

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

9/7/2000

7:00 P.M.

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

Supervisor Holbrook declared the Special Town Board Meeting open. Assemblage saluted the flag.

Supervisor asked Robert Geneslaw to give a brief presentation as to where we stand and on where we are headed on the open space initiative.

Appearance: Robert Geneslaw
 Planning Consultant

There was a public hearing a few months ago to allow the public to nominate properties for open space protection. There were a number of meetings held by the Planning Board and the Ad Hoc Committee who nominated a number of properties. We also received quite a few of written communications from the public after the close of the public hearing. Several weeks ago the Town Board members were given a copy of a draft of a map showing the properties that had been mapped up to that point with a tentative list of properties with the owners names, zoning and other information. He gave the Town Board Members an updated version which is also a draft document. It is nearly complete, but there are a few items Mr. Geneslaw wants to double check. It is a map that shows all the existing parks and open spaces whether they are owned by the Town, County, State or private organizations. In another color are all the proposed nominations so that you can see how they relate to one another. An updated list of the properties themselves with tax, block and lot numbers. You can compare the map with the list. You can observe the ownership, zoning, acreage, assessed value, equalized value and perhaps most importantly the relationships of the properties to one another and to the already protected parks and open spaces. We will be looking for any additional properties that the Town Board Members want to add to that inventory within the next week. We took all the properties that were nominated and mapped them. In addition to the Public, the Planning Board and the Ad Hoc, we received some suggestions from the Parks Department and Environmental Control. We added a few ourselves based on trying to establish connections and some properties that were adjacent to others were recommended. We did not attempt to make selections as to which ones we thought should be protected or any kind of priority order. We are trying to record the nominations that have been made. It will be the Town Board's job with whatever help we and the other Town agencies can provide to set the priorities and determine which ones should be done first. This is simply a compendium of everything that has been recommended up to this point. Mr. Geneslaw also gave the Town Board a draft, an environmental assessment form part one and part two so that you can see how we are handling the SEQRA aspects. We are preparing the part three which will have some additional information on the impacts of the proposal. We will have that ready for the Town Board in a week to ten days. If any of you have any nominations, we can include that as part of it. You will need to complete the SEQRA process sometime prior to the referendum. If the official map is used as one of the mechanisms to carry out the purpose of the program, then you will need to finish SEQRA prior to the adoption of the official map. The official map will have to be referred to the County and Town Planning Boards. You will have to hold a hearing on that. The SEQRA aspect will be the first one to come to a conclusion of the several steps. Mr. Geneslaw distributed the report to the Town Board.

Co. Mandia asked if it will be clear what the voters are voting for in November. Not only in terms of dollars, but what properties. Mr. Geneslaw replied, you now have a list of each property by tax, block and lot number and owner. You may decide to drop some or add some before they are mapped on the official map.

Supervisor Holbrook stated that he thinks that they would have a list available that would be under consideration for acquisition by the next Town Board Meeting which will be the 26th of September. People will know what is on the table. Mr. Geneslaw stated that you have never really talked about acquiring property or using Town money for acquisition of every property. You might in some cases use bond money to match Federal or State grant money. If there is a 50% grant, you are getting two dollars of value for each dollar you spend. There may be some situation where you require conservation easements or development rights which would be less than the total value of the property. There may be some people who are interested in donating property and getting whatever tax benefit there might be or as was the case when the Davenport preserve was established, people donated land to be part of the preserve because they knew the Town would keep it open and undeveloped. There may be some situations like that. So, don't think that we should assume that whatever amount of money you use will all be spent on direct acquisition. Co. Maloney asked if this was an update from what they received a couple of weeks ago. Mr. Geneslaw said that is correct. There will probably be a few more minor changes, but this is basically it. It is 99% complete at this point.

Supervisor opened the public portion of the meeting.

Appearance: Mr. Winston Perry
Upper Nyack

He has lived in the Town of Clarkstown all of his life and is in support of this proposed referendum. The protection of the remaining open space in the Town is important for the future of the Town.

Appearance: Bill McCue
Chairman for Over 55 Coalition

He has over six hundred and forty nine names which will remain confidential. We are over 55 and we pay taxes, and like open space, but at what price. He requested that this referendum be tabled.

Appearance: Terry Thal
Lake Lucille, New City

She is in favor of the open space referendum and feels that the \$20,000,000.00 bond is not enough.

Appearance: Martin Bernstein
New City

Spoke in favor of the open space referendum and that \$20,000,000.00 is not enough. The more open space we have, the more valuable individual properties become.

Appearance; Richard Clark
So. Mountain Rd, New City

He supports the bond issue for preserving areas. Spoke about an eighty foot ash tree that fell in his driveway killing a man sitting in a car. Abnormal moist soil has become a fact of life for a good number of residents in the area of the junction of South Mountain and Zuckor Roads.

Appearance: Phillip Bosco
West Nyack

It is important, if you are going to put this referendum on the ballot, you put into the resolution that you will be seeking Federal and State funds to offset expenditures. He asked if there was a list of the properties and if a bond could be issued for fifty years.

Appearance: Michael Reilly
Nanuet

School taxes in Nanuet have increased more than 10%. Open space is fine and Clarkstown has a considerable amount of it. Rockland County uses a National Standard of one acre of open space per 100 population. Currently there is 564 plus acres of Town owned parkland, 468 acres of County owned parkland, 2320 acres of State owned parkland in the Town which equals 3,352 acres. Eight times the national standard. Add in the open space of our schools, Dellwood and ball fields, we would easily list over 5,000 acres of open space. If we had the will to pressure United Water to open up Lake DeForest for access, that would probably add another 1,200 plus acres of open space. The trend around the nation is to open up reservoirs for recreational use. Mr. Holbrook has spoken about a long range plan that should be crafted with Tilcon as their sites deplete over the next ten to fifteen years that could be added to the Town inventory. Rockland County has just completed a round of acquisition of land. One parcel is the Cropsey Farm in New City. The County deadline for nomination of parcels for this year's program just closed September 1st. Did the Town participate in the County program? It is expected that the County will invest \$30,000,000.00 more in open space. Do we need to go dollar to dollar with the County? If Clarkstown invests \$20,000,000.00 in acquisition over twenty years that is virtually a \$40,000,000.00 cost. If we take \$20,000,000.00 worth of property off the existing tax role that is an additional \$1,000,000.00 a year we are losing in ratable property forever. How about the cost for improvements and annual overhead. He submitted an article from American City & County Journal to the Town Board dated August 2000. Where is the overall plan being proposed by Clarkstown? Is the sought after property being pursued with an open check book? Can we expect the Town to condemn property? Will our tax dollars for property be in direct competition with out County tax dollars? Let's clear up the issue of our open space in Ramapo. Let's work hand and hand with the County. The Supervisor noted in John Barry's article today, he is planning to spend the \$500.00 from Southern Energy on open space. Maybe the taxpayers want some tax relief or the beginnings of a surplus fund. Four times the National Standard for open space is more than reasonable for Clarkstown. A \$20,000,000.00 bond resolution on the heels of this years school tax increase is not prudent. A local bond issue on the same ballot as a \$3,800,000. NYS bond issue doesn't make sense. Where is the written plan and justification to support this proposed tax increase.

Appearance: Steve Goldman
Clarkstown

We have a lot of open land. He believes that not too many of us can fund this kind of fiasco.

Appearance: Bonnie Freer
So. Mountain Rd.

She stated that mountain side land should be preserved to insure the quality of life.

Appearance: Charles Erlick
New City

Inquired as to how many pieces of land were nominated and asked if the referendum is voted down, does that mean nothing will be bought. Is there a figure somewhere in the middle and how much would this cost each household?

Appearance: Joanna Galdone
New City

She is in favor of this proposal and believes it is time to do something for our tired earth.

Appearance: Scott Romer
West Nyack

He is in favor of the proposal to buy and protect this undeveloped land.

Appearance: Barry Lewis
New City

He is willing to buy \$1,000,000.00 worth of bonds to finance open space. He is in total favor of the referendum.

Appearance: Pat Kilgannon
New City

Supports the referendum on open space.

Appearance: Jerry O'Rourke
Congers

Asked how the purchase of the land is to be handled. Who will be getting the real estate commission? He hopes we are not buying our friend's property.

Appearance: Peggy Curtis
Upper Nyack

Don't think small. \$20,000,000.00 is not enough.

Appearance: Catherine Graham
New City

She is in favor of the referendum and thanked the Town Board. It should be a larger amount of money.

