

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

1/26/03

8:00 P.M.

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

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

Councilman Maloney asked all present to observe a moment of silence for the repose of the soul of Connie O'Sullivan, Councilman from our neighboring Town of Orangetown, who was a fantastic leader for the people there and dedicated his life to the service of the people of Orangetown. Councilman Maloney requested that this meeting be dedicated to his memory.

Supervisor then presented a proclamation:

"CATHOLIC SCHOOLS WEEK:

January 31 - February 6, 1993

WHEREAS, the Town of Clarkstown has several Catholic schools within its boundaries, and

WHEREAS, these schools and other Catholic schools in Rockland County serve over 3500 students, and

WHEREAS, these schools are dedicated to God, country, and the pursuit of excellence, and

WHEREAS, this year the Catholic schools are celebrating the theme, "The Good News in Education," and

WHEREAS, we now wish to recognize the contributions of Catholic schools,

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 26th day of January 1993, do hereby proclaim the week of January 31st to February 6th as "CATHOLIC SCHOOLS WEEK" in the Town of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE SEAL
OF THE TOWN OF CLARKSTOWN TO BE
AFFIXED THIS 26TH DAY OF JANUARY
1993.

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

Supervisor stated that he would be forwarding this proclamation to all of the Catholic Schools.

Supervisor stated that the next order of business would be the awarding of a certificate to Adam Browning of Boy Scout Troop 428 upon attaining the rank of Eagle Scout. He noted that the Brownings are a very prominent family in the Town of Clarkstown. Adam's mother, Eileen Browning, is very active in the community with the CANDLE organization. Supervisor said he had the privilege of teaching with Adam's

Continued on Next Page

TBM - 1/26/03
Page 2

father, Wayne Browning, who is an excellent science teacher in the Clarkstown South High School. Congratulations were offered to Adam and his family by the Supervisor and Town Board members.

Supervisor declared public portion of the meeting open.

Appearance: Mr. Steve Hoffman
New City, New York

Mr. Hoffman spoke regarding the reflectors on Route 304. He also spoke regarding the salary of the person hired to assist on the new police/court facility.

Appearance: Mr. John Cuff
West Nyack, New York

Mr. Cuff spoke regarding Item No. 4 (Letchworth Village Closing). He urged it be considered as the site for county court and office facilities rather than building more buildings in New City at a tremendous expense to the taxpayers.

Appearance: Mr. Mike Weiss
New City, New York

Mr. Weiss spoke regarding Item No. 10 (Route 50 Road Improvements). He also spoke regarding Item No. 11 (Noise Ordinance).

Appearance: Mr. John Lodico
New City, New York

Mr. Lodico spoke regarding construction of police facility and what he considers improper plumbing installation. He also spoke regarding the reduction of the Canadian goose population in Rockland County.

Appearance: Mr. Bruce Broadley
West Nyack, New York

Mr. Broadley spoke regarding the status of the Hackensack River flood control. He also spoke regarding the Pyramid Mall proposition to donate \$2,000,000.00 to Clarkstown for the study and construction of improvements associated with the said flood control project.

RESOLUTION NO. (51-1003)

ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
JANUARY 12, 1903

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the minutes of the Town Board Meeting of January 12, 1903, are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

TBM - 1/26/93

Page 3

RESOLUTION NO. (52-1993)

AUTHORIZING
INSTALLATION OF FIRE
LANE DESIGNATIONS (MAP
57, BLOCK M, LOT 4)
OLD SCHOOL HOUSE ROAD
APTS.

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown, at OLD SCHOOL HOUSE ROAD APTS, 3-9 OLD SCHOOL HOUSE ROAD, NEW CITY, NY 10956 by the installation of fire lane designations, and

WHEREAS, ROBERT CHAMPEAU, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (53-1993)

ACCEPTING ROADS AND
IMPROVEMENTS -
BRIGHTON LANE (THE
GABLES)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed dated June 24, 1988, from Josephine Rapkin conveying the following road

BRIGHTON LANE 515 L.F.

and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of Subdivision of Property for THE GABLES filed in the Rockland County Clerk's Office on August 15, 1988, in Book No. 109 at Page 66 as Map No. 6234 is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that an agreement guaranteeing the road and improvements for a period of one (1) year with

Continued on Next Page

TBM - 1/26/03
Page 4

RESOLUTION NO. (53-1993) Continued

security posted by the developer in the amount of \$4,450.00 is hereby accepted.

