

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/11/95

8:00 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko, Maloney, Mandia & Smith
Phillip J. Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor stated that the first order of business this evening was the awarding of proclamations.

"ROCKLAND COMMUNITY COLLEGE WEEK"
April 23 - 29, 1995

WHEREAS, On April 28, 1959, the Rockland Board of Supervisors, by Resolution, established the ROCKLAND COMMUNITY COLLEGE: and

WHEREAS, Since then, ROCKLAND COMMUNITY COLLEGE has provided excellent educational and cultural opportunities for thousands of students, making it possible for them to pursue higher education as well as successful careers; and

WHEREAS, ROCKLAND COMMUNITY COLLEGE has reaffirmed its commitment to quality education, in partnership with the county, through its thirteen month long Functional Mission Review and its newly revised mission statement; and

WHEREAS, ROCKLAND COMMUNITY COLLEGE has boldly become the first in the state, a leader in the nation, by issuing a Comprehensive Learning Assurance Contract; and

WHEREAS, On April 23, 1995, ROCKLAND COMMUNITY COLLEGE will formally inaugurate its fourth president, DR. NEAL A. RAISMAN;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim the week of April 23, 1995 as "ROCKLAND COMMUNITY COLLEGE WEEK", in acknowledgment of the significant contributions it has made to our community and we call upon all our residents to join with us in congratulating ROCKLAND COMMUNITY COLLEGE on the occasion of its 35th Academic Anniversary Year, and be it

FURTHER RESOLVED, that the Town of Clarkstown is happy to welcome and wish much success to DR. NEAL A. RAISMAN on his inauguration as the fourth president of ROCKLAND COMMUNITY COLLEGE.

(S E A L)

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE SEAL
OF THE TOWN OF CLARKSTOWN TO BE
AFFIXED THIS 11TH DAY OF APRIL,
1995.

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

Mr. William Swinton, of Upper Nyack, accepted this proclamation on behalf of Rockland Community College.

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OLDER AMERICANS' MONTH
May, 1995

WHEREAS, the Town of Clarkstown is privileged to number among its residents over seven thousand older Americans, a group which has proven to be vital to the growth and prosperity of our community, and

WHEREAS, these citizens can be considered a great asset to the Town of Clarkstown, and

WHEREAS, these men and women provide humor, zest and the wisdom of their years to enrich all our daily lives, and

WHEREAS, our indebtedness to our older Americans is impossible to repay, and the Clarkstown Town Board is cognizant of the inherent socioeconomic problems of our older Americans and will continue to pursue new and innovative ways to help alleviate these burdens and, through our older American groups, will solidify our social bond between ourselves and our elderly persons, and

WHEREAS, we now wish to reaffirm the affection, concern and profound respect we feel for this group of individuals;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 11th day of April, 1995, do hereby proclaim the MONTH OF MAY as "OLDER AMERICANS' MONTH" in the Town of Clarkstown and urge all our residents to join with us in recognizing all our older Americans in an appropriate fashion.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE SEAL
OF THE TOWN OF CLARKSTOWN TO BE
AFFIXED THIS 11TH DAY OF APRIL,
1995.

/s/ Charles E. Holbrook
CHARLES E. HOLBROOK, Supervisor

/s/ John R. Maloney
John R. Maloney, Councilman

/s/ Theodore R. Dusanenko
Theodore R. Dusanenko, Councilman

/s/ Ann Marie Smith
Ann Marie Smith, Councilwoman

/s/ Ralph F. Mandia
Ralph F. Mandia, Councilman

Supervisor noted that this proclamation would be presented at the Annual Senior Citizen Show.

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Special Permit for a Mini-Warehouse Facility: Wortendyke Bros. (Map 106, Block A, Lot 21.04) was opened, time: 8:06 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Special Permit for a Mini-Warehouse Facility: Wortendyke

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Bros. (Map 106, Block A, Lot 21.04) was closed, RESOLUTION
ADOPTED, time: 8:12 P.M.

RESOLUTION NO. (253-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the WORTENDYKE BROTHERS have petitioned the Town Board of the Town of Clarkstown for a Special Permit to construct and operate a mini-warehouse facility pursuant to the provisions of the Zoning Ordinance of the Town of Clarkstown, §290-11A, RS District, Table 12, Column 3, Item 7, and §290-11A, M District, Table 15, Column 3, Item B-10, for property located on the south side of Route 59, West Nyack, New York, which property is designated on the Clarkstown Tax Map as Map 106, Block A, Lot 21.04, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on April 11, 1995, at 8:00 P.M., to consider such application;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to construct and operate a Mini-Warehouse facility on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-17(S) of the Zoning Ordinance of the Town of Clarkstown;
2. Petitioner shall secure approval from the Rockland County Soil and Water Conservation District as part of site plan approval;
3. Petitioner shall secure a permit from the Rockland County Drainage Agency as part of site plan approval;

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RESOLUTION NO. (253-1995) Continued

4. Petitioner shall secure approval from the New York State Department of Transportation as part of site plan approval;

5. Petitioner shall obtain approval from the Rockland County Sewer District No. 1 as part of site plan approval;

6. Architectural treatment and colors shall be consistent with the adjacent auto laundry development;

7. Petitioner shall secure site plan approval from the Planning Board,
and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Dated: April 11, 1995 By: /s/ Charles E. Holbrook
Charles E. Holbrook, Supervisor

On roll call the vote was as follows:

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

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Local Law: Burglar Alarm Systems (Town Code Chapter 9-revised) was opened, time: 8:12 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Local Law: Burglar Alarm Systems (Town Code Chapter 9-revised) was closed, RESOLUTION ADOPTED, time: 9:00 P.M.

RESOLUTION NO. (254-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled:

"A LOCAL LAW ENTITLED, "REPEALING CHAPTER 91 (ALARM SYSTEMS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN, AND CREATING A NEW CHAPTER 91 BY LOCAL LAW ENTITLED, "BURGLAR ALARM DEVICE CONTROL LAW"

was introduced by Councilman Mandia at a Town Board meeting held on March 14, 1995, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 14, 1995, directed that a public hearing be held on April 11, 1995, at 8:05 P.M., and

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RESOLUTION NO. (254-1995) Continued

WHEREAS, notices of said hearing were duly prepared and published in the Journal News on March 27, 1995, and in the Clarkstown Courier on March 29, 1995, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 14, 1995, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 11, 1995;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5 - 1995, entitled:

"A LOCAL LAW ENTITLED, "REPEALING CHAPTER 91 (ALARM SYSTEMS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN, AND CREATING A NEW CHAPTER 91 BY LOCAL LAW ENTITLED, "BURGLAR ALARM DEVICE CONTROL LAW"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Charles E. Holbrook, Supervisor.....	Yes
John R. Maloney, Councilman.....	Yes
Ralph F. Mandia, Councilman.....	Yes
Ann Marie Smith, Councilwoman.....	Yes
Theodore R. Dusanenko, Councilman...	Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

Please note that at roll call Councilman Maloney said we should adopt a resolution without any delay. He thinks there is too much at stake. For a \$10.00 permit he thinks we might save an officer's life. The longer we delay that possibility exists and he moves that we adopt it and he again thanked Officer Bradley for his excellent work.

Councilman Mandia said he would second that.

Councilman Dusanenko said he would be voting for this but at the same time he is going to ask those people who made cogent points for suggestions as we need input right away as this will not be operational for four or five months. He said please contact the Chief and noted that all three Police Commissioners are here.- He said go right to the Commissioners so that we can change it so it does work and cuts down on the false alarms for the safety of our own police officers and the added protection for all the other residents.

Councilwoman Smith said to Mr. Morch a few people thought he might be mistaken when he said eight weeks a month - that loss of time - but she had figured it all out and he is correct. Everything these gentlemen asked for is really incorporated into the law and if anything more important comes along later on we can always amend it so she votes to support it and she thanked him for his effort.

Supervisor Holbrook said he was absolutely going to support this and he thinks the comments made tonight were excellent on both issues. He did want to commend the staff that had taken so much time on this. This is not something that was concocted over night. This has been a long time in

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RESOLUTION NO. (254-1995) Continued

the works and has been very well thought out. While it can be amended he thinks it is important to take this first step and let's do it and let's get on with trying to cut down on these false alarms.

Supervisor opened the public portion and recognized Mr. John Sarna for the purpose of making a presentation relative to Grace and Orchard Streets regarding a traffic study which he has recently conducted. He asked Mr. Srna and Mr. Geneslaw to briefly give an explanation of the most recent findings before the Town Board members entertain a resolution.

Mr. Geneslaw said he would give a brief summary which Mr. Sarna might supplement. He said that Mr. Sarna has laryngitis and is trying to save his voice. Mr. Geneslaw said you received a number of comments from various interested parties when this was on the Town Board agenda several weeks ago. One was from the attorney for the shopping center and there was a supplementary traffic report from their consultant. One was from the Ambulance Corps. One was from DOT and there was a letter from the school district. We have analyzed all the comments that came in. Some additional traffic counts were made at the high school and library driveways on Church Street in order to respond to the school district comments. Some additional capacity analyses were done at the existing intersection in response to the other question.

Mr. Geneslaw said one of the questions which came up was have you examined the impact of closing Grace and Orchard on the construction on Route 59? Route 59 is being widened from two to three lanes in each direction so the capacity of Route 59 will more than offset whatever additional traffic might come from Grace and Orchard. As far as construction activity goes that is going to change from day to day and from week to week and there is really no way to project what the situation will be at any point in time.

Mr. Geneslaw said another question had to do with the impact of school driveways. We looked at it at both the peak highway hour and the peak school hour because they are slightly different and additional traffic counts were done on Saturday, April 1st and Tuesday, April 4th during what was the busier time on both days. The amount of traffic does increase somewhat. The level of service goes from A to B and from B to C, all of which are acceptable operating conditions.

One of the other points was to look at the impact on the intersection of First and College because of the opening of the Nanuet Mall. Closing of Grace and Orchard would actually reduce the amount of traffic at First and College so there would be a minor improvement at that location. The traffic from the Melville Development, should it be approved, would be similar to the traffic patterns from the Nanuet Mall. He asked Mr. Sarna if he wanted to supplement this with anything else from the study.

Mr. John Sarna said we did try to respond to all of the questions that were raised in the letters. He has prepared a report and he thinks each member has a copy of that. He said one point was the construction. He has contacted the New York State DOT on this. They said that although closing was not considered in their original maintenance and traffic plan, during construction they have looked at it. They said that the amount of traffic that was actually diverted was so small in

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relation to all of the other traffic they are having to handle that there would be no additional impact. They are making a traffic plan that could accommodate this traffic throughout the construction period. They emphasize that throughout the construction period at the peak hours - 7 to 9 A.M. and 4 to 6 P.M. - as well as many times they were not actually doing the work they would have two lanes open in each direction. While there may be some slowdowns just because of the shifting of lanes they don't expect any significant decrease from the existing capacity.

Mr. Sarna said they looked at the impact of this traffic on Church and Smith Streets in front of the middle school, the high school, and the library. We made new traffic counts and capacity analyses. The analyses showed that although there is some impact in some cases moving from level A to level C or from level B to level C these are very good levels and there was plenty of capacity on those streets to accommodate this additional traffic. He said he could not say that there won't be any difference as there may be a few seconds more delays but there is still plenty of capacity to accommodate the traffic.

Mr. Sarna said in doing the analyses of the intersections of Route 59 with College Avenue and again with the driveways to the two shopping centers - that new intersection - we used basically the traffic volumes that came out of the Hi-Nanuet report - the traffic impact report from Hi-Nanuet which in turn brought in much of the traffic from the Nanuet Mall report and in doing so it projected traffic from a lot of other developments planned for the area including Palisades Center and the full development of the Nyacks many of which have not been put in and may not be for some time. It is interesting to note just for the record that these traffic projections were developed by John Collins Engineers and we used their traffic. It does take into account projections of future traffic.

Mr. Sarna said as a final point it was not our intention to make it a document of advocacy either saying for our against the closing of the streets. What we have said here is if the Board chooses to make this decision to close the streets that there is sufficient capacity under those systems to accommodate the revised traffic patterns.

Appearance: Mr. Russell Trojan
Nanuet, New York

Mr. Trojan spoke on the issue of Grace and East Orchard Streets. He thinks the Town, before taking any action, should develop different options. He also suggested that police officers who serve in the area of Alice Drive in Nanuet make a traffic study in that area.

Mr. Trojan spoke on the Town Budget. In particular, on the Consolidated Water District, Garbage, and the Transfer Station. He spoke regarding Sherwood Drive and Old Nyack Turnpike in Nanuet noting there is a visual obstruction in the way one business parks its vans.

Appearance: Mr. Joe Morola
DeeDee's Hallmark

Mr. Morola asked that the Town Board give the owners of businesses in the area a break and leave these streets open.

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Appearance: Sydelle Green, Esq.
representing Shopping Center

Ms. Green said her client has instructed her, as she wrote to you two weeks ago, if you approve the amendment closing the streets it is her opinion that you will be in contempt of a court order and she will seek contempt of court against the Town.

Appearance: Ms. Pat Rossi
representing residents of Grace
and East Orchard Streets
Nanuet, New York

Ms. Rossi spoke at length regarding problems in the area and urged the Town Board to close these streets.

Appearance: Mr. Pat McFadden
Church Street
Nanuet, New York

Mr. McFadden also spoke at length regarding the closing of Grace and Orchards Streets noting that he was not in favor of the closing.

Appearance: Ms. Arlene Owen
Congers, New York

Ms. Owen spoke regarding the use of Town cars and accidents involving their use. She inquired about the labelling of Town cars.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding use of municipally assigned vehicles. He also spoke regarding conditions on Pheasant, Cardinal, Mandarin and Mallard roads.

Appearance: Mr. Joseph Pantano
New City, New York

Mr. Pantano said he has heard all the talk tonight about many things and felt that sometime the Town Board Members should be thanked for their time and dedication and he was here to do just that.

RESOLUTION NO. (255-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of March 28, 1995 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (256-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a request has been made by Herbert E. Cocks, that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of a right-of-way known as Avenue B, as shown on a survey entitled, "Boundary Line Agreement between Herbert E. Cocks and Stefan Family Properties, Inc.," Town of Clarkstown, Rockland County, New York, dated November 26, 1991, last revised April 3, 1992, prepared by Joseph Caruso and Assoc., which is on file in the Town Attorney's office, and described in the metes and bounds description attached as Schedule "A," upon the grounds that the same has never been used by the public and therefore may be deemed abandoned, and

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on May 23, 1995, at 8:00 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment of Avenue B, Nanuet, New York, pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

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

FURTHER RESOLVED, that the applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notices to property owners of record within five hundred (500') feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the Rockland County Commissioner of Planning and to the Clarkstown Planning Board, for their report and recommendations, and be it

FURTHER RESOLVED, 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.