RESOLUTION NO. (665-200)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of August 8, 2000 and August 14, 2000 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

(Co. Smith abstained on the August 8th Minutes)

RESOLUTION NO. (666A-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, pursuant to Section 247 of the General Municipal Law, constituting Chapter 24 of the Consolidated Laws of the State of New York (the "GML"), the Town of Clarkstown,

RESOLUTION NO. (666A-2000) continued

Rockland County, New York (the "Town"), is authorized to acquire interests or rights in real property for the preservation of open spaces and environmentally sensitive areas as the GML defines those terms; and

WHEREAS, the Town intends to preserve open space and environmentally sensitive areas by the acquisition of interests or rights in such real property and by paying for those acquisitions with Town Funds; and

WHEREAS, the Town intends to obtain those funds by authorizing the issuance of bonds and/or land installments purchase obligations for such purpose; and

WHEREAS, it is expected that the particular lands or rights in land to be acquired pursuant hereto shall be all or some of those lands designated as open space parks on the official map of the Town;

Now, therefore

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than three-fifths of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town Board hereby finds the acquisition of interests or rights in real property located throughout the Town for the preservation of open spaces and environmentally sensitive areas and for conserving the character of local communities to be necessary, in the public interest and a proper public purpose of the Town in accordance with the intention of the New York Legislature as set forth in the GML.

Section 2. The Town is hereby authorized to acquire such interests, including the fee or any lesser interest, or development right, easement, covenant or other contractual right, including, but not limited to, development rights in open agricultural lands actually used in bona fide agricultural production, necessary to achieve any of the purposes of Section 247, within the Town by purchase gift, grant, bequest, devise, lease or otherwise, for the preservation of open spaces and environmentally sensitive areas and for conserving the natural and scenic resources of the Town and protecting the character of its local communities, as may be authorized from time to time, by the Town Board of the Town, after due notice and a public hearing, pursuant to the provisions of Section 247 and any applicable local laws of the Town of Clarkstown. The Town Board intends that the lands or rights in land to be acquired pursuant hereto shall be all or some of the lands designated as open space parks on the official map of the Town, subject to final authorization and determination by the Town Board. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$22,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$22,000,000 bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. Bonds of the Town in the principal amount of \$22,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York ("Law"), to finance said appropriation.

Section 4. The period of probable usefulness of said class of objects or purposes, as described herein, for which said bonds are authorized to be issued, within the limitations of Section 11.00 (a) 21. of the Law, is thirty (30) years.

Section 5. All or a portion of the indebtedness to be contracted by the Town for the purpose of financing the acquisition of such interests or rights in real property may be issued in the form of land installment purchase obligations pursuant to the provisions of Section 29.10 of the Law and any portion of said estimated maximum cost that is not financed by the issuance of land installment obligations is authorized to be financed by the issuance of bonds or bond anticipation notes of the Town.

RESOLUTION NO. (666A-2000) continued

Section 6. (a) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(b) The proposed maturity of said serial bonds will exceed five (5) years.

Section 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds and any land installment purchase obligation shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, and any land installment purchase obligations, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, land installment purchase obligations and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof, and any land installment purchase obligations to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the issuance of bonds with substantially level or declining annual debt service, Section 29.10 relative to the issuance of land installment purchase obligations and of Section 30.00 relative to the issuance of bond anticipation notes and of Sections 50.00, 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds and land installment purchase obligations herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of contracts for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 9. The validity of the bonds and other obligations authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and a action, suit, or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 10. A Proposition for the approval or disapproval of this bond resolution shall be submitted as a Proposition to the qualified voters of the Town at a Special Town Election to be held at the same time as the General Election on November 7, 2000, and this bond resolution shall take effect upon the approval of the Proposition by said voters of the Town at such Special Town Election.

RESOLUTION NO. (666A-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Abstained
Councilman Mandia Yes
Councilwoman Smith Abstained
Supervisor Holbrook Yes

RESOLUTION NO. (666B-2000)

Co. Mandia offered and Co. Lasker seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. At the Special Town Election of the Town of Clarkstown, in the County of Rockland, New York (the "Town"), to be held at the same time as the General Election on November 7, 2000, the Proposition referred to in Section 2 hereof shall be submitted to the qualified voters.

Section 2. The Town Clerk is hereby authorized and directed to give notice of submission of such Proposition at the Special Town Election (a) by publishing, at least ten (10) days prior to such Special Town Election, a Notice thereof in form and substance as hereinafter set forth, at least once in the "ROCKLAND COUNTY TIMES," "THE JOURNAL NEWS," and the "ROCKLAND REVIEW," newspapers having general circulation in the Town, and hereby designated the official newspapers of the Town for such publication, and (b) by posting such notice at least ten (10) days prior to such Special Town Election on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law. Said Notice shall be in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK
NOTICE OF SUBMISSION OF A PROPOSITION
AT A SPECIAL TOWN ELECTION TO BE HELD
AT THE SAME TIME AS THE GENERAL ELECTION ON NOVEMBER 7, 2000

NOTICE IS HEREBY GIVEN that pursuant to the resolution duly adopted by the Town Board of the Town of Clarkstown, in the County of Rockland, New York on September 7, 2000, a Proposition shall be submitted to the qualified voters present and voting at the Special Town Election to be held at the same time as the General Election on November 7, 2000 in the Town of Clarkstown. Such Special Town Election shall be conducted at the time and places and in accordance with procedures determined pursuant to applicable law and by the Rockland County Board of Elections. Such Proposition shall be in substantially the following form:

PROPOSITION

SHALL THE RESOLUTION ENTITLED: " BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED SEPTEMBER 7, 2000, AUTHORIZING THE ACQUISITION OF INTERESTS OR RIGHTS IN REAL PROPERTY IN THE TOWN FOR THE PRESERVATION OF OPEN SPACES AND ENVIRONMENTALLY SENSITIVE AREAS, INCLUDING, BUT NOT LIMITED TO, DEVELOPMENT RIGHTS IN AGRICULTURAL LANDS; STATING THEIR ESTIMATED MAXIMUM COST THEREOF IS \$22,000,000; APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE ISSUANCE OF \$22,000,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION; STATING THAT LAND INSTALLMENT PURCHASE OBLIGATIONS ARE AUTHORIZED TO BE ISSUED PURSUANT

TO THIS BOND RESOLUTION; AND DETERMINING THAT THIS BOND RESOLUTION SHALL BE SUBJECT TO A MANDATORY REFERENDUM," BE APPROVED?

An abstract of said bond resolution, concisely stating its purpose and effect thereof, is as follows:

FIRST: RECITING that pursuant to Section 247 of the New York General Municipal Law ("Section 247"), the Town of Clarkstown is authorized to acquire interests or rights in real property for the preservation of open spaces and environmentally sensitive areas, as defined in Section 247; and that the Town will pay for such acquisition with Town funds which it will obtain by authorizing the issuance of bonds and/or land installment purchase obligations for such purpose; **STATING** that the Town Board finds the acquisition of interests or rights in real property throughout the Town for such purposes to be in the public interest and a proper public purpose of the Town in accordance with the intentions of the New York Legislature; **AUTHORIZING** the Town to acquire such interests, including the fee or any lesser interest, or development right, easement, covenant or other contractual right, including, but not limited to, development rights in open agricultural lands actually used in bona fide agricultural production, necessary to achieve any of the purposes of Section 247, within the Town by purchase, gift, grant, bequest, devise, lease or otherwise for the preservation of open spaces and environmentally sensitive areas and for conserving the natural and scenic resources of the Town and protecting the character of its local communities, as may be authorized from time to time, by the Town Board of the Town, after due notice and a public hearing, pursuant to the provisions of Section 247 and any applicable local laws of the Town of Clarkstown; **STATING** that the Town Board intends that the lands or rights in land to be acquired pursuant hereto shall be all or some of the lands designated as open space parks on the official map of the Town, subject to final authorization and determination by the Town Board; **STATING** the estimated maximum cost thereof is \$22,000,000, **APPROPRIATING** \$22,000,000 to pay said cost; and **STATING** the plan of financing includes the issuance of \$22,000,000 bonds of the Town, and the levy and collection of taxes upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$22,000,000 bonds of the Town pursuant to the Local Finance Law of the State of New York ("Law") to finance said appropriation;

THIRD: DETERMINING and **STATING** the period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued is thirty (30) years; that all or a portion of such indebtedness may be issued in the form of a land installment purchase obligation or obligations pursuant to Section 29.10 of the Law; the proceeds of the bonds may be used to reimburse the Town for expenditures made after the effective date hereof for the purpose for which said bonds are authorized; and the proposed maturity of said serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds or land installment purchase obligations and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and **PLEDGING** to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and land installment purchase obligations and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof, and other related powers and duties; and

SIXTH: DETERMINING that a Proposition for the approval or disapproval of this bond resolution shall be submitted to the qualified voters of the Town at the Special Town Election to be held at the same time as the General Election on November 7, 2000 and that this bond resolution shall take effect upon such approval.

RESOLUTION NO. (666B-2000) continued

Section 3. In addition to the foregoing, the Town Board hereby authorizes and directs the Town Clerk to do the following:

(a) To maintain and distribute copies hereof, ready for public review and inspection in the Office of the Town Clerk and any and all other locations deemed necessary by the Town Clerk and the Town Attorney to comply with New York State Law regarding referenda; and

(b) To take all necessary steps, with assistance of the Town Attorney, to ensure that such Proposition is properly placed before the duly qualified Electors of the Town at the Special Town Election to be held at the same time as the General Election on November 7, 2000.

Section 4. After said bond resolution shall take effect, the Town Clerk is hereby directed to publish said bond resolution, in summary or in full, in the newspapers referred to in Section 2 hereof, and hereby designated the official newspapers of the Town for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 5. This resolution shall take effect immediately.

* * *

On roll call the vote was as follows:

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

Co. Lasker stated, there is a long held belief about open space that even though it may be nice to look at, it is not economically productive and that it only really carries its weight in the local tax base after it is developed. Communities in growing areas are finding out that this belief is wrong. Studies show that conserving open land is not contrary to economic health, but essential to it. Land conservation is a sound investment. Development is not a sure fire economic boon and protecting the resources base pays off. Development that destroys community resources and natural features is both economically and environmentally wasteful. Maintaining a substantial open space system is one important way of controlling the costs of government. Numerous studies done throughout the country all agree – taxes increase as farms and other open space are developed. Communities with well thought out land protection programs may also improve their bond ratings. Bond ratings are beginning to reflect the fact that unlimited or mismanaged growth can threaten a community’s fiscal health, while land conservation can help sustain it. Howard county, Maryland was given a AAA bond rating because of its record and specific plans for preserving open space. Clarkstown would only enhance its fiscal integrity by demonstrating a commitment to maintaining the quality of life and controlling the costs of development. Open space protection saves public funds by preventing development of hazardous areas. We have all seen too clearly the costs of over development during Hurricane Floyd. Demands for costly drainage improvements, flood control projects and disaster relief are all preventable by conserving land. Open space increases the value of nearby or adjacent property. Access to protected open space is a valuable amenity in the real estate market. To quote from an editorial in the Journal News, this past February, “Clarkstown’s plan to preserve land is enlightened. First there is the improved quality of life with less potential traffic, noise and pollution. Second is lower, or at least stable taxes. No new home ever brings in enough in taxes to cover the added costs of policing, schools, highway work, etc.” If Clarkstown is going to remain economically viable, if it is going to attract long term residents and businesses, then it must be concerned with its appearance, livability and feel. Protecting open space contributes to a positive image for the community which translates into a sound economic base. The bond we are voting for tonight is for \$22,000,000.00 which will add about \$70

to the average homeowners tax bill a year. That is a good start, but I would like to make a case for increasing the size of the proposed bond to 40-50 million dollars. There are many acres of land to be saved in Clarkstown. Among those that are being considered are Dellwood, Davies Lake, Smith Farm, Cropsey Farm, West Hook and parcels in Nanuet, Congers and Valley Cottage. If you considered the parcels in the Clarkstown school district alone and the cost to the school system and impact on taxes, it is overwhelming. If you consider that it would cost the average homeowner with an assessed value of \$135,000.00, an extra \$13 a month or 166 dollars per year (with a 20 year bond assuming 6% interest) or 11 dollars a month (or 141 dollars a year) with a 30 year bond @ 6 percent), the cost of preserving land is miniscule compared to the costs to the taxpayer of development of that same land. I know I would gladly add another 11-13 dollars a month to my tax bill if it meant keeping my taxes stable in the long run, protecting the environment and increasing the value of my home. In 1999 alone, there were 102 referenda in 22 states and 90% were passed by large majorities. I would like us to join the millions of taxpayers across the country who have approved similar bond issues, but again I would urge the Town Board to increase the amount of the bond to between 40- 50 million, so we can have a greater impact on preserving the quality of life in our Town.

Co. Maloney stated that he is in favor of preserving whatever open space we have. I have live in Clarkstown for forty years. I am a senior citizen. I talked to many people about the need for keeping open space. A lot of people want open space. They see the need for it. My concern is the question of \$22,000,000.00. In retail if you offer something for \$3.00, people don't buy it. If you make it \$2.98, they will. If it is \$10.00 they won't buy it. If you make it \$9.98, they will. I want the referendum passed. My concern in talking to the people especially those on a fixed income, and those facing increases in the Nanuet School District particularly since we may be going to a bond issue to buy a golf course. I would much rather see a referendum pass at \$10,000,000.00 so that we can buy open space than to have a \$22,000,000.00 referendum go down the drain and wind up with nothing. Unless it is \$10,000,000.00, I have to abstain.

Co. Smith stated that Open Space is critical to our environment. Open Space is not a new concept, but has existed in the Town of Clarkstown for decades. All steps should be taken that are appropriate and reasonable to continue to preserve Open Space in the Town of Clarkstown by proper planning. It is important that the designation of Open Space and the consideration of purchasing Open Space be done in a proper and prudent manner. The rights of property owners and taxpayers in the Town of Clarkstown must be protected at all times in the effort to preserve Open Space and most importantly, the consequences to the taxpayers of any Open Space designation or purchase must be recognized before any Open Space is considered for purchase. The 2000-2001 tax statements recently released indicate an increase for every school districts in the Town of Clarkstown, most notably a 10% increase for our residents in the Nanuet School District. The approved Clarkstown School Bond of \$37M will begin to impact the taxpayers in 2001 or 2002 and the County's intended \$30M bond over 5 years for Open Space will also impact the taxpayer in 2001. The Town's own 2001 expenditures must also be added to the taxpayer's expense of the aforementioned increases. Because the taxpayer is already facing increases in many areas, I believe that a beginning amount of Open Space bonding approved by the Town should be \$10 million and I believe that this amount stands a realistic chance of being approved by the taxpayer in a referendum. Upon passage of the referendum, the following procedures should become Town policy. Any parcel designated by the Planning Board for acquisition of Open Space should include information containing: the metes and bounds description of the designated property, the current appraised price of the property from the Town Assessor's office, a current fair market value of the property as determined by a certified appraiser, the estimated cost involved in the acquisition, the estimated annual cost of maintenance of the property, and any other necessary expenditures in the acquisition. When all of the requested information is sent to the Town Board for approval, the same information should be sent to the owner of record by certified mail with a notice that the Town Board will consider acquiring the property at a meeting not less than 45 days after the date the notice is sent to the property owner of record. In the event the property owner of record provides written notice to the Town Board prior to the scheduled meeting, that the parcel is not available for acquisition, the Town Board shall be prohibited from voting on any such

parcel. If the owner does not object to the acquisition, 10 days prior to the Town Board acquisition meeting a written notice disclosing: the acquisition price, the loss of real estate taxes generated by the parcel, and the expenditure of tax payers funds required each year for maintenance, insurance and other expenses for the property as well as debt service of any bonding for the acquisition. My priorities for Open Space are environmentally, sensitive parcels and large parcels of land that would negate future impact on our schools and that could hopefully be used in a recreational manner in which we might break even in our costs. Based on these priorities of the large parcels my first nomination for acquisition would be Smith Farm which is in immediate risk of being developed and such development would adversely impact our schools. Unlike conventional bonding Open Space acquisitions can be negotiated over a period of years and if \$10M is not sufficient for the acquisition price, as Mr. Geneslaw pointed out, there are additional means of funding. Second on my list would be Davies Farms Inc. in New City and in a few years when Jan & Niles Davies are ready, Davies Farm in Congers. In each instance these three parcels would increase our Open Space to an excess of our current 30% and assist our schools. This is not our last chance; on our own initiative we purchased Open Space in Valley Cottage last year, and I recommend that acquiring Open Space on a continuing, fiscally sound basis become a regular policy for the Town of Clarkstown and not just a result of mandatory referendum. Because of the stated amount, I am abstaining on this resolution.

Supervisor Holbrook stated that he is going to support the resolution. The open space initiative evolved from the Master Plan that was conducted in Clarkstown in 1998 into 1999. It was a grass roots plan and one of the most important ingredients of that was the concern about open space. We always have to measure cost, what we may be able to purchase or acquire through other means, but in the final analysis this initiative puts everything into the hands of the public. We are giving them the opportunity to act in the affirmative. While we can argue about the amount, I think \$22,000,000.00 is an appropriate figure and we are going to give the public the opportunity to either approve it or not approve it. We will live by what the public states in the privacy of the ballot box. I think it is important to give the public that opportunity and certainly, that was one of the clear messages that came out of the whole Master Plan program. I will vote to support that.

RESOLUTION NO. (667-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the placing of a half page advertisement in the Rockland Economic Development Corporation Connections 2000 Journal on November 16, 2000 for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$500.00, which shall be charged to Account No. A-6410-405, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 29, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (668-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, pursuant to the provisions of 47 U.S.C.A. § 546, a franchising authority may commence a proceeding which affords the public input with respect to franchise renewals for cable television;

NOW, THEREFORE, be it

RESOLVED, that Charles Holbrook, Penny Leonard and Philip Fogel are hereby appointed as a committee to commence proceedings to review the performance of the cable operator under the franchise agreement and to identify future cable-related community needs and interests.

On roll call the vote was as follows:

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

RESOLUTION NO. (669-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Patricia Sheridan, Town Clerk, is hereby authorized to Attend the Regional Meeting for the New York State Town Clerk's Association, Inc. to be held on September 18, 2000 at the Villa Roma, 340 Villa Roma Road, Callicoon, N.Y. All proper charges, including mileage, room reservation and registration fee shall be charged to Appropriation Account #A-1410-414. Registration fee: \$20.00 Room Reservation \$81.00

On roll call the vote was as follows:

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

RESOLUTION NO. (670-2000)

Co. Lasker offered and Co. Maloney seconded

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

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 2000 to the following non-profit organizations in the following amounts:

ROCKLAND FAMILY SHELTER \$ 1,000

MARTIN LUTHER KING \$10,000 c

and be it

RESOLUTION NO. (670-2000) continued

FURTHER RESOLVED, that the total amount of \$11,000.00 be charged to Account No. A 8840-424.

On roll call the vote was as follows:

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

RESOLUTION NO. (671-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, a veteran organization has requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veteran organization for the year 2000:

American Legion, Nanuet – Post No. 794 - \$750.00

and be it

FURTHER RESOLVED, that claims for such sum shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2000 Account No. A 6510-401.

On roll call the vote was as follows:

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

RESOLUTION NO. (672-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Sears, Roebuck & Co. have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 14, Block C, Lot 11.1, for the year(s) 1994/95, 1995/96, 1996/97, 1997/98, 1998/99 and 1999/00, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLUTION NO. (672-2000) continued

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$5,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

Councilwoman LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookYes

RESOLUTION NO. (673-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, ALFRED WEISSMAN and SIDNEY WINOKER have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 56, Block A, Lot 29, for the year(s) 1995/96, 1996/97, 1997/98, 1998/99 and 1999/00, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

Councilwoman LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookYes

RESOLUTION NO. (674-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Resolution #636-2000 is hereby corrected to read:
RESOLUTION NO. (674-2000) continued

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

BID #37-2000
SCALEHOUSE RECONSTRUCTION – SOLID WASTE FACILITY

is hereby awarded to :

ZUGIBE CONSTRUCTION, INC.
254 SOUTH MAIN STREET – 4TH FLOOR
NEW CITY, NY 10956
PRINCIPALS: PATRICIA ZUGIBE
KEITH ALLERTON

RESOLUTION NO. (674-2000) continued

As per their proposed lowest bid project cost of \$93,600 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following items:

- a) Signed Contract documents – 2 sets
- b) Performance Bond – 100% of proposed project cost
- c) Labor and Materials payment bond – 100% of proposed project cost
- d) Certificate of Contractors Liability and Property Damage Coverage including a Save Harmless Clause
- e) Certificate of Workers Compensation
- f) Certificate of Workers Disability Coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

On roll call the vote was as follows:

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

RESOLUTION NO. (675-2000)

Co. Maloney offered and Co.Mandia seconded

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

BID #47-2000

REINFORCED CONCRETE CULVERT PIPE & BASIN BLOCK & BRICKS

is hereby awarded to:

