

Town Hall

JULY 14, 1987

8:05 P.M.

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

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

Supervisor declared Public Portion open.

Appearance: Mr. Alan Friedman
112 Church Street
Nanuet, New York

Mr. Friedman spoke regarding demolition projects in Clarkstown and the clear violation of EPA regulations regarding emissions of toxic materials. He said asbestos was his major concern. He noted that recently a building burned down on Middletown Road and Church Street. The building was knocked down and while they were doing this there was all kinds of dust. He stated that the EPA says that if you have a demolition project it is supposed to be wet down. There should be no visible dust - not that the visible dust will hurt you but that is the EPA guidelines. In the instance to which he was referring there was dust all over the place. Police were there directing traffic, etc. The siding of that building was asbestos shingle which, when it was on the building, was probably no problem but after the fire it would definitely become a problem.

Mr. Friedman said he worked in New York City where there is a tough asbestos law. He brought in forms for perusal by Town officials. Supervisor turned the material over to the Town Attorney and presented a copy to the Town Clerk for filing.

RESOLUTION NO. (714-1987)

ACCEPTING MINUTES OF THE
REGULAR TOWN BOARD MEETING
OF JUNE 9, 1987

Co. Carey offered the following resolution:

RESOLVED, that the Minutes of the regular Town Board Meeting of June 9, 1987 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

On roll call the vote was as follows:

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

RESOLUTION NO. (715-1987)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
INFO-MATIC, INC. - CHARGE
TO ACCOUNT NO. A 1680-409

Co. Carey offered the following resolution:

WHEREAS, THE Town Comptroller has recommended that the Town enter into an agreement with Info-Matic, Inc. for computer software program for payroll processing;

Continued on Next Page

ABE650

RESOLUTION NO. (715-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Info-Matic, Inc., in a form approved by the Town Attorney, at a cost not to exceed \$3,700.00, said amount to be charged to Account No. A 1680-409.

Seconded by Co. Maloney

Councilwoman Smith inquired as to who the principal was? Supervisor Holbrook said early in the year there were problems with the programming. Town Attorney said it was something that his office had been asked to look into. He said the principal was a Steven J. Schofield of 105 Main Street, Chester, New York. Councilwoman Smith asked the Supervisor if they were taking some precautions with this contract that would eliminate what we faced with ADP. Supervisor said that ADP tried to blame us when it was actually ADP's fault for the purging of the payroll. This, we are confident, will correct the problem. Town Attorney said the terms of this agreement provide for a trial use and we have a five month period within which to cancel the agreement..

On roll call the vote was as follows:

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

RESOLUTION NO. (716-1987)

TRANSFERS OF FUNDS -
RECREATION AND PARKS -
VARIOUS FUNDS

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7180-424 (Swimming Facilities-Contractual Expenses) by \$2,500.00 and to increase Appropriation Account No. A 7020-438 (Parks & Recreation-Maintenance Agreement) by \$2,500.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7620-307 (Adult Activities-Uniforms) by \$150.00 and to increase Appropriation Account No. A 7310-307 (Youth Programs-Uniforms) by \$150.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7141-329 (Community Recreation Centers - Recreation Supplies) by \$1,100.00 and to increase Appropriation Account No. A 7310-307 (Youth Programs - Uniforms) by \$1,100.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7141-329 (Community Recreation Centers - Recreation Supplies) by \$1,000.00 and to increase Appropriation Account No. A 7310-329 (Youth Programs - Recreation Supplies) by \$1,000.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 7610-329 (Programs for the Aging - Recreation Supplies) by \$7,000.00 and to increase Appropriation Account No. A 7310-329 (Youth Programs - Recreation Supplies) by \$7,000.00.

Seconded;by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (716-1987) Continued

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

RESOLUTION NO. (717-1987)

TRANSFER OF FUNDS -
ASSESSOR'S OFFICE -
DECREASE APPROPRIATION
ACCOUNT NO. A 1355-110
(ASSESSOR'S-SALARIES) AND
INCREASE APPROPRIATION
ACCOUNT NO. A 1355-225
(COMPUTER EQUIPMENT) AND
INCREASE APPROPRIATION
ACCOUNT NO. A 1355-438
(MAINTENANCE AGREEMENTS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 1355-110 (Assessor's-Salaries) by \$859.50 and increase Appropriation Account No. A 1355-225 (Computer Equipment) by \$251.50 and increase Appropriation Account No. A 1355-438 (Maintenance Agreements) by \$608.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (718-1987)

TRANSFER OF FUNDS - YOUTH
PROGRAMS - DECREASING
APPROPRIATION ACCOUNT NO. A
7310-424 (YOUTH PROGRAMS -
CONTRACTUAL EXPENSES) AND
INCREASE APPROPRIATION
ACCOUNT NO. A 7310-201
(YOUTH PROGRAMS - FURNITURE
AND FURNISHINGS)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Appropriation Account No. A 7310-424 (Youth Programs - Contractual Expenses) by \$109.50 and to increase Appropriation Account No. A 7310-201 (Youth Programs - Furniture and Furnishings) by \$109.50.

Seconded by Co. Smith

On roll call the vote was as follows:

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

ABE650

RESOLUTION NO. (719-19878)

TRANSFER OF FUNDS -
ASSESSOR'S OFFICE DECREASE
CONTINGENCY ACCOUNT NO. A
1990-505 AND INCREASE
APPROPRIATION ACCOUNT NO. A
1356-114 (BOARD OF
ASSESSMENT & REVIEW -
PART-TIME)

Co. Maloney offered the following resolution:

RESOLVED, to decrease Contingency Account No. A
1990-505 and increase Appropriation Account No. A 1356-114 (Board of
Assessment & Review - Part-Time) by \$600.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (720-1987)

TRANSFER OF FUNDS -
LANDFILL - INCREASING
APPROPRIATION ACCOUNT NO. A
8160-312 AND A 8160-447 AND
INCREASING REVENUE ACCOUNT
NO. 01-3005

Co. Maloney offered the following resolution:

RESOLVED, to increase Appropriation Account No. A
8160-312 by \$6,000.00 and A 8160-447 by \$25,000.00 and increase
Revenue Account No. 01-3005 by \$31,000.00.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (721-1987)

AWARDING BID FOR BID
#61-1987 - REINFORCED
CONCRETE CULVERT PIPE CATCH
BASIN BLOCK & BRICK
(FEDERAL BLOCK CORP., NEW
JERSEY CONCRETE PIPE CO.,
INC., PRECAST CONCRETE
SALES CORP. AND LEONARD
CONCRETE PIPE CO.)

Co. Maloney offered the following resolution:

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

BID #61-1987
REINFORCED CONCRETE CULVERT PIPE
CATCH BASIN BLOCK & BRICK

Continued on Next Page

RESOLUTION NO. (721-1987) Continued

is hereby awarded to:

FEDERAL BLOCK CORP.
129 WALSH AVENUE
P.O. BOX 4090
NEW WINDSOR, NY 12550

NEW JERSEY CONCRETE PIPE CO., INC.
P.O. BOX 358
FOOT OF BROAD ST
POMPTON LAKES, NJ 07442

PRECAST CONCRETE SALES CORP.
27E N. ROUTE 303
P.O. DRAWER O
VALLEY COTTAGE, NY 10989

LEONARD CONCRETE PIPE CO.
375 MATHER ST
HAMDEN, CT 06514

as per the attached item/price schedule

(Schedule on File in Town Clerk's Office)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (722-1987)

AWARDING BID FOR BID
#59-1987 - UNIFORM
MAINTENANCE SERVICE FOR
CLARKSTOWN POLICE DEPT.
(SAMAR CLEANERAMA, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Captain of the Police Department and the Director of Purchasing that

BID #59-1987
UNIFORM MAINTENANCE SERVICE FOR
CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to:

SAMAR CLEANERAMA, INC.
102 NORTH MIDDLETOWN ROAD
PEARL RIVER, NY 10965

as per the following schedule:

TROUSERS	DRY CLEANED	@	.65 EACH
SHIRTS	" "	@	.65 EACH
LEATHER JACKETS	" "	@	N/C
POPLIN JACKETS	" "	@	N/C
DACRON/WOOL JACKETS	" "	@	N/C
HATS	" "	@	N/C
WHITE DRESS SHIRTS	" "	@	N/C
BLANKETS	" "	@	N/C

Continued on Next Page

ABE650

RESOLUTION NO. (722-1987) Continued

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (723-1987)

AWARDING BID FOR BID
#60-1987 - POLICE UNIFORMS
(BEST UNIFORM CO., INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Chief of Police and the Director of Purchasing that

BID #60-1987
POLICE UNIFORMS

is hereby awarded to:

BEST UNIFORM CO., INC.
2417 THIRD AVE
BRONX NY 10451

as per the attached schedule of items/price.

(Schedule on File in Town Clerk's Office)

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (724-1987)

AWARDING BID FOR BID NOS.
32 AND 32A - 1987 -
ADDITIONS AND ALTERATIONS
TO COMMUNITY CENTERS AT
CENTRAL NYACK AND CONGERS
LAKE MEMORIAL PARK -
PLUMBING - CENTRAL NYACK
(CHIEF PLUMBING & HEATING,
INC.); HEATING, VENTILATING
& AIR CONDITIONING -
CENTRAL NYACK (NATIONWIDE
MECHANICAL CONTRACTING
CORP.); AND ELECTRICAL -
CENTRAL NYACK (FANSHAWE,
INC.)

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendations of Winston C.
Perry, Jr. of Schofield Colgan Architects; Laurence Kohler, Director
of Purchasing and Edward J. Ghiazza, Supt. of Recreation and Parks,
that

Continued on Next Page

RESOLUTION NO. (724-1987) Continued

BID # 32 and 32A-1987
for
ADDITIONS AND ALTERATIONS TO COMMUNITY CENTERS
CENTRAL NYACK AND CONGERS LAKE MEMORIAL PARK

is hereby awarded as follows:

PLUMBING-CENTRAL NYACK: Chief Plumbing & Heating Inc., 26-28 New Street, Nyack, New York 10960,

Base Bid.....\$ 9,400.00

HEATING, VENTILATING & AIR CONDITIONING-CENTRAL NYACK: Nationwide Mechanical Contracting Corp., 171 Brady Avenue, Hawthorne, New York 10532

Base Bid.....\$ 49,500.00

ELECTRICAL-CENTRAL NYACK: Fanshawe, Inc., dba Rockland Electric, 6 Will Rogers Lane, Nanuet, New York 10954,

Base Bid.....\$ 38,900.00

TOTAL AWARD: \$97,800.00

FURTHER RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to execute any necessary change orders on behalf of the Town of Clarkstown, based upon the recommendation of Winston C. Perry, Jr., of Schofield Colgan Architects, not to exceed \$147,000.00 to be allocated against Community Development Funds.

Seconded by Co. Smith

On roll call the vote was as follows:

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

RESOLUTION NO. (725-1987)

AWARDING BID FOR BID NOS.
32 AND 32A-1987 - ADDITIONS
AND ALTERATIONS TO
COMMUNITY CENTERS AT
CENTRAL NYACK AND CONGERS
LAKE MEMORIAL PARK -
GENERAL CONSTRUCTION -
CENTRAL NYACK AND CONGERS
(J.C. PERRI, INC.);
PLUMBING - CONGERS - (CHIEF
PLUMBING AND HEATING, INC.)
HEATING, VENTILATING & AIR
CONDITIONING - CONGERS -
(NATIONWIDE MECHANICAL
CONTRACTING CORP.) -
ELECTRICAL - CONGERS (RAY
S. PANTEL, INC.) -
TRANSFERS OF FUNDS (VARIOUS
ACCOUNTS)

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendations of Winston C. Perry, Jr. of Schofield Colgan Architects; Laurence Kohler, Director of Purchasing and Edward J. Ghiazza, Supt. of Recreation and Parks, that

Continued on Next Page

ABE650

RESOLUTION NO. (725-1987) Continued

BID #32 AND 32A - 1987
ADDITIONS AND ALTERATIONS TO COMMUNITY CENTERS
AT
CENTRAL NYACK AND CONGERS LAKE MEMORIAL PARK

is hereby awarded as follows:

GENERAL CONSTRUCTION - CENTRAL NYACK AND CONGERS: J.C. Perri, Inc.,
1 Division Street, Tarrytown, NY 10591

Base Bid.....\$1,543,715.00

PLUMBING - CONGERS: Chief Plumbing & Heating, Inc., 26-28 New
Street, Nyack, NY 10960

Base Bid.....\$ 97,100.00

HEATING, VENTILATING & AIR CONDITIONING - CONGERS: Nationwide
Mechanical Contracting Corp., 171 Brady Avenue, Hawthorne, NY 10532

Base Bid.....\$ 130,275.00

ELECTRICAL - CONGERS: Ray S. Pantel, Inc. dba Pantel Electric Co.,
49 Excelsior Avenue, Middletown, NY 10940

Base Bid.....\$ 59,000.00

TOTAL AWARD: \$1,830,090.00

FURTHER RESOLVED, that the Superintendent of Recreation
and Parks is hereby authorized to execute any necessary change
orders on behalf of the Town of Clarkstown, based upon the
recommendation of Winston C. Perry, Jr. of Schofield Colgan
Architects, not to exceed \$2,025,000.00, and be it

FURTHER RESOLVED, to transfer \$200,000.00 from H
9710-14-409, \$100,000.00 from H 9710-11-409, \$375,000.00 from H
9710-12-409, \$240,000 from H 7140-01-409 and \$300,000.00 from
Money-in-Lieu-of-Land Account to Capital Fund Account No. H
7140-02-409 in addition to the balance of \$810,000.00 in H
7140-02-409 (Additions & Alterations to Community Centers at Central
Nyack and Congers Lake Memorial Park) to cover the necessary
expenses.

Seconded by Co. Smith

On roll call the vote was as follows:

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

(Councilman Lettre arrived at 8:27 P.M.)

RESOLUTION NO. (726-1987)

AUTHORIZING SUPERINTENDENT
OF HIGHWAYS TO INSTALL
"CHURCH" SIGN (MOUNTAINVIEW
AVENUE, CENTRAL NYACK)

Co. Maloney offered the following resolution:

BE IT RESOLVED, the Superintendent of Highways, John
O'Sullivan, is hereby directed to install a "Church" sign on

Continued on Next Page

RESOLUTION NO. (726-1987) Continued

Mountainview Avenue in Central Nyack (as per direction of Howard Lampert).

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (727-1987)

AUTHORIZING TOWN ATTORNEY
TO DEFEND PROCEEDING (URI
SASSON V. MEMBERS OF THE
BOARD OF APPEALS OF THE
TOWN OF CLARKSTOWN)

Co. Lettre offered the following resolution:

WHEREAS, a proceeding has been instituted against the
Town of Clarkstown entitled as follows:

In the Matter of

URI SASSON,

Petitioner,

-against-

DAVID KRAUSHAAR, PENNY LEONARD, ARNOLD
AMSTER, ELIZABETH J. SQUILLACE, JOHN
DIANIS, WILLIAM NIEHAUS and JOHN PELLA,
constituting the Board of Appeals of the
Town of Clarkstown,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (728-1987)

AUTHORIZING TOWN
ATTORNEY TO DEFEND
PROCEEDING (SCHEIR V.
MEMBERS OF THE ZONING
BOARD OF APPEALS)

Co. Lettre offered the following resolution:

Continued on Next Page

ABE650

RESOLUTION NO. (728-1987) Continued

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

JOEL SCHEIR,

Petitioner,

-against-

DR. DAVID KRAUSHAAR, PENNY LEONARD,
JOHN DIANIS, ARNOLD AMSTER, JOHN FELLA,
WILLIAM NIEHAUS, ELIZABETH J. SQUILLACE,
constituting the Zoning Board of Appeals
of the Town of Clarkstown, County of
Rockland, State of New York,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (729-1987)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND
UTILITIES, INC. FOR STREET
LIGHTING AT RIDGE NINE
WEST, CONGERS

Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of Kurian L. Kalarickal, Deputy Director, the following street lighting be installed to improve traffic and pedestrian safety, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposal from Orange & Rockland Utilities, Inc. for street lighting at:

Ridge Nine West - Congers

Install 4 5,800 lumen sodium vapor street lights on 4 laminated wood poles

Increase to the Town plus E.F.C.

Annual charges \$460.32
(\$115.08 per unit x 4 units - \$460.32)

Seconded by Co. Smith

On roll call the vote was as follows:

Continued on Next Page

RESOLUTION NO. (729-1987) Continued

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (730-1987)

ACCEPTING PROPOSALS FROM
ORANGE & ROCKLAND
UTILITIES, INC., FOR
STREET LIGHTING AT
COTTAGE LANE, VALLEY
COTTAGE

Co. Maloney offered the following resolution:

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 surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Service Investigation Clerk, and

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 proposals from Orange and Rockland Utilities, Inc., for street lighting at the following locations:

Cottage Lane	Valley Cottage
(Existing Pole #60566/40992 - One (1)	
5800 lumen sodium vapor street light)	

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (731-1987)

AUTHORIZING SPRING
VALLEY WATER COMPANY TO
INSTALL ONE (1) HYDRANT
(N/S BRITTANY COURT 50'
W/O ROUTE 9W

Co. Maloney offered the following resolution:

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

One (1) hydrant as follows:

N/S Brittany Court 50' W/O Rte 9W

Investigation No. 10010, and be it

Continued on Next Page

ABE650

RESOLUTION NO. (731-1987) Continued

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

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (732-1987)

ASSESSING COST FOR
CHAPTER 79 PROCEEDING
(HIGHVIEW INVESTMENT)

Co. Maloney offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice dated February 10, 1987, regarding premises designated on the Tax Map of the Town of Clarkstown as Map 57, Block G, Lot 4, which was the subject of a Chapter 79 (Property Maintenance) proceeding has been corrected, and

WHEREAS, by resolution of the Town Board adopted May 5, 1987, the record property owner was required to reimburse the Town for the expenses incurred for the cost of the proceeding, and

WHEREAS, the property owner has been notified of the amount due and has failed to pay same;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and the Receiver of Taxes are hereby authorized and directed to levy the sum of \$223.00 against Map 57, Block G, Lot 4.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (733-1987)

ASSESSING COST FOR
CHAPTER 79 PROCEEDING
(SOREL)

Co. Maloney offered the following resolution:

WHEREAS, the condition complained of in the Order and Notice dated October 28, 1986, regarding premises designated on the Tax Map of the Town of Clarkstown as Map 7, Block E, Lot 6, which was the subject of a Chapter 79 (Property Maintenance) proceeding has been corrected, and

WHEREAS, by resolution of the Town Board adopted June 9, 1987, the record property owner was required to reimburse

Continued on Next Page

RESOLUTION NO. (733-1987) Continued

the Town for the expenses incurred for the cost of the proceeding, and

WHEREAS, the property owner has been notified of the amount due and has failed to pay same;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and the Receiver of Taxes are hereby authorized and directed to levy the sum of \$211.40 against Map 7, Block E, Lot 6.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

ABE650

RESOLUTION NO. (734-1987)

ASSESSING COST FOR
CHAPTER 79 PROCEEDING
(303 ERIE - LEE MYLES)

Co. Maloney offered the following resolution:

WHEREAS, a proceeding pursuant to Chapter 79 of the Town Code was duly instituted against premises known and described on the Clarkstown Tax Map as MAP 106, BLOCK A, LOT 26.4, and

WHEREAS, by Order of the Town Board adopted June 23, 1987, the record property owner was required to reimburse the Town for the expenses incurred for the cost of the proceeding, and

WHEREAS, the property owner has been notified of the amount due and has failed to pay same;

NOW, THEREFORE, be it

RESOLVED, that the Assessor and the Receiver of Taxes are hereby authorized and directed to levy the sum of \$220.40 against MAP 106, BLOCK A, LOT 26.4.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (735-1987)

GRANTING PERMISSION FOR
DISPENSING OF ALCOHOLIC
BEVERAGES (NEW CITY FIRE
ENGINE CO. NO. 1 -
CENTENNIAL CELEBRATION)

Co. Maloney offered the following resolution:

Continued on Next Page

RESOLUTION NO. (735-1987) Continued

WHEREAS, New City Fire Engine Company No. 1 has requested permission to dispense alcoholic beverages in public in connection with its planned centennial celebration scheduled for June 11, 1988;

NOW, THEREFORE, be it

RESOLVED, that subject to the provisions of Section 22-2 of the Code of the Town of Clarkstown, New City Fire Engine Company No. 1 is hereby granted permission to dispense alcoholic beverages at its centennial celebration on June 11, 1988.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (736-1987)

CANCELLING LIS PENDENS
AND ASSESSING COSTS FOR
CHAPTER 79 PROCEEDING
(LOUIS-CHARLES)

Co. Maloney offered the following resolution:

RESOLVED, that the condition complained of in the Order and Notice dated December 31, 1986, regarding premises designated on the Tax Map of the Town of Clarkstown as MAP 5, BLOCK B, LOT 19, has been corrected, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on February 2, 1987, provided the sum of \$732.82 shall be paid to reimburse the Town for the cost of the expenses incurred in the Chapter 79 proceeding, retroactive to July 7, 1987.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (737-1987)

AUTHORIZING ATTENDANCE
AT NATIONAL RECREATION
AND PARK ASSOCIATION
CONGRESS (OSWALD AND
GHIAZZA) - CHARGE TO
APPROPRIATION ACCOUNTS A
7020-414 and 7140-414

Co. Maloney offered the following resolution:

RESOLVED, that Wilbur T. Oswald, Chairman and Edward J. Ghiazza, Supt. of Recreation and Parks, are hereby authorized

Continued on Next Page

RESOLUTION NO. (737-1987) Continued

to attend the National Recreation and Park Association Congress from September 17, 1987 to September 22, 1987 to be held in New Orleans, Louisiana, and

FURTHER RESOLVED, that all necessary expenses be charged against Appropriation Accounts A 7020-414 and 7140-414.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

At this point there was discussion regarding authorization of Town Law 280-a(2) re: Louis Chillino. Town Attorney said Mr. Chillino had built a house on the first portion of his property and now he is coming in for a permit to construct an additional residence on the back portion. This will be the second house in from the intersection. Councilwoman Smith asked if the first house was on Wisconsin Avenue and Town Attorney stated that it was. Town Attorney said they received a 280-a(2) approval a year or two ago. Councilwoman Smith asked if the Town takes care of it and was told no that it is private property. Councilwoman Smith then asked if there were any parcels next to it or around it which in the future would be developed that we could do other than a road improvement district? Town Attorney said he could not answer that question but that he had the map which had come up with the recommendation of the Department of Environmental Control. Councilwoman Smith remarked that she did not like these road improvement projects. She also asked if it connected to Joy Acres and was told no it did not.

There followed an inspection of the map which the Town Attorney had produced and it was decided at this time that they would come back to this item later in the meeting.

RESOLUTION NO. (738-1987)

MODIFYING SPECIFICATIONS
FOR REHABILITATION OF
KNAPP BUILDING (REDDI
ALARM AND TIME SYSTEM,
INC.)

Co. Maloney offered the following resolution:

WHEREAS, Reddi Alarm and Time Systems, Inc., subcontractor to R & R Construction Company, prime contractor for the Knapp Building renovation has recommended a modification to the alarm system at no additional cost; and

WHEREAS, Degenshein Denker, Architects and Planners for the Knapp Building, indicate that they concur with the suggested modification;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Director, Clarkstown Counseling Center, and the Director,

Continued on Next Page

ABE650

RESOLUTION NO. (738-1987) Continued

Department of Environmental Control, that the alarm system modification be authorized, in accordance with the May 28, 1987 letter from Reddi Alarm and Time Systems, Inc., including a contract alarm for the rear scuttle doors to the basement, at no additional cost to the Town of Clarkstown.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (739-1987)

RATIFYING TERMS OF SIDE
LETTER OF AGREEMENT
BETWEEN TOWN OF
CLARKSTOWN AND CIVIL
SERVICE EMPLOYEES
ASSOCIATION

Co. Maloney offered the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies the terms of a Side Letter of Agreement between the Town and the Town of Clarkstown Unit of the Civil Service Employees Association dated June 8, 1987 and agrees to the terms thereof which shall become a part of the collective bargaining agreement between the Town and CSEA.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (740-1987)

AUTHORIZING VISIT TO
RECYCLING PROGRAM AT
MISSISSAGUA, ONTARIO
(SUPERVISOR, TOWN
ATTORNEY, DIRECTOR OF
DEPARTMENT OF
ENVIRONMENTAL CONTROL
AND LANDFILL SUPERVISOR
AND ANY MEMBER OF THE
TOWN BOARD) - CHARGE TO
APPROPRIATION ACCOUNT
NO. A 1010-414

Co. Maloney offered the following resolution:

RESOLVED, that Charles E. Holbrook, Supervisor; John Costa, Town Attorney; Leslie F. Bollman, Director, Department of Environmental Control and Michael Araneo, Landfill Supervisor and any member of the Town Board are hereby authorized to visit the operation of the Recycling Program at Mississauga, Ontario, and be it

RESOLUTION NO. (740-1987) Continued

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account No. A 1010-414.

Seconded by Co. Lettre

Mr. Bollman, Director of the Department of Environmental Control explained why it was so important that we visit this site. It is the premier set-up in North America for recycling and is referred to as the "blue box system."

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (741-1987)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #64-1987 - SECURITY GUARD SERVICE

Co. Maloney offered the following resolution:

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

BID #64-1987
SECURITY GUARD SERVICE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, August 7, 1987 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.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (742-1987)

AMENDING RESOLUTION NO. 680-1987 TO READ "FRANK CAPASSO, INC." INSTEAD OF "FRANK CAPASSO CARTING COMPANY, INC." AND RESCHEDULING PUBLIC HEARING ON SAME TO SEPTEMBER 15, 1987 AT 8:00 P.M.

Co. Lettre offered the following resolution:

Continued on Next Page

ABE650

RESOLUTION NO. (742-1987) Continued

RESOLVED, that upon the recommendation of the Town Attorney, Resolution No. 680-1987 is hereby amended to refer to "Frank Capasso, Inc.," 20 Svensson Drive, Nanuet, New York, instead of "Frank Capasso Carting Company, Inc." of the same address, and be it

FURTHER RESOLVED, that the public hearing scheduled for August 11, 1987 at 8:45 P.M. in Room 311, is hereby rescheduled to September 15, 1987 at 8:00 P.M. in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (743-1987)

RESCINDING TOWN BOARD
RESOLUTION NO. 270 RE:
MOTOR VEHICLES

Co. Maloney offered the following resolution:

RESOLVED, to rescind Town Board Resolution No. 270 dated February 10, 1987.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (744-1987)

ACCEPTING DECLARATION OF
COVENANTS - MAP 124,
BLOCK B, LOT 10.01
(WHALEN)

Co. Maloney offered the following resolution:

RESOLVED, that a Declaration of Covenants dated July 13, 1987, made by DENNIS WHALEN and LUCILLE WHALEN required by the Board of Appeals of the Town of Clarkstown (Appeal No. 2054) which granted a Special Permit upon certain terms and conditions in connection with premises known and designated on the Clarkstown Tax Map as MAP 124, BLOCK B, LOT 10.01, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

Supervisor Holbrook noted that the covenants and maps of Kingsgate (the 240 Association) have been filed and that will enable the people there to get their final CO's. Town Attorney noted that the covenant was recorded today.

RESOLUTION NO. (745-1987)

ACCEPTING RESIGNATION OF
REAL PROPERTY DATA
COLLECTOR - ASSESSOR'S
OFFICE (STEVEN SMITH)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Steven Smith, 7 Mazza Leone Court, Pomona, New York - Real Property Data Collector - Assessor's Office - is hereby accepted - effective and retroactive to July 6, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (746-1987)

ACCEPTING RESIGNATION OF
STOREKEEPER (AUTO) -
TOWN GARAGE (JOHN YUDA)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of John Yuda, 62 Third Street, New City, New York - Storekeeper (Auto) - Town Garage - is hereby accepted effective and retroactive to July 6, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (747-1987)

GRANTING ONE YEAR LEAVE
OF ABSENCE TO MOTOR
EQUIPMENT OPERATOR I -
TOWN HIGHWAY DEPARTMENT
(RYAN SHERIDAN)

Co. Lettre offered the following resolution:

WHEREAS, Ryan Sheridan has requested a leave of absence, without pay,

WHEREAS, ARTICLE XIX, Section I of the Town of Clarkstown Labor Agreement of January 1, 1987 provides for a leave of absence, without pay,

Continued on Next Page

ABE650

RESOLUTION NO. (747-1987) Continued

NOW, THEREFORE, be it

RESOLVED, that Ryan Sheridan, 673 Waters Edge, Valley Cottage, New York - Motor Equipment Operator I - Town Highway Department - is hereby granted a one year leave of absence, without pay, effective and retroactive to July 6, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (748-1987)

ACCEPTING RESIGNATION OF
BUS DRIVER - MINI TRANS
DEPARTMENT (CHARLES
LEVERS)

Co. Lettre offered the following resolution:

RESOLVED, that the resignation of Charles Levers, R.R. #1, Box 3252, Milford, Pennsylvania - Bus Driver - Mini Trans Department - is hereby accepted - effective and retroactive to June 29, 1987.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (749-1987)

TOWN BOARD SUPPORTING
PROPOSED ACCESS TO FIRST
STREET, NANUET AND
RECOMMENDING IT BE IM-
PLEMENTED AS ADDITIONAL
INGRESS/EGRESS TO
SERVICE MERCHANDISE
SHOPPING CENTER

Co. Lettre offered the following resolution:

BE IT RESOLVED, the Town Board supports the proposed access to First Street in Nanuet as designed by RPPW and recommends that it be implemented as an additional ingress/egress to the Service Merchandise Shopping Center.

Seconded by Co. Maloney

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (750-1987)

AUTHORIZING RETURN OF
ESCROW DEPOSIT WITH
REGARD TO DEDICATED
SUBDIVISION (NARLAN
DEVELOPMENT CORP.)

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, escrow for incomplete items secured in the sum of \$1,000 furnished to the Town in connection with dedication of the road(s) and improvements on March 10, 1987, in a subdivision known as NARLAN DEVELOPMENT CORP. is terminated and the sum of \$1,000 may be released to the guarantor.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (751-1987)

AUTHORIZING SUPERVISOR
TO ENTER INTO CONTRACT
OF SALE FOR PURCHASE OF
STREET SCHOOL FROM THE
CLARKSTOWN CENTRAL
SCHOOL DISTRICT - SERIAL
BOND TO BE USED FOR
PURCHASE PRICE AND
CLOSING EXPENSES

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown by agreement dated August 31, 1982, has leased from the Clarkstown Central School District premises known as the Street School for use by the Department of Parks and Recreation, and

WHEREAS, the Town Board had been advised that the Street School is no longer necessary for educational purposes and as a result of negotiations between the Town Board and the School Board of the Clarkstown Central School District, the parties have agreed in principle for the purchase of said premises by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract in a form approved by the Town Attorney for the sale of the Street School to the Town of Clarkstown, which facility is intended to be used for recreational and park purposes for the consideration of \$1,800,000 (plus adjustments for prepaid excise/use taxes) payable ten (10%) percent on contract and the balance in cash at the time of closing, expected to be on or about January 15, 1988, and be it

FURTHER RESOLVED, that the contract deposit of \$180,000 shall be charged to Surplus Funds, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a licensed land surveyor to provide a certified survey, and to obtain fee title insurance for

Continued on Next Page

ABE650

RESOLUTION NO. (751-1987) Continued

the benefit of the Town on or before the date of closing of title, and be it

FURTHER RESOLVED, that the Town Board intends to use a serial bond to pay the purchase price and closing expenses for the acquisition referred to herein.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (752-1987)

AMENDING ZONING
ORDINANCE OF TOWN OF
CLARKSTOWN - SECTION
106-19F - DELETION OF
NO. 10; AND SECTION
106-10A, TABLE 19,
COLUMN 8 OF GENERAL USE
REGULATIONS BY ADDING
NO. 10

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 12th day of May, 1987, provided for a public hearing on the 23rd day of June, 1987, at 8:15 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, 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;

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend Section 106-19F by Deleting "No. 10":

Amend Section 106-10A, Table 19, Column 8, of the General Use Regulations, by Adding "No. 10":

"10. The Planning Board may determine, on application for subdivision approval, if the site is appropriate for development with fee simple ownership-type units; in such cases, the minimum lot area for each dwelling shall be as determined by the Planning Board. The Planning Board may establish additional requirements."

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (753-1987)

AMENDING RESOLUTION NO. 575-1987
SETTING A PUBLIC HEARING RE: ZONE
CHANGE - LIO DISTRICT TO R-15
DISTRICT - TOWN'S OWN MOTION
(KARASSIK) - MAP 164, BLOCK A, LOT
17.01

Co. Maloney offered the following resolution:

RESOLVED, that Resolution No. 575 adopted by the
Town Board on May 26, 1987, be and it is hereby amended to
include a further parcel as recommended by the Clarkstown
Planning Board for a proposed change of zone from an LIO District
to an R-15 District, which additional parcel is on property
designated on the Clarkstown Tax Map as Map 164, Block A, Lot
17.01.

Seconded by Co. Carey

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (754-1987)

AUTHORIZING SUPERVISOR
TO CONTINUE COMMUNITY
DEVELOPMENT COOPERATIVE
AGREEMENTS FOR 1988-1989
AND 1990 ON BEHALF OF
TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

WHEREAS, the County Executive of the County of
Rockland has invited the Town of Clarkstown to join the Community
Development Consortium for Program Years 1988-1989 and 1990, and

WHEREAS, the Town of Clarkstown has been a member of
the Community Development Consortium for many years and is
desirous of continuing with the Program, and

WHEREAS, the Town of Clarkstown understands that by
signing Cooperation Agreements with the County of Rockland for
Program Years 1988-1989 and 1990, it is not permitted to withdraw
from the Program for the said period;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of
Clarkstown hereby approves participation in the Rockland County
Community Development Program for Program Years 1988-1989 and
1990, and be it

FURTHER RESOLVED, that the Supervisor is authorized
to execute Cooperation Agreements with the County of Rockland for
said period and to take all actions necessary to implement this
resolution.

Seconded by Co. Lettre

Councilwoman Smith inquired about this resolution
and the Supervisor stated that what it basically amounts to is
that it is based upon the amount of poverty areas you have in the
Town and we do not qualify for a lot of it but if we were not
part of the consortium we would not get any money and neither
would

ABE650

anyone else. If we pulled out our \$85,000.00 the County would lose the \$1.4 million that is parceled out to us. Right now we get \$40,000.00 and we put most of that toward the Central Nyack Community Center. Councilman Lettre said that is because of the percentage of the community that is considered on the level that would be eligible. Councilwoman Smith said if that was in proportion we should be getting about ten times as much. Supervisor said they could allocate more to you but you couldn't expend it. For example, he stated, Upper Nyack gets none.

Supervisor said we allocated this year to the Village of Spring Valley, in a portion of a road that extends into the Town of Clarkstown, \$5,000.00 to help pave the road up on Second Avenue there. Supervisor said you can argue that you want more. We would like to get more but if we don't join we get none and neither does anyone else.

Councilwoman Smith asked if we submit the areas that can use these funds? Supervisor said we have an Advisory Committee. Councilwoman Smith said maybe we should submit more of the road areas that have to be improved this time and not just settle for the minimum. Supervisor said a couple of years ago we paved roads in Central Nyack. Primarily we are using it right now for improvement of the Center. So now that the Center is going to be built we will have to go someplace else. There are sections such as Second Avenue and places like that in the unincorporated portion of Clarkstown in Spring Valley that would be eligible.

Councilman Carey said are we not locking in a future Town Board on this? Supervisor said yes. Councilman Lettre said it is for the life of that segment of the Consortium. Supervisor said the amount of funds available over the years is decreasing. The Federal Government is almost, in effect, phasing out the program so we are almost battling over peanuts but nevertheless if we were not a part of it we would not get the \$40,000.00 and no one else in the County would get anything because you would not have the population. You need it to qualify as an urban county.

Supervisor Holbrook said in response to a question from Councilwoman Smith that Orangetown is not a part of the Consortium. It is all of Ramapo and all their villages, all of Clarkstown and its villages, Haverstraw and Stony Point. Councilman Lettre said he thought Spring Valley was the largest recipient.

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (755-1987)

AMENDING RESOLUTION NO.
1252-86 PROVIDING THAT
SAID RESOLUTION IS
SUBJECT TO PERMISSIVE
REFERENDUM

Co. Maloney offered the following resolution:

WHEREAS, upon the recommendation of Hawkins, Delafield & Wood, bonding counsel to the Town of Clarkstown, Resolution No. 1252 adopted at the Town Board meeting of December 18, 1986, is hereby amended to provide that said resolution is subject to a permissive referendum.

Continued on Next Page

RESOLUTION NO. (755-1987) Continued

Supervisor asked Town Attorney to explain the resolution and Town Attorney said it was in connection with the North Fairview Avenue Project. Bond Counsel wants the resolution to be amended.

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (756-1987)

AUTHORIZING FINAL
PAYMENT TO PREMIER
ROOFING COMPANY FOR
CLARKSTOWN TOWN HALL
ROOF RESTORATION -
CHARGE TO ACCOUNT NO.
1620-408

ABE650

Co. Maloney offered the following resolution:

WHEREAS, Premier Roofing Company, West Haven, Connecticut, has applied for final payment in connection with the project entitled, "Clarkstown Town Hall Roof Restoration" (Bid No. 19-1985), and has requested payment of the sum of \$5,383.00 remaining unpaid in connection with the completion of a project and certain change orders authorized by the Town's consulting architect;

NOW, THEREFORE, be it

RESOLVED, that final payment in the amount of \$5,383.00 is hereby authorized to be paid by the Town Comptroller upon receipt of certification by the architect, Degenshein Denker Associates, to the effect that all requirements for Bid No. 19-1985 have been complied with by the contractor, that all work has been installed in accordance with said bid specification, and that all change orders have been installed in accordance with the recommendations made by it, and be it

FURTHER RESOLVED, that the sum shall be charged to Account No. 1620-408.

Seconded by Co. Smith

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (757-1987)

AUTHORIZING TOWN
ATTORNEY TO DEFEND
ACTION IN CLARKSTOWN
JUSTICE COURT (DEUTSCH
V. BARKSDALE AND TOWN OF
CLARKSTOWN)

RESOLUTION NO. (757-1987) Continued

Co. Maloney offered the following resolution:

WHEREAS, an action has been instituted in the Clarkstown Justice Court entitled as follows:

JEANETTE LYNN DEUTSCH, As custodian of
LEE DEUTSCH and ANDREW DEUTSCH, under
the Uniform Gift for Minor Act,

Plaintiffs,

-against-

IKE BARKSDALE and/or THE TOWN OF CLARKSTOWN,

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Smith

Councilman Carey asked for an explanation of this resolution and Supervisor Holbrook said that Barksdale had junk on property owned by Deutsch. Town Attorney said that is what Mr. Deutsch is alledging. The Town cleaned up the property and Mr. Deutsch paid the Town's clean-up and Mr. Barksdale is also being assessed for a portion of the clean-up.

On roll call the vote was as follows:

Councilman Carey.....Yes
Councilman Lettre.....Yes
Councilman Maloney.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (758-1987)

AMENDING AGREEMENT WITH
KOZMA ASSOCIATES (RE
COLLECTION OF SEDIMENT
SAMPLES ALONG HACKENSACK
RIVER) - CHARGE TO
DRAINAGE CAPITAL NO. 2

Co. Maloney offered the following resolution:

WHEREAS, the Town entered into an agreement with Kozma Associates for the preparation of a Draft Environmental Impact Statement (DEIS) on the 26th day of November, 1986, and

WHEREAS, it has been necessary to collect thirty-eight (38) additional sediment samples along the Hackensack River, and

WHEREAS, the cost of these samples is \$7,500.00;

NOW, THEREFORE, be it

RESOLVED, that the aforementioned agreement with Kozma Associates be increased by \$7,500.00, and be it

FURTHER RESOLVED, that the additional cost be charged to Drainage Capital No. 2.

Continued on Next Page

RESOLUTION NO. (758-1987) Continued

Seconded by Co. Lettre

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

At this point discussion continued on the 280-a(2) for Mr. Chillino. Mr. Les Bollman, Director of the Department of Environmental Control said that he did not remember this but looking at the map there appears to be two or three houses that have obtained access already to Wisconsin Avenue off Jolliffe which is private and this is an extension further on down. He said he did not know what else we could do other than at this point to allow it to be continued but make sure that at least we have the covenant that they are willing and are a yes vote for a road improvement district. It appears to be an extension and about 300 feet of it already exists. Councilwoman Smith asked if that was noted on the map? She said what happens is when they go to sell the house, the second person has no idea of a road improvement district.

Town Attorney said that cannot happen because the declaration is recorded and a title search would turn that up. Councilwoman Smith said very often people do not know exactly what is in the deed. Town Attorney said the best the Town can do is to require a declaration be recorded in the County Clerk's Office. If someone actually enters a contract not knowing the true facts they will know them before closing. They may not be able to get out of the deal but they will know it before the closing because it will come up in a title search. Councilwoman Smith said she would like them to know it as early as possible. Can it be on the plot? Town Attorney said there really is nothing filed in the County Clerk's Office on these types of parcels because they are pre-existing lots. This is not a subdivision and it does not involve the filing of a subdivision map. In many cases people would not look at the map anyway. The Town is doing the best it can to alert a prospective buyer that they will not get Town services on the right-of-ways and that they may also have to participate in a road improvement district when they buy.

Supervisor said years ago you gave permission for this and a person did not realize what had occurred and then had to buy. Now a declaration must be filed. That happened with South Harrison Avenue and in fact that is what prompted the insertion of the declaration. Councilwoman Smith said she thought they realized that initially they are not going to receive Town services but the (b) part comes up and it is usually quite a surprise to them to find that they have to participate in a road improvement. Town Attorney said it is spelled out in a declaration and it will be turned out in a title report so that if they read it they'll know before closing. Councilwoman Smith said she wished there was another way that would be very obvious at the beginning. Town Attorney said on South Harrison Avenue there were four houses that were handled as a 280-a(3) by the ZBA and there was no requirement that there be any covenant put on record and that was in 1978 or 1979.

RESOLUTION NO. (759-1987)

AUTHORIZING USE OF TOWN
LAW 280-a(2) (LOUIS
CHILLINO)

Continued on Next Page

ABE650

RESOLUTION NO. (759-1987) Continued

Co. Maloney offered the following resolution:

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law, and pursuant to the recommendations of the Director of Environmental, a permit for the erection of a one family residence may be issued to LOUIS CHILLINO, as owner, for property situate on the west side of Wisconsin Avenue, Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 139, Block B, Lot 30, provided the owner shall be required prior to the issuance of such building permit to execute and record a Declaration of Covenant in a form satisfactory to the Town Attorney which shall run with the land and which shall provide:

1. That the declarant owner irrevocably agrees to participate in a road improvement district for any frontage of said premises on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown.

2. That the declarant owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the declarant owner in the premises or in any mapped street adjacent to the premises to accomplish the widening of same to fifty (50) feet in width or to the designated street line.

3. That the declarant owner shall provide for and maintain to the satisfaction of the Superintendent of Highways a "T" turnaround at the end of the driveway within the right-of-way of Wisconsin Avenue, which shall serve as access to the subject premises.

4. The declarant owner acknowledges that the run-off from the roadway shall drain into the subject premises and that the yard will always be wet from said condition unless a drainage system is installed.

5. The declarant owner acknowledges that access is private and no Town services including but not limited to maintenance, paving or snow removal shall be provided along Wisconsin Avenue.

6. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein.

7. That the Certificate of Occupancy issued for said premises be conditioned upon observance and subject to the Declaration of Covenant provided herein,

and be it

FURTHER RESOLVED, that a Building Permit shall not be issued for the premises to be constructed until the following items are completed pursuant to the direction, control and satisfaction of the Director of the Department of Environmental Control:

1. That the applicant shall obtain the review and approval of the Director of Environmental Control for the installation of sediment and soil control measures during construction.

2. Approval for installation of a sanitary sewer connection, including a spur, shall be obtained from the Director of Environmental Control and shall be installed prior to the issuance of the Certificate of Occupancy.

Continued on Next Page

RESOLUTION NO. (759-1987) Continued

Seconded by Co.

On roll call the vote was as follows:

Councilman Carey.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the Public Hearing re: Local Law (Chapter 79-Property Maintenance), was declared open, time: 9:00 P.M.

On motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Local Law (Chapter 79-Property Maintenance) was declared closed, RESOLUTION ADOPTED, time: 9:15 P.M.

RESOLUTION NO. (760-1987)

ADOPTING LOCAL LAW NO. 7-1987 ENTITLED "A LOCAL LAW REVISING CHAPTER 79 OF THE TOWN CODE - PROPERTY MAINTENANCE"

Co. Lettre offered the following resolution:

WHEREAS, a proposed local law entitled:

"A LOCAL LAW REVISING CHAPTER 79 OF THE TOWN CODE - PROPERTY MAINTENANCE"

was introduced by Councilman Lettre at a Town Board meeting held on the 26th day of May, 1987, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 26th day of May, 1987, directed that a public hearing be held on the 14th day of July, 1987 at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on July 3, 1987, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on the 17th day of June, 1987, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 14, 1987;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 7 - 1987, entitled:

"A LOCAL LAW REVISING CHAPTER 79 OF THE TOWN CODE - PROPERTY MAINTENANCE"

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
William J. Carey, Councilman.....	YES
Edward J. Lettre, Councilman.....	YES
John R. Maloney, Councilman.....	YES
Ann M. Smith, Councilwoman.....	NO

Continued on Next Page

ABE650

RESOLUTION NO. (760-1987) Continued

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

Seconded by Co. Maloney

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted, the reconvened Public Hearing re: Special Permit - Landfill Operation (J.D. Owens Building Company), was opened, time: 9:15 P.M.

On motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the reconvened Public Hearing re: Special Permit - Landfill Operation (J.D. Owens Building Company), was closed, DECISION RESERVED, time: 9:50 P.M.

There being no one further wishing to be heard and no further business to come before the Town Board, meeting was declared closed, time: 9:50 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

237

Town Hall

7/14/87

9:00 P.M.

Present: Supervisor Holbrook
Council Members Carey, Lettre, Maloney, Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: LOCAL LAW NO. 7-1987 - CHAPTER 79 (PROPERTY MAINTENANCE)

On motion of Councilman Maloney, seconded by Supervisor Holbrook and unanimously adopted, the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and Town Attorney testified as to proper posting and publication.

Town Attorney stated that we have a statutory definition of nuisance in our proposed Chapter 79 which continues and modifies somewhat the original definition. Town Attorney went on to state that nuisance is defined in our local law as:

"NUISANCE, HAZARD, DEBRIS and LITTER - Any waste material including but not limited to garbage or other putrescible substance, refuse, rubbish, inoperable vehicles and parts, discarded furniture, appliances, water heaters, bottles, cans, building or construction materials or supplies when stored outside on a site where no active construction is taking place, or discarded or strewn papers or material or other junk substances, tree stumps or any other matter attractive to vermin, likely to breed disease, present a fire hazard, create offensive odors or otherwise be prejudicial to good health or being so unsightly of appearance as to be offensive to surrounding properties."

Supervisor Holbrook said this was done basically to revise certain things that were not covered in the original chapter; for example, cars being parked on someone's front lawn being offered for sale, etc. Town Attorney said this is a nuisance local law and is designed to enhance the effectiveness of the Town's efforts to keep properties free and clear of nuisances as was just defined. It also authorizes a form of due process which the Town has been observing in the Chapter 79 proceedings they have been holding but which have not been specifically spelled out in the prior version of Chapter 79. Now, what the Town is doing has been codified, does provide property owners with notice and an opportunity to be heard with respect to any complaints. It also provides for the violation to be a matter that could be brought to justice court with escalating punishment and fines. Initially, the first violation would be considered a violation with a small fine and it does escalate up to a misdemeanor. That is consistent with the Town Board's recent amendment of the zoning ordinance to upgrade violations in the zoning ordinance to the category of a misdemeanor. There are some other changes, mostly technical with respect to the language, trying to tighten up the definitions and trying to enhance the ability of the Town Attorney's office, if challenged, in sustaining the operation of the statute.

Supervisor asked if there was anyone from the public who would like to comment either for or against this particular local law or would just like to ask a question?

In response to a question from the audience Town Attorney stated that we do not have a pooper scooper law but we do have a section in one of the other chapters of the Town Code which says that no person shall permit their dog to foul private property or public property but it does not quite take the form of the type of law to which the speaker was referring.

Appearance: Mr. Martin Bernstein
New City, New York

Continued on Next Page

ABE650

Mr. Bernstein asked if at the present time, without this law, does the Town have the right to stop people from throwing junk in front of their house awaiting the Town pick-up? Supervisor said yes. Town Attorney said that it is contained in the present version of Chapter 79 and is not perhaps something that could be as effectively prevented as this would permit it to be. Mr. Bernstein asked if it had ever been enforced? Supervisor said it has not specifically been enforced. Supervisor said we recognize what the problem is and when we move ahead with our creation of a Sanitation District in Clarkstown you will see an end to bulk pick-up as it now exists and there will be no such thing as bulk pick-up just in the summertime.

Mr. Bernstein said then it will be all year round so we will not have to look at it for months. Supervisor said you will not have to look at a street piled high with junk for ten days. Technically we can enforce the code against someone who puts the junk out too far in advance but that problem will be eliminated with the creation of a Sanitation District.

Town Attorney said the Town's enforcement effort in the past year or so has been directed towards the more extreme violators and this would continue that practice. Mr. Bernstein said what he is concerned about is that the Town does not have enough help in this regard to enforce the existing laws. Supervisor said that is not true and that we do have enough help who do a good job. There is no shortage of help. Complaints of this nature are responded to quickly. Mr. Bernstein said he has spoken to one of the code inspectors and was informed that he does not have the time to do all the things necessary under the existing law. He went on to say that if we really enforce what the new law says it will require a large group of people walking around Town trying to enforce it. He mentioned in particular people not mowing their lawns to below a certain height.

Supervisor said it deals with property maintenance. He said if you take a look at the house at the corner of Middletown Road and Germonds Road where the grass is so deep and you almost cannot see the house there is a mechanism in this code to deal with that, as there was in the previous one, as a violation of property maintenance. It is not fair for people living in a neighborhood to have one person living in a jungle and others keeping their property relatively tidy. Mr. Bernstein said he was not objecting to the motive behind it but he felt this was another law created which we will not have enough help to enforce. Supervisor said this is not another law but one which exists presently in the code. In the present code the due process element was not specifically spelled out. What we have been doing when people come up for public hearings is allowing them to be represented, holding a public hearing before the Town Board, giving them another ten days to respond, etc. None of that was actually spelled out in the Chapter 79 which we had. This amendment is actually putting that into the code so that it is spelled out exactly what the procedures will be. It is really the same operation only now it is a little bit more comprehensive and certainly more organized and understandable.

Mr. Bernstein said he would be for it as long as it is going to be enforced and not be just another bureaucratic law.

Councilwoman Smith asked Mr. Costa if there was a home rule in setting the amounts if not overruled by the State as to how much of a penalty can be charged? Town Attorney said yes we can do it by home rule legislation which is why it is proceeding by local law. In this particular local law the penalties, if you go to Justice Court, are established well within and below what could be implemented by ordinance. The civil penalties which could be assessed basically relate to the cost incurred by the Town when it must do a clean-up in the absence of the owner's cooperation. In

Continued on Next Page

that case it is really not a true penalty. It is merely the reimbursement of the Town's expenditure and that has to be documented in order to be recovered.

Supervisor said what the Town intends to do in any future clean-ups is to go out to bid to get a contractor who will then perform that work and that will be a bill that will be levied against the property. One of the things we have discovered is that people say oh, let the Town clean it up - it's cheaper that way. Town Attorney said that will all have to be subject to the requirements for bidding if it goes over the threshold. Councilwoman Smith said then it would be added delay in cleaning up what you are trying to clean up by the time you went out to bid.

Supervisor said we will have the contractor in advance with set prices and we will contact him and tell him to enter on the property and clean it up. There will be so much allotted for certain expenses. Town Attorney said that was his recommendation but in any event in order to secure the public's civil rights they have to be given certain time and opportunity. Supervisor said we have given them time and we have the ability to determine what amount of time would be necessary.

There being no one further wishing to be heard, on motion of Councilman Lettre, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED - with "NO" of Councilwoman Smith, time: 9:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (760-1987) ADOPTED

ABE650

Town Hall

7/14/87

9:15 P.M.

Present: Supervisor Holbrook
Council Members Carey, Lettre, Maloney, Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: SPECIAL PERMIT TO CONDUCT LANDFILL OPERATION -
J.D. OWENS BUILDING COMPANY

On motion of Councilman Carey, seconded by Councilman Maloney and unanimously adopted the reconvened Public Hearing was declared open. The reading of the notice was dispensed with as well as statement regarding posting and publication.

Town Attorney stated that he had two pieces of correspondence since the last meeting of the Board. The Town of Clarkstown Planning Board by memo of July 9, 1987 responding to the Town Board's referral has made the following recommendation:

"RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has reviewed the petition for Special Permit to allow for Landfill operation for Owens 71A5, West Nyack, in relation to the existing land uses, the topography, the Comprehensive Plan and recommends that the petition be Denied for the following reasons:

1. The parcel is located entirely within the 100 year floodplain of the Hackensack River as shown on FEMA maps and is a wetlands area with two streams running through from Old Nyack Turnpike on the north to Route 50 to the south. Soils studies and drainage studies have not been developed to determine types of soils, how much soil would be required to be removed, potential cubic yards of fill to be used, how the excess water will be removed from the site and kind of compensatory storage that would be required.
2. The development of the parcel should be considered in conjunction with the landfill operation: issues should not be separated by filling first and then returning for approval of development of the site: premature to fill the land without knowing what the impact will be on adjacent and downstream properties. Since the land is under water allowing filling of these lands would increase the amount of developable area without providing for compensatory storage, which is a health and safety hazard. The Planning Board has adopted a policy of not permitting filling without concurrently processing for subdivision and/or site plan approval.
3. Section 106-20D of the Town of Clarkstown Z.O. provides that "no more than 50% of any land under water, subject to flooding, ... shall be counted as part of any minimum lot area requirement." If the Planning Board were reviewing this for subdivision and/or site plan review, those lands under water would require 50% deduction from the bulk area. In this case applicants are requesting that they be permitted to fill so that they can utilize the entire area towards bulk. This is not only contrary to the Town of Clarkstown zoning Ordinance, but contrary to the SD Regulations, Section 43.7 wherein "no more than 50% of the minimum area of a lot required under the Z.O. may be satisfied by land which is under water." The sole beneficiary of filling of this land would be the applicants.
4. It should be pointed out that the Town may be establishing a precedent for others to make similar requests.

Very truly yours,

Continued on Next Page

ABE650

/s/ Rudolph J. Yacyshun
Rudolph J. Yacyshyn,
Chairman

cc: Town Attorney
Town Clerk*

Town Attorney said he did not believe that the Town Board had received the memo from the Department of Environmental Control which is also dated July 9 with respect to this matter.

(Letterhead of Department of Environmental Control)

Dear Members:

I have reviewed the information recorded in Part I of the Environmental Assessment Form, completed Part II considering both magnitude and importance of each impact and find the project will result in no major impact and therefore is one which may not cause significant damage to the environment.

My evaluation of Part II and my determination is based on the following:

1. Part III of the Environmental Assessment Form.
2. Letter received from R. C. Drainage Agency dated 5/28/87.
3. Letter received from R. C. Soil Conservation Service dated 6/1/87.
4. Letter received from R. C. Highway Department dated 7/2/87.

Based on the above, we would recommend the Town Board adopt this letter by resolution making any amendments the Board deems necessary or appropriate and advise the applicant that they may now complete the processing of their application with the appropriate agencies.

Very truly yours,

/s/ Kurian L. Kalarickal

Kurian L. Kalarickal, P.E.,
Staff for the Clarkstown Town Board*

Town Attorney stated that this property was adjacent to Route 59 and he provided a tax map to the Town Board for their perusal. A vicinity map was also provided to the Town Board members and discussion ensued regarding location of the proposed property.

Supervisor asked if the applicant or his attorney was present.

Appearance: Mr. James Owens
3 Fairmont Terrace
West Nyack, New York 10994

Mr. James Owens presented maps of the property and Part III of the SEQRA report which he had prepared and which he said effectively describes the landfill operation. He said he had a copy dropped off to the Supervisor's Office as well as to the Town Attorney because at the last meeting there was a lack of that information. He said he believed they did provide it but the Town Board obviously did not receive it. He said there was about 3.7 acres which is broken into about three pieces, the best and highest of which fronts on Sickeltown Road. He said they are looking to fill in approximately three feet with fill to give it time to compact while we pursue development of it. He said they are

Continued on Next Page

looking for a zone change. Based on the Town Board's and the Planning Board's ultimate decision we are prepared to develop it with the current zoning and that is basically the basis for it.

Mr. Owen said that they are only proposing to fill one third of the property. It is only to an average depth of three feet. We did a calculation on how that would disturb the flood plain and it raises that area by less than half an inch which is basically a statistic without importance because the conventions used for those calculations are not accurate within a half an inch. For all intents and purposes this particular fill operation is negligible. We are putting in about 5,500 yards of fill; if you allow for compaction - we figure 6,500 yards. In the determination made by the Planning Board their main consideration seemed to be that it should be done in conjunction with an overall site plan for proposed use. He said they do not have that at this point and are open to that. He went on to say that for any use, if you accept the premise that it will be developed, it has to be filled. He said they have made calculations on the amount of fill they need. They have done a grading plan.

Mr. Owen stated that as far as the soil study, they maintain in Part III that they know that whatever goes in there will have to be put on piles and grade beams which is consistent with the area. As far as a soil study for the top layer he said, in his opinion, whether two feet or three feet have to be mucked out before they put in clean fill that does not change the overall characteristic of the area. He said they have left open on the balance of the three acres the issue of compensatory storage which would be resolved when they come in for a site plan approval for whatever is worked out. He said the basic issue that they are here for and for which they went before the Planning Board was simply to issue to fill and it was understood that they could not come in for fill and zone change, which was what we were considering at the same time. He said they were told that they had to do this as a separate article.

One of the Planning Board's concerns was a 50% treatment of which we are not aware. Any of the elevations that we proposed to raise the fill to was lower than the flood plain level so it would not affect that. The Planning Board said that this was entirely within the 100 year floodplain. That is not true. Approximately 65% of the land is but 35% of what they propose to fill is not. He said his position is that there has certainly been substantial development in that area and certainly within the floodplain areas that are of a far greater and more serious magnitude than this project. He said if he was developing in an area that was not in a floodplain at all a fill of three foot is relatively inconsequential.

Councilman Lettre asked if there had been any investigation or determination on the filling of this area and development of it in relationship to what occurred on Phillips Lane, making sure that the same type of problem doesn't occur and to make sure that if we are filling that we are starting from point 0 and working up in a proper progression rather than what occurred there.

Mr. Owens said the problem over there was a problem of fill compaction and that is almost precisely the reason that if there is any filling to be done it should be done now to allow for that compaction in advance of any construction. Councilman Lettre said that might be well and true but as far as the mucking and putting in good compactable fill, how do you plan on making that determination?

Supervisor asked Mr. Owens if he had considered the procedure of surcharging and he said he was not familiar with it.

Appearance:

Mr. Fabian Adler
Adler & Young, Engineers for Project

Continued on Next Page

ABE650

Mr. Adler was sworn in by the Town Attorney. He said that since he had done the calculations on this project he wanted to mention a few of the points involved. He said in planning the grading plan (which was before the Town Board) it was designed so that no run-off from this site would go into adjacent sites. Any rainfall and run-off that would occur on this site would be confined to the existing stream channels which are there. The filling is so structured that no interference with the present drainage system would occur. He said Mr. Owens had already mentioned that in calculating the effect of this fill (not on the entire floodplain area but only in the area below the dike and up to Route 59 - there is a larger area that could be affected) and limiting it to that, the effect on the floodplain was less than half an inch which is already outside the accuracy of the calculations which are not that close.

Town Attorney asked Mr. Adler if he agreed with that statement and Mr. Adler said he had made it and that Mr. Owens had read it from a report prepared by Adler & Young. Mr. Adler said the fill that would be placed would be done in a normal filling manner. Any organic material, vegetation, muck, etc. would be first removed. Fill would be placed in lifts and compacted by the mechanical equipment going over it. One of the things done - and this is why they were disturbed by the statement of the Planning Board - was they deliberately kept the maximum elevation of this fill below the floodplain as defined by the FEMA map so that there was no attempt to create an evasion, even by accident, of the intent if not the letter of the law concerning the amount of land that would be computed into any lot area or developable area. In other words the developable area stays the same now as if no fill had occurred. There is no attempt to evade that in any way nor was there ever any such attempt.

Finally, Mr. Adler, stated that in any event, even being used under its current zoning or being used for any purpose, the fill should be placed at this point to permit compaction and settlement of those areas which will not have structures on them. Structures in this area will be placed on piles and there is no question about that.

Those areas which will not have structures should at least have time to compact while the rest of the procedure is taking place in terms of planning and approvals.

Town Attorney referred to the question raised by Councilman Lettre regarding the Phillips Lane property where it was made evident to the Town Board that the structures were not themselves moving but the utility lines and other underground installations, the driveways, the decks, patios were all subsiding and some many years after the initial fill operation had occurred. He asked Mr. Adler if he was taking the position that the type of fill he intended to put in there and the compaction would avoid that possible result? Mr. Adler said he would condition the statement and say in all probability it will. However, in excavating the material that is there that final determination would be made. He said he was quite aware of what Mr. Costa is talking about as he (Mr. Adler) was a sanitary engineer for many years.

Mr. Costa asked Mr. Adler about the compensatory storage for drainage and the point made by the Planning Board that the filling would take away storage for flood waters and there is no proposal here to provide compensatory storage elsewhere. Mr. Adler said that was correct. At this time no proposal had been made for that. He stated that as he had mentioned the difference between the unfilled and filled portion we are talking about, which is roughly one third of the site, affects the drainage area less than one half an inch. It is not even within the limit of accuracy to calculate. There are some pretty healthy safety factors in the calculations. He said they did leave two thirds of the area open for discussion

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and for determination not only by the Town Board but by the Planning Board in the attempt to do the overall planning for the site, not just ours but the abutting properties. He said the Planning Board's interest is in trying to combine not only our site but abutting sites into one entity. It is a logical and intelligent decision. Some of those areas have no place for compensatory storage and part of our land would thus be used for this. The attempt is to combine them all into one and we have already made the initial contacts along this line. Whether they come to fruition or not we cannot tell at this moment. The attempt is there and we have reserved two-thirds of the area for the ability to provide buffer and for the ability to provide compensatory storage for the entire developed area, not just ours. At this moment we felt there was no reason to provide it.

Mr. Adler said you are trying to define something which in calculating you might end up by saying not only don't we need it but that we have a surplus. The errors are that great. He said you have 20% errors in rainfall calculations and you have 20% errors in drainage calculations. They are all safety factors, fortunately, but the errors of calculation are much larger than what we have determined would be the difference in elevation of the floodplain due to the filling of this one third of the site but we made no provision at this time for that.

Councilman Lettre said he felt the main concern, other than that, obviously is the means and the mechanism of filling and the determination of how it is going to be filled. He asked if a soil study had been done on the parcel yet? Mr. Owens said it has not. He said the basis for settling or for fill moving is not on the basis of whether there are two or three or five feet of organic material on the top. You are looking at going down thirty to sixty feet. That is the issue which a soil study addresses as we certainly know from all the studies that have been done in the area. It will be filed; that is a foregone conclusion. The fact is that it is really a construction question when it ultimately comes to what we are putting in there whether we get a zone change or if it remains the current zoning. He said at that time it would seem to him to be appropriate that the soil study for whatever has to be done at that time for construction is not really a surface problem. The nature of the soil and what causes that shifting is down maybe up to sixty feet and it doesn't really change the issue if we knock two or four or five feet of organic material off the top and put fill in. It really will not change the nature of the subsurface which is the basis for the piling and the basis for grade beams and the engineering consideration in any construction. Mr. Owens said to the degree that you may get some settling the sooner you can fill it the less likely you are to have a problem for compaction.

Mr. Adler discussed the method of construction they intended to use in the instant case. He also mentioned utility installation. Supervisor said in the case of Phillips Lane in West Nyack the utilities did settle and the sewers came undone and the electric was ripped off the house. Supervisor also mentioned Route 303 in Congers and in one instance there the builder, instead of just filling it, surcharged. They still have not built on that site because it has to lie fallow for a year or so after surcharging. Supervisor said perhaps if Phillips Lane had been surcharged there may not have been a problem. Mr. Adler said if surcharging would be permitted then we go above the floodplain level. In theory we are now evading the law. He said he imagined they could set up with the Town Attorney some kind of covenant regarding this. Supervisor referred to a soil study that was done at Phillips Lane so that Mr. Adler could get an idea of what they are talking about because Phillips Lane is just across the street from the instant location.

Mr. Owens said even if you are talking 100% compaction we are still talking less than what you had at Phillips Lane. It is not a very large operation. In normal construction that is not in a floodplain a three foot change in elevation is not unusual at all.

Continued on Next Page

ABE650

Supervisor Holbrook said in this particular area years ago, when they put the sewers in front of the West Nyack post office, in digging down they had to cut through the corduroy roads that had been put in during the 19th century because it just kept on going down. When you talk about sinking utilities - they usually don't - however, in Phillips Lane they did.

Supervisor asked if there was anyone from the public wishing to make a comment or ask a question.

Appearance: Ms. Patricia Galgano
22 Sickletown Road
West Nyack, New York 10994

Mrs. Galgano said she lives right across the street from the proposed project. She said she felt we had done enough to our floodplain in West Nyack. She said we have yet to see what is going to happen with the company up on the hill. She said she did not know how they could 3 foot everything over there and have all the slopes on every side of this 3 foot square area. She said we must consider in this Town now what we are going to do with our 100 year flood plan 100 years from now when we are all under ground.

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

Mr. Lodico said he thought history should be a lesson. Nothing has changed in swamps for thousands of years. Nothing has changed in the modern technique of piling. He discussed the methods used and not used in building houses and in the installation of utilities. He said the Town Board are the elected officials who are supposed to protect the future taxpayers. He questioned the securing of reports from the DEC as to borings, corings, etc. He said he felt it was very important that provisions be inserted to ensure that utilities will not be defective because the engineer has not said that they will pile the utilities. He said he is speaking in favor of the landfill concept but when you are ready to build a house after getting rezoning then this Board is responsible for protecting the future taxpayers by demanding proper construction and proper engineering. He mentioned that in that particular area all the way from Old 59 south as far as you can go past Green Road all utilities should be piled.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Lettre and unanimously adopted, the public hearing was declared, closed, DECISION RESERVED, time: 9:50 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk