

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

207

Town Hall

1/22/91

8:10 P.M.

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

Supervisor announced that the first order of business tonight would be the awarding of certificates to scouts attaining the rank of Eagle. The first was presented to Jason Goldsmith of Troop 428. Supervisor said on behalf of the Town Board he would like to recognize this outstanding achievement and offer congratulations not only to Jason but to his family as well. Jason accepted the award and received the best wishes of the Board.

Supervisor then stated that Brian Dudek of Troop 33 also achieved the rank of Eagle Scout and a certificate would be forwarded to him since he was not able to attend this evening's meeting.

Supervisor called upon Clarkstown students Stacy Geller and Tammy Toporek of Felix Festa Junior High School. The young ladies requested that the Town of Clarkstown show support for the war in the Persian Gulf and suggested that we adopt a troop. Donations of small items that are easily packed can be sent once or twice a month. They asked the Town to donate the postage and also yellow ribbon to be tied to a tree, a mailbox or a front door of any resident who would care to participate in this project. A prepared statement was read by Miss Geller, which statement is available in the Town Clerk's office.

In answer to questions from Town Board members Miss Geller said they would be assembling the packages once or twice a month. She said they would be sending these items to the 340 MP Company. One of their teachers, Mr. John Holub, is a member of that company and is stationed in the Persian Gulf now.

Supervisor mentioned that an employee of the Environmental Department, Mr. Jerry Brickwood, is also presently serving in the Persian Gulf as a member of the 411 Engineering Battalion. It was requested that he be included in this project. Supervisor asked if there were any other town employees serving at this time? He was answered in the negative.

Supervisor said he would call for a resolution to be passed in the following form at least for the present. He said it could be extended to include other companies in the future.

RESOLUTION NO. (37-1991)

AUTHORIZING TOWN ASSISTANCE
IN OBTAINING YELLOW RIBBON
FOR TOWN RESIDENTS AND FOR
POSTAGE FOR PARCELS TO BE
MAILED TO SERVICEPEOPLE IN
THE PERSIAN GULF

Co. Smith offered the following resolution:

RESOLVED, that the Town of Clarkstown will provide yellow ribbon for town residents who wish to show their support for our servicepeople serving in the various branches of the Armed Forces in the Persian Gulf; and be it

FURTHER RESOLVED, that postage for mailing of parcels by students at the Felix Festa Junior High School to those serving in the 340 MP Company and the 411th Engineering Battalion will be provided by the Town of Clarkstown.

Continued on Next Page

ABF 471

RESOLUTION NO. (37-1991) Continued

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

Supervisor thanked the girls for coming and for their concern for our servicemen and women serving our country in the Persian Gulf. His sentiments were echoed by the other Town Board members.

Supervisor declared the Public Portion of the meeting open.

Appearance: Ms. Elfreda Muller

Ms. Muller asked questions regarding the size of the garbage cans to be used for pick-up. She also questioned the number of cans to be used and the rate at which they would be charged.

Appearance: Ms. Sherry Sasson
12 Friend Court
Congers, New York

Ms. Sasson submitted a petition (on file in Town Clerk's Office) in opposition to the Holiday Court Motel being changed into Odyssey House Rehabilitation Program for clients from New York City. She spoke at length regarding the opposition of residents to such a proposal.

Appearance: Ms. Sherri White
Congers, New York

Ms. White also spoke regarding Odyssey House.

Supervisor said for any of the information regarding this matter he will be speaking with the Building Inspector and he suggested the residents make an appointment to speak with him also.

Town Attorney Murray Jacobson gave an explanation of what is happening with Daytop at the present time.

Appearance: Mr. Joseph Pantano
New City, New York

Mr. Pantano spoke regarding Agenda Item 18 (Establishing Fee Owed by Clarkstown School District for use of the Landfill.) He also spoke regarding rental of 15 parking spaces from a gasoline station in Town.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley spoke regarding the Odyssey House Rehabilitation Program. He also spoke regarding what he felt was an ineffective recycling program and stated that he felt mandatory recycling was needed. Supervisor Holbrook explained the proposed expansion of the program. Mr. Broadley spoke regarding Pyramid Center's choice of stores, take over of roads, etc.

Continued on Next Page

Appearance: Mr. Philip Bosco
West Nyack, New York

Mr. Bosco spoke regarding the garbage collection and minimum tonnage at the Transfer Station.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein spoke regarding parking spaces in New City and requested a study be done.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff was opposed to the Town of Clarkstown accepting Town of Haverstraw's garbage.

ABF471

RESOLUTION NO. (38-1991)

EXPRESSING INTENT TO ACCEPT
DEDICATION OF CERTAIN ROAD
IMPROVEMENTS FOR PALISADES
CENTER

Co. Maloney offered the following resolution:

WHEREAS, Pyramid Company of Rockland is in the process of finalizing permits with the New York State Department of Transportation (NYSDOT) and the Federal Highway Works Agency (FHWA) for certain road improvements shown on a site plan entitled "Palisades Center," and

WHEREAS, the NYSDOT has requested the Town Board to express its intent to accept dedication of certain of those improvements, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended by resolution that the Town accept dedication of certain of those improvements based upon assurances satisfactory to the Town Attorney concerning maintenance costs, liability and the like, and

WHEREAS, the NYSDOT has requested an expression of intent from the Town Board that they will assume jurisdiction of certain of those road improvements;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby express its intent that it will assume jurisdiction by dedication of the following road improvements shown on the site plan entitled "Palisades Center":

- A) Road "A" including the bridge over the New York State Thruway;
- B) Road "B" from the New York State Route 304 west to Palisades Center Ring Road and that portion of the Ring Road between Road "A" and Road "B";
- C) The loop road and bridge over New York State Route 59.

Said dedication to be accepted upon compliance of the conditions set forth in the resolution of the Planning Board of November 28, 1990, which are as follows:

- 1) Applicant shall guarantee for the construction and maintenance of said roads in the form of bonding or letter of credit

Continued on Next Page

RESOLUTION NO. (38-1991) Continued

of sufficient amount to more than adequately cover long term maintenance and future repairs, such amounts to be determined by the Department of Environmental Control and the Town Attorney. Legal documents shall be provided to the satisfaction of the Town Attorney's Office.

2) Applicant shall provide for financial indemnification of the Town, with the applicant providing insurance wherein the Town is named as an additional insured with adequate liability limits, and holding the Town harmless in the event of any claim to the Town. Legal documents to be provided in a form satisfactory to the Town Attorney's Office.

Seconded by Kunis

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. (39-1991)

AUTHORIZING TOWN BOARD TO ACT AS LEAD AGENCY AND ROBERT GENESLAW TO ACT AS AGENT FOR THE TOWN BOARD WITH RESPECT TO SEQRA REVIEW (PROPOSED POLICE AND COURT FACILITY)

Co. Maloney offered the following resolution:

RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review of the proposed Police and Court Facility, to be situated at the Southeast corner formed by the intersection of Maple Avenue and Demarest Avenue, New City, New York.

Seconded by Co. Kunis

Councilman Maloney asked if this work was included as part of the overall contract? Mr. Geneslaw said this would be part of the contract unless something very unusual happens.

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. (40-1991)

AUTHORIZING TOWN ATTORNEY TO DEFEND ACTION (COUNTY OF ROCKLAND V. TKR CABLE COMPANY, ET AL)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (40-1991) Continued

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

COUNTY OF ROCKLAND,

Plaintiff,

-against-

TKR CABLE COMPANY, TOWN OF CLARKSTOWN, VILLAGE OF SPRING VALLEY, VILLAGE OF NYACK, EAST RAMAPO SCHOOL DISTRICT AND CLARKSTOWN SCHOOL DISTRICT,

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. 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. (41-1991)

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ROBERT GENESLAW CO. FOR PLANNING SERVICES (CHARGE TO ACCOUNT NO. B 8020-409)

Co. Smith offered the following resolution)

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Robert Geneslaw Co., to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 1991 to December 31, 1991, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. shall be \$7,615.00 per month, and be it

FURTHER RESOLVED, that the total compensation of Robert Geneslaw Co. shall be \$91,380.00 for the year 1991, which shall be charged to Account No. B-8020-409.

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

ABF471

RESOLUTION NO. (42-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO PLOW
UNDEDICATED STREETS IN TOWN
OF CLARKSTOWN

Co. Maloney offered the following resolution:

WHEREAS, heavy snowfalls and other inclement weather may create hazardous conditions and cause a state of emergency to exist in the Town of Clarkstown and unplowed or impassable roads may pose an increased danger to life and property as a result of fire, sickness, lack of food and medical assistance to persons residing on unplowed or impassable streets;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the authority granted under Executive Law, Section 24(4), the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any natural emergency created by an extraordinary fall of snow or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use personnel and equipment to plow undedicated streets in the Town of Clarkstown during such heavy snowfall or other conditions, if necessary to prevent imminent hazard to life and property.

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. (43-1991)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
BERTRAM J. CROSS FOR
CONSTRUCTION OF MAINTENANCE
AND STORAGE FACILITY AT
GERMONDS PARK, WEST NYACK
(CHARGE TO MONEY-IN-LIEU-OF-
LAND ACCOUNT)

Co. Kunis offered the following resolution:

RESOLVED, the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Bertram J. Cross, Architect P.C., 328 North Little Tor Road, New City, NY, in accordance with a written proposal dated November 20, 1990, for construction of a maintenance and storage facility at Germonds Park, West Nyack, NY, which agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the architectural and engineering fees for these services will be 7.25% of the construction cost of the project, and be it

FURTHER RESOLVED, that the necessary funds be charged to the Money-in-Lieu-of-Land Account.

Seconded by Co. Maloney

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (43-1991) Continued

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

RESOLUTION NO. (44-1991)

GRANTING CERTIFICATES OF
REGISTRATION TO VARIOUS
COMPANIES (91-3, 91-4,
91-5, 91-8, 91-9, 91-13,
91-15, 91-16)

Co. Smith offered the following resolution:

WHEREAS, the following have applied for Certificates of
Registration pursuant to Section 83-65 of the Code of the Town of
Clarkstown:

H & R. PLUMBING & HEATING
& AIR CONDITIONING
53 Massachusetts Ave.
Congers, New York 10920

J & R. D'ONOFRIO PLUMBING
& HEATING INC.
35 West Street
Spring Valley, NY 10977

PHOENIX EXCAVATORS CORP
62 Rose Road
West Nyack, New York 10994

W. HARRIS & SON INC.
37 W. Washington Avenue
Pearl River, New York 10965

APEX EXCAVATING CORP.
175 Burrows Lane
Blauvelt, New York 10913

KEVIN STOKES EXCAVATING, INC.
Box 812
Pearl River, New York 10965

HICKS EXCAVATING CO., INC.
Chester Avenue
Congers, New York 10920

HENRY SMITH INC. & BRUDON
CONSTRUCTION LTD. & DAL
ENTERPRISES INC.
P. O. Box 24
Monsey, New York 10952

RESOLVED, that the following Certificates of
Registration be issued:

- No. 91-3 to H & R PLUMBING & HEATING & AIR CONDITIONING
- No. 91-4 to J & R D'ONOFRIO PLUMBING & HEATING INC.
- No. 91-5 to PHOENIX EXCAVATORS CORP.
- No. 91-8 to W. HARRIS & SON INC.
- No. 91-9 to APEX EXCAVATING CORP.
- No. 91-13 to KEVIN STOKES EXCAVATING INC.
- No. 91-15 to HICKS EXCAVATING CO., INC.
- No. 91-16 to HENRY SMITH INC.

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. (45-1991)

SETTING A PUBLIC HEARING TO
CONSIDER DESIGNATING
HISTORICAL SITE - PASCACK
ROAD AND SULKY LANE, SPRING
VALLEY, NEW YORK (BARN)

Continued on Next Page

ABF471

RESOLUTION NO. (45-1991) Continued

Co. Maloney offered the following resolution:

WHEREAS, it has been proposed that a barn located at Pascack Road and Sulky Lane, Spring Valley, New York, more particularly described on the Tax Map of the Town of Clarkstown as Map 5, Block B, Lot 6.7, be designated as an Historical Site pursuant to Chapter 12-3(C) of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 12th day of February, 1991, at 8:15 P.M., to consider the designation of the aforesaid property as an Historical Site, and be

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

Seconded by Co. Smith

Councilman Kunis asked the owners of the property who were present in the audience if they had been consulted regarding this public hearing? He said he realized the importance of a public hearing but he wanted to know if they had anything to say before the Board votes on a public hearing?

Attorney Jeff Weinberger spoke regarding this designation and said he would be against holding a public hearing for the historical designation of the barn but that he would continue his comments at the Public Hearing on the house later this evening..

On roll call the vote was as follows:

Councilman Kunis said he was voting no because he doesn't feel the owners of the property were consulted and they are entitled and have certain rights. He thinks it could be handled in a better way.

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

RESOLUTION NO. (46-1991)

ACCEPTING DEED FOR ROAD
WIDENING ALONG COLLEGE
AVENUE, NANUET, NEW YORK
(CHARLES REYNOLDS AND
GERTRUDE REYNOLDS)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated November 12, 1990, from CHARLES REYNOLDS and GERTRUDE REYNOLDS to the Town, required by the Board of Appeals in connection with ZBA Appeal No. 2377, gratuitously conveying a road widening strip along College Avenue, Nanuet, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (46-1991) Continued

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

RESOLUTION NO. (47-1991)

AMENDING RESOLUTION NO.
1146-1990 CONCERNING
EMERGENCY MEDICAL/PARAMEDIC
SERVICES TO THE TOWN OF
CLARKSTOWN (BY NYACK
HOSPITAL - CHARGE TO
ACCOUNT NO. A 4540-585)

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 1146-1990 is hereby amended to read as follows:

RESOLVED, that the Town has heretofore allocated in its 1991 Budget the sum of \$878,683.00 for the provision of Emergency Medical/Paramedic Services, and be it

FURTHER RESOLVED, that the sum of \$878,683.00 for the provision of Emergency Medical/Paramedic Services, to the Town of Clarkstown by Nyack Hospital, shall be charged to Account No. A-4540-585, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into a tripartite agreement, in a form approved by the Town Attorney, with Nyack Hospital, in order to provide for Emergency Medical/Paramedic Services for the calendar year 1991, and with Congers-Valley Cottage Volunteer Ambulance Corps, Inc., New City Volunteer Ambulance Corps/Rescue Squad, Inc., Nanuet Community Ambulance Corps, Inc., Nyack Community Ambulance Corps and Spring Hill Community Corps for volunteer ambulance service, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to December 31, 1990.

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. (48-1991)

GRANTING PERMISSION FOR ST.
AUGUSTINE'S PARISH TO
DISPLAY BANNER

Co. Maloney offered the following resolution:

RESOLVED, that permission is hereby granted to St. Augustine's Parish to display a banner across South Main Street in New City. The banner will proclaim the 30th Anniversary of their Parish and may be displayed during several periods of celebration throughout 1991.

Seconded by Co. Smith

Continued on Next Page

ABF471

RESOLUTION NO. (48-1991) 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. (49-1991)

REFERRING AMENDMENT TO THE
ZONING ORDINANCE (SECTION
106-19(A) - CROWS FOOT LOT)
TO THE ROCKLAND COUNTY
COMMISSIONER OF PLANNING
AND SETTING PUBLIC HEARING
RE: SAME)

Co. Maloney offered the following resolution:

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 26th day of February, 1991, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and be it

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

Amend Section 106-19(A). Additional Bulk Regulations, to add Item 3 as follows:

"A.(3) Crows Foot Lot. No portion of a lot, along the access route from its frontage into the lot shall be narrower than the approved frontage."

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. (50-1991)

AUTHORIZING ATTENDANCE AT
SYMPOSIUM ON SECTIONS 207-a
AND 207-c OF GENERAL
MUNICIPAL LAW (RONALD
LONGO, WILLIAM COLLINS, AND
VERNON STEINMANN, JR.)

Co. Smith offered the following resolution:

Continued on Next Page

RESOLUTION NO. (50-1991) Continued

WHEREAS, the New York Public Employer Labor Relations Association is sponsoring a Symposium on §207-a and §207-c of the General Municipal Law, to be held on January 25, 1991, in New Rochelle, New York, at a fee of \$25.00 per person;

NOW, THEREFORE, be it

RESOLVED, that Ronald A. Longo, Deputy Town Attorney, William Collins, Chief of Police and Captain Vernon Steinmann, Jr., are hereby authorized to attend said Symposium, at a fee of \$25.00 per person, for a total sum of \$75.00.

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. (51-1991)

AUTHORIZING ATTENDANCE AT
TRAINING SESSION FOR
EFFECTIVE PARENTING
INFORMATION FOR CHILDREN
WORKSHOP (EMILY FEINER)

Co. Smith offered the following resolution:

RESOLVED, Emily Feiner, CSW, Director of the Clarkstown Counseling Center attend training on Saturday, February 9th, 1991 for the Effective Parenting Information for Children Workshop.

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. (52-1991)

AUTHORIZING ATTENDANCE AT
PESTICIDE PREPARATION
COURSE (RICHARD TIGUE) -
CHARGE TO APPROPRIATION
ACCOUNT NO. A 7140-414

Co. Smith offered the following resolution:

RESOLVED, that Richard Tigue, Asst. Maintenance Supervisor (Grounds), is hereby authorized to attend the Pesticide Preparation Course to be held at Rockland Community College, Suffern, New York from January 29, 1991 through February 28, 1991.

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account # A-7140-414.

Seconded by Co. Kunis

On roll call the vote was as follows:

Continued on Next Page

ABF471

RESOLUTION NO. (52-1991) Continued

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

RESOLUTION NO. (53-1991)

AUTHORIZING ATTENDANCE AT
NEW YORK STATE BUY RECYCLED
PRODUCTS CONFERENCE
(LAURENCE KOHLER) - CHARGE
TO ACCOUNT A 1010-414

Co. Smith offered the following resolution:

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend the New York State Buy Recycled Products Conference in New York City on Tuesday, January 29, 1991, and be it

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

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. (54-1991)

AUTHORIZING THE DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BID FOR BID #12-1991 -
MECHANICS COVERALL RENTAL
SERVICE

Co. Kunis offered the following resolution:

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

BID #12-1991
MECHANICS COVERALL RENTAL SERVICE

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, February 22, 1991 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. Maloney

On roll call the vote was as follows:

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

■ This

Page
Destroyed by

■ Printer.

Minutes follow

concurrently

■

RESOLUTION NO. (55-1991)

AUTHORIZING THE DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #13-1991 -
FIRST AID SUPPLIES

Co. Kunis offered the following resolution:

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

BID #13-1991
FIRST AID SUPPLIES

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 (A.M.) on: Tuesday,
February 19, 1991 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. 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. (56-1991)

AUTHORIZING THE DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #14-1991 -
BITUMINOUS CONCRETE

Co. Kunis offered the following resolution:

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

BID #14-1991
BITUMINOUS CONCRETE

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,
February 13, 1991 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. Maloney

On roll call the vote was as follows:

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

ABF471

RESOLUTION NO. (57-1991)

AUTHORIZING THE DIRECTOR OF
PURCHASING TO ADVERTISE FOR
BIDS FOR BID #15-1991 -
CRUSHED STONE

Co. Kunis offered the following resolution:

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

BID #15-1991
CRUSHED STONE

bids to be returnable to the Office of the Director of Purchasing,
10 Maple Avenue, New City, New York by 11:00 (A.M.) on: Thursday,
February 14, 1991 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. 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. (58-1991)

AWARDING BID FOR BID
#11-1991 - HIGHWAY SIGNING
AND ROAD MAINTENANCE
SUPPLIES (VARIOUS BIDDERS)

Co. Kunis offered the following resolution:

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

BID #11-1991
HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to:

CAPITOL HIGHWAY MATERIALS INC
ROUTE 6
BALDWIN PLACE, NY 10505
PRINCIPALS: MARK ABRAMS
CHRIS GRATZ
SIDDARTH BADDICHARJI
VICTOR PAIS
NAZ KAROGLANIAM

CHEMUNG SUPPLY CORP
PO BOX 527
ELMIRA, NY 14902
PRINCIPALS: SUZANN SUNA
MYRA S. STEMERMAN
HERMAN WARSHAW

HIGHWAY TRAFFIC SUPPLY
28 W WASHINGTON AVE.
PEARL RIVER, NY 10965
PRINCIPALS: THOMAS W. NARDINI
MARYANNE NARDINI

EXPANDED SUPPLY PRODUCTS
RD #1 BOX 93
ROUTE 9
COLD SPRING, NY 10516
PRINCIPALS: BRUCE KEHR
DONNA KEHR

GARDEN STATE HIGHWAY
2 FOWSER ROAD
MILLVILLE, NJ 08332
PRINCIPALS: SHARON L. GREEN
ROBERT A. GREEN

3M COMPANY
TRAFFIC CONTROL MATERIALS
3M CENTER
BUILDING 223-3N
ST. PAUL MN 55144
PRINCIPAL: PUBLIC CORPORATION

RESOLUTION NO. (58-1991) Continued

AMERICAN TRAFFIC & STREET SIGN CO.
15 STANDISH AVE.
WEST ORANGE, NJ 07052
PRINCIPALS: DAVID BRODIE
LEN SAVSEN

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. (59-1991)

AWARDING BID FOR BID #8 -
1991 - ATHLETIC AND
RECREATION SUPPLIES
(VARIOUS BIDDERS)

Co. Kunis offered the following resolution:

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

ANACONDA-KAYE SPORTS
1221 Ulster Avenue
Kingston, NY 12401

ARC
Rt. 121
No. Salem, NY 10560

CHAMPION PRODUCTS INC.
3141 Monroe Avenue
Rochester, NY 14618

FLAGHOUSE
150 N. Mac Questen Parkway
Mt. Vernon, NY 10550

KENMAR
1578 White Plains Road
Bronx, NY 10462

MILLMANS T'SHIRT FACTORY
778 Main Street
Poughkeepsie, NY 12603

MORLEY ATHLETIC SUPPLY CO., INC.
P. O. Box 557
Amsterdam, New York 12010

PASSON'S SPORTS
1017 Arch Street
Philadelphia, PA 19107

SPORTSMASTER
P. O. Box 5000
Pittsburg, PA 15206

SPORTIME
One Sportime Way
Atlanta, GA 30340

WOLVERINE SPORTS
745 State Circle
Box 1941
Ann Arbor, Mich. 48106

WORLD WIDE GAMES
Att: Carol Meyers,
Bid Dept.
Colchester, Ct. 06415

BE IT FURTHER RESOLVED, that this amount \$34,995.75 be charged against accounts:

7140-307.....\$ 173.76
7141-222..... 4,236.82
7141-329..... 1,927.46
7180-307..... 1,225.68
7180-329..... 141.78
7210-307..... 138.24
7310-222..... 500.00
7310-307..... 16,000.00
7310-329..... 9,482.88
7610-329..... 37.44
7620-307..... 450.00
7620-329..... 681.69

Continued on Next Page

ABF471

RESOLUTION NO. (59-1991) Continued

(Item numbers and prices on file in Town Clerk's Office)

GROSS TOTALF OR ALL ITEMS: \$34,995.75

and be it

FURTHER RESOLVED, that award pending on item #64 & 85.
No bid awarded to items #34, 60, 88, 89.

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. (60-1991)

AWARDING BID FOR BID
#84-1990 - TRAFFIC SIGNAL
INSTALLATION: CHURCH
STREET/COLLEGE AVENUE/
BLAUVELT ROAD, NANUET
(WARDE ELECTRIC CONTRACTING
INC.)

Co. Kunis offered the following resolution:

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

BID #84-1990
TRAFFICE SIGNAL INSTALLATION: CHURCH STREET/COLLEGE AVE/
BLAUVELT RD, NANUET

is hereby awarded to

WARDE ELECTRIC CONTRACTING INC
100 WELLS AVE.
CONGERS NY 10920
PRINCIPALS: THOMAS DAMIANI
ERIC APPLEBAUM

as per their low bid proposal of \$53,510.00, and be it

FURTHER RESOLVED, that said award is subject to the
receipt of a) Performance Bond and b) Certificate of Liability and
Workers Compensation Insurance coverage as detailed in bid
specifications.

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. (61-1991)

CLARKSTOWN SCHOOL DISTRICT
TO PAY TO TOWN OF

Continued on Next Page

RESOLUTION NO. (61-1991) Continued

CLARKSTOWN FEES DUE FOR
PERIOD AUGUST AND NOVEMBER,
1990

Co. Smith offered the following resolution:

RESOLVED, that the Clarkstown School District shall pay the Town of Clarkstown the sum of \$6,022.00 for its use of the Clarkstown Sanitary Landfill for the period August and November 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. (62-1991)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL "NO
PARKING HERE TO CORNER"
SIGN SOUTH SIDE LAKE ROAD,
CONGERS, 20 FEET WEST OF
INTERSECTION WITH SOUTH
ROCKLAND AVENUE ON LAKE
ROAD IN CONGERS

Supervisor Holbrook offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to install:

A "No Parking Here to Corner" sign on the south side of Lake Road in Congers, 20 feet west of the intersection with South Rockland Avenue, 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. (63-1991)

EXTENDING TEMPORARY
APPOINTMENT OF
ADMINISTRATIVE DIRECTOR -
BUILDING DEPARTMENT (EDWARD
J. GHIAZZA)

Co. Kunis offered the following resolution:

RESOLVED, that the temporary appointment of Edward J. Ghiazza, 7 Debra Lee Court, West Nyack, New York - Administrative Director, Building Department - is hereby extended - effective and retroactive to January 1, 1991 thru January 7, 1991.

Seconded by Co. Maloney

Continued on Next Page

RESOLUTION NO. (63-1991) 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. (64-1991)

ACCEPTING RECOMMENDATION
FROM CLARKSTOWN PARKS BOARD
AND RECREATION COMMISSION
FOR PART-TIME SALARIES FOR
1991

Co. Kunis offered the following resolution:

RESOLVED, based upon the recomndation of the
Clarkstown Parks Board and Recreation Commission and the Supt. of
Recreation and Parks that the following 1991 part-time salaries be
established:

<u>PART-TIME</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Recreation Aide.....	\$4.25/hr.	\$ 4.25/hr.
Recreation Assistant	4.50/hr.	12.00/hr
Recreation Leader	7.00/hr.	15.00/hr
Recreation Specialist	7.00/session	35.00/session
Refreshment Stand Attendant I.....	4.25/hr.	7.00/hr.
Refreshment Stand Attendant II.....	6.00/hr.	10.00/hr.
Lifeguard	7.00/hr.	9.50/hr
Head Lifeguard	8.50/hr.	10.50/hr
Water Safety Instructor	8.50/hr.	10.00/hr.
Head Water Safety Instructor	9.00/hr.	10.75/hr.
Laborer-Student	6.00/hr.	9.00/hr
Groundworker (L)	8.00/hr.	11.00/hr.
Custodial Worker (Seasonal) (L).....	5.00/hr.	11.00/hr.
*Senior Citizen's Leader (P/T)	\$9,082./year	\$13,650./year
*Swim Area Supervisor (Seasonal)	9,082./season	13,650./season
*Senior Recreation Leader (Seasonal)	4,552./season	7,155./season
*Refreshment Stand Manager (Seasonal)	4,552./season	7,155./season
*Senior Recreation Activity Specialist (Seasonal)	3,255./season	5,855./season

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. (65-1991)

ACCEPTING RESIGNATION OF
POLICE RADIO DISPATCHER -
POLICE DEPARTMENT (RENEE A.
NELSON)

Co. Kunis offered the following resolution:

RESOLVED, that the resignation of Renee A. Nelson, 769
Birchwood Court, Valley Cottage, New York - Police Radio Dispatcher
- is hereby accepted - effective and retroactive to January 1, 1991.

Continued on Next Page

RESOLUTION NO. (65-1991) Continued

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. (66-1991)

GRANTING SICK LEAVE OF
ABSENCE TO SENIOR CLERK
STENOGRAPHER - POLICE
DEPARTMENT (JOAN GIBBS)

Co. Kunis 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., Joan Gibbs, 170 Country
Club Lane, Pomona, New York - Senior Clerk Stenographer - Police
Department - is hereby granted a Sick Leave of Absence - at one-half
pay - effective February 5, 1991 thru March 5, 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. (67-1991)

APPOINTMENT OF FRANCES KORN
TO (PROVISIONAL) SENIOR
ACCOUNT CLERK TYPIST -
COMPTROLLER'S OFFICE

Co. Kunis offered the following resolution:

RESOLVED, that Frances Korn, 5 Mary Ann Lane, New City,
New York, is hereby appointed to the position of (provisional)
Senior Account Clerk Typist - Comptroller's Office - at the current
1991 annual salary of \$29,136.00 effective and retroactive to
January 21, 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. (68-1991)

ACCEPTING RESIGNATION OF
CHAIRMAN - LITTER CONTROL
BUREAU (AUDREY PALEY)

Continued on Next Page

ABF471

RESOLUTION NO. (68-1991) Continued

Co. Kunis offered the following resolution:

RESOLVED, that the resignation of Audrey Paley, 5 Avon Lane, New City, New York - Chairman - Litter Control Bureau - is hereby accepted - effective and retroactive to January 18, 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. (69-1991) (FAILED)

MEMORIALIZING INDUSTRIAL
DEVELOPMENT AGENCY RE: TAX
EXEMPT IDA FUNDING

Co. Maloney offered the following resolution:

WHEREAS, it has come to the attention of the Town Board of the Town of Clarkstown that the Industrial Development Agency of th County of Rockland has issued inducement for bond financing for projects within the Town of Clarkstown, and

WHEREAS, the bond financing in some cases is tax exempt and in other cases taxable bonds, and

WHEREAS, certain tax free benefits can accrue to a commercial entity which might adversely effect the tax base of the Town of Clarkstown, and

WHEREAS, there is a procedure which has been utilized by said Industrial Development Agency in such cases to implement a PILOT (Payment in Lieu of Taxes) program to insure that real estate taxes due to the municipality are not lost, and

WHEREAS, certain other taxes such as mortgage taxes and sales taxes on construction material where construction is involved might be lost unless said payment are negotiated into a PILOT program, and

WHEREAS, it is the desire of the Town Board of the Town of Clarkstown that no taxes due this municipality be lost as a result of an Industrial Development Agency inducement and subsequent bonding, and

NOW, THEREFORE, be it,

RESOLVED, that the town Board of the Town of Clarkstown goes on record and memorializes to the Industrial Development Agency its desire that all Industrial Development Agency inducements for subsequent bonding whether taxable and/or tax exempt be accompanied by a binding PILOT agreement embodying the applicant's agreement to reimburse by said PILOT agreement all taxes whether real estate, sales or mortgage that would otherwise enure to the benefit of the municipality.

Seconded by Co. Smith

(NO VOTE TAKEN - TABLING MOTION OFFERED)

In answer to a question from Councilman Kunis, Councilman Maloney said he felt the main thing is that we certainly would want to know what companies they are granting inducements to. Sometimes we are sort of in a bind and you have to read about it in the paper and he thinks this would sort of cover the fact that the Town would know exactly what's happening and that we would not be left holding the bag.

Councilman Mandia said that resolution, if he understands it, and he did not even know it was coming here tonight, sounds to him like it says that we are telling the IDA that it is the opinion of the Town Board that they shouldn't even consider applications or those taxes are going to be lost and we are telling the IDA that we want to be told when something like that is being considered in our Town. Is that in essence what it says? Councilman Maloney said that in essence that is what it is all about. That is the bottom line. Councilman Mandia said then he had no problem with that. Councilman Maloney said we want to know what is going on and we don't want to lose any taxes.

Mr. Martin Bernstein said this was not even on the agenda and the Supervisor asked him if he would like to speak on this? Mr. Bernstein said he thinks it implies that you are combining all forms of IDA financing - industrial and commercial, is that right? Councilman Maloney replied in the affirmative. Mr. Bernstein said it sort of implies that you are recommending discouraging IDA financing for industrial development. Councilman Maloney said not exactly, that is not the intent. He said the intent is to make sure that we know exactly what is going on in terms of what inducements they are giving and to whom and what kind of abatement they hope to give. We also want to make sure that we get every penny that we are going to get and not find out later on that we have lost \$10,000.00 or \$40,000.00 or whatever. He said he thinks it sort of puts them on notice that we want to make sure that we don't lose any taxes that we're entitled to and also we'd like to be informed as to who they are inducing and why.

Mr. Bernstein said you have an industrial development that you expect would bring in jobs which is the purpose of IDA, not really for the commercial development but for the industrial development. Now, would you recommend that they pay all the taxes on that kind of a development, that kind of an IDA? Councilman Maloney said he would certainly be concerned about that, yes. Mr. Bernstein said he thought the whole purpose of IDA was to try to provide incentives through certain tax abatements for industrial developments so that you could create jobs and have ratables come in and that you would waive certain kinds of taxes. He said he thought that was the whole idea of it. Now, we've sort of gotten away from it because all of a sudden we have a commercial development which does not provide all of these opportunities so you are sort of lumping all of them together and he thinks that is a mistake.

Councilman Mandia said Mr. Bernstein's input is very valuable. He is a member of the Industrial Development Board for the Town. He said he does not necessarily feel that it is all that encompassing. It really is just a memorializing resolution to especially tell the IDA and the County government to not let these things go on in negotiation without anyone knowing about it. That is our primary concern.

Councilman Mandia said certainly we don't want to lose the taxes. We have a tax abatement program here in the Town. He said the general purpose of that is to give the Town Board a chance to consider whether it is in the best interest of the Town to allow that kind of funding to take place and what the tax ramifications are. He said maybe since it came up as a surprise, he has no problem in general with the resolution personally, although it was a surprise. Maybe some more input from the Industrial Development Board would be helpful. He said he would make a motion to table it and put it on the agenda of the next Town Board Meeting.

Continued on Next Page

ABF 471

RESOLUTION NO. (70-1991)

TABLING OF RESOLUTION NO.
(69-1991) - RE: TAX EXEMPT
IDA FUNDING

Co. Mandia offered the following resolution:

RESOLVED, that Resolution No. (69-1991) re: I.D.A.
Financing is hereby tabled.

Seconded by Co. Kunis

On roll call the vote was as follows:

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

Supervisor commented that if the resolution had come up he would have voted against it for the reason that he thinks the key issue is inducement and the distinction that was made by Mr. Bernstein between commercial and industrial is apropos here.

Councilwoman Smith said she would like to ask that at the Workshop they have a listing of those companies that have received funding and we will see that they are not all in the manner in which you think they are and it is far from new companies being here. Over 70% of them who get funding are companies who are already here and she is not even suggesting that they leave. She said also in neighboring villages we find that IDA funding has been given for projects where they also receive money through PILOT programs. She said we, at least, if we know who the applicants are, how much money is involved, and what the potential loss would be, have an opportunity to discuss it before we read it in the paper and find out who is coming into our Town. She said she is not saying that we wouldn't negotiate and perhaps lessen the amount of tax dollars we might have gotten because it was worth the company coming into the Town. Right now, the Town Board is totally blind to whatever is going on in our Town because that agency does not share anything with the Town Board. She said that is incorrect and she thinks the Town Board should always have a say. It is their decision whether they choose to fund an applicant or they do not but it is our right to know who they are thinking about.

Councilman Kunis said he agrees with Councilwoman Smith. Of course, everyone wants to know what is happening and how it is happening and that is the major reason that he voted to table this resolution tonight because it was just handed to him two seconds ago. We met in Executive Session two hours ago and no one discussed this. No one showed it to us so it is a two way street. He said he thinks we did the right thing by tabling it.

Councilwoman Smith said she believes it was sent over by the attorney for tonight's program but she did not know what happened to it in the interim.

Supervisor said in any event it will be on the Workshop for the 4th.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Designation of Historical Site - Map 5, Block B, Lot 6.14 (131 South Pascack Road, Spring Valley) was opened, time: 9:17 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Designation of Historical Site - Map 5, Block B, Lot 6.14 (131 South Pascack

Continued on Next Page

Road, Spring Valley) was closed, ADJOURNED TO FEBRUARY 12TH, time:
9:45 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Chapter 31 Violation - Map 127, Block L, Lot 27 (Roclan Developers, Inc.) was opened, time: 9:45 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Chapter 31 Violation - Map 127, Block L, Lot 27 (Roclan Developers, Inc.) was opened, time: 9:55 P.M.

RESOLUTION NO. (71-1991)

CHAPTER 31 PROCEEDING MAP
127, BLOCK L, LOT 27
(ROCLAN DEVELOPERS)

Co. Maloney offered the following resolution:

WHEREAS, by Resolution No. 1137 dated December 31, 1990, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 31 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as MAP 127, BLOCK L, LOT 27, to remove or recitify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 22nd day of January, 1991 after notice and opportunity to be heard at said hearing was provided to the owner(s) 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 Chapter 31 of the Code of the Town of Clarkstown dated January 2, 1991 have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such condition continues to be uncorrected on or after the 20th day of February, 1991, and be it

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

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

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

ABF 471

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Joseph Freireich was opened, time: 9:55 P.M.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Joseph Freireich was closed, ORDER SIGNED, time: 9:57 P.M.

Supervisor Holbrook noted that a former resident of the Town of Clarkstown had been killed in the theater of operations in Saudi Arabia just prior to the initiation of hostilities in the area. After thinking about the proper way to recognize her service we thought it would be appropriate that we adjourn this meeting in memory of Staff Sgt. Tatiana Khaghani Dees, former Valley Cottage resident who died during Operation Desert Shield, as it was known at that time - now Operation Desert Storm - in the Persian Gulf in the country of Saudi Arabia. He called for a moment of silence.

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: 9:59 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

233

Town Hall

1/22/91

9:17 P.M.

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

Re: Designation of Historical Site - Map 5, Block B, Lot 6.14
131 South Pascack Road, Spring Valley (Hopper House)

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

Supervisor said this proposed designation was brought to his attention as the result of a demolition permit that was requested by the owner through the Clarkstown Building Department. He stated that Mr. Beary contacted him and he then got in touch with Mr. Scott of the Rockland County Historical Society who then went to the place and actually went through it. He asked Mr. Scott if he would comment about the structure itself? He noted that this is about the house. The barn is on another piece of property.

Appearance: Mr. John Scott, Sr. Historian
Historical Society of Rockland County
and Member of the Committee to Preserve
Historic Sites in the County

Mr. Scott asked the Board if Mr. Weinberger would like to combine this with the barn hearing?. Is that possible? Supervisor said the barn hearing would have to be a separate one as it is on a different parcel of land.

Mr. Scott said they have examined the house. He read from a letter he had sent to the Board regarding the house (which letter is on file in the Town Clerk's office.) He noted that this house is one of the most sturdy buildings constructed partly during the pre-civil war era that still exists in this county. The house was owned by the Hopper family who were prominent in much of Rockland and North Bergen history and culminated in the world renowned artist, Edward Hopper of Nyack.

Mr. Scott went on to describe how this house could be made into a fine country homestead for a purchaser at a reasonable price. He noted that this type of house is a rich part of our county history and should be preserved. Tourists come to see such houses, not condominiums.

Mr. Scott then read a portion of the architectural survey by Ms. Claire Tholl. He noted that Mr. Fred Faist, present here tonight, is the son of the man who owned the house in the 1920's. He emphasized that the house and barn were a working farm at that time.

Mr. Scott referred to a painting made by Robert Burkhardt, an eminent artist who paints historical sites in Rockland County. Mr. Faist then brought the painting up and showed it to the audience, giving his family history and noting that he and his seven siblings had been raised in this house. He felt the owner should have the right to do what he wants with the property but selfishly perhaps he hoped that the house would remain as a tribute to his father. He said every chance he gets he goes by the house and recently was on the property for the first time in 50 years. He noted that his father had the plumbing, electricity, etc. installed. He said if he had the money he would buy the house and barn himself.

Continued on Next Page

ABF 471

Mr. Scott said this house is an architectural treasure and he thinks the developers possibly could be prevailed upon to think in those terms, save it and keep it as a frontispiece with the barn and have their development in back. He said it would be a nice entry to the development and he hoped they would consider that and the Board would consider this historical designation.

Appearance: Ms. Eleanor Fitch, Member
Historical Review Board
New City, New York

Ms. Fitch said it is certainly an historic site and she was glad this research has been done. She said the Review Board always wants to save a piece of our history and this is a piece of our history.

Supervisor asked if there were any members of the public who would like to comment.

Appearance: Jeff Weinberger, Esq.
New City, New York

Mr. Weinberger stated that his firm represents Rosalind and Sidney Schulson, principals of the corporation that own this structure as well as 42 unimproved but subdivided residential building lots. He noted that they own the barn as well as the home located at 131 South Pascack Road, Spring Valley.

Mr. Weinberger said that in all instances Mr. Schulson has not been kept advised as to this report. He has not seen this report and therefore it is difficult for him (Mr. Weinberger) to comment on its contents. Furthermore, at no time has Mr. Schulson given permission for anyone, including members of the Historical Society, to enter upon the property and conduct whatever surveys they may have done. Nor was he given the benefit of conferring with them at the location in order to review and determine the possibility of saving the structure. He said not every old house in Rockland County is worth saving. Mr. Schulson is very familiar with the condition of this home. When he purchased the property it was being used as a boarding house and continued in that use until recently when he removed the last of the tenants and boarded the property up. The property currently has a building violation notice posted on it stating that it is uninhabitable for human habitation. Furthermore, he is constantly being contacted by the Town's Fire Inspector that the property is not secured.

Many times, Mr. Schulson has sent workmen out there to board up the various doors and windows and openings through which vandals, teenagers and the like are intent upon gaining entrance and indeed rip down plywood covering when they cover the openings. He said Mr. Schulson is a local businessman engaged primarily in real estate contracting. Mr. Weinberger noted that Mr. Schulson had advised him of the cost involved in rehabilitating or modernizing this home which is in excess of \$150,000.00. He said he has absolutely no intention of investing these kinds of funds in this old house which, in his opinion, as a developer of several major subdivisions, has no market value or appeal whatsoever. He said Mr. Schulson has had this property up for sale for the past two years and has not received a single offer for its purchase.

Mr. Weinberger said he thinks the Board can sense from his approach that Mr. Schulson's opinion is that he is opposed to this application to designate this home as an historic landmark because although under that designation any attempts to approve or remove or modify the exterior of the home is subject to review, he has actually no intention of doing anything to this home. He has a major capital investment in the 42 lot subdivision behind this home and it is his opinion that the preservation of this home or the home will not give him any financial return and that in fact the preservation of this barn and this home, two dilapidated structures, will detract from the value of the homes he intends to build.

Continued on Next Page

He stated that his clients oppose the designation of this location as an historic site as they feel it has no historical significance whatsoever. They feel the economic conditions associated with restoring that property outweigh any usefulness to both the Shulsons and the Town. He said he assumed his clients would also oppose setting a date for a public hearing.

Councilwoman Smith said they had read the prior material and she did not remember any objection to the house. She thought they were in agreement with the house. Supervisor said we are trying to look to the movement of the barn. Councilwoman Smith said but Mr. Weinberger is saying something different. Mr. Weinberger said the barn is presently being used to house construction materials and supplies which will be used during the term of the construction of the 42 lot subdivision which is more commonly known as Surrey Court. Upon completion of that construction the Shulsons intend to have the barn somehow removed whether it be in concert with the Town or privately. At that time the usefulness of the barn, as far as they are concerned as an enclosed and secure storage facility will be at an end. During the period of time when they construct the 42 homes to be located in the Town of Clarkstown and in a portion of Ramapo they fully intend to continue using it as a storage area.

Councilwoman Smith said she found it puzzling that there was not an attempt made to contact the owner at least to go hand in hand to see it. She said she could not understand how anybody would enter in and walk through somebody else's property without the courtesy of at least telling the owner. She asked Ms. Fitch if that was the usual way of looking at sites? Ms. Fitch said not the Historical Review Board. Councilwoman Smith asked if anyone had contacted Mr. Schulson and asked to look at the house. Supervisor stated that he had spoken with Mr. Schulson on the phone - not about going on the property - but he did have a conversation with him regarding not only the house but also the barn but this came about as the result of a request for a building permit that was received by the Town's Building Department which was brought to his attention. At that point he spoke with Mr. Beary and asked him to go together with Mr. Scott to evaluate the house to try to avoid what happened last spring when the Hi Tor Vineyard property - the house there - was burned down simply by someone coming in and getting a fire permit. He said that he believed that Mr. Beary did accompany them when they evaluated the house as part of Town business.

Mr. Scott said he did inspect the property. He said they would not have entered the house except that it was wide open. It is not boarded up securely as has been stated here. While the windows are secure and have boards over them, the back door was, and has been, wide open for an indeterminate time and certainly vandalism has occurred and that is the reason we entered the premises and inspected the barn at the same time. He stated that he did have a conversation with Mr. Schulson about the inspection. Councilwoman Smith asked prior to or after? Mr. Scott said after and Mr. Schulson voiced no objection whatsoever. He said he was very cordial. Mr. Scott said he told Mr. Schulson what had transpired and that he had been most amicable about the whole thing. He said he was not saying that Mr. Schulson agreed with him but he understood what we were saying and he explained to me what they intended to do and that was put up some 42 houses. Mr. Scott said if they saved this house it would mean that they would put up 2 less houses, and that's what it amounts to.

Mr. Scott said in many instances such buildings have been used as frontispieces or entrees to estates. This is the procedure now. Instead of knocking something down of historic value just because it is in your way, you utilize it. It is being done. Councilwoman Smith said she knew that had been done with a house over on Strawtown Road. She said she would not expect the Town to

Continued on Next Page

ABF 471

operate in any manner that could be considered less than correct. She said to Mr. Scott that she thinks if one of the Town officials had the time to either contact him then he could have accompanied him on this inspection and she would have expected them at least to contact the owner also to be given permission to go through it. Since there seems to have been very minimum dialouge on this she would like to suggest that Mr. Scott now speak with the applicant and his attorney and see if there is anything that you can come together on. She said she did not know if there was any value in one piece without the other and she said they are entitled to hear this.

Mr. Scott said he would be glad to do whatever anyone suggests. He said we have all made our point. Councilwoman Smith said at this point now because there has been such minimal conervation that there are disparate feelings here and that should not be over something historical like this. We should come together on this. She said we did do what you are suggesting right off Strawtown and Brewery and it worked out very nicely.

Mr. Scott said it is working out very nicely all over the country. However, we are losing some of our old houses. There are 3 Dutch sandstone houses right now in Orangetown threatened with demolition. These were built before the Revolution. It is an outrage to allow these to be destroyed and what are we doing? We are playing games of some kind.

Councilman Maloney said we do live in a throw away society unfortunately, where everything is plastic and we seem to have lost all perspective on the things that made this country great. He said he certainly would hope that there can be some dialogue between the owners and the members of the Historical Review Board. He said he certainly would like to see a piece of history remain in the Town of Clarkstown. He said he agreed with Mr. Scott that some of these houses that mean so much and recall so much of a personal history and also so much of what this country meant. That house embodies the sweat of the people who worked on it and the architech who helped build it and the people who went out and cut down the trees, etc. You just can't find anything like that today in a throw away society. He said he was hoping that there would be dialogue and that Mr. Schulson might see someway clear to at least think about it and talk to the group and maybe find out that maybe it is worth \$150,000.00 to keep a piece of American History.

Supervisor Holbrook said we have another public hearing that has been scheduled for February 12th on the barn. The original interest in the property occurred as a result of the barn. There is an extensive report on the barn in regard to its historic significance. He said he did speak to Mr. Schulson about the preservation of that barn and the possibility of it being numbered and dismantled and reassembled, it nothing else. He has been consulted on this and maybe between now and the next public hearing we can speak with Mr. Schulson. He said he did think it was important to save these structures. He said he did not know if the Board was prepared to make a decision tonight but if not he would suggest reserving decision.

Councilwoman Smith said she would like Mr. Schulson to see this report and the report on the barn should also be given to Mr. Schulson.

Mr. Weinberger said he would suggest that perhaps the Board would hold this public hearing over to give us an opportunity to examine this report. He stated that one of the terms he did not hear was historic significance which is really the term used in town ordinances by which it designates these structures as historical sites. Therefore, we would request the opportunity to present our own report to determine whether or not this is of historic significance. He said perhaps they are using these buildings as frontispieces in other areas of the country for new developments.

It is not the Historical Society that is going to be funding the renovation and it is not the Historical Society or the Town who is putting its money at risk when it undertakes this type of concept. This type of concept must be carefully studied by not only the project engineers but their designers to determine whether it is a workable concept. It may not be workable in this instance but it may. We request this public hearing stay open so that we may have the opportunity to present our side of the story.

Supervisor said we could hold this open and combine both hearings on February 12th and we could possibly make a decision at that point. He said he would be willing, along with Mr. Scott and others from the Town Board, to discuss how these two edifices, the barn and the house, could possibly be saved and maybe worked into the subdivision. He said Mr. Geneslaw, our Planning Consultant, could also take a look at that subdivision vis a vis the homes. He said the barn really is a part of the site itself. There isn't a road that goes through it like the Gerlach House on Germonds Road where you have the stone barn on one side and the old house on the other.

Appearance: Ms. Eleanor Bagiano

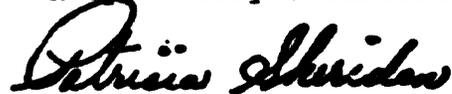
She said she knows this house. She said we certainly should give this a little more time and allow the Historical Society and the public itself to know more about this and see if we can't save this. Let's make the most of the time we have to try to save it.

Appearance: Ms. Eleanor Fitch
Historical Review Board

Ms. Fitch stated that the Historical Review Board really hasn't entered in on this. She said they did observe the property but did not go ahead and do a report. The Historical Society is a different entity. The Historical Review Board was born of the Town of Clarkstown. She said we have been made to appear as if we did not know our job. However, she said she could cite 30 or 40 houses in the County, not all red sandstones, that were farmhouses and where the owners felt a certain pride and wanted the house to be cited. If it is a house that needs improvement inside we have given all sorts of leeway there and asked them to try to maintain the appearance of the outside as much as possible. She said she wanted everyone here to know that the Historical Review Board of the Town of Clarkstown has cited many places. We have come to a place where we have got to decide what authority we have for this sort of thing. She said the authority is a PR thing. She said the owners feel that they have something and they can do something with it. We have been very successful and she could cite the houses that are protected under Town Law No. 9 of the Town of Clarkstown.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared adjourned until February 12, 1991 to be continued in conjunction with the hearing relating to the barn, time: 9:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

ABF471

TOWN OF CLARKSTOWN
PUBLIC HEARING

239

Town Hall

1/22/91

9:45 P.M.

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

Re: Chapter 31 Violation - Map 127, Block L, Lot 27 (ROCLAN DEVELOPERS, INC.), Congers, New York

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared open. Town Clerk read a notice calling public hearing. Town Attorney stated there was proof of mailing and receipt by the owner.

Supervisor called upon Fire Inspector Mark Papenmeyer to give a report on this structure.

Mr. Papenmeyer stated that he is the Fire Inspector of the Town of Clarkstown. He showed photographs to the Town Board which depicted the state of the property in question. He said there is a long history on this property which goes back to April of 1988 when the site was visited on an original complaint. At that time violations were issued and immediate action was taken to close up all the open wellholes that were on the property. They then requested the Town Board to institute Chapter 31 proceedings and in September of 1989 the Town Board passed Resolution No. (866-1989) to demolish the premises. He said they did seek bids to have that work done. However, they were told to put it on hold until the appeals process was finalized.

Mr. Papenmeyer said on December 5, 1990 he was directed by the Town Attorney's office to make a reinspection of the property and report the condition which has been made a part of the record tonight. On January 2, 1991, as directed by the Town Attorney's office, a new violation was issued to the owners. As of last Thursday, this building remains in the condition pretty much as what you see in the photographs.

Supervisor asked the Fire Inspector if this was a safe structure? Mr. Papenmeyer said this is a time bomb and should have been removed back in 1988 when we originally requested it. It has further deteriorated to date and should be removed as soon as possible.

Supervisor asked if there was anyone from the public wishing to ask a question or make a comment?

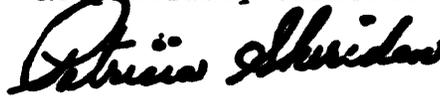
Appearance: Ms. Louise Mehl
43 North Harrison Avenue
Congers, New York

Ms. Mehl said she was a neighboring property owner. She echoed the comments of the Fire Inspector and said the house obviously is not secured.

Supervisor asked the Fire Inspector how fast he could get a proposal? The Fire Inspector said tomorrow. Town Attorney said probably the 20th of February it could be taken down.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (71-1991) ADOPTED)

ABF471

TOWN OF CLARKSTOWN
PUBLIC HEARING

241

Town Hall

1/22/91

9:55 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 Joseph Freireich

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

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

No one appeared.

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

No one appeared.

On motion of Councilman Kunis, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, ORDER SIGNED, time: 9:57 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

ABF471