On roll call the vote was as follows:

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RESOLUTION NO. (256-1995) Continued

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

RESOLUTION NO. (257-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the issuance of a building permit with regard to premises known and designated as Map 25, Block B, Lot 2.19 of the Clarkstown Tax Map, also known as Lot 11 in Block C on a certain map entitled "TOR HEIGHTS," which said map was filed in the Rockland County Clerk's Office on December 9, 1970, the Director of the Department of Environmental Control of the Town of Clarkstown has required an additional Drainage Easement, supplemental to an existing 20 foot wide drainage easement;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, deed dated March 27, 1995 from KDJ Realty, Inc. to the Town of Clarkstown for a Drainage Easement is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (258-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Emily Feiner, CSW, attend 15th Annual Youth Forum on Thursday, May 4, 1995.

Cost - \$25.00

On roll call the vote was as follows:

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

RESOLUTION NO. (259-1995)

Co. Dusanenko offered and Co. Mandia seconded

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

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RESOLUTION NO. (259-1995) Continued

BID #30-1995
CONCRETE SIDEWALK & CURB REPLACEMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on May 10, 1995 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 Dusanenko.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (260-1995)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #17B-1995
SOFT DRINKS FOR TOWN
OPERATED REFRESHMENT STANDS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on May 2, 1995 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 Dusanenko.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (261-1995)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #31-1995
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 AM on May 5, 1995 at which time bids will be opened and read, and be it

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RESOLUTION NO. (261-1995) Continued

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

RESOLUTION NO. (262-1995)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #32-1995
WASHED SAND & GRAVEL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on May 11, 1995 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 Dusanenko.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (263-1995)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #33-1995
CAST IRON CURB INLETS, CATCH BASIN
FRAMES & GRATES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on May 15, 1995 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:

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RESOLUTION NO. (263-1995) Continued

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

RESOLUTION NO. (264-1995)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks that

BID #23-1995
TRANSPORTABLE STAGE UNIT

is hereby awarded to

WENGER CORPORATION
555 PARK DRIVE
OWATONNA, MN 55060
PRINCIPALS: JERRY WENGER
KARI G WENGER
KIRSTEN JOHNSON
WENDY WENGER

as per their proposal for one Wenger Encore Showmobile at the cost of \$57,798.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (265-1995)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Director of Department of Environmental Control and the Director of Purchasing that

BID #21-1995
MAINTENANCE & IMPROVEMENTS TO TOWN CUL-DE-SACS

is hereby awarded to:

MR. LANDSCAPE INCORPORATED
3 BORROWS COURT
NEW CITY, NY 10956
PRINCIPALS: STEPHEN STEIN
RICHARD STEIN

as per their low bid proposal of \$29,450.00, and be it

FURTHER RESOLVED, that award is subject to the receipt by the Director of Purchasing of a Certificate of Insurance indicating liability insurance coverage with a combined single limit of \$500,000.00 for bodily injury and

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RESOLUTION NO. (265-1995) Continued

property damage, a Save Harmless Clause in favor of the Town,
and a Certificate of Workers Compensation Coverage.

On roll call the vote was as follows:

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

RESOLUTION NO. (266-1995)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the
Superintendent of Recreation and Parks and the Director of
Purchasing that

BID #25-1995
ATHLETIC FIELD CONDITIONER

is hereby awarded to

WILFRED MAC DONALD, INC.
ROUTE 17 & TERMINAL ROAD
LYNDHURST, NJ 07071
PRINCIPALS: James H. Pelrine
Michael J. Pelrine

as per their low bid proposal of \$14,445.00 for a Smithco
Athletic Field Conditioner Model 13-550 plus accessories and
options specified in the bid proposal.

On roll call the vote was as follows:

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

RESOLUTION NO. (267-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the
Director of Environmental Control, United Water is hereby
authorized to install the following hydrant(s):

X-9852 - West side of Main Street
100 feet south of New City/Congers Road

Investigation No.: 11141, 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 Dusanenko.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

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Councilman Dusanenko said he had a suggestion about the third possible transfer of funds resolution to follow. He said if you remember the last meeting we had a bonding issue for \$1,100,000.00 for new highway equipment which failed. He said some members of the Highway Department say it is needed and long overdue. Others say it is not needed but at the same time he is bringing to the attention of the Board for the last four years we have had no money in the budget for highway equipment. Because we had no money in for highway equipment a lot of the equipment has deteriorated. There is a possibility of taking advantage of a state bid which Mr. Mauro has indicated is a good price. At the same time he has done some researched himself. He said he is not for bonding and he is not even for a BAN where we have to pay bond counsel about \$20,000.00 in fees, etc. but he thinks he has a suggestion which may be palatable to all members of the Board but he does not know if now is the appropriate time.

Councilman Dusanenko said Mr. Duer has come up, along with many other things, with any and all potential surpluses. The last meeting we had on a 3 to 2 vote with two abstentions to change the recycling contract and yet the taxpayers have paid for that for the whole year. He would estimate that we have several hundred thousand dollars of surpluses right here. Supervisor said maybe by the end of the year, right. He said he did not want to make a political issue of this which is why he is bringing that out right now. I don't want to go to bonding but at the same time he is willing to go to where Mr. Duer says we can transfer funds which will not hurt the rest of the operation in Town. If it is not \$1,100,000.00, at least \$700,000.00+ necessary for at least seven to ten plow trucks so in case the mild winter doesn't return the second half of 1995 at least we can keep trucks on the road for everybody's purposes. Supervisor said we can think about that. Councilman Dusanenko said I don't know if we can get answers tonight but he would be willing at an emergency meeting to do such. He said there is a request here for \$2,000,000.00 for equipment which we can't make up four or five years in one issue. Supervisor said we are asking for \$1,200,000.00. Councilman Dusanenko said if possible and if we can't come up with that a lesser amount.

RESOLUTION NO. (268-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Contingency Account No. A 1990 505 by \$7,572.00 and increase the following Appropriation Account Numbers:

A 1010 404 (Councilmen-Travel, Mileage, Meals)....	\$ 375.00
A 1010 409 (" Fees for Services).....	5,000.00
A 1010 414 (" Conferences & Schools).....	2,050.00
A 1220 219 (Supervisor-Misc. Equipment).....	27.00
A 1220 301 (" Food).....	120.00

and be it

FURTHER RESOLVED, to transfer \$200,000.00 from H 879 (Reserve for SWF) to Revenue No. H 15 12 2954 3 (Reserve for SWF Reserve) and increase Estimated Revenue Account No. H 15 12 2954 3 and Appropriation Account No. H 8160 409 31 7 (Reserve for SWF) by \$200,000.00.

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RESOLUTION NO. (268-1995) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (269-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$5,442.00 from Corporate Property Investors for emergency sewer repair,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. B 02 9 2770 (Town Outside Village-Misc. Revenue) and B 8110 111 (Sewer-Overtime) by \$5,442.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (270-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95043 Real Property Data Collector II (NCP T & E) which contains the name of Margaret Whelan,

NOW, THEREFORE, be it

RESOLVED, that Margaret Whelan, 6 Acorn Terrace, New City, New York, is hereby appointed to the (permanent) position of Real Property Data Collector II - Assessor's Office - at the current 1995 annual salary of \$30,053.00, effective April 12, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (271-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Charles Burgio, 20 Oak Road, Congers, New York, Highway

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RESOLUTION NO. (271-1995) Continued

Maintenance Supervisor III - Town Highway Department - is hereby accepted - with regret - effective and retroactive to April 1, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (272-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Henry Secor, 400 Phillips Hill Road, New City, New York - Automotive Mechanic I - Highway Department - is hereby accepted - with regret - effective and retroactive to April 1, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (273-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Thomas R. Coleman, 43 First Avenue, Spring Valley, New York - Maintenance Mechanic II - Sewer Department - is hereby accepted - with regret - effective and retroactive to April 8, 1995.

