. Loading berths facing public or private roads or facing residential zoning districts, shall be within fully enclosed buildings, or be completely shielded from view by walls, berms, year-round landscaping and/or fencing."

Amend Table 14, General Use Regulations, LIO District;
Section 106-10A, Column 8, Item "7" by Eliminating the
Words "and loading berths."

Amend Table 14, General Use Regulations, LIO District;
Section 106-10A, Column 8, by Adding Item 16 to read as follows:

RESOLUTION NO. (448-1989) Continued

"16. Loading berths facing public or private roads or facing residential zoning districts, shall be within fully enclosed buildings, or be completely shielded from view by walls, berms, year-round landscaping and/or fencing."

Amend Table 15, General Use Regulations, M District; Section 106-10A, Column 8, Item "7" by Eliminating the Words "and loading berths."

Amend Table 15, General Use Regulations, M District; Section 106-10A, Column 8, by Adding Item 16 to read as follows:

"16. Loading berths facing public or private roads or facing residential zoning districts, shall be within fully enclosed buildings, or be completely shielded from view by walls, berms, year-round landscaping and/or fencing."

and be it

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

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (449-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(RAYMOND F. McCULLAGH)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #84200 which contains the name of Raymond F. McCullagh,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Raymond F. McCullagh, 4 Braemar Court, New City, New York, as Police Officer - Police Department - at the current 1989 annual salary of \$32,146.00, effective and retroactive to April 7, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (450-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(RICHARD DE TOIA)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Police Officer #84200 which
contains the name of Richard DeToia,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the
appointment by the Police Commission of Richard DeToia, 6 Buttonwood
Court, Congers, New York, as Police Officer - Police Department - at
the current 1989 annual salary of \$32,146.00, effective and
retroactive to April 7, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (451-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF POLICE
OFFICER - POLICE DEPARTMENT
(JOHN LYNN)

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Police Officer #84200 which
contains the name of John Lynn,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the
appointment by the Police Commission of John Lynn, 325 Old Mill
Road, Valley Cottage, New York, as Police Officer - Police
Department - at the current 1989 annual salary of \$32,146.00,
effective and retroactive to April 7, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (452-1989)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION OF
(PROVISIONAL) SENIOR
STENOGRAPHER - POLICE
DEPARTMENT (JOAN P. GIBBS)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the
appointment by the Police Commission of Joan P. Gibbs, 42 Richard

RESOLUTION NO. (452-1989) Continued

Court, Pomona, New York, as a (provisional) Senior Stenographer - Police Department - at the current 1989 annual salary of \$19,393.00, effective and retroactive to April 28, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (453-1989)

ACCEPTING RESIGNATION OF
CROSSING GUARD - POLICE
DEPARTMENT (MARGARET WHELAN)

Co. Carey offered the following resolution:

RESOLVED, that the resignation of Margaret Whelan, 6 Acorn Terrace, New City, New York - Crossing Guard - Police Department - is hereby accepted effective and retroactive to April 5, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (454-1989)

GRANTING SECOND PROVISIONAL
APPOINTMENT TO POSITION OF
PRINCIPAL ACCOUNT CLERK -
COMPTROLLER'S OFFICE
(EILEEN KEVANE)

Co. Carey offered the following resolution:

RESOLVED, that Eileen Kevane, 46 Briar Road, Nanuet, New York, is hereby granted a second provisional appointment to the position of Principal Account Clerk - Comptroller's Office - at the current 1989 annual salary of \$27,780.00, effective May 10, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (455-1989)

APPOINTING TO POSITION OF
ACCOUNT CLERK -
COMPTROLLER'S OFFICE (JOEL
PELLISSIER)

Co. Carey offered the following resolution:

Continued on Next Page

RESOLUTION NO. (455-1989) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Account Clerk #86267 Which contains the name of Joel Pellissier,

