

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

10/5/98

8:30 P.M.

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

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

Supervisor opened the public portion of the meeting.

Appearance: Martin Bernstein
New City

Asked about the \$600,000 budgeted for South Main Street.

RESOLUTION NO. (764-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board meeting to conduct a public hearing on the 1999 Budget of the Town of Clarkstown, for November 2, 1998, at 8:30 P.M., to be held at the Clarkstown Town Hall, Room 311, 10 Maple Avenue, New City, New York.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (765-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Tentative Budget for the year 1999, on file in the Town Clerk's Office and presented to the Town Board on October 5, 1998, shall be considered the Preliminary Budget for the year 1999 for the purposes of public distribution and review, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to prepare 50 copies of same for public distribution pursuant to Town Law Section 106, and be it

FURTHER RESOLVED, that the public hearing to be held on the preliminary budget shall be November 2, 1998, at 8:30 P.M. at the Clarkstown Town Hall, Room 311, 10 Maple Avenue, New City, New York.

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RESOLUTION NO. (765-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (766-1998)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Resolution No. 740, adopted by the Town Board on September 28, 1998, is hereby amended as follows:

“and be it

FURTHER RESOLVED, that the period of said agreement providing for operation and maintenance is hereby extended until April 30, 2005.”

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (767-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Supervisor Town Board of the Town of Clarkstown is authorized and directed to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of 1998 Community Development Block Grant Program funds to the Town of Clarkstown in the amount of \$250,000.00, for the purpose of improvement to Camp Venture.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

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RESOLUTION NO. (768-1998)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, "AUGUSTA CERVINI, executrix of the Estate of MARY E. HANLEY and BOWMAN BUILDERS, INC., in a proceeding pursuant to ARTICLE 78 of the CPLR v. THE ZONING BOARD OF THE TOWN OF CLARKSTOWN";

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (769-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, studies of sales tax distributions in New York State Counties - outside of Rockland County - indicate that County sales tax revenue is provided to Towns and Villages at a significantly higher proportion than in Rockland County; and

WHEREAS, the State Comptroller's report of sales tax distribution indicates that many counties apportion the 3 percent County sales tax revenue as follows: 2 percent for the County and 1 percent divided between the Towns and Villages. This formula represents a distribution to the Towns and Villages that is 33 times greater than that currently received by the Towns and Villages in Rockland County; and

WHEREAS, based upon the \$82 million which Rockland County received in sales tax revenue in 1997, this formula would have resulted in the distribution of \$27 million to Rockland's Towns and Villages in 1998 (as opposed to the \$1 million received); and

WHEREAS, Rockland County Mayors and Supervisors recognize that such a formula for distribution will not be accomplished in one year; and

WHEREAS, several Rockland County Legislators have proposed various formulas for an equitable distribution of sales tax revenue based upon the increase in sales tax revenue over a two year recorded period; and

WHEREAS, the Towns and Villages provide the zoning that permits the County's shopping centers to operate, provide the Police and Justice Courts and maintain the road systems leading to the shopping centers and other retail establishments where the majority of the sales tax is generated.

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RESOLUTION NO. (769-1998) CONTINUED

NOW, THEREFORE, BE IT RESOLVED that the Town of Clarkstown requests that the Rockland County Legislature adopt a formula which would increase the amount to be distributed to Rockland Towns and Villages for 1999, above that which was granted to the Towns and Villages in 1998.

BE IT FURTHER RESOLVED that the Town Clerk send a copy of this resolution to the members of the Rockland County Legislature and the Rockland County Executive.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (770-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, American Appraisal Associates has submitted a proposal dated August 25, 1998, concerning fixed assets inventory and insurance appraisal for the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with American Appraisal Associates, in a form approved by the Town Attorney, to provide fixed assets inventory and insurance appraisal to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fees for such services shall be charged to Account No. A 1315-409.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (771-1998)

Co. Smith offered and Co. Mandia seconded

WHEREAS, certain work consisting of Re-spreading of Topsoil and Seeding at 5 Ridgefield Road, Tax Map Lot 60-A-16.06 was not completed in a satisfactory manner under the provisions of Town Code Sections 5-4(D), 5-15, 5-16, and

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RESOLUTION NO. (771-1998) CONTINUED

WHEREAS, the Town of Clarkstown is holding cash escrow from Gold Construction in the sum of \$2000.00, posted November 7, 1996, to guarantee the satisfactory completion of said work, and

WHEREAS, by letter dated April 18, 1998 the Department of Environmental Control notified Gold Construction that failure to complete said work in accordance with the provisions of Town Code Sections 5-4 (D), 5-15, 5-16, may result in the defaulting of escrow deposits, and

WHEREAS, Gold Construction failed to complete the work under the provisions of Town Code Sections 5-4 (D), 5-15, 5-16,

NOW, THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby declares the sum of \$2,000.00 deposited by Gold Construction to be in default.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (772-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, Resolution No. 20-1998 adopted on January 5, 1998 which appointed the custodians of the voting machines and established the wage of \$40 per machine each voting day for the year 1998 is hereby amended to show an increase of wage to \$50 per voting machine each voting day effective and retroactive to September 1, 1998.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

Respectfully submitted,

Patricia Sheridan
 Patricia Sheridan
 TOWN CLERK