On roll call the vote was as follows:

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

RESOLUTION NO. (54-1993)

ACCEPING ROADS AND
IMPROVEMENTS -
CHESTNUT PARK COURT
AND BRIGHTON LANE
(CHESTNUT PARK)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed dated December 1, 1986, from Theodore Lagerfeld conveying the following road:

<u>Chestnut Park Court</u>	<u>505</u>	<u>L.F.</u>
<u>Brighton Lane</u>	<u>217</u>	<u>L.F.</u>

and other improvements to the Town of Clarkstown in a subdivision as shown on Revised Final Subdivision Plat of CHESTNUT PARK filed in the Rockland County Clerk's Office on June 1, 1987, in Book No. 107 at Page 73 as Map No. 6066 is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (55-1993)

AUTHORIZING ATTENDANCE
AT ANNUAL CONFERENCE
OF NATIONAL INSTITUTE
OF GOVERNMENTAL
PURCHASING, INC.
(PURCHASING
DEPARTMENT) (LAURENCE
KOHLEK) - CHARGE TO
ACCOUNT NO. A 1010-414

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend the Annual Conference of the National Institute of Governmental Purchasing, Inc. in Edmonton, Canada from July 31 - August 4, 1993, and he it

Continued on Next Page

TBM - 1/26/03

Page 5

RESOLUTION NO. (55-1993) Continued

FURTHER RESOLVED, that all reasonable, necessary and related costs of attendance be charged to Account No. A 1010-414.

Before roll call Councilman Mandia said he failed to see why the Director of Purchasing had to go out of the country to get training on purchasing. He said going to Canada sounds like it is unnecessary to him.

On roll call the vote was as follows:

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

RESOLUTION NO. (56-1993)

AUTHORIZING ATTENDANCE AT REVENUE SOURCES MANAGEMENT SCHOOL - PARKS BOARD AND RECREATION COMMISSION - (ELAINE APFELBAUM) - CHARGE TO APPROPRIATION ACCOUNT NO. A 7141-414

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Elaine Apfelbaum, Senior Recreation Leader - Parks Board and Recreation Commission - is hereby authorized to attend the Revenue Sources Management School for the second year, from March 14 to March 18, 1993 to be held in Oglebay Park, West Virginia, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Appropriation Account No. A 7141-414.

Before roll call Councilman Mandia noted that Elaine Apfelbaum is completing the second year of a two year course and that losses have been stopped at the snack bars.

On roll call the vote was as follows:

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

RESOLUTION NO. (57-1993)

GRANTING CERTIFICATES OF REGISTRATION TO VICTOR ZUGIBE, INC.; TRAVCON, INC.; PHOENIX EXCAVATORS CORP.; AND HENRY SMITH INC. & BRUDON CONSTRUCTION INC.

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

Continued on Next Page

TBM - 1/26/03
Page 6

RESOLUTION NO. (57-1003) Continued

VICTOR P. ZUGIBE, INC.
66 Railroad Avenue
Garnerville, N.Y. 10923

TRAVCON, INC.
Vincent James Travaglini
370 Kings Highway
Valley Cottage, N.Y. 10989

PHOENIX EXCAVATORS CORP.
62 Rose Road
West Nyack, N.Y. 10994

HENRY SMITH INC. &
BRUDON CONSTRUCTION INC.
P.O. Box 24
Monsey, N.Y. 10952

RESOLVED, that the following Certificates of Registration be issued:

- No. 93-7 VICTOR P. ZUGIBE, INC.
- No. 93-11 TRAVCON, INC.
- No. 93-12 PHOENIX EXCAVATORS CORP.
- No. 93-13 HENRY SMITH INC.

On roll call the vote was as follows:

- Councilman Dusanenko.....Yes
- Councilman Maloney.....Yes
- Councilman Mand'a.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (58-1003)

GRANTING CERTIFICATES
OF REGISTRATION TO
LIFESTYLE BUILDERS,
INC.; J & R D'ONOFRIO
PLUMBING & HEATING,
INC.; AND PAUL DeSIMONE

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

LIFESTYLE BUILDERS, INC.
495 Country Club Lane
Pomona, New York 10970

J & R D'ONOFRIO PLUMBING &
HEATING, INC.
35 West Street
Spring Valley, New York 10977

PAUL DeSIMONE
35 Madison Avenue
Garnerville, New York 10923

RESOLVED, that the following Certificates of Registration be issued:

- No. 93-8 LIFESTYLE, INC.
- No. 93-14 J & R D'ONOFRIO PLUMBING & HEATING, INC.
- No. 93-15 PAUL DeSIMONE

On roll call the vote was as follows:

- Councilman Dusanenko.....Yes
- Councilman Maloney.....Yes
- Councilman Mand'a.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (59-1003)

AUTHORIZING DIRECTOR
OF PURCHASING TO

TBM - 1/26/03
Page 7

RESOLUTION NO. (59-1993) Continued

ADVERTISE FOR BIDS FOR
BID #14-1993 -
BITUMINOUS CONCRETE

Co. Maloney offered and Co. Smith seconded

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

BID #14-1993
BITUMINOUS CONCRETE

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 Tuesday, February 16, 1993 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (60-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #15-1993 (CRUSHED
STONE)

Co. Maloney offered and Co. Smith seconded

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

BID #15-1993
CRUSHED STONE

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 Wednesday, February 17, 1993 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (61-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
BID #16-1993 (FIRST
AID SUPPLIES)

TBM - 1/26/93
Page 8

RESOLUTION NO. (61-1993) Continued

Co. Maloney offered and Co. Smith seconded

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

BID #16-1993
FIRST AID SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, February 26, 1993 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (62-1993)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR BID #17-1993 (TRANSFER AND RECYCLING SERVICE FOR STUMPS & LOGS)

Co. Maloney offered and Co. Smith seconded

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

BID #17-1993
TRANSFER AND RECYCLING SERVICE FOR STUMPS & LOGS

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 Thursday, February 25, 1993 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (63-1993)

REFUNDING OVERPAYMENT OF GARBAGE COLLECTION FEES (WENDELKEN, KELLY, DOHERTY AND SAFIER)

TBM - 1/26/03
Page 9

RESOLUTION NO. (63-1993) Continued

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the following refunds are hereby granted for the overpayment of garbage collection fees:

Wendelken, 108 Ridge Road, New City (07-A-12)	\$ 72.00
Kelly, 22 Nanuet Avenue, Nanuet (12-G-11)	144.00
Doherty, 203-A Brookway Ave., Valley Cottage (109-E-20.5)	144.00
Safier, 5 South Delaware, Central Nyack (120-A-35.23)	288.00

On roll call the vote was as follows:

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

RESOLUTION NO. (64-1993)

APPOINTING TO POSITION
OF MEMBER - HISTORICAL
REVIEW BOARD (GILLIAN
ELIZABETH BALLARD)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Gillian Elizabeth Ballard, 7 Tall Oak Lane, New City, New York, is hereby appointed to the position of Member - Historical Review Board - at the current 1993 annual salary of \$100.00, term effective January 26, 1993 and to expire on December 31, 1993.

On roll call the vote was as follows:

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

RESOLUTION NO. (65-1993)

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

Co. Smith offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Jeffrey Meara, 686 Sierra Vista Lane, Valley Cottage, New York, Laborer - Highway Department - is hereby granted an extension of his Sick Leave of Absence - at one-half pay - effective and retroactive to January 22, 1993 to February 22, 1993.

On roll call the vote was as follows:

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

TBM - 1/26/93
Page 10

RESOLUTION NO. (66-1993)

ACCEPTING RESIGNATION
OF SUPERINTENDENT OF
RECREATION AND PARKS
(EDWARD J. GHIAZZA)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Edward J. Ghiazza, 52 Pebble Beach Way, South Yarmouth, Massachusetts - Superintendent of Recreation of Parks - Parks Board and Recreation Commission - is hereby accepted - with regret - effective February 28, 1993.

On roll call the vote was as follows:

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

RESOLUTION NO. (67-1993)

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

Co. Smith offered and Co. Maloney seconded

RESOLVED, that in accordance with Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A, Edward Davis, Jr., 8 Highview Court, Central Nyack, New York - Custodian I - Parks Board and Recreation Commission - is hereby granted an extension of his Sick Leave of Absence - on one-half pay - effective and retroactive to January 22, 1993 to February 23, 1993.

On roll call the vote was as follows:

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

RESOLUTION NO. (68-1993)

AWARDING BID FOR BID
#49-1992 - ROUTE 59
IMPROVEMENT PROJECT
(ARGENIO BROTHERS,
INC.)

Co. Maloney offered and Co. Smith seconded

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

RJD #49-1992
ROUTE 59 IMPROVEMENT PROJECT

is hereby awarded to

Continued on Next Page

TBM - 1/26/93
Page 11

RESOLUTION NO. (68-1993) Continued

ARGENIO BROTHERS, INC.
P.O. Box 2068
RUSCITTI ROAD
NEWBURGH, N.Y. 12550
PRINCIPALS: GENARO ARGENIO
JOE McDERMOTT

as per their low bid proposal of Two Hundred Sixteen Thousand One Hundred Eighty One Dollars (\$216,181.00), and be it

FURTHER RESOLVED, that said award is subject to the receipt of executed contract documents enclosed with Bid Specs, Performance Bond and Labor and Material Payment Bond each in the amount equal to 100% of proposed job cost.

On roll call the vote was as follows:

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

RESOLUTION NO. (69-1993)

AWARDING BIDS FOR BID
#4-1993 - BUS
TRANSPORTATION
(ADVANCE TRANSIT CO.,
INC.)

Co. Maloney offered and Co. Smith seconded

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

BID #4-1993
BUS TRANSPORTATION

is hereby partially awarded as follows:

- Part A - Summer Youth Busing Program (School Bus)
 - Item 1 - Summer Day Camp Routes
 - Item 2 - One day Trips Local
- and
- Part B - Senior Citizen Busing Program
 - Item 2 - One Day Trips - Local (School Bus)

is hereby awarded to

ADVANCE TRANSIT CO INC
PO BOX 110
29 BRIDGE STREET
IRVINGTON NY 10533
PRINCIPALS: JOSEPHINE DICOLA
JAMES GROSSI
ANTHONY CAPUTO

as per their low bid proposals on file in the Purchasing Dept. and be it

FURTHER RESOLVED, that said award is subject to the receipt of the following documents as per the bid specifications:

Continued on Next Page

TBM - 1/26/93
Page 12

RESOLUTION NO. (69-1992) Continued

- 1 - Copy of N.Y. State DOT Operating Permit
2. Certificate of General and Automobile Liability Insurance with a minimum of 1 million dollars coverage on each. Certificate must name the Town of Clarkstown, its officers and employees as additional insured
3. Certificate of Workers Compensation Insurance Coverage

On roll call the vote was as follows:

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

RESOLUTION NO. (70-1993)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW
ENTITLED "REPEAL OF
CHAPTER 205 (PEACE AND
GOOD ORDER) OF THE
TOWN CODE

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled:

"REPEAL OF CHAPTER 205 (PEACE AND GOOD ORDER)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 23, 1993, at 8:35 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEORA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEORA review.

On roll call the vote was as follows:

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

TBM - 1/26/93
Page 13

RESOLUTION NO. (71-1993)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW
ENTITLED "NOISE
ABATEMENT"

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled:

"NOISE ABATEMENT"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on February 23, 1993, at 8:40 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEORA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEORA review.

On roll call the vote was as follows:

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

RESOLUTION NO. (72-1993)

MEMORIALIZING BOARD OF
TRUSTEES OF ROCKLAND
COMMUNITY COLLEGE TO
RECONSIDER OTHER
METHODS OF REPAYMENT
FOR FEDERAL AID
WRONGFULLY PAID TO
STUDENTS IN JUDAIC
STUDIES PROGRAM

Co. Dusanenko offered and Co. Mandia

WHEREAS, it has been reported that the Rockland Community College will raise tuition by \$50.00 a year as part of a plan to repay millions of dollars in State and Federal aid wrongfully paid to students in its Judaic Studies Program, and

WHEREAS, the Town Board of the Town of Clarkstown feels that our future resident students should not be penalized

Continued on Next Page

TBM - 1/26/03

Page 14

RESOLUTION NO. (72-1003) Continued

for fiscal sins of the past and requests the Board of Trustees to reconsider other methods which will not affect local students or property owners, and be it

RESOLVED, that the Town Clerk be requested to send a copy of this resolution to the acting president of the college, trustees of Rockland Community College, and all Mayors and Supervisors of Rockland County.

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Road Improvement District - Portion of South Grant Avenue, Congers, was opened, time: 8:40 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Road Improvement District - Portion of South Grant Avenue, Congers, was closed, DECISION RESERVED, time: 9:00 P.M.

Councilwoman Smith said she would like to see the road first of all. She said she would like Mr. Jacobson, Town Attorney, to research any variances that were granted to see if the complete requirements were fulfilled. She said she would like to straighten out one thing. In all the past road improvement districts we have always gone by a majority of the number of residents not by the number of footage so she hoped that would not change with this one. It has always been residents. Supervisor said in this case he thought it would be the same.

Supervisor said a number of the council members want to go out and take a look at the road. The Town Board will place this matter on the agenda for its February 9th meeting. At that time the Town Board will probably make a decision. He said people can call his office if they want to confirm that.

Supervisor noted that the public hearing scheduled for 8:40 P.M. allowing the ZBA to vary the requirements for Special Permits in non-residential zones was being pulled from tonight's agenda.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Proposed Amendment to Town Code Section 106-6.1 - Establishing Bulk Regulations for Buildings Essentially Retail in PED Zones, was opened, time: 9:04 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted the public hearing

Continued on Next Page

TBM - 1/26/03
Page 15

RESOLUTION NO. (73-1993) Continued

re: Proposed Amendment to Town Code Section 106-6.1 - Establishing Bulk Regulations for Buildings Essentially Retail in PED Zones, was closed, RESOLUTION ADOPTED, time: 9:10 P.M.

RESOLUTION NO. (73-1993)

AMENDING ZONING
ORDINANCE RE: BULK
REGULATIONS SECTION
106-6.1.C (PED
DISTRICT) AND ADDING
SECTION "D" (RETAIL
BUILDINGS)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on December 31, 1992, provided for a public hearing on January 26, 1993, at 8:45 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEORA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated November 25, 1992, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEORA) is required, and be it

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

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

FROM: "C. Bulk regulations."

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

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

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

- (1) Maximum floor area ratio (FAR): same as §106-6.1.C(1).
- (2) Maximum height: same as §106-6.1.C(3).
- (3) Minimum buffer: same as §106-6.1.C(4).
- (4) Minimum lot area: four acres.
- (5) Minimum lot width: 220 feet.
- (6) Minimum front yard: 80 feet, with no parking or aisles within 30 feet of the right-of-way.
- (7) Minimum side yard: 60 feet, but shall be increased 50% when adjacent to a residential district.

Continued on Next Page

TBM - 1/26/03
Page 16

RESOLUTION NO. (73-1003) Continued

- (8) Minimum both side yards: 150 feet. Note 15 of Table 16 regarding buffer areas applies.
- (9) Minimum rear yard depth: 50 feet, but shall be increased by 50% when adjacent to a residential district, with no parking or aisles in the increased area, and a buffer area of at least 15 feet along the rear lot line."

and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

On roll call the vote was as follows:

Councilman Dusanenko.....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 Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:11 P.M.

Respectfully submitted,

Patricia Sheridan
 PATRICIA SHERIDAN,
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/26/93

8:40 P.M.

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

RE: Proposed Road Improvement District - Portion of South Grant Avenue, Congers, New York

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney stated that the recommendation on SEORA is that this is a type of action that has no environmental impact and therefore no further processing is necessary.

Supervisor stated that this is a public hearing for a proposed road improvement district for the unimproved portion of South Grant Avenue, Congers. Basically, a road improvement district is one in which the properties that are adjacent to the roadway are paved to bring the roadway up to Town specifications. At that time the Town then takes over control of the road and forever after it is maintained by the Town, hence it is called a town road. The usual method of payment is an allocation based upon frontage on the road and also whether a person is a primary or secondary beneficiary. A primary beneficiary would be a property or a person that directly accesses South Grant and uses it as their primary entrance or exit. A secondary beneficiary would be a person whose property for example backs onto the roadway and they don't use it for a primary access.

Supervisor noted that in the past when the Town has approved these districts they have been allocated on a 60/40 basis. Of the total amount of the improvement - 60% would be apportioned to those that have primary frontage and 40% for those that have only secondary frontage since they have other means of entering and exiting their property. The method of repayment, if this were to go forward, would be a person would have the opportunity to pay their apportioned amount all at once if they chose or to pay it over a fifteen year period. This has been done with a number of other road improvement districts - Lenox Avenue being probably the most recent one in Congers that has been completed. Medway Avenue last year was approved. It has not been constructed but will be this year. This is not something that is unique to the Town but it is something that is worth considering and certainly the Town Board Members have no preconceived notions relative to this road improvement but are prepared to listen to the residents and try to answer any questions. We count their opinions relative to this.

Supervisor asked if there was anyone wishing to make a comment or ask a question?

Appearance: Mr. Thomas Muggeo
Congers, New York

Mr. Muggeo stated that he was opposed to the road improvement district. The road goes nowhere. It will never go anywhere. It only serves a few people. The proponents of this road cited a safety factor as the reason for the improvement. He said he feels that the condition of the road now, as bad as it is, enhances the safety because vehicles cannot travel at any appreciable speed on that road - maybe 35

Continued on Next Page

PH - Proposed Road Improvement District - Portion of South
 Grant Avenue, Congers, New York 1/26/93
 Page 2

miles per hour is the maximum. Children play on that road. If this road is improved he was sure it would increase the speed of the vehicles using it. He said the safety factor is just a smoke screen. Proponents of this road want to enhance the value of their property whether for sale or for rent.

Supervisor asked Mr. Muggeo if he was a primary or secondary user and he said he was a secondary user. He stated that when Mrs. Foley built on that road twenty years ago she received a variance for that property in order to build two family houses. One of the provisions of that variance was that she was to pave a 15 foot section of that road. It was never done. He said he thinks if that had been done we wouldn't need this road improvement now at a cost to these homeowners. He said if this thing does go through he feels the cost should be broken down to the amount of the value the people get from it on a family unit rather than just a property unit. He said for the record he is against it.

Councilwoman Smith asked how many houses there are - primary and secondary. Town Attorney said there were six primary users and 6 secondary users.

Appearance: Mr. George Armstrong
 Congers, New York

Mr. Armstrong said he was opposed to this and he wanted to know who was the primary pusher of this project? Was it the Town Board or was it individuals? Supervisor said this has been requested a number of times over the years by various people who own property on the street. When pressed to give their names the Supervisor said they are here tonight in the audience. He said it has been brought up on a number of occasions and the Town Board members felt after sending out the letters that we should have a public hearing and see where it really lies.

Mr. Armstrong said it would only benefit a few people. He said he has a piece of property which the Town Board, in their ultimate wisdom, took away his right to build a second home on Grant Avenue many years ago. He said he has six tax lots which the Town Board refused to combine into one so he cannot build there. He said he can't see how we can put more roads in the Town when the Town Highway Department cannot maintain them, cannot pick up leaves, etc. He said he was on South Conger Avenue today and there are leaves from one end of the street to the other. You are going to create another 600 feet for them to pick up leaves - on the 4th of July?

Supervisor asked if Mr. Armstrong was a primary or secondary user and was told secondary. He said he could not see how the people can afford taxes unless they have income coming in. Most of the people on that road will not benefit with the exception of two people. He is definitely opposed to this.

Appearance: Dr. Francis X. Foley
 Valley Cottage, New York

Dr. Foley said he is a primary user on the road. He said if the road did not go anywhere he would not be here tonight. It goes to at least six houses. For anyone to get to those six houses is a disaster whether it be puddles, rain, mud, dust and oftentimes in snow you cannot get to them or get out of them. He said there should be no place in Clarkstown

Continued on Next Page

PH - Proposed Road Improvement District - Portion of South
Grant Avenue, Congers, New York 1/26/93
Page 3

where a situation like this exists. He said whether people own their homes or rent they should not be living on a street like this. He offered a letter from Mr. Bollman, Senior Engineer dated March 18, 1975 to Robert Bowman, Building Inspector. He read "I am suggesting that the current laws and regulations be reviewed to determine if it is advisable for the Town to modify its regulations or initiate a road improvement district for this area." Dr. Foley said that was 18 years ago that Mr. Bollman brought this to the Board's attention. Anyone who has been living around here for 18 years has seen a great deal of improvement and he did not think it was fair for someone in 1993 to be living on a road in that condition. As for the reference to it's being safe, he said he would like to see someone have a heart attack on that road after a snow storm and try and get medical attention or have a fire there and have the fire trucks try to get in there, then he would like to see how safe they really think it is. It is a disgrace. It is Tobacco Road. It shouldn't be in Congers and it shouldn't be in Clarkstown. He said he owns the most property as a primary owner on that road - 230 feet - and he pays the most. He said he would gladly do it because he thinks it is disgraceful and he implored the Town Board to do something about this.

Appearance: Mr. Frank Laudiero, Jr.
Congers, New York

Mr. Laudiero stated that he was here on behalf of his mother and his late father. He said they also were secondary on the road and he too is opposed to this as it would not benefit them in any way. It is not an accessible road by his parents' house. He said his mother is on a fixed income and could not afford any more on her tax bill. He reiterated their opposition.

Appearance: Mr. James Sheridan,
Congers, New York

Mr. Sheridan said he was a primary user of this road. He said it seems there is only one gentleman here in favor of this and he is the one who has the most to gain as it was pretty obvious in the way he explained it. The holes and the gullies to which he was referring are made by the renters - guys with ten ton trucks. People who live there drive automobiles which don't do the damage that has been done to this road. If you check further into this you will see that there are a lot of things that have not been completed initially when people were given variances - Mr. Foley in particular. There is a cul de sac that should have been put on the end of that road many years ago. Then there was another gentleman who came in and bought a piece of property at the very end of that road who was also supposed to put in a cul de sac. We never saw it. We never got it. It was supposed to be done. It was approved by the Town Board. There is more here than meets the eye. He said he certainly would like it more pleasant as it is the main entrance to his home but it could be repaired and if it were taken care of we wouldn't have this problem. He said why should they all be paying taxes if something like this is not included? Why should they have to pay additional monies to have a decent road when we pay taxes like everybody else in Clarkstown who has a decent road? He said he did not understand that reasoning whatsoever. This business about a dedicated street - what are we doing here? It sounds like a memorial. It sounds like something religious.

Supervisor said at times people prefer to live on private roads. When the houses sold the cost of living

Continued on Next Page

PH - Proposed Road Improvement District - Portion of South
 Grant Avenue, Congers, New York 1/26/93
 Page 4

might have been somewhat less but that is speculation. Years ago they were quite popular. Today they have become a problem in many areas and the idea of paying for highway things is you are paying for the benefit of the entire road network of the Town. That is the justification for it. He said he could understand Mr. Sheridan's inquiry because a lot of people have come not to like to live on a private road. We have people coming in on February 1st on Lewis Road in Valley Cottage which is a hilly road. Yours happens to be flat and wet but that one is hilly and slippery.

Mr. Sheridan said he could appreciate where the Supervisor is coming from. We are not the woods any longer. All you have to do is take a head count and you are going to see how many people are for it and how many people are against. This business about it has been brought to your attention or to the Board's attention to do this project - he said he never heard of anyone. Supervisor said it has been requested by an individual and the Town Board at times has considered bringing it to a public hearing. Basically, after the last inquiry we felt that we would have a public hearing and we would find out once and for all the feelings of the people on the street which is what this meeting is supposed to do.

Mr. Sheridan said he thinks the meeting should take care of itself. He said isn't it the case where it has to be a majority of the people. Supervisor said we can do a road improvement district even if nobody wanted it. Mr. Sheridan said he didn't know that. Supervisor noted that there is no requirement of 51%; that is just a rule of thumb. If you had ten people and six wanted it and four didn't based on footage we, in the past, have gone ahead. However, in instances where nobody wanted it, the Town Board could still go ahead and do it. Mr. Sheridan said he would revert back to Mr. Armstrong's remark. The Highway Department is having enough of a problem handling what they have now. So he really didn't see how the Board could justify saying well what the heck, let's throw this one in too. He said I think you can rule that out also. He said he strongly feels that we are all being shortchanged and this should be done at no additional cost to anyone. He said he believes they pay as much taxes as anyone else. Our homes were appraised and that's that. That is what it is all about.

Supervisor said what happens in many other road improvement districts is that if you were to go ahead with this the assessment would not change on your house but possibly the value might, living on an improved street. But again that is speculation. Mr. Sheridan said he did not have that in mind. He said in any event he thinks the numbers will speak for themselves and he didn't think this decision should be that difficult.

Appearance: Ms. Ann Foley
 Valley Cottage, New York

Ms. Foley said she does not rent to anyone who drives a truck on that road. She said she has two legitimate two family houses on that road. There are other people who have illegal two family houses on that road. Mr. Sheridan signed a statement when he got his building permit that he would go along with the road. He signed it and I have a copy with his signature on it. She said she has made frequent complaints about the number of cars that are on Mr. Sheridan's property and she said she knows that when they get a road he

Continued on Next Page

PH - Proposed Road Improvement District - Portion of South
 Grant Avenue, Congers, New York 1/26/03
 Page 5

will have no place to park his cars because he parks his cars, whether they are registered or not registered, and he usually has two or three unregistered cars on his front lawn. She said she could understand why he doesn't want a road. Mr. Sheridan signed a paper saying that he would go along with the road when he built his house and you all have a copy of that.

Appearance: Mr. Adolphe Salaun
 Congers, New York

Mr. Salaun asked how high you have to put the signs that are posted on the property? You have to be able to read it, is that right? He said he had to get down on his knees to read it and he did not think that was right. He said he had to post some himself not too long ago and they were high enough so everybody could read them.

Appearance: Ms. Arlene Owen
 Congers, New York

Ms. Owen asked how the Town Board decided on Lake Lucille and Supervisor stated that they voted to go ahead with it. Ms. Owen asked based on what? Supervisor said based on the majority of the people polled in that area. She asked why doesn't the Board do the same here? Supervisor said we might. You just have to give it a chance. Ms. Owen said she really felt that in these times people shouldn't be hit if they can't afford to be hit. She implored the Town Board to listen to the majority.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mand'a and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:00 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/26/93

9:04 P.M.

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

RE: Proposed Amendment to Town Code Section 106-6.1 Establish Bulk Regulations for Buildings Essentially Retail in PED Zones

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney stated that Rockland County Planning Board approves. Clarkstown Planning Board approves. The SEORA shows there would be no environmental impact and needs no further processing.

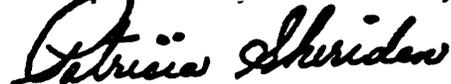
Supervisor called upon Mr. Robert Geneslaw, Planning Consultant, to explain the proposed amendment.

Mr. Geneslaw said this would amend the PED regulations and is a relatively minor amendment. It came about after the construction of the Costco Building. The PED was intended to provide for advanced plan large scale industrial development. The Costco Building is a single building, more retail in nature, and because it is in the PED district meets the yard requirements of the PED which in some cases are less than the yard requirements of the RS district. It is our feeling in the Planning Board that we ought to try to make it a little bit more rational and include some of the RS requirements and some LIO requirements so that if there is individual lot by lot development there, there will be some side yard space to landscape. That is really what the intention was.

Supervisor asked if Town Board members had any questions? No one did. Supervisor asked if anyone from the public wished to make a comment or ask a question? No one did.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 9:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. 73-1993 ADOPTED)