On roll call the vote was as follows:

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

RESOLUTON NO. (274-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #94035 Custodian II which contains the name of William A. Draper,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of

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RESOLUTION NO. (274-1995) Continued

William A. Draper, 20 Endicott Street, Congers, New York to the position of Custodian II - Parks Board and Recreation Commission - at the current 1995 annual salary of \$23,714.00, effective and retroactive to April 3, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (275-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Paul Oliverio, 48 Fultim Way, Congers, New York, to the position of (temporary) Laborer - Highway Department - at the current 1995 annual salary of \$22,715.00, effective April 24, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (276-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the condition complained of in the Order and Notice dated January 24, 1995 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 61, Block A, Lot 2.12 has been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings.
On roll call the vote was as follows:

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

RESOLUTION NO. (277-1995)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

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RESOLUTION NO. (277-1995) Continued

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc., for street lighting at the following location:

Albacon Road Nanuet
(Install two (2) wood laminated poles with 9500 lumen sodium vapor street lights between house numbers 16 and 18, and in front of house number 24 [opposite house numbers 35 and 37] Albacon Road, Nanuet)

On roll call the vote was as follows:

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

RESOLUTION NO. (278-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to amend Town Board Resolution No. 1 dated January 4, 1995 designating North Fork Bank as a depository for funds deposited by the Supervisor, Town Clerk, Receiver of Taxes, Town Justices, Building Inspector, Department of Planning and Comptroller, and be it

FURTHER RESOLVED, that the bank shall supply pledge collateral for Town funds.

On roll call the vote was as follows:

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

RESOLUTION NO. (279-1995)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that Conrail is hereby authorized to erect a fence in the Town's right-of-way between North Rockland Avenue and the Conrail tracks in Congers, New York, near the interesection of Endicott Street, and be it

FURTHER RESOLVED, that placement of said fence should be approved by John Mauro, Superintendent of Highways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (280-1994) (FAILED)

Supv. Holbrook offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 22nd Day of June, 1993, provided for a public hearing on the 2nd day of August, 1993, at 8:55 P.M., or as soon thereafter as possible, to consider an Amendment to the Official Map of the Town of Clarkstown, to eliminate through traffic at the easterly terminus of East Orchard Street and Grace Street, Nanuet, New York, where said streets abut the existing shopping center, by placing a barrier at the end of each street as depicted on the attached Schedule "A," and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, and

WHEREAS, at the aforesaid public hearing comments were received from interested parties and the Town Board closed and reserved decision, and

WHEREAS, by Resolution No. 647-1993 dated September 28, 1993, the Town Board retained Robert Geneslaw Co. to perform planning and traffic studies concerning the closing of East Orchard Street and Grace Street, and

WHEREAS, by Resolution No. 24-1995 dated January 4, 1995, Robert Geneslaw, Planning Consultant, was authorized and directed to act as agent for the Town Board with respect to SEQRA review in connection with the closing of the aforementioned streets, and

WHEREAS, notice pursuant to "6 NYCRR 617" was circulated to interested and involved agencies and parties, and comments were received, and

WHEREAS, by memorandum dated February 6, 1995, summarizing a traffic study by John Sarna, P.E., Robert Geneslaw has determined that the closing of East Orchard Street and Grace Street will result in the distribution of traffic to Church Street between College Avenue and Smith Street, and to the intersection of Smith Street and Route 59, Nanuet, New York, as more fully described in the aforesaid memorandum and in the accompanying traffic study prepared by John Sarna, P.E., and

WHEREAS, the redistribution of traffic will be alleviated by the new traffic signal and access to the shopping centers on Route 59, Nanuet, New York and

WHEREAS, after due consideration of the interests of the public at large expressed at the hearing held as aforesaid and upon consideration of the memorandum entitled, "Proposed closing of Orchard and Grace Streets, Nanuet," dated February 6, 1995, prepared by Robert Geneslaw, consultant, and the traffic study by John Sarna, P.E., and the response to comments prepared by John Sarna dated April 7, 1995, the Town Board of the Town of Clarkstown hereby determines that it is in the best interest of the community to amend the Official Map and to erect barriers at the easterly terminus of East Orchard Street and Grace Street;

NOW, THEREFORE, be it

RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended to eliminate through traffic at

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RESOLUTION NO. (280-1995) Continued

the easterly terminus of East Orchard Street and Grace Street, where said streets abut the shopping center, by placing a barrier at the end of each street as depicted on the attached Schedule "A," and be it

FURTHER RESOLVED, that based upon the reports referred to above, the Town Board hereby determines that the provisions of SEQRA have been complied with and that the impact of the action provided for herein has been duly considered and that no further processing pursuant to SEQRA is required, and be it

FURTHER RESOLVED, that the closing of East Orchard Street and Grace Street, Nanuet, New York, is hereby deferred until May 1, 1995, so as to permit sufficient time for the affected property owners and tenants to make alternate arrangements for the distribution of traffic, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to erect the barriers referred to herein on or after May 1, 1995, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to prepare notice of this Amendment to the Official Map, and that the Town Clerk cause the same to be published in the newspaper of general circulation in the manner provided by law, with respect to the elimination of through traffic at the easterly terminus of East Orchard Street and Grace Street, Nanuet, New York.

Before roll call Supervisor Holbrook noted that among the items mentioned the one point would be that if it were to be closed that the Town would keep open the Smith Street left turn. This would be for a period of four months whereupon another study would be done on traffic to determine the impact at that particular juncture and that the date would not be the 1st of May but rather the 15th of May.

On roll call the vote was as follows:

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

RESOLUTION NO. (281-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists in the vicinity of Parrott Road and Pheasant Drive in West Nyack; and

WHEREAS, the Department of Environmental Control has been directed to prepare plans to ameliorate said adverse condition; and

WHEREAS, it is necessary to have "test holes" excavated to verify the location of existing utilities; and

WHEREAS, the Department of Environmental Control has obtained cost estimated for the equipment and manpower required for said work;

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RESOLUTION NO. (281-1995) Continued

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to hire Environmental Construction, Inc., of Stony Point, New York, at the sum of \$2,100.00 per day for a period not to exceed five (5) working days to perform said work; and be it

FURTHER RESOLVED, that this expenditure shall be charged to H-8735-4090-12.

On roll call the vote was as follows:

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

RESOLUTION NO. (282-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Nyack Hospital has requested use of the Town of Clarkstown showmobile for their 100 year celebration on Saturday, June 17, 1995 from 6:00 pm to 11:00 pm at Memorial Park, Nyack, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to Nyack Hospital to use the Town of Clarkstown showmobile on Saturday, June 17, 1995 for the above purpose and subject to the provision of the necessary insurance policies.

On roll call the vote was as follows:

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

RESOLUTION NO. (283-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, New York State Dept. of Transportation has proceeded with the reconstruction of Route 59; and

WHEREAS, B. Anthony Construction Corp. is the prime contractor for the State; and

WHEREAS, the contractor is interested in using a portion of the landfill property for the purpose of recycling concrete pavements from Rte. 59 for use as aggregate on the project;

NOW, THEREFORE, be it

RESOLVED, that permission is granted for B. Anthony Construction Corp. to use that portion of the landfill as

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RESOLUTION NO. (283-1995) Continued

deemed appropriate by the Director of Environmental Control and/or his agent for the production of Recycled Contrete Aggregate, and be it

FURTHER RESOLVED, that said operation may continue through 1 October 1995 at which time review for continuation may be conducted based on the needs of the Town to commence Landfill Closure Construction.

On roll call the vote was as follows:

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

RESOLUTION NO. (284-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Stanley J. Jacoby, of 39 Ruth Drive, New City, New York, for customized training to improve Highway Department services.

On roll call the vote was as follows:

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

RESOLUTION NO. (285-1995)

Co. Mandia offered and Co. Maloney 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:

A STOP sign on Jane Frances Way at intersection of Strawtown Rd., West Nyack

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (286-1995)

Co. Mandia offered and Co. Maloney 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:

"NO PARKING ANYTIME" signs on the northside of Demarest Mill Rd. from Rte. 304 East for a distance of 200 feet, Nanuet

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

RESOLUTION NO. (287-1995)

Co. Mandia offered and Co. Maloney 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:

"NO PARKING ANYTIME" signs on the southside of Lake Rd. from Friend Street east to Hemenway Ave., Congers

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

RESOLUTION NO. (288-1995)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form approved by the Town Attorney, with the following non-profit organization, to provide services and programs for residents of the Town of Clarkstown which are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board hereby allocates the following sum in economic assistance to:

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RESOLUTION NO. (288-1995) Continued

JAWONIO FOUNDATION, INC. \$250.00

and be it

FURTHER RESOLVED, that the funds shall be charged to Account No. A-8840-424.

On roll call the vote was as follows:

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

Supervisor Holbrook noted that he wished to adjourn the meeting in memory of Mrs. Charles Burgio, who was the wife of one of our retired employees in the Highway Department.

Supervisor Holbrook wished to adjourn the meeting also in memory of Mrs. Sally Cull, who is survived by her husband William Cull. Mrs. Cull died quite suddenly very recently. Mrs. Cull was a very active member of St. Paul's Church and for many years was the dedicated Office Manager there.

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 Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 10:10 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

ADJOURNING IN MEMORY OF MRS. SALLY CULL

WHEREAS, Mrs. Sally Cull passed away suddenly on March 26, 1995, and

WHEREAS, she was a respected member of this community who was perhaps best known for doing an outstanding job running the office at St. Paul's Church in Congers, and

WHEREAS, Mrs. Cull will be deeply missed by her fellow parishioners and other members of the community, but most particularly by her husband, William, and by her children, Carol, Peggy, Mary, and William.

THEREFORE, the Town Board expresses its sympathy to Mrs. Cull's family and hereby adjourns this meeting in her memory.

Read by Supervisor Holbrook; all concurred.
Meeting adjourned.
Dated: April 18, 1995

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/11/95

8:06 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko, Maloney, Mandia & Smith
Phillip B. Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: Special Permit for a Mini-Warehouse Facility: Wortendyke Bros. (106-A-21.04)

On motion of Councilman Dusanenko, 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.

Deputy Town Attorney noted that the Town Planning Board approved.

Supervisor asked petitioner to make their presentation.

Appearance: Anthony Montalbano, Esq.
Attorney for Petitioner

Mr. Montalbano introduced Ted Atzl as the engineer on the project and then went on to say that his client wanted to put up a 26,000 square foot building on a 60,000 square foot parcel. It had been before the Planning Board and they had reviewed the site plan. On November 30, 1994 the Planning Board recommended that it come before the Town Board for a special permit. He noted that the Town Board is authorized to waive requirements for a special permit provided it does not adversely affect the public health, safety and welfare.

He said the Wortendyke property is bordered on the west by the RAIA property, on the south by the Clarkstown Landfill property, and on the east by the Wortendyke Car Wash. The zoning ordinance requires that we provide buffers and curbing. We are requesting the Board, under the circumstances given the location of the property that the curbing be waived and that the buffering be waived except in the area next to the Wortendyke Car Wash and we have agreed with the Planning Board that we would buffer that area.

Supervisor asked if Board members had any questions?

Councilman Dusanenko asked if there was a site plan available? He was told yes and reference was made to this site plan at this point.

Supervisor asked how many actual storage facilities were contemplated? He was told approximately 300. Supervisor said these are actually containers where people can store material? He was told yes. Dialogue took place among council members and the attorney for the petitioner which cannot be transcribed as they all spoke at once and not into the microphone. Supervisor noted that it would be esthetically pleasing.

Supervisor asked Mr. Geneslaw if what was being proposed was permissible. Mr. Geneslaw said the Town Board could waive this. He went out to look at it and he did not see any problems.

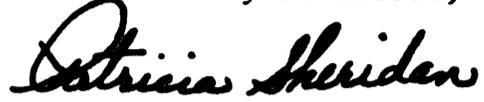
Supervisor asked if anyone present wished to make a comment or ask a question. No one appeared.

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Special Permit for a Mini-Warehouse Facility: Wortendyke
Bros. (Map 106, Block A. Lot 21.04) 4/11/95
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There being no one wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:12 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (253-1995) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/11/95

8:12 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko, Maloney, Mandia & Smith
John Costa, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Local Law re: Burglar Alarm Systems (Town Code Chapter 9-revised)

On motion of Councilman Mandia, 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.

Deputy Town Attorney John Costa explained the proposed local law noting that it is attempting to regulate the false alarm situation here in Town. This new law will create an administrative process whereby those persons who have repeated false alarms will be subject to civil penalties. There will be a mechanism for hearing before the Burglar Alarm Review Board to sort out any problems that may occur in the administration of this statute. It will require a permit to be obtained by everyone who wishes to have an alarm device installed in their home. It does not apply to automobile alarm devices. The permit could be revoked if the alarm user has too many false alarms. Currently the law would provide after 10 false alarms within one 12 month period the alarm permit would be revoked. There would be a Justice Court penalty involved with having an alarm without a permit. The law would not go into effect until thirty days after its passage and the provision regarding the permit would not take effect until ninety days after the law has gone into effect.

Supervisor said we are not necessarily concerned with fining people but we are looking for a law that can be enforceable. He thought Councilman Mandia had said it properly that a lot of police time is wasted on false alarms that could be better spent in other areas. That is pretty much as succinct as it can get.

Supervisor asked if there was any questions or comments from the public?

Appearance: Mr. Earl Lawrence
Inter-County Alarm Systems
New City, New York

Mr. Lawrence stated he has been in the alarm business since 1969 and has hundreds of customers in Clarkstown. He said they agreed with this but have some concerns. He introduced Mr. Nick Tcherniavsky from the State Alarm Association which represents some 500 alarm companies throughout the state and who is also a resident of Clarkstown. Mr. Lawrence asked Mr. Tcherniavsky to address some of the issues that are of concern to us.

Appearance: Mr. Nick Tcherniavsky
State Alarm Association

Mr. Tcherniavsky said we are essentially in agreement with the intent of the law but do have concerns. He said he is a past president of the Regional Alarm Association which is a chapter of the New York Burglar & Fire Alarm Association as well as the National Burglar & Fire Alarm Association which represents over 15,000 alarm companies nationwide. There are approximately 1500 alarm companies in

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PH: Local Law re: Burglar Alarm Systems (Town Code Chapter 9-
revised) 4/11/95

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the state of New York and the Regional Alarm Association represents approximately 200 alarm companies in Westchester, Rockland and part of Putnam County. We have been involved in the development of a number of alarm ordinances both here in Rockland as well as Westchester County and as an industry we feel we have come a long way towards addressing the false alarm problem. It is as great a concern to us as it is to you. We feel that the life safety resources such as police and fire departments, ambulance corps, etc. are not infinite and we have to conserve them as best we can.

He said specifically in the legislation proposed one of the things that is a concern is that it makes no mention of the fact that there is a New York State Alarm Licensing Law which license alarm companies to install security systems within the State of New York. Since it is a state law it should be mentioned as part of your legislation to specifically require that any alarm system that is installed or serviced or maintained in the Town of Clarkstown should be done by a licensed alarm company. It is implied because it is a state law but he thought the residents should know that they should be dealing with a New York State license company.

Supervisor asked Deputy Town Attorney if that was part of it right now? Deputy Town Attorney said the local law does not mention the fact that you must have a license to be an alarm installer. This law in no way affects or attempts to regulate alarm installers. They are separate and they are regulated by other statutes. The installation of an alarm system, if it is not done by the homeowner, would have to be done by a licensed alarm person. We did consider mentioning that but felt it was superfluous to the intent of this local law.

Mr. Tcherniavsky felt we should point it out. There is an area where we feel you can incorporate that into your legislation without altering the substance of the wording and that is in the area specifically in 91-4 where permit information is required. We feel this is an area where you should ask for a record of both the installing company or the servicing company as well as requiring that their license number be provided.

Mr. Costa said he felt you could deal with that administratively. The statute requires the Chief of Police to prescribe the forms and certainly the Chief could put on the form a request for such information and that would accomplish the end that you are seeking and not clutter up our local law with something that could be interpreted as a conflict with the state regulatory scheme. Mr. Tcherniavsky said that would be no problem to have that incorporated into the questionnaire.

Mr. Tcherniavsky said one of the things they are concerned about is enforcement of the New York State licensing law. In our industry as in many service industries the individual who is working out there is invisible until a problem occurs. Unfortunately when it comes to something that has such a high level of technical expertise as installing security systems not knowing what you are doing translates into exactly what you are trying to prevent which is false alarms. That is certainly not the only cause for it but it is one of the ones. We feel sincere intent is to address the false alarm issue. That is certainly something that you should be addressing and if it is something that is included on the questionnaire that is acceptable. We would also like to see among the items mentioned as reasons for denial of a permit

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the fact that an individual who has an alarm system has used an unlicensed alarm company. As a town government you should also be concerned about enforcing the state law. It would go a long way toward accomplishing the intent of this local law.

Councilman Mandia said during the months of discussion we had at the Police Commission level before it was taken to the Board those very issues were discussed. Having the license number of the person or company that is installing it performs a number of safeguards including the fact that we make sure that the people of the Town and the businesses in the Town are dealing with someone who is licensed to do that. The intent is to handle it administratively rather than within the local law. Mr. Tcherniavsky apologized and said the first time he laid eyes on the legislation was several hours ago and what he had extracted from the wording did not include any of those provisions but if you've intended to include that then certainly would be something that is acceptable.

Mr. Tcherniavsky said one of the other areas they are concerned about is in terms of flagrant alarm abuses. He said they have no problem with our fine structure. One of the things that it doesn't seem to address is a flagrant abuser who doesn't mind paying the fines and is simply going to keep on paying. You will revoke his permit and it is going to become simply a round robin whereas we are interested in getting that person to comply with the level of service that is going to provide him with an alarm system that is going to do him some good. Some people no matter what you do legislatively will not stop using their alarm system. We'd like to see some type of inspection or reinspection process in there that would recertify the system back to normal use by a licensed alarm company.

Deputy Town Attorney Costa said the problem Mr. Tcherniavsky refers to is a difficult one to deal with on a legislative basis. We have provided for escalating civil penalties for alarm abusers and ultimately for revocation of the alarm user's permit and if an individual continues to transmit alarm signals after the permit has been revoked that would result in fines of a much higher magnitude in the Justice Court with a minimum of \$100.00 and a maximum of \$500.00 for each offense. In discussing this we felt that would be a deterrent to all but the most persistent violators. It was suggested that we have some means of refusing to respond to a flagrant violator and he had recommended against that as a possibly difficult situation which might lead to civil liability on the part of the town. We avoided that potential sanction but we have included very stiff fines. He thinks it would be important to see how this law works before trying to do anything further in term of regulation.

Mr. Tcherniavsky said he has seen this happen with similar legislation in the Town of Yorktown and one of the things that occurred was that business owners who were having problems with alarm systems no longer had the central station dispatched to police departments. They simply circumvented this whole thing by having basically self response to an alarm system which potentially can lead to a serious problem because one of these days that person is actually going to confront someone on the premises which could lead to injury, fatality, etc. Mr. Costa said there is no intent in this local law to restrict police response to calls for emergency services. Mr. Trenowsky said what he is saying is that they voluntarily elected because they did not want to be fined any more so they said let's not call the police department. When my alarm goes off you call me and I'll go down to the store.

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Mr. Costa said he had discussed this difficulty with the Chief of Police and he, of course, has the authority to revoke a permit. It is his intention to seek compliance wherever possible and to educate and work with the alarm users. One of the principal problems we have in the Town is the volume of alarms that come from facilities that must maintain by law alarms and there is no way that we intend to eliminate the ability for that type of user to have an alarm. That is going to require education and training to avoid those problems. Mr. Tcherniavsky said or a new system. Mr. Costa said but that would be within the discretion of the Chief in reviewing an application for the restoration of a permit to require a better system to be installed. Mr. Tcherniavsky said he was not talking about compliance with for instance certain banking law requirements where an alarm system protective device is mandated by law but simply the independent shop owner who decides to respond to his own alarm.

Mr. Tcherniavsky said in terms of the Review Board we feel you have taken an important step there to provide a review process within your legislation. This is often the component that is missing. One of the things we would like to recommend is that a member of the professional security industry be included on the Review Board simply in an advisory capacity as a non-voting member. We don't want to make any decisions as to whether somebody's fine gets reduced, etc. This has been a tremendous help in many municipalities. He mentioned in particular - Town of North Castle - they are one of the few towns that he knows of that has had a growing alarm population and a declining false alarm rate. One of the reasons is that one of the functions of the Review Board is to simply solve the person's problems so that they are no longer in a position where they have to have a review or where they have false alarms. This has been done time and time again. While it is certainly great to have someone from the Police Commission and a member of your Board as well as the public at large to make sure that a grievance is properly settled there is a level of expertise that sometimes is needed in order to simply answer a technical question that may throw the issue one way or the other and allow you to make an honest decision at the Review Board level. He said we would like to ask that you incorporate this into your Review Board. Mr. Costa said certainly the Town Board is free to consider that request.

Mr. Costa said he would like to point out that the Alarm User's Review Board as provided in the proposed local law is comprised of three individuals, one of whom would be a member of the general public appointed by the Town Board having the expertise that you are recommending. Mr. Tcherniavsky said he would rather see it as a non-voting member and not involved in making decisions. It would be far more equitable. Mr. Costa said the Board would certainly be in a position to designate an ex officio member in that respect.

Mr. Tcherniavsky said one of the things which 91-18 does is to give the Review Board power to excuse certain matters but precludes them from excusing equipment failure. He said the only reason he is addressing this is because nothing that is manufactured by humans is infallible. It could certainly fail. It seems rather unfair to be punitive in an instance where an individual takes corrective action and spends the money and the time to correct a problem that they have and again become a responsible alarm user as opposed to saying you have had equipment failure and that is unacceptable. That to me would be like giving someone a ticket for having a blown tire for not knowing that their tire was going to blow five minutes earlier. We would like you to consider that.

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Councilman Mandia said we would only get to that point after four or five times. Mr. Tcherniavsky said a guy goes out and arms his alarm system. He goes shopping or goes to the office and in the next three or four hours because something fails it sets off a string of false alarms. It may or may not be your policy to address this as one alarm because it occurs within a short proximity of time or you may give the guy four false alarm summonses. I don't know how you are going to handle it. Councilman Mandia said those are clearly extenuating circumstances and for that very reason the Review Board was put together and an awful lot of discretion is left to the Chief of Police so that the men and women who are on the line trying to enforce this thing can use reason. The largest incentive of law is not punitive. It's positive because there are too many alarms and the police resources are being wasted. That is the real reason for this. Mr. Tcherniavsky said he is mentioning it because that section specifically excludes equipment failure. Rather than see it as a specific exclusion we prefer to have it as a discretionary item.

Mr. Costa said it should be noted that equipment failure that occurs as a result of weather conditions is not by definition a false alarm. That whole area of false alarms is excluded from the punitive effects of this local law and many times equipment fails because of weather conditions - lightning, etc. Mr. Tcherniavsky said you are being quite liberal in the weather part of your ordinance. Mr. Costa said we are aware of that and we are allowing quite a substantial excuse to exist.

Mr. Tcherniavsky said there might be a concensus to enact this legislation rapidly as you have a growing false alarm problem. He said he has looked at the report that was generated by the Clarkstown Police Department with the false alarm figures. One of the things we would like to request is rather than enact this this evening is maybe you would consider a work session which would include Alarm Association members so we could dot the i's and cross the t's and iron out any minor points in this legislation that might be beneficial to the intent of the law.

Mr. Costa said he thinks it is important to note that the local law is not going to take effect until the 1st of the month following the month that it is adopted in. Thereafter the section that requires permits will not become effective until ninety days after the local law has been adopted. That postpones the effective date for almost four months for the licensing provision. In addition to that there is affirmative defense built in to anyone who is charged with failure to have a permit if they apply within ten days. That would be an affirmative defense which would hardly excuse the offense. The thrust in having all of those provisions is to provide for adequate time to educate the public and to allow everyone ample opportunity to come into compliance before any punitive measures are imposed. Mr. Tcherniavsky said he understood that. However, if this is enacted tonight any changes would require additional public hearings, etc. The idea is getting it right the first time and getting on with it and having the legislation start working for you. We certainly ask your consideration in at least postponing enactment until we can possibly meet with you and get a few of these things ironed out. We totally endorse your intent and what you are attempting to do here and there are just a few minor points we would like to clear up.

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Councilwoman Smith said it seems that you do not have a problem with the content. Anything you brought up has already been taken into consideration along with the other. Would it require a rehearing if you just added that non-voting member? That doesn't look like a substantial change. Mr. Costa said to adopt the local law it has to be in final form prior to the public hearing. If the Town Board determines tonight not to adopt he would say the public hearing should be recessed rather than closed, any changes made to the proposed law made, and then reconsidered at a later date. Otherwise, we would have to go through the process again.

Councilman Mandia said inviting a non-voting member - Mr. Costa said that would be purely administrative and the Town Board and/or the Alarm Board of its own discretion would be free to consider whatever it wishes to at any meetings. Mr. Tcherniavsky asked would that also apply to inclusion of the requirement alarm license in the questionnaire for their license number, etc.? Mr. Costa said as written this law does not require that to be part of the questionnaire but he is virtually certain that the Chief of Police intends to ask that question in the forms that will be generated by his office. Councilman Maloney said it will be in the form rather than the body of the law. Mr. Tcherniavsky said he is certainly available for any help that you may require in that respect and we extend that to your police department as well.

Councilman Mandia said he would like to invite Police Officer Jeff Bradley. He stated that this local law went through many many months of conversation, research, etc. and he just wanted to take a second to compliment Otto Morch who is a member of the Police Commission and who is sitting with us tonight who helped the Police Commission to put this thing together. He also thanked Mr. Costa and Mr. MacCartney, both of the Town Attorney's office, and Mr. Costa particularly in the last several months has done an amazing job with this in putting it together and most importantly Officer Bradley who is with us tonight. He then asked Officer Bradley to address some important points he has to give us and of course to answer any questions.

Police Officer Jeff Bradley said he understands where the alarm company people are coming from and he thinks Mr. Costa addressed just about everything they could ask. He said speaking from the Police Department's point of view this law came basically out of frustration - frustration in dealing with alarm companies we couldn't get hold of or calling from Chicago or wherever - no accountability and basically that is why this came to be. If anybody in the public has a question regarding the Police Department's aspect of it he would be happy to answer.

Appearance: Mr. Julius Lesser
New City, New York

Mr. Lesser said he has an alarm system in his home and he wants to know if the permit is retroactive to those that are already in existence? He hasn't heard that addressed unless I missed it. Mr. Costa said he would have to apply for a permit. Everyone who has an alarm system will have to come forward and apply for the permit. The permit fee is \$10.00. It is a permanent permit. It doesn't have to be renewed but it is not transferable. In the event that you were to move and the new owner wanted to continue the alarm system they would have to come in and get a permit. It is a one time permit. There is a senior citizen exemption provided which he did not

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mention earlier but which he wanted to bring up at this point. The fee is waived for senior citizens who are using the alarm for personal, non-business purposes.

Councilman Mandia said they had also discussed at the Police Commission if application was made for a permit for a homebound handicapped person he would ask the Town Board to consider waiving that as well if that is an administrative function we could perform.

Mr. Lesser asked what is the necessity of paying for this permit? Mr. Costa said to help defray the cost of administration. It is a very modest fee and it will be costly for the Police Department in terms of the record keeping to implement this. Mr. Lesser said when he had his alarm system installed it cost him \$2,000.00 and the tax here is 7-1/4% which is about \$140.00 sales tax and that should have covered everything. Mr. Costa said sales tax goes to the state and county.

Councilman Mandia said he thinks people should understand that there are 12,000 - 1,000 per month - alarms - which is clearly the biggest call to the Police Department - 99.6% or 99.8% of them are false alarms. That is frightening. Officer Bradley said if you were to take a look at one of our officer's activity sheets on any given day from the start of their tour to the end of their tour you would see the amount of time spent in going from business to business and house to house. The one thing I would have to urge is the fact that many of the Town residents do not have alarms in this Town and if your alarm goes off at say No. 10 Smith Street twenty times a year the Clarkstown Police will respond. You will check that house 20 times. If the person next door to you does not have an alarm we will probably never set foot on his property. This is very unfair to the people who do not have alarms in this Town when we spend half of our time chasing these. That is an important fact that should be brought out.

Appearance: Mr. Jerry O'Rourke
Congers, New York

Mr. O'Rourke asked them to repeat the fine structure. Mr. Costa said failure to have a permit is a separate offense. The fine structure there in the Justice Court would be a fine of not less than \$100.00 nor more than \$500.00 for not having the permit. He said remember there is an affirmative defense if you get charged with not having a permit. You can immediately apply for one and that would be a defense to a fine. The object there is to have everyone have a permit and have the information on file concerning the system and the person to be notified, etc. The civil penalty for false alarms is \$50.00 each for any fourth or fifth false alarm within a twelve month period. After the fifth the civil penalty increases to \$100.00 per false alarm within any twelve month period. With respect to the civil penalties anyone who is notified that they have been assessed a civil penalty for a false alarm will have the opportunity to contest that before the Alarm Users Review Board.

Mr. O'Rourke said that sounds like it is punitive to him at \$50.00. Mr. Costa said he did not say it was not intended to be punitive. There are punitive provisions here. Mr. O'Rourke said I heard the officer say it was not meant to be punitive. Councilman Mandia said you heard me say that the principal reason is not intended to be punitive. We have a rising crime rate. We have got to get the cops doing what they

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are being paid to do and not be responding to someone's false alarms. That is really what we have to do and put some teeth into this. Mr. O'Rourke said why did people put in \$2,000.00? Because of the crime rate. We are evidently not coping with it. People feel they are insecure. I don't think you should charge them to apply for this permit or charge \$50.00 for the fourth time. It should be a little more reasonable. No one is condoning false alarms. I agree with you 100% but I think this is punitive when people are just trying to protect themselves. That is what this really amounts to.

Councilman Mandia said it is also worth saying that we are not operating in a vacuum. Virtually every community around us has this. We are one of the few communities that doesn't. Mr. O'Rourke said he agrees it is a problem but he hates to see us create a clerical nightmare of handling permits. Maybe these alarm companies if they have their customers on computers I am sure they could furnish you with a list. Councilman Mandia said the clerical nightmare, as you put it, is going to be at the outset which really justifies the fee in his opinion. Remember, it is one time. You are never going to have to pay it again unless you move and then the new owner has to pay it so it is not every year. It is one time. After that the people who are applying for alarms and the professionals in the alarm business will be well aware of this process and probably put it in the administrative trivia associated with putting in the alarms. He said he certainly hopes this is not going to be a burden. Mr. O'Rourke said he still thinks it is a pretty heavy penalty. He thought it was just for commercial not for residential.

Appearance: Mr. Otto Morch
Police Commissioner
Town of Clarkstown

Mr. Morch said he has been pro-active with the alarm law for some time because we haven't had one and if you figure that there are roughly 1,000 false alarms and they average ten minutes each and we send two patrol cars that is twenty minutes on each one. You figure that out that is eight weeks for one patrolman a month chasing false alarms. If we are concerned about crime we are having officers spending what amounts to eight weeks a month chasing false alarms and we are not even thinking about the hazards in their speeding to false alarms in that they may injure themselves or do bodily harm to others. He urged the passage of this.

Appearance: Dr. V. J. Pradhan

He said he was not for or against the alarm proposal. He said charging for a permit - how will that control false alarms? We have to look into what causes the false alarms. He said he could tell you what happened in his own house. He has a very sensitive alarm system. In very heavy winds the alarm goes off. He was told provision was made in the law for that. He said the second incident he had and the police were called because a big raccoon came in and bumped on the door and his hand fell on the bell and the alarm went off. If these kinds of things happen are they false alarms? Are we going to be penalized for that? Officer Bradley said if the alarm goes off and it is a false alarm whether it be a raccoon or whatever you are probably charged with a false alarm. However, if you come before the Review Board and tell them a raccoon came into your house and set the alarm off that would probably be excused. Dr. Pradhan said that happened to him twice. People said people who have alarm systems around

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their windows in heavy winds the alarm goes off right away. That is not the fault of the system. Officer Bradley said almost everyone's alarm system is the same way.

Dr. Pradhan said he would like to know how it is going to be figured out what is false alarm and what is true alarm? Mr. Costa said the responding police officer is required to make up a false alarm report and obviously the observations and the information that the police officer obtains at the scene will go into that report. That is then forwarded to Police Headquarters where the Chief of Police would in his discretion make a determination whether or not that was a false alarm or that was an alarm generated by a possible intruder. If it is a false alarm the Chief may send a warning notice outlining his findings. After three warning notices the fourth one would then generate civil penalty. Any information as to what caused the alarm obviously is relevant in the consideration that the Chief would have to give each case. If it were an attempted entry not by a burglar but some animal he thinks that would have to be considered in his discretion.

Dr. Pradhan asked in other words the police officer who walks in determines whether it is a false alarm or not? Mr. Costa said the police officer must make a report of his or her observations. That report goes to headquarters where it is analyzed by the Chief or his designee.

Appearance: Mr. John McNichol
West Nyack

He said he hasn't heard any remarks as to the value so far of the alarm systems. There must be a number of arrests that have been made by them and that is a positive part which has not been mentioned at all. He said he is an owner of an alarm system and he thinks what we are doing here is all wrong. We are forcing regulation on people for things that shouldn't be here at all. If a person wants an alarm system he doesn't see why they have to get a permit to have it. We are asking the people who have an alarm system and are running it properly to take the burden for those who don't do that. He thinks that is wrong also. He said someone said what we need here is education. The reason that most alarms go off is that people don't know how to use them. If you put your alarm on and go outside and find that you have forgotten something the rule is don't go in the house and get it. The rule is go in and shut off your alarm because you just came back. You haven't just left your house and are coming back to get something. You have left your house and you should treat it just the same as if you have been away and now have come back. You have got to shut the alarm system off first.

Mr. McNichol said he wanted to remark about the ease with which a false alarm can go through. Last week he got a call from a central alarm office that they had just received an alarm. He said he told them that is impossible because I don't have the alarm on. Yet they had me as having a false alarm. It didn't go to the police because I was at home but if I wasn't home without even having the alarm on that is a false alarm. He said although you say this permit is permanent a year or two years from now there will be a need for more money in the county and you will be looking for more money from the people who own alarms. He feels there are a number of wrongs here. First of all the people who do send in an extreme amount of false alarms should be notified or punished but he didn't think that should go for everyone here. A person who doesn't

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have many alarms shouldn't be punished. Asking them to get a permit and a renewal and things like that is not the way to handle it.

Appearance: Mr. Martin Bernstein
New City, New York

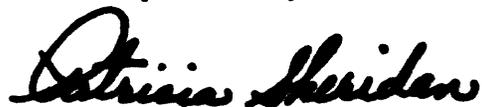
Mr. Bernstein asked are these alarms controllable? In other words is there a way that we can cut down on the alarms? Officer Bradley said most of the time he thinks it is just human error. Mr. Tcherniavsky said he finds in his research that there is a tremendous amount of user error in terms of false alarms. The industry has to take some responsibility for that and it is magnified by the fact that there are some companies installing these \$195.00 alarm systems with pressure to install them rapidly and get on with the job and go to the next one. The user is therefore not always properly trained in the operation of this alarm system. The flip side of the coin is that we are all very busy and active in our lives and sometimes we really don't take the responsibility as homeowners to properly insure that our alarm systems are operating correctly. Very often passwords are not properly given to teenagers or to any guests staying at the house. All these things add up and they add up to a lot of false alarms. You throw in there some substandard installations and improperly maintained systems - maintenance is very important. Adjustments, batteries, etc. are required for alarm systems.

Mr. Bernstein asked in areas where they have licensed these what percentage of the false alarms came down? Mr. Costa said the requirement that an alarm company have a license to do - install an alarm - is statewide. Mr. Bernstein repeated - what percentage of false alarms came down when municipalities set up this system? Is this to mean that we go through this whole routine and we reduce it by 5% or 6% or is this a real reduction by at least half? Mr. Bernstein said has there been any figures on the reduction of alarms? Mr. Tcherniavsky said in Scarsdale, which has the highest percentage per capita of alarm systems, they had a tremendous problem. There are 8,000 residents in the Village of Scarsdale and there were 5,000 alarm systems. They had somewhere in the area of 15,000 false alarms. This was one of the first ordinances that was enacted in Westchester. Within the first year there was a 50% reduction in alarms.

Councilman Mandia said the Town of Greenburgh has had similar results. Mr. Bernstein said he was just curious if we were just doing this to reduce it by 5% or 10%. We would be setting up a bureaucracy for very little result. Right now we have 12,000 calls a year. You expect to reduce it by 25% or 30%. We'll come back next year and see what happens.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (254-1995) ADOPTED