NOW, THEREFORE, be it

RESOLVED, that Joel Pellissier, P.O. Box 411, Spring Valley, New York, is hereby appointed to the position of Account Clerk - Comptroller's Office - at the current 1989 annual salary of \$15,346.00, effective May 11, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (456-1989)

CREATING POSITION OF CLERK
TYPIST (PART-TIME) -
PLANNING DEPARTMENT

Co. Carey offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on April 25, 1989 that the Clerk Typist (part-time) position in the Planning Department can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist (part-time) - Planning Department - is hereby created - effective and retroactive to May 3, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (457-1989)

RECOGNIZING APPOINTMENT BY
PLANNING BOARD OF (PART-
TIME) CLERK TYPIST -
PLANNING DEPARTMENT (HELEN
OLSEN)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Planning Board of Helen Olsen, 21 Old Haverstraw Road, Congers, New York, as a (part-time) Clerk Typist - Planning Department - at the current 1989 hourly rate of \$11.00 - effective and retroactive to May 4, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (457-1989) Continued

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

RESOLUTION NO. (458-1989)

APPOINTING TO POSITION OF
BUS DRIVER (PART-TIME) -
MINI TRANS DEPARTMENT
(PATRICK CHERENFANT)

Co. Carey offered the following resolution:

RESOLVED, that Patrick Cherenfant, 27 Karnell Street, Spring Valley, New York, is hereby appointed to the position of Bus Driver (part-time) - Mini Trans Department - at the current 1989 hourly rate of \$8.72, effective May 10, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (459-1989)

RECOGNIZING GRANTING OF
MILITARY LEAVE OF ABSENCE
TO LABORER - HIGHWAY
DEPARTMENT (JAMES SIGNORILE)

Co. Carey offered the following resolution:

RESOLVED, that in accordance with Article XVIII, Section 7 of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., the Town Board hereby recognizes the granting of the Military Leave of Absence, with pay, by the Superintendent of Highways, for James Signorile, 2 Strathmore Drive, Spring Valley, New York, Laborer - Highway Department - effective May 12, 1989 to May 28, 1989.

Seconded by Co. Smith

(Councilman Kunis asked if it was the law that we pay individuals who are on military service or if we make up the difference in salary between their military pay and their pay here? He was advised that in the contract it states "leave with pay.")

On roll call the vote was as follows:

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

RESOLUTION NO. (460-1989)

RETITLING POSITIONS OF
STENOGRAPHER TO CLERK
STENOGRAPHER

Co. Carey offered the following resolution:

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RESOLUTION NO. (460-1989) Continued

WHEREAS, the Rockland County Personnel Office has certified by letter, dated April 27, 1989 that all Stenographer positions shall be retitled to Clerk Stenographer,

NOW, THEREFORE, be it

RESOLVED, that all Stenographer positions are hereby retitled to Clerk Stenographer, effective May 10, 1989.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (461-1989)

RESCINDING APPOINTING
OFFICE WORKER STUDENT -
COUNSELING CENTER (MARIANNE
MURPHY)

Co. Carey offered the following resolution:

RESOLVED, that Resolution No. 410 adopted at the April 25, 1989 Town Board Meeting - appointing Marianne Murphy - Office Worker Student - Counseling Center - is hereby rescinded.

Seconded by Co. Smith

On roll call the vote was as follows:

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

Councilman Kunis spoke regarding the tunnel by-pass road noting that he and Superintendent of Highways Anthony D'Antoni were there last week. He said that if you go near all the catch basins on the west side of the road all of them are severely chopped up and in poor condition and the road is not even opened yet. Mr. Bollman said as of this afternoon the road is open. He said there were settlements around three basins which were taken care of.

Councilman Kunis asked who was responsible for building that road and was told the developers. He asked what if there is trouble with the catch basins in a year or two because it is obvious that there was trouble before the road opened? Are we going to be held responsible for that or are the builders? Mr. Bollman said we are holding some of their money. It has been reduced now to \$120,000.00. He said he would recommend that we hold a portion of that as a maintenance bond which we would do on any road for about a year from the dedication day.

Councilman Kunis asked Mr. Bollman if the problem was solved to his satisfaction? Mr. Bollman said yes. He said the problem was that we started to rush the road. There is a 60 inch pipe going down through there in some places as deep as 25 feet and we do expect settlement which is why we haven't put the wearing course on yet. We will do that in a year or two. Mr. Bollman said in regard to the one down by the railroad track he would like to take some of their money because that one is settling too much. He

would like to dig it out and compact it. It is on the other side and has been open for awhile now. Councilman Kunis said on the west side of the road it seems as if the curbing or the area above the curbing, the grass seed, is higher than the road. It seemed like a lot of water was being retained on the road from there. It was raining onto the road. He asked Mr. Bollman if he was aware of that problem? Mr. Bollman said a portion of that road was put through a wetland or a swampy area higher higher than a road on both sides. When you get a heavy rain it runs down and the road is actually a channel.

Councilwoman Smith asked Mr. Bollman if what he has to do in a year is actually done by his department, his manpower, with their money? Mr. Bollman said it is sort of a joint venture which we went into with them where they would put in the base of the road and we would put in the asphalt. We have money left now that should be enough, without any exorbitant raises in asphalt prices, to put the wearing course on the roads in a year or two years. That will give it the final finish.

Councilman Kunis then said that he noted that the Town of Ramapo is going to go with the Alturi Landfill tomorrow night. He said we have many questions to answer regarding our solid waste problem. He said there was going to be a meeting with the supervisors and Mr. DeMarco of Alturi. Councilwoman Smith said that has been cancelled. Supervisor said it has not been cancelled but that Mr. DeMarco has been away on vacation and they will let me know in the next day or two when he will be back to meet with us. The most likely time will be next week. Councilman Kunis said he thinks they gave us a deadline of June 1st, whether it be a special meeting or not, but he has a lot of answers for us.

Supervisor then noted that the Public Hearing called for 8:05 P.M. (Maximum Floor Area Ratio) had been recessed from March 28, 1989. He stated that he had a letter from the Clarkstown Planning Board requesting additional time. Therefore, he was again recessing this hearing to June 27th.

On motion of Councilman Kunis, seconded by Councilman Carey and unanimously adopted the Public Hearing re: Abandonment of Howard Street and Morton Avenue, was opened, time: 9:15 P.M.

On motion of Councilman Carey, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Abandonment of Howard Street and Morton Avenue, was closed, DECISION RESERVED, time: 9: 30 P.M.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Kunis seconded by Councilman Carey, and unaimously adopted, the Town Board Meeting was declared closed, time: 9:31 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/9/89

9:15 P.M.

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

RE: ABANDONMENT OF HOWARD STREET AND MORTON AVENUE, CONGERS

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

Town Attorney noted that the County Planning Board stated that it was not within their jurisdiction. Clarkstown Planning Board recommended approval. He said with regard to SEQRA we received, on 3/23/89, a statement from the Planning Consultant that there would be no impact. He stated that the Superintendent of Highways had signed a Certificate of Abandonment but now it is up to the Town Board.

Supervisor asked if there was anyone wishing to be heard.

Appearance: Ed Benson, Esq.
Attorney for petitioner
Mrs. Anna Pertschy
140 Park Avenue
New City, New York 10956

Mr. Benson said these are mapped streets created by the Boston Improvement Company many years ago. They are unimproved and are obviously going no place. He noted that Howard Street was abandoned up to North Grant Avenue and what we seek here is the further abandonment to Old Haverstraw Road. He said when we bring the petition on behalf of a private party for the abandonment they seek to add the portion of the premises that affects their property to the midline of the street to add that to the existing lot. They do that now. There will never be any occasion to utilize these unimproved streets for any purpose and it is for that reason that this petition was brought.

Appearance: Cory Fishkin
Congers, New York

Mr. Fishkin said he was a neighbor of the parcel in question. He said the issue here is not whether to abandon the street or not. The issue is what is going to happen with that piece of property once those streets are abandoned? He said we are looking here at putting a house on an undersized lot. That is what must be addressed by the Board. He stated when he bought his house he bought it because of the view and now he is looking at having the roads abandoned which will raise the property lot to 12,500 square feet (still under the 15,000 square feet required for a house). The issue here is not whether to abandon the streets - the issue is - is Clarkstown going to allow the building of houses on undersized pieces of property. He said he opposed the abandoning of the streets for that reason.

Councilwoman Smith inquired if Mr. Fishkin had a map with him. He stated that he did and at this point reference was made to that map. There was discussion and Mr. Fishkin stated that he was anxious to have the present zoning regulations followed.

Appearance: Mr. Harry VonThaden
owner of property to the north of
the property in question

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Mr. VonThaden said he has no objection to the abandonment but questioned what would happen to the rest of Morton Avenue? He said Morton Avenue, at one time, continued on the other side of State Street. He asked could we have it abandoned at the same time? Supervisor said we could not do it as part of this public hearing but it could be done as part of a subsequent one. Being a Boston Improvement Company street, the Town has no fee interest. Town Attorney said what we are doing is taking it off the official map, the Highway Superintendent abandons it and then it would revert to adjacent owners. Mr. VonThaden said he would like to request an abandonment of the entire avenue right up to State Street.

Councilwoman Smith said the Planning Board is requesting the Town Board to get rid of all of these roads or whatever they are.

Appearance: Mr. John Lodico
2 Brich Lane
New City, New York 10956

Mr. Lodico noted that it was probably in the best interests of the Town in general to have one master public hearing to abandon most of these roads that are going nowhere and divide the properties among each of the property owners on each half of the street.

Mr. Benson spoke in rebuttal to the objection that was raised here. He said he merely wanted to point out that the area delineated by the two, Morton and Howard, as indicated on the schedule, is a lot that is owned by Mrs. Pertschy. Mrs. Pertschy's husband is retired. This is a tax lot that she has been paying taxes on for a considerable number of years. He said we want to encourage senior citizens to continue living where they are happy. They find it difficult in the retirement stage to continue to meet the tax burden. If we really mean that we want relief granted to senior citizens and we want to lift their burden he thought we should act accordingly and recognize that here is a buildable lot for which she has paid taxes for many years and by abandoning now what is nothing more than a mapped street we make it possible for her to sell that.

He added that the party who wants to build a house is not only a resident of Congers for a great number of years but he has a son and we all recognize that for those who are just starting out the price of real estate is prohibitive and it is exceedingly difficult for them to get started. The purchaser is a master carpenter. He seeks to build a home for his son. By approving this abandonment you would be making it possible not only for a senior citizen to be relieved of a tax burden but in addition we make it also possible to furnish housing for the younger generation in Rockland County by making affordable housing available to someone in that category.

Mr. Benson went on to state that there is every reason why this petition for abandonment should be granted. Whether or not a house is to be built on this lot is not the primary consideration. That may be something that will come before the Zoning Board of Appeals. What this Board is concerned with is exclusively the one issue - whether or not this should be abandoned? It serves no useful purpose. The Planning Board might very appropriately examine into an elimination of all these mapped streets within Congers or any other part of the Town of Clarkstown.

Mr. Fishkin said he thinks it might be a case of speculation - let's see if we can get the property abandoned - let's try to build a house - let's rent it out. He wants this to rest on its own merits and not be turned into a sympathy case.

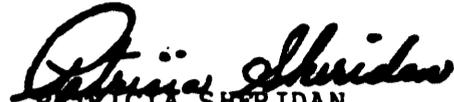
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PH - Abandonment of Howard Street and Morton Avenue (Pertschy)
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Supervisor stated that in all likelihood this will be decided at the next meeting in two weeks.

On motion of Councilman Carey, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:30 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk