

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

8/29/89

8:05 P.M.

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

Supervisor declared the Town Board meeting open.

Supervisor stated that the first order of business this evening would be a promotional ceremony for the Clarkstown Police Department. The color guard presented the Flag and Chief of Police William Collins led the salute.

Detective David Wedlick gave the introduction and welcome. He stated that the administration of oaths and the presentation of badges would be made by Chief Collins and Councilman John Maloney, Police Commissioner.

Detective Christopher Goodyear was promoted to Uniform Sergeant.

The following are Probationary Police Officers: Robert Burns, William Quirk, Raymond McCullagh, John Lynn, Edward Chazan, Tara Stuart and Eileen Malloy. Chief William Collins made the closing and congratulatory remarks. Detective Lieutenant John Kubran also made congratulatory remarks. William Carey, Councilman/Police Commissioner congratulated the officers as did Councilman Steve Kunis, Councilwoman Ann Marie Smith, Councilman Maloney and Supervisor Holbrook.

Supervisor declared the Public Portion of the meeting open.

Appearance: Rudolph Yacyshyn  
Chairman of the Planning Board

Mr. Yacyshyn appeared regarding item 26 (Cropsey Estates) on the Town Board Agenda. The Planning Board had no problem with the Town Law 281. He was there to speak regarding the second resolution before the Town Board. The Planning Board had made the recommendation for widening Congers road. He said that the County Highway Department is prepared to go forward with the widening of that road. He said he had spoken to the County Commissioner of Highways and the Planning Board supports this proposal and because it is a county road it is going to be widened in 1991. He assured the Board that their intent is not to allow one single lot more than is possible under the zoning code.

Appearance: Jack Cuff  
Organized Tax Payers Association

He said he was speaking on behalf of the Organized Tax Payers regarding a letter on affordable housing. He said that Rockland County will allow a county employee \$30.00 per day for food. When someone is at a conference, the State of New York will allow them \$33.00 per day. He urged the Town to adopt the policies of the County and State of New York and not allow \$106.30 per day in a number of instances approved by the Town and said he thought it was out of line and requested to be put on the agenda at the next workshop.

Appearance: John Lodico  
2 Birch Lane  
New City, NY

He said that Congers Road was another road that does not meet the County standards and he referred also to Red Hill Road which doesn't meet Town specifications. He was speaking regarding

Continued on Next Page



Supervisor explained the process of effecting the cost of closing stating that it would be 75% returnable by the State.

Paul Schofield, the Town Comptroller, stated that there was in excess of \$1,000,000.00 dollars set aside for the landfill closing.

Mr. Pantano said would you say that the members of the Town Board had badly underestimated the amount of money that it is going to cost the taxpayers in Clarkstown to close this landfill?

Supervisor said he did not think so. I think that one of the estimations was that closing the landfill wouldn't take place until '91 or '92. I think what you are witnessing here is the intention of the State to close all landfills in Rockland County, not just ours, but also Haverstraw's in the near future, largely due to the inability of the County to solve the problem. Be that as it may, we have intentions to put aside additional funds next year and we hope after the IRFS study that we do not find things that are going to be expensive to remediate. However, the study has to be done properly and whatever it costs to remediate. However, it must be done satisfactorily according to the State Division of Hazardous Waste and it will be done. The Town is not going to gamble with the State's superfund money and we are not going to gamble on doing a slipshod job on closing the landfill because the State is not going to allow it. It is hard to pinpoint a figure but I would say based upon a hundred acres of site and the types of work and tests that will be necessary and remediation and cover and everything else, you could look for an estimate somewhere between \$20,000,000.00 and \$40,000,000.00. The Supervisor said 75% of that the State would pay and 25% of it the Town will pay.

Supervisor said that if the Town Board did not choose to take the actions that it did take in terms of negotiating a settlement with the DEC and making ourselves eligible for funding, we would be gambling away possibly \$30,000,000.00 dollars of funds from the State's superfund act. I think what the Town Board did, and I reiterate, was the responsible thing and the Town Board will stand by that because that will help improve the air quality in the West Nyack area. The Town Board is not paying lip service to it. We are moving to close the landfill and we will be eligible for those funds. If we had not moved as we had, those funds might have been used up and we would not be eligible for them.

Appearance: William Brenner  
Doscher Ave.  
West Nyack

He said the truck traffic on Doscher Avenue was unbelievable and he was concerned about the Carbone Recycling Center's effect on that traffic.

Supervisor Holbrook stated that the Town Board would do nothing in that area until such time as a through road is put in from Western Highway to Route 303 which would alleviate the traffic.

Appearance: Steve Goldman  
West Nyack

He said he was representing the Organized Tax Payers Association in West Nyack. He spoke regarding items 46S and 46T (creation of positions in Building Inspector's office). He said he has always received courteous and helpful answers when he called the Building Inspector's office. However, he knows that there were certain problems with the Building Inspector's office in buildings that were built too high; homes that were built too big in New City which is rather messed up. He felt that there is a management problem that should be dealt with before more employees are hired. He thought it would be better to table 46S and 46T until the

Continued on Next Page



Supervisor said Carbone's facility would be a privately run one. Right now the Town does not have a facility to hold recyclables and we and Orangetown use Carbone's site. We believe in recycling. Without that we would not be able to get rid of the recyclables. To keep the recycling program in Rockland County on track it is being used. That is one of the reasons we put it into our ordinance because it did not exist. Whatever is done on the Carbone site would have to come under Special Permit at a public hearing. Mr. Kalinowski asked if you would limit him to Clarkstown and Orangetown and Supervisor said he did not know if he could be limited to Clarkstown and Orangetown but when they apply the Town Board will have to address that.

There was discussion regarding the traffic that exists on Western Highway. Our facility on Route 303 is the facility which will take the garbage which is presently coming to the Landfill from Clarkstown and Orangetown, less whatever is recycled, and be able to transport it out of State which is what we are going to have to do in the next five to eight years. While the County of Rockland fumbles around for a solution to the problem.

RESOLUTION NO. (729-1989)

ACCEPTING THE MINUTES OF  
THE TOWN BOARD MEETING OF  
JULY 18, 1989 AND THE  
SPECIAL TOWN BOARD MEETING  
OF AUGUST 8, 1989

Co. Carey offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting of July 18, 1989, and the Special Town Board Meeting of August 8, 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. (730-1989)

CHANGING THE TOWN BOARD  
MEETING SCHEDULED FOR  
SEPTEMBER 12, 1989 TO  
SEPTEMBER 14, 1989

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board meeting scheduled for September 12, 1989, shall be changed to September 14, 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. (731-1989)

SETTING PUBLIC HEARING ON  
PROPOSED LOCAL LAW  
"MANDATORY RECYCLING  
PROGRAM"

Co. Maloney offered the following resolution:

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

"THE MANDATORY RECYCLING PROGRAM"  
OF THE TOWN OF CLARKSTOWN

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 19th day of September, 1989 at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. Smith

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. (732-1989)

SETTING A PUBLIC HEARING  
AND REFERRING TO CLARKSTOWN  
PLANNING BOARD AND ROCKLAND  
COUNTY PLANNING BOARD -  
SPECIAL PERMIT TO OPERATE  
AN AGENCY GROUP HOME BY THE  
CHILDREN'S VILLAGE

Co. Carey offered the following resolution:

WHEREAS, THE CHILDREN'S VILLAGE, has petitioned the Town Board of the Town of Clarkstown for a Special Permit to operate an agency group home pursuant to the Zoning Ordinance of the Town of Clarkstown for property located at 808 Tena Place, in the Hamlet of Valley Cottage, Town of Clarkstown, Rockland County, State of New York, and designated on the Clarkstown Tax Map as Map 123, Block A, Lot 16.54;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 14th day of November, 1989, at 8:05 P.M., to consider the application of THE CHILDREN'S VILLAGE, relative to said Special Permit, and be it

RESOLUTION NO. (732-1989) Continued

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

FURTHER RESOLVED, that this application be referred to the Clarkstown Planning Board pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for study and report, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the 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. (733-1989)

CALLING PUBLIC HEARING -  
EXTENSION OF CLARKSTOWN  
WATER DISTRICT #1 - SHADY  
BROOK LANE AND PINE LANE,  
NEW CITY

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown in the County of Rockland, New York, has heretofore duly caused to be prepared, a general map, plan and report for the extension of the Clarkstown Consolidated Water Supply District No. 1 in said Town of Clarkstown, which map, plan and report have been duly filed in the office of the Town Clerk of said Town for public inspection, and

WHEREAS, said Town Board has determined to proceed with the extension of said water supply district, and

WHEREAS, said proposed extension of the Clarkstown Consolidated Water Supply District No. 1 is more particularly bounded and described in Schedule "A" attached hereto and made a part hereof, and

WHEREAS, the maximum amount proposed to be expended for the performance or supplying of services is \$100.00 annually for each fire hydrant installed, which said amount shall be raised by taxation in the proposed extension of said district pursuant to Town Law:

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of said Town of Clarkstown to be at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, in said Town, on the 26th day of September, 1989, at 8:05 P.M., to consider the proposed extension of said Clarkstown Consolidated Water Supply District No. 1 as herein referred to, and to hear all persons interested in the subject

Continued on Next Page

RESOLUTION NO. (733-1989) Continued

thereof, concerning the same, and for such other action on the part of said Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the Journal News, the official newspaper of said Town, and post on the sign board of said Town maintained pursuant to Subdivision Six of Section Thirty of the Town Law, and conspicuously in at least five public places within said proposed Clarkstown Consolidated Water Supply District No. 1, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten or more than twenty days before the day designated herein for said public hearing as aforesaid.

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. (734-1989

AUTHORIZING THE SUPERINTENDENT OF HIGHWAYS TO INSTALL A SIGN ON THE SOUTHSIDE OF GILCHREST LANE BEFORE SASOON DRIVE, CONGERS AND SIMILIAR SIGN TO BE ERECTED ON THE WEST SIDE OF GILCHREST LANE BEFORE SASOON DRIVE

Co. Maloney offered the following resolution:

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

a sign designed thusly:

with a 15 MPH panel beneath to be erected on the southside of Gilchrest Lane before Sassoon Drive, Congers.

A similiar sign with a 15 MPH panel beneath to be erected on the west side of Gilchrest Lane before Sassoon Drive. (This sign will replace current curve sign):

(a note to Mr. Anthony D'Antoni - Please clear the overgrown shrubs on the West side of Gilchrest Lane)

and be it

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (735-1989)

AUTHORIZING THE  
SUPERINTENDENT OF HIGHWAYS  
TO INSTALL A LEFT TURN SIGN  
ON SPRING BROOK ROAD AND A  
RIGHT TURN SPEED ADVISORY  
PANEL SOUTH OF SPRING BROOK  
ROAD IN SPRING VALLEY -  
ALSO REPLACE SIGNS LEFT  
TURN ON FOREST BROOK ROAD  
AND REPLACE RIGHT TURN SIGN  
ON FOREST BROOK ROAD

Co. Maloney offered the following resolution:

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

A W1-1C "Left Turn" sign be installed with a W9-1X "10  
MPH" speed advisory panel beneath be installed on Spring Brook Road,  
50 ft. West of House #45 and a W1-2C "Right Turn" with a W9-1X "10  
MPH" speed advisory panel beneath be installed just South of #54  
Spring Brook Rd., Spring Valley.

Also replace signs with the following:

W1-1C "Left Turn" with a W9-1X "20 MPH" speed advisory  
panel beneath on westbound Forest Brook Road, West of Pascack Road.

On eastbound Forest Brook Road, South of Spring Brook  
Road replace the existing sign with a W1-2C "Right Turn" 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. 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. (736-1989)

AUTHORIZING TOWN  
COMPTROLLER TO AUTHORIZE  
PAYMENT ON LOST COUPON -  
SEWER DISTRICT AND GENERAL  
PURPOSE SERIAL BOND

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown has been advised by  
Citibank as the agent for Sewer District and General Purpose Bond  
No. 2247 that a coupon due August 1, 1988, has been lost in bearer  
form, and

WHEREAS, an appropriate Affidavit of Loss and Bond of  
Indemnity has been tendered by the paying agent and General  
Insurance Company of America;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (736 -1989) Continued

RESOLVED, that the Affidavit and Bond referred to above are hereby accepted and the Town Comptroller is hereby directed to authorize payment of a coupon due August 1, 1988, which was detached from 5.80% Sewer District and General Purpose Serial Bond No. 2247 (series of 1971 due February 1, 2003) for \$5,000 without physical presentation of said coupon.

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. (737-1989)

INSTALLING STREET LIGHTS AT  
WYDENDOWN ROAD IN UPPER  
NYACK

Co. Kunis offered the following resolution:

WHEREAS, George C. Cardona, Mayor, Village of Upper Nyack has requested the Town of Clarkstown install street lighting to improve the safety and welfare of the community on behalf of the residents of Wydendown Road, Upper Nyack, and

WHEREAS, the Village of Upper Nyack is wholly within the Town of Clarkstown and the Clarkstown Consolidated Lighting District,

NOW, THEREFORE, be it

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

Wydendown Road - Upper Nyack  
(Install - One (1) 5800 lumen sodium vapor street light on existing pole number 61444/40417.)

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. (738-1989)

ACCEPTING PROPOSALS FROM  
ORANGE AND ROCKLAND  
UTILITIES, INC. FOR STREET  
LIGHTING AT CAROLINA DRIVE,  
NEW CITY, OAK LANE, NANUET  
AND SCHRIEVER LANE, NEW CITY

Co. Kunis offered the following resolution:

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



RESOLUTION NO. (739-1989) Continued

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

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

- 1. Interior driveways serving storage areas shall be not less than 30 ft. wide if units are located on both sides of the driveway, and not less than 20 ft. wide if units are located only on one side. Concrete curbing shall be installed along all edges of paved areas that do not abut buildings;
- 2. Office or administrative areas are permitted in the mini-warehouse site. At least one off-street parking space shall be provided for each 150 gross square feet of office or administrative area;
- 3. At least one 12 ft. x 33 ft. off-driveway loading area shall be provided at each elevator or passageway to a second story of a storage area;
- 4. Site fencing and screening shall be provided as required by the Planning Board. Colors of structures and signs shall be neutral or earth tones, as required by the Planning Board;
- 5. Not more than one dwelling and two parking spaces may be provided for a full-time caretaker or live-in manager;
- 6. All structures shall be set back not less than 15 ft. from any lot line;
- 7. Site plan approval is required from the Planning Board;
- 8. No retail uses shall be permitted in a mini-warehouse.

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

- 7. Mini-warehouses.

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

- 7. Mini-warehouses.

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

- 10. Mini-warehouses.

and be it

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

Seconded by Co. 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. (740-1989)

GRANTING PERMISSION TO THE  
CLARKSTOWN AUXILIARY POLICE  
TO DISPENSE ALCOHOLIC  
BEVERAGES

Continued on Next Page

RESOLUTION NO. (740-1989) Continued

Co. Maloney offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarktown.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Auxiliary Police to dispense alcoholic beverages in accordance with and subject to section 22-2A & 2B of the Town Code at the following event:

Picnic at Lake Nanuet Park  
Saturday, September 9, 1989

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (741-1989)

GRANTING PERMISSION TO THE  
ROTARY CLUB OF NEW CITY TO  
DISPENSE ALCOHOLIC BEVERAGES

Co. Maloney offered the following resolution:

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Rotary Club of New City to dispense alcoholic beverages in accordance with and subject to Section 22-2A and 2B of the Town Code at a picnic at Germonds Park on Sunday, September 17, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (742-1989)

AUTHORIZING THE  
INSTALLATION OF THREE  
HYDRANTS N/S OF WESTERLY  
DRIVE 558' E/O BREWERY  
ROAD, N/S OF WESTERLY  
DRIVE 570' E/O FIRST COURT,  
AND PEPPERIDGE DRIVE

Co. Carey offered the following resolution:

Continued on Next Page

RESOLUTION NO. (742-1989) Continued

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

Three (3) hydrants as follows:

N/S of Westerly Dr. 558' E/O Brewery Rd.

N/S of Weterly Dr. 570' E/O First Ct.

N/S of Pepperidge Dr. 610' N/O Westerly Dr.

Investigation No.: 10512, and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (743-1989)

AUTHORIZING THE SPRING VALLEY WATER CO. TO INSTALL TWO HYDRANTS - PINE LANE WEST OF WINDERMERE TR. AND SHADY BROOK LANE

Co. Carey offered the following resolution:

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

Two (2) hydrants as follows:

N/S Pine Lane approximately 536 feet west of the centerline of Windermere Tr.

N/S Shadybrook Lane approximately 653 feet west of the centerline of Old Route 304

Investigation No.: 10532, and be it

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

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. (744-1989)

ACCEPTING DEED CONVEYING STRIP OF LAND ALONG KLEIN AVE. - MULLER SUBDIVISION

RESOLUTION NO. (744-1989) Continued

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as MULLER SUBDIVISION, the Planning Board of the Town of Clarkstown required a deed for road widening purposes along Klein Avenue, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control, deed dated May 4, 1989, from Kenneth Muller, Elsie Muller and Cornelia Muller to the Town of Clarkstown gratuitously conveying a strip of land along Klein Avenue, West Nyack, New York, 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. (745-1989)

AUTHORIZING RELEASE OF  
MAINTENANCE BOND REGARDING  
RILEY SUBDIVISION

Co. Carey offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, maintenance bond secured by a Passbook in the sum of \$2,620.00 furnished to the Town in connection with dedication of the improvements on September 22, 1987, in a subdivision known as "DAVID RILEY" is terminated and the sum of \$2,620.00 may be released to the guarantor.

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. (746-1989)

ACCEPTING DEED - OSTERTAG  
ESTATES

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as OSTERTAG ESTATES, the Planning Board of the Town of Clarkstown required a deed for road widening purposes along Rinne Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated July 26, 1989, from Margarete Ostertag to the Town of

Continued on Next Page

RESOLUTION NO. (746-1989) Continued

Clarkstown gratuitously conveying a strip of land along Rinne Road, Nanuet, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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. (747-1989)

AUTHORIZING THE SUPERVISOR  
TO ENTER INTO AGREEMENTS  
FOR LIBRARY ASSISTANCE  
PURSUANT TO 256 OF THE  
EDUCATION LAW OF NEW YORK  
STATE

Co. Maloney offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized and directed to enter into agreements with the library organizations listed below, in a form approved by the Town Attorney, which provide a service for residents of the Town of Clarkstown which are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said libraries shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000.00 each, for the calendar year 1989.

Nanuet Public Library  
 New City Free Library  
 Valley Cottage Free Library  
 West Nyack Free Library

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. (748-1989)

ACCEPTING RECIPROCAL  
EASEMENT AGREEMENT (PICKETT  
SUBDIVISION)

Co. Maloney offered the following resolution:

RESOLVED, that a Reciprocal Easement agreement dated July 10, 1989, made by Eric Bergstol for driveway and utility purposes for the benefit of Lots 2 and 3 required in connection with a Subdivision of Property for Louis Pickett 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:

Continued on Next Page

RESOLUTION NO. (748-1989) Continued

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

\*\*\*\*\*

RESOLUTION NO. (749-1989)

AUTHORIZING SUPERVISOR TO  
 FILE RECREATION PROJECT  
 RENEWAL APPLICATION WITH  
 NEW YORK STATE DIVISION FOR  
 YOUTH (COMMUNITY RECREATION  
 PROGRAMS)

Co. Smith offered the following resolution:

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Recreation Programs" with the New York State Division for Youth, in the amount of \$11,374.50 for the period commencing January 1, 1990 through December 31, 1990.

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. (750-1989)

AUTHORIZING SUPERVISOR TO  
 FILE RECREATION PROJECT  
 RENEWAL APPLICATION WITH  
 NEW YORK STATE DIVISION FOR  
 YOUTH (COMMUNITY CENTER  
 PROGRAMS)

Co. Smith offered the following resolution:

RESOLVED, based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, in the amount of \$39,063.00 for the period commencing January 1, 1990 through December 31, 1990.

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. (751-1989)

AUTHORIZING ATTENDANCE AT  
 GOVERNMENT FINANCE OFFICERS  
 ASSOCIATION CONFERENCE

Continued on Next Page

RESOLUTION NO. (751-1989) Continued (SCHOFIELD, SMITH, LODICO, FOGEL AND KEVANE) - CHARGE TO APPROPRIATION ACCOUNT NO. A 1010-414

Co. Kunis offered the following resolution:

RESOLVED, that Paul Schofield, Councilwoman Ann Marie Smith, Dolores Lodico, Doris Fogel and Eileen Kevane are hereby authorized to attend the Government Finance Officers Association Conference on September 14, 1989 at White Plains, New York, and be it

FURTHER RESOLVED, that all necessary expenses be charged against Appropriation Account No. 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

\*\*\*\*\*

RESOLUTION NO. (752-1989) AUTHORIZING ATTENDANCE AT 60TH ANNUAL CONFERENCE OF NEW YORK STATE ASSOCIATION OF TOWN SUPERINTENDENTS OF HIGHWAYS, INC. (D'ANTONI) - CHARGE TO ACCOUNT A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Anthony D'Antoni, Superintendent of Highways, and Karl Gerlach, H.M.S.II, are hereby authorized to attend the 60th Annual Conference of the New York State Association of Town Superintendents of Highways, Inc., to be held at the Granit Hotel and Country Club, Kerhonkson, New York, September 19-22, 1989, and be it

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

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (753-1989) TRANSFER OF FUNDS - HIGHWAY DEPARTMENT (VARIOUS ACCOUNTS)

Co. Maloney offered the following resolution:

RESOLVED, to transfer the funds listed below:

<u>DECREASE</u>	<u>INCREASE</u>	<u>AMOUNT</u>
DB 5110-311	DB 5110-204	\$ 1,082
DB 5110-311	DB 5110-408	2,060
DB 5110-409	DB 5110-319	196
DB 5110-409	DB 5110-328	65

RESOLUTION NO. (753-1989) Continued

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. (754-1989)

INCREASE 01-002680  
(INSURANCE RECOVERIES) AND  
APPROPRIATION ACCOUNT NO. A  
7140-424 (PARKS &  
PLAYGROUNDS-CONTRACTUAL  
EXPENSE) (RECREATION)

Co. Maloney offered the following resolution:

WHEREAS, damage was done to a trash container at the Central Nyack Community Center by a Mini-Trans bus, and

WHEREAS, the Town of Clarkstown has received a \$1,000 check from Hanover Metro as an insurance recovery,

NOW, THEREFORE, be it

RESOLVED, to increase 01-002680 (Insurance Recoveries) and Appropriation Account No. A 7140-414 (Parks & Playgrounds-Contractual Expense) by \$1,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (755-1989)

DECREASING CONTINGENCY  
ACCOUNT NO. A 1999-505 AND  
INCREASING APPROPRIATION  
ACCOUNT NO. A 1355-409  
(ASSESSOR)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. A 1355-409 (Assessor-Fees for Services) is overdrawn,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 1355-409 by \$2,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (756-1989)

DECREASING APPROPRIATION  
ACCOUNT NO. A 1410-314  
(COMPUTER-SUPPLIES) AND  
INCREASING APPROPRIATION  
ACCOUNT NO. A 1410-201  
(FURNITURE & FURNISHINGS)  
(TOWN CLERK)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1410-314  
(Computer Supplies) and increase Appropriation Account A 1410-201  
(Furniture & Furnishings) by \$500.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (757-1989)

INCREASING ESTIMATED  
REVENUE ACCOUNT NO.  
11-002680 (LIABILITY  
INSURANCE-INSURANCE  
RECOVERIES) AND  
APPROPRIATION ACCOUNT NO.  
CS 1722-409-1984 (EXCESS  
INSURANCE-FEES FOR  
SERVICES) (COMPTROLLER'S  
OFFICE)

Co. Maloney offered the following resolution:

WHEREAS, Gallagher & Bassett has reimbursed the Town of  
Clarkstown \$15,874.00 for a 1984 claim,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.  
11-002680 (Liability Insurance - Insurance Recoveries) and  
Appropriation Account No. CS 1722-409-1984 (Excess Insurance - Fees  
for Services) by \$15,874.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (758-1989)

DECREASING APPROPRIATION  
ACCOUNT NO. A 1680-110  
(DATA PROCESSING-SALARIES)  
AND INCREASING  
APPROPRIATION ACCOUNT NO. A  
1680-438 (MAINTENANCE  
AGREEMENTS) AND DECREASING  
CONTINGENCY ACCOUNT NO. A  
1990-505 AND INCREASING

RESOLUTION NO. (758-1989)

APPROPRIATION ACCOUNT NO. A  
8095-313 (LITTER  
CONTROL-OFFICE SUPPLIES &  
PRINTING)

Co. Maloney offered the following resolution:

WHEREAS, the following Appropriation Account Numbers are  
overdrawn in the July 31, 1989 Budget,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A  
1680-110 (Data Processing-Salaries) and increase Appropriation  
Account No. A 1680-438 (Maintenance Agreements) by \$2,500.00, and be  
it

FURTHER RESOLVED, to decrease Contingency Account No. A  
1990-505 and increase Appropriation Account No. A 8095-313 (Litter  
Control-Office Supplies & Printing) by \$10.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (759-1989)

DECREASING CONTINGENCY  
ACCOUNT NO. A 1990-505 AND  
INCREASING APPROPRIATION  
ACCOUNT NO. A 7550-313  
(OFFICE SUPPLIES & PRINTING)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board voted to have the Bi-Centennial  
Committee to order 1,000 copies of Bicentennial Cemeteries Book, and

WHEREAS, Appropriation Account No. A 7550-313 is  
overdrawn by \$9,351.00,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990-505  
and increase Appropriation Account No. A 7550-313 (Office Supplies &  
Printing) by \$9,351.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (760-1989)

RESCINDING RESOLUTION NO.  
664-1989 RE BOND  
ANTICIPATION NOTES FOR  
SANITATION DISTRICTS AND  
DECREASING AND INCREASING

RESOLUTION NO. (760-1989) Continued

VARIOUS ACCOUNTS TO  
ACCOMPLISH THEIR HANDLING  
THROUGH THE DEBT SERVICE  
FUND

Co. Maloney 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 rescind Town Board Resolution No. 664 dated  
July 18, 1989, and be it

FURTHER RESOLVED, to decrease Anticipated Revenue  
Account No. 16-001001 (Sanitation Districts - Real Property Taxes)  
by \$15,641.13 and Appropriation Account No. SR 9710-620 (Principal  
on BAN's by \$9,250.00 and SR 9710-720 (Interest on BAN's) by  
\$6,391.13, and be it

FURTHER RESOLVED, to increase Estimated Revenue Account  
No. 01-001001 (General Fund-Real Property Taxes) by \$15,641.13 and  
Appropriation Account No. A 9710-620 (Principal BAN's) by \$9,250.00  
and A 9710-720 (Interest on BAN's) by \$6,391.13 and transfer said  
funds to the General Fund.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (761-1989)

INCREASING ESTIMATED  
REVENUE ACCOUNT NO.  
01-002774 (ENVIRONMENTAL  
FEES) AND APPROPRIATION  
ACCOUNT NO. A 9550-910  
(TRANSFER TO CAPITAL FUND)  
AND TRANSFER SAID FUNDS TO  
CAPITAL #2 FUND ACCOUNT NO.  
H 8110-01-409 (RT. 303  
SEWERS)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown bonded for \$247,000.00  
for the Route 303 Sewers, and

WHEREAS, \$72,800.00 of available funds were to be used  
to finance said improvement,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.  
01-002774 (Environmental Fees) and Appropriation Account No. A  
9550-910 (Transfer to Capital Fund) by \$72,800.00, and be it

FURTHER RESOLVED, to transfer said funds to Capital #2  
Fund Account No. H 8110-01-409 (Route 303 Sewers).

Seconded by Co. Smith

RESOLUTION NO. (761-1989) 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. (762-1989)

DECREASING APPROPRIATION  
ACCOUNT NO. DA 5142-111  
(HIGHWAY-OVERTIME) AND  
INCREASE APPROPRIATION  
ACCOUNT NO. 1420-409 (TOWN  
ATTORNEY-FEES FOR SERVICES)

Co. Maloney offered the following resolution:

WHEREAS, the Town Attorney's Office will be presiding over Highway disciplinary hearings and the cost of these hearings have been anticipated to be \$5,000,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. DA 5142-111 (Highway-Overtime) and increase Appropriation Account No. 1420-409 (Town Attorney-Fees for Services) by \$5,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (763-1989)

TRANSFERRING VARIOUS  
ACCOUNTS IN LINES OF  
RECREATION AND PARKS

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7140-413 (Parks & Playgrounds-Trees & Shrubbery) by \$165.00 and to increase Appropriation Account No. A 7140-203 (Parks & Playgrounds-Motor Vehicles) by \$165.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7140-413 (Parks & Playgrounds-Trees & Shrubbery) by \$391.00 and to increase Appropriation Account No. A 7140-222 (Parks & Playgrounds-Park & Recreation Equipment) by \$391.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7610-424 (Programs for the Aging - Contractual Expenses) by \$2,000.00 and to increase Appropriation Account No. A 7610-329 (Programs for the Aging - Recreational Supplies) by \$2,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (763-1989) Continued

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

\*\*\*\*\*

RESOLUTION NO. (764-1989)

DECREASING APPROPRIATION  
 ACCOUNT A 1990-505  
 (CONTINGENCY) AND  
 INCREASING A 1420-114  
 (PART-TIME SALARIES) AND A  
 1420-438 (MAINTENANCE  
 AGREEMENTS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account A 1990-505 (Contingency) by \$2,325.00 and increase the following accounts:

A 1420-114 (Part-time Salaries).....\$1,500.00  
 A 1420-438 (Maintenance Agreements).....\$ 825.00

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (765-1989)

DECREASING APPROPRIATION  
 ACCOUNT NO. A 3010-409  
 (FEES FOR SERVICES) AND  
 INCREASING APPROPRIATION  
 ACCOUNT NO. A 3010-328  
 (BOOKS & PUBLICATIONS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 3010-409 (Fees for Services) and increase Appropriation Account No. A 3010-328 (Books & Publications) by \$20.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (766-1989)

INCREASING ESTIMATED  
 REVENUE ACCOUNT NO.  
 01-003828 (NYS GRANT-ARMOR)  
 AND APPROPRIATION ACCOUNT  
 NO. A 3120-326 (POLICE-LAW  
 ENFORCEMENT SUPPLIES)

RESOLUTION NO. (766-1989) Continued

Co. Maloney offered the following resolution:

WHEREAS, the Town has received \$2,853.50 from New York State Criminal Service for armor,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 01-003828 (NYS Grant Armor) and Appropriation Account No. A 3120-326 (Police-Law Enforcement Supplies) by \$2,853.50.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (767-1989)

DECREASING APPROPRIATION ACCOUNT NO. A 1430-314 (PERSONNEL-COMPUTER SUPPLIES) AND INCREASING APPROPRIATION ACCOUNT NO. A 1430-114 (PART-TIME)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. A 1430-114 is overdrawn,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1430-314 (Personnel-Computer Supplies) and increase Appropriation Account No. A 1430-114 (Part-time) by \$1,500.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (768-1989)

DECREASING REVENUE ACCOUNT NO. 11-002680 (LIABILITY INSURANCE-INSURANCE RECOVERIES) AND INCREASING ESTIMATED REVENUE ACCOUNT NO. 01-002680 (GENERAL FUND-INSURANCE RECOVERIES) AND APPROPRIATION ACCOUNT NO. A 3120-203 (POLICE-MOTOR VEHICLES) AND TRANSFERRING SAME TO GENERAL FUND

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (768-1989) Continued

WHEREAS, \$12,315.25 has been received from insurance companies for the repair of two police vehicles;

NOW, THEREFORE, be it

RESOLVED, to decrease Revenue Account No. 11-002680 (Liability Insurance-Insurance Recoveries) and increase Estimated Revenue Account No. 01-002680 (General Fund-Insurance Recoveries) and Appropriation Account No. A 3120-203 (Police-Motor Vehicles) by \$12,315.25 and transfer same to General Fund.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (769-1989)

AUTHORIZING SUPERVISOR OF TOWN OF CLARKSTOWN TO HIRE ATZL & SCATASSA ASSOCIATES TO PREPARE FIELD SURVEYS RE PROPOSED ROAD ACCESS AND OFFSITE ROADWAY IMPROVEMENTS TO ROCKLAND SHOPPING CENTER AND CALDORS' PROPERTY, NANUET, NEW YORK - CHARGE TO ACCOUNT NO. H 5110-09-409

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown has entered into an agreement with John Collins Engineers, P.C. for engineering services with respect to the proposed road access and offsite roadway improvements to the Rockland Shopping Center and to the Caldors' property, Route 59, Nanuet, New York, and

WHEREAS, field surveys of said area are required;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to hire the services of Atzl & Scatassa Associates, 248C North Main Street, New City, New York, to prepare the field surveys as specified by John Collins Engineers, P.C., and be it

FURTHER RESOLVED, that the fee for these services be charged to Account No. H 5110-09-409.

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. (770-1989)

REFERRING PETITION FOR  
CHANGE OF ZONE FROM R-15 TO  
PO TO CLARKSTOWN PLANNING  
BOARD AND ROCKLAND COUNTY  
COMMISSIONER OF PLANNING  
(FASMAN)

Co. Kunis offered the following resolution:

WHEREAS, DENNIS N. FASMAN, has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an R-15 District to an PO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 36, Block D, Lot 2;

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 Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that the petition is hereby referred to the New York State Department of Transportation for report, and be it

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

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. (771-1989)

REFERRING PETITION FOR  
CHANGE OF ZONE FROM R-15 TO  
PO TO CLARKSTOWN PLANNING  
BOARD AND ROCKLAND COUNTY  
COMMISSIONER OF PLANNING  
(PLOTKIN)

Co. Kunis offered the following resolution:

WHEREAS, ELLEN V. PLOTKIN, 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-15 District to a PO District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 36, Block D, Lots 1, 8 and 9;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of

Continued on Next Page

RESOLUTION NO. (771-1989) Continued

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 Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that the petition is hereby referred to the New York State Department of Transportation for report, and be it

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

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

\*\*\*\*\*

With regard to the two preceding resolutions Councilman Kunis inquired why we were just referring and not setting a public hearing date? Supervisor said the Town Planning Board is still doing their Master Plan Update and on their recommendation we are referring it to the Rockland County Commissioner of Planning so there will not be an inordinate delay.

\*\*\*\*\*

RESOLUTION NO. (772-1989)

AUTHORIZING SUPERVISOR TO SIGN LEASE WITH SPRING VALLEY HOMES ASSOCIATES, BY ARCO MANAGEMENT CORP. WITH RESPECT TO LAKEVIEW SENIOR CITIZEN HOUSING COMPLEX - CHARGE TO ACCOUNT NO. A 8840-424

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is presently using the Community Building in the Lakeview Senior Citizen Housing Complex for the use of the senior citizen clubs sponsored by the Clarkstown Parks Board and Recreation Commission;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to renew the lease with Spring Valley Homes Associates, through their managing agents Arco Management Corp., for the continued use of the Community Building, at an annual rental fee of \$2,600.00 for the period September 1, 1989 through August 31, 1990, which renewal shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the sum of \$2,600.00 be taken from Account No. A-8840-424.

Seconded by Co. Carey

RESOLUTION NO. (772-1989) 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. (773-1989)

REFERRING AMENDMENT TO TOWN  
CODE TO CLARKSTOWN PLANNING  
BOARD AND ROCKLAND COUNTY  
COMMISSIONER OF PLANNING  
AND SETTING PUBLIC HEARING  
RE SAME (CHAPTER 64-1 -  
LITTERING)

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that the proposed Amendment to the Town Code be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report:

Amend Chapter 64-1. Littering prohibited from:

"No person shall litter, leave, clutter, throw, discharge, discard, abandon, dump, store or keep any nuisance, hazard or litter as defined in §79-3 of this Code, on any public street, public road, public place, public property or any privately owned property open to the public, regardless of whether or not said privately owned property is temporarily closed to the public."

to read as follows:

"No person shall litter, leave, clutter, throw, discharge, discard, abandon, dump, store or keep any nuisance, hazard or litter as defined in §79-2 of this Code, on any public street, public road, public place, public property or any privately owned property open to the public, regardless of whether or not said privately owned property is temporarily closed to the public."

and be it

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

Seconded by Co. Carey

Continued on Next Page

RESOLUTION NO. (773-1989) 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. (774-1989)

AUTHORIZING PLANNING BOARD  
TO APPLY TOWN LAW SECTION  
281 - MAP 112, BLOCK A, LOT  
8 - CROPSEY ESTATES, CONGERS

Co. Smith offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C., engineers for the applicant Eric Bergstol, have made written application for the use of Town Law Section 281 in connection with a subdivision shown on a map entitled, "Density Layout, Subdivision of Property for Cropsey Estates, Town of Clarkstown, Rockland County, New York, dated March 6, 1989, last revised March 31, 1989, prepared by Atzl & Scatassa Associates, P.C.," and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 281 in connection with this subdivision because the density layout provides for the Town to secure land for municipal purposes in accordance with Town requirements, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 is used in this subdivision as shown on a map entitled, "Density Layout, Subdivision of Property for Cropsey Estates, Town of Clarkstown, Rockland County, New York, dated March 6, 1989, last revised March 31, 1989, prepared by Atzl & Scatassa Associates, P.C.," subject to the following conditions:

1. Applicant shall fill, drain and otherwise improve the municipal lands in accordance with the final Subdivision Requirements of the Planning Board.
2. Applicant shall widen and improve the south side of New City/Congers Road in accordance with the requirements of the Clarkstown Planning Board and the Rockland County Highway Department.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 in connection with this subdivision as shown on a map entitled, "Density Layout, Subdivision of Property for Cropsey Estates, Town of Clarkstown, Rockland County, New York, dated March 6, 1989, last revised March 31, 1989, prepared by Atzl & Scatassa Associates, P.C.," subject to the conditions stated above and the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed subdivision map.

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. (774-1989) Continued

Supervisor Holbrook said he wanted it noted that he was voting yes for the 281 but he wanted to note his objection, for the record, with regard to the widening strip. He said he found the average density layout to be satisfactory.

\*\*\*\*\*

RESOLUTION NO. (775-1989)

GRANTING PERMISSION TO  
DAYTOP TO USE TOWN OF  
CLARKSTOWN SHOWMOBILE ON  
SUNDAY, SEPTEMBER 10, 1989  
FOR COUNTRY FAIR

Co. Kunis offered the following resolution:

WHEREAS, DAYTOP of Blauvelt, New York, has requested use of the Town of Clarkstown showmobile on Sunday, September 10, 1989, for a Country Fair at the Clarkstown South High School in West Nyack,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to DAYTOP to use the Town of Clarkstown showmobile on Sunday, September 10, 1989, for the above purposes and subject to the provisions of the necessary insurance policies.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (776-1989)

REFERRING AMENDMENT TO  
ZONING ORDINANCE TO  
CLARKSTOWN PLANNING BOARD  
AND ROCKLAND COUNTY  
COMMISSIONER OF PLANNING -  
SECTION 106 (HOME  
OCCUPATION)

Co. Smith offered the following resolution:

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

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to 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, 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,

## RESOLUTION NO. (776-1989) Continued

Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Amend Section 106-3. Defined Words - Home Occupation

from: "(1)d - The keeping of goods for sale."

to: "(1)d - The keeping of goods for sale or rent."

Amend Section 106-3. Defined Words - Home Occupation

from: "(2) "Home occupations" do not include animal hospitals, morticians, limousine services, automotive-repair services, barbershops, beauty parlors or restaurants."

to: "(2) "Home occupations" do not include animal hospitals, morticians, limousine services, automotive-repair services, barbershops, beauty parlors, restaurants, animal breeding or "kennel."

Amend Section 106-10(A) of the General Use Regulations, R-80 District, Table 1, Column 3, by revising Item A-11

from: "A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.

(b) More than 1 employee may be permitted.

(c) An affidavit shall be provided in accordance with Section A above.

(d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to: "A-11. Home Occupations subject to the following:

(a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.

(b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.

(c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.

(d) No more than two employees may be permitted.

RESOLUTION NO. (776-1989) Continued

- (e) The applicant shall provide an affidavit setting forth the scope of operations proposed.
- (f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.
- (g) The home shall be the actual place of residence of the person conducting the home occupation.
- (h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

Amend Section 106-10(A) of the General Use Regulations, R-40 District, Table 2, Column 3, by revising Item A-11

from:

"A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

- (a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.
- (b) More than 1 employee may be permitted.
- (c) An affidavit shall be provided in accordance with Section A above.
- (d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.
- (e) The home shall be the actual place of residence of the person conducting the home occupation.
- (f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to:

"A-11. Home Occupations subject to the following:

- (a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.
- (b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.
- (c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.
- (d) No more than two employees may be permitted.

Continued on Next Page

## RESOLUTION NO. (776-1989) Continued

(e) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.

(g) The home shall be the actual place of residence of the person conducting the home occupation.

(h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

Amend Section 106-10(A) of the General Use Regulations, R-22 District, Table 3 Column 3, by revising Item A-11

from: "A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.

(b) More than 1 employee may be permitted.

(c) An affidavit shall be provided in accordance with Section A above.

(d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to: "A-11. Home Occupations subject to the following:

(a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.

(b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.

(c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.

(d) No more than two employees may be permitted.

Continued on Next Page

RESOLUTION NO. (776-1989) Continued

- (e) The applicant shall provide an affidavit setting forth the scope of operations proposed.
- (f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.
- (g) The home shall be the actual place of residence of the person conducting the home occupation.
- (h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

Amend Section 106-10(A) of the General Use Regulations, R-15 District, Table 4, Column 3, by revising Item A-11

from:

"A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

- (a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.
- (b) More than 1 employee may be permitted.
- (c) An affidavit shall be provided in accordance with Section A above.
- (d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.
- (e) The home shall be the actual place of residence of the person conducting the home occupation.
- (f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to:

"A-11. Home Occupations subject to the following:

- (a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.
- (b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.
- (c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.
- (d) No more than two employees may be permitted.

Continued on Next Page

## RESOLUTION NO. (776-1989) Continued

(e) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.

(g) The home shall be the actual place of residence of the person conducting the home occupation.

(h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

Amend Section 106-10(A) of the General Use Regulations, R-10 District, Table 5, Column 3, by revising Item A-11

from: "A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.

