

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/26/90

8:10 P.M.

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

The meeting opened with the swearing in ceremony for two new Clarkstown Police officers. Sgt. Christopher Goodyear introduced himself and made the introductory remarks. The Clarkstown Police Honor Guard brought in the colors. The new probationary police officers were then presented. Police Chief William Collins led the assemblage in the Pledge of Allegiance. Councilman John Maloney was asked to assist the Chief in the swearing in of the two new police officers: Joseph Reiter and Craig Alemi. Officer Reiter's badge was presented by his mother, Sheila. Officer Alemi's badge was presented by his mother, Cornelia.

Chief Collins conveyed his congratulations to the new officers and their families. He stated that the two officers had finished first in their class in academics and in physical fitness. He welcomed them to the Clarkstown Police and stated that he knew they would serve diligently and proudly. Sgt. Goodyear, also President of the PBA, then extended the best wishes of all the members of the Police Department to the two new officers and said they would now become members of a new family - that of law enforcement. He noted that they would have the privilege of working for a Town that is very sensitive to the needs of its constituents from its youngest to its most senior citizens.

Police Commissioner Mandia said he was proud to be part of the team. He extended his congratulations to the new officers. He said police officers are the single most important public servants the Town has, as the public safety and welfare of our children is the most important reason we live here. He said we are all proud of our Police Department. He asked God to bless the new officers and wished them a successful and safe career.

Supervisor Holbrook congratulated the officers and their families and extended his best wishes. At this point Councilman Maloney recognized that Police Commissioner Otto Morch was in the audience. Mr. Morch stood and took a bow. Councilwoman Ann Marie Smith offered her congratulations to the new officers and their families. Councilman Kunis also offered his congratulations to the new officers and their families.

Detective Gary McDonald dismissed the detail. The swearing in ceremony was ended.

Supervisor Holbrook congratulated the George W. Miller School of Nanuet for having received national recognition as the National School of Excellence in the 1989-90 Elementary School Recognition Program. He noted that Nanuet is one of the largest hamlets in the Town of Clarkstown and certainly their school district does not take a back seat to any school district. He presented a proclamation to the George W. Miller School as follows:

"GEORGE W. MILLER SCHOOL
NATIONAL SCHOOL OF EXCELLENCE
1989-90 Elementary School Recognition Program

WHEREAS, The Nanuet Public Schools and the Town of Clarkstown are proud to congratulate the GEORGE W. MILLER SCHOOL for having been selected a NATIONAL SCHOOL OF EXCELLENCE in the 1989-90 Elementary School Recognition Program, and

Continued on Next Page

WHEREAS, the GEORGE W. MILLER SCHOOL was selected to receive this tremendous honor because of the high quality of its program, its clear educational goals, high expectations for students, a curriculum appropriate and sensitive to the needs of children, an excellent staff, an inviting school environment and a strong involved parent community, and

WHEREAS, the GEORGE W. MILLER SCHOOL, under the guidance of its Principal, Dr. Arline Gold, and through the hard work and dedicated efforts of its teachers and students, is indeed a model for other schools seeking to provide a high quality education, and

WHEREAS, the Town of Clarkstown is privileged to salute the administrators of the GEORGE W. MILLER SCHOOL for their progressive leadership, and we commend all the students of the GEORGE W. MILLER SCHOOL for their productive endeavors which culminated in this great accomplishment;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby pay tribute to the GEORGE W. MILLER SCHOOL, its Principal, Dr. Arline Gold, the students and their parents, and all the administrators of the Nanuet Public Schools, in recognition of the honor they have brought to our community by being named a NATIONAL SCHOOL OF EXCELLENCE.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND CAUSE THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 26TH DAY OF JUNE, 1990.

/S/ Charles E. Holbrook
CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown"

Supervisor Holbrook asked the members of the Nanuet School community who were present in the audience to come to the dais to receive the proclamation. He said he had signed this as Supervisor but it is done with the permission of the entire Town Board and with their congratulations. Councilman Maloney said he was proud because he has lived in Nanuet for twenty-nine years and many good things happen there.

Supervisor then presented the following proclamation to the Parks Board and Recreation Superintendent Edward J. Ghiazza:

"RECREATION AND PARKS MONTH
JULY - 1990

WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and

WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and

WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and

Continued on Next Page

RESOLUTION NO. (578-1990) Continued

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

Supervisor recognized Mr. Branca who brought this to the attention of the Town Board. Mr. Branca read a statement in appreciation of the Mini-Trans noting that it made available to residents, who did not have their own cars or any other way of getting around town, a convenient and comfortable way to travel inexpensively. He urged that the Town Board keep the Mini-Trans running as we need it.

Supervisor said we do not realize how many people are dependent on the Mini-Trans for just being able to move from one location in the Town to another and to be able to make connections. He said the ridership is very steady, varying very little from month to month.

Supervisor declared the public portion of the meeting open.

Appearance: Mr. John Cuff
 West Nyack, New York

Mr. Cuff spoke regarding Item 4 on the agenda (authorizing repair of Stonewall Lane). He said this is a private road and not part of the road structure of the Town of Clarkstown. He said a great many of our public roads are in desperate need of repair. He was against taxpayers' money being used to develop, improve or repair any private roads in the Town of Clarkstown.

Mr. Cuff was opposed to having the police department move to Upper Nyack. He felt that location was in the most easterly portion of the Town and too remote for the handling of emergency calls. He said if we do need a new police station it should be built in the most central part of the town which is right about where we are now.

Appearance: Ms. Laraun Londino
 Al Londino
 Ms. Patricia Toth
 Stephen Toth

There was a lengthy discussion regarding Stonewall Lane and whether it was a private or paper street. Town Attorney stated that they are one and the same. The residents were complaining about the condition of the road and the fact that it has become a public thoroughfare. Supervisor felt we should put gravel down to remedy the potholes and then arrange for paving. Councilwoman Smith felt that we should not do that. There was a thought that the builder of an adjoining development might pay for the road. It was decided that Mr. Bollman would get an estimate as to the paving and the cost to each resident if a road improvement district were to be established. Signing of the road was discussed but not decided upon. Councilwoman Smith said that she had spoken to the Superintendent of Highways and he said there is enough gravel to work with.

Supervisor said when this was on workshop a couple of weeks ago one of the things that the residents were asking for was a road improvement district to bring the road up so that it could be accepted by the Town. The Town Board was willing to look at that and the residents were prepared, at least those who had appeared at the meeting, to proceed in that vein. He said it is possible that

Continued on Next Page

the property across the way, which is now vacant, might be developed. In the event that we went ahead with the road improvement district that property, even if it wasn't developed, would have to contribute to the cost. He said his feeling would be that if the people are willing to proceed with the road improvement district we could, at this time, fill the potholes in with gravel.

Councilman Kunis asked haven't they over the years placed gravel in there? They said in their driveways not in the road. They noted that the Town had come in and put gravel there on different occasions. They said they had also had bulldozers come in to smooth it out but people drive and scatter the gravel again.

Supervisor said he would suggest proceeding with the road improvement district and put some gravel in the pot holes which would be at least a justification for the Town doing something. Then we will put the signs up. Councilwoman Smith said we should post the road definitely. She said, in answer to what kinds of signs, that they would look at it and tell the residents what would be appropriate signs. There was discussion as to whether people travelling on that road could be considered trespassers and ticketed or not.

Councilman Kunis asked how many families would participate in the road improvement district? He was told there would be five families. He said one family does not want to participate in a road improvement district and want it to remain private. He said the cost for a road improvement district for three or four families is going to be prohibitive. It is going to cost thousands of dollars. He asked are you prepared to spend thousands of dollars? Councilman Kunis said a road improvement district sounds great but you are ultimately going to pay for that road improvement district. One of the residents said if you allow that road to remain as it is now within two years you are not going to be able to pass on that road.

Councilman Kunis said maybe you should start with signs because it could be \$20,000.00 or \$30,000.00 a household. Supervisor said we need a cost estimate. Councilman Mandia asked how many feet it was all together? He was told about 300 feet. Town Attorney noted that vacant land also pays and that you sell a fifteen year bond. The residents were told once they have it paved it would be a Town road which everyone could use. Supervisor said let's find out how much it would cost and proceed with the road improvement district and include everybody on the street. Supervisor said right now it is a public right of way that is not dedicated to the Town. It cannot be closed off.

Supervisor asked Mr. Bollman to take a look at this road and get a ball park figure of what it would cost going by the standards of what we did on South Harrison. He said the type of road that was constructed on South Harrison seems to me to be the type of road that can be constructed here which would not be a \$100,000.00 road.

Supervisor noted that in the deeds for the new homes being constructed there it states that, should a road improvement district be necessary, the people would participate in it. Councilwoman Smith said they should fill in the really bad holes with gravel, post it and then see what we are talking about before we go into a road improvement district. She said they would get a letter out tomorrow regarding the signing of the road.

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

Mr. Lodico asked whether or not the Town has the legal right to expend public monies for private roads? He said the answer

Continued on Next Page

was not given. He noted that he then heard the Supervisor indicate that there was a right of way of fifteen feet. If that is so then how can it be brought up to Town specifications without accepting properties from either side of the street to make it conform to what every other developer has to, which he believed was twenty-four feet? He felt there were questions here which have not yet been answered.

Appearance: Mr. Edward Ghiazza, Superintendent
Parks Board and Recreation

Mr. Ghiazza questioned Item No. 14 (Termination of Lease Agreement with Leif Bergstol and Milton B. Shapiro). He felt it was premature plus the dates don't make sense. He said you don't want to terminate a lease unless you have plans for replacement. He said the option to terminate the lease would not be until January of 1992. Mr. Jacobson, Town Attorney, stated that the lease has two termination provisions. One that you can terminate as of January 31, 1991 by giving notice before July 31, 1990. The other option is that you can terminate by giving twenty-four months' notice. Mr. Ghiazza reiterated that this is premature if there are no other plans for placing the people who are housed there now. There is no way that you can meet any deadline for January 31, 1991.

Mr. Ghiazza said he would rather see that you make a commitment and get everything in order and know that you are going to go ahead and do it and then give notice. In the meantime, if you gave notice and you decide not to do something, for whatever reason, we don't want to get caught without having a facility to carry on.

Councilman Mandia asked what the catalyst would be to get this thing going? He asked is cancelling the lease putting us in a position where we have got to do something, going to be the only catalyst that is going to get this going? He said he understands Mr. Ghiazza's point about planning and doing something else is not easily done. Mr. Ghiazza said January 31st certainly is not realistic in terms of getting out of there. Councilman Mandia said that Town Attorney had stated twenty-four months. Town Attorney said he would have to give more than that because you are under twenty-four months. It would bring you sometime into July of 1992.

Mr. Ghiazza said he agrees with the concept but said we don't have a plan in place while we are proposing this. Councilman Mandia asked is the plan to use the Germonds facility to erect another structure? Mr. Ghiazza said we will also have to relocate the sewer department. Councilman Mandia said one of the biggest delays was to get a site. Mr. Ghiazza said other than a casual discussion at the workshop we have not given thought to this. Councilwoman Smith asked Mr. Ghiazza if we need the date to be twenty-four months from now? Supervisor said it would have to be the twenty-four months. Councilman Mandia asked would that be sufficient time? Mr. Ghiazza said it was hoped so as long as we made the commitment to do it.

RESOLUTION NO. (579-1990)

ACCEPTING MINUTES OF TOWN
BOARD MEETING OF JUNE 12,
1990

Co. Maloney offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of June 12, 1990 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (579-1990) Continued

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

RESOLUTION NO. (580-1990)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
PRYOR, P.R. INC. FOR
SERVICES AS CLARKSTOWN
BICENTENNIAL COORDINATOR -
CHARGE TO ACCOUNT NO. A
7550-409

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown is celebrating its
Bicentennial in the year 1991, and

WHEREAS, the Clarkstown Bicentennial Commission has
recommended that Pryor, P.R. Inc., be hired by the Town to act as
coordinator for the Clarkstown Bicentennial;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the
Supervisor to enter into an agreement with Pryor, P.R. Inc., for
services as a coordinator of the Clarkstown Bicentennial, in a form
satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the fee for such services shall
not exceed \$5,000.00 and shall be charged to Account No. A 7550-409.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (581-1990)

SETTING PUBLIC HEARING RE:
ABANDONMENT OF PORTION OF
HOLBROOK AVENUE, CONGERS

Co. Smith offered the following resolution:

WHEREAS, a request has been made by BRIAN MC GRATH,
that the Superintendent of Highways and the Town Board of the Town
of Clarkstown take action pursuant to Section 205 of the Highway Law
to declare that a certain portion of right-of-way as shown in front
of Lot No. 3 on a subdivision map of property for Martin Feldi,
filed in the Rockland County Clerk's Office on April 23, 1986,
prepared by Jack D. Boswell, and shown on Schedule "A" attached, for
the unimproved portion of Holbrook Avenue, upon the grounds same has
never been used by the public and therefore may be deemed abandoned,
and

WHEREAS, said road appears on the Official Map of the
Town of Clarkstown and said applicant has further requested that
such allegedly abandoned road be deleted from same, and

Continued on Next Page

RESOLUTION NO. (581-1990) Continued

WHEREAS, the Town Board of the Town of Clarkstown desires to consider such abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portions as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 17th day of July, 1990, at 8:10 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the Journal News and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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, and be it

FURTHER RESOLVED, that the applicants shall fulfill the additional requirements of Section 106-32(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred (500') feet of the affected property.

Seconded by Co. Mandia
(Schedule "A" attached)

On roll call the vote was as follows:

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

At this point Supervisor Holbrook moved a resolution regarding Stonewall Lane, Congers but received no second.

RESOLUTION NO. (582-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "STOP" SIGN SCHYLER ROAD AT WALDRON AVENUE, CENTRAL NYACK; "KEEP RIGHT" SIGN INTERSECTION OF SCHYLER ROAD AND WALDRON AVENUE; "ISLAND" SIGN INTERSECTION OF SCHYLER ROAD AND WALDRON AVENUE, CENTRAL NYACK

Co. Smith 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 Stop sign on Schyler Road at Waldron Avenue, Central Nyack

One "Keep Right sign with arrow (R4-7a), facing east in

RESOLUTION NO. (582-1990) Continued

the island within the intersection of Schyler Road and Waldron Avenue, Central Nyack

One, "Island" sign with curved arrows (W6-1), facing south in the island at the intersection of Schyler Road and Waldron Avenue, Central Nyack

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (583-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO PARKING ANYTIME" SIGNS IN CARNABY COURT, SPRING VALLEY CUL DE SAC

Co. Smith 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:

Signs to read, "No Parking Anytime" in the cul de sac of Carnaby Court, Spring Valley

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (584-1990)

ACCEPTING PROPOSAL FROM ORANGE AND ROCKLAND UTILITIES, INC. FOR STREET LIGHTS AT CROPSY ESTATES, CONGERS

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Kurian L. Kalarickal, Deputy Director, the following street lighting be installed to improve traffic and pedestrian safety, and be it

RESOLUTION NO. (584-1990) Continued

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the proposal submitted by Orange and Rockland Utilities, Inc. for street lighting at:

Cropsey Estates, Congers
Install: 13 - 5,800 lumen sodium vapor street lights on fiberglass poles

Increase to the Town: \$1,438.32 plus E.F.C.
Annual Charges: \$1,438.32 (\$110.64 per year x 13 units)

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (585-1990)

ACCEPTING PROPOSAL FROM ORANGE AND ROCKLAND UTILITIES, INC. FOR STREET LIGHTING AT GOLDKIRCH

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Kurian K. Kalarickal, Deputy Director, the following street lighting be installed to improve traffic and pedestrian safety, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the proposal submitted by Orange and Rockland Utilities, Inc., for street lighting at:

Goldkirch Partners, Hemlock Drive, Congers

Install: 4 - 5,800 lumen sodium vapor street lights on fiberglass poles

1 - 16,000 lumen sodium vapor street light on existing pole located at the entrance to Hemlock Drive

Increase to the Town: \$651.72 plus E.F.C.
Annual Charges: \$489.60 (\$122.40 per year x 4 units of 5,800 lumen)
\$162.12 (annual charge for one 16,000 lumen unit)

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (586-1990)

ACCEPTING PROPOSALS FROM ORANGE AND ROCKLAND UTILITIES, INC. FOR STREET LIGHTING AT ROSE ROAD, WEST NYACK

RESOLUTION NO. (588-1990) Continued

Parks, are hereby authorized to attend the National Recreation and Park Association Conference from October 11, 1990 through October 16, 1990 to be held in Phoenix, Arizona, and be it

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

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (589-1990)

DESIGNATION OF HEMENWAY AVENUE, CONGERS AND AMENDING OFFICIAL TOWN OF CLARKSTOWN TAX MAP NO. 127 TO AMEND THE DESIGNATION OF "CRESENT" TO HEMENWAY AVENUE

Co. Smith offered the following resolution:

WHEREAS, the official Town of Clarkstown Map No. 127 designates the section of road between Route 303 and Lake Road, Congers, New York as "Cresent", and

WHEREAS, where said road intersects with Lake Road the posting reads "Hemenway Avenue," and

WHEREAS, where said road intersects with Route 303 the posting reads "Hemenway Street," and

WHEREAS, the Town Clerk's records do not reveal an official designation of said street, and

WHEREAS, street index listings with the N.Y.S. State Police, Town of Clarkstown Offices of Police, Dept. of Environmental Control, Assessor and Highway list, said street as "Hemenway Avenue,"

WHEREAS, the Congers U.S. Postmaster lists said street as "Hemenway Avenue,"

NOW, THEREFORE, be it

RESOLVED, that the portion of road commonly known as Hemenway Avenue in Congers, New York connecting New York State Route 303 and Lake Road is hereby designated as "Hemenway Avenue," and be it

FURTHER RESOLVED, that the official Town of Clarkstown Tax Map No. 127 amend the designation of Cresent to read Hemenway Avenue.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (590-1990)

SETTING PUBLIC HEARING FOR
EXTENSION OF CLARKSTOWN
CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE
JAMES ALBERT ELIOTT, JR.

Co. Maloney offered the following resolution:

WHEREAS, a written petition dated June 11, 1990 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 17th day of July, 1990, at 8:20 P.M. DS time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (591-1990)

TRANSFER OF FUNDS FROM
APPROPRIATIONS ACCOUNT NO.
A 884 (RESERVE FOR D.A.R.E.
PROGRAM) TO APPROPRIATIONS
ACCOUNT NO. A 3230-414
(D.A.R.E. PROGRAM, SCHOOLS
& CONFERENCES)

Co. Maloney offered the following resolution:

WHEREAS, additional funding in the amount of \$2,500.00 is required in Appropriations Account No. A 3230-414 (D.A.R.E. Program, Schools & Conferences);

NOW, THEREFORE, be it

RESOLVED, to transfer said funds into Appropriation Account No. A 3230-414 from Account No. A 884 (Reserve for D.A.R.E. Program.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (592-1990)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASE APPROPRIATION
ACCOUNT NO. A 7550-409
(BI-CENTENNIAL COMMISSION -
FEES FOR SERVICES)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. A 7550-409
(Bi-Centennial Commission - Fees for Services) requires additional
funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A
1990-505 and increase Appropriation Account No. A 7550-409 by
\$30,000.00.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (593-1990)

DECREASING APPROPRIATION
ACCOUNT NO. B 8020-230
(COMMUNICATIONS EQUIPMENT)
AND INCREASING
APPROPRIATION ACCOUNT NO. B
8020-367 AND ACCOUNT NO. B
8020-423 (ASSOCIATION DUES)

Co. Maloney offered the following resolution:

WHEREAS, the following Appropriation lines require
additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. B
8020-230 (Communications Equipment) by \$600.00 and increase
Appropriation Account No. B 8020-367 by \$400.00 and B 8020-423
(Association Dues) by \$200.00.

Seconded by Supv. Holbrook

On roll call the vote was as follows:

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

RESOLUTION NO. (594-1990)

AWARDING BID FOR BID
#54-1990 - ALUMINIZED STEEL
TYPE 2 CULVERT PIPE
(CHEMUNG SUPPLY CORP.,
KENNEDY CULVERT & SUPPLY
CO., AND EXPANDED SUPPLY
PRODUCTS)

RESOLUTION NO. (594-1990) Continued

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

BID #54-1990
ALUMINIZED STEEL TYPE 2 CULVERT PIPE

is hereby awarded to:

CHEMUNG SUPPLY CORP.
P.O. BOX 527
ELMIRA, NY 14902
PRINCIPALS: MYRA STEMERMAN, SUZANN
SUAN, HERMAN WARSHAW

KENNEDY CULVERT & SUPPLY CO.
112 W. ATLANTIC AVENUE
CLEMENTON, N.J. 08021
PRINCIPALS: ROBERT A.
KENNEDY, SR. AND ROBERT
A. KENNEDY, JR.

EXPANDED SUPPLY PRODUCTS
RD #1 BOX 93 RT. 9
COLD SPRING, N.Y. 10516
PRINCIPALS: DONNA AND BRUCE KEHR

as per the attached item/price schedule.

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (595-1990)

AWARDING BID FOR BID
#53-1990 - RIVETED
CORRUGATED STEEL CULVERT
PIPE (VELLANO BROS., INC.
AND CHEMUNG SUPPLY CORP.)

Co. Maloney offered the following resolution:

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

BID #53-1990
RIVETED CORRUGATED STEEL CULVERT PIPE

is hereby awarded to:

VELLANO BROS., INC.
P.O. BOX 837
BEACON, N.Y. 12508
Principals: JAMES A. VELLANO, JOSEPH
VELLANO, and ANTHONY VELLANO, JR.

CHEMUNG SUPPLY CORP.
P.O. BOX 527
ELMIRA, N.Y. 14902
Principals: MYRA STEMERMAN,
SUZANN SUNA, AND HERMAN
WARSHAW

as per the attached item/price schedule.

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

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (595-1990) Continued

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

RESOLUTION NO. (596-1990)

AWARDING BID FOR BID
#55-1990 - POLYETHYLENE
CULVERT PIPE (CHEMUNG
SUPPLY CORP., CAPITOL
HIGHWAY MATERIALS, EXPANDED
SUPPLY, PROGRESSIVE BRICK
COMPANY AND T.N.T.
MATERIALS)

Co. Maloney offered the following resolution:

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

BID #55-1990
POLYETHYLENE CULVERT PIPE

is hereby awarded to:

CHEMUNG SUPPLY CORP.
P.O. BOX 52
ELMIRA, N.Y. 14902
PRINCIPALS: MYRA S. STEMERMAN,
SUZANN SUNA, HERMAN WARSHAW

CAPITOL HIGHWAY MATERIALS
ROUTE 6
BALDWIN PLACE, N.Y. 10505
PRINCIPALS: MARK ABRAMS,
CHRIS GRATZ, VICTOR PAIS,
SIDDARTH BHATTACHARJI, NAZ
KAROGLANIAN

EXPANDED SUPPLY
RD #1 BOX 93
COLD SPRINGS, N.Y. 10516
PRINCIPALS: BRUCE & DONNA KEHR

PROGRESSIVE BRICK COMPANY
P.O. BOX 306
HASBROUCK HEIGHTS, NJ 07604
PRINCIPALS: RICHARD &
ARTHUR SCHULTZ

T.N.T. MATERIALS
P.O. BOX 153
GLENWOOD, N.J. 07418
PRINCIPALS: NICHOLAS PAPPAS

as per the attached item/price schedule.

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

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (597-1990)

CORRECTING RESOLUTION NO.
559-1990 AND AUTHORIZING
DIRECTOR OF PURCHASING TO
ADVERTISE FOR BIDS FOR BID
#61-1990 - CONTINUOUS POWER
SUPPLY UNIT FOR AS400
COMPUTER

Continued on Next Page

RESOLUTION NO. (597-1990) Continued

RESOLVED, Town Board Resolution No. 559-1990 is hereby corrected to read:

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

BID #61-1990
CONTINUOUS POWER SUPPLY UNIT FOR AS400 COMPUTER

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, July 10, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (598-1990)

CORRECTING TOWN BOARD
RESOLUTION NO. 454-1990 AND
AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #49-1990 -
ELKS DRIVE STREAM
MAINTENANCE

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution No. 454-1990 is hereby corrected to:

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

BID #49-1990
ELKS DRIVE STREAM MAINTENANCE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, July 24, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (599-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #62-1990 -
VANDAL PROOF STREET NAME
SIGNS

Co. Maloney offered the following resolution:

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

BID #62-1990
VANDAL PROOF STREET NAME SIGNS

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, July
20, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (600-1990)

AUTHORIZING DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #63-1990 -
EMERGENCY VEHICLE LIGHTING
EQUIPMENT

Co. Maloney offered the following resolution:

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

BID #63-1990
EMERGENCY VEHICLE LIGHTING EQUIPMENT

bids to be returnable to the office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, July
17, 1990 at which time bids will be opened and read, and be it

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

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (601-1990)

AUTHORIZING SUPERVISOR TO
TERMINATE A LEASE AGREEMENT
WITH LEIF BERGSTOL AND
MILTON B. SHAPIRO FOR
PREMISES LOCATED ON ROUTE
303, VALLEY COTTAGE, NEW
YORK (TOWN WAREHOUSE)

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown entered into a lease agreement with Leif Bergstol and Milton B. Shapiro on January 30, 1986, for the purposes of using the premises located on Route 303, Valley Cottage, as a Town warehouse, and

WHEREAS, such lease gives the tenant an option to terminate upon 24 months notice, provided that such option is exercised by giving written notice to the landlord by certified or registered mail, return receipt requested, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to terminate said lease;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to terminate the lease agreement entered into on January 30, 1986, with Leif Bergstol and Milton B. Shapiro, as of July 31, 1992, and be it

FURTHER RESOLVED, that the Town Attorney is hereby directed to advise the owners by certified or registered mail, return receipt requested, of the Town Board's intention to terminate said lease for use of the premises located at Route 303, Valley Cottage, New York, as a Town warehouse.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTION NO. (602-1990)

AUTHORIZING DIRECTOR OF
ENVIRONMENTAL CONTROL TO
HAVE A DETAILED HYDRAULIC
ANALYSIS PERFORMED IN
CONNECTION WITH PERMIT
APPLICATION #3-3920-154/1-0
(VICINITY OF LOTS
31-A-18.04 AND 18.05,
NANUET, NEW YORK) - CHARGE
TO ACCOUNT NO. H-7140-25P90-
02-409

Co. Kunis offered the following resolution:

WHEREAS, an adverse drainage condition exists in the vicinity of Lots 31-A-18.04 and 18.05 Nanuet, New York; and

WHEREAS, said adverse condition has been caused by illegal piping of the Nauraushaun Brook NJ1-4-3 by the Nanuet School District; and

Continued on Next Page

RESOLUTION NO. (602-1990) Continued

WHEREAS, the Town of Clarkstown has filed for a New York State Department of Environmental Conservation permit to pipe a 175 foot section of the Nauraushaun Brook to alleviate the adverse condition; and

WHEREAS, the New York State Department of Environmental Conservation requires a detailed hydraulic analysis prior to and in consideration with the permit application;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to obtain the services of John Kozma Associates to perform the necessary detailed hydraulic analysis; and be it

FURTHER RESOLVED, that once the detailed hydraulic analysis is received, the New York State Department of Environmental Conservation permit application may proceed; and be it

FURTHER RESOLVED, that the cost of the detailed hydraulic analysis shall not exceed \$15,000.00 and shall be a proper charge to H-7140-25P90-02-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (603-1990)

AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT OF SALE WITH STATE OF NEW YORK DOT FOR PURCHASE OF STATE SURPLUS PROPERTY (SOUTH OF ECKERSON ROAD AND WEST OF WEST CLARKSTOWN ROAD)

Co. Kunis offered the following resolution:

WHEREAS, the New York State Department of Transportation has offered for sale to the Town of Clarkstown, State owned property located south of Eckerson Road and west of West Clarkstown Road, in the Town of Clarkstown, and

WHEREAS, the sale consideration is in the amount of \$125,000 with a reverter to the State if not used for affordable housing, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to purchase said property from the State for the purposes of using it for affordable housing;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement of sale with the New York State Department of Transportation for the purchase of State owned property, for use as affordable housing, and be it

FURTHER RESOLVED, that such agreement of sale shall be in a form satisfactory to the Town Attorney.

Continued on Next Page

RESOLUTION NO. (603-1990) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (604-1990)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENTS FOR
LIBRARY ASSISTANCE PURSUANT
TO SECTION 256 OF EDUCATION
LAW OF NEW YORK STATE
(NANUET PUBLIC LIBRARY, NEW
CITY FREE LIBRARY, VALLEY
COTTAGE FREE LIBRARY, AND
WEST NYACK FREE LIBRARY)

Co. Smith 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 1990.

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

RESOLUTION NO. (605-1990)

CALLING PUBLIC HEARING FOR
ROAD IMPROVEMENT PROJECT
FOR PORTION OF NEW YORK
STATE ROUTE 59, NANUET, NEW
YORK

Co. Maloney offered the following resolution*

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Avenue, New City, New York, in said Town of Clarkstown on the 26th day of June, 1990

Continued on Next Page

RESOLUTION NOL. (605-1990) Continued

P R E S E N T :

- Charles E. Holbrook, Supervisor
- Ralph F. Mandia, Councilman
- Steven C. Kunis, Councilman
- John R. Maloney, Councilman
- Ann Marie Smith, Councilwoman

-----X
 In the Matter
 of a
 Road Improvement Project for a
 portion of New York State Route 59,
 Nanuet, New York
 -----X

ORDER CALLING FOR
A PUBLIC HEARING

WHEREAS, pursuant to Section 200 of the Town Law, the Town Board of the Town of Clarkstown wishes to consider the improvement of a portion of a street known as New York State Route 59, lying between Smith Street and First Street, abutting properties shown on the Tax Map of the Town of Clarkstown as Map 32, Block B, Lots 18, 33 and 85.06, situate in the Hamlet of Nanuet, New York, and

WHEREAS, the proposed cost of such improvement shall be the sum of \$140,000.00;

NOW, THEREFORE, it is

ORDERED, that a public hearing pursuant to Section 200 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 17th day of July, 1990, at 8:15 P.M., relative to the proposed road improvement, and it is

FURTHER ORDERED, 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, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five public places along New York State Route 59, Nanuet, New York, in the time and manner required by law.

Town Board of the Town of Clarkstown

S/

Charles E. Holbrook, Supervisor

S/

Ralph F. Mandia, Councilman

S/

Steven C. Kunis, Councilman

S/

John R. Maloney, Councilman

S/

Ann Marie Smith, Councilwoman

Seconded by Co. Smith

Continued on Next Page

RESOLUTION NO. (603-1990) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (606-1990)

ACCEPTING RESIGNATION OF
CLERK TYPIST (SEASONAL) -
RECEIVER OF TAXES OFFICE
(CATHERINE RONAN)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Catherine Ronan, 3 Seymour Drive, New City, New York - Clerk Typist (Seasonal) Receiver of Taxes Office - is hereby accepted, effective and retroactive to June 22, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (607-1990)

RECOGNIZING APPOINTMENT BY
POLICE COMMISSION TO
(PERMANENT) POSITION OF
PRINCIPAL RECORDS CLERK
(LAW ENFORCEMENT) - POLICE
DEPARTMENT (IRENE LOTITO)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #90078 Principal Records Clerk (Law Enforcement) which contains the name of Irene Lotito,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Irene Lotito, P.O. Box 186, New City, New York, to the (permanent) position of Principal Records Clerk (Law Enforcement) - Police Department - at the current 1990 annual salary of \$42,308.00, effective and retroactive to June 12, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (608-1990)

ACCEPTING RESIGNATION OF
DIRECTOR OF MUNICIPAL
COUNSELING SERVICES -
COUNSELING CENTER (ELLEN
COHEN)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Ellen Cohen, 80 Kings Highway, New City, New York, Director of Municipal Counseling Services - Counseling Center - is hereby accepted - effective August 17, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (609-1990)

GRANTING LEAVE OF ABSENCE,
WITHOUT PAY, TO DRAFTER -
DEPARTMENT OF ENVIRONMENTAL
CONTROL (ARLETTE PHILLIPS)

Co. Maloney offered the following resolution:

WHEREAS, Arlette Phillips 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, Arlette Phillips, 26B Bridge Street, Garnerville, New York - Drafter - Department of Environmental Control - is hereby granted a leave of absence, without pay, effective July 9, 1990 to November 1, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (610-1990)

ESTABLISHING ANNUAL SALARY
FOR DEPUTY TOWN ATTORNEY
(TAX CERTIORARI MATTERS)
(PHILIP B. FOGEL)

Co. Maloney offered the following resolution:

RESOLVED, that the annual salary for Philip B. Fogel, Deputy Town Attorney (Tax Certiorari Matters) - Town Attorney's Office - is hereby established at \$26,819.00, effective and retroactive to June 25, 1990.

Continued on Next Page

RESOLUTION NO. (610-1990) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (611-1990)

CREATING (TEMPORARY)
POSITION OF ASSISTANT
AUTOMOTIVE MECHANIC - MINI
TRANS DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on June 11, 1990 that the (temporary) position of Assistant Automotive Mechanic - can be created,

NOW, THEREFORE, be it

RESOLVED, that the (temporary) position of Assistant Automotive Mechanic - Mini Trans Department - is hereby created - effective June 27, 1990 - for a period not to exceed 3 months.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (612-1990)

APPOINTING TO POSITION OF
(TEMPORARY) ASSISTANT
AUTOMOTIVE MECHANIC - MINI
TRANS DEPARTMENT (HENRY
CLARK)

Co. Maloney offered the following resolution:

RESOLVED, that Henry Clark, 15 Stern Place, Congers, New York, is hereby appointed to the (temporary) position of Assistant Automotive Mechanic - Mini Trans Department - at the current 1990 annual salary of \$21,768.00, effective June 27, 1990 - for a period not to exceed 3 months.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (613-1990)

APPOINTING TO POSITION OF
OFFICE WORKER STUDENT -
PERSONNEL OFFICE (JENNIFER
SCHULTZ)

Co. Maloney offered the following resolution:

RESOLVED, that Jennifer Schultz, 8 Brookdale Court,
West Nyack, New York, is hereby appointed to the position of Office
Worker Student - Personnel Office - at the current hourly rate of
\$4.50 - effective June 27, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (614-1990)

APPOINTING TO POSITION OF
OFFICE WORKER STUDENT -
BUILDING DEPARTMENT
(CHRISTINE A. GEARY)

Co. Maloney offered the following resolution:

RESOLVED, that Christine A. Geary, 102 Old Haverstraw
Road, Congers, New York, is hereby appointed to the position of
Office Worker Student - Building Department - at the current hourly
rate of \$4.50 - effective and retroactive to June 13, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (615-1990)

ACCEPTING RESIGNATION (BY
RETIREMENT) OF SENIOR
RECREATION LEADER - PARKS
BOARD AND RECREATION
COMMISSION (JOY J. EMANUELE)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation (by retirement) of Joy
J. Emanuele, 16 Buckingham Court, Pomona, New York, Senior
Recreation Leader - Parks Board and Recreation Commission - is
hereby accepted - effective August 1, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (616-1990)

RECOGNIZING GRANTING OF
LEAVE OF ABSENCE BY PARKS
BOARD AND RECREATION
COMMISSION TO GROUNDSKEEPER
II (FRED C. HASTINGS)

Co. Maloney offered the following resolution:

WHEREAS, Fred C. Hastings has requested a one (1) year
leave of absence, without pay,

WHEREAS, Article XIX, Section 1 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 recognizes the granting
of the leave of absence, by the Parks Board and Recreation
Commission, for Fred C. Hastings, 24 Palmer Avenue, Nanuet, New
York, - Groundskeeper II - Parks Board and Recreation Commission -
effective September 3, 1990 to September 2, 1991.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (617-1990)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION TO (PERMANENT)
POSITION OF RECREATION
INFORMATION CLERK (MARY ANN
T. MAGGIO)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles #90003 Recreation Information
Clerk which contains the name of Mary Ann T. Maggio,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the
appointment by the Parks Board and Recreation Commission of Mary Ann
T. Maggio, 28 Adams Court, Pearl River, New York, to the (permanent)
position of Recreation Information Clerk - Parks Board and
Recreation Commission - at the current 1990 annual salary of
\$18,680.00, effective and retroactive to June 7, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (618-1990)

EXTENDING TEMPORARY
APPOINTMENT OF
ADMINISTRATIVE DIRECTOR,
BUILDING DEPARTMENT (EDWARD
GHIAZZA)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified, by letter, dated June 22, 1990 that the temporary appointment of Edward Ghiazza - can be extended to September 30, 1990,

NOW, THEREFORE, be it

RESOLVED, that the temporary appointment of Edward Ghiazza, 7 Debra Lee Court, West Nyack, New York - Administrative Director, Buildings Department - is hereby extended to September 30, 1990 - at the current 1990 salary of \$12,500.00, effective July 1, 1990.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (619-1990)

APPOINTING TO POSITION OF
MEMBER - BOARD OF ETHICS
(TO FILL UNEXPIRED TERM OF
RABBI SOSLAND) (SISTER
CATHERINE McGLYNN)

Co. Maloney offered the following resolution:

RESOLVED, that Sister Catherine McGlynn, One Squadron Blvd., New City, New York, is hereby appointed to the position of Member - Board of Ethics (to fill the unexpired term of Rabbi Sosland) - to serve without compensation - term effective June 27, 1990 and to expire on June 23, 1992.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (620-1990)

APPOINTING TO POSITION OF
MEMBER - BOARD OF ETHICS
(REVEREND PATRICK J. MCGILL)

Co. Maloney offered the following resolution:

RESOLVED, that Reverend Patrick J. McGill, 818 Ridge Road, Valley Cottage, New York, is hereby appointed to the position of Member - Board of Ethics - to serve without compensation - term effective June 27, 1990 and to expire on June 26, 1995.

Continued on Next Page

RESOLUTION NO. (620-1990) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (621-1990)

APPOINTING TO POSITION OF
MEMBER - ZONING BOARD OF
APPEALS (TO FILL UNEXPIRED
TERM OF PHYLLIS BULHACK)
(JOHN SULLIVAN)

Co. Maloney offered the following resolution:

RESOLVED, that John Sullivan, 3 Benton Court, New City, New York, is hereby appointed to the position of Member - Zoning Board of Appeals (to fill the unexpired term of Phyllis Bulhack) at the current 1990 annual salary of \$1,500.00, term effective and retroactive to June 25, 1990 and to expire on June 18, 1993.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (622-1990)

AUTHORIZING BUILDING
INSPECTOR OF TOWN OF
CLARKSTOWN TO REMOVE AND
DEMOLISH UNSAFE STRUCTURE
(REINA COURT - MAP 111,
BLOCK A, LOT 28.07 -
LIPKIND)

Co. Maloney offered the following resolution:

WHEREAS, by resolutions duly adopted September 23, 1986, and May 26, 1987, affecting property known and designated on the Clarks town Tax Map as MAP 111, BLOCK A, LOT 28.07, owned by RUDY LIPKIND, public hearings pursuant to Chapter 31 were scheduled and held on October 24, 1986, and June 9, 1987, and

WHEREAS, the owner of the aforesaid premises entered into a performance agreement to undertake to either restore the premises to a habitable state or demolish or remove same, and

WHEREAS, said agreement required the premises to be restored no later than May 15, 1987, and

WHEREAS, the property owner has defaulted in his promise referred to herein, and

WHEREAS, the Town Board of the Town of Clarkstown determines that the condition complained of in the Order and Notice pursuant to Chapter 31 of the Code of the Town of Clarkstown dated October 24, 1986 has not been corrected;

Continued on Next Page

RESOLUTION NO. (622-1990) Continued

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector of the Town of Clarkstown be and he hereby is authorized and directed to have removed and demolished the unsafe structure on said property, and further authorized and directed to obtain bids pursuant to Section 103 of the General Municipal Law, with the assistance of the Director of Purchasing, to obtain a contract to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector; and be it

FURTHER RESOLVED, that all expenses incurred with respect to the removal and demolition of the structure be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes and the Assessor are hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector and the Town Attorney.

Seconded by Supv. Holbrook

There was extensive discussion among Town Board members regarding whether or not the house should be demolished. There was definite agreement that something had to be done about the house but it was suggested that the work be done and then a lien be placed on the house.

Supervisor said we must do something here. Let's pass this resolution with notice and see if he comes in for a building permit. Councilman Maloney said if he gets the building permit we can always pull back on the resolution. Supervisor said unless we do something he is never going to get a building permit.

Councilman Kunis said he feels we have given him ample time but he has a problem with taking and bulldozing his house down. He said let's give him one more notice, certified mail, informing him of the action to be taken. Supervisor said let's pass the resolution and give him notice by certified letter.

Councilman Mandia said he thinks it is within the power of this board to stop the hammer. The resolution needs to be passed to get this thing off center.

Councilwoman Smith was concerned about demolishing the house but said with a notice she would vote yes.

On roll call the vote was as follows:

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

Appearance: Mr. Bruce McDonald

Mr. McDonald spoke on Agenda Item 19 (Calling for Public Hearing re: Route 59 Improvement) stating that he was opposed to a light being erected on Route 59 between the Pathmark and Caldor Shopping Centers. Supervisor stated there will be a public hearing on this matter on July 17th when public input will be given to the Town Board.

Appearance: Mr. Les Bollman, Director
Department of Environmental Control

Continued on Next Page

Mr. Bollman, Director of Environmental Control asked what his role would be regarding Stonewall Lane? Supervisor asked Mr. Bollman to get an estimate for the Town Board. Questions were asked concerning the width of the road as a minimum? Councilwoman Smith asked John Mauro, Superintendent of Highways, about sign posting for that road? Mr. Mauro said he would have to have a Town Board resolution for any signing.

Mr. Bollman also asked if anyone had any thoughts as to what should be done with the Sewer Department in two years? Supervisor said there will be extra space at Town Hall.

On motion of Councilman Maloney, seconded by Councilwoman Smith the public hearing re: Repeal of Local Law No. 1-1989 - Removing Tax Exemption for Businesses, was opened, time: 9:45 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith, and unanimously adopted, the public hearing re: Repeal of Local Law No. 1-1989 - Removing Tax Exemption for Businesses, was closed, DECISION RESERVED, time: 10:00 P.M.

On motion of Councilwoman Smith, seconded by Supervisor Holbrook and unanimously adopted, the continuation of Chapter 79 Violation Hearing - Map 40, Block A, Lot 7.1 - Garden Hill Property Owners Association was opened, time: 10:01 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the Violation Hearing - Map 40, Block A, Lot 7.1 - Garden Hill Property Owners Association was closed, RESOLUTION ADOPTED, time: 10:06 P.M.

RESOLUTION NO. (623-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO REMOVE DEBRIS ON PREMISES DESIGNATED AS MAP 40, BLOCK A, LOT 7.1 (GARDEN HILL HOMEOWNERS' ASSOCIATION)

Co. Smith offered the following resolution:

WHEREAS, by Resolution dated May 8, 1990, the Town Board of the Town of Clarkstown has duly instituted proceedings pursuant to Chapter 79 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 40, Block A, Lot 7.1, to remove or correct certain conditions which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was held on June 12, 1990, after notice and opportunity to be heard at said hearing was provided to the owners of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice pursuant to § 79-3 of the Code of the Town of Clarkstown dated May 8, 1990 have not been corrected, and be it

FURTHER RESOLVED, that the Superintendent of Highways of the Town of Clarkstown be and he is hereby authorized and directed to remove the debris, fill in the pool and close the gate, and otherwise is directed to perform the corrective action ordered in said Order and Notice, as directed by the Building Inspector, if such condition continues uncorrected on or after June 30, 1990, and be it

Continued on Next Page

RESOLUTION NO. (623-1990) Continued

FURTHER RESOLVED, that the expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney with respect to such removal of debris and all other necessary action be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes and the Assessor are hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Superintendent of Highways, Building Inspector and the Town Attorney.

Seconded by Co. Mandia

On roll call the vote was as follows:

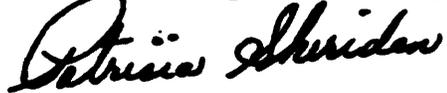
- Councilman Kunis.....Yes
- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Goldkirch Partners was opened, time: 10:07 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Extension of Clarkstown Consolidated Water Supply District No. 1 to include Goldkirch Partners, was closed, ORDER SIGNED, time: 10:09 P.M.

There being no further business to come before the Town Board Meeting and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 10:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/26/90

9:45 P.M.

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

RE: REPEAL LOCAL LAW NO. 1-1989 - REMOVING TAX
EXEMPTION FOR BUSINESSES

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

Town Attorney Murray Jacobson said if you pass this repeal, the exemption is: one year - 50%; the second year - 45%; the third year - 40% and by the time you are down to the tenth year it is down to 5% and in the eleventh year it is 0%. That is the kind of business exemption that would be given to commercial property. Councilman Maloney asked if this would apply to all people coming before the Town? Town Attorney said it would be to all new construction. Supervisor said new construction could also be adding on to an existing business. Town Attorney said we are not talking about existing buildings.

Councilman Kunis asked if you get a building permit for a commercial establishment would whatever you add qualify for a 50% tax exemption? He was answered in the affirmative for the first year. He said he just wanted to know who qualifies? Town Attorney said, after this law is passed, the new people getting their building permits will qualify.

Supervisor asked if there was any member of the public who would like to comment.

Appearance: Mr. Edward Branca
15 Wessel Drive
Nanuet, New York

Mr. Branca said he is disabled. He had a job with Rockland Medilabs but became ill and subsequently lost his job. He said his OVR counselor told him they are going to try placing him in a job soon and if providing a tax exemption for companies that build businesses on vacant land (and he did not think vacant land paid much in taxes) will help him get a job he is all for this.

Appearance: Donald S. Tracy, Esq.
25 Georgetown Oval
New City, New York 10956

Mr. Tracy said the last speaker very eloquently put forth the case for tax abatement. He said he is a practitioner engaged in the general practice of law and gets involved in a lot of real estate. As to tax abatement he noted that is something the businesses locating in the area are cognizant of and are interested in. He noted that in the building industry in Rockland County, there are 600 carpenters out of work and in Rockland and Westchester there are between 60 and 120 electricians out of work at the present time. In addition, he saw an article which stated that Westchester for the first time has decided to appropriate, spend, solicit from business monies to encourage industry to locate in Westchester County. County Executive O'Rourke said they have never had to do that before. Industry has always found us. Now, we have to appropriate monies.

Mr. Tracy said times are not too good out there right now. However, this Town Board can help by abolishing the law which rescinded the tax abatement. He thought that the times require the

Continued on Next Page

Town Board to abolish the law which abolished the tax abatement and he earnestly solicits that because he thinks it will be a good thing for the Town and at least give the Town a crack at bringing in some of the ratables that are currently being worked on.

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

Mr. Lodico asked if this law goes into effect will a commercial property be exempt from taxes after they have received a zone change and promised to build commercial? He said Pyramid agreed to pay full taxes in their \$125 million plus project. Bamberger Mall, which did everything in their power to delay Pyramid's progress, had to compete and expend another \$100 million or more for their expansion. Under the present law - the 100% tax abatement situation paying taxes at 100% of value, we'd have a sure thing in full taxes from Pyramid. We'd have a sure thing from Bamberger's Mall in the multi millions. He felt there were instances that would put full tax ratables in jeopardy for a possible one or two little things.

The decline in construction in the northeast has been for about three years and even in those towns, counties and cities that have had tax abatement. The fact that we are in a downtrend has nothing to do with tax abatement because those counties and towns that have supported it haven't thrived either. Clarkstown has the wherewithal, we have the infrastructure and he believes that since the Board continues to expend monies on various projects in this Town you have got to get it from somewhere and you have overtaxed to the point where homeowners can't keep paying. He said all commercial and industrial sites should pay full taxes.

Appearance: Mr. John Cuff
 West Nyack, New York

Mr. Cuff said whether the law is changed or not, Pyramid will pay full taxes being that they pledged that when they originally came into Town. He said is that correct? Supervisor said that is what they said. He thinks the big issue with Pyramid in paying taxes is what their assessment is going to be. That is the battle that always affects the malls. They always fight you on the certiorari. He said they did indicate that they would pay full taxes.

Mr. Cuff said he knows Corporate Property Investors had filed for a tax certiorari of some \$46,211,000.00 and he asked if there was any status on that today? Supervisor said it is still being fought by both the Nanuet School District and the Town of Clarkstown. He said in a way he would like to see the tax abatement given because he does notice that there are a lot of people in the trades out of work. There is always a welcome opportunity to get clean ratables in Clarkstown. There is a definite slowdown in construction. There is a definite slowdown in the economy. He said at this time he would think just to help out the construction trade and also to bring more good solid ratables, which might mean some jobs for some of our young people, that he would be in favor of granting the tax abatement at least on a trial basis.

Appearance: Mr. Michael Crimi
 Orange & Rockland Area Development Service

Mr. Crimi stated they they support reinstating the 485-b Tax Abatement Program in Clarkstown. He said his primary responsibility at O & R is attracting light industrial and computer oriented office users to our service territory. He stated that the tax abatement program portrays a positive business atmosphere to attract quality companies. He noted that ninety percent of the

Continued on Next Page

municipalities in New York State have kept the tax abatement program to stay competitive in a state that does not attract outside companies easily. New York State Department of Economic Development has indicated that Rockland County property taxes are too high in relation to New Jersey, Westchester and Orange Counties. Companies have been leap frogging Rockland County to relocate to Orange County. Many firms have looked at Rockland County as a location for an industrial or warehouse facility but have chosen Orange County. We urge you to consider the reinstatement of the tax abatement program for Clarkstown.

Appearance: Mr. John D'Alberti, Present
Rockland County Builders Association

Mr. D'Alberti said his association is comprised of both commercial and residential builders. The concensus right now of the commercial builders is that there is less work to bid on since your repeal of the 485-b last year. Therefore, they would have to assume that the business community is not willing to move back into Clarkstown or make those major renovations or expansions without the old tax breaks to give them that incentive. Residential builders in the association also feel we need the 485-b incentive to attract more commercial operations into Clarkstown to help broaden the tax base and lessen the load on the individual homeowner/taxpayer. He said the membership of the Rockland County Builders Association is unanimous in support of repeal of Local Law No. 1-1989 and bringing back the commercial tax abatement law so we can all get some more work and we can all have fewer taxes in the future.

Appearance: Mr. George Faist, President and Partner
Airport Executive Park

Mr. Faist said more than ten years ago he and his partners struggled to get one of the first industrial parks into the Town of Clarkstown. The tax abatement certainly helped them attract tenants. Mr. Faist said he supported the reinstitution of this law. It is a good law. He said the Town Board has certainly put some thought into why you want to reinstate it and he would hope that you would put a little thought in the direction of retention of existing businesses that once they do get up to the ten year number and they are up to 100% taxes they don't leap frog and go somewhere where they can jump out of our leases and get a tax abatement across the border. He said he hoped that as a step in the right direction you reinstitute the tax abatement for new construction but also try to retain some of the people we have worked so hard to get here.

Appearance: Jerome Johnson, Esq.
Nyack, New York

Mr. Johnson said he was representing Reynolds Metals Development Company. Reynolds Metals Development Company would like to take this opportunity to go on record in favor of restoring the 485-b tax abatement in the Town of Clarkstown. Reynolds has been involved in Clarkstown and Rockland County for over twenty years and firmly believe that the tax abatement is an important, and vital, tool for future development.

He said does the tax abatement really matter? He noted that tax abatement not only matters. It matters disproportionately. Real estate taxes is one of the few firm quantifiable numbers that a company can evaluate in selecting a new location. Therefore, the importance of tax abatements gets exaggerated as analysis are made. Competing in the New York metropolitan area and throughout the nation the tax abatement is a vital tool that can make all the difference in a site selection decision.

He asked if there is little land to develop, is tax abatement relevant? The fact that there is little vacant land is

Continued on Next Page

really irrelevant to future development. Much of the development that will occur is on sites that are occupied or partially occupied. He felt that there are lots of opportunities to create jobs and create new taxes for the Town of Clarkstown in properly zoned areas that are either vacant, partially vacant or suitable for development.

Mr. Johnson then asked is offering tax abatement for large new commercial and industrial companies unfair to existing small local businesses? There is an enormous spinoff effect when bringing a new company into town and many of the existing small businesses benefit from having major new customers brought close to them. He felt that the tax abatement will create jobs for residents of Clarkstown and Rockland County and urged the reinstatement of the 485-b tax abatement program.

Mr. Johnson said he was also here on behalf of Goldkirch Partners. They are in the process of developing a 49 acre site in Congers on the east side of Route 303. That will contain seven large users other than the Materials Research Plant which is presently there. The change of your present law and reinstatement of the tax abatement will go far in the further development of that property.

Appearance: Mr. Martin Bernstein
20 Woodglen Drive
New City, New York 10956

Mr. Bernstein said this tax abatement, at the present time anyway, does not benefit residential property owners in Clarkstown. He stated that he did not know if commercial development by itself is to the benefit of the community. He said he does believe that industrial/office development brings in new jobs. He said he does not know if commercial development is always a benefit to the taxpayers because it not only brings development; it also requires a lot of services. He said when this type of law is created could there be certain restrictions other than just saying anything that is commercial has to be tax abated?

Town Attorney Murray Jacobson said the answer to that is you can give them less. We put it down to 0% last time but that is the only thing you can do. You can't say you can only get it if you do this or that, etc. Mr. Bernstein asked what was meant by 0%? Mr. Jacobson said if you don't pass any law the state statute is 485-b - commercial enterprises as defined in here have a right to go in and ask for the exemption. They have a right to the exemption if they meet the criteria of over \$10,000.00 and it is commercial activity as defined in here. You build a residence, it is not a commercial activity. But that is as far as you can go.

If you want to do away with that partially you don't have to give them 50% or 45%; maybe you only give them 30% or 20%. Mr. Bernstein said but everyone has to be the same? Mr. Jacobson said that is correct. Mr. Bernstein asked if everyone has to come in and request it or does everyone get it? Mr. Jacobson said it is like any other exemption. You have to go to the Assessor and ask for the exemption. Mr. Bernstein asked does the Town have the right on the application to give it to some and not to others? Mr. Jacobson said absolutely not. As long as you have the exemption and the person applies for the exemption and they meet the criteria you must give it to them. Mr. Bernstein asked is the criteria that it is just non-residential? Mr. Jacobson said that it is commercial activity as defined. Mr. Bernstein said then you can't limit it to industrial development? Mr. Jacobson said that it correct.

Councilman Mandia asked Mr. Jacobson if the Town had the right to enforce what Pyramid Company has promised with the mall? Mr. Jacobson said he must say it becomes iffy. It becomes

Continued on Next Page

PH - Repeal LL No. 1-1989 -Removing Tax Exemption for Businesses -
6/26/90

Page 5

iffy whether or not Pyramid can come in and ask for the exemption. He said if they came in and you passed the repeal and the Assessor spoke to me I would say that the Town should litigate the matter and refuse the exemption. However, whether or not that would stand up in court is a matter which he would not like to stake his career on.

Councilman Maloney asked what if there is a covenant or an agreement? Mr. Jacobson said if they came in and made certain representations then that is an iffy question. He said he can only answer it candidly.

Councilman Kunis asked Town Assessor Nicholas Longo in 1988 what were the additions to the commercial assessment rolls before we rescinded the abatement and what was the additions in 1989 after we rescinded it? Mr. Longo said he would need to research it.

Appearance: Ms. Cathy Conklin
Assessor's Office

Ms. Conklin said no one was eligible for the commercial exemption on the 1990 roll who would have been made ineligible by your action last year. They have to file within one year of completion and cannot file for the exemption prior to their completion. There was no one denied a business exemption this year because of the rescinding last year. There would be no statistic from one year to the next as a result of your action last year.

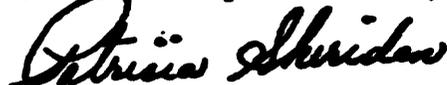
Councilwoman Smith said then anyone who started in 1985 still has five more years to go? Ms. Conklin said existing tax exemptions obviously were not affected by the Board's action last year but we did not have any commercial new construction which began after your date of rescision which is March 16th or thereabouts of last year and that were completed this year and would have been eligible to apply for it had they begun construction earlier. There are no statistics that would be pertinent to the question.

Councilman Kunis asked if the total 1988-1989 additions to the tax rolls in the Town of Clarkstown - are they up year to date? Were they up or down in 1989 over 1988? Commercial tax rolls? Ms. Conklin said she did not do a comparison just of the non-homestead properties. Our roll is up. We took a substantial beating in term of our overall roll within the non-homestead class due to reduction in special franchise, in railroad ceilings over which the state has control. Councilman Kunis inquired about new construction. Ms. Conklin said the new construction was up this year and we added substantially to the rolls. What you are going to get in taxable value though of that new construction that we added has been substantially reduced by other issues. Certainly we cannot contest that new construction is down in either commercial or residential sectors from previous years.

Councilman Maloney said someone has to apply for the abatement within one year after completion of the new construction. Ms. Conklin said that is correct. They cannot apply prior to completion. That was changed by amending state law a couple of years ago. They cannot apply until the project is completed.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 10:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

77

Town Hall

6/26/90

10:01 P.M.

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

RE: CONTINUATION OF CHAPTER 79 VIOLATION HEARING RE: MAP 40,
BLOCK B, LOT 7.1 - GARDEN HILL PROPERTY OWNERS ASSOCIATION

On motion of Councilwoman Smith, seconded by Supervisor Holbrook and unanimously adopted, the continuation of the Violation Hearing was opened.

Councilwoman Smith asked Mrs. Irene Saccende, Code Enforcer for the Town of Clarkstown, if the lot on which this pool stands, which is part of the homeowners association, is a bit too small to be a house lot. Mrs. Saccende said they researched it last year and it was. Councilwoman Smith said perhaps we could make it into a buildable lot, put a house on it and get rid of this eyesore. Supervisor said they haven't moved on this. It is hard to explain the reason.

Mrs. Saccende said this has been going on for years every spring and every fall. Councilwoman Smith said they never seem to be able to gather all the homeowners at the same time to come to a decision as to whether or not they should sell it. The problem was they could not afford the insurance on it to keep it open as a pool. Supervisor said they own it in separate ownership. Councilwoman Smith said they have to come together and sell it to one person.

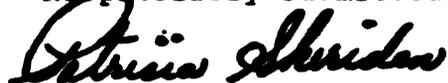
Supervisor Holbrook said we want to be sure that they clean the junk out. Councilwoman Smith asked who was in charge of this and was told that it was their attorney, Mr. Kossin. Mrs. Saccende said she received a letter from Mr. Kossin this morning which says that his office represents the Garden Hill Property Association and the Association is in the process of trying to convey title to the premises. This conveyance of title should relieve the Town of its problem with regard to building on the property. She said they request the Town's forbearance in this matter and hope for a quick resolution. She said he does not tell us who he is conveying it to. Supervisor said for Mrs. Saccende to tell Mr. Kossin that we are holding this in abeyance pending them getting the junk out and cutting the grass.

There is a pool there that fills with water every time it rains. Mrs. Saccende said there is three feet of water in the deep end right now. The gate around the pool should definitely be locked. Supervisor said maybe we should authorize having the pool filled in and secure the gate. Then we can put a lien on the property. Councilwoman Smith asked what are we talking about cost wise to fill this pool? It looks like a 20' x 40' pool - a community pool which is pretty big.

Town Attorney suggested that we change the resolution to include filling the pool and closing the gate. Supervisor said Mrs. Saccende should inform Mr. Kossin that the Building Department is commissioning someone to fill the pool and close the gate immediately because that is a dangerous situation. Supervisor asked Mr. Ghiazza to see that we hire someone to do this.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the violation hearing was closed, RESOLUTION ADOPTED, time: 10:06 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/26/90

10:07 P.M.

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

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

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 Clerk stated there was on file in the Town Clerk's office an affidavit from the Deputy Director of the Department of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing was declared closed, ORDER SIGNED, time: 10:09 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk