

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/14/90

8:07 P.M.

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

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

Supervisor declared Public Portion of the meeting open.

Appearance: Mr. Philip Hepp
Tina Place
Valley Cottage, New York

Mr. Hepp said he lives next door to the Children's Village. He said he had researched the meaning of the word "family" and it could mean anything you want it to mean. He strongly urged the Town Attorney to pursue the appeal of the Supreme Court decision re: The Children's Village. Supervisor noted that Item 21 on tonight's agenda addresses this situation.

RESOLUTION NO. (703-1990)

ACCEPTING TOWN BOARD
MINUTES OF JULY 24, 1990

Co. Smith offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of July 24, 1990 are hereby accepted as submitted by the Town Clerk.

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. (704-1990)

REIMBURSING NEW CITY
VOLUNTEER AMBULANCE CORPS/
RESCUE SQUAD - CHARGE TO
ACCOUNT NO. A 4540-403

Co. Maloney offered the following resolution:

WHEREAS, the Radio Base Station for the New City Volunteer Ambulance Corps/Rescue Squad has had repairs to its radio system at a cost of \$2,925.91;

NOW, THEREFORE, be it

RESOLVED, that the Town Board shall reimburse the New City Volunteer Ambulance Corps/Rescue Squad in the amount of \$2,925.91 for repair of its radio system, and be it

FURTHER RESOLVED, that the cost for such repair shall be charged to Account No. A-4540-403.

Seconded by Co. Smith

On roll call the vote was as follows:

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RESOLUTION NO. (704-1990) Continued

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

RESOLUTION NO. (705-1990)

AUTHORIZING SUPERVISOR TO
RENEW AGREEMENT WITH HOWARD
L. LAMPERT, TRAFFIC
ENGINEERING CONSULTANT -
CHARGE TO ACCOUNT NO. A
3320-409

Co. Kunis offered the following resolution:

WHEREAS, Howard L. Lampert, Traffic Engineering Consultant, entered into an agreement with the Town of Clarkstown on March 16, 1988 to provide traffic engineering and consulting services to the Town of Clarkstown on an on-going retainer basis at the rate of \$65.00 per hour, and

WHEREAS, Howard L. Lampert has requested that the rate for such services be increased to \$75.00 per hour, and

WHEREAS, it is necessary for the Traffic and Traffic Fire Safety Advisory Board to have input with respect to the recommendations by Howard L. Lampert, on traffic matters and traffic control devices in the Town of Clarkstown, and

WHEREAS, the Town Board deems it in the interest of public safety to renew this agreement;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with Howard L. Lampert, to provide traffic engineering and consulting services to the Town of Clarkstown on a retainer basis to be paid at the rate of \$75.00 per hour for a period of one (1) year, provided that the agreement may be terminated on thirty (30) days notice by the Town, and be it

FURTHER RESOLVED, that the Traffic and Traffic Fire Safety Advisory Board shall be contacted by Howard L. Lampert, for its input with respect to his recommendations on traffic matters and traffic control devices in the town of Clarkstown, and be it

FURTHER RESOLVED, that said sum shall be charged to Account No. A-3320-409.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

Councilwoman Smith said she was saying no to this since we are not giving 15% increases to anybody in the Town this year.

RESOLUTION NO. (706-1990)

SETTING PUBLIC HEARING
REGARDING ZONE CHANGE FROM
R-15 to LS - MAP 37, BLOCK
C, LOT 1.04 - PANAGIOTY AND
AVARAS

Co. Maloney offered the following resolution:

WHEREAS, PANAGIOTY and DOLORES AVARAS have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioners described from an R-15 District to an LS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 37, Block C, Lot 1.04;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 for 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 25th day of September, 1990, at 8:05 P.M., relative to the proposed amendment, and be it

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

Seconded by Co. 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. (707-1990)

SETTING PUBLIC HEARING RE:
ZONE CHANGE FROM R-10 TO RS
DISTRICT - MAP 163, BLOCK
A, LOT 21- VALLEY HOTELS,
INC.

Co. Maloney offered the following resolution:

WHEREAS, VALLEY HOTELS INC. 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-10 District to an RS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 163, Block A, Lot 21;

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 25th day of September, 1990, at 8:10 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to

RESOLUTION NO. (707-1990) Continued

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

RESOLUTION NO. (708-1990)

REFERRING REQUEST TO AMEND
ZONING ORDINANCE WITH
RESPECT TO LIO ZONE
(PERMITTING ADDITIONAL USES
SUCH AS FAMILY RECREATIONAL
FACILITIES) TO CLARKSTOWN
PLANNING BOARD

Co. Maloney offered the following resolution:

WHEREAS, Anthony Montalbano, Esq. has requested the Town Board Amend the Zoning Ordinance of the Town of Clarkstown by permitting additional uses such as family recreational facilities in the LIO Zone, and

WHEREAS, the Town Board wishes to consider such amendment;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the request to Amend the Zoning Ordinance of the Town of Clarkstown by permitting additional uses such as family recreational facilities in the LIO Zone to the Clarkstown Planning Board for its review and recommendation.

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. (709-1990)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
NYSDOT WITH RESPECT TO
TRANSPORTATION ENERGY
CONSERVATION PROGRAM GRANT

Co. Kunis offered the following resolution:

WHEREAS, the New York State Department of Transportation ("NYSDOT") has a program for funding of municipal highway and bridge improvements designed to advance energy efficiency and conservation, and

WHEREAS, the Town of Clarkstown ("The Town") has submitted an application to NYSDOT for program funding of a Project,

RESOLUTION NO. (709-1990) Continued

as more fully described in Schedule A, Project Description of the proposed agreement, and

WHEREAS, NYSDOT has reviewed and approved such application pursuant to the statute and implementing regulations, and The Town represents that it is authorized to undertake and carry out the Project if funded, and

WHEREAS, the State Legislature has appropriated funds for payment of the State's share of projects approved for program funding;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into and execute an agreement, approved by the Town Attorney, between The Town and NYSDOT, in regard to the aforementioned Transportation Energy Conservation Grant.

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. (710-1990)

AUTHORIZING ATTENDANCE AT
61ST ANNUAL CONFERENCE OF
NEW YORK STATE ASSOCIATION
OF TOWN SUPERINTENDENTS OF
HIGHWAYS, INC. (MAURO AND
BURGIO) - CHARGE TO ACCOUNT
NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that John F. Mauro, Superintendent of Highways and Charles Burgio, HMS, III, are hereby authorized to attend the 61st Annual Conference of the New York State Association of Town Superintendents of Highways, Inc., to be held at the Nevele Hotel, Ellenville, New York from September 30, 1990 thru October 3, 1990, and be it

FURTHER RESOLVED, that all proper charges be allocated against Appropriation Account No. A 1010-414.

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. (711-1990)

AUTHORIZING ATTENDANCE AT
SEMINAR ON SOLID WASTE

RESOLUTION NO. (711-1990) Continued

MANAGEMENT (DIRECTOR,
DEPARTMENT OF ENVIRONMENTAL
CONTROL AND LANDFILL
SUPERVISOR) - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that the Director, Department of Environmental Control, and the Landfill Supervisor are hereby authorized to attend a seminar on Solid Waste Management to be held on September 17 and 18, 1990 at the Kutsher's Country Club, Monticello, New York, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account No. A 1010-414.

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. (712-1990)

AUTHORIZING ATTENDANCE AT
ANNUAL CONFERENCE AND
PRODUCTS EXPO OF NATIONAL
PURCHASING INSTITUTE
(KOHLER) - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Lawrence Kohler, Director of Purchasing is hereby authorized to attend the Annual Conference and Products Expo of the National Purchasing Institute in Austin, Texas from September 23-26, 1990, and be it

FURTHER RESOLVED, that all reasonable expenses related thereto are to be charged to Account No. A 1010-414.

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

Councilwoman Smith said earlier this year we put in the maximum spending per day based on geographical location. She asked could we change it to a per diem rate and stick to the same geographical location? In other words, there would be a maximum of \$35.00 per day or \$45.00 per day, depending on the place and leave it at that. Town Attorney said since you did not do it by local law or ordinance but by resolution, you could change it by resolution. Supervisor said we will consider this at the end of the meeting.

RESOLUTION NO. (713-1990)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ACTION (NANCY

Continued on Next Page

RESOLUTION NO. (713-1990) Continued

THOMAS V. FRANK CONKLIN,
TOWN OF CLARKSTOWN,
ROCKLAND COUNTY ASSOCIATION
FOR CHILDREN WITH LEARNING
DISABILITIES AND NEW YORK
STATE)

Co. Smith offered the following resolution:

WHEREAS, an action has been instituted against the Town of Clarkstown entitled as follows:

NANCY THOMAS,

Plaintiff,

-against-

FRANK CONKLIN, TOWN OF CLARKSTOWN,
THE ROCKLAND COUNTY ASSOCIATION FOR
CHILDREN WITH LEARNING DISABILITIES,
and NEW YORK STATE,

Defendants.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said action.

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. (714-1990)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ACTION (HUDSON
RIVER DEFENSE LEAGUE, INC.,
ET AL. V. PLANNING BOARD,
TOWN OF CLARKSTOWN AND
PYRAMID COMPANY OF ROCKLAND)

Co. Smith offered the following resolution:

WHEREAS, an action/proceeding has been instituted against the Town of Clarkstown entitled as follows:

In the Matter of the Application of the HUDSON RIVER
DEFENSE LEAGUE, INC.; BERGEN SWAN (SAVE THE WATERSHED
NETWORK); BLAUVELT ASSOCIATION OF RESIDENTS, INC.;
CITIZENS ENVIRONMENTAL COALITION; CONGERS CIVIC
ASSOCIATION; PALISADES CIVIC ASSOCIATION; RAMAPO RIVER
COMMITTEE; WEST BRANCH CONSERVATION ASSOCIATION, INC.;
ROSEMARY HALE GREANY, AND ESTELLE MARSICO,

Plaintiff-Petitioners

-against-

PLANNING BOARD FOR THE TOWN OF CLARKSTOWN;
RUDOLPH J. YACYSHYN, Chairman, PLANNING BOARD OF THE

Continued on Next Page

RESOLUTION NO. (714-1990) Continued

TOWN OF CLARKSTOWN; THE TOWN OF CLARKSTOWN
and PYRAMID COMPANY OF ROCKLAND,

Defendant-Respondents .

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized
to take all necessary steps to defend said action/proceeding.

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. (715-1990)

AUTHORIZING TOWN ATTORNEY
TO DEFEND ACTION (TIBOR
SCHONFELD AND MANYA
SCHONFELD V. GOPMAN, TOWN
OF CLARKSTOWN, COUNTY OF
ROCKLAND, STATE OF NEW YORK
AND "JOHN DOE" THROUGH
"RICHARD ROE")

Co. Smith offered the following resolution:

WHEREAS, an action has been instituted against the Town
of Clarkstown entitled as follows:

TIBOR SCHONFELD and MANYA SCHONFELD,

Plaintiffs,

-against-

ALEX GOPMAN and MARINA GOPMAN, TOWN OF
CLARKSTOWN, COUNTY OF ROCKLAND, STATE OF
NEW YORK, and "JOHN DOE" THROUGH "RICHARD
ROE",

Defendants .

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized
to take all necessary steps to defend said action.

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

Councilman Kunis asked if there was any way we could
look to recover damages or perhaps reimburse the Town for attorney's
fees which are paid by Clarkstown taxpayers? Town Attorney Murray

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RESOLUTION NO. (715-1990) Continued

Jacobson said ordinarily each side pays their own legal fees. If you win a case you can collect some court costs which today runs about \$1,000.00 because all fees have been increased. He discussed ways in which legal fees could be obtained. Councilman Kunis said then that would be up to the court and Town Attorney stated that was correct.

RESOLUTION NO. (716-1990)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NO. A 8840-424
(ECONOMIC ASSISTANCE)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. A 8840-424 (Economic Assistance) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990-505 and increase Appropriation Account No. A 8840-424 by \$11,500.00.

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. (717-1990)

DECREASING APPROPRIATION
ACCOUNT NO. A 1110-225
(JUSTICE COURT-COMPUTER
EQUIPMENT) AND INCREASING
APPROPRIATION ACCOUNT NO. A
3120-225 (POLICE DEPT. -
COMPUTER EQUIPMENT)

Co. Malony offered the following resolution:

WHEREAS, Appropriation Account No. A 3120-225 (Police Dept.-Computer Equipment) requires additional funds,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 1110-225 (Justice Court-Computer Equipment) and increase Appropriation Account No. A 3120-225 by \$5,000.00.

Seconded by Co. Mandia

On roll call the vote was as follows:

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

RESOLUTION NO. (718-1990)

TRANSFERS OF FUNDS -
VARIOUS ACCOUNTS

Co. Maloney offered the following resolution:

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

WHEREAS, additional funding in the amount of \$250.00 is required in Appropriation Account No. A 3230-313 (D.A.R.E. Program, Office Supplies and Printing); and

WHEREAS, additional funding in the amount of \$3,733.68 is required in Appropriation Account No. A 3230-319 (D.A.R.E. Program, Misc. Supplies;

NOW, THEREFORE, be it

RESOLVED, to transfer said funds (total \$4,483.68) into Appropriation Accounts Nos. A 3230-414, A 3230-313 and A 3230-319 from Account No. A 884 (Reserve for D.A.R.E. Program).

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. (719-1990)

INCREASING UNEXPENDED
BALANCE ACCOUNT NO. 01-
002999 AND APPROPRIATION
ACCOUNT NO. A 9550-910

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. A 9550-910 (Transfer to Capital #2 Fund) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to increase Unexpended Balance Account No. 01-002999 and Appropriation Account No. A 9550-910 by \$1,000,199.04.

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. (720-1990)

DECREASING CONTINGENCY
ACCOUNT NO. A 1990-505 AND
INCREASING APPROPRIATION
ACCOUNT NUMBERS A 3020-230,
A 6411-409, A 8090-409 AND
A 8095-313

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (720-1990) Continued

WHEREAS, various Appropriation Account numbers require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990-505 by \$10,052.00 and increase the following Appropriation Account numbers:

- A 3020-230 (Central Communications-Equipment)...\$1,400.00
- A 6411-409 (Industrial Comm.-Fees for Services). 6,000.00
- A 8090-409 (Control of Aquatic Pests-Services).. 2,650.00
- A 8095-313 (Litter Control-Fees for Services)... 2.00

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. (721-1990)

DECREASING APPROPRIATION ACCOUNT NO. SR 8160-110 (SALARIES) AND INCREASING APPROPRIATION ACCOUNT NO. SR 8160-209 (SANITATION DISTRICTS-OTHER EQUIPMENT)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. SR 8160-209 (Sanitation Districts-Other Equipment) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. SR 8160-110 (Salaries) and increase Appropriation Account No. SR 8160-209 by \$98,000.00.

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. (722-1990)

DECREASING APPROPRIATION ACCOUNT NO. A 1420-409 (FEES FOR SERVICES) AND INCREASING APPROPRIATION ACCOUNT NO. A 1420-201 (FURNITURE & FURNISHINGS) (TOWN ATTORNEY)

Co. Maloney offered the following resolution:

WHEREAS, Account No. A 1420-201 (Furniture & Furnishings) requires additional funding,

Continued on Next Page

RESOLUTION NO. (722-1990) Continued

NOW, THEREFORE, be it

RESOLVED, that Appropriation Account No. A 1420-409 (Fees for Services) be decreased by \$416.85 and Appropriation Account No. A 1420-201 be increased by \$416.85.

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. (723-1990)

DECREASING APPROPRIATION
ACCOUNT NO. B 8020-320
(SUPPLIES & MAILING) AND
INCREASING APPROPRIATION
ACCOUNT NO. B 8020-409-1 (PLANNING
BD.MASTER PLAN-FEES FOR SERVICES)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. B 8020-409-1 (Planning Board-Master Plan-Fees for Services) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. B 8020-320 (Supplies & Mailing) and increase Appropriation Account No. B 8020-409-1 by \$104.00.

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. (724-1990)

DECREASING APPROPRIATION
ACCOUNT NO. S 5182-461
(ELECTRICITY & GAS) AND
INCREASING APPROPRIATION
ACCOUNT NO. S 5182-313
(OFFICE SUPPLIES & PRINTING)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account No. S 5182-313 (Office Supplies & Printing) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. S 5182-461 (Electricity & Gas) and increase Appropriation Account No. S 5182-313 by \$112.00.

Seconded by Co. Mandia

RESOLUTION NO. (724-1990) 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. (725-1990)

INCREASING ESTIMATED
REVENUE ACCOUNT NO.
04-103501 (CONSOLIDATED
HIGHWAY AID) AND
APPROPRIATION ACCOUNT DB
5110-381 (BITUMINOUS & ROAD
REPAIR)

Co. Maloney offered the following resolution:

WHEREAS, Appropriation Account DB 5110-381 (Bituminous & Road Repair) requires additional funding,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. 04-103501 (Consolidated Highway Aid) and Appropriation Account DB 5110-381 by \$50,000.00.

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. (726-1990)

ACCEPTING DEED FOR ROAD
WIDENING PURPOSES - SUNSET
VIEW DRIVE, WEST NYACK, NEW
YORK (KENNETH BERGSTOL
SUBDIVISION)

Co. Maloney offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as KENNETH BERGSTOL, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Sunset View Drive, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated July 27, 1990, from Kenneth Bergstol to the Town of Clarkstown gratuitously conveying a strip of land along Sunset View Drive, West Nyack, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Supv. Holbrook

Continued on Next Page

RESOLUTION NO. (726-1990) 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. (727-1990)

AUTHORIZING TOWN COMPTROLLER TO PAY MUNISTAT SERVICES, INC. FOR FINANCIAL ADVISORY SERVICES FOR PREPARATION OF OFFERING STATEMENT DATED JULY 26, 1990

Co. Smith offered the following resolution:

RESOLVED, that based on the recommendation of the Town Comptroller Paul K. Schofield, that Munistat Services, Inc. is to be paid the sum of \$6,500.00 for the financial services rendered in the preparation of the Offering Statement dated July 26, 1990.

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. (728-1990)

AUTHORIZING REFUND OF DUMPING FEES TO MRS. HAROLD OLSEN

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board authorizes the refund of \$113.00 to Mrs. Harold Olsen of 2 Oldfield Drive, New City, for dumping fees submitted to the Town at the Clarkstown Sanitary Landfill.

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. (729-1990)

REQUESTING ELIMINATION OF MUNICIPAL PARKING FEES IN NEW TAXES TO BE LEVIED FOR NEW YORK STATE BUDGET 1990

Co. Maloney offered the following resolution:

WHEREAS, the new budget for the State of New York has been adopted for Fiscal Year 1990, and

RESOLUTION NO. (729-1990) Continued

WHEREAS, new taxes have to be levied in order to balance said budget, and

WHEREAS, a Tax on Municipal Parking Fees was included in said funding package, and

WHEREAS, the collection of said tax places a hardship on already overburdened municipalities retroactively, and

WHEREAS, the Clarkstown Town Board sees such collections as more costly than the revenue generated,

NOW, THEREFORE, be it

RESOLVED, that the Clarkstown Town Board, in recognition of the negative effects of such legislation, hereby unanimously requests the elimination of said tax in its entirety or at the very least put off its effective date in order to give those municipalities so affected time to gear up for this collection.

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. (730-1990)

AUTHORIZING COUNTY OF
ROCKLAND TO PERFORM TRAFFIC
STUDY (PASCACK ROAD AND
CONVENT ROAD, NANUET)

Co. Maloney offered the following resolution:

WHEREAS, the County of Rockland has received a request from a resident of the Town of Clarkstown to investigate the need for improving traffic control at the intersection of Pascack Road and Convent Road, and

WHEREAS, the County of Rockland shall perform the traffic study subject to the approval by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the County of Rockland to perform a traffic study to determine if a signal is warranted at the intersection of Pascack Road and Convent Road, and be it

FURTHER RESOVLED, that the Town of Clarkstown shall install and maintain the signal if the County finds that it is warranted.

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. (731-1990)

AUTHORIZING IRA WICKES TO
TAKE DOWN AND REMOVE TREES
(7 DANLYN COURT, NEW CITY)
- CHARGE TO ACCOUNT NO. A
8730-413

Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby authorizes Ira Wickes to take down and remove seven (7) poplar trees located at the rear of 7 Danlyn Court, New City, New York, and be it

FURTHER RESOLVED, that the fee for such work shall be \$960.00, with an additional fee of \$580.00 plus \$70.00 per ton for dumping fees, and be it

FURTHER RESOLVED, that the fee for such work shall be charged to Account No. A-8730-413.

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. (732-1990)

AUTHORIZING SUPERVISOR TO
SIGN LEASE WITH SPRING
VALLEY HOMES ASSOCIATES, BY
ARCO MANAGEMENT CORP. RE:
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, 1990 through August 31, 1991, 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. 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. (733-1990)

AUTHORIZING RELOCATION OF
POLLING PLACES FOR ELECTION
DISTRICTS NOS. 75 AND 10

Co. Kunis offered the following resolution:

WHEREAS, the 1200 Master Association, Inc. has requested the Town Board to permit the relocation of the polling place for Election District No. 75 to the 1200 Master Association Clubhouse, and

WHEREAS, the Town Clerk of the Town of Clarkstown has requested the Town Board to permit the relocation of the polling place for Election District No. 10 to the 1200 Master Association Clubhouse, and

WHEREAS, the Town Board wishes to make the polling places for these Election Districts more accessible to the public;

NOW, THEREFORE, be it

RESOLVED, that pursuant to §4-104 of the Election Law, the Town Board hereby permits the relocation of polling places for Election Districts No. 75 and No. 10 to the 1200 Master Association Clubhouse.

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. (734-1990)

AUTHORIZING AGREEMENT WITH
GARDEN STATE PAPER COMPANY,
INC. - D/B/A BRUNO & D'ELIA
INC. (GSP)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown wants to continue newspaper recycling within its jurisdiction, and

WHEREAS, Garden State Paper Recycling Corp., d/b/a Bruno & D'Elia Inc. (GSP) markets post consumer newspapers, and

WHEREAS, GSP will pay the Town for said newspaper at an initial rate of Fifteen (\$15.00) per (short) ton delivered;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarktown is authorized to enter into an agreement with Garden State Paper Recycling Corp., d/b/a Bruno & D'Elia Inc., in a form satisfactory to the Town Attorney.

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. (735-1990)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL SNOW
FENCE ON TOWN EASEMENT -
KLEIN AVENUE, WEST NYACK
(NARCISO PROPERTY)

Co. Smith offered the following resolution:

RESOLVED, that the Town Highway Superintendent is authorized to install a snow fence on the Town easement at the rear of the property located at 54 Klein Avenue, West Nyack, New York (purpose of this resolution is to prevent Canada Geese from entering upon the Narciso property).

Seconded by Co. Klein

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. (736-1990)

AUTHORIZING SUPERVISOR TO
ENTER INTO AMENDED
AGREEMENT WITH COUNTY OF
ROCKLAND REGARDING DRUG LAW
ENFORCEMENT

Co. Maloney offered the following resolution:

WHEREAS, the County of Rockland wishes to financially assist the Town of Clarkstown in its drug law enforcement activities, and

WHEREAS, the Town wishes to provide the Rockland County Narcotics Task Force with a member of its police department for drug fighting activities, and

WHEREAS, the County of Rockland wishes to provide, for the year 1990, the sum of \$25,000.00 to the Town of Clarkstown for partial reimbursement of the compensation of one police officer, and the sum of \$7,500.00 for partial reimbursement of overtime expenses for one police officer of the Town of Clarkstown assigned to the Rockland County Narcotics Task Force;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland accepting financial assistance for the Town of Clarkstown's law enforcement activities whereby the Town would provide the Rockland County Narcotic Task Force with a member of the Town of Clarkstown Police Department for drug fighting activities, and in return the County of Rockland would partially reimburse the Town for one police officer in the amount of \$25,000.00, and the sum of \$7,500.00 for partial reimbursement of overtime expenses for one police officer of the Town of Clarkstown assigned to the Rockland County Narcotics Task Force, in a form satisfactory to the Town Attorney, for the year 1990.

Seconded by Co. Mandia

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (736-1990) Continued

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

RESOLUTION NO. (737-1990)

AUTHORIZING TOWN ATTORNEY
TO APPEAL DECISION OF
SUPREME COURT RE: THE
CHILDREN'S VILLAGE

Supv. Holbrook offered the following resolution:

WHEREAS, the Supreme Court of Rockland County has rendered a decision in the matter of THE CHILDREN'S VILLAGE against the Town of Clarkstown, and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to appeal said decision.

Seconded by Co. Smith

On roll call the vote was as follows:

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

Councilman Maloney said he was voting no because it doesn't make any difference what Webster's Dictionary says that the definition of "family" is. The courts have ruled that any group home comes under the definition of "family". We went to court on this and we lost. He said in the sixteen years he has been on the Town Board every time we have appealed a decision relative to a group home we have lost. We are doing nothing but spending taxpayers' money and he thinks we are ill advised to do such because we are again going to lose. We are going to spend more money whether we do it in house or not. The definition of "family" was made by the courts and not by Webster's Dictionary and he was voting no.

RESOLUTION NO. (738-1990)

GRANTING PERMISSION TO
DISPENSE ALCOHOLIC
BEVERAGES AT CLARKSTOWN
AUXILIARY POLICE PICNIC AT
LAKE NANUET PARK

Co. Kunis 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

Continued on Next Page

RESOLUTION NO. (738-1990) Continued

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 and 2B of the Town Code at their picnic which shall be held at Lake Nanuet Park on Saturday, September 8, 1990.

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. (739-1990)

GRANTING PERMISSION TO
DISPENSE ALCOHOLIC
BEVERAGES AT CONGERS I
SENIOR CITIZEN CLUB PICNIC
AT CONGERS LAKE MEMORIAL
PARK

Co. Kunis 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 be 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 Congers I Senior Citizen Club to dispense alcoholic beverages in accordance with and subject to Section 22-2A and 2B of the Town Code at the following event:

Congers I Senior Citizen Club Picnic
Congers Lake Memorial Park
Wednesday, August 29, 1990

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. (740-1990)

GRANTING PERMISSION TO
DISPENSE ALCOHOLIC
BEVERAGES TO POPE JOHN
XXIII KNIGHTS OF COLUMBUS
AT CONGERS LAKE MEMORIAL
PARK

Co. Kunis offered the following resolution:

WHEREAS, Section 22-2A of the Town 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;

Continued on Next Page

RESOLUTION NO. (740-1990) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Pope John XXIII Knights of Columbus to dispense alcoholic beverages at Congers Lake Memorial Park on Sunday, August 26, 1990, in accordance with and subject to Section 22-2A and 2B of the Town Code.

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. (741-1990)

RESCINDING RESOLUTION NO. 101-1989 WITH RESPECT TO CHARGING NON-RESIDENTS A FEE FOR USE OF KEMMER LANE COMMUTER PARKING LOT AND AUTHORIZING REFUNDS TO NON-RESIDENTS

Co. Smith offered the following resolution:

RESOLVED, that Resolution No. 101-1989, adopted by the Town Board on January 24, 1989, is hereby rescinded, and be it

FURTHER RESOLVED, that the \$100.00 fee charged to non-residents for use of the Kemmer Lane Commuter Parking Lot shall be refunded.

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. (742-1990)

AUTHORIZING APPROPRIATION FOR IMPROVEMENT OF CHRISTIAN HERALD ROAD, VALLEY COTTAGE - CHARGE TO ACCOUNT NO. H 5130-409

Co. Kunis offered the following resolution:

RESOLVED, that the Town Board hereby authorizes the appropriation of \$25,000.00 for the improvement of Christian Herald Road, Valley Cottage, New York, and be it

FURTHER RESOLVED, that said cost shall be charged to Account No. H-5130-409.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (742-1990) 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. (743-1990)

AMENDING RESOLUTION NO.
121-1990 RE: PREPARATION
OF CONTRACT PLANS AND
SPECIFICATIONS BY RAYMOND
KEYES ASSOCIATES, INC.
(WEST NYACK ROAD AREA WEST
OF STRAWTOWN ROAD) - CHARGE
TO CAPITAL DRAINAGE ACCOUNT
NO. H 7140-25P-89-05-409

Co. Maloney offered the following resolution:

WHEREAS, Resolution No. 121-1990 authorized the Director of the Department of Environmental Control to engage Raymond Keyes Associates, Inc. for the purpose of preparing contract plans and specifications necessary for bidding at a cost not to exceed \$15,000.00; and

WHEREAS, Raymond Keyes Associates, Inc. in a letter dated August 10, 1990, has indicated that additional hydraulic studies could save a minimum of \$35,000.00 in construction costs; and

WHEREAS, Gibraltar Management has agreed to pay 50 percent of the additional \$10,000.00 fee for these additional hydraulic studies;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 121-1990 be amended to authorize this additional \$5,000.00 expenditure, and be it

FURTHER RESOLVED, that this be a proper charge to Capital Drainage Account H 7140-25P-89-05-409.

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. (744-1990)

AWARDING BID FOR BID
#64-1990 - UNIFORM
MAINTENANCE SERVICES FOR
CLARKSTOWN POLICE
DEPARTMENT (PERSONAL TOUCH
CLEANERS)

Co. Maloney offered the following resolution:

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

Continued on Next Page

RESOLUTION NO. (744-1990) Continued

BID #64-1990
UNIFORM MAINTENANCE SERVICES FOR THE
CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to:

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

as per their low bid proposal as follows:

TROUSERS - DRY CLEANED -	PER UNIT.....	\$1.00
SHIRTS - DRY CLEANED -	PER UNIT.....	\$1.00
LEATHER JACKETS - DRY CLEANED -	PER UNIT.....	\$1.00
POPLIN JACKETS - DRY CLEANED -	PER UNIT.....	\$1.00
DACRON/WOOL JACKETS - DRY CLEANED	PER UNIT.....	\$1.00
HATS - DRY CLEANED -	PER UNIT.....	\$1.00
WHITE DRESS SHIRTS - LAUNDERED -	PER UNIT.....	\$1.00
BLANKETS - LAUNDERED -	PER UNIT.....	\$2.00

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. (745-1990)

AWARDING BID FOR BID
#58-1990 - COMPUTER/WORD
PROCESSING SUPPLIES
(BOUTONS BUSINESS MACHINES,
ADVANTAGE BUSINESS PROD AND
PREFERRED BUSINESS FORMS)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Town Computer Consultant and the Director of Purchasing that

BID #58-1990

COMPUTER/WORD PROCESSING SUPPLIES

is hereby awarded to

BOUTONS BUSINESS MACHINES
95 ROUTE 304
NANUET NY 10954
PRINCIPAL: JOHN MAIORANO

ADVANTAGE BUSINESS PROD
3 CROSS STREET
SUFFERN NY 10901
PRINCIPALS: TAMARA BRISK
JACK SCHWED
SAM SCHWED

PREFERRED BUSINESS FORMS
122 E MAIN ST
ELMSFORD NY 10523
PRINCIPAL: JAMES KIERNAN

as per the attached item/price schedule.

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

Continued on Next Page

RESOLUTION NO. (745-1990) Continued

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. (746-1990)

ACCEPTING RESIGNATION OF
SENIOR GROUNDWORKER -
PARKS BOARD AND RECREATION
COMMISSION (JAMES
BACCAGLINI)

Co. Mandia offered the following resolution:

RESOLVED, that the resignation of James Baccaglino, 11
Cypress Street, New City, New York - Senior Groundworker - Parks
Board and Recreation Commission - is hereby accepted - effective and
retroactive to July 26, 1990.

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. (747-1990)

ACCEPTING RESIGNATION OF
RECREATION LEADER - PARKS
BOARD AND RECREATION
COMMISSION (RONALD GUZINSKI)

Co. Mandia offered the following resolution:

RESOLVED, that the resignation of Ronald Guzinski, 824
Sherry Drive, Valley Cottage, New York - Recreation Leader - Parks
Board and Recreation Commission - is hereby accepted - effective and
retroactive to August 11, 1990.

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. (748-1990)

RECOGNIZING APPOINTMENT BY
PARKS BOARD AND RECREATION
COMMISSION TO (PERMANENT)
POSITION OF SENIOR
RECREATION LEADER (MICHAEL
MCDONALD)

Co. Mandia offered the following resolution:

Continued on Next Page

RESOLUTION NO. (748-1990) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #86265 Senior Recreation Leader which contains the name of Michael McDonald,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Michael McDonald, 10 DeForest Avenue, New City, New York, to the position of (permanent) Senior Recreation Leader - Parks Board and Recreation Commission - at the current 1990 annual salary of \$30,200.00, effective and retroactive to August 6, 1990.

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. (749-1990)

REAPPOINTING TO POSITION OF
MEMBER - PARKS BOARD AND
RECREATION COMMISSION
(THOMAS E. BOURKE)

Co. Mandia offered the following resolution:

RESOLVED, that Thomas E. Bourke, 19 Hereford Lane, New City, New York, is hereby reappointed to the position of Member - Parks Board and Recreation Commission - to serve without compensation - term effective August 16, 1990 and to expire on August 15, 1995.

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. (750-1990)

RECOGNIZING APPOINTMENT BY
SUPERINTENDENT OF HIGHWAYS
OF LABORER STUDENTS (JOHN
FARRELL, DAMON
MONTEFERRANTE AND SAL
MORICCO)

Co. Mandia offered the following resolution:

RESOLVED, that the Town Board recognizes the appointment by the Superintendent of Highways of the following Laborer Students at \$7.00 per hour:

John Farrell
5 Mallard Drive
West Nyack, New York
Eff. 7/23/90

Damon Monteferrante
35 Roslyn Lane
New City, New York
Eff. 7/30/90

RESOLUTION NO. (750-1990) Continued

Sal Moricco
55 Susan Drive
New City, New York
Eff. 7/30/90

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. (751-1990)

GRANTING SICK LEAVE OF
ABSENCE AT ONE HALF PAY TO
CUSTODIAL WORKER -
MAINTENANCE DEPARTMENT
(RAYMOND DeFOREST)

Co. Mandia offered the following resolution:

RESOLVED, that in accordance with Article XVIII,
Section 3(k) of the Labor Agreement between the Town of Clarkstown
and the Clarkstown Unit of the C.S.E.A., Raymond DeForest, III, 22
Old Brick Road, New City, New York - Custodial Worker - Maintenance
Department - is hereby granted a Sick Leave of Absence - at one half
pay - effective August 22, 1990 to September 24, 1990.

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. (752-1990)

RESCINDING RESOLUTION NO.
616-1990 RE: GRANTING LEAVE
OF ABSENCE WITHOUT PAY TO
FRED C. HASTINGS

Co. Mandia offered the following resolution:

RESOLVED, that Resolution No. 616-1990, adopted at the
June 26, 1990 Town Board meeting, granting Fred C. Hastings a leave
of absence, without pay, is hereby rescinded.

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. (753-1990)

RECOGNIZING GRANTING LEAVE
OF ABSENCE, WITHOUT PAY, BY
PARKS BOARD AND RECREATION
COMMISSION TO GROUNDSKEEPER
II (FRED C. HASTINGS)

Co. Mandia offered the following resolution:

WHEREAS, Fred C. Hastings has requested a 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 October 8, 1990 to Septembet 2, 1991.

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. (754-1990)

ACCEPTING RESIGNATION OF
SENIOR TRANSIT CLERK & BUS
DRIVER - MINI TRANS
DEPARTMENT (JOSEPH
RUTIGLIANO)

Co. Mandia offered the following resolution:

RESOLVED, that the resignation of Joseph Rutigliano, 4
William Street, New City, New York - Senior Transit Clerk & Bus
Driver - Mini Trans Department - is hereby accepted - effective and
retroactive to July 26, 1990.

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. (755-1990)

APPOINTING TO POSITION OF
LABORER (SEASONAL) -
DEPARTMENT OF ENVIRONMENTAL
CONTROL (RAYMOND A.
DeFOREST)

Co. Mandia offered the following resolution:

RESOLVED, that Raymond A. DeForest, 22 Old Brick Road,
New City, New York, is hereby appointed to the position of Laborer

Continued on Next Page

RESOLUTION NO. (755-1990) Continued

(Seasonal) - Department of Environmental Control - at the current 1990 hourly rate of \$8.00 - effective August 27, 1990.

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. (756-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SCHOOL ZONE AND 15 MPH SIGNS ON CHRISTIAN HERALD ROAD, VALLEY COTTAGE

Co. Maloney offered the following resolution:

WHEREAS, the new Nyack High School will open in September, 1990, and the area is presently not marked to indicate the presence of a school,

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to install appropriate signs indicating the school zone on Christian Herald Road in Valley Cottage and lowering the speed limit to 15 mph in that area.

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. (757-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM CORRECTIVE DRAINAGE WORK VICINITY LAKE ROAD AND RIDGE ROAD, VALLEY COTTAGE (MAP 123, BLOCK F, LOT 3.05) - CHARGE TO CAPITAL ACCOUNT #2

Co. Maloney offered the following resolution:

WHEREAS, an adverse drainage condition exists between Lake Road and Ridge Road along Stream NJ1-13-2-1 in Valley Cottage; and

WHEREAS, the homeowner of Lot 123-F-3.05 has indicated his willingness to have the existing partially occluded oblate pipe removed and replaced with a rip-rap channel;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is authorized to rent the required equipment and purchase the necessary

RESOLUTION NO. (757-1990) Continued

materials to accomplish this corrective drainage work under his supervision for a cost not to exceed \$15,000.00; and be it

FURTHER RESOLVED, that this amount be a proper charge to Capital Account #2.

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. (758-1990)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PERFORM CORRECTIVE DRAINAGE WORK (MAP 123, BLOCK E, LOT 5) STREAM NJ1-13-2-2 - CHARGE TO CAPITAL ACCOUNT #2

Co. Maloney offered the following resolution:

WHEREAS, the recent storms have caused washouts along Stream NJ1-13-2-2 on Lot 123-E-5; and

WHEREAS, the Superintendent of Highways and the Director of the Department of Environmental Control have recommended that the most adequate and cost-effective solution is to replace the existing dual pipes and washed-out area with a single 48" RCP approximately 80 feet in length;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is authorized to rent the required equipment and purchase the necessary materials to accomplish this corrective drainage work under his supervision for a cost not to exceed \$6,000.00; and be it

FURTHER RESOLVED, that this amount be a proper charge to Capital Account #2.

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. (759-1990)

SETTING PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CHAPTER 47 (FIRE PREVENTION)

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,

Continued on Next Page

RESOLUTION NO. (759-1990) Continued

"AMENDMENT TO CHAPTER 47 (FIRE PREVENTION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 25th day of September, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

Seconded by Co. 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. (760-1990)

AUTHORIZING DIRECTOR OF ENVIRONMENTAL CONTROL TO ACT AS AGENT FOR TOWN BOARD WITH RESPECT TO SEQRA REVIEW FOR DEVELOPMENT OF ZUKOR PARK

Co. Maloney offered the following resolution:

RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), in connection with the development of Zukor Park, New City, New York, the Town Board determines that it shall act as lead agency and Leslie F. Bollman, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

RESOLUTIONA NO. (761-1990)

CORRECTING RESOLUTION NO. 639-1990 RE: BID #66-1990 - TOWING/REMOVAL OF ABANDONED VEHICLES

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (761-1990) Continued

RESOLVED, that Town Board Resolution No. 639-1990 is hereby corrected to read:

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

BID #66-1990
TOWING/REMOVAL OF ABANDONED VEHICLES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, August 31, 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. (762-1990)

CORRECTING RESOLUTION NO. 561-1990 AND RESCINDING BID #16-1990 AND AUTHORIZING DIRECTOR OF PURCHASING TO READVERTISE FOR NEW BIDS FOR BID #16A-1990 - POLICE UNIFORMS

Co. Maloney offered the following resolution:

RESOLVED, that Town Board Resolution No. 561-1990 is hereby corrected to read:

RESOLVED, that based upon the recommendation of the Chief of Police that all proposals received for

BID #16-1990
POLICE UNIFORMS

are hereby rescinded, and

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

BID #16A-1990
POLICE UNIFORMS

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 5, 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

RESOLUTION NO. (762-1990) 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. (763-1990)

RESCINDING RESOLUTION NO.
497-1990 - (THE MALL AT 59)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 497-1990 adopted May 22, 1990, defaulting escrow funds to the Town of Clarkstown in connection with a site known as The Mall at 59 be and hereby is rescinded.

Secoded 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

The Town Clerk Patricia Sheridan asked since we are now allowing everyone to park at Kemmer Lane without fee, whether resident or not, should we do away with the issuance of permits? Supervisor said it will be helpful to at least have stickers so that we know who are commuters in the lot and who aren't.

Councilman Kunis said when he came in tonight he noticed that there were two items not on the agenda that were on the Workshop agenda and which had been discussed. He said he also noticed that the applicant who applied for a zone change and the applicant's attorney apparently are here at this meeting tonight expecting a vote. He said he found out when he picked up his packet that this was not on the agenda. He said the Board has discussed on many occasions having a final workshop agenda and a final meeting agenda prepared and delivered by courier to each Town Board member the Friday prior to the that particular meeting. It would be beneficial not only to the Town Board members but to the public at large as they will also be informed and will not have to waste a trip to Town Hall. He proposed the following resolution:

RESOLUTION NO. (764-1990)

CONCERNING MEETING AGENDA
FOR WORKSHOP AND TOWN BOARD
MEETING

Co. Kunis offered the following resolution:

RESOLVED, that a final Workshop Agenda and a final Regular Meeting Agenda, together with enclosures concerning the items on said agenda, be prepared no later than 5:00 P.M. on the Friday preceeding the Workshop or Regular Meeting date, and be it

FURTHER RESOLVED, that such Agenda and packet of enclosures shall be delivered to each of the Town Board members no

RESOLUTION NO. (764-1990) Continued

later than 5:00 P.M. on the Friday prior to such Workshop or Regular Meeting, and be it

FURTHER RESOLVED, that no items shall be added or deleted to the Workshop or Regular Meeting Agenda without the knowledge and consent of the entire Town Board.

Seconded by Co. Maloney

Councilman Maloney stated that he was seconding this but he felt it was something we already have and although the Courier is not always available it is something we have agreed to in principle.

On roll call the vote was as follows:

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

Councilman Kunis said he had heard that the Town received an appraisal on the Spring Valley Motor Lodge. He said it had been indicated on the radio that this would be discussed at the Town Board. He said he had not seen a copy of the appraisal. He asked when that would be placed on an agenda. Supervisor said he wanted to put that on for a workshop in September. Councilman Kunis asked if there was a possibility of each Town Board member receiving a copy of that appraisal? Town Attorney said he had copies in his office and he would see that each member received a copy.

Councilman Kunis stated that they had a meeting with approximately 100 residents a week ago Wednesday from the Spring Valley area of the Town regarding questions on a proposal that the Board passed to purchase property from the State. He said we do not have a concrete plan and several board members have so indicated this to the residents of that area. He said however, the residents of the area want to be involved in formulating a concrete plan and he said he and Councilwoman Smith indicated to them that the first meeting of October would be a date acceptable to them and to us. Councilwoman Smith said she had said whenever any format is established they would definitely be invited but she never locked into any date. Councilman Kunis said he indicated to them October if they had any questions of the Board. He asked what is the Board's pleasure on this?

Councilman Mandia asked Councilman Kunis if he were suggesting that in October the Board would have a plan to present to the residents? Councilman Kunis said absolutely not. The residents just want to know what is being done. If it is not October, so long as they know something is happening - in November or December or whenever.

Councilman Maloney said he would agree with Councilwoman Smith and leave it open so that it could be November or December. He did not want to lock himself into a date because once you do that then the residents would say that the Board had promised there would be something by October 1st and then everyone gets more excited. He said just leave it open and when something happens we will keep them informed.

There was discussion among the Town Board Members regarding per diem rate for people attending conferences and schools. Councilman Maloney said right now the maximum rate you can spend is \$45.00 in the City and \$35.00 elsewhere but you have to produce receipts. Anything spent over that is out of your own pocket. He asked how will this differ? You mean you will be spending money without producing a receipt? Town Comptroller said you will not have to produce a receipt.

Councilwoman Smith said if you are authorized to go on a trip we are saying whether or not you bring a receipt you are going to be reimbursed on a per diem rate. Councilman Maloney said in other words you are getting \$45.00 whether you spend the \$45.00 or not? He said if he gets \$45.00 and he doesn't have lunch or supper or anything and he does not have to hand in a receipt then he gets \$45.00? Councilwoman Smith said or if you decide to spend your two days' allowances on one. She said she knows that other agencies are doing this. Councilman Maloney asked if you would have to have receipts for the State audit.

Comptroller stated that the IRS came up with a new ruling in January of this year. He said he could not quote it exactly right now but he asked that this be postponed and he would have a resolution drawn up in accordance with those regulations. This was agreed to.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re Abandonment of Holbrook Avenue, Congers was opened, time: 8:45 P.M.

At 9:00 P.M. on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Abandonment of Holbrook Avenue, Congers, was adjourned until September 25, 1990.

Councilwoman Smith stated that we had passed much needed resolutions (Nos. 29 and 30) this evening. She said she would like to spend more time discussing the Ridge Road area in Valley Cottage. She had spent three hours there on Sunday and this quick fix is not enough. We have to sit down and consider a major drainage program for the area. The new developments that are going in are providing adequate drainage for that but they are emptying out into pipes that are one third and one half the size of what is emptying into it. Before we spend money on any other kind of projects she would like to sit down and consider a special consultant on drainage as she felt we could not let this go for five or ten years. It is very obvious that the entire road structure is buckling and the people's homes are filled with not even water but silt and dirt. Some of them have what is considered an engineering solution less than twenty to thirty feet out their backyard door. It is not an appropriate or esthetic answer to their problem. She said she would like the Town Board, along with the Highway Department and Environmental Control to sit down and once and for all do a major project in this area.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted the Town Board Meeting was declared closed, time: 9:00 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/14/90

8:45 P.M.

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

RE: AMENDMENT TO OFFICIAL MAP - ABANDONMENT
OF HOLBROOK AVENUE, CONGERS

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 stated that no decision could be made tonight because the SEQRA has not been completed by the Planning Consultant. Supervisor asked how many more days do we have to go? Supervisor said he has thirty days. Town Attorney said but he has not started it and you have to wait until completion to make a decision.

Town Attorney said the Town Planning Board is against this abandonment. The County Planning Board approves. The Highway Superintendent has indicated that he does not believe that this should be put into effect.

Supervisor said they would listen to the presentation and Reserve Decision. When the SEQRA runs out we will have a vote which will probably be by the next Town Board Meeting or the following one.

Supervisor asked the petitioner to make his presentation to the Board.

Appearance: Mr. Ken Winter, representing
Mr. Brian McGrath

Mr. Winter stated that he is an architect and a friend of Mr. McGrath's and is making the petition for him. Mr. Winter said over a year and half ago when Mr. McGrath sought to sell his house he found a prospective buyer could not obtain a mortgage since the house faced a possible condemnation and demolition if the proposed road was ever built. Mr. Winter said he was also told the exact same story by two local banks and one mortgage brokerage house when he approached them as a potential buyer. Since the marketability of Mr. McGrath's house, for all intents and purposes, has been negated he reserves the right to seek relief through the courts for any damages or loss of sale proceeds due to this situation.

Mr. Winter said, in addressing Mr. Geneslaw's letter of July 5, 1990 to Town Attorney Murray Jacobson in which he states concerns for the future development and access roads for the Davies property to the west, he wanted to bring several important facts to the Board's attention. He said Holbrook Avenue has one right angle turn and Waltham Avenue has one right angle turn from the Davies property to Old Haverstraw Road plus the emptying of one cul-de-sac onto the second 90 degree turn on Waltham Avenue. He said directly to the south of Holbrook Avenue is Esther Avenue, an existing 50 foot wide improved road - straight as an arrow from the Davies property to Old Haverstraw.

Directly to the north of Holbrook Avenue is Central Avenue - another "paper" road which has five dwellings abutting it and is also straight as an arrow. He said he feels this road is more appropriate for improvement than Holbrook Avenue. He stated that if a variance is granted either to the Davies or another developer for the construction of co-ops or condos on the rear property, Holbrook Avenue and Waltham would be the least safe roads

Continued on Next Page

for ingress or egress to the Davies Property. Holbrook still doesn't look so great for access even if a possible 30 single family homes were built.

At this point reference was made to a plat of a subdivision which was filed with the County Clerk's office and which Mr. Winter presented to the Board for examination. He said the reason Mr. McGrath's house is not marketable is because it is partly on his property and partly on Holbrook Avenue. Supervisor said he is in the bed of a mapped street. Mr. Winter said he had obtained the map from the Planning Board. He stated that Mr. McGrath was never shown this map. He also states that he never had an attorney advising him of his rights. Mr. Winter said he would strongly suggest that Mr. McGrath was denied due process and also reserve the right to seek relief through the courts.

Councilwoman Smith said are you saying when he purchased the house he did not know this? Mr. Winter said he had owned the house prior to subdivision. Supervisor said Holbrook Avenue, he thought, goes back to the Boston Improvement Company in 1909 - 1911, something like that. Supervisor said the street was on the map as of then but when he built his house in 1934 he goofed by putting it in the bed of a mapped street.

Mr. Winter said he went back and did a title search himself but was unable to find anything on either maps or deeds stating that Holbrook existed even then. It may have but there was nothing firm about it.

Councilman Mandia inquired when Mr. McGrath bought the house and asked if a title search showed anything - if there was any kind of easement or paper street, etc.? Councilwoman Smith said doesn't your survey map show you sitting right in the middle of that street? She was told that the road was dedicated in 1986. Mr. McGrath said he has been taking care of the road since he has been there and his brother took care of it for seven years before that. He said the Town never did anything with the road. He was told that was because it is a private road.

Town Attorney asked Mr. McGrath if the signature on the plat was his signature? Mr. Winter said he wanted to explain about that. He said this was affixed secondarily to the map and was not a part of the original document. He stated that Mr. McGrath was never shown this map to a subdivision. Had he been shown this map he did not think that he would have agreed to any subdivision or to the dedication of the road. That map never came up. Town Attorney said there are a bunch of signatures here. Mr. Winter said the people had no idea as they had no attorney when the road was dedicated.

Councilwoman Smith asked what subdivision are we speaking of? Councilman Maloney said it was Martin Feldi. Town Attorney said there is a subdivision map here which includes various signatures of owners including Mr. McGrath as offering for dedication, the streets, etc., as shown on this map, one of which is Holbrook Avenue. Councilwoman Smith asked if they were original signatures? Mr. Winter said Mr. McGrath does not deny that he signed them. He does state clearly that he was never shown this map nor was he advised of his rights by an attorney.

At this point there was reference to the map and dialogue among Town Board members and Mr. Winter and Mr. McGrath as to placement on the map, signatures, sale of portions of the property, roads, etc.

Councilman Mandia asked what the effect of the abandonment would be? Does this land then become Mr. McGrath's? Supervisor said not automatically. They would have to file a quitclaim deed which would then put this house out of the street.

Continued on Next Page

Mr. Winter said if this street were abandoned another problem would be the conforming residence with front, rear and side yards. Right now there is no possibility, even if you could get a variance, to put an addition on this house because with potential condemnation and demolition there is no way you would invest any money in this.

Councilman Kunis asked if he conformed prior to selling Feldi some of his property? Mr. Winter said he did not know. Town Attorney said this mapped street goes back to the Boston Improvement Company in 1911 and it never conformed. Here again there was further dialogue and reference to the map.

Councilwoman Smith asked about the Town Planning Board's position. Town Attorney read from a letter of May 14, 1990 to the Town Board from Rudolph J. Yacyshyn:

... "Whereas the Town Board granted a 280a for Pine Glen/Feldi application with requested improvements for Holbrook Avenue, and Whereas a portion of the Davies Farm property will be the subject of development sometime in the future, Now, therefore be it resolved that in order to provide for a proper road network for the area the Planning Board recommends that the Town not foreclose any access possibilities at this time. Therefore the Planning Board recommends that Holbrook Avenue not be abandoned."

Mr. Winter again made reference to maps discussing roads with potential ingress and egress. Supervisor said he did not see the value of Holbrook Avenue ever being opened up, much as he would like to see it. He said it leads to nowhere.

Town Attorney read from a memo from John F. Mauro, Superintendent of Highways, dated July 2, 1990:

"In response to your memorandum dated June 27, 1990, please be advised that I concur with the recommendations of the Planning Board, dated May 17, 1990, whereby the Board had adopted a resolution that, in order to provide for a proper road network for the area, the town not foreclose any access possibilities at this time. I also recommend that Holbrook Avenue not be abandoned.

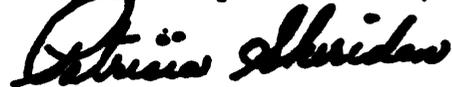
"In addition, the proposed Certificate of Abandonment does not clearly indicate what portion of the highway should be declared abandoned. Also, I cannot attest to the fact that this street has not been opened or worked for more than the last six years.

/s/ John F. Mauro"

Supervisor asked if there was a street sign for Holbrook Avenue. He was told no that there is not even a street sign.

At 9:00 P.M. on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed and adjourned until September 25, 1990.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(Public Hearing declared adjourned until 9/25/90)