(b) More than 1 employee may be permitted.

(c) An affidavit shall be provided in accordance with Section A above.

(d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to: "A-11. Home Occupations subject to the following:

(a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.

(b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.

(c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.

(d) No more than two employees may be permitted.

Continued on Next Page

RESOLUTION NO. (776-1989) Continued

(e) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.

(g) The home shall be the actual place of residence of the person conducting the home occupation.

(h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

Amend Section 106-10(A) of the General Use Regulations, R-160 District, Table 18, Column 3, by revising Item A-11

from:

"A-11. Special Permit for home occupation: may allow use to be in accessory building. The Board of Appeals shall make appropriate findings with respect to location, intensity of use, parking and any other factors that may affect neighboring properties.

(a) May allow up to 25% of habitable floor areas of principal building even if exceeds 250 sq. ft.

(b) More than 1 employee may be permitted.

(c) An affidavit shall be provided in accordance with Section A above.

(d) Off-street parking shall be shown on a site plan and provided on the site and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties.

(e) The home shall be the actual place of residence of the person conducting the home occupation.

(f) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions and any pollution standards that may be applicable."

to:

"A-11. Home Occupations subject to the following:

(a) The Board of Appeals shall make appropriate findings with respect to locations, intensity of use, parking and any other factors that may affect neighboring properties.

(b) The home occupation may be allowed in an accessory building if all yard requirements are met for said accessory building.

(c) May utilize up to 25% of habitable floor area of principal building even if it exceeds 250 square feet.

(d) No more than two employees may be permitted.

Continued on Next Page

## RESOLUTION NO. (776-1989) Continued

(e) The applicant shall provide an affidavit setting forth the scope of operations proposed.

(f) Off-street parking shall be shown on a site plan, provided on the site, and shall not adversely affect neighborhood character. The Board of Appeals shall require adequate screening to protect neighboring properties. The off-street parking shall be provided without paving more than 25% of the required front yard.

(g) The home shall be the actual place of residence of the person conducting the home occupation.

(h) May allow the use of equipment not a customary household appliance or light office equipment. The Board of Appeals shall give consideration to such factors as air quality, noise, visual impact, sewers, emissions, and any other pollution standards that may be applicable."

Amend General Use Regulations, RG-1 District, Table 6, Column 4, Item 6

"Delete Item 6. Home occupations."

Amend General Use Regulations, RG-2 District, Table 7, Column 4, Item 6

"Delete Item 6. Home occupations."

Amend Section 106-10(A) of the General Use Regulations, R-80 District, Table 1, Column 4, Items 7(j) and 7(m)

add to 7(j):

7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations, R-40 District, Table 2, Column 4, Items 7(j) and 7(m)

add to 7(j):

7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations, R-22 District, Table 3, Column 4, Items 7(j) and 7(m)

add to 7(j):

Continued on Next Page

RESOLUTION NO. (776-1989) Continued

7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations, R-15 District, Table 4, Column 4, Items 7(j) and 7(m)

add to 7(j):

7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations, R-10 District, Table 5, Column 4, Items 7(j) and 7(m)

add to 7(j):

7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "7(m). Instructional services shall be limited to no more than 2 students at a time."

to: "7(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

Amend Section 106-10(A) of the General Use Regulations, R-160 District, Table 18, Column 4, Items 6(j) and 6(m)

add to 7(j):

7(j). This requirement shall not apply to the use of the premises as a home occupation by doctors, dentists and chiropractors."

from: "6(m). Instructional services shall be limited to no more than 2 students at a time."

to: "6(m). Instructional services or sales meetings shall be limited to no more than two participants, including visitors, at a time."

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. (777-1989)

AWARDING BID FOR BID  
#52A-1989 - REINFORCED  
CONCRETE CULVERT PIPE  
(VIANINI PIPE, INC. AND  
BOCCARD INDUSTRIES, INC.)

Co. Carey offered the following resolution:

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

BID #52A-1989  
REINFORCED CONCRETE CULVERT PIPE

is hereby awarded to

VIANINI PIPE, INC.  
P.O. Box D  
Somerville, N.J. 08876  
Principal Owner: Vianini Industria,  
Spa, Rome, Italy

BOCCARD INDUSTRIES, INC.  
45 South 4th Street  
Bay Shore, N.Y. 11706  
Principals: Daniel W. Boccard  
Richard T. Boccard  
Frederick A. Boccard  
Thomas J. Boccard  
William R. Boccard  
John F. Boccard

as per the attached item/price schedule.

(Price schedule is on file in Town Clerk's Office.)

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (778-1989)

AWARDING BID FOR BID  
#57-1989 - VENDING  
MACHINE SERVICE (H & H  
VENDING OF ROCKLAND CO.,  
INC.)

Co. Carey offered the following resolution:

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

BID #57-1989  
VENDING MACHINE SERVICE

is hereby awarded to

H & H VENDING OF ROCKLAND CO., INC.  
3 Timothy Court  
West Nyack, New York 10994  
Principals: George F. Hernandez  
David Venitelli

RESOLUTION NO. (778-1989) Continued

as per their proposal of 15% commission on vending machine sales, and be it

FURTHER RESOLVED, that subject award is hereby conditioned upon the receipt by the Director of Purchasing of a Certificate of Liability Insurance, including product liability coverage with limits of \$500,000, \$500,000 for personal injury and \$50,000 for property damage. The Town must be named as an additional insured under all coverages. In addition an executed Save Harmless Agreement must likewise be submitted to the Purchasing Director.

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. (779-1989)

AUTHORIZING ITEMS PURSUANT TO THE ENVIRONMENTAL QUALITY BOND ACT OF 1986 (TITLE 13-INACTIVE HAZARDOUS WASTE DISPOSAL SITE)

Co. Carey offered the following resolution:

WHEREAS, the Town of Clarkstown, a municipality within the meaning set forth in §27-1301(4) of the Environmental Conservation Law (hereinafter the "municipality"), after thorough consideration of the various aspects of the problem and study of available data relative to the Clarkstown Sanitary Landfill, has hereby determined that certain work (hereinafter the "project," as more fully described in the "Order On Consent," dated August 7, 1989, by and between the municipality and the New York State Department of Environmental Conservation (NYSDEC)), is desirable, in the public interest, and is required in order to study and/or implement the local project or program relative to the Clarkstown Sanitary Landfill, and

WHEREAS, Article 52 of the Environmental Conservation Law authorizes financial assistance to municipalities for remediation of inactive hazardous waste disposal sites by means of a written agreement and the municipality deems it to be in the public interest and benefit under this law to enter into a contract with the NYSDEC to develop and implement an inactive hazardous waste disposal site remedial program as approved by the NYSDEC for the Clarkstown Sanitary Landfill;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, the governing body of the municipality:

1. That Charles E. Holbrook, the municipality's duly authorized representative, to wit; the Supervisor of the municipality is the representative authorized to act in behalf of the governing body in all matters related to financial assistance. The representative is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the governing body in all matters related to the project and financial assistance;

Continued on Next Page

RESOLUTION NO. (779-1989) Continued

- 2. That the municipality agrees that it will fund its portion of the cost of said project;
- 3. That one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York, together with the Application for State Assistance;
- 4. This Resolution shall take effect immediately.

Seconded by Co. Maloney

Supervisor Holbrook wished to note that this resolution sets in motion Clarkstown's anticipated entry into the super fund project making us eligible for reimbursement under the Inactive Hazardous Waste Act for the remediation of the site and therefore the Town Board is taking the right steps in authorizing this.

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. (780-1989)

AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH COUNTY OF ROCKLAND (TRANSPORTATION OF PRISONERS)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 461 of 1989, the County of Rockland has appropriated funds for the purpose of compensating the Town of Clarkstown for transportation of prisoners for a two year period from January 1, 1989 through December 31, 1990, and all times prior thereto;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, to compensate the Town of Clarkstown for the transportation of prisoners for the period January 1, 1989 through December 31, 1990, such agreement to be retroactive to January 1, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (781-1989)

DECLARING ESCROW FUNDS IN DEFAULT (ROCKLAND HYUNDAI)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (781-1989) Continued

WHEREAS, certain work in a project known as ROCKLAND HYUNDAI (Map 107-A-13.02+) has not been completed, and

WHEREAS, the Town of Clarkstown has in its possession an Irrevocable Letter of Credit in the sum of \$92,700.00 which will expire on August 31, 1989;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Town Attorney and the Department of Environmental Control of the Town Clarkstown, the sum of \$92,700.00 is hereby defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town of Clarkstown will use the aforesaid escrow funds to complete the work at said site and the funds transferred to the Highway Fund for that purpose, effective August 30, 1989.

Seconded by Co. Carey

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (782-1989)

ACCEPTING SEWAGE SLUDGE  
FROM ROCKLAND COUNTY SEWER  
DISTRICT NO. 1 AT  
CLARKSTOWN SANITARY LANDFILL

Co. Carey offered the following resolution:

WHEREAS, Resolution No. 864 of 1983, amended by Resolution No. 929 of 1983 bans the dumping of all sludge at the Clarkstown Sanitary Landfill, and

WHEREAS, an application has been made by the Rockland County Sewer District No. 1 to dump sewage sludge at the Clarkstown Sanitary Landfill, and

WHEREAS, permission has been granted by the New York State Department of Environmental Conservation authorizing Clarkstown to accept sewage sludge from Rockland County Sewer District No. 1;

NOW, THEREFORE, be it

RESOLVED,

1. That resolutions No. 864 of 1983 and No. 929 of 1983 are hereby rescinded;

2. That the Director of the Department of Environmental Control is hereby authorized to accept sewage sludge from Rockland County Sewer District No. 1 at the Clarkstown Sanitary Landfill.

Seconded by Supv. Holbrook

Councilman Kunis said we had discussed accepting sludge several months ago on a temporary basis as the Rockland County Sewer District needed a little assistance. This evening was the first

RESOLUTION NO. (782-1989) Continued

time he heard we were going to accept sludge on a permanent basis. He said the \$240,000.00 income in about eight months prior to the closing of the Landfill may cost us \$300,000 00 or \$400,000.00 to remediate the situation we will be causing in this short time.

He went on to state that he drives up the Palisades Parkway very often and when you go by Orangetown on that parkway it is really quite a stench. He said he did not believe this is environmentally sound or fiscally sound and he is voting no.

Councilwoman Smith said this is a very difficult decision and she is going to vote for it only because the County needs the assistance at this time. She said she will be down in that neighborhood this week to verify what the residents have said. She said she will vote for it tonight and if it is not satisfactorily done we will rescind the resolution.

Supervisor Holbrook said he was voting yes and we intend to deal with whatever odors emanate from the Landfill. He said we have just passed a resolution (Resolution No. 779-1989) which addresses that specific issue. He said as you know our Landfill will be closing and we will be remediating that site and a large part of that will be dealing with the odors of methane, swamp gas, garbage odor, or whatever it might be, relative to that specific site. He wants to make it clear that we do intend to monitor that site for any odors.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (783-1989)

AUTHORIZING FILING OF  
APPLICATION FOR COUNTY  
RECYCLING FUNDS

Co. Smith offered the following resolution:

WHEREAS, the County of Rockland has established a Recycling Incentive Program and a Recycling Program Policy for the County of Rockland (Resolution No. 85 of 1988);

NOW, THEREFORE, be it

RESOLVED, that by the Town Board of the Town of Clarkstown, the Town of Clarkstown be a participant in the program, and be it

FURTHER RESOLVED, authorization is hereby granted to file the Application for the County Recycling Funds and Supervisor, Charles E. Holbrook, is hereby authorized to sign same.

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. (784-1989)

REFERRING PETITION FOR  
CHANGE OF ZONE FROM R-15 TO  
MF-3 DISTRICT TO CLARKSTOWN  
PLANNING BOARD AND ROCKLAND  
COUNTY COMMISSIONER OF  
PLANNING AND SETTING PUBLIC  
HEARING FOR SAME (CHAMPEAU)

Co. Maloney offered the following resolution:

WHEREAS, ROBERT CHAMPEAU, has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an R-15 District to an MF-3 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 57, Block M, Lots 3 and 4;

NOW, THEREFORE, be it

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

FURTHER 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 Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, 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, and be it

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

Seconded by Co. 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. (785-1989)

ACCEPTING DEED FOR ROAD  
WIDENING (HYDE)

Co. Smith offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as HYDE SUBDIVISION, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Ridge Road, Valley Cottage, New York;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (785-1989) Continued

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, deed dated June 19, 1989, from Harold T. Hyde and Marilyn C. Hyde to the Town of Clarkstown gratuitously conveying a strip of land along Ridge Road, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (786-1989)

AUTHORIZING SUPERVISOR TO  
SEND LETTER TO COUNTY  
EXECUTIVE REGARDING  
AFFORDABLE HOUSING

Co. Maloney offered the following resolution:

WHEREAS, the Rockland Housing Action Coalition, Inc., a not-for-profit corporation, is seeking sites and developing plans for the construction of affordable housing in the County of Rockland and the Town of Clarkstown, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to support the idea of building affordable housing in the County of Rockland and the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to send a letter to John Grant, Rockland County Executive, advising him that the Town Board supports the idea of constructing affordable housing in the County of Rockland and the Town of Clarkstown by the Rockland Housing Action Coalition, Eckerson Road and West Clarkstown Road, Map 166, Block A, Lot 11, and be it

FURTHER RESOLVED, that such construction of affordable housing shall be in conformity with all ordinances, rules and regulations of the Town of Clarkstown.

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. (787-1989)

AUTHORIZING SUPERINTENDENT  
OF HIGHWAYS TO PROVIDE  
NATURAL BUFFER AT BUS  
SHELTER EAST SIDE  
(NORTHBOUND) ROUTE 303  
ADJACENT TO MAP 123, BLOCK

RESOLUTION NO. (787-1989) Continued

E, LOT 8.02 - CHARGE TO  
ACCOUNT A 5650-413  
(COMMUTER PARKING-TREES AND  
SHRUBBERY)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown through Town Board resolution number 1065-1984, approved the location, and accepted responsibility for the maintenance of two (2) bus shelters constructed by the State of New York Department of Transportation located on Route 303, just north of the intersection of Lake Road, Valley Cottage, and

WHEREAS, the bus shelter located on the east side (northbound) Route 303 is adjacent to a private residence more particularly described as Map 123, Block E, Lot 8.02, and

WHEREAS, the owner of record of the above mentioned private property has appealed to the Town Board of the Town of Clarkstown to restrict public access to this bus shelter through this privately owned property, and in addition, alleviate an ongoing littering problem,

NOW, THEREFORE, be it

RESOLVED, Anthony D'Antoni, Superintendent of Highways is hereby authorized to provide a natural buffer upon the agreement of the private property owner that any and all future maintenance of this buffer (pruning, spraying, etc.) be the responsibility of the owner of record, and be it

FURTHER RESOLVED, that the cost of said buffer be a proper charge to Town Account Number A 5650-413 (Commuter Parking-Trees and Shrubbery).

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. (788-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #59-1989 -  
ELYSE DRIVE STREAM PROJECT

Co. Maloney offered the following resolution:

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

BID #59-1989  
ELYSE DRIVE STREAM PROJECT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, September 22, 1989 at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (788-1989) 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. (789-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #60-1989 -  
REPAIRS TO CATERPILLAR 826  
COMPACTOR

Co. Maloney offered the following resolution:

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

BID #60-1989  
REPAIRS TO CATERPILLAR 826 COMPACTOR

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,  
September 20, 1989 at which time bids will be opened and read, and  
be it

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

Seconded by Co. 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. (790-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #58-1989 -  
PUBLIC ADDRESS SYSTEM

Co. Maloney offered the following resolution:

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

BID #58-1989  
PUBLIC ADDRESS SYSTEM

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,  
October 5, 1989 at which time bids will be opened and read, and be it

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

Seconded by Co. Smith

RESOLUTION NO. (790-1989) 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. (791-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #61-1989 -  
COMPRESSED GASES & WELDING  
SUPPLIES

Co. Maloney offered the following resolution:

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

BID #61-1989  
COMPRESSED GASES & WELDING SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,  
10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday,  
September 28, 1989 at which time bids will be opened and read, and  
be it

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

Seconded by Co. 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. (792-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #62-1989 -  
OFFICE FURNITURE

Co. Maloney offered the following resolution:

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

BID #62-1989  
OFFICE FURNITURE

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,  
September 25, 1989 at which time bids will be opened and read, and  
be it

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

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (792-1989) 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. (793-1989)

AUTHORIZING DIRECTOR OF  
PURCHASING TO ADVERTISE FOR  
BIDS FOR BID #63 CALCIUM  
CHLORIDE

Co. Maloney offered the following resolution:

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

BID #63-1989  
CALCIUM CHLORIDE

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,  
October 4, 1989 at which time bids will be opened and read, and be it

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

Seconded by Co. 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. (794-1989)

BOND RESOLUTION AUTHORIZING  
PURCHASE OF PIECE OR PARCEL  
OF REAL PROPERTY KNOWN AS  
46 MAPLE AVENUE, NEW CITY,  
NEW YORK (MAP 57, BLOCK J.  
LOT 8) AND BUILDING SITUATE  
THEREON

Co. Maloney offered the following resolution:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF  
CLARKSTOWN, NEW YORK, ADOPTED AUGUST 29, 1989,  
AUTHORIZING THE PURCHASE OF THE PIECE OR PARCEL OF REAL  
PROPERTY KNOWN AS 46 MAPLE AVENUE, WITHIN SAID TOWN,  
AND THE BUILDING SITUATE THEREON, STATING THE ESTIMATED  
MAXIMUM COST THEREOF IS \$700,000, APPROPRIATING SAID  
AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$35,000  
CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT, AND  
AUTHORIZING THE ISSUANCE OF \$665,000 SERIAL BONDS OF  
SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE TDOWN 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:

Continued on Next Page

## RESOLUTION NO. (794-1989) Continued

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to purchase (i) the piece or parcel of real property known as 46 Maple Avenue and designated as Map 57, Block J, Lot 8 on the Town of Clarkstown tax map, at the estimated maximum cost of \$400,000; and (ii) the two story building situate on such real property, including grading improvement of the site, original furnishings, equipment, machinery and apparatus required for the purposes for which such building is to be used, at the estimated maximum cost of \$300,000. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$35,000 capital notes to provide the down payment required by the Law, as hereinafter defined, and the issuance of \$665,000 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 \$35,000 to pay the required down payment, and serial bonds of the Town in the principal amount of \$665,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific object or purpose authorized pursuant to Section 1(i) of this resolution and for which \$380,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 21(b) of the Law, is thirty (30) years. The existing building which is to be purchased is of at least Class "C" construction as defined by Section 11.00 a. 11(c) of the Law, and the period of probable usefulness of said specific object or purpose authorized pursuant to Section 1(ii) of this resolution and for which \$285,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitation of Section 11.00 a. 11(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 specific 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 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

Continued on Next Page

RESOLUTION NO. (794-1989) Continued

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 Carey and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Co. Carey, Kunis, Maloney, Ann Marie Smith

NOES: None

The resolution was declared adopted.

\* \* \*

RESOLUTION NO. (795-1989)

TOWN CLERK TO PUBLISH  
FOREGOING RESOLUTION RE:  
AUTHORIZING PURCHASE OF  
PIECE OR PARCEL OF PROPERTY  
46 MAPLE AVENUE, NEW CITY,  
NEW YORK - MAP 57, BLOCK J,  
LOT 8

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:

Continued on Next Page

RESOLUTION NO. (795-1989) Continued

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 August 29, 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 August 29, 1989, authorizing the purchase of the piece or parcel of real property known as 46 Maple Avenue, within said Town, and the building situate thereon, stating the estimated maximum cost thereof is \$700,000, appropriating said amount therefor, authorizing the issuance of \$35,000 capital notes to provide the required down payment, and authorizing the issuance of \$665,000 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 purchase (i) the piece or parcel of real property known as 46 Maple Avenue and designated as Map 57, Block J, Lot 8 on the Town of Clarkstown tax map, at the estimated maximum cost of \$400,000; and (ii) the two story building situate on such real property, including grading and improvement of the site, original furnishings, equipment, machinery and apparatus required for the purposes for which such building is to be used, at the estimated maximum cost of \$300,000; and STATING the estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$35,000 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$665,000 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 \$35,000 capital notes to provide the required down payment and \$665,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose authorized pursuant to Section 1(i) of this resolution and for which \$380,000 of said serial bonds authorized pursuant to this resolution are to be issued is thirty (30) years; and the existing building which is to be purchased is of at least Class "C" construction and the period of probable usefulness of the specific object or purpose authorized pursuant to Section 1(ii) of the resolution and for which \$285,000 of said serial bonds authorized pursuant to this resolution are to be issued 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 capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$665,000 serial bonds will exceed five (5) years;

Continued on Next Page

RESOLUTION NO. (795-1989) 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: August 29, 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 Carey and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook, Co. Carey, Kunis,  
Maloney, Ann Marie Smith

NOES: None

The resolution was declared adopted.

\*\*\*\*\*

RESOLUTION NO. (796-1989)

APPOINTING DONALD SULLIVAN,  
ESQ. AS HEARING OFFICER ON  
MATTERS PERTAINING TO THE  
HIGHWAY DEPARTMENT

Co. Carey offered the following resolution:

WHEREAS, there has been a need from time to time for the services of a hearing officer to hear and make recommendations on disciplinary matters involving members of the Highway Department;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby appoints Donald Sullivan, Esq., as hearing officer pursuant to Section 75 of the Civil Service Law and the Collective Bargaining Agreement between the Town and the CSEA to act and hear disciplinary charges brought against members of the Town Highway Department by the Town Highway Superintendent, and be it

FURTHER RESOLVED, that Mr. Sullivan shall be compensated for his services in this regard at a rate not to exceed \$400.00 per day, and said compensation shall be charged to Account No. A 1420-209, and be it

RESOLUTION NO. (796-1989) Continued

FURTHER RESOLVED, that this appointment may be rescinded by the Town Board upon notice to the Highway Superintendent and Mr. Sullivan.

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. (797-1989)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL OBTAIN SERVICES OF M. G. McLAREN, P.C., CONSULTING ENGINEERS, TO PREPARE PLANS AND SPECIFICATIONS FOR THE RECONSTRUCTION OF THE CHURCH STREET CULVERT, NANUET, NEW YORK - CHARGE TO CAPITAL NO. 2 H 7140-25P-02-409

Co. Maloney offered the following resolution:

WHEREAS, a potentially dangerous condition exists at the Church Street Culvert, Nanuet, New York; and

WHEREAS, an inspection report of the Church Street Culvert prepared by M.G. McLaren, dated August, 1987, indicates that the structure requires extensive rehabilitation to upgrade it to a good condition; and

WHEREAS, the Town Board has approved capital expenditures for this project not to exceed \$150,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire M.G. McLaren, P.C., to prepare plans and specifications for the rehabilitation of the Church Street Culvert, and be it

FURTHER RESOLVED, that the cost shall not exceed \$35,000 and be a proper charge to Capital No. 2 H 7140-25P-02-409.

Seconded by Co. Smith

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (798-1989)

RECOGNIZING APPOINTMENT BY POLICE COMMISSION OF (PERMANENT) POLICE SERGEANT - POLICE DEPARTMENT (TIMOTHY O'NEIL)

RESOLUTION NO. (798-1989) Continued

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Sergeant #85143A which contains the name of Timothy O'Neill,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Timothy O'Neill, 21 Jackson Drive, Stony Point, New York as (Permanent) Police Sergeant - Police Department - at the current 1989 annual salary of \$54,319.00, effective and retroactive to July 24, 1989.

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. (799-1989)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF  
(CONTINGENT PERMANENT)  
POLICE SERGEANT - POLICE  
DEPARTMENT (CHRISTOPHER  
GOODYEAR)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Sergeant #85143A which contains the name of Christopher Goodyear,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Christopher Goodyear, 19 Strawtown Road, West Nyack, New York, as a (contingent permanent) Police Sergeant - Police Department - at the current 1989 annual salary of \$55,219.00, effective and retroactive to July 24, 1989.

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. (800-1989)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF  
(TEMPORARY) POLICE OFFICER  
- POLICE DEPARTMENT (EDWARD  
CHAZAN)

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (800-1989) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #88222, which contains the name of Edward Chazan,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Edward Chazan, 21 Stratford Place, New City, New York, as (temporary) Police Officer - Police Department (Lacks both medial and fingerprint clearance. Not eligible for permanent appointment until medical and psychological examinations and physical fitness tests are taken and passed and fingerprint clearance has been achieved) - at the current 1989 annual salary of \$32,146.00, effective September 5, 1989.

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. (801-1989)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF  
(TEMPORARY) POLICE OFFICER  
- POLICE DEPARTMENT (TARA  
STUART)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #88222, which contains the name of Tara Stuart,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Tara Stuart, 5 Highland Place, West Nyack, New York, as (temporary) Police Officer - Police Department (Lacks both medical and fingerprint clearance. Not eligible for permanent appointment until medical and psychological examinations and physical fitness tests are taken and passed, and fingerprint clearance has been achieved) - at the current 1989 annual salary of \$32,146.00, effective September 5, 1989.

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. (802-1989)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF  
(TEMPORARY) POLICE OFFICER  
- POLICE DEPARTMENT (EILEEN  
MALLOY)

RESOLUTION NO. (802-1989) Continued

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #88222, which contains the name of Eileen Malloy,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Eileen Malloy, 22 Park Terrace, New City, New York, as (temporary) Police Officer - Police Department (Lacks both medical and fingerprint clearance. Not eligible for permanent appointment until medical and psychological examinations and physical fitness tests are taken and passed, and fingerprint clearance has been achieved) - at the current 1989 annual salary of \$32,146.00, effective September 5, 1989.

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. (803-1989)

ACCEPTING RESIGNATION OF  
DOG CONTROL OFFICER -  
POLICE DEPARTMENT (RENEE  
NELSON)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Renee Nelson, 769 Birchwood Court, Valley Cottage, New York - Dog Control Officer - Police Department - is hereby accepted - effective and retroactive to August 13, 1989.

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. (804-1989)

RECOGNIZING THE APPOINTMENT  
OF POLICE RADIO DISPATCHER  
- POLICE DEPARTMENT (RENEE  
NELSON)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Radio Dispatcher #89025, which contains the name of Renee Nelson,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Renee Nelson, 769 Birchwood

RESOLUTION NO. (804-1989) Continued

Court, Valley Cottage, New York, as a Police Radio Dispatcher - Police Department - at the current 1989 annual salary of \$24,114.00, effective and retroactive to August 14, 1989.

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. (805-1989)

RECOGNIZING APPOINTMENT BY  
POLICE COMMISSION OF POLICE  
RADIO DISPATCHER - POLICE  
DEPARTMENT (BEVERLY BROOKS)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Radio Dispatcher #89025, which contains the name of Beverly Brooks,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Beverly Brooks, 434 Mountainview Avenue, Valley Cottage, New York, as a Police Radio Dispatcher - Police Department - at the current 1989 annual salary of \$20,731.00, effective and retroactive to August 14, 1989.

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. (806-1989)

RECOGNIZING THE APPOINTMENT  
BY THE POLICE COMMISSION OF  
POLICE RADIO DISPATCHER -  
POLICE DEPARTMENT (NILES  
DAVIES, III)

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Radio Dispatcher #89025, which contains the name of Niles Davies, III

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Niles Davies, III, Box 146, Congers, New York, as a Police Radio Dispatcher - Police Department - at the current 1989 annual salary of \$20,731.00, effective and retroactive to August 14, 1989.

Seconded by Co. Kunis

Continued on Next Page

RESOLUTION NO. (806-1989) 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. (807-1989)

GRANTING LEAVE OF ABSENCE  
WITHOUT PAY TO CLERK TYPIST  
- POLICE DEPARTMENT (JOAN  
MURPHY)

Co. Smith offered the following resolution:

WHEREAS, Joan M. Murphy, has requested a leave of  
absence, without pay,

WHEREAS, Article XIX, section I of the Town of  
Clarkstown Labor Agreement of January 1, 1987 provides for a leave  
of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the  
granting of the leave of absence, by the Police Commission, for Joan  
M. Murphy, 12 Shore Road, New City, New York - Clerk Typist - Police  
Department - effective and retroactive to July 24, 1989 to January  
24, 1990.

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. (808-1989)

APPOINTING TO POSITION OF  
LABORER - SANITARY LANDFILL  
(STEPHEN CUCUZZA)

Co. Smith offered the following resolution:

RESOLVED, that Stephen Cucuzza, 3 Appleton Road, New  
City, New York, is hereby appointed to the position of Laborer -  
Sanitary Landfill - at the current 1989 annual salary of \$17,444.,  
effective and retroactive to July 3, 1989.

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. (809-1989)

APPOINTING TO POSITION OF  
LABORER - SANITARY LANDFILL  
(DAVID HETHERINGTON)

Co. Smith offered the following resolution:

RESOLVED, that David Hetherington, 3 Hall Avenue, New City, New York, is hereby appointed to the position of Laborer - Sanitary Landfill - at the current 1989 annual salary of \$17,444.00, effective and retroactive to July 3, 1989.

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. (810-1989)

APPOINTING TO POSITION OF  
LABORER - SANITARY LANDFILL  
(DAVID A. GERLACH)

Co. Smith offered the following resolution:

RESOLVED, that David A. Gerlach, 61 Germonds Road, New City, New York, is hereby appointed to the position of Laborer - Sanitary Landfill - at the current 1989 annual salary of \$17,444.00, effective and retroactive to July 31, 1989.

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. (811-1989)

APPOINTING TO POSITION OF  
(PROVISIONAL) WEIGHER -  
SANITARY LANDFILL (WALTER  
HAYWARD)

Co. Smith offered the following resolution:

RESOLVED, that Walter Hayward, 98 Lenox Avenue, Congers, New York, is hereby appointed to the position of (Provisional) Weigher - Sanitary Landfill - at the current 1989 annual salary of \$16,013.00, effective and retroactive to August 21, 1989.

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. (812-1989)

APPOINTING TO POSITION OF  
(PROVISIONAL) WEIGHER -  
SANITARY LANDFILL (COLUMBUS  
BOWDEN)

Co. Smith offered the following resolution:

RESOLVED, that Columbus Bowden, 6 Duane Avenue, New City, New York, is hereby appointed to the position of (Provisional) Weigher - Sanitary Landfill - at the current 1989 annual salary of \$16,013.00, effective and retroactive to July 3, 1989.

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. (813-1989)

ACCEPTING (VERBAL)  
RESIGNATION OF MEMBER -  
CONDOMINIUM INFORMATION  
BOARD (DOROTHY GIAIMO)

Co. Smith offered the following resolution:

RESOLVED, that the (verbal) resignation of Dorothy Giaimo, 147 Treetops Circle, Nanuet, New York - Member - Condominium Information Board - is hereby accepted - effective and retroactive to August 7, 1989.

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. (814-1989)

ACCEPTING RESIGNATION OF  
MEMBER OF BOARD OF ETHICS  
(WILLIAM L. NEST)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of William L. Nest, 3 Hillside Drive, New City, New York - Member - Board of Ethics - is hereby accepted - effective and retroactive to August 12, 1989.

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. (815-1989)

ACCEPTING RESIGNATION  
ACCOUNT CLERK -  
COMPTROLLER'S OFFICE (JOEL  
PELISSIER)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Joel Pelissier, 44 Collins Avenue, P.O. Box 411, Spring Valley, New York, Account Clerk - Comptroller's Office - is hereby accepted - effective and retroactive to August 4, 1989.

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. (816-1989)

APPOINTING TO POSITION OF  
(PART-TIME) BUS DRIVER -  
MINI TRANS DEPARTMENT  
(ANTOINE PAUL ROC)

Co. Smith offered the following resolution:

RESOLVED, that Antoine Paul Roc, 124 South Main Street, 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 August 28, 1989.

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. (817-1989)

APPOINTING TO POSITION OF  
(PART-TIME) BUS DRIVER -  
MINI TRANS DEPARTMENT (JEAN  
A. SAINT FORT)

Co. Smith offered the following resolution:

RESOLVED, that Jean A. Saint Fort, 20 E. Hickory Street, 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 August 30, 1989.

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. (818-1989)

RECOGNIZING APPOINTMENT BY  
PARKS BOARD AND RECREATION  
COMMISSION OF (PROVISIONAL)  
RECREATION LEADER - PARKS  
BOARD AND RECREATION  
COMMISSION (CARMINE SERRA)

Co. Smith offered the following resolution:

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Carmine Serra, Diplomat Gardens, Apt. D-9, Route 9W, Piermont, New York, as (provisional) Recreation Leader - Parks Board and Recreation Commission - at the current 1989 annual salary of \$19,853.00, effective and retroactive to July 17, 1989.

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. (819-1989)

APPOINTING TO POSITION OF  
(PROVISIONAL) YOUTH  
COUNSELOR I - COUNSELING  
CENTER (SUSAN BEERMAN)

Co. Smith offered the following resolution:

RESOLVED, that Susan Beerman, 288 Piermont Avenue, South Nyack, New York, is hereby appointed to the position of (Provisional) Youth Counselor I - Counseling Center - at the current 1989 annual salary of \$24,114.00, (Grade 23AA), effective September 11, 1989.

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. (820-1989)

ACCEPTING RESIGNATION OF  
PART-TIME CLERK TYPIST -  
COUNSELING CENTER (MARIA  
MYERS)

Co. Smith offered the following resolution:

RESOLVED, that the resignation of Maria Myers, 54L Ramapo Avenue, Suffern, New York, part-time Clerk Typist - Counseling Center - is hereby accepted - effective and retroactive to August 25, 1989.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

RESOLUTIONNO. (820-1989) Continued

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

\*\*\*\*\*

RESOLUTION NO. (821-1980)

APPOINTING TO POSITION OF  
(PART-TIME) CLERK TYPIST -  
COUNSELING CENTER (LORETTA  
RAMIONE)

Co. Smith offered the following resolution:

RESOLVED, that Loretta Raimone, 4 Tor Terrace, New City, New York, is hereby appointed to the position of (part-time) Clerk Typist - Counseling Center - at the current 1989 hourly rate of \$7.00 - effective August 30, 1989.

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. (822-1989)

CREATING POSITION OF  
ASSISTANT FIRE SAFETY  
INSPECTOR - BUILDING  
DEPARTMENT

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on July 26, 1989 that the position of Assistant Fire Safety Inspector - Building Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Assistant Fire Safety Inspector - Building Department - is hereby created - effective August 30, 1989.

Seconded by Co. Maloney

Prior to voting, Councilman Kunis said his reasons for not wanting to add two additional employees to the Building Department payroll at this time are that although these two positions are in the budget is it a guarantee and license to create a new position? He said Building Department permits issued in 1989 are 17% lower year to date than the previous year. He also noted that the Building Department revenue in 1989 is down 13% year to date from the previous year. That figure includes rate increases to justify the creation of these two positions. He said with fewer building permits being issued mortgage tax revenue is also down from the previous year. He added that overall budgeted revenue is down in 1989. He said he would recommend reducing government wherever possible, not adding and creating. He said a management change is anticipated in the Building Department as of January 1990. He said wouldn't it behoove us to allow new management to select new personnel, if necessary, and train them? Councilman Kunis said

Continued on Next Page

## RESOLUTION NO. (822-1989) Continued

a professional study conducted in 1985, commissioned by this Town Board recommended cross-training Building Department employees not hiring new employees. He said with the workload being decreased in the Building Department he would recommend the cross-training of Building Department employees and the full use and implementation of computers. The addition of two employees would ultimately result in taxpayers paying the following: two salaries for approximately \$45,000.00, benefits of approximately \$12,500.00, two automobiles for approximately \$16,000.00, office furniture for \$1,000.00 and uniforms for \$300.00 - a potential spending of \$74,800.00.

Councilman Kunis added that he would like to mention conservative figures, which are undisputable regarding the 1990 budget. There will be no landfill revenue from the Town of Ramapo - approximately \$1.7 million dollars which was used in our 1989 budget. Fire Districts in the Town will have increased expenses due to the pensions which volunteer firemen will collect upon retirement. This is a new expense which will serve to create incentives for residents to serve their community as volunteer firemen - approximate cost is \$500,000.00. Cost of living increases - \$2,000,000.00. Additional landfill operating costs - \$200,000.00. Thirty-Five percent of landfill revenue, as per the Consent Order - approximately \$875,000.00.

Councilman Kunis said that these items represent a tax increase of over 12% in 1990 and they do not take into consideration landfill closure, salary increases or other budget line items. He said now is not the time to add positions in the Building Department but is the time to go over our budget with a fine tooth comb to decrease our expenditures. He said as he considered this proposal he asked himself if this was his own business would he add these two positions. He said he would not and he votes no.

Councilman Maloney said he believed these positions are necessary and that's the reason they are being created. He said we have to consider the health, safety and welfare of the people in the Town of Clarkstown and the more inspectors we have out there the better job we are going to do in enforcing the law and going after those people who aren't living up to what they are supposed to do when they build in this Town and it is worth every penny if we can save somebody's life and he votes yes.

Councilwoman Smith said she did not think we have ever created a position that isn't needed in this Town and these two particularly. She said we all know that we would like to move applications much faster than we can in the Building Department so there is a need for the Code Enforcers there and the Assistant Fire Inspector is extremely essential. She said we have all read in the last year of commercial fires in surrounding areas and the deaths from them and our men cannot get out and inspect our commercials because we don't have enough inspectors. The position is very needed and she votes yes.

Supervisor Holbrook said he would reiterate what Councilman Maloney and Councilwoman Smith said. We do need fire inspections. Our offices, including his one, are inundated every day with calls for enhanced code enforcement, illegal two family conversions, etc. We have areas of the town where we have problems with multiple families living in multiple apartments and we've already had a series of tragic fires in the Village of Spring Valley this past winter. We are sitting on a time bomb ready to go off here. We need these people to inspect our multiple dwellings and we need them to continue to enforce our Town Code throughout the Town and he is voting yes.

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (822-1989) Continued

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

\*\*\*\*\*

RESOLUTION NO. (823-1989)	CREATING POSITION OF CODE INSPECTOR - BUILDING DEPARTMENT
---------------------------	---

Co. Smith offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on July 26, 1989 that the position of Code Inspector - Building Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Code Inspector - Building Department - is hereby created - effective August 30, 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

\*\*\*\*\*

After extensive discussion Agenda Item 47 (Hi Rock) was tabled with the proviso that it be sent to the owner with the notification that it would be voted on at the next Town Board Meeting which would alert him to the fact that the Town Board means business.

\*\*\*\*\*

RESOLUTION NO. (824-1989)	DECLARING BOND IN DEFAULT - VILLAGE GREEN - (MAP 34, BLOCK C, LOTS 1 THROUGH 112)
---------------------------	---

Co. Carey offered the following resolution:

WHEREAS, certain site work in a project known as VILLAGE GREEN (Map 34, Block C, Lots 1 through 112) has not been completed, and

WHEREAS, the Town of Clarkstown has in its possession a Bond (No. 17537) in the sum of \$125,000.00 for the completion of site work at Village Green;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby declares said bond to be in default, and be it

FURTHER RESOLVED, that the Village Green Condominium be retained to complete the common elements for which said bond was posted, and be it

Continued on Next Page

RESOLUTION NO. (824-1989) Continued

FURTHER RESOLVED, that the proceeds be turned over to Village Green Condominium upon the issuance of the last of the permanent Certificates of Occupancy, and be it

FURTHER RESOLVED, that Village Green Condominium deliver to the Town of Clarkstown a general release simultaneously with the release of the funds represented by said bond, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall not incur legal costs in conjunction with any action commenced to recover said bond.

Seconded by Co. Maloney

Councilman Kunis asked Mr. Bollman, Director of Environmental Control, if everything had been straightened out with this. Mr. Bollman said it was his understanding that it was. Deputy Town Attorney Phil Fogel said it was agreed that the monies currently held would not be delivered to the appropriate parties until all site work on the premises had been completed and until the last CO is issued by the Building Inspector's Office which gives the Building Inspector's Office and Environmental Control appropriate aegis over what is completed in the project.

Councilman Kunis said based on the recommendation of the Town Attorney and Mr. Bollman and the fact that the attorneys for the new purchaser are satisfied he would vote yes.

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. (825-1989)

DECLARING ESCROW FUNDS IN  
DEFAULT - VILLAGE GREEN -  
(MAP 34, BLOCK C, LOTS 1  
THROUGH 112)

Co. Carey offered the following resolution:

WHEREAS, certain work consisting of wearing courses and landscaping in a project known as VILLAGE GREEN (Map 34, Block C, Lots 1 through 112) has not been completed, and

WHEREAS, the Town of Clarkstown is holding cash escrow in the total sum of \$39,600.00 for completion of the wearing course and landscaping;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held on September 26, 1989 at 8:20 P.M. to provide Village Green Properties, Inc., with an opportunity to prove that the work for which \$39,600.00 has been deposited has been completed, in the absence of which the aforesaid sum shall be declared to be in default.

Seconded by Co. Maloney

Deputy Town Attorney Phil Fogel said this was being handled somewhat differently than the bond only because of the fact of the cash deposit. It has been suggested that the most conservative approach to avoid any litigation with respect to cash deposits is to give the depositor notice of the fact that we intend

Resolution No. (825-1989) Continued

to default the bond and give that depositor the opportunity to show that he has, in fact, completed the work so that an appropriate default resolution in the event the depositor fails to come forward with that evidence, can be made at that meeting.

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. (826-1989)

AWARDING BIDS (NOS. 1 FOR CURB RAMPS AND 4 FOR REMOVAL OF ARCHITECTURAL BARRIERS AT THE NEW CITY LIBRARY) (W.N.D. SITE CORPORATIONS)

Co. Maloney offered the following resolution:

WHEREAS, proposals have been received for the community development project regarding the removal of architectural barriers at the New City Library, and

WHEREAS, the Director of Purchasing has reviewed the bid proposals and finds that they are in good form and in compliance with General Municipal Law Section 103;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby awards Bid No. 1 for curbs ramps at \$10,000.00, and Bid No. 4 for striping at \$500.00, to W.N.D. Site Corporations, with respect to the removal of architectural barriers at the New City Library, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall notify the County of Rockland to allocate \$10,000.00 of Community Development funds for said project.

Seconded by Carey

Town Attorney Murray Jacobson said right now we have only put in \$10,000.00. He said we could try to get the other \$500.00 - otherwise the Library would have to pay. Supervisor said we should also be getting additional Community Development Funds this year which we might be able to earmark for this purpose.

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 Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance - Transfer Station and Recycling Facility was opened, time: 10:37 P.M.

Continued on Next Page

On motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing re: Amendment to the Zoning Ordinance - Transfer Station and Recycling Facility was closed, time: 11:40 P.M.

RESOLUTION NO. (827-1989) AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN (RECYCLING FACILITY)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 18th day of July, 1989, provided for a public hearing 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

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

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

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

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

and be it

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

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District to include Marianne Hill was opened, time: 11:42 P.M.

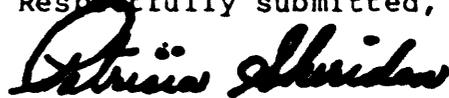
On motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing re: Extension of the Clarkstown Consolidated Water Supply District to include Marianne Hill was closed, ORDER SIGNED, time: 11:43 P.M.

\*\*\*\*\*

Continued on Next Page

There being no one further wishing to be heard and no further business to come before the Town Board, on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Town Board Meeting was declared closed, time: 11:44 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

195

Town Hall

8/29/89

11:41 P.M.

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

RE: AMENDMENT TO Z.O. (TRANSFER STATION & RECYCLING FACILITY)

On motion of Councilwoman Smith, 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 we had previously provided an amendment to the zoning ordinance in which we provided for transfer stations and recycling facilities. He said we set the definitions and we provided that this should be by special permit of the Town Board. The purpose of the hearing tonight is to specify the zones in which these recycling facilities and transfer stations would be set forth either in the LIO or the M district. Those are the only two districts where it is proposed to put this facility. He said that the Town Planning Board approved. The County Planning Board said it is a matter of local discretion. As to SEQRA - there is no environmental impact and we are ready to go to public hearing tonight.

Councilman Maloney said this is just setting the zones. What zones these can be in if they ever did come for a special permit.

The Town Attorney said that on July 18th we provided for these.

Councilwoman Smith asked if the words "transfer station" imply solid waste?

The Town Attorney read the definition from the previous public hearing: "Transfer station is an area of land upon which is located, permanently or temporarily, structures, machinery and/or other devices where any solid waste, refuse, leaves, trash, trees or soil is taken from a collection vehicle and placed either upon the land, into any other transportation unit or into any other device for future movement to another location." "A recycling facility is an area of land upon which is located, permanently or temporarily, structures, machinery and/or other devices which are utilized to separate, process, modify, convert, treat, boil, compost, compact to prepare solid waste, refuse, leaves, trash, trees or soil so that any component part of the same may be recovered."

Councilwoman Smith said just so that the people of West Nyack understand from the newspaper stories that you might have read, our understanding is, in the particular area you're concerned with, it was just a recycling station and was never meant to be a transfer station for solid waste. The only transfer station for solid waste we had on our mind is our own piece of property at the landfill. She emphasized that she wanted to make that very clear. That it is the Route 303 Landfill and not any other landfill.

Supervisor said what we are doing here is identifying the zones where this can take place. It is then in the purview of the Town Board, under special permit which requires a public hearing, if somebody would come before the Town Board to make an application for some other place in the Town for a transfer or recycling facility. That is up to the Town Board - to either approve it, based on the facts, or to turn it down.

Councilwoman Smith said before places can be established you must have a code into which they will fit. Our intention is to have only one solid waste transfer station and

Continued on Next Page

that's on our own Landfill on 303. We don't want to perpetuate transfer stations for solid waste throughout Clarkstown.

She was asked if she was speaking for the Board and she replied that she thought she was speaking for everyone here but she would state that she was just speaking for herself.

Councilman Maloney concurred that is what the intention is.

Councilman Kunis asked the fact that this states transfer station/recycling facility subject to Section 106 - being that they are together - would that mean that someone can apply for a special permit and that if the law is written in this manner he can apply for a permit which would automatically be application for a combined transfer station and recycling facility or can they be separated and broken down?

Supervisor said the answer to that question is yes. You can apply for either/or or for both. He said the two zones are LIO which is light industrial/office and M is a manufacturing zone. He said Carbone, the landfill, and the quarries are M zones. He could apply for a recycling facility under this and he could apply for a transfer station. The Town Board is saying that it is not our intention to approve a transfer facility at that site. We are interested in the recycling aspect of it. Councilman Maloney said the only transfer station we are interested in is on our own landfill.

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

Mr. Lodico said he has been involved in the garbage industry and landfill for over 27 years in this area and around the country. He said he did not believe there should be any transfer station in any zone whether it be M or LIO. He believed the transfer station should be only on government property and run by government employees. He stated that this industry at this time is a volatile industry and people can only be protected by the elected people. He said once you create a transfer station in this Town in any zone you are going to have the greatest problem ever. He said the simple solution is the recycling centers should be the resolution and no area for wording including a transfer station except that owned, operated and controlled by the Town of Clarkstown.

Appearance:                   Mr. Kalinowski  
                                  Western Highway

He referred to a paper he was holding and stated that these are the minutes and wording that are in your own amendment. Would you please define "prepare solid waste" and refute my Masters in Environmental Science as to what solid waste is. Deep water sludge is solid waste. Does that mean that Carbone cannot come in, by your definition, and transfer solid waste - just prepare for transfer.

Supervisor said they are interested in the amendment as proposed so that it will enable us to have a recycling facility which Orangetown and Clarkstown could use to process our recyclables and transport them out. That's the purpose of the amendment. Mr. Lodico raises a point regarding the transfer station whether or not the Town Board wants to consider including that in the amendment. We can discuss whether we want to delete that portion or not. We can include the recycling aspect of it at this time. That was our intention primarily because we are interested in the recycling program in the absence of the County providing a facility to transport recyclables. We are stymied in expanding the recycling process. This, right now, is the only place we know of in the Town

Continued on Next Page

of Clarkstown that will handle it. The purpose of putting it into the code was to update the code and modernize it so that recycling facilities would appear. When we drew up the definition we did it also to include transfer stations because we ourselves are contemplating putting in a transfer station and we felt we should be consistent with the code - allowing a transfer station to be permitted in the Town.

Councilman Maloney asked if they could make an amendment, since the Town has said that the only transfer station that's going to be operated is the one on the landfill and we mean that - we are not going to have them all over the Town, why not just eliminate because we know when a transfer station comes it's going to be on our Landfill, and just deal with the recycling facility which is what we want. This way we avoid the ambiguity of the transfer station.

Councilwoman Smith asked the Town Attorney to read the last part of the definition which includes the words "solid waste" in the recycling definition.

The Town Attorney read as follows: the recycling facility - any area of land upon which is located, permanently or temporarily, structures, machinery and other devices which are utilized to separate, process, modify, convert, feedball, compost, compact, prepare solid waste, refuse, leaves, trash, trees or soil that any component part of same may be recovered. That is recycling.

The Supervisor, when asked, said he did not anticipate sludge.

Councilwoman Smith asked what about composting when it is squished down - is that considered solid waste in a sludge mixture. We have to look at that definition.

Councilman Kunis said he was under the impression that this was for cans, bottles and possibly newspapers.

Mr. Kalinowski said that this Town has had major problems with the garbage for a number of years. You have not been able to control or monitor what goes on at your own site. How are you going to be able to monitor a private company?

Supervisor said the reason for doing that was to have a person apply for that under a special permit of the Town Board where the Town Board would establish the conditions and parameters within which a person would put up a recycling facility. That's the purpose of putting it in the code.

Supervisor said whatever was placed in the Landfill over the years will be determined as a result of the RI/FS study that we now are engaged in. We are able to handle the Landfill from the standpoint of closing it and cleaning it up. That is our commitment. In regard to this specific site here, Western Highway or any other M zone in the Town, wherein a recycling facility can be constructed, it can only be approved by special permit of the Town Board. We did not give it to the Zoning Board for a reason. We felt the Town Board should be the only body empowered to acknowledge whether or not a facility should be put in. We could have a situation where a person would apply and might not meet the requirements and the Town Board would turn them down. We're looking in the absence of any other facilities to get rid of our recyclables, which is a problem of both towns, to expand that program, and that was the reason for putting that definition in. As far as the transfer station, that is something the Town Board members can table for now and just act on the recycling aspect of it and I think that might be a recommendation.

Mr. Bollman said that he would like to mention one other thing that is in the law and that what we tried to do is

Continued on Next Page

avoid someone coming in to us with garbage from outside saying that they have a recycling center. Take out three bottles and then say that the rest of the garbage goes to the Town of Clarkstown. Supervisor stated that one of the requirements is source separated recyclables. They should have someone stationed there so that without approval they can bring no residue in to us.

The Town Attorney read the portion that addressed itself to residue material. "No waste material, product, by-product or residue material, which may result in the valid operation of a recycling facility or transfer station pursuant to the special permit issued, shall be disposed of at any sanitary landfill facility operated by the Town of Clarkstown without the express written permission or consent by the Director of the Environmental Control."

Mr. Bollman, Director of Environmental Control said the reason that was put in was because they were afraid someone was going to try to get rid of garbage that way under the guise of a recycling center. We didn't want that and that is why that portion was put in. We are talking about the definition which followed and is the State definition. Another thing which nobody has mentioned is that all of these are subject to the permit of New York State DEC. - to follow everyone of their guidelines published in December of last year 1988 - their new guidelines. We copied their definitions down but the intent is that we are trying to recycle in the Town. We have a goal of 35% for next year. Carbone is taking, probably not legally or under permit, other than he does have a DEC permit but not one from the Town because we haven't established one, but he is taking our glass and our cans and is doing the same for Orangetown. We put in there that we don't want residue. In other words he pretty much has to take in source separated. That is the intent and it is totally in the Town Board's hands and they can put on any conditions they want.

Councilwoman Smith asked if his DEC permit is for a recycling center?

Mr. Bollman said he was not sure. Before December of 1988 there was not that much of a differentiation. The laws became clear and changed drastically in December of 1988.

The Town Attorney said that one of the requirements of the special permit is that the applicants should in all respects comply with all applicable requirements, rules and regulations of the State of New York that relate to recycling facilities and transfer stations including but not limited to Title 6 -Part 3.

Supervisor said those are all conditions under which we have to operate under the Division of Hazardous Waste for the closing of the Landfill. When you look at the cost for doing this, it is not inconsequential. He quoted the newspaper as saying if the County started today regarding a recycling facility it would be two years for such facility to be constructed by the County. He said the Town of Clarkstown cannot afford to sit by and not recycle for two years. When you have to get rid of, let's say as of May of next year, a ton of garbage is going to cost you \$75.00 per ton. Every ton that we recycle saves the taxpayers of this community \$75.00. The cost avoidance and the importance of expanding recycling is paramount. That's where we are coming from in regard to the amendment. It's not to reward C & A Carbone. It's to provide a plan so that the Town of Clarkstown and the Town of Orangetown which is now presently using our facility, can get rid of their recyclables at our sufferance. He said what you need to do in a recycling situation is you need quantity and you need quality. The Town of Clarkstown's recyclables mixed with the Town of Orangetown's recyclables makes it easier to dispose of.

Councilman Kunis said that a lady had asked why not on the Landfill instead of on Western Highway?

Continued on Next Page

The Supervisor said we asked that of the DEC and Region Three told us specifically do not mix the applications together because they wanted us to proceed with the transfer station first and not go into a recycling facility. We need to have a transfer station in the Town because we will have to haul garbage, as will Orangetown and other municipalities, for anywhere from five to eight years. He said he would have put in an application for a recycling facility at the Landfill if that was what was recommended by Region Three but they told us not to do that but subsequently we might do that.

Mr. Kalinowski asked if they can go back and do it?

Supervisor said if the Town Board granted it there would have to be a reason for revoking it.

Mr. Kalinowski asked if there is a time limit for revue.

Mr. Bollman said you are not going to get a guy to put in \$200,000 worth of equipment for six months. We are trying to have him follow all the regulations and do it right. We've also committed and told the County when you come up with a recycling facility we will give you and bring all of our recyclables to the County. We have committed to that except we are not going to support anybody locally once the County has the site. We have said the Town will bring all of their materials to the site of the facility of the County.

Supervisor said the problem is that if the County started tomorrow and had a site, it is two years away from that thing being created. We can't wait in the Town of Clarkstown for recycling to occur two or three years from now. We need to have it now.

Mr. Kalinowski asked if we could give him a two year renewable permit? That would give you time to process the proper application to DEC to put it alongside your own facility at the Landfill site.

Supervisor said the first thing we have to do is to process our transfer station and see if we can get that permit through the DEC.

In response to questions from the audience as to why everything has to be put in West Nyack, the Supervisor said the County in terms of whatever it does has not come up with any specific sites - either recycling or for a solid waste disposal.

Councilman Maloney said what we are saying is that recycling can take place in any zone in M or LIO. Supervisor said those zones are not just relegated to West Nyack. They are all over the Town of Clarkstown. Councilman Maloney said there is a possibility that it could be developed anywhere.

Councilwoman Smith said the original plan was to put something in each town so that you would share equally.

Supervisor said we still have to address the issue that was raised before regarding traffic on Western Highway. He said that there were other trucks going there beside Carbone's trucks. He said, however, there are other businesses which are using Western Highway. He said the Town was cognizant of that fact and he did not foresee the Town approving something without the issue of the traffic being addressed. He said you must understand the positions of the towns with regard to recycling and the elimination of solid waste. We must have facilities to get rid of solid waste. He said the zone M is not relegated only to West Nyack. He said there are many M zones in Clarkstown.

Continued on Next Page

In response to a question from the audience Supervisor said the transfer station that we will construct at the dump with DEC approval will be a fully permitted transfer station. We will pass a law in the Town of Clarkstown which will require that all solid waste that is picked up in the Town of Clarkstown must go to our transfer station. Councilman Maloney reiterated that all garbage will go to that one transfer station and no place else.

Mr. Kalinowski said that he would like to request that the Town Board investigate at this point for Carbone for a two year period. He will have a permit as it is and investigate processing your own permits for the recycling center at the transfer station rather than having it in a residential area.

Supervisor said if they went ahead and put the recycling center into the code tonight, if an application were to come forward in regard to a recycling facility at that Western Highway location, it would necessitate another public hearing. So nothing can happen that you don't know about.

Councilman Maloney said then at the public hearing we could set limits in terms of the permit. We could then say it could be for two years only or thirty-six months. That could be done as part of the condition of the special permit. In the special permit we could have conditions and that might be one of them, which might allow the Supervisor, after the transfer station is in, to apply for recycling. He said he could see where DEC could say do the transfer station and let's wait for the recycling center. Once this law is passed any place in the Town that has an M or an LIO - any person could apply for a recycling center. It does not have to be in West Nyack.

Supervisor said the truck traffic situation has to be addressed. We have to get the truck traffic off of Western Highway and on to Route 303. He said he thought there was a solution to that situation so that it would not affect residential areas and that is to put a road out to Route 303 which would eliminate truck traffic in Orangetown as well as in Clarkstown. We would not have to get into a war of signs.

Supervisor said maybe something can be worked out with Bradley Industrial Park but the other thing is that there are residents on both sides. We do not want to harm either party. We are trying to get a road through there so that the truck traffic could use that and not have to use Western Highway. It would solve all our problems.

Councilwoman Smith asked the Town Attorney if an applicant requests a special permit does this law empower the Town Board to restrict the commodities he can recycle? Mr. Jacobson, Town Attorney, said you can put the reasonable conditions on the granting of the permit. He asked for an example.

Councilwoman Smith said to eliminate anything that is solid waste.

Supervisor said you can say no sludge and Mr. Jacobson said that was a reasonable condition.

Councilman Maloney said there is no reason why we cannot put limits on this but unless we begin to recycle and recycle a lot in order to avoid the amount of solid waste we have to dispose of it is going to cost a lot of money. If you have 50,000 or 100,000 tons of solid waste material but you can extract 50,000 tons recycled then you only have 50,000 you have to pay \$75.00 a ton for. It behooves everybody to look toward recycling. If it can be done away from a residential area, fine. That is why we are trying to put on some limitations. There is no reason we can't put restrictions on this.

Continued on Next Page

PH - Transfer Station & Recycling Center - 8/29/89  
Page 7

Supervisor said the person has to apply and it has to be approved by the Town Board and when we put it in the M zone it's not just that M zone, it's any M zone in the Town of Clarkstown and it will not be allowed in a residential area.

Someone asked if Carbone has already been given permission to build a recycling plant? The Supervisor said no. The unidentified person asked is he constructing something there? Supervisor said he has not been to the site to see that but he has not been given permission by the Town of Clarkstown.

The same person asked if he is given permission by the Town of Clarkstown he would like to know why the landfill and recycling center could not be placed in different locations? Supervisor said they could be placed in another location in an M zone or an LIO zone in the Town.

The same person hoped that they wouldn't get dumped on with the same recycling center in the same neighborhood. Councilman Maloney said there are many M zones in the Town and he hoped that someone would come forth and offer to place one there.

The gentleman stated that he felt he was not getting sympathy from Supervisor Holbrook as to having this placed in his neighborhood. Supervisor said that was not true. Councilman Maloney said that wasn't so. Councilwoman Smith said when they apply for a permit for a transfer station on the landfill, there is no guarantee that they are going to get that permit. The transfer station could be in another town.

The same person said he would like to hear that the two facilities are not going to be dumped in the same area.

Supervisor said that the Town's transfer station, if the DEC permits it, will be located on Route 303. If the Carbone property comes in for a recycling facility and the Town Board deems it appropriate that facility could be located there but the Town Board has to vote for that if he makes that application. The Supervisor said that, predicated on the necessity to recycle in the Town, if he meets the special permit requirements there, I think the Town has to recycle there.

The gentleman asked why can't we use some other location? Supervisor said because someone who owns property in that other location or locations has to apply for it. Others may come in and do that.

Mr. Bollman asked the Town Attorney when recycling becomes mandatory in the Town of Clarkstown?

Mr. Jacobson said it becomes mandatory by October 1st.

Mr. Bollman said that by October 1st we have to have a facility to which we can take the recyclables. The closer it is the cheaper it is for us. I mean right now we can go all the way down with the tires to Port Newark. That doubles and triples the cost. What we are looking for is an interim procedure. I'm hoping that when the site is remediated, you won't have to put up with recycling because the County will have one by then. By October 1st we will have mandatory recycling and the Town now has an obligation to get rid of that material it picks up.

Supervisor said he is not going to lie and say he is not considering it when he is looking at an October 1st deadline. There are certain things that a Town has to do.

Appearance: Maria Ryder Hertz  
95 Western Highway  
West Nyack

Continued on Next Page

She said she felt that to this Board it was more important to save money than the health of the many thousands of decent citizens who live in West Nyack. She said the Board did not have the interest of the people of West Nyack at heart and she was disappointed in them.

Supervisor said that when Mr. Hertz had asked him a question, he told him a truthful answer. If he had told him something other than that it wouldn't have been believable. He said if another site came up, the Board would consider it. He said they would also consider another recycling facility in another M zone in the Town if it were to come forward. In the last couple of months, since we have been sending recyclables there, that looks like one of the sites the Town would be interested in. He said we are not going to get sites unless we put recycling facility into the ordinance.

Appearance: John Lodico  
New City

Mr. Lodico said you still have not taken the transfer station out of the amendment.

Councilman Maloney said if we are not intending to have any other transfer stations in the Town operate we might take the word transfer station out. Mr. Lodico said there is a need to have recycling centers wherever there is space available in the Town and that should be incorporated into there and have transfer station eliminated as indicated.

Appearance: Rosemarie Seery  
15 Flitt St.  
West Nyack

She said she has been involved with the Clarkstown Landfill since 1983 and she lived across the street from the Clarkstown Landfill. She is still living in West Nyack. She said her children were sick from the Clarkstown Landfill and she has paid thousands of dollars in doctor bills because of their sickness. She said she supports the recycling centers to get rid of the garbage but on the other hand she does not want Carbone or any of the other carters to come in and start building what they will say are recycling centers and will then possibly turn into a transfer station.

Mrs. Seery referred to a DEC packet of material on Carbone which she had. She said that Carbone applied to construct a solid waste transfer station. At the bottom of the application is a note written by Alex Cheslick and it says: "Your facility may be exempt from permanent requirements if all the material you process is reused, reclaimed or recycled for beneficial future uses." She said Mr. Carbone said to himself I am applying for a solid waste transfer station. The DEC tells me if it is a recycling center I could be exempt from a permit. She said we need the recycling centers but Mr. Carbone knows full well what he is doing when he applies and she did not want the Town to be fooled by Mr. Carbone or, when we are out of the garbage business, any of the other little pieces of property that are going to turn into recycling centers or transfer stations. She said if this is a special permit, how do you regulate a special permit? You cannot say yes to one and no to another. You will not be able to regulate this special permit.

Supervisor Holbrook said one of the things in establishing it by special permit was to try to give the Town the opportunity to do exactly that - to regulate it because right now our zoning ordinance, aside from the definition that was put in, is moot on the issue of transfer or recycling facility because those terms are new to the jargon of the period. What we attempted to do was to put them into our zoning ordinance so that forgetting about what the DEC might give him, the Town of Clarkstown in its zoning ordinance could say no to a transfer station but yes to a recycling facility. We would have the ability under our zoning ordinance

Continued on Next Page

to regulate the operation. We had to address when our zoning ordinance is moot on the issue. We know they have to be regulated and we want to regulate them because we want to know what is going on. One of the ways to do it is by special permit.

Mrs. Seery said that last August, before Carbone was being watched by the Town, she followed a Carbone garbage truck at 10:00 P.M. She said she did not know if it came over the bridge but she said she did catch it on the Thruway right before Exit Twelve and she followed it. It was steaming and it was not coming from the exhaust system. It went back to the area where its station is on Western Highway and pulled in. She said it was dark. There were a few little lights on. She went past and by the time she turned her car around and came back the truck was parked, a car was pulling out and all the lights were off. She said she feels if the Town can regulate Carbone by having the zoning then she absolutely agrees with it. She said that what she found out is that that steaming truck was probably toxic waste mixed in with garbage that's put over there and allowed to be cooled down. It's transferred into another truck and guess where it's dumped. This information is from the organized crime task force.

Supervisor Holbrook said they also have a special police detail and we have in the past not only fined Carbone but brought 13 other carters before the Town Board for bringing garbage in from undesignated areas. We did put this in the zoning ordinance as an attempt to regulate the site because our zoning ordinance said nothing about it. So, he would go to the DEC and the DEC gives him a permit. We go to our zoning ordinance and look at transfer stations and it says nothing about it. This now gives us the opportunity to enforce zoning by regulating the use.

Mrs. Seery said don't be fooled by this. If the DEC is granting permits and telling them they will be exempt by making it a recycling center - DEC is telling us what to do now. Supervisor said if we don't permit that use and our zoning ordinance says transfer station but does not permit it as a use in an M zone then the Town Board could go after it from the standpoint of a zoning matter regardless of what the DEC permit says.

The Town Attorney said he wanted to make it so that the Town alone would have a transfer station and leave the definition in there and you could amend the zoning ordinance to provide that only the Town would have one.

Mrs. Seery said solid waste does not have to be garbage. Solid waste are cans and bottles too. Councilwoman Smith said but you can specify what you will accept.

Supervisor said if that site does come in for it there will be an opportunity for another public hearing before the Town Board does anything.

Councilman Kunis asked Mr. Bollman if he had the papers which the young lady had brought up to the dais or if the Town had them somewhere? Mr. Bollman said he did not believe so. Councilman Kunis said since you brought those up and mentioned them as part of the public hearing would you please give them to the Town Clerk so that those papers can be made part of this Public Hearing.

Appearance: Stanley Hertz  
Western Highway  
West Nyack

He said that it was incumbent on the Board to share the wealth and since there are other sites in Clarkstown other than West Nyack to stop dumping on West Nyack.

Continued on Next Page

Supervisor said if the only M zone was in West Nyack I think the point that you make would be valid. If you take a look on the zoning map on the wall, you will see that there are LIO and M zones throughout the Town. A truthful answer is yes we are looking at that site for a recycling facility. If another entity would come in and say we have a site in another location in an LIO or M zone, we would look at that too.

Mr. Hertz said he hoped that the Town Board would make more of an effort. He said he did not know what was involved but he imagined that some action could be taken to encourage development. Supervisor said Carbone is already underway with their permit or whatever it is. Other sites would start from scratch. That would not preclude us from looking at them. Mr. Hertz said that is only fair and the Supervisor said he agreed with him.

Appearance: Wayne Gavioli  
Blauvelt

Mr. Gavioli said he was here on behalf of the Town of Orangetown residents who are within 500 ft. of one of the proposed zone changes. Supervisor said this is not a zone change, we are amending our zoning ordinance. Mr. Gavioli said he would like to make three points to the Board. One is he understood that a negative declaration had been declared in terms of State Environmental Quality Review Act. He said it was incredulous to him that an environmental impact statement need not be done when the zoning code amendment involves something as serious and potentially dangerous as recycling the garbage transfer station. He said the State Environmental Quality Review Act has a very low threshold. He said he wanted to go on record as saying to the Board that the law says that if it may have an impact on the environment, certainly as a matter of law you should do an impact statement. He said that was the very minimum that should be done in this case. He said it may calm a lot of fears if you did an impact statement about the potential of what this zoning amendment would entail.

His second point is that this is a situation where the citizens of Orangetown and the group he has been affiliated with have been in the forefront of recycling. He said before elected officials were advocating recycling they were advocating it. He said they were up at the County level along with many of the citizens of the Town of Clarkstown who were also advocating recycling. He congratulated the Town in getting their recycling program going. He said the recycling centers should be located in the appropriate place providing for not only the glass bottles but for much more than that. As we amend this code we are going to be talking about a lot more than glass and bottles and again an impact statement would cover whether or not this zoning amendment would be appropriate for the sites that it would deal with.

Town Attorney said that every special permit application has a site specific SEQRA process. What we are dealing with now is merely putting it into the ordinance. He said if Mr. Carbone came in his would have to be site specific.

Mr. Gavioli said he was aware of that but the zone change itself may require a zoning amendment and may require a EIS. Town Attorney said it was looked at and it was decided it was a negative declaration. Mr. Gavioli said that was what he understood and that was what he was objecting to. Mr. Jacobson said if Mr. Carbone or anybody else comes in they would have a site specific SEQRA process on their piece of property as part of the special permit process.

Councilman Kunis asked if Mr. Gavioli had reviewed any sites for this recycling center in Orangetown?

He said that was not his job. He said he understood that the Town Board in Orangetown was doing that on an ongoing basis

Continued on Next Page

and in more appropriate locations in terms of road networking and other factors which he thinks this Board should be considering. He said that when you change something to a special permit I suggest to you Councilman Kunis you are saying as a matter of law that it is a permitted right there; it's a good use; you will allow it as long as you satisfy certain conditions. I think that's the danger and that's the powder keg here and I think you shouldn't be doing that. This is not the appropriate zone change. He said he knows what you are trying to achieve. He said he commended them for looking for a recycling center. Your amendment to the code does not achieve it and what you should be doing is looking for an appropriate site other than all of the sites that would be encompassed by this zoning amendment. He said the lesson of Newark and the tragedy that happened down there and the monitoring that is needed for recycling facilities not becoming garbage dumps is apparent. This should be reworked. You must do an EIS and to vote on it tonight in the absence of that would be wrong.

Councilman Maloney asked what zone Mr. Gavioli would recommend for a recycling center other than M and LIO?

Mr. Gavioli said before he would recommend anything he thinks an EIS should be done. He said he is not suggesting to you that you should allow any zone other than governmental lands. Councilman Maloney said but they are all zoned something. Mr. Gavioli said you would not have to be confined to that. An EIS would analyze whether or not all of the zones that would be encompassed by this would be impacted or not. That is the purpose of doing the EIS.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Public Hearing was declared closed, time: 11:40 P. M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

RESOLUTION NO. (827-1989) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

207

Town Hall

8/29/89

11:42 P.M.

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

RE: WATER EXTENSION (MARIANNE HILL)

On motion of Councilman Maloney seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Town Clerk stated that there was on file in the Town Clerk's Office an affidavit from the Director of Environmental Control testifying as to the benefit to the 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 Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 11:48 P.M.

Respectfully submitted

  
Patricia Sheridan  
Town Clerk