

TOWN BOARD MEETING
SPECIAL TOWN BOARD MEETING

307

Town Hall

3/4/91

9:05 P.M.

Present: Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Philip B. Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Supervisor called the meeting to order. Assemblage saluted the Flag. Town Clerk read notice of meeting.

RESOLUTION NO. (150-1991)

CONCERNING SOLID WASTE USER
FEE IN THE TOWN OF
CLARKSTOWN REFUSE AND
GARBAGE DISTRICT

Co. Smith offered the following resolution:

WHEREAS, the Town of Clarkstown Refuse and Garbage District has undertaken the collection and disposal of household garbage and refuse originating from all parcels improved by residential buildings, containing three dwelling units or less, situate in the unincorporated area of the Town of Clarkstown, and

WHEREAS, such garbage and refuse collection and disposal service is in addition to the collection and disposal of bulk items and recyclables which was previously done by the said district, and

WHEREAS, the Town Board desires to set forth a schedule of the service to be provided and the user fees to be charged in order to provide for the collection and disposal of the household garbage and refuse originating from all parcels improved with residential buildings, containing three dwelling units or less, and situate in the unincorporated area of the Town of Clarkstown, and

WHEREAS, the State of New York has set forth mandatory goals for recycling which have been embodied in Local Law No. 5-1989 of the Town of Clarkstown, and

WHEREAS, the Town Board desires to provide the citizens of the Town of Clarkstown with an economic incentive to recycle and thereby reduce the solid waste flow in order to meet the recycling goals of the State of New York and the Town of Clarkstown, and

WHEREAS, the Town Board recognizes that households maintained by persons over the age of 65 years are usually composed of fewer persons than the ordinary household, and therefore such households produce less household garbage and refuse, and the Town Board believes households maintained by persons over the age of 65 years constitute a distinct classification which should be charged a lesser user fee for the household garbage and refuse collection services, and

WHEREAS, the Town Board has made a written survey of the service needs and preferences of the residents to be served by the herein described collection and disposal services, and the Town Board shall use the results of such survey in setting the initial designation of service to be provided to each tax parcel;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That pursuant to Section 198, Subdivision 9.(b) of the Town Law, the schedule of user fees hereinafter set forth shall be applicable to all parcels improved by residential buildings containing one, two, and three dwelling units, and situate in the unincorporated areas of the Town of Clarkstown Refuse and Garbage District and shown on the Clarkstown Tax Assessment rolls as Code Numbers 210, 220, and 230;

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2. That collection of household garbage and refuse shall take place on two (2) occasions each week and shall be collected from 32 gallon containers marked by decals provided by the Town of Clarkstown. The number of decals to be issued to each property shall be in relation to the amount of service to be provided to such property and the user fee charges;

3. That the schedule of user fees to be paid for such collection and disposal services are as follows:

One	32 gallon can	- \$20.00 per unit, per month, per parcel
Two	32 gallon cans	- \$26.00 per unit, per month, per parcel
Three	32 gallon cans	- \$32.00 per unit, per month, per parcel

provided, that for one occasion special decals may be obtained from the Town of Clarkstown which will provide for the collection of additional garbage which shall be placed in disposal 32 gallon bags at a cost of \$3.00 per decal, per bag; provided further, however, that all residential units shown on the Clarkstown Tax Assessment rolls which receive the tax exemption because one or more owners is over the age of 65 years, as provided for by Local Law No. 7-1990 of the Town of Clarkstown, shall be charged the following user fee for household garbage and refuse collection service:

One 32 gallon can - \$10.00 per unit, per month, per parcel in the residential unit in which the over 65 year old person resides, and who qualifies for an exemption as provided by Local Law No. 7-1990 of the Town of Clarkstown.

4. That the initial designation of service per unit, per parcel, is being made by the Town Board based upon the preferences expressed by the Clarkstown property owners who participated in the written survey made by the Town Board, and all property owners who did not participate in the survey shall receive three can service;

5. That in the year 1991 the user fees described herein for the nine (9) month period from April 1 to December 31 shall be billed to the property owners receiving such service as a separate item payable in two installments due on May 31 and July 31 of such year; and thereafter the user fees described herein shall be billed as a separate item to the property owners receiving such service on an annual basis at the same time as other Town charges, which may be payable in two installments due on or prior to January 15 and July 15 of each year.

6. If any of the provisions of this resolution should be determined by a court of competent jurisdiction to be invalid or contrary to law, such provisions shall be deemed and construed to be severable from the remainder of this resolution and shall in no way affect the remaining provisions of this resolution.

7. This resolution shall take effect immediately.

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

AYES: Supervisor Holbrook,
Council Members Kunis, Maloney,
and Smith

NOES: Councilman Mandia

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RESOLUTION NO. (150-1991) Continued

The resolution was declared adopted.

There being no further business to come before the Special Town Board Meeting and no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Kunis and unanimously adopted, the Special Town Board Meeting was declared closed, time: 9:21 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

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