PRE-CAST CONCRETE SALES
 PO DRAWER O
 123 ROUTE 303
 VALLEY COTTAGE, NY 10989
 PRINCIPALS: RAYMOND M. FISHER
 GREGORY P. FISHER

FEDERAL BLOCK CORP.
 247 WALSH AVENUE
 NEW WINDSOR, NY 12553
 PRINCIPAL: JAY MONTFORT

as per the item/price schedule on file in the Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (676-2000)

Co. Maloney offered and Co. Mandia seconded

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

BID #48-2000
VENDING MACHINE SERVICES

is hereby awarded to

BELLWOOD VENDING COMPANY
100 RED SCHOOLHOUSE ROAD
CHESTNUT RIDGE, NY 10977
PRINCIPALS: ROBERT APPELBAUM
STEVE APPELBAUM

As per their proposed commission rate of 30% of all vending sales.

On roll call the vote was as follows:

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

RESOLUTION NO. (677-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Soprano Productions, Inc., a production company, has requested permission to film in Clarkstown on Tuesday, August 29, 2000;

NOW, THEREFORE, be it

RESOLVED, that Soprano Productions, Inc., 42-22 22nd Street, Long Island City, New York 11101, is hereby authorized to film in the Town of Clarkstown, Bardonia, New York, on August 29, 2000 upon the following conditions:

- (1) A permit fee of \$250 shall be paid by Permittee;
- (2) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000 combined single limit for automobile liability and general public liability;
- (3) Permittee to provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (4) The Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (5) Permittee shall post a cash security deposit of not less than \$1,000 prior to the commencement of any filming activities;
- (6) Permittee shall pay for all required police protection as determined by the Chief of Police, to be reimbursed at a rate equal to the actual hourly cost to the Town, and

RESOLUTION NO. (677-2000) continued

(7) Permittee shall not utilize public property for any filming or storage of equipment or parking of vehicles.

and be it

FURTHER RESOLVED, that the permit granted herein is with the understanding that should public property be used by the Permittee, a fee of \$250.00 per hour shall be paid for each hour or part thereof, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 28, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (678-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board adopted Resolution No. 501-2000 concerning the Town Wide Open Space Protection and Land Conservation Initiative, and

WHEREAS, in that resolution, the Town Board, acting as SEQR lead agency, directed that the Negative Declaration for the Town's Comprehensive Plan be rescinded and that a Positive Declaration be prepared by Robert Geneslaw Co. along with a Supplemental Generic EIS, and

WHEREAS, in a report dated September 5, 2000, Robert Geneslaw Co. analyzed the SEQR aspects of the Open Space Initiative and has recommended amending Resolution No. 501-2000 with the following determinations;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 501-2000 is hereby amended, as provided herein, and be it

FURTHER RESOLVED, that the Town Board hereby determines that the Town Wide Open Space Protection and Land Conservation Initiative, as a Type I Action, requires the preparation of a full Environmental Assessment Form, Parts 1, 2 and 3; and that Part 3 include by reference, the DGEIS and Negative Declaration previously approved for the Comprehensive Plan adopted by the Town Board on September 28, 1999, and be it

FURTHER RESOLVED, that Part 3 of the Environmental Assessment Form be expanded to include the possible socio-economic effects of undertaking the Open Space Protection and Land Conservation Initiative, as well as consideration of the anticipated benefits to freshwater wetlands and the plants and animals on the affected land, and be it

FURTHER RESOLVED, that the Town Board will review the Long Form EAF prepared by Robert Geneslaw Co. and before making any final disposition, declare that the action will or will not have significant adverse effects upon the environment.

RESOLUTION NO. (678-2000) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (679-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is undertaking a Town Wide Open Space Protection Initiative, and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation is offering grants for park acquisition under the Environmental Protection Act of 1993 and the Clean Water/Clean Air Bond Act, and

WHEREAS, the Town wants to apply for a grant of \$1,000,000 for its West Hook Mountain Open Space Protection Plan;

NOW, THEREFORE, be it

RESOLVED, that Charles E. Holbrook, Supervisor of the Town of Clarkstown, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 and/or Title 3 of the Clean Water/Clean Air Bond Act, in an amount not to exceed \$1,000,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town for its West Hook Mountain Open Space Protection Plan.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 8 40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk