

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/31/92

12:05 P.M.

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

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

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Amendment to Town Code Regarding Fire Inspection Fees for Condominiums, was opened, time: 12:06 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amendment to Town Code Regarding Fire Inspection Fees for Condominiums, was closed, DECISION RESERVED, time: 12:25 P.M.

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RESOLUTION NO. (856-1992)

ACCEPTING MINUTES OF  
TOWN BOARD MEETING OF  
DECEMBER 8, 1992

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Minutes of the Town Board Meeting of December 8, 1992, are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (857-1992)

SETTING PUBLIC HEARING  
& REFERRING TO  
CLARKSTOWN PLANNING  
BD. & RO. CO. COMM. OF  
PLANNING - PROPOSED  
AMENDMENT TO ZONING  
ORDINANCE (106-6.1.C  
AND 106-6.1)

Co. Maloney offered and Co. Smith seconded

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

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that 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 January 26, 1993, at 8:45 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 106-6.1.C. "Bulk regulations," as follows:

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RESOLUTION NO. (857-1992) Continued

FROM: "C. Bulk regulations."  
TO: "C. Bulk regulations for the overall PED."

Amend Section 106-6.1 by Adding "D" as follows:

"D. Bulk regulations for buildings that are essentially retail in nature, as determined by the Planning Board.

- (1) Maximum floor area ratio (FAR): same as §106-6.1.C(1).
- (2) Maximum height: same as §106-6.1.C(3).
- (3) Minimum buffer: same as §106-6.1.C(4).
- (4) Minimum lot area: four acres.
- (5) Minimum lot width: 220 feet.
- (6) Minimum front yard: 80 feet, with no parking or aisles within 30 feet of the right-of-way.
- (7) Minimum side yard: 60 feet, but shall be increased 50% when adjacent to a residential district.
- (8) Minimum both side yards: 150 feet. Note 15 of Table 16 regarding buffer areas applies.
- (9) Minimum rear yard depth: 50 feet, but shall be increased by 50% when adjacent to a residential district, with no parking or aisles in the increased area, and a buffer area of at least 15 feet along the rear lot line."

and be it

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

FURTHER RESOLVED, that the proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEORA), 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 SEORA review.

On roll call the vote was as follows:

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

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RESOLUTION NO. (858-1992)

REFERRING PETITION FOR  
CHANGE OF ZONE TO  
CLARKSTOWN PLANNING  
BOARD AND ROCKLAND  
COUNTY COMMISSIONER OF  
PLANNING (HORN)

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RESOLUTION NO. (858-1002) Continued

Co. Mandia offered and Co. Maloney seconded

WHEREAS, HORN CONSTRUCTION CORP. 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-22 District to an R-10 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 135, Block D, Lots 23 through 41;

NOW THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, for the purpose of the New York State Environmental Quality Review Act (SEORA), 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 SEORA review.

On roll call the vote was as follows:

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

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RESOLUTION NO. (859-1992)

REFERRING PETITION FOR  
CHANGE OF ZONE TO  
CLARKSTOWN PLANNING  
BOARD AND ROCKLAND CO.  
COMM. OF PLANNING  
(G.E.M. PARTNERSHIP)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, G.F.M. PARTNERSHIP 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 R-22 District to an R-15 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 123, Block A, Lot 17.01;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal law and other applicable provisions of law, and be it

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RESOLUTION NO. (859-1992) Continued

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEORA), 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 SEORA review.

On roll call the vote was as follows:

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

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RESOLUTION NO. (860-1992)

AUTHORIZING AGREEMENT  
WITH NEW YORK STATE  
THRUWAY AUTHORITY FOR  
USE OF TRANSFER STATION

Co. Smith offered and Co. Maloney seconded

WHEREAS, the New York State Thruway Authority wishes to enter into an agreement with the Town of Clarkstown for use of the Transfer Station for the period beginning January 1, 1993 and terminating on December 31, 1993, and

WHEREAS, the Town Board is willing to enter into an agreement with the provision that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Transfer Station at the rate required by the Town;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town of Clarkstown, to enter into an agreement with the New York State Thruway Authority to provide for the use of the Transfer Station for the period commencing January 1, 1993 and terminating on December 31, 1993, for disposal of garbage and refuse at a cost of \$85.00 per ton, and be it

FURTHER RESOLVED, that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Transfer Station at the rate required by the Town.

On roll call the vote was as follows:

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

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RESOLUTION NO. (861-1992)

AUTHORIZING RENEWAL OF  
AGREEMENT WITH HI-TOR  
ANIMAL CARE CENTER,  
INC. FOR 1993

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (861-2992) Continued

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 1993 and terminating on December 31, 1993, with all the other terms and conditions of the present agreement to remain the same, upon the recommendations of the Town Clerk and the Animal Control Officer.

On roll call the vote was as follows:

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

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RESOLUTION NO. (862-1992)

AMENDING RESOLUTION  
NO. 279-1992  
(ACCEPTING OFFER TO  
PURCHASE SURPLUS  
MUNICIPAL PROPERTY) -  
KEMMER LANE, NANUET

Co. Smith offered and Co. Maloney seconded

WHEREAS, Resolution No. 279-1992 was adopted by the Town Board on April 28, 1992, and

WHEREAS it is desired to amend such Resolution to read as follows:

WHEREAS, by Resolution No. 932-1991, adopted by the Town Board on December 10, 1991, the Town Board declared the property designated on the Clarkstown Tax Map as Map 163, Block A, Lot 18, to be surplus municipal property, and

WHEREAS, the premises so acquired was the site of the Kemmer Lane Commuter Parking Lot, which for a time served commuters, and

WHEREAS, the Town Attorney advertised for bids for the sale of said property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the offer from ALFRED T. ROSSI to purchase surplus municipal property designated on the Clarkstown Tax Map as Map 163, Block A, Lot 18, formerly known as the Kemmer Lane Commuter Parking Lot, for the sum of \$300,004.00, being the minimum acceptable bid for said property and which equals or exceeds the fair market value of said surplus property, which purchase price is payable as follows:

1. \$30,000.40 paid as bid security;
2. Nine equal monthly installments of \$27,000 plus 8% interest thereon;
3. Final 10th monthly installment payment of \$27,003.60 plus 8% interest thereon;

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RESOLUTION NO. (862-1092) Continued

- 4. The initial monthly payment of \$27,000 plus interest to be payable upon the signing of the contract of sale and subsequent payments to be made on the 15th day of each month commencing January 15, 1993.

and be it

FURTHER RESOLVED, that this sale is subject to the following:

- 1. Easements, covenants and restrictions of record, if any;
- 2. Zoning Ordinance of the Town of Clarkstown;
- 3. Such state of facts as an accurate survey or personal inspection may reveal;
- 4. Permissive Referendum.

and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a contract of sale and a bargain and sale deed, in a form satisfactory to the Town Attorney, for delivery to the purchasers in accordance with the terms of this Resolution, and be it

FURTHER RESOLVED, that this Resolution is subject to Permissive Referendum.

On roll call the vote was as follows:

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

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RESOLUTION (863-1992)

AUTHORIZING MARTIN  
BERNSTEIN TO PROVIDE  
ASSESSMENT DATA RE:  
LITIGATION AGAINST  
EAST RAMAPO SCHOOL  
DISTRICT & TOWN OF  
RAMAPO

Co. Maloney offered and Co. Smith seconded

WHEREAS, the residents of the Town of Clarkstown owning property situate in the East Ramapo School District appear to be paying higher school taxes than comparable properties in other municipalities situate in the East Ramapo School District, and

WHEREAS, such unequal taxation results in a severe detriment to the residents of the Town of Clarkstown, and

WHEREAS, by Resolution No. 695 and Resolution No. 696, the Town Board authorized legal action against the East

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RESOLUTION NO. (863-1992) Continued

Ramapo School District and the Town of Ramapo to bring about equality in school taxes between residents of the East Ramapo School District residing in the Towns of Clarkstown and Ramapo, and

WHEREAS, it is necessary to obtain expert assistance in obtaining real estate, tax assessment, and statistical data for use in the said litigation;

NOW, THEREFORE, be it

RESOLVED, that Martin Bernstein, residing at 20 Woodglen Drive, New City, New York, shall be employed as a consultant to the Town of Clarkstown at a fee not to exceed \$75.00 per hour to obtain real estate, tax assessment, and statistical data for use in the litigation against the East Ramapo School District and the Town of Ramapo concerning the unequal school taxation between residents of the Towns of Clarkstown and Ramapo.

On roll call the vote was as follows:

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

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RESOLUTION NO. (864-1992)

AUTHORIZING HARVEY S. WEINGARD, C.P.A. TO PREPARE AUDIT ON NANUET PROPERTIES CORP. (MACY'S) FOR 1990

Co. Maloney offered and Co. Smith seconded

WHEREAS, Nanuet Properties Corp. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 14, Block C, Lot 11.03 for the years 1991/92 and 1992/93, and

WHEREAS, it is desirable to retain Harvey S. Weingard, C.P.A. to prepare an audit for the purpose of negotiating and/or trying the aforesaid matter.

NOW, THEREFORE, be it

RESOLVED, that Harvey S. Weingard, C.P.A. be retained for the purpose of preparing an audit for the year 1990 at a fee not to exceed \$80.00 per hour.

On roll call the vote was as follows:

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

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RESOLUTION NO. (865-1992)

AUTHORIZING PAYMENT (M. RIES) TRANSCRIPT PREPARATION

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RESOLUTION (865-1992) Continued

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the sum of \$542.75 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript of the public hearing held by the Board of Appeals in the matter of Bernard C. Faring, Appeal No. 2394.

On roll call the vote was as follows:

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

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RESOLUTION NO. (866-1992)

AUTHORIZING SUPERVISOR  
TO ENTER INTO  
AGREEMENT WITH UNITED  
ARTISTS THEATRE  
CIRCUIT, INC.  
(COMMUTER PARKING)

Co. Maloney offered and Co. Smith seconded

WHEREAS, UNITED ARTISTS THEATRE CIRCUIT, INC. has submitted a proposal to provide a non-exclusive license to the Town of Clarkstown for use of a portion of its parking area located on the premises of the Cinema 304, Main Street and Cavalry Drive, New City, New York, for commuter parking purposes.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into a license agreement with United Artists Theatre Circuit, Inc., in a form approved by the Town Attorney, for the period commencing January 1, 1993 and terminating December 31, 1998, for UA to provide the Town of Clarkstown with a non-exclusive license to use a portion of its parking area located on the premises of the Cinema 304, Main Street and Cavalry Drive, New City, New York, for commuter parking purposes.

On roll call the vote was as follows:

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

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RESOLUTION NO. (867-1992)

ACCEPTING ROAD &  
IMPROVEMENTS -  
HASTINGS WOOD  
SUBDIVISION (PARMA  
DRIVE)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (867-1992) Continued

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of the Department of Environmental Control of the Town of Clarkstown, deed dated September 30, 1992, from Mar-Feld Building Corp. for a 25 ft. drainage easement, and deed dated August 11, 1989, from Martin Feldt to the Town conveying the following road:

Parma Drive                      305                      L.F.

to the Town of Clarkstown in a subdivision as shown on Final Plat of Subdivision of Property for Hastings Wood filed in the Rockland County Clerk's Office on December 1, 1989, in Book No. 111 at Page 25 as Map No. 6393, are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that the agreement guaranteeing the road and improvements for a period of one (1) year with security posted by the developer in the amount of \$1,725.00 is hereby accepted, and be it

FURTHER RESOLVED, that a passbook previously assigned to the Town of Clarkstown to secure the installation of the public improvements in the subdivision referred to herein shall be retained upon further assignment as security to support the maintenance guaranty for the period of one year.

On roll call the vote was as follows:

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

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RESOLUTION NO. (868-1992)

ACCEPTING ROADS &  
IMPROVEMENTS - CAMELOT  
SUBDIVISION (LADY  
GODIVA WAY, KING  
ARTHUR COURT, ETHEL  
DRIVE AND ORIOLE ROAD)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deeds from JODI-LYNN WASHOMATIC, INC. dated July 28, 1988, and May 1, 1992, conveying the following roads:

LADY GODIVA WAY	1,115 L.F.
KING ARTHUR COURT	980 L.F.
ETHEL DRIVE	530 L.F.
ORIOLE ROAD	192 L.F.

and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of CAMELOT, Section I, filed in the Rockland County Clerk's Office on April 8, 1985, in Book No. 103 at Page No. 38 as Map No. 5731, and Final Plat of CAMELOT, Section II, filed in the Rockland County Clerk's Office on November 7, 1986, in Book No. 106 at Page 49 as Map

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RESOLUTION NO. (868-1992) Continued

No. 5967, are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that Maintenance Bond No. 023000255 for Section I dated December 21, 1992, Jodi-Lynn Washomatic, Inc. as Principal, and Amwest Surety Insurance Company as Surety, is hereby accepted; and Maintenance Bond No. 023000256 for Section II dated December 21, 1992, Jodi-Lynn Washomatic, Inc. as Principal, and Amwest Surety Insurance Company as Surety, is hereby accepted.

On roll call the vote was as follows:

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

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RESOLUTION NO. (869-1992)

AUTHORIZING RELEASE OF  
MAINTENANCE GUARANTY  
FOR ROCKLAND CORPORATE  
CENTER - DEDICATION OF  
CROSFIELD AVENUE, WEST  
NYACK

Co. Mandia offered and Co. Smith seconded

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, Maintenance Guaranty secured by a Certificate of Deposit in the sum of \$20,000 furnished to the Town of Clarkstown in connection with the dedication of Crosfield Avenue, West Nyack, New York, in a subdivision shown on Final Plat of Rockland Corporate Center, is terminated and the Certificate of Deposit may be released to the guarantor.

On roll call the vote was as follows:

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

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RESOLUTION NO. (870-1992)

AUTHORIZING REDUCTION  
IN PERFORMANCE BOND  
(MOUNTAIN SHADOW, SEC.  
I)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Mountain Shadows Company assigned to the Town of Clarkstown a Money Market Account in the sum of \$85,000 in lieu of a performance bond to secure the public improvements as shown on the Final Plat of Subdivision of Property for MOUNTAIN SHADOWS, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the said

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RESOLUTION NO. (870-1992) Continued

performance guaranty be reduced to \$32,200 as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that the security referred to herein may be reduced to the sum of \$32,200 providing the owner/developer shall furnish the Town of Clarkstown with an amended Assignment and Acceptance of Assignment of the Money Market Certificate to secure completion of all items remaining.

On roll call the vote was as follows:

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

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RESOLUTION NO. (871-1992)

DECLARING WARDE  
ELECTRIC IN DEFAULT OF  
BID NO. 42-1991

Co. Maloney offered and Co. Smith seconded

WHEREAS, Warde Electric Contracting, Inc. was awarded Bid No. 42-1991 in the amount of \$167,915 on June 4, 1991, to implement a New York State Transportation Energy Conservation Program at various intersections within the Town of Clarkstown which involved the installation of traffic signal upgrade devices, and

WHEREAS, said contract award provided for a completion date of one year from the date of the award, and

WHEREAS, liquidated damages in the amount of \$100 per day was provided for in the event of failure to complete the project within the required time period, and

WHEREAS, Warde Electric Contracting, Inc. has exceeded its completion date by approximately six (6) months and has not performed any work for more than thirty (30) days;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares Warde Electric Contracting, Inc. to be in default of the contract awarded pursuant to Bid No. 42-1991 and hereby terminates said contract; and be it

FURTHER RESOLVED, that no further payments shall be made to Warde Electric by the Comptroller of the Town of Clarkstown until damages suffered by the Town as a result of said breach of contract has been determined, and be it

FURTHER RESOLVED, that the Town Board hereby reserves its rights against The Aetna Casualty and Surety Company which had secured performance by Bond No. 001SB100690357 issued on behalf of Warde Electric Contracting, Inc. and hereby directs the Town Attorney to notify said surety of the default declared herein; and be it

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RESOLUTION NO. (871-1992) Continued

FURTHER RESOLVED, that the Director of Purchasing is hereby authorized and directed to obtain the services of Byron Electric Co., Inc. to complete the remaining work in accordance with the specifications contained in Bid No. 42-1991, except that such work shall be charged to the Town and paid for in accordance with the provisions of Bid No. 45-1992 previously awarded to Byron Electric Co., Inc. for maintenance and installation of traffic signal equipment within the Town of Clarkstown; and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to take such further steps as authorized by law to save the Town harmless from any additional expenses or damages as a result of the breach of contract by Warde Electric Contracting, Inc.

On roll call the vote was as follows:

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

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RESOLUTION NO. (872-1992)

AUTHORIZING SPRING VALLEY WATER COMPANY TO INSTALL ONE HYDRANT AT ROUTE 304 & HAVERSTRAW ROAD

Co. Maloney offered and Co. Smith seconded

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

One (1) hydrant as follows:

North side of route 304 at the Intersection of Old Haverstraw Road.

Investigation No. 10915, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (873-1992)

AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "NO STANDING" SIGNS (TEAKWOOD LANE,

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RESOLUTION NO. (873-1992) Continued

MARION COURT AND IVY  
LANE, NEW CITY

Co. Maloney offered and Co. Smith Seconded

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

Signs to read, "No Standing" (with directional arrows) 8:00 AM - 4:00 PM Monday - Friday. These signs to be erected on the westside of Teakwood Lane from the intersection of Teakwood Lane and Marion Court, continuing northwesterly to easterly property line of house #4, Ivy Lane, New City.

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.

On roll call the vote was as follows:

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

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RESOLUTION NO. (874-1992)

AUTHORIZING DIRECTOR  
OF ENVIRONMENTAL  
CONTROL TO PREPARE  
PLANS & SPECIFICATIONS  
FOR BID #61-1992  
(ALTERATIONS OF  
GREENBUSH PUMP STATION)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Department of Environmental Control is hereby authorized to prepare necessary plans and specifications for a project entitled.

BID #61-1992  
ALTERATIONS OF GREENBUSH PUMP STATION

and be it,

RESOLVED, that the Director of Purchasing is then hereby authorized to advertise for competitive proposals for said project. Said Proposals shall be returnable to the office of the Director of Purchasing at the date/time announced in the Notice to Bidders, and be it,

FURTHER RESOLVED, that plans and specifications for this project shall be available, upon payment of the prescribed non-refundable fee, from the office of the Director of Purchasing.

On roll call the vote was as follows:

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

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RESOLUTION NO. (875-1992)

AUTHORIZING DIRECTOR  
OF PURCHASING TO  
ADVERTISE FOR BIDS FOR  
BID #11-1993  
(GROUNDSKEEPING  
SUPPLIES)

Co. Maloney offered and Co. Smith seconded

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

BID #11-1993  
GROUNDSKEEPING 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 January 20, 1993 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

On roll call the vote was as follows:

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

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RESOLUTION NO. (876-1992)

AUTHORIZING DIRECTOR  
OF PURCHASING TO  
ADVERTISE FOR BIDS FOR  
BID #12-1993 -HIGHWAY  
SIGNING AND ROAD  
SUPPLIES

Co. Maloney offered and Co. Smith seconded

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

BID #12-1993  
HIGHWAY SIGNING & ROAD 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 January 22, 1993 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.

On roll call the vote was as follows:

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

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RESOLUTION NO. (877-1992)

AUTHORIZING DIRECTOR  
OF PURCHASING TO  
ADVFTISE FOR BIDS FOR  
BID #13-1992 - ONE (1)  
25 YARD COMPACTOR BODY

Co. Maloney offered and Co. Smith seconded

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

BID #13-1993  
ONE (1) 25 YARD COMPACTOR BODY

bids to be returnable to the Office of the Director of  
Purchasing, 10 Maple Avenue, New York by 11:00 A.M. on January  
28, 1993 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.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (878-1992)

CORRECTING RESOLUTION  
NO. 842-1992 AWARDING  
BID #1-1993 -  
STATIONERY SUPPLIES  
(MANHATTAN STATIONERY,  
ROCKLAND OFFICE  
SUPPLY, CHESLERS  
STATIONERY, SUMMIT  
OFFICE SUPPLY, OLSON &  
GORDON, AND SUFFERN  
STATIONERY)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Town Board resolution #842-1992 is  
hereby corrected to read,

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

BID #1-1993  
STATIONERY SUPPLIES

is hereby awarded to:

MANHATTAN STATIONERY  
HARRISON EXEC PARK  
3010 WESTCHESTER AVE  
PURCHASE NY 10577  
PRINCIPAL: HARVEY ARONOFF

CHESLERS STATIONERY  
15 E CENTRAL AVE  
PEARL RIVER NY 10965  
PRINCIPAL: YON TEK LEE

ROCKLAND OFFICE SUPPLY  
PO BOX 602  
SUFFERN NY 10901  
PRINCIPAL: DEBBIE TORTORA

SUMMIT OFFICE SUPPLY  
34 MIDLAND AVE  
PORTCHESTER NY 10573  
PRINCIPAL: PUBLIC CORPORATION

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RESOLUTION NO. (878-1992) Continued

OLSON & GORDON  
66 BROCKWAY PLACE  
WHITE PLAINS NY 10602  
PRINCIPAL: JAMES H GORDON

SUFFERN STATIONERY  
68 LAFAYETTE AVE  
SUFFERN NY 10901  
PRINCIPALS: RALPH CAPONE  
DAVID CAPONE  
DOROTHY CAPONE

as per the attached revised item/price schedule

(Item/price schedule on file in Town Clerk's Office)

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (879-1992)

AWARDING BIDS FOR BID  
#7-1993 - CUSTODIAL/  
JANITORIAL SUPPLIES  
(E.A.MORSE, ZEP MANUF  
COMPANY, HALBRO  
CONTROL, BURKE SUPPLY,  
AND JOHN EARL COMPANY)

Co. Maloney offered and Co. Smith seconded:

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

BID #7-1993  
CUSTODIAL/JANITORIAL SUPPLIES

is hereby awarded to

E.A.MORSE  
11-25 HARDING STREET  
MIDDLETOWN NY 10940  
PRINCIPALS: WINIFRED V. MORSE  
EMERSON A. MORSE  
JOHANNE N. CORTRIGHT

ZEP MANUF COMPANY  
PO BOX 299  
SPRINGFIELD NJ 07081  
PRINCIPAL: PUBLIC CORP

BURKE SUPPLY  
BLDG 293  
BROOKLYN NAVY YARD  
FLUSHING AVE & CUMBERLAND  
BROOKLYN NY 11205  
PRINCIPALS: PHIL BURKE  
NORMAN BURKE

HALBRO CONTROL  
2090 ROUTE 110  
PO BOX 260  
FARMINGDALE NY 11735  
PRINCIPALS: CHARLES HALPERN  
STANTON HALPERN

JOHN EARL COMPANY  
216 UNION STREET  
HACKENSACK NJ 07601  
PRINCIPALS: JANET EARL  
DONALD B. EARL

as per the attached item/price schedule

(Item/price schedule on file in Town Clerk's Office)

On roll call the vote was as follows:

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RESOLUTION NO. (879-1992) Continued

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

\*\*\*\*\*

RESOLUTION NO. (880-1992)

AWARDING BID FOR BID  
#57-1992 -  
ELECTRO-MECHANICAL  
MOBILE LIFT SYSTEM FOR  
HIGHWAY DEPARTMENT  
(SEFAC LIFT &  
EQUIPMENT CORP.)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the  
Superintendent of Highways that

BID #57-1992  
ELECTRO-MECHANICAL MOBILE LIFT SYSTEM  
FOR THE HIGHWAY DEPARTMENT

is hereby awarded to

SEFAC LIFT & EQUIPMENT CORP.  
7175 OAKLAND MILLS ROAD  
COLUMBIA, MD. 21046  
A DIVISION OF AFE (a foreign company)

as the lowest, responsible bidder meeting specifications for  
the proposed cost of \$29,981.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (881-1992)

AWARDING BID FOR BID  
#58-1992 -  
INSTALLATION OF  
TRAFFIC SIGNAL ROUTE  
303 AT CLARKSTOWN  
SOLID WASTE FACILITY  
(CORNELIUS FITZGERALD  
& CO., INC.)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the  
Town Traffic Consultant, the Town Utility Services Coordinator  
and the Director of Purchasing that

BID #58-1992  
INSTALLATION OF A TRAFFIC SIGNAL ON  
ROUTE 303 AT CLARKSTOWN SOLID WASTE FACILITY

is hereby awarded to

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RESOLUTION NO. (881-1992) Continued

CORNELIUS FITZGERALD & CO., INC.  
540 W. 50TH STREET  
NEW YORK, N.Y. 10019  
AN EMPLOYEE STOCK OWNERSHIP TRUST

as per their low bid proposal of \$77,882.00  
and be it

FURTHER RESOLVED, that said award is subject to the receipt of necessary easements from Ted Rob Realty Corp.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (882-1992)

RECOGNIZING  
APPOINTMENT BY POLICE  
COMMISSION OF CROSSING  
GUARD - POLICE  
DEPARTMENT (FRANCES  
FRANCELLA)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Frances Francella, 702 Nyack Plaza Apts., Nyack, New York, to the position of Crossing Guard - Police Department - at the rate of \$9.47, per crossing covered, effective and retroactive to December 10, 1992.

On roll call the vote was as follows:

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

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RESOLUTION NO. (883-1992)

RECOGNIZING  
APPOINTMENT BY POLICE  
COMMISSION OF CROSSING  
GUARD - POLICE  
DEPARTMENT (JOSEPH  
ARLOTTA)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Joseph Arlotta, 20 Second Avenue, Nyack, New York, to the position of Crossing Guard - Police Department - at the rate of \$9.47, per crossing covered, effective and retroactive to December 10, 1992.

On roll call the vote was as follows:

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

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RESOLUTION NO. (884-1992)

APPOINTING TO POSITION  
OF PART-TIME COUNSELOR  
(MUNICIPAL COUNSELING  
SERVICES) - CLARKSTOWN  
COUNSELING CENTER  
(LISA M. KLOENNE)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Lisa M. Kloenne, 1 Cavalry Drive East, New City, New York, is hereby appointed to the position of part-time Counselor (Municipal Counseling Services) - Clarkstown Counseling Center - at the current 1993 hourly rate of \$18.00 - effective January 4, 1993.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandja.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (885-1992)

GRANTING SICK LEAVE OF  
ABSENCE TO CUSTODIAN I  
- PARKS BOARD AND  
RECREATION DEPARTMENT  
(EDWARD DAVIS, JR.)

Co. Smith offered and Co. Maloney seconded

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., Edward Davis, Jr., 8 Highview Court, Central Nyack, New York - Custodian I - Parks Board and Recreation Commission - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to December 22, 1992 to January 22, 1993.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandja.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (886-1992)

GRANTING SICK LEAVE OF  
ABSENCE TO LABORER -  
HIGHWAY DEPARTMENT  
(JEFFREY MEARA)

Co. Smith offered and Co. Maloney seconded

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., Jeffrey Meara, 686 Sierra Vista Lane, Valley Cottage, New York, Laborer - Highway Department - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to December 22, 1992 to January 22, 1993.

On roll call the vote was as follows:

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RESOLUTION NO. (886-1992) Continued

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

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RESOLUTION NO. (887-1992)

AUTHORIZING SUPERVISOR  
TO ENTER INTO  
AGREEMENT WITH  
ROCKLAND PARAMEDIC  
SERVICE, INC. FOR  
EMERGENCY  
MEDICAL/PARAMEDIC  
SERVICES

Co. Maloney offered and Co. Mandia

WHEREAS, the Town has heretofore allocated in its 1993 budget the sum of \$998,000.00 for the provision of Emergency Medical/Paramedic Services, and

WHEREAS, Section 122b of the General Municipal Law of the State of New York authorizes the Town government to provide in its discretion for emergency medical services for the purposes of providing emergency care to sick and injured persons found within the municipality, and for that purpose a Town may enter into contracts with one or more associations, corporations, or organizations for the furnishing of emergency medical services to such persons, and

WHEREAS, the Town desires that the emergency medical services provided within its jurisdiction be at the level of care provided by Advanced Emergency Medical Technicians, to wit, Paramedics, as defined by New York State Public Health law, Section 3001(7), and

WHEREAS, Rockland Paramedic Service, Inc. provides a paramedic service capable of providing an "Advanced Life Support System" (as defined by New York State Public Health Law, Section 3001(12)), "Advanced Life Support Services" (as defined by Public Health Law Section 3001(11)), and "Advanced Life Support System" (as defined by Public Health Law Section 3031) and desires to provide such services to the Town, except such ambulance service which shall be provided by local Volunteer Ambulance Corps, and

WHEREAS, the Town desires to obtain the services of Rockland Paramedic Service, Inc. to provide twenty-four (24) hour per day paramedic services, except such ambulance which shall be provided by local volunteer ambulance corps as needed by the Town residents and transient population and has appropriated funds to defray the operational expenses of Rockland Paramedic Service, Inc.;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement, in a form approved by the Town Attorney, with Rockland Paramedic Service, Inc., in order to provide for Emergency Medical/Paramedic Services for the years 1993, 1994, and 1995, provided that any increase for paramedic services for the years 1994 and 1995 shall not exceed 4% per annum, and further conditioned upon Rockland Paramedic

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Page 21

RESOLUTION NO. (887-1992) Continued

Service, Inc., invoicing, in a form acceptable to the Town Board, and put in place by May 1, 1993, for all advanced life support system services rendered to the patient or the person legally responsible for such patient's bills, and be it

FURTHER RESOLVED, that the sum of \$998,000.00, for the provisions of Emergency Medical/Paramedic Services to the Town of Clarkstown by Rockland Paramedic Service, Inc., shall be charged to Account No. A 4540-585.

On roll call the vote was as follows:

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

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RESOLUTION NO. (888-1992)

AUTHORIZING SUPERVISOR  
TO EXECUTE GROUND  
LEASE WITH SPRING  
VALLEY WATER COMPANY -  
ACCEPTING BILL OF SALE  
TO HISTORIC HOUSE (312  
STRAWTOWN ROAD, WEST  
NYACK)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, an historic dutch sandstone house is situated at 312 Strawtown Road, West Nyack, New York, and is owned by Spring Valley Water Co., and

WHEREAS, the Spring Valley Water Co. is agreeable to delivering to the Town of Clarkstown a bill of sale to such house for the sum of One (\$1.00) Dollar, and executing a ground lease to the Town of Clarkstown for the term of ninety-nine (99) years, covering a .59 acre parcel surrounding such house with no rental payments, but the Town shall pay all real property taxes and the cost of subdividing the property, which lease shall commence nine (9) months from the date of execution, and which lease shall be terminated by either party, with cause, upon sixty (60) days written notice, and

WHEREAS, such historic dutch sandstone house would be suitable for a Town museum and other recreational facilities;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown shall accept the bill of sale conveying title to the said house for One (\$1.00) Dollar, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a ninety-nine (99) year ground lease with Spring Valley Water Co., covering a .59 acre parcel surrounding said historic house with no rental payments, but the Town of Clarkstown shall pay all real property taxes assessed against the property and the cost of subdivision, which lease shall be in a form approved by the Town Attorney.

On roll call the vote was as follows:

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RESOLUTION NO. (888-1992) Continued

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

\*\*\*\*\*

RESOLUTION NO. (889-1992)

MEMORIALIZING ROCKLAND  
COUNTY LEGISLATURE TO  
REJECT "WILLIAMS PLAN"  
FOR ADDITION TO COUNTY  
COURTHOUSE AND OTHER  
COUNTY OFFICE SPACE

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposal has been advanced to the Rockland County Legislature for an addition to the County Courthouse and other County office space which is known as the "Williams Plan", and

WHEREAS, such "Williams Plan" is flawed for the following reasons:

1. The plan destroys the aesthetic value of the County Courthouse;
2. The plan requires vehicles entering New Hempstead Road to pass through the proposed building;
3. The plan requires the construction of a two level parking garage below grade;
4. The plan destroys the peace and quiet of the Dutch Gardens which will become a secondary access to the building;
5. The plan has a proposed road cutting across the Greenberg property which will cut the park in half and require costly rebuilding of the dam at the lake situate on such property;
6. The plan would require costly and unnecessary acquisitions of property on both New Hempstead Road and Main Street;

NOW, THEREFORE, be it

RESOLVED, that the Rockland County Legislature is hereby memorialized to reject the said "Williams Plan" for an addition to the County Courthouse and other County office space and find a more satisfactory alternative.

On roll call the vote was as follows:

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

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Supervisor declared the public portion of the meeting open.

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

Mr. Lodico spoke regarding traffic signalization and the benefits of having an employee trained to do the same.

Mr. Lodico also requested that Councilmen Dusanenko, Mandia and Maloney look into the electrical contract and the promised savings.

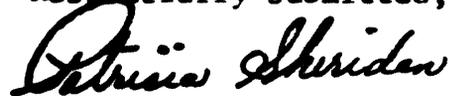
Appearance: Mr. Steve Hoffman  
New City, New York

Mr. Hoffman spoke regarding the placing of reflectors on Route 304 on the median barrier.

Councilman Maloney wished everyone a healthy and Happy New Year. Supervisor Holbrook said he hoped that 1993 would be a better year. He wished all a Happy New Year.

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: 12:43 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/31/92

12:06 P.M.

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

RE: Amendment to Town Code Regarding Fire Inspection Fees for  
Condominiums (with Individual Outside Entrances Without Any  
Common Hallways)

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.

Town Attorney said that the Rockland County Planning Board states that this is not within their jurisdiction. The Clarkstown Planning Board approves. It is not subject to SEORA. Supervisor asked the Fire Inspector to address the board relative to his position on this.

Appearance: Mr. Mark Papenmeyer, Fire Inspector  
Town of Clarkstown

Mr. Papenmeyer referred to a letter previously transmitted which states their objections to this change. He said this proposal if passed would exclude a certain group of multiple residences from paying for and obtaining an annual permit from the Fire Inspector. Inspections of the premises are required, and the fees paid for the annual permit help to offset the cost of said inspections. If this proposal is passed, the inspections will still have to be made but others will bear the cost for this exempted group. This proposed change came about because of a management agent. Notice was served to pay fees which they failed to do on time. This has been litigated in the Town Justice Court. They pled guilty to failure to pay for the permit and were fined. The fees have now been paid. However, in the future, if you do elect to change it, it would affect the amount of revenue that would be coming in.

Supervisor said if we were to adopt this what are you talking about in terms of the amount? Mr. Papenmeyer said close to \$5,000.00. The type of condominiums that we are talking about are the types that are more commonly built now and will be increasing every year. These inspections are mandated by town and state law so we will have to continue to make them. It is up to the Town Board to decide who is going to pay for them. Councilman Maloney asked what the fee was now? Mr. Papenmeyer said the type of condominiums that we are talking about here, where there are no common areas, is \$25.00 per building. In other types of multiple residences it is \$5.00 per unit. These changes were made several years ago to reflect the Court's recommendations. We feel the \$25.00 fee is not extraordinarily high and covers the cost of the inspections required by law. It is not a matter of their not getting the permit and then not inspecting them. They must be inspected.

Supervisor asked if there was anyone else present who wished to be heard relative to this?

Appearance: Michael Reeder, Esq.  
Representing Condominiums

Mr. Reeder stated that he was representing condominiums which would be affected by this change. He said the requirements for inspections of condominiums of the

Continued on Next Page

PH - Amendment to Town Code Regarding Fire Inspection Fees  
for Condominiums (with Individual Outside Entrances Without  
any Common Hallways)

Page 2

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townhouse type which are the ones we are talking about where there is no common element inside the building - no common entranceway, no common hallway in the development - and the buildings are constructed in a manner where the entrance to the unit is from the outside - there is no inspection within the building. The charge of \$25.00 for condominiums of this type where you are talking about one family residences - the townhouse itself is a one family residence - where there is no inspection within the building is discriminatory in that you do not charge and you do not inspect the single detached one family house and they are really very similar. A one family detached house has no common element. There is no place where the inspector is going in to look and see that there is proper fire protection. There is no inspection there and you don't charge a fee for that so why would you then discriminate against the condominium which is configured in the same manner where there is no inspection inside those units?

Mr. Reeder said to take a position that a \$25.00 charge per building is anything other than a revenue producer doesn't make any sense and it doesn't matter how many units there are in that building you are just charging it per building. You can have a townhouse condominium complex where one building has three units, one has six, one has twelve. What is the relationship of that fee to that inspection? There isn't any because the inspection fee is \$25.00 per building no matter how many units. He said that seems to be a discriminatory, unequitable, and unfair tax or charge. The fact of the matter is that these inspections probably aren't made and he doesn't think they have been made. He said the condominiums he represents were served with a notice that says you pay this or we are going to fine you \$1,000.00. Before they called me, they paid it. He said he thinks that is improper and they should not be put under that kind of a situation where all the units are townhouse units. If you have a condominium with a common hall or there is a common stair where there has to be fire alarms and exit signs and emergency lights he has no quarrel with that because that should be inspected for protection. Where there is no inspection in the unit he thinks this amendment you are proposing should be recognized as unfair and raising money under something that is improper. If you have to pay for the fire inspector and he is paid a salary by the Town he is paid to do his job. He said he doesn't think this \$25.00 tax on units that are not inspected anyway is a proper way to solve the problem.

Councilman Mandia said in the resolution it states multiple residence, including condominiums, but excluding those condominiums whose units have individual outside entrances without any common hallway. Is the purpose of that to exclude the type of residence this gentleman is referring to? He said he agrees that any fees we charge for services that are included in the tax bill are just another form of taxation and thue point is well taken. However, Mr. Papenmeyer alluded to the fact that there are no procedures the State has required of the Town. Mr. Papenmeyer said it must be known that condominium is only a term of ownership. Under the state building construction code the buildings are classified as a multiple residence. That is a big difference. They may be single family homes and occupied by single families but they are attached to each other. If you are manufacturing dynamite or doing something in your unit, you are going to affect other units right next to you as opposed to a separate one family where you are just living by yourself. When you are attached you are risking other peoples' lives.

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PH - Amendment to Town Code Regarding Fire Inspection Fees  
for Condominiums (with Individual Outside Entrances Without  
any Common Hallways)

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Councilman Mandia asked what are the extraordinary elements, if there are any, that would justify charging a person a fee for something we would assume is already included in their tax bill - salary, administration of the enforcement of codes, etc.? What justifies a separate fee? Mr. Papenmeyer said the fee is required for the permit to maintain a multiple residence and to assure adherence to the fire code. In these types of units, although it is true we may not get into each and every unit, we do ask people to allow us into the units to check. There are fire alarm systems in each building. There are things on the deck in violation of the town code. Most of these complexes have a clubhouse which has common use which must be inspected and other facets of the inspection have to be made and that is all part of the \$25.00 fee that is paid. He said in response to charging \$25.00 for flat rate that is why it was done because we do realize that it may not take us as long in premises like these that do not have all common areas versus those that do, and they pay a per unit charge so the fee was established per building rather than per unit to make it more reasonable.

Councilman Mandia asked if this was a recurring charge or a one time fee for the permit? Mr. Papenmeyer said it is annual. Councilwoman Smith asked if he did make the inspections and if they were documented? Mr. Papenmeyer said that is correct.

Mr. Reeder said Mr. Papenmeyer says perhaps an owner of one of these townhouse condominiums is manufacturing dynamite within the unit (and that is probably as good an example as any) and this inspection fee is going to stop that. That is incorrect. They don't go into the individual units anymore than they go into your individual one family house. Inspecting outside the buildings, which is all they are entitled to do - they don't go into a one family house and they don't go into these individual units - he says they ask people to let them in but they don't go into the units so this inspection isn't going to turn that up anyway. He said he would agree that if someone is doing something inherently dangerous within their unit, yes they are putting other people in jeopardy and so could they be in a one family house. This inspection fee is not going to stop that. This inspection fee has no relation to that because they don't go into those houses and if the issue is that there is a clubhouse that is a common element absolutely and there should be a charge for that inspection fee and the permit. He said he has no quarrel with that and he has no quarrel with the inspection of buildings that have common elements. But the particular condominium that he represents doesn't have that. They have no common building. The only common elements they have are the roadway and the lawns. You mean to tell me they have to pay \$25.00 a building to have the fire inspector inspect the lawn. He raises an issue that there may be things wrong on the deck. Fine. Stop it. If you are concerned about multiple residences when these things are built they should be in accordance with your building codes and if your building codes don't protect people to make sure they are built properly and in a safe manner with proper fire walls and protection from unit to unit then there is something wrong in a code that doesn't do that but this \$25.00 fee per building in his opinion is wrong and we should change this.

Appearance: Ms. Pat Sands  
Timberline

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PH - Amendment to Town Code Regarding Fire Inspection Fees  
for Condominiums (with Individual Outside Entrances Without  
any Common Hallways)

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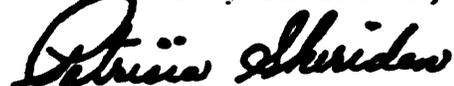
She said they each have a key to their own exterior door. She said she wanted a fire wall between her building and the next owner and she wasn't able to get it. She was looking to get something to help protect herself. She said with the taxes that they pay we maintain our own roads, we do our own plowing yet we are still paying the same taxes that everyone else is and she did not feel they are getting anything additional from the fire department. She said in no way is she putting them down. She said of course you have to check for chemicals and combustible materials and this is an added service and definitely should be added to the budget. Because our homes happen to be attached she didn't feel that they are getting any special service here. We have a clubhouse which is common to the 1200 units. We have the 1200 Association and we certainly should pay to have them inspected for our own protection. She said she is in favor of being excluded because she said she doesn't believe they fall under the same guidelines.

Appearance: Mr. Scott Krases

He said to reiterate on the condominiums that do have direct access from the street into their house which is exactly like a single family home, there is nothing to inspect other than landscaping and asphalt. You are not inspecting single family houses and he would expect the same consideration be shown these condominium developments. Further, each condominium development has either a Board of Managers or a Managing Agent. If there is something going on outside, such as the storage of paint, etc., this will be picked up much quicker by the Board of Managers or the Managing Agents as opposed to a once a year inspection by the fire inspectors. Furthermore, the Town in the beginning of 1991 went to quarterly inspections for the fire alarm system which means that every quarter the fire alarm company for that particular development, has to come in and test the entire system and file reports with the Fire Inspector's Department. That was one addition to the code in 1991. Getting back to the specific fee, he thinks for some reason we are relating the payment of a fee to what the Fire Inspector's Office is supposed to be providing to all the residents who live in condominiums. If the inspection has to be made by law then let the Fire Inspector's Department make that inspection by law. There should be no additional fee to make that inspection. If it is required by law, have it done. He further agreed with Mr. Reeder in that he would like to see the inspection reports on the developments than fighting as to when these reports were done, whether prior to his payment of the fee or after the payment of the fee.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 12:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk