

TOWN OF CLARKSTOWN.
TOWN BOARD MEETING

Town Hall

7/18/89

8:02 P.M.

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

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

Supervisor opened the Public Portion of the Meeting.

Appearance: Mr. Teddy B. Dusanenko
5 Hickory Drive
New City, New York

Mr. Dusanenko spoke regarding the creek that runs underneath Burda Avenue to the Parkway. He said the fence has been restored beautifully but there is stagnant water and it is infested with mosquitos. It is getting worse and he urged the Town Board to act on this.

Appearance: Mr. Larry Michaels
1 White Birch Court
New City, New York

Mr. Michaels urged the Town Board to adopt the Ethics Law as per the recommendations of the Blue Ribbon Panel appointed by the Town Board.

Supervisor said as a point of information we would not be voting on the Ethics Law tonight as it is not in its final form and the council members have not had a chance to see it but we anticipate voting on it in August.

Appearance: Mr. Bruce Broadley
3 Havenport Terrance
West Nyack, New York

Mr. Broadley said he noted there was something on the agenda about amending the blasting permit for Pyramid due to something being left out originally or referred to in a wrong manner. He questioned how this could be changed and remarked that it was very strange how the vote works sometimes.

Mr. Broadley said he was recently made aware that the West Nyack Fire District might have to spend up to a \$1,000,000.00 for purchase of equipment and buildings for the fire station, generated because of the Pyramid Complex. He said it will be a surprise to many people when they find out that they will be paying for this project with increased taxes.

Mr. Broadley said there are more and more problems on Route 303 but no improvements to that road are envisioned by Pyramid. We are seeing the problems already before they even have site plan approval.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff stated that he was speaking for the Organized Taxpayers Association. He urged concerned citizens to come out during budget preparations. He stated that we have extremely serious problems as far as the fiscal responsibility of our Town. Mr. Cuff said the Code of Ethics is not on the agenda and the Supervisor stated that he had previously mentioned that due to the fact that it was not in its final form for presentation to the Board for study it will be put off until August. Mr. Cuff said it seemed to him that the Blue Ribbon Panel is being ignored on the work they

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did. He said it would seem that political leaders have more input into this proposed Code of Ethics than a blue ribbon panel.

Mr. Cuff spoke regarding Item 2 (Authorization in Reduction of Amount of Performance Bond for Cedar Grove Corners.) He said, with the Code of Ethics pending and with the political season coming on, he has been asked by a fellow OTA member to have the Board polled to determine if any Town Board members have any financial or other interest, directly or indirectly, with Cedar Grove Corners, Ridge 9W, Ridge 9 West, Inc., Cascade Creek, A. Orlando and Rolling Ridge Builders. He said he would like to poll the Board noting that they have the right to deny or affirm.

RESOLUTION NO. (652-1989)

ACCEPTING MINUTES OF TOWN BOARD MEETINGS OF JUNE 13TH, JUNE 27TH AND SPECIAL TOWN BOARD MEETINGS OF JUNE 20TH AND JULY 11TH

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the Town Board Meetings of June 13, 1989, June 27, 1989 and the Special Town Board Meetings of June 20, 1989 and July 11, 1989 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (653-1989)

AUTHORIZING REDUCTION IN AMOUNT OF PERFORMANCE BOND (CEDAR GROVE CORNERS)

Co. Carey offered the following resolution:

WHEREAS, a performance bond, together with a Letter of Credit in the sum of \$242,000 was furnished to the Town of Clarkstown by RIDGE NINE WEST to secure the completion of the public improvements and other facilities as shown on the Final Plat of CEDAR GROVE CORNERS, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the amount of the performance bond and security be reduced from \$242,000 to \$90,000 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the above referred to performance bond may be amended and the security posted in the form of a Letter of Credit may be reduced to \$90,000.

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. (654-1989)

AUTHORIZING ATTENDANCE AT MICROSOFT WORD PROCESSING COURSE (DE COLYSE, LOTITO, GIONTA, OSBORN, SQUILLACE, KELLY, WILLIAMS, RIES, MALIHA) - CHARGE TO ACCOUNT NO.A 1010-414

Co. Maloney offered the following resolution:

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 July 12, 1989:

- | | |
|-------------------|--------------|
| Rukmani De Colyse | Irene Lotito |
| Marion Gionta | Helen Osborn |
| Betty Squillace | Gerry Kelly |
| Joan Williams | Peggy Ries |
| Julia Maliha | |

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (655-1989)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO FIX LEACHATE FORCE MAINS AND PUMPS AT THE LANDFILL - CHARGE TO ACCOUNT NO. H 8160-31-409

Co. Maloney offered the following resolution:

WHEREAS, the pump station for the leachate collection system has been installed and is discharging all leachate to the RCSD #1; and

WHEREAS, the continuous operation has shown that malfunctions are occurring with some of the forcemains and pumps in the leachate system surrounding the landfill;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire the necessary equipment and operator to investigate and repair these malfunctions; and be it

FURTHER RESOLVED, that the total cost shall not exceed \$25,000; and be it

FURTHER RESOLVED, that this be a proper expenditure of Account No. H 8160-31-409.

Seconded by Co. Carey

Continued on Next Page

RESOLUTION NO. (655-1989) 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. (656-1989)

AUTHORIZING ENTRANCE INTO
CONSENT ORDER WITH NEW YORK
STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION -
DECREASING CONTINGENCY
ACCOUNT #A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT #A 8160-409

Co. Carey offered the following resolution:

WHEREAS, Environmental Conservation Officer John W. Hill of Region 3 has issued the landfill a violation for placing fill, solid waste, and industrial clay into a fresh water wetlands without a New York State DEC permit; and

WHEREAS, a civil penalty in the amount of \$3,000 has been assessed which would waive the requirement of a hearing at New paltz on the 19th of July and would require that any continued activity in this area must cease until a valid Article 24 Fresh Water Wetlands Permit is issued or is determined not required;

NOW, THEREFORE, be it

RESOLVED, that the Town authorizes the Supervisor to sign the consent order and pay the \$3,000 civil penalty; and be it

FURTHER RESOLVED, that Contingency Account #A 1990-505 be decreased and Appropriation Account #A 8160-409 be increased by \$3,000, and be it

FURTHER RESOLVED, that this resolution be retroactive to July 17, 1989.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (657-1989)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL "20
MPH" SIGNS TO EXISTING
CURVE SIGNS AREA OF 47 NEW
VALLEY ROAD, NEW CITY, NEW
YORK

Co. Carey offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (657-1989) Continued

20 MPH signs to the existing curve signs in the area of 47 New Valley Road, New City, N.Y.

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. 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. (658-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL LEFT TURN SIGN WITH 15 MPH SPEED PLATE ON SOUTH SIDE OF GREENWOOD DRIVE, APPROXIMATELY 200 FEET WEST OF BOECHER COURT, NEW CITY

Co. Carey offered the following resolution:

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

A left turn sign (a W1-1C) with a 15 MPH speed plate (W9-1X) on the south side of Greenwood Drive, approximately 200 feet west of Boecher Court, New City

and be it

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

Seconded by Co. 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. (659-1989)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL STOP SIGN AND INTERSECTION SIGNS - ALSO PAINT DOUBLE YELLOW LINE ON BOTH SIDES OF ISLAND (CONKLIN ROAD AT BUENA VISTA ROAD, NEW CITY)

Co. Carey offered the following resolution:

Continued on Next Page

RESOLUTION NO. (659-1989) 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:

A Stop sign on the north side of island on Conklin Road at Buena Vista Road, New City.

Intersection signs: the first a W-2-3 (Sec. 232 NYS DOT Manual of Uniform Traffic Control Devices) to be erected on the west side of Buena Vista Road, north of Conklin Road. The second a W-2-2 sign to be erected on the east side of Buena Vista Road, south of Conklin Road.

Paint a double yellow line on both sides of island on Conklin (north and south.)

(Also a request to Mr. D'Antoni, Superintendent of Highways to clear brush around the existing Stop sign)

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. 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. (660-1989)

DECREASING APPROPRIATION
ACCOUNT B 8010-459 (EBT'S,
DISPOSITIONS, HEARINGS) AND
INCREASING APPROPRIATION
ACCOUNT B 8010-114
(PART-TIME) (TOWN ATTORNEY)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account B 8010-459 (EBT's, Dispositions, Hearings) and increase Appropriation Account B 8010-114 (Part-time) by \$1,500.

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. (661-1989)

DECREASING APPROPRIATION
ACCOUNT NO. A 1640-311
(TOWN GARAGE - GASOLINE)
AND INCREASING

Continued on Next Page

RESOLUTION NO. (661-1989) Continued

APPROPRIATION ACCOUNT NO. A
1640-204 (OFFICE MACHINES)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A
1640-311 (Town Garage-Gasoline) and increase Appropriation Account
No. A 1640-204 (Office Machines) by \$1,100.

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. (662-1989)

DECREASING APPROPRIATION
ACCOUNT NO. A 7620-329
(ADULT ACTIVITIES-
RECREATIONAL SUPPLIES) AND
INCREASING APPROPRIATION
ACCOUNT NO. A 7141-306
(COMMUNITY RECREATION
CENTERS-MAINTENANCE
SUPPLIES)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A
7620-329 (Adult Activities-Recreational Supplies) by \$550.00 and to
increase Appropriation Account No. A 7141-306 (Community Recreation
Centers - Maintenance Supplies) by \$550.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (663-1989)

DECREASING REVENUE ACCOUNT
NO. 11-002680 (LIABILITY
INSURANCE-INSURANCE
RECOVERIES) AND INCREASE
ESTIMATED REVENUE ACCOUNT
NO. 04-202680 (HIGHWAY-
INSURANCE RECOVERIES) AND
APPROPRIATION ACCOUNT NO.
DA 5130-447 (EQUIPMENT
REPAIRS)

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown has received an
insurance recovery for damages to a highway vehicle, and

WHEREAS, the vehicle is in need of repair,

NOW, THEREFORE, be it

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RESOLUTION NO. (663-1989) Continued

RESOLVED, to decrease Revenue Account No. 11-002680 (Liability Insurance-Insurance Recoveries) by \$409.84 and increase Estimated Revenue Account No. 04-202680 (Highway-Insurance Recoveries) and Appropriation Account No. DA 5130-447 (Equipment Repairs) by \$409.84 and transfer same to Highway.

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. (664-1989)

VARIOUS TRANSFERS OF FUNDS
REGARDING BOND ANTICIPATION
NOTE FOR SANITATION
DISTRICTS TO BE HANDLED
THROUGH DEBT SERVICE FUND
(ENVIRONMENTAL CONTROL)

Co. Carey offered the following resolution:

WHEREAS, New York State Audit & Control has informed the Comptroller that the Bond Anticipation Note for Sanitation Districts should be handled through the Debt Service Fund,

NOW, THEREFORE, be it

RESOLVED, to decrease Anticipated Revenue Account No. 16-001001 (Sanitation Districts-Real Property Taxes) by \$52,000.00 and Appropriation Account No. SR 9710-620 (Principal on BAN's by \$40,000.00 and SR 9710-720 (Interest on BAN's) by \$12,000.00, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. 01-001001 (General Fund-Real Property Taxes) by \$52,000.00 and Appropriation Account No. A 9710-620 (Principal on BAN's) by \$40,000.00 and A 9710-720 (Interest on BAN's) by \$12,000.00 and transfer said funds to the General Fund.

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. (665-1989)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 8090-409
(CONTROL OF AQUATIC
PESTS-FEES FOR SERVICES)

Co. Carey offered the following resolution:

WHEREAS, the Town Board has entered into contract to control the mosquitoes in the Nanuet area,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (665-1989) Continued

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 8090-409 (Control of Aquatic Pests-Fees for Services) by \$2,500.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (666-1989)

TRANSFERS OF FUNDS FROM A 1680-110 (DATA PROCESSING-SALARIES) TO A 1680-313 OFFICE SUPPLIES) AND A 7550-313 (BI-CENTENNIAL-OFF. SUPPLIES) TO A 7550-409 (FEES FOR SERVICES)

Co. Carey offered the following resolution:

WHEREAS, the following Appropriation Account Numbers were overdrawn in the June 30, 1989 Budget Report

NOW, THEREFORE, be it

RESOLVED, to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A 1680-110 (Data Processing-Salaries)	A 1680-313 (Office Supplies)	\$1,475
A 7550-313 (Bi-Centennial-Office Supplies)	A 7550-409 (Fees for Services)	420

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. (667-1989)

INCREASING ESTIMATED REVENUE ACCOUNT NO. 01-003829 (TRANSPORTING OF PRISONERS) AND APPROPRIATION ACCOUNT NO. A 3120-111 (POLICE-OVERTIME)

Co. Carey offered the following resolution:

WHEREAS, the Clarkstown Police Department anticipates receiving grant money from the County of Rockland for Transporting of Prisoners, and

Continued on Next Page

RESOLUTION NO. (667-1989) Continued

WHEREAS, Appropriation Account No. A 3120-111 is
overdrawn,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.
01-003829 (Transporting of Prisoners) and Appropriation Account No.
A 3120-111 (Police-Overtime) by \$30,000.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (668-1989)

DECREASING APPROPRIATION
ACCOUNT NO. A 1990-505
(CONTINGENCY) AND
INCREASING APPROPRIATION
ACCOUNTS NOS. A 1420-409
(FEES FOR SERVICES) AND A
1420-439 (SPECIAL COUNSEL)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1990-505
(Contingency) by \$17,000.00 and increase the following Appropriation
Accounts:

A 1420-409 (Fees for Services).....	\$	5,000.00
A 1420-439 (Special Counsel).....	\$	12,000.00

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (669-1989)

DECREASING APPROPRIATION
ACCOUNT NO. A 7141-110
(COMMUNITY RECREATION
CENTER-FULL TIME PERSONNEL)
AND INCREASING APPROPRIA-
TION ACCOUNT NO. A 7210-110
(REFRESHMENT STANDS-FULL
TIME PERSONNEL); ACCOUNT
NO. A 7210-111 (REFRESHMENT
STANDS-OVERTIME); A
7310-111 (YOUTH PROGRAMS)

Co. Carey offered the following resolution:

RESOLVED, to decrease Apropriation Account No. A
7141-110 (Community Recreation Center - full time personnel) by
\$2,230.00 and to increase Appropriation Account No. A 7210-110

RESOLUTION NO. (669-1989) Continued

(Refreshment Stands - full time personnel) by \$195.00; Account No. A 7210-111 (Refreshment Stands - overtime) by \$535.00; A 7310-111 (Youth Programs) by \$1,500.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (670-1989)

INCREASING APPROPRIATION
ACCOUNT A 4210-313 (OFFICE
SUPPLIES & PRINTING) AND
DECREASING APPROPRIATION
ACCOUNT A 4210-110
(SALARIES) (COUNSELING)

Co. Carey offered the following resolution:

RESOLVED, to increase Appropriation Account A 4210-313 (Office Supplies & Printing) and decrease Appropriation Account A 4210-110 (Salaries) by \$1000.

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. (671-1989)

DECREASING APPROPRIATION
ACCOUNT A 1990-505
(CONTINGENCY) AND
INCREASING APPROPRIATION
ACCOUNT A 1355-409 (FEES
FOR SERVICES)(ASSESSOR)

Co. Carey offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1990-505 (Contingency) and increase Appropriation Account A 1355-409 (Fees for Services) by \$23,000.00 to cover costs for New York State Equalization and Assessments.

Seconded by Co. Maloney

(Councilman Kunis asked Town Assessor Nicholas Longo what this amount was for? Mr. Longo stated that when you decrease the Fees for Services you depleted the entire account and left no money for Equalization and Assessment computerization and they bill us every month. Comptroller stated that last year there was no charge for that fee. This year they are charging us. Councilman Kunis asked if this was the annual charge or will there be another transfer? Councilman Longo said there may be another report or two that we need but this was pretty close.

On roll call the vote was as follows:

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RESOLUTION NO. (671-1989) Continued

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

RESOLUTION NO. (672-1989)

INCREASING APPROPRIATION
ACCOUNT NO. B 8020-423
(ASSOCIATION DUES) AND
DECREASING APPROPRIATION
ACCOUNT NO. B 8020-313
(OFFICE SUPPLIES & PRINTING)

Co. Carey offered the following resolution:

RESOLVED, to increase Appropriation Account B 8020-423 (Association Dues) and decrease Appropriation Account B 8020-313 (Office Supplies & Printing) by \$300.00.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (673-1989)

AWARDING BID FOR BID
#35-1989 - 40 CUBIC YARD
ROLL OFF CONTAINERS
(CONTAINER FABRICATORS
CORP.)

Co. Smith offered the following resolution:

RESOLVED, that based upon the recommendation of the Deputy Director of DEC and the Director of Purchasing that

BID #35-1989
40 CUBIC YARD ROLL OFF CONTAINERS

is hereby awarded to

CONTAINER FABRICATORS CORP
RD #2, BOX 129
PORT MURRAY, N.J. 07865
PRINCIPALS: ANTHONY ARBOLINO
KERRY SYBIL ARBOLINO

as per their proposed low bid cost of \$3,466.00 each.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (674-1989)

PARTIALLY AWARDING BID
#52-1989 - REINFORCED
CONCRETE CULVERT PIPE,
CONCRETE CATCH BASIN BLOCK
& BRICK (FEDERAL BLOCK
CORP.) AND REJECTING
PROPOSAL FOR REINFORCED
CONCRETE PIPE - AUTHORIZING
DIRECTOR OF PURCHASING TO
READVERTISE FOR BID
#52A-1989 - REINFORCED
CONCRETE CULVERT PIPE

Co. Smith offered the following resolution:

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

BID #52-1989
REINFORCED CONCRETE CULVERT PIPE
CONCRETE CATCH BASIN BLOCK & BRICK

is hereby partially awarded to:

FEDERAL BLOCK CORP
P.O. BOX 4090
129 WALSH AVENUE
NEW WINDSOR, N.Y. 12550
PRINCIPALS: JOHN MANTFORT
JULIE MIRON

as per the attached item/price schedule, and be it

FURTHER RESOLVED, that proposal received for Reinforced
Concrete Pipe is hereby rejected and that the Director of Purchasing
is hereby authorized to readvertise for

BID #52A-1989
REINFORCED CONCRETE CULVERT PIPE

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, August
14, 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.

(Item/price schedule on File in Purchasing Dept.)

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (675-1989)

AWARDING BID FOR BID
#46-1989 FALL/WINTER PARKS
AND RECREATION BROCHURE
(PRINTING BY LAINE, LTD)

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:

Continued on Next Page

RESOLUTION NO. (675-1989) Continued

BID #46-1989
PRINTING OF THE 1989 FALL/WINTER
PARKS AND RECREATION BROCHURE

is hereby awarded to

PRINTING BY LAINE, LTD
140 SECOND STREET
BROOKLYN NY 11231
PRINCIPAL: REBECCA LAINE

as per their low bid proposal of \$6,390.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (676-1989)

AWARDING BID FOR BID
#54-1989 - COMPUTER/WORD
PROCESSING SUPPLIES
(BOUTONS BUSINESS MACHINES,
PREFERRED BUSINESS FORMS,
GLOBE OFFICE SUPPLY AND
SUMMIT OFFICE SUPPLY)

Co. Smith offered the following resolution:

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

BID #54-1989
COMPUTER/WORD PROCESSING SUPPLIES

is hereby awarded to

BOUTONS BUSINESS MACHINES
95 ROUTE 304
NANUET, N.Y. 10954
PRINCIPAL: JOHN MAIORANO

PREFERRED BUISNESS FORMS
122 E. MAIN STREET
ELMSFORD, N.Y. 10523
PRINCIPAL: JAMES KIERNAN

GLOBE OFFICE SUPPLY
5800 THIRD AVENUE
BROOKLYN, N.Y. 11220
PRINCIPALS: JACK I. HANON
ABE HANON

SUMMIT OFFICE SUPPLY
CORPORATE OFFICE
303 WEST 10TH STREET
NEW YORK, N.Y. 10014
PRINCIPALS: HOWARD L. BROWN
BUHRMANN-TETTERODE

as per attached schedule of items/prices.

(Item/price schedule on file in Purchasing Dept.)

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (677-1989)

AWARDING BID FOR BID
#37-1989 - FLASHING BEACON
SIGN ASSEMBLIES ON
STRAWTOWN ROAD, WEST NYACK
(WARDE ELECTRIC
CONTRACTING, INC.)

Co. Smith offered the following resolution:

RESOLVED, that based upon the recommendation of the
Utility Services Coordinator, the Town's Traffic Consultant and the
Director of Purchasing that

BID #37-1989
FLASHING BEACON SIGN ASSEMBLIES ON
STRAWTOWN ROAD, WEST NYACK, N.Y.

is hereby awarded to

WARDE ELECTRIC CONTRACTING, INC.
100 WELLS AVENUE
CONGERS, N.Y. 10920
PRINCIPALS: THOMAS DAMIANI
ERIC APPELBAUM

as per their proposed project cost of \$13,199.00, and be it

FURTHER RESOLVED, that said award is subject to the
receipt of

- a) Performance Bond (or certified check) payable
to the Town of Clarkstown for an amount equal
to 100% of proposed project cost.
- b) Certificate of Liability and Workers
Compensation Insurance Coverage.

Liability Insurance Coverage shall be for \$500,000 - \$1,000,000
protection. The Town shall be named as a co-insured on the
liability policy.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (678-1989)

AWARDING BID FOR BID
#42A-1989 - PRINTING OF
TOWN OF CLARKSTOWN
BICENTENNIAL CEMETERIES
BOOK (TOBAY PRINTING CO.,
INC.)

Co. Smith offered the following resolution:

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

BID #42A-1989
PRINTING OF TOWN OF CLARKSTOWN
BICENTENNIAL CEMETERIES BOOK

is hereby awarded to

Continued on Next Page

RESOLUTION NO. (678-1989) Continued

TOBAY PRINTING CO INC
1361 MARCONI BLVD
COPIAGUE NY 11726
PRINCIPAL: ROBERT ROGERS

as per their low bid proposal of \$9,862.00.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (679-1989)

AWARDING BID FOR BID
#56-1989 - TURF VEHICLE
WITH ATTACHMENTS (THE
MAGOVERN COMPANY, INC., AND
ATLANTIC IRRIGATION
SPECIALTIES, INC.)

Co. Smith offered the following resolution:

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

BID #56-1989
TURF VEHICLE WITH ATTACHMENTS

is hereby awarded to:

THE MAGOVERN COMPANY, INC.
P.O. BOX 4820, 911 HOPE ST.
STAMFORD, CT. 06907
PRINCIPALS: JOHN N. MAGOVERN
 JOHN B. MAGOVERN

ATLANTIC IRRIGATION SPECIALTIES, INC.
870 LONG ISLAND AVENUE
DEER PARK, N.Y. 11729
PRINCIPAL: ED SANTALONE

as per the following schedule of items/prices

- ITEM #1 CHUSHMAN MODEL 532 TURF TRUCKSTER
PROPOSED COST \$9,561.00 - THE MAGOVERN CO.
- ITEM #2 CUSHMAN #886589 and #887212 FIBERGLASS CAB AND
CLOTH DOOR SET
PROPOSED COST \$1440.00 - THE MAGOVERN CO.
- ITEM #3 TURF CO. METERMATIC II TOP DRESSING UNIT
PROPOSED COST \$5,570.00 - ATLANTIC IRRIGATION CO.
- ITEM #4 FMC #DM10E - 100 FEK TURF SPRAYER UNIT
PROPOSED COST \$3670.00 - THE MAGOVERN CO.
- ITEM #5 FMC #5254125 - ELECTRIC POWER REWIND HOSE
REEL AND BEAN 757 ADJUSTABLE PATTERN GUN
PROPOSED COST \$1375.00 - THE MAGOVERN CO.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (679-1989) Continued

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

RESOLUTION NO. (680-1989)

AWARDING BID FOR BID
#40-1989 - TIRES/TUBES/
RIM/WHEEL SERVICES
(STATEWIDE TIRE CORP. AND
ROCKLAND TIRE & SERVICE OF
MONSEY, INC.)

Co. Smith offered the following resolution:

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

BID # 40-1989
TIRES/TUBES/RIM/WHEEL SERVICES

is hereby awarded to:

STATEWIDE TIRE CORP. D/B/A TIRES 303 15 NORTH ROUTE 303 WEST NYACK, N.Y. 10994 PRINCIPALS: BRUCE T. REMY BRUCE T. REMY, JR.	ROCKLAND TIRE & SERVICE OF MONSEY, INC. 109 ROUTE 59 MONSEY, N.Y. 10952 PRINCIPALS: RICHARD J. ENNIS G. MICHAEL WALLACE
--	---

as per the attached item/price schedule.

(Item/price schedule on file in Purchasing Department)

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (681-1989)

AWARDING BID FOR BID
#25-1989 - TRAFFIC SIGNAL
AT CHURCH STREET/COLLEGE
AVENUE/BLAUVELT ROAD,
NANUET (WARDE ELECTRIC
CONTRACTING, INC.)

Co. Smith offered the following resolution:

RESOLVED, that

BID #25-1989
TRAFFIC SIGNAL AT CHURCH STREET/COLLEGE
AVENUE, BLAUVELT ROAD, NANUET, NEW YORK

is hereby awarded to:

WARDE ELECTRIC CONTRACTING, INC.
100 WELLS AVENUE
CONGERS, NEW YORK 10920

Continued on Next Page

RESOLUTION NO. (681-1989) Continued

THOMAS DAMIANI AND ERIC
APPLEBAUM, PRINCIPALS

as per their low bid proposal of \$52,923.00, and be it

FURTHER RESOLVED, that said award is subject to the receipt of

- a) Performance Bond or Certified Check, drawn payable to the Town of Clarkstown for 100% of awarded amount, and
- b) Certificate of Liability and Workers Compensation Insurance coverage as detailed in bid specifications.

and be it

FURTHER RESOLVED, that this award is subject to improvement in turning radii at Church Street and Blauvelt Road, and the Town Attorney's ability to obtain land necessary for turning improvement.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (682-1989)

AWARDING BID FOR BID
#55-1989 - UNIFORM
MAINTENANCE SERVICE FOR
CLARKSTOWN POLICE
DEPARTMENT (PERSONAL TOUCH
CLEANERS)

Co. Smith offered the following resolution:

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

BID #55-1989
UNIFORM MAINTENANCE SERVICE
FOR CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to:

PERSONAL TOUCH CLEANERS
301A NORTH MAIN STREET
SPRING VALLEY, N.Y. 10977
PRINCIPALS: YONG SIK WHANG
MARGARET J. WHANG

as per the following price schedule

TROUSERS	DRY CLEANED	\$1.00 EACH
SHIRTS	DRY CLEANED	1.00 EACH
LEATHER JACKETS	DRY CLEANED	1.00 EACH
POPLIN JACEKTS	DRY CLEANED	1.00 EACH
DAC/WOOL JACKETS	DRY CLEANED	1.00 EACH
HATS	DRY CLEANED	1.00 EACH
WHITE DRESS SHIRTS	LAUNDERED	1.00 EACH
BLANKETS	LAUNDERED	1.00 EACH

Continued on Next Page

RESOLUTION NO. (682-1989) Continued

Seconded by Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (683-1989)

REFERRING PETITION FOR ZONE CHANGE - R-160 DISTRICT TO R-80 DISTRICT TO CLARKSTOWN PLANNING BOARD AND ROCKLAND COUNTY COMMISSIONER OF PLANNING (McCALL - MAP 62, BLOCK A, LOT 15)

Co. Maloney offered the following resolution:

WHEREAS, ALMIRA I. McCALL and LINDA G. McCALL have petitioned the Town Board of the Town of Clarktown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioners from an R-160 District to an R-80 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 62, Block A, Lot 15;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Section 239-1 and 239-m of the General Municipal law and other applicable provisions of law.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (684-1989)

AMENDING THE FEE SCHEDULE FOR RETURNED CHECKS - \$10.00 FOR PARKS & RECREATION DEPARTMENT UNTIL 8/7/89 - ALL OTHER DEPARTMENTS REMAIN \$25.00 CHARGE

Co. Maloney offered the following resolution:

WHEREAS, Resolution #533-1989 adopted on June 13, 1989, established a \$25 service charge for returned checks for various departments within the Town, and

WHEREAS, the Clarkstown Parks & Recreation Spring/Summer brochure had previously indicated a \$10 fee for any returned checks for registration in their programs,

RESOLUTION NO. (684-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that the fee schedule for returned checks shall remain at \$25 for all departments, with the exception of the Clarkstown Parks & Recreation Department which will remain at \$10.00 for the duration of the Spring/Summer brochure, but will become \$25.00 effective August 7, 1989, to correspond with the publication of the Fall/Winter brochure.

Seconded by Co. Smith

Councilman Kunis asked why the change for the Recreation Department and was it discriminatory in any way? Town Attorney said the only reason they did this was that they had already sent out the recreation brochure. He did not feel that it was discriminatory.

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. (685-1989)

AUTHORIZING AGREEMENT WITH GASTON LAWRENCE RAFFAELLI OF ROCKY HILL, NEW JERSEY FOR ENGINEERING SERVICES REGARDING GERMONDS POOL COMPLEX (PROPOSAL DATED JULY 10, 1989) - CHARGE TO MONEY-IN-LIEU-OF-LAND

Co. Maloney offered the following resolution:

RESOLVED, that Edward J. Ghiazza, Superintendent of Recreation and Parks, hereby recommends to the Town Board, that an agreement, in a form acceptable to the Town Attorney, be entered into with Gaston Lawrence Raffaelli of Rocky Hill, New Jersey, for engineering services regarding the Germonds Pool Complex in accordance with a proposal dated July 10, 1989, and be it

FURTHER RESOLVED, that all necessary expenses be charged against the Money-in-Lieu-of-Land Account.

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. (686-1989)

AUTHORIZING AGREEMENT WITH GASTON LAWRENCE RAFFAELLI OF ROCKY HILL, NEW JERSEY FOR ENGINEERING SERVICES REGARDING GERMONDS POOL COMPLEX (PROPOSAL DATED NOVEMBER 11, 1987) - CHARGE TO APPROPRIATION ACCOUNT NO. A 7180-409

RESOLUTION NO. (686-1989) Continued

WHEREAS, Town Board Resolution No. 1176, dated November 24, 1987, authorized an agreement between the Town of Clarkstown and Gaston Lawrence Raffaelli of Rocky Hill, New Jersey, for engineering services regarding the Germonus Pool Complex in accordance with a proposal dated November 11, 1987, and

WHEREAS, additional engineering services were necessary prior to the opening of the Germonus Pool Complex,

NOW, THEREFORE, be it

RESOLVED, that necessary expenses not to exceed \$5,000.00 be charged against Appropriation Account No. A 7180-409.

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. (687-1989)

REFERRING PETITION FOR ZONE CHANGE R-22 DISTRICT TO MF-3 DISTRICT TO CLARKSTOWN PLANNING BOARD AND ROCKLAND COUNTY COMMISSIONER OF PLANNING - MAP 135, BLOCK D, LOTS 14.03 AND 18

Co. Maloney offered the following resolution:

WHEREAS, HORN CONSTRUCTION CORP. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner from an R-22 District to an MF-3 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 135 Block D, Lots 14.03 and 18;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarktown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Section 239-1 and 239-m of the General Municipal Law and other applicable provisions of law.

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. (688-1989)

SETTING PUBLIC HEARING AND REFERRING PROPOSED

Continued on Next Page

RESOLUTION NO. (688-1989) Continued

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

Co. Maloney offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 29th day of August, 1989 at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and be it

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

Amend Table 14 of the General Use Regulations, LIO District, Column 3-B, by Adding Item 7 to read as follows:

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

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

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

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 Leslie F. Bollman, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (689-1989)

AMENDING RESOLUTION NO.
569-1989 REGARDING SPECIAL

Continued on Next Page

RESOLUTION NO. (689-1989) Continued

PERMIT OF PYRAMID COMPANY
OF ROCKLAND FOR ROCK
EXCAVATION REMOVAL - MAP
89, BLOCK A, LOT 4

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 569-1989 be amended to
change the reference to the Zoning Ordinance to read as follows:

WHEREAS, PYRAMID COMPANY OF ROCKLAND, with offices at
51 Virginia Street, West Nyack, as property owner has petitioned the
Town Board of the Town of Clarkstown for a Special Permit for rock
excavation along the north and southbound lanes of the New York
State Thruway at approximately Mile Post 19.3, designated on the
Clarkstown Tax Map as Map 89, Block A, Lot 4, more particularly
described on the attached Schedule "A," pursuant to Chapter 106-10A,
Table 13, Column 3, Item B-2 of the Zoning Ordinance of the Town of
Clarkstown.

(Schedule "A" on file in Town Clerk's Office.)

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. (690-1989)

SETTING PUBLIC HEARING FOR
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
MARIANNE HILL

Co. Kunis offered the following resolution:

WHEREAS, a written Petition dated June 5, 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 in the said Town, to be bounded and described
as follows:

(Schedule A 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 29th day of
August, 1989, at 8:10 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. 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. (691-1989)

AUTHORIZING ATTENDANCE AT
NATIONAL RECREATION AND
PARK ASSOCIATION CONGRESS
(OSWALD AND GHIAZZA) -
CHARGE TO APPROPRIATION
ACCOUNTS A 7020-414 AND
7310-414

Co. Maloney offered the following resolution:

RESOLVED, that Wilbur T. Oswald, Chairman, and Edward J. Ghiazza, Superintendent of Recreation and Parks, are hereby authorized to attend the National Recreation and Park Association Congress from October 19, 1989 through October 24, 1989 to be held in San Antonio, Texas, and be it

FURTHER RESOLVED, that all necessary expenses be charged against Appropriation Accounts A 7020-414 and A 7310-414.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (692-1989)

ACCEPTING DEED AND
DECLARATION FOR ROAD
WIDENINGS (NARLAN
DEVELOPMENT CORP.)

Co. Carey offered the following resolution:

WHEREAS, the Zoning Board of Appeals requested a deed for road widening purposes along Old Lake Road, Congers, New York, and a Declaration for future road widening purposes along Route 9 W, a state road, Congers, New York, required in connection with Appeal No. 2154

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated July 10, 1989, gratuitously conveying a road widening strip along Old Lake Road, Congers, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that a Declaration for road widening purposes along Route 9 W, a State road, 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
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (693-1989)

AUTHORIZING SUPERVISOR TO
ENTER INTO CONTRACT TO
PURCHASE REAL PROPERTY -
MAP 57, BLOCK J, LOT 8 -
(NEW CITY MOTEL) FROM F.
GORDON COYLE

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is desirous of purchasing premises located on Maple Avenue, New City, New York, which is designated on the Clarkstown Tax Map as Map 57, Block J, Lot 8, from F. Gordon Coyle, and

WHEREAS, F. Gordon Coyle, owner of said property is agreeable to selling same for the consideration of \$680,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract in a form approved by the Town Attorney for the purchase of the property designated on the Clarkstown Tax Map as Map 57, Block J, Lot 8, for the consideration of \$680,000.00 (plus adjustments for prepaid excise/use taxes) payable ten (10%) percent on contract and the balance in cash at the time of closing, expected to be on or about November 15, 1989, and be it

FURTHER RESOLVED, that the contract deposit of \$68,000.00 shall be charged to Surplus Funds, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a licensed land surveyor to provide a certified survey, and to obtain fee title insurance for the benefit of the Town on or before the date of closing of title, and be it

FURTHER RESOLVED, that the Town Board intends to use a serial bond to pay the purchase price and closing expenses for the acquisition referred to herein.

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. (694-1989)

AUTHORIZING TOWN BOARD TO
APPROPRIATE MONIES TO
ROCKLANDFEST - CHARGE TO
ACCOUNT NO. A 8840-424

Co. Kunis offered the following resolution:

WHEREAS, Cornell-Cooperative Extension is sponsoring a Rocklandfest, "A Celebration of Life in Rockland County," at Letchworth Village from July 21st to July 23, 1989, and

WHEREAS, the Town Board wishes to support this endeavor;

NOW, THEREFORE, be it

RESOLVED, that the the Town Board hereby appropriates the sum of \$250.00 in its support of the Rocklandfest, and be it

Continued on Next Page

RESOLUTION NO. (694-1989) Continued

FURTHER RESOLVED, that the sum of \$250.00 shall be charged to Account No. A-8840-424.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (695-1989)

AUTHORIZING TURKEY SHOOT BY
NYACK LIONS CLUB (PROPERTY
OF KARL LANDGREN, ROUTE 9W
AND CHRISTIAN HERALD ROAD)

Co. Kunis offered the following resolution:

WHEREAS, the Nyack Lions Club, has requested the consideration of the Town Board of the Town of Clarkstown to hold a Turkey Shoot as a fund raiser for their organization, and

WHEREAS, the proposed Turkey Shoot is to be held on September 17th and 24th and October 1st and 8th, with a rain date of October 15, 1989, on property of Karl Landgren, located near Route 9W and Christian Herald Road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants approval to the Nyack Lions Club to hold a Turkey Shoot on the dates specified, and be it

FURTHER RESOLVED, that the Chief of Police of the Town of Clarkstown shall be notified of the time and place of each Turkey Shoot.

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. (696-1989)

REFERRING AMENDMENT TO
ZONING ORDINANCE TO
CLARKSTOWN PLANNING BOARD
AND ROCKLAND COUNTY
COMMISSIONER OF PLANNING
(DELETING STORAGE AND
WAREHOUSES)

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

Continued on Next Page

RESOLUTION NO. (696-1989) Continued

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

NOW, THEREFORE, be it

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

Amend Section 106-10A, Table 12 of the General Use Regulations, RS District, Column 6, Item 17. Dry-cleaning, rug-cleaning, laundry plants, printing and publishing, or storage and warehouses, to delete storage and warehouses :

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

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

Amend Section 106-10A, Table 12 of the General Use Regulations, RS District, Column 6, by Adding Item 18 to read as follows:

"18(a) Storage and warehouses for sites under one ownership and having a lot area of 60,000 sq. ft. or less: At least one parking space for each 300 sq. ft. of gross floor area."

"18(b) Storage and warehouses for sites under one ownership and having a lot area greater than 60,000 sq. ft.: At least one parking space for each 500 sq. ft. of gross floor area."

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. 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. (697-1989)

BOND AND CAPITAL NOTE
ADOPTED JULY 18, 1989,
AUTHORIZING ORIGINAL
IMPROVEMENT AND EMBELLISH-
MENT OF THE TOWN'S
RECREATIONAL AREA LOCATED
AT ZUKOR ROAD

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (697-1989) Continued

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JULY 18, 1989, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF THE TOWN'S RECREATIONAL AREA LOCATED AT ZUKOR ROAD IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,200,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$160,000.00 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND AUTHORIZING THE ISSUANCE OF \$3,040,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct original improvements to, and embellish the Town's recreational area located at Zukor Road in the Town, including the construction of an addition to the Administrative Office Building, parking fields, lighting improvements, athletic fields, bleachers, a playground and comfort station, a maintenance shed and a concession stand. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,200,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$160,000.00 capital notes to provide the down payment required by the Law, as hereinafter defined, and the issuance of \$3,040,000.00 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the principal amount of \$160,000.00 to pay the required down payment, and serial bonds of the Town in the principal amount of \$3,040,000.00, to finance the balance of said appropriation not provided by said capital notes are hereby authorized to be issued pursuant to provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law".)

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said \$3,040,000.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 19.(c) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said class of objects or purposes herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the capital notes and each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said capital notes and bonds and any notes issued in

Continued on Next Page

RESOLUTION NO. (697-1989) Continued

anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said capital notes and bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the capital notes and bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond and capital note resolution is subject to permissive referendum.

The adoption of the foregoing resolution was seconded by Councilman Kunis and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Councilpersons Carey, Kunis, Maloney and Smith

NOES: None

The resolution was declared adopted.

(Councilman Kunis stated that two weeks ago we dedicated a new Germonds field complex. He said since his election this was one of the most gratifying experiences he has had as a public official. He said you can see where the tax dollars are working for the taxpayer. It is an absolutely gorgeous complex and he believes we need one at Street School. He is glad the Board supported it. The New City Babe Ruth will now have a field they can call home. The New City Little League, currently playing on property owned by Rivervale Realty, will also have a site for a potential home. This is a great asset to the community and it is with poleasure that he votes yes on this.)

RESOLUTION NO. (698-1989)

DIRECTING TOWN CLERK TO
PUBLISH BOND AND CAPITAL
NOTE RESOLUTION REGARDING
RECREATIONAL FACILITIES AT
ZUKOR ROAD, NEW CITY

Co. Maloney offered the following resolution:

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY
OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on July 18, 1989, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted July 18, 1989, authorizing the original improvement and embellishment of the Town's recreational area located at Zukor Road in the Town, stating the estimated maximum cost thereof is \$3,200,000.00, appropriating said amount therefor, and authorizing the issuance of \$160,000.00 capital notes to provide the required down payment, and authorizing the issuance of \$3,040,000.00 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to construct original improvements to, and embellish the Town's recreational area located at Zukor Road in the Town, including the construction of an addition to the Administrative Office Building, parking fields, lighting improvements, athletic fields, bleachers, a playground and comfort station, a maintenance shed and a concession stand; STATING the estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,200,000.00; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$160,000.00 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$3,040,000.00 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$160,000.00 capital notes to provide the required down payment and \$3,040,000.00 serial bonds of the Town to finance the balance of said appropriation not provided by said capital notes pursuant to the Local Finance Law of the State of New York (the "Law");

THIRD; DETERMINING and STATING the period of probable usefulness of the class of objects or purposes is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said current funds and apply the same solely to said class of objects or purposes; and the proposed maturity of said \$3,040,000.00 serial bonds will exceed five (5) years;

Continued on Next Page

RESOLUTION NO. (698-1989) Continued

FOURTH: DETERMINING that said capital notes and bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said capital notes and bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH; DELEGATING to the Supervisor the powers and duties as to the issuance of said capital notes and bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED; July 18, 1989

Patricia Sheridan
Town Clerk

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the state of New York.

Section 3. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Councilman Kunis and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Councilpersons, Carey Kunis, Maloney and Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (699-1989)

DIRECTING DIRECTOR OF
DEPARTMENT OF ENVIRONMENTAL
CONTROL TO DRAW UP PLANS
FOR DRAINAGE WORK AREA OF
WOODHAVEN DRIVE AND
WINDGATE DRIVE, NEW CITY

Co. Smith offered the following resolution:

WHEREAS, the Superintendent of Highways recommends that a study of the drainage problems which exist in the area of Woodhaven and Windgate Drive, New City, be prepared before the resurfacing of roads can be considered in that area;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby directs the Director of the Department of Environmental Control to prepare plans to perform drainage work in the area of Woodhaven Drive and Windgate Drive, New City, New York.

Seconded by Co. Kunis

Continued on Next Page

RESOLUTION NO. (699-1989) 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. (700-1989)

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH 18 S Q ASSOCIATES FOR PAYMENT OF 50% OF COST OF PREPARATION OF ENGINEERING WORK BY KOZMA ASSOCIATES (FLOODING PROBLEM OF PORTION OF SQUADRON BOULEVARD)

Co. Carey offered the following resolution:

WHEREAS, the Town Board has been concerned about the continuing flooding problem of a portion of Squadron Boulevard, and

WHEREAS, the County of Rockland has recently replaced the culvert under Old Route 304, south of Squadron Boulevard, and

WHEREAS, the County of Rockland is having prepared the necessary plans and specifications by Kozma Associates, Consulting Engineers, P.C., for modifications to the existing Culvert No. 390 located under North Main Street, south of Squadron Boulevard, in order to reduce flooding in the area of New Hempstead Road, and

WHEREAS, the area between Culvert No. 390 and Old Route 304 is a vital link in the resolution of the drainage problems in this portion of New City, and

WHEREAS, the upstream improvements may have an adverse impact on downstream lands if these lands are not prepared to receive the anticipated increased flows, and

WHEREAS, 18 S Q Associates, the owner of several lots fronting on Squadron Boulevard has indicated a willingness to cooperate with the Town to improve existing drainage conditions and help avoid the impact of possible additional flooding problems, and

WHEREAS, 18 S Q Associates, the owner, has agreed to pay fifty (50%) percent of the cost of preparation of the necessary engineering documents for a project to be known as the "Demarest Kill and Squadron Boulevard Flood Reduction Program" and to contribute toward the actual construction;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control obtain a proposal from Kozma Associates, Consulting Engineers, P.C., to prepare all necessary plans, specifications and contract documents in connection with a drainage improvement project known as the "Demarest Kill and Squadron Boulevard Flood Reduction Program," and be it

FURTHER RESOLVED, that the project shall include all necessary surveying, engineering, computing and drafting to safely transmit the one hundred (100) year flow so that no adverse impact is experienced by the New City Condominiums and Squadron Boulevard and contiguous lands to be raised about the floodplain, and shall include the work shown on the annexed Schedule "A," and be it

RESOLUTION NO. (700-1989) Continued

FURTHER RESOLVED, that the Town of Clarkstown shall enter into an agreement with 18 S Q Associates, in a form satisfactory to the Town Attorney, providing for the payment by 18 S Q Associates of fifty (50%) percent of the cost of the preparation of the engineering work by Kozma Associates, Consulting Engineers, P.C., which agreement shall be entered into prior to the Town of Clarkstown entering into an agreement with Kozma Associates, Consulting Engineers, P.C.

(Schedule A on file in Town Clerk's Office.)

Seconded by Co. Maloney

On roll call the vote was as follows:

(Councilman Kunis stated that he was voting no because at workshop he had specifically asked the Director of Environmental Control if it was going to cost the Town any dollar amount to prepare the engineering study and the answer was no, that the proposal would be submitted at no cost. He stated that he had a problem voting for 50% of an undetermined amount. He said we had engineers come in and make presentations approximately six months ago to this Board. He said this problem at Squadron Gardens will have no adverse affect on the condominiums at New City Gardens. He said we are asking government to pay 50% of the cost to take private property out of the flood plain and enhance the value of it at taxpayers' expense. He went on to state that the most important thing here is that no one is telling you what we are paying 50% of. He did not think that is the way to conduct business. He is tired of voting on this and he felt the Town deserves some answers.

Councilwoman Smith said she was voting yes for the project. She said we have been given a guideline on the figure which would be what we would spend if we had to do our part of it ourselves.

Supervisor Holbrook said in any of the 100 year floods which seem to come every year, Squadron Boulevard is cut off continually to emergency vehicles, not only threatening life and limb but also threatening the Squadron Boulevard Senior Citizen Complex. This project is long over due. There is no sense repaving Squardorn Boulevard until the drainage is corrected underneath it. Anyone who has traversed that road has seen the deplorable condition that it is in. There is no sense throwing good money after bad. The drainage work has to be completed first.)

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

RESOLUTION NO. (701-1989)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #57-1989 -
VENDING MACHINE SERVICE

Co. Maloney offered the following resolution:

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

BID #57-1989
VENDING MACHINE SERVICE

Continued on Next Page

RESOLUTION NO. (702-1989) 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 Wednesday, August 16, 1989 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Supv. Holbrook

(Councilwoman Smith asked what these were for and was told they were for Recreation Department.)

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. (702-1989)

DIRECTING BUILDING INSPECTOR TO TAKE ALL NECESSARY STEPS TO BRING BUILDING INTO COMPLIANCE WITH ZONING CODE (10 KINGS HIGHWAY, NEW CITY, MAP 36, BLOCK D, LOT 3)

Co. Carey offered the following resolution:

RESOLVED, that the Town Board hereby directs the Building Inspector to take all necessary steps to bring the building at 10 Kings Highway, New City, Map 36, Block D, Lot 3, into compliance with the zoning code.

(Supervisor noted that this is on the corner of Kings Highway and Route 304 where they have had trailers on the property for many years.)

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. (703-1989)

AUTHORIZING ATTENDANCE AT NEW YORK STATE ASSOCIATION CHIEF'S OF POLICE ANNUAL CONFERENCE (CHIEF WILLIAM COLLINS) - CHARGE TO ACCOUNT NO. 3120-414

Co. Maloney offered the following resolution:

RESOLVED, that Chief William Collins is authorized to attend the New York State Association Chief's of Police Annual Conference to be held in Rochester, New York on August 20 through August 24, 1989, and be it

RESOLUTION NO. (704-1989) Continued

FURTHER RESOLVED, that estimated cost will be \$70.00 registration fee and approximatey \$67.00 per night for hotel reservations for five nights at a total cost of \$406.00, and be it

FURTHER RESOLVED, that Chief Collins be authorized to take a department vehicle, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Account #3120-414.

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. (704-1989)

CREATING POSITION OF POLICE
SERGEANT - POLICE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 21, 1989 that the position of Police Sergeant - Police Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Police Sergeant - Police Department - is hereby created - effective July 18, 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. (705-1989)

ACCEPTING RESIGNATION OF
YOUTH COUNSELOR I -
COUNSELING CENTER (JANET
DROGA)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Janet Droga, 3 Old Phillips Hill Road, New City, New York - Youth Counselor I - Counseling Center - is hereby accepted - effective August 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. (706-1989)

CREATING POSITION OF
WEIGHER - SANITARY LANDFILL

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 30, 1989 that the position of Weigher - Sanitary Landfill - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Weigher - Sanitary Landfill - is hereby created - effective July 18, 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. (707-1989)

APPOINTING TO POSITION OF
OFFICE WORKER STUDENT -
DEPARTMENT OF ENVIRONMENTAL
CONTROL (JENNIFER LOEFFLER)

Co. Maloney offered the following resolution:

RESOLVED, that Jennifer Loeffler, 15 Oak Road, New City, New York, is hereby appointed to the position of Office Worker Student - Department of Environmental Control - at the current 1989 hourly rate of \$5.75, effective and retroactive to July 17, 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. (708-1989)

APPOINTING TO POSITION OF
DUMP ATTENDANT - SANITARY
LANDFILL (CHRISTOPHER
SEILER)

Co. Maloney offered the following resolution:

RESOLVED, that Christopher Seiler, 18 Courtney Drive, New City, New York, is hereby appointed to the position of Dump Attendant - Sanitary Landfill - at the current 1989 annual salary of \$19,853.00, effective and retroactive to July 17, 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. (709-1989)

ACCEPTING RESIGNATION OF
POLICE RADIO DISPATCHER -
POLICE DEPARTMENT (GEORGE
ECKERSON)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of George Eckerson, 15 Jones Drive, Garnerville, New York - Police Radio Dispatcher - Police Department - is hereby accepted - effective and retroactive to July 4, 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. (710-1989)

APPOINTING TO POSITION OF
MEMBER - SHADE TREE
COMMISSION (JOAN HOWARD)

Co. Maloney offered the following resolution:

RESOLVED, that Joan Howard, 83 North Grant Avenue, Congers, New York, is hereby appointed to the position of Member - Shade Tree Commission - at the current 1989 annual salary of \$500.00, term effective and retroactive to July 17, 1989 and to expire on July 16, 1996.

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. (711-1989)

RECLASSIFYING POSITION OF
GROUNDSKEEPER (ENCUMBERED
BY FREDERICK HASTINGS) TO
GROUNDSKEEPER II) - PARKS
BOARD AND RECREATION
COMMISSION

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 13, 1989 that the position of Groundskeeper (encumbered by Frederick Hastings) can be reclassified to the position of Groundskeeper II,

NOW, THEREFORE, be it

RESOLVED, that the position of Groundskeeper is hereby reclassified to the position of Groundskeeper II - Parks Board and Recreation Commission - effective July 24, 1989.

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (711-1989) 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. (712-1989)

ESTABLISHING GROUNDSKEEPER
II AS GRADE 23 - PARKS
BOARD AND RECREATION
COMMISSION

Co. Maloney offered the following resolution:

RESOLVED, that the grade for the position of
Groundskeeper II - Parks Board and Recreation Commission - is hereby
established at a grade 23.

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. (713-1989)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION OF (PROVISIONAL)
GROUNDSKEEPER II - PARKS
BOARD AND RECREATION
COMMISSION (FREDERICK
HASTINGS)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the
appointment by the Parks Board and Recreation Commission of
Frederick Hastings, 24 Palmer Avenue, Nanuet, New York, as
(provisional) Groundskeeper II - Parks Board and Recreation
Commission - at the current 1989 annual salary of \$30,868.00,
effective July 24, 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. (714-1989)

GRANTING EXTENSION OF SICK
LEAVE OF ABSENCE TO
CUSTODIAN II - PARKS BOARD
AND RECREATION COMMISSION
(ALBERT CHIANESE)

Continued on Next Page

RESOLUTION NO. (714-1989) Continued

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., Albert Chianese, 196 North Middletown Road, Nanuet, New York - Custodian II - Parks Board and Recreation Commission - is hereby granted an extension of his Sick Leave of Absence - at one-half pay - effective August 7, 1989 to September 7, 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. (715-1989)

APPOINTING TO POSITION OF
CUSTODIAL WORKER -
MAINTENANCE DEPARTMENT
(THOMAS RUSSO)

Co. Maloney offered the following resolution:

RESOLVED, that Thomas Russo, 3 Glen Rose Court, West Nyack, New York, is hereby appointed to the position of Custodial Worker - Maintenance Department - at the current 1989 annual salary of \$16,013.00, effective and retroactive to July 17, 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. (716-1989)

APPOINTING TO POSITION OF
PART-TIME BUS DRIVER - MINI
TRANS DEPARTMENT (JEAN EDDY
CHATELAIN)

Co. Maloney offered the following resolution:

RESOLVED, that Jean Eddy Chatelain, 4 Viola Road, (Apt. 3A) Spring Valley, New York, is hereby appointed to the position of part-time Bus Driver - Mini Trans Department - at the current 1989 hourly rate of \$8.72, effective and retroactive to July 3, 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. (717-1989)

APPOINTING TO POSITION OF
BUS DRIVER III - MINI TRANS
DEPARTMENT (SERGE VALBRUN)

Co. Maloney offered the following resolution:

RESOLVED, that Serge Valbrun, 47 North Cole Avenue,
Spring Valley, New York, is hereby appointed to the position of Bus
Driver III - Mini Trans Department - at the current 1989 annual
salary of \$23,079, effective and retroactive to July 17, 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. (718-1989)

APPOINTING TO POSITION OF
BUS DRIVER (FROM BUS DRIVER
III TO BUS DRIVER II) -
MINI TRANS DEPARTMENT
(WILLEM MAXI)

Co. Maloney offered the following resolution:

RESOLVED, that Willem Maxi, 18 Waldron Avenue, (Apt 1A)
Central Nyack, New York, is hereby appointed to the position of Bus
Driver (transferring from Bus Driver III to Bus Driver II) - Mini
Trans Department - at the current 1989 annual salary of \$22,076.00,
effective and retroactive to July 17, 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. (719-1989)

APPOINTING TO POSITION OF
MEMBER - CLARKSTOWN DRUG
ABUSE PREVENTION COUNCIL
(JOSEPH PANTANO)

Co. Maloney offered the following resolution:

RESOLVED, that Joseph Pantano, 265 South Little Tor
Road, New City, New York, is hereby appointed to the position of
Member - Clarkstown Drug Abuse Prevention Council - to serve without
compensation - term effective July 18, 1989 and to expire on July
17, 1992.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (720-1989)

AUTHORIZING PREPARATION OF
CHECK NOT TO EXCEED
\$100,000.00 FOR POSSIBLE
CHANGE ORDER TO PIPE DITCH
AND PRESERVE PARKING AREA
(ROUTE 304 WIDENING)

Co. Carey offered the following resolution:

WHEREAS, New York State Department of Transportation has let a contract for the widening of Route 304; and

WHEREAS, plans call for the removal of approximately forty (40) existing Town Hall parking places; and

WHEREAS, the Director of the Department of Environmental Control has been working with the State and the contractor to see if a change order can be approved to pipe the ditch and preserve all but eight (8) parking spaces; and

WHEREAS, the New York State Department of Transportation has indicated that they are currently working on the cost estimate for this work;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to have a check prepared in an amount not to exceed \$100,000.00; and be it

FURTHER RESOLVED, that this money come from the bond that authorized the expenditure of \$75,000.00 for reconfiguring the parking lot after the State had completed the work.

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. (721-1989)

REQUESTING COUNTY OF
ROCKLAND TO WORK WITH TOWN
OF CLARKSTOWN ON TRAFFIC
IMPROVEMENTS IN THE
DOWNTOWN NEW CITY AREA

Co. Carey offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown is desirous of encouraging traffic improvements in the downtown New City area, and be it

FURTHER RESOLVED, that the Town of Clarkstown wishes to cooperate fully with the County of Rockland and respectfully requests that the town and county work together to accomplish the following:

1. A through road from the Greenburgh property through to Little Tor Road and a possible connection to Main Street.
2. A realignment of New Hempstead Road and the elimination of the present County Clerk building and the Highway Department building.

Continued on Next Page

RESOLUTION NO. (721-1989) Continued

- 3. A possible realignment of New Hempstead Road around the present Bank of New York building to North Main Street to alleviate traffic congestion at that intersection.

and be it

FURTHER RESOLVED, that the Town of Clarkstown encourages the County of Rockland to develop a comprehensive plan for a county complex, with the improvement of traffic and parking as an important goal.

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. (722-1989)

REQUESTING COUNTY OF
ROCKLAND TO WORK WITH TOWN
OF CLARKSTOWN REGARDING
INVESTIGATION FOR POSSIBLE
CONSTRUCTION OF PARKING
FACILITY FOR THE DOWNTOWN
NEW CITY AREA

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown is desirous of encouraging traffic improvements in the downtown New City area, and be it

FURTHER RESOLVED, that the Town of Clarkstown wishes to cooperate fully with the County of Rockland and respectfully requests that the town and county work together to accomplish the following:

Investigation for the possible construction of a parking facility which would aid both parking in the business district and parking for the county

and be it

FURTHER RESOLVED, that the Town of Clarkstown encourages the County of Rockland to develop a comprehensive plan for a county complex, with the improvement of traffic and parking as an important goal.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (723-1989)

AUTHORIZING ATTENDANCE AT
NEW YORK STATE GFOA
CONFERENCE - ISSUES
CONCERNING FINANCE OFFICERS
(ANN MARIE SMITH, ELIZABETH
SQUILLACE, DOLORES LODICO
AND NANCY DAVIDSON) -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 1010-414

Co. Carey offered the following resolution:

RESOLVED, that Ann Marie Smith, Elizabeth Squillace, Dolores Lodico and Nancy Davison are hereby authorized to attend the New York State GFOA Conference - Issues Concerning Finance Officers - to be held August 16-17th, 1989, at Cooperstown, New York, and be it

FURTHER RESOLVED, that all necessary expenses be charged to Appropriation Account A 1010-414.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Chapter 79 Violation (Reich) Map 164, Block A, Lot 16.01, was opened, time: 8:57 P.M.

On motion of Councilman Maloney, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re; Chapter 79 Violation (Reich) Map 164, Block A, Lot 16.01, was closed, RESOLUTION ADOPTED, time: 8:58 P.M.

RESOLUTION NO. (724-1989)

AUTHORIZING TOWN ATTORNEY
TO DISCONTINUE ALL
PROCEEDINGS RE: CHAPTER 79
VIOLATION - REICH - MAP
164, BLOCK A, LOT 16.01

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice dated June 13, 1989 regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 164, BLOCK A, LOT 16.01 has been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

On motion of Supervisor Holbrook, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Zone Change from R-15 TO RS - Town's Own Motion - Property located at Route 9W, Congers (Coyle and Ries), was opened, time: 8:59 P.M.

On motion of Councilman Maloney, seconded by Councilwoman SMith and unanimously adopted, the Public Hearing re; Zone Change from R-15 to RS - Town's Own Motion - Property located at Route 9W, Congers (Coyle and Rises), was closed, DECISION RESERVED, TIME: 9:20 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Maisey, was opened, time: 9:21 P.M.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Maisey, was closed, ORDER SIGNED, time: 9:22 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local Law (Homestead), was opened, time: 9:22 P.M.

On motion of Councilman Carey, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local Law (Homestead) was closed, RESOLUTION ADOPTED, time: 10:02 P.M.

RESOLUTION NO. (725-1989)

ADOPTING LOCAL LAW NO.
4-1989 CONCERNING HOMESTEAD
BASE PROPORTION AND
NON-HOMESTEAD BASE
PROPORTION IN THE MANNER
PROVIDED BY CHAPTER 223 OF
THE LAWS OF 1989

Co. Carey offered the following resolution:

WHEREAS, a proposed local law entitled:

"A LOCAL LAW TO ADOPT THE PROVISIONS OF REAL
PROPERTY TAX LAW, SECTION 1903, CONCERNING
HOMESTEAD BASE PROPORTION AND NON-HOMESTEAD BASE
PROPORTION, IN THE MANNER PROVIDED BY CHAPTER 223
OF THE LAWS OF 1989"

was introduced by Councilman Carey at a Town Board meeting held on the 11th day of July, 1989, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 11th day of July, 1989, directed that a public hearing be held on July 18, 1989, at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on July 12, 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 July 7, 1989, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 18, 1989;

Continued on Next Page

RESOLUTION NO. (725-1989) Continued

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4-1989, entitled:

"A LOCAL LAW TO ADOPT THE PROVISIONS OF REAL PROPERTY TAX LAW, SECTION 1903, CONCERNING HOMESTEAD BASE PROPORTION AND NON-HOMESTEAD BASE PROPORTION, IN THE MANNER PROVIDED BY CHAPTER 223 OF THE LAWS OF 1989"

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

Charles E. Holbrook, Supervisor...Yes
William J. Carey, Councilman.....Yes
Steven C. Kunis, Councilman.....Yes
John R. Maloney, Councilman.....Yes
Ann M. 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 he hoped there was a commitment on the part of the Town to adopt clean ratables. In long range goals we should be able to attract clean ratables. The most aggravating thing is that we have a clean ratable approved by a majority of this Town Board being held up in the Courts and the ultimate effect is that it is costing every taxpayer in this Town tax dollars. Long range goals again - clean ratables. Short term goals - with the closing of the Landfill with anticipated revenue decreases of over \$6,000,000.00 next year and anticipated expenses of over \$6,000,000.00 next year makes it difficult in good conscience not to vote for Homestead. It would be catastrophic to the Clarkstown taxpayer. If this wasn't adopted you could be looking at the average taxpayer paying maybe a 25% to 35% increase next year. This alone is 11% without any budget increase, without inflation. It is a difficult decision but based on what is best for the overall taxpayer in the Town he was going to vote for this. He still would urge the Town Board to continue to work to attract commercial ratables to this Town because that is the answer. What we have done tonight is we have borrowed from Peter to pay Paul and that is the bottom line. That is not the answer. The answer is clean ratables.

Councilman Maloney said he is also faced with a dilemma. He said he was the only one back in 1984 that voted against Homestead because he felt that there had to be another way to sort of balance out the kind of taxes that the people in the condominiums were paying as opposed to those who were living in a private home. He said he also feels that the fairest way is we have to get more tax ratables and that is why we have been doing everything possible and why the members of the Industrial Development Committee have been meeting and trying to determine better ways and better public relations to get clean ratables. He said he thinks the town lost something a week ago when we voted, for whatever reasons, not to bring in Parker-Nanuet because that was at least something that was going to provide us with some ratables. We do have Palisades Center and hopefully that will be on the tax books in the not too distant future. If it had been voted in two and half years ago we would be realizing some of those taxes now. He said every member of this Town Board really wants to bring in good tax ratables because the services are going to go up and as services go

Continued on Next Page

up and more people demand services the taxes are going up and we have to offset that with tax ratables.

Councilman Maloney said he, and all members of the Town Board have been champions for affordable housing. We've got to do something about that also. Working side by side we need a tax ratable and we have to find ways of having affordable housing so we do not lose our young people and we must become innovative about that. He said based on the figures we have here and based on the fact that because of the enactment of this law and what the Town Board is able to do and because of the two tax rolls he feels that people in the condominiums are going to be getting some help in terms of their taxes, whether it be 5% or 8%. It is a step forward. He said he thinks they are going to be getting more whether it be in the area of just Town taxes and maybe a little bit in the County taxes. They will be getting a little bit of an advantage over the person in the private home. In conscience he said he finds it very difficult since if we vote that way those in the residential areas will stay exactly the same and condominium people will get maybe a 5% to 8% reduction. He said if he didn't vote that way he thought it would be unconscionable to saddle the homeowner with a 10%, 11%, 12% or more tax rate. Therefore he said he was voting for Homestead.

Councilwoman Smith said she wanted to commend Cathy Conklin on what she had provided earlier this week for all of the Board to study because it was a very difficult subject. While we may not like having to vote this law into effect tonight it is the only just way for all the residents in Clarkstown. The reality is we must have tax ratables up here. It is a dream to think that you can just have a country and not have businesses to help with the taxes. You can't live like that any easier than you can live in your homes without working. The reality is that we must all work to bring in a ratable and there are some things we have to accept even if it is not 100% what we would like to accept. She said overall we feel that we are voting equally for all the residents of Clarkstown.

Supervisor Holbrook said by reenacting Homestead at this time it benefits both categories and he thinks that what it does is to prevent an unfair tax burden from being shifted onto the Clarktown homeowners. While there is benefits on the County tax for condominium owners because there will be a separate roll, there is also a benefit to them in the Homestead category because of the fact that they will have a lower rate as will Clarkstown homeowners. Up to this point in time there has been only one rate. Now there will be a Homestead rate on the Town taxes and Clarkstown condominium owners as well as homeowners will benefit from that. On the County taxes they will have the restricted assessment. He said what we are doing here makes sense. It is equitable and given the statistics here there is nothing else that this Town Board could have done than what it is doing right at this juncture by enacting this tonight.

There being no further business to come before the Board and no one further wishing to be heard, the Town Board Meeting was declared closed, time: 10:03 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/18/89

8:57 P.M.

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

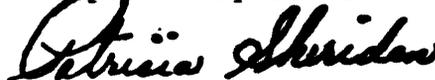
RE: CHAPTER 79 VIOLATION - REICH - MAP 164, BLOCK A, LOT 16.01

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

Town Attorney Murray Jacobson stated that the violation had been corrected and therefore all proceedings were to be discontinued.

There being no one wishing to speak on the matter the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:58 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (724-1989 ADOPTED))

TOWN OF CLARKSTOWN.
PUBLIC HEARING

Town Hall

7/18/89

8:59 P.M.

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

RE: ZONE CHANGE R-15 TO RS -TOWN'S OWN MOTION - PROPERTY
LOCATED AT ROUTE 9W (COYLE & RIES)

On motion of Supervisor Holbrook, seconded by Councilman Maloney and unanimously adopted the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney said the SEQRA processing has not yet been finished; therefore, there could not be a vote today. He noted that the County Commissioner of Planning said it was a matter for local determination. The Town Planning Board disapproved.

Supervisor asked if there was anyone present wishing to speak.

Appearance: Donald S. Tracy, Esq.
representing property owner

Mr. Tracy said this particular zone change basically is to straighten out an RS zone line which presently runs through roughly the center of an RS zone and leaves one half of the property zoned R-15. He submitted an old aerial photograph which shows basically the configuration of three of the properties which are concerned in this zone change. He noted that his client's property was on the far right of the photo.

Mr. Tracy then submitted a second series of photos which he stated were recently taken and in which one looks up at his client's property from the school district parking lot and the other one looks toward the rear toward the school district so the foliage is readily ascertainable.

Mr. Tracy said if the site were visited you would notice from the rear property line of the properties concerned, and in particular his client's property, there is a 30 foot slope which slopes down to the parking lot. In changing the zoning ordinance he said he would assume that one has to inquire as to whether there is a benefit to the municipality or a detriment to the public health, safety and welfare. He said with regard to the benefit to the municipality it is obvious that a parcel of land zoned RS in its entirety would produce a greater tax base than a parcel of land zoned half R-15 and half RS. He went on to state that with regard to any detriment that may be produced if you notice from the photograph, most of the middle property is built on right up to the rear property line. That large parcel of land with its parking lot goes right up to the property line. The change in zone will simply change an imaginary line. It will not change anything that exists there at the present time. It can change something in the future.

He said his client's property is fully built. It would not change if an RS zone were brought into effect. In addition, in connection with the zone change on his client's property, his client would install along the top of this 30 foot slope a chain link fence to prevent access from the parking lot should children choose to use that access to get up and cross the property and get out onto Route 9W. At the present time the property sits in the same configuration as it would sit after the zone change with the exception of the fact that a large chain link fence would be installed along the rear of the property.

Mr. Tracy said he was asking the Board to straighten this zone line out so as to be consistent with the precepts of the

zoning ordinance which provide in one pertinent part that wherever possible zone lines will follow street lines or property lines. To do otherwise will lead to probably a series of variance applications. It seems to serve no useful purpose since a view of the aerial photograph indicates that there is a significant buffer by way of a 30 foot slope and a large expanse of parking lot between these properties fronting on Route 9W and the rear of his client's property. He said if anyone has any questions he would be very happy to answer them.

Councilman Kunis asked if the property would be in line with Studio 9 property line? Mr. Tracy said the zone line would now be lined up with the rear of Studio 9's parking lot across the rear of those properties. Immediately to the rear of the zone line you will notice there is a large slope which is 30 foot in diameter which goes down to the school parking lot. Mr. Tracy said his client covenants that he would build a fence along the rear of his property line and does not intend to build anything additional on his property.

Appearance: Ira Emanuel, Esq.
Representing Clarkstown Central
School District

Mr. Emanuel said the School District is the owner of the Lakewood Elementary School. The zone change which is sought would effectively move the zoning boundary to the school district property line. He said one has to wonder why the zone change is sought and why this particular property owner would hire eminent counsel if he didn't plan to do anything with the property. What is going on here? Why is a zone change sought which would move a commercial use 100 feet closer to the school children at Lakewood Elementary School? Mr. Emanuel said to speak about an imaginary line which doesn't do anything, which doesn't have any purpose doesn't make sense to him. He said that line was put there for a reason twenty years ago when this map was first drawn. He said interestingly enough this map was also drawn and this line was put 100 feet away from the school property just before the Lakewood Elementary School opened. It is clear that when this line was originally drawn it was drawn to protect the school children at the Lakewood Elementary School. Mr. Emanuel said there is no good reason shown for this zone change. They are not going to do anything with the property. It is all built up. There is a spoke they talk about that they can't do anything with. Why change it? As to concerns about variances, there hasn't been a variance application in twenty years apparently. If there has been a variance application in the last twenty years it hasn't been granted. Mr. Emanuel said as for straightening out the line he would suggest that the jag was a mistake and should not have been put there. It was the district's mistake in not fighting it and he submits respectfully that it was the Board's mistake putting the jag in there in the first place. The zone line was put there twenty years ago to protect Lakewood Elementary School and its students and it should stay where it is.

Councilman Kunis asked when the jag was put in. Mr. Emanuel said the jag was put in just a couple of years ago. Supervisor said it was an application before the Town Board. Councilman Kunis asked if the school district had contested that? Mr. Emanuel said to his knowledge the school district did not contest that and that was probably an error on our part.

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

Mr. Pantano said he had appeared at an Executive Session and tonight was appearing on behalf of himself. He said he would like to oppose this zone change for the reasons mentioned by the gentleman from the attorney's office. He said he found it

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rather curious that this straightening of the line seems to be something that is a concern. He said in the future we could see other buildings going up. Things can always change. He said a detriment to the public safety and welfare was brought up before. He said he sees this as a problem for vandalism and many other problems that it could cause, chief of which is the fact that they can extend the building. The buffer zone was put in to protect the school and the children. He did not think this Board should in any way change that. He said not just this school or school district but any school in any school district.

Town Attorney said he wanted the record to reflect that he (Mr. Pantano) did not appear at an Executive Session. He appeared at an open workshop.

Appearance: Ms. Judy Travaglini, Principal
Lakewood School

Ms. Travaglini said the school community is not averse to any growth in the area. She said they embrace it but they are charged with the health and safety of every youngster who comes to our school and are hoping the Town Board will support the Planning Board in their support for keeping the zoning as it is.

Appearance: Ms. Cathy Joyce, President
Lakewood PTA
63 Beechwood Drive
Congers, New York

Ms. Joyce asked if a letter from the PTA sent to Mr. Jacobson's office had been received? Mr. Jacobson said he had sent it to Mrs. Sheridan to be placed in the record. It was ascertained that indeed this letter is part of the record on file. Ms. Joyce said she would like to add that they were most concerned by the impact of noise pollution, air pollution and traffic to the school area. She said a zone change at this time would be setting a precedent for future building in the area and people would think we don't need buffer zones around the school at all. She said she would like that considered when the Board votes.

Appearance: Ms. Trish Holland
72 Lenox Avenue
Congers, New York

Ms. Holland said everyone must be wondering why there is such a big deal about such small parcels of land. These small parcels were purposely left residential to protect the homes and school behind the businesses along Route 9W. Some parcels south of the ones in question have already been rezoned. They should never have been rezoned and it should stop now. If it doesn't, not only is Lakewood in jeopardy as far as setting a precedent on the east side of the school for a minimum buffer area, but every resident and other schools who were similarly protected years ago will now lose that protection. Commercial and residential areas can and have coexisted and will continue to do so as long as the Town Board adequately protects the private sector with more than adequate buffer areas. Having been a Lakewood parent for nine years with at least eleven more to go she said she hoped that this Board would deny the zone change so as not to expose our children to unnecessary noise, distraction and air pollution from expansion of the existing buildings and the parking it would bring closer to the school.

Mr. Donald Tracy said the Coyle/Ries property have two small buildings presently existing, built on the rear of the property. Because the properties are in a residential zone, the buildings cannot be used for the use contemplated. He reiterated that there is no intention to build anything additional on the Coyle/Ries property or change the configuration of the property. He said

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he did not know that buffer zones protect children. He said school supervisory personnel protect children. He said there is a considerable buffer which was condemned from the Lamborn properties for the purpose of providing a buffer that now exists on that particular map. The history of the property is such that at the time the Lamborn property was condemned it was condemned as buffer for the school district. The area of the school district which faces this property, below the large slope, is a parking lot. What greater protection and safety feature could the school board have for the school children than a chain link fence on the top of that hill along the property line which would prevent the use of the property either for a play area or for a short cut down the hill for the school children? Mr. Tracy said his client is every bit as concerned about the safety of school children as everyone else. He said his client is prepared to implement his concern by the erection of that fence and if the zone change is granted he is willing to so covenant to erect that fence.

Mr. Tracy said with regard to variances there has been a variance granted. The variance was granted to construct the two buildings in the rear of the Coyle property in 1984 and in 1986. Any particular change in use would have to come before the Clarkstown Planning Board for site plan review. The new buffer requirements between the RS and the residential would require a significant rear yard which would virtually prevent any further construction. Mr. Tracy said he understands when people come in and object and he understands their concern for the children. He respectfully submitted to the Board that by virtue of the site plan ordinance, the buffer requirements, the slope and the fence that he thinks their concern should be mitigated.

Appearance: Mr. John Joyce
63 Beechwood Drive
Congers, New York

Mr. Joyce said his children attend Lakewood Elementary School and he takes exception that anyone has a greater desire to protect them than he and his wife. He said we entrust them to the school board and quite frankly from everything he has heard it revolves around tax issues or safety or children. He said they cannot even be discussed at the same meeting. He strongly urged the Town Board to reject the change in zoning because it was put there for a very good reason. He said we live in a suburban community. He did not want his children to have to look up at a fence in the school yard. It's not necessary. Why not look at trees and grass and rabbits and birds. Isn't that what it's all about? If we want to live in an urban society there is one very close to us. People live here because they have chosen a suburban community.

Appearance: Mr. Dennis Coyle
1 Sherwood Road
Congers, New York

Mr. Coyle said in 1958, prior to the development and building of the Lakewood School, the property from Swarthout Lake all the way to the intersection of Route 303 and 9W where DePaulis' stone yard is now, was zoned RA-1X (that is R-15 Residential.) In the early 1960's thirteen acres of that property were condemned by the school board where they built the present Lakewood School. When they condemned that thirteen acres they did it and took thirteen acres to provide the buffer zone that was required by them at that time. In 1967 the Master Plan moved that zoning line from our property line. He said his property at that time was zoned totally commercial from Route 9W, 250 feet west. At that time they moved the zoning line 100 feet to the east and created a sliver of R-15 in the back of his property and some properties further to the south. He said that the 1967 zoning ordinance also changed part of that 150 acres to LO (Laboratory/Office) from RA-1X.

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Mr. Coyle said in 1982 the Comprehensive Hamlet Advisory Committee recommended to the Planning Board and the Town Board that they change the balance of that residential property completely surrounding the Lakewood School from R-15 to LO which they did right up to the property line of the school district on the north side and on the west side.

Mr. Coyle said since that time he believes the LO zoning has been changed to LIO (Light Industrial Office.) He said what has happened here is that his property which was totally commercial has been changed with a sliver taken off from commercial to residential and all the residential property completely surrounding Lakewood School has been changed from residential to commercial. He said we could go into the properties to the south of the same zoning line which were changed in 1987. It leaves this little piece of R-15 behind the properties that are not only built but many of those properties, and there are five properties all together and are properties to the south of us, were built in a commercial use prior to 1967 so that their non-conformities continue anyway.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time; 9:20 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

111

Town Hall

7/18/89

9:21 P.M.

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

RE: EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT
NO. 1 TO INCLUDE MAISEY

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication. Town Clerk stated there was on file in the Town Clerk's Office an affidavit from the Deputy Director of the Department of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in favor of the proposed extension.

No one appeared.

Supervisor asked if there was anyone present wishing to speak in opposition to the proposed extension.

No one appeared.

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 9:22 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

7/18/89

9:22 P.M.

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

RE: LOCAL LAW (HOMESTEAD)

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

Town Attorney said the Town had adopted Homestead legislation and there was a lawsuit called Verga vs. Town of Clarkstown concerning the legality of the state statute which made provision for that. Recently the Legislature of the State of New York in adopting Chapter 223 of the Laws of 1989 changed the state law so that you could have separate tax rolls, actually restricted rolls, for the County tax which was the subject of the Verga suit and you could have a separate tax roll for the Town and School tax. The County tax could have provisions for the restricted roll concerning the condominiums which is provided for in 339 Y of the Real Property Law.

Mr. Jacobson went on to state that what the Legislature did was they made it so you could have a separate roll restricted for condominiums on the County and on the Town and School you could have a general roll. Also they provided specifically for the Town of Clarkstown in the legislation that we could reenact Section 1903 of the Real Property Tax Law which has to do with Homestead and that we could make it applicable to the 1989 roll.

Mr. Jacobson said the purpose of the hearing tonight is to reenact Homestead which had been declared unconstitutional in the Verga case and to make it applicable to the 1989 roll.

Supervisor asked if there was anyone present wishing to comment.

Appearance: Ira Emanuel, Esq.
representing Clarkstown School District

Mr. Emanuel stated that the Board of Education of the School District strongly supports the passage of this local law. Retention of Homestead taxation is essential to stabilize the tax rates and the tax base of the Town of Clarkstown and the Clarkstown Central School District strongly urges support of this local law.

Appearance: Warren Kossin, Esq.
representing 2000 condominium units
located in the Town of Clarkstown

Mr. Kossin said approximately four years ago when the Town of Clarkstown had its reassessment it adopted Article 19 of the Real Property Law which changed the manner in which condominiums were assessed. It was no longer assessed under 339Y of the Real Property Law but was thereafter assessed under Article 19 of the Real Property Law which had a resulting increase in taxes to condominium owners of approximately 25% and in some cases going nearly as high as 50%, such as the Lake Road Condominiums.

Mr. Kossin said at that time he stood before the Town Board and argued against the adoption of Homestead indicating the amount of taxes that were collected from the condominiums per acre was highly disproportionate to those taxes collected from single family dwellings. At that time, with the exception of John Maloney, who voted against Homestead, the four remaining Town Board members

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voted in favor of Homestead and that has been the law of the Town of Clarkstown in spite of all of the decisions that have come down in the law suit Verga v. Town of Clarkstown.

Mr. Kossin said the Supreme Court of the State of New York, County of Rockland held Homestead as applied in Clarkstown to be unconstitutional. The Town appealed it. It went to the Appellate Division. The Appellate Division upheld it. It went back down to Rockland Supreme Court. It was held unconstitutional. It went up to the Appellate Division. It was held unconstitutional. It went to the Court of Appeals. The Court of Appeals didn't want to hear it. It has been unconstitutional and in all those years this unconstitutional law has been applied in the Town of Clarkstown and taxes have been collected from all of the condominium owners in the Town of Clarkstown in an unconstitutional manner. Nobody seems to care.

Mr. Kossin said now we have a new Homestead Law which will permit the Town of Clarkstown to continue to collect taxes from the condominium owners under Homestead and which will permit the school district to continue to collect taxes against the condominium owners in the Town of Clarkstown, all resulting in an increase of taxes approximately 25% to condominium owners. In these last four years, while all of this has been going on, he said he has seen article after article and letters to the editor in the local newspaper stating that Clarkstown has to find some method of providing housing for those people who can't afford to live in Clarkstown.

Mr. Kossin stated that there is also an additional group of people you don't hear too much about but it is becoming a much larger group of people in the Town of Clarkstown and all over - divorced people. These are people who were previously living under a home with one income and a family. They now are no longer living together and you have that same income, or possibly two incomes, that now are supporting two homes. They can no longer afford that house that they were living in. A lot of those people have moved into condominiums. While all of this is going on the Town of Clarkstown is increasing their costs. Taxes are being increased. We keep screaming we have to have affordable housing for these people.

Mr. Kossin stated that we know that the builders' main job in a capitalistic society is to build expensive homes and make large profits. We're not going to go to the builders and say take your expensive property and build inexpensive homes, decrease your profit so that all these people can get affordable housing. They are not going to do that. We are certainly not going to go to the Federal government and say let's subsidize housing with federal money so that the next time we see the articles in the paper they won't be about Yonkers, it will be about Clarkstown. He said all of you know that the Town Board of the Town of Clarkstown are not going to accept Federal funding to build low income houses in the Town of Clarkstown. The only way that you are going to have housing for the Town of Clarkstown is if the Town Board of the Town of Clarkstown does something about it by itself. Raising the taxes on the only affordable housing in the Town of Clarkstown by 25% and by continuing to maintain this increase of taxes in spite of a court decision was not the way to maintain affordable housing in the Town of Clarkstown.

Mr. Kossin said if you want to vote yes to continue Homestead in the Town of Clarkstown and raise the taxes of the people who can least afford to have their taxes raised then vote yes but stand up there and let the Town of Clarkstown know exactly what the position of this Town Board is. Or you can say to yourself it's time that the Town Board of the Town of Clarkstown provided affordable housing for the people who want to live in the Town of

Clarkstown and who can least afford us and let's get rid of Homestead once and for all. You've had four years to go to your state legislators and say let's amend Homestead so it will not adversely affect condominium owners. You haven't done it. You haven't gone to your state assemblymen. You haven't gone to your state senators and nothing has been done to protect these people. We are stuck with one more bad law because Town Board of the Town of Clarkstown hasn't done anything about it. Let's tell the people of the Town of Clarkstown that we are going to provide affordable housing.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley said he felt Homestead should be passed. He said if it is not passed you have a sort of artificial redistribution of the taxes in which, for example, you have a condominium owner who has a condominium worth \$200,000.00 and a homeowner who has a home worth \$200,000.00, which are realistic prices, the condominium owner would pay less for his property of equal value on the market than would a homeowner. It could be 10% or whatever percent it is but Homestead is a way of getting people in. It is very nice to practice theories of redistribution of income but some people in other parts of the world who do that are not doing so well today.

Mr. Broadley noted that he lived here as a child and when he could not afford a home at first he had an apartment. He said he did not come to the government and say help me out and let me pay less taxes. He said when he bought his first house he looked at condominiums at Treetops and discovered very quickly that he could buy a three bedroom ranch house in New City for less money than a one bedroom condominium. He said he had the additional advantage that he did not have to pay a maintenance fee which in many cases would then affect how much of a mortgage you can buy. They say that 28% of your income has to equal insurance, taxes, mortgage and maintenance fees. But what will the people in the single family homes say if their taxes go up 10% because you don't have Homestead anymore and they pay more than a person in a condominium? That's giving an artificial tax rebate or tax discount to the condominium owner. Homestead has worked well and is certainly an incentive. He said he is sorry for people who may be in difficult situations but he did not feel that others in Clarkstown should have to subsidize them. He said he was with the School District and would vote for Homestead. It appears to be good. It has worked well. We are going to have enough problems with increased taxes with the Town Dump and with the School District as taxes go up. How much of the brunt can the single family home owner take?

Councilman Maloney asked Mr. Longo (Tax Assessor) if this law has been changed so that there will be benefits to the condominiums? Mr. Longo asked Cathy Conklin of his department to respond to this as she had been working on this recently.

Cathy Conklin said there are benefits to the condominium owner because the primary argument in the Verga case is that the law was unconstitutional due to the shared districts such as the County where all condominium units throughout Rockland County were not assessed under the same methodology. The restricted assessment permits us to put that 339Y value on the assessment roll for County purposes which makes it equal to the other towns in Rockland County. By doing so it does reduce the condominium taxes to some extent for County purposes. It also will have an effect on the condominium units which are located within the East Ramapo School District who do not have Homestead available to them. The condominium owners do stand to gain. She said the best analysis they could do was on the basis of last year's tax levies and from the anticipated adjustments in restricted values which would give us

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reason to anticipate that condominium owners would see reduction someplace in the neighborhood of 5% to 10% in their overall taxes - Town, County and School. That would be within the Clarkstown School District where they are not gaining benefits.

Supervisor said if they are in the Homestead category for purposes of Town and school, they have benefit of a lower rate. So that is a benefit plus the separate roll for the County. Cathy Conklin said you would have the restricted assessed value for the County purposes and the lower tax rate for Town and School purposes.

Councilman Maloney said then this is a change from what we have been living with for the past four years. Cathy Conklin said it is. Councilman Maloney said then there is some reduction in taxes for condominium owners that did not exist before. Cathy Conklin said that is correct.

Supervisor said then in the County they get the benefit of the assessment. In the Town and School District they would get the benefit of the lower rate. Cathy said that was correct. Councilman Maloney said then if the Homestead were not adopted there would be an increase to the individual homeowner. Cathy said that was correct. There would be a significant increase to the individual homeowner and obviously a reduction to the condominium owner. Supervisor said the Clarkstown School District tax would go up about 10%. Cathy said that is correct and that is without any budget increase predicted for this year.

Councilman Maloney said with Homestead the condominium owner would get a reduction and the homeowner would stay about the same. Cathy Conklin said they would stay approximately the same.

Councilman Kunis asked if we had a Palisades Center on the tax rolls right now, how would that affect us? Cathy Conklin said some number of months ago she had looked at the tax analysis at Councilman Kunis' request in regard to anticipation of the building of the Palisades Center. She said the most obvious one is that the Palisades Center is not anticipated to add enough assessed value to the tax roll to overcome the tax shift from non-Homestead property that existed at the time that Homestead was originally adopted. While certainly the Palisades Center under the Homestead structure would reduce taxes on the non-Homestead class she did not believe there would be a sufficient enough value added to make the situation ideal for the Town to rescind Homestead because it wouldn't benefit or overcome the shift that would occur along with that rescission on to the Homestead class of properties.

Mr. Tracy asked how much of a shift in the tax base would you need to make it practical by way of commercial ratables to elect out of Homestead. Cathy said at the time she did the analysis she developed that it would be approximately an 8% shift that would occur at the current level of assessed value if Homestead were rescinded. Mr. Tracy asked if she could translate that into dollars? Cathy said we would probably need something in excess of \$300,000.00 added to the non-Homestead base to overcome that shift.

Mr. Tracy said if you did overcome that shift would you advise electing out of Homestead? Cathy said certainly. Mr. Tracy said the long run thing that has to be done is not to sit and argue about Homestead and non-Homestead disparities. The thing that needs to be done is to get tax ratables in here and to get the assessment rolls increased and perhaps to look at the present zoning ordinances and where you have condominium projects proposed let them go to fee simple. This was a concept which was turned down at the last meeting which would have provided not only some affordable housing but 100% taxes as fee simple ownership. The tax base has got to get boosted up.

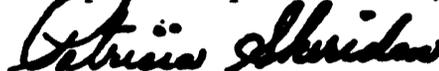
Mr. Kossin said one point that Mr. Tracy just made is that a large portion of that change will be made with Palisades. If you are looking for \$300,000,000.00 you have \$200,000,000.00 right there. He said he strongly doubts the benefits to condominiums that were just cited of a 5% to 10% increase when you consider that it is not going to have any positive effect to any condominium which is in the Clarkstown School District, which is almost all of them. It is only going to have an effect on the County tax which is the smallest portion of the entire tax bill. School taxes are approximately 60%, State County and Town Taxes are approximately 40%. Of that 40%, approximately 60% of that is the Town bill. The smallest part is the County bill and if that were reduced 25% you're talking about a couple of percent increase in the overall tax bill. If you want to look around the County of Rockland, you can look at Stony Point, Ramapo and Haverstraw and they haven't implemented Homestead. There has to be some reason why they have not implemented Homestead.

Councilman Maloney asked Cathy Conklin just to get a handle on the figures are you saying that in terms of the School tax in the Clarkstown School District if the Town adopts the Local Law the tax structure will remain about the same for the condos and for the homeowner? Cathy Conklin said yes, the current tax structure within the Clarkstown School District will remain unchanged. Councilman Maloney noted that is the biggest tax. Cathy said that is correct. Councilman Maloney said and in the County tax that is not much at all is that right? Cathy said that was also correct. Councilman Maloney said the Town tax of the condos would be reduced approximately 4% or 5%. Cathy said there will be a reduction to the condominium owners not by virtue of the change in assessed value. She said if the Town Board adopts the local law then both condominiums and home owners will see an approximately 5% reduction in their Town taxes. Supervisor said what they would lose on the County they would make up on the Town taxes. Cathy said that is why the homeowners taxes would remain approximately unchanged. Councilman Maloney asked if the School tax would remain the same? Are they paying the same amount in School taxes right now? Cathy said the School tax structure would remain unchanged. Councilman Maloney said in other words if you have a \$200,000.00 condominium and a \$200,000.00 house your school taxes would be the same as it is now and as it would be. Cathy said yes. She said all of her analysis had to be based on last year's budget because this year's budgets were not determined. Cathy said if this year's budget goes up then obviously these numbers go down. Any decrease that they would see is going to be eaten up but she could not estimate or forecast what the increases are going to be so you do it on the basis of the last known numbers. She said you can do the same analysis for all properties and you are working with a stable base.

Councilman Kunis asked why Ramapo, Haverstraw and Orangetown have not had to adopt Homestead? Cathy said Orangetown has Homestead. Stony Point has Homestead. Ramapo and Haverstraw are not eligible to adopt Homestead because they are not approved assessing units that have undertaken a reevaluation since Article 19 was passed into law.

There being no one further wishing to be heard, on motion of Councilman Carey, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 10:02 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 725-1989) Adopted