

TOWN OF CLARKSTOWN
Town Board Meeting

Town Hall

10/22/96

8:00 PM

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

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

Clarkstown Special Olympics Soccer Team, Champion
Winners: The Town Board Members issued Certificates of Award and trophies to the players and coaches of the Team's Championship Winners.

Supervisor Holbrook awarded the following proclamation:

ARCHITECTS' WEEK
October 20 - October 26, 1996

WHEREAS, sixty years ago in 1936, the architectural profession in Westchester County founded the Westchester Chapter of the American Institute of Architects, now called AIA Westchester/Mid-Hudson. Their purpose was to unite and represent the registered architects and architectural associations in the region to promote the aesthetic, scientific and practical phases of the architectural profession and to make the profession of ever-increasing benefit to society.

WHEREAS, throughout these sixty years, the AIA Westchester/Mid Hudson Chapter has continued its tradition of excellence in serving the changing needs of architects, the professional society, and the public. Its leadership and members have made vital contributions to the designing and building of better and more beautiful buildings. They have encouraged the arts allied to architecture. They have been responsible for many improvements in the construction industry

WHEREAS, we in the Town of Clarkstown are the beneficiaries of the many contributions conceived in the minds of modern architects, whose edifices will endure as evidence of the greatness of the art and science of architecture

WHEREAS, recognizing the important and lasting contributions made by these distinguished individuals in planning the future of our community and throughout the State and the Nation, it is fitting that all of us pay tribute to the members of the Westchester/Mid-Hudson AIA who have expressed in wood, brick, stone, concrete and steel the aspirations of our citizens for beauty, comfort, and safety in buildings.

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, by virtue of the authority vested in me as Supervisor of the Town of Clarkstown, and on behalf of the Town Board, recognize the week of October 20 through October 26, 1996, as ARCHITECTS' WEEK, and call upon our people to join in all appropriate observance of the occasion.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND CAUSE THE SEAL OF THE TOWN OF CLARKSTOWN TO BE AFFIXED THIS 22nd DAY OF OCTOBER, 1996.

(SEAL)

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

Supervisor opened the Public Portion of the meeting.

Appearance: Paula Berkowitz
New City

Ms. Berkowitz questioned the resolution on Pyramid put forth by Co. Maloney and wanted to know if it was negotiable.

Appearance: Bill Morino
West Nyack

Mr. Moreno asked when the Town Board received the letter from the Superintendent of Highways on discontinuance of the roads Pyramid wants. He also inquired if there had ever been an abandonment or discontinuance for roads that are then sold?

Appearance: Michael Zac
West Nyack

Mr. Zac spoke re: Pyramid's duplicity, the Town's shame and the Town Board had taken the Permissive Referendum away from the people.

Appearance: John Lodico
New City

Mr. Lodico spoke re: the hours the landfill is opened, the Town should acquire the Rivero property and also the settle the issue of the roads with Pyramid.

Appearance: Shirley Lasker
West Nyack

Ms. Lasker asked if the resolution re: Pyramid and the roads had been signed. She asked the Town Board to rescind or amend the resolution to include 64(2). She stated that 212A has never been used to sell a road before.

Appearance: Bill Chase
New City

Mr. Chase spoke re: Premissive Referendum which was the opinion of the Town Attorney. He questioned the SEQRA expansion and who was going to handle the maintenance agreement. He said that DOT and the Thruway Authority will not find it acceptable. He also spoke about the map attached to the resolution.

Appearance: Doug Bowen
Valley Cottage

Mr. Bowen spoke re: the mall going from 875 to 1.2, to 1.85 to 3.05 million square feet and stated that he wanted a referendum regarding the sale of the roads.

Appearance: George Remelt
New City

Mr. Remelt spoke re: the sale of the roads that stated that the Ethics Board should look into it.

Appearance: Stephanie Appuzo
New City

Ms. Appuzo said that she was proud of the Town Board and that those here present were just a loud minority.

Appearance: Richard Birman
West Nyack

Mr. Birman asked the Town Board if the Resolution they voted on was handed to them by Pyramid?

Appearance: George Pejoves
West Nyack

Mr. Pejoves said Resolution 909 which was approved by the Board was illegal. He wants a Permissive Referendum as requested by the Town Attorney.

Appearance: David Kristell
New City

Mr. Kristell does not want to see a 3.5 million sq. ft. mall. He said the Board should rescind Resolution 909 to protect its citizens.

Appearance: Philip Landrigan, Esq.
Pomona

Mr. Landrigan said the Rockland County Civic Association supported Supvr. Holbrook's Resolution with section 64-2 of the Town Law not 212A of the Highway Law. A Permissive Referendum is appropriate.

Appearance: Charlotte Bukowski
Tappan

Ms. Bukowski told the Board to put the roads up for Permissive Referendum

Appearance: Linda Rauer
Valley Cottage

Ms. Rauer said there should be a Referendum because environmental issues are involved here. The Hackensack River is endangered.

Appearance: Marie Brancatelli
Valley Cottage

Mr. Brancatelli spoke re: Item 21 and further stated that while Mr. Congel does not want roads, she uses the roads everyday and she wants them.

Appearance: Don Snyder, Esq.
Pyramid

Mr. Snyder stated that the Civic Association begged the Planning Board to hold the mall at 1.85 million sq. ft.

Appearance: Jean Bauman
Tompkins Cove

Ms. Bauman left Nanuet because she believed with the event of the mall, her house would be unsalable.

Appearance: Donald Tracy, Esq.
EklecCo

Mr. Tracy asked if there was resolution prepared by Copland and Granier and shown to the Town Attorney?

Appearance: Annette Dema
Congers

Ms. Dema spoke re: road maintenance.

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Appearance: Nicole Doliner
New City

Ms. Doliner is very concerned about the mall expansion, however, she has young children and cannot always attend the meetings. There are many people in her position.

Appearance: Martin Bernstein
New City

Mr. Bernstein said if people are for the mall, there is nothing to lose in having a Referendum.

Appearance: Bob Jackson, Civic Association
Nanuet

Mr. Jackson asked if Co. Maloney had received the Resolution from EklecCo and whether developers normally prepared Resolutions for the Town Board?

Appearance: John Mauro
Clarkstown Supt. of Highways

Mr. Mauro stated that he has been a resident of Rockland County since the day he was born. The Town Planning Board has heard the application of EklecCo, they have acted on it, they have approved the mall at 1.84 back in April of this year. That included the discontinuance of Besso St., Virginia Ave. and Rte. 59A. In order to be able to carry out the discontinuance of those roads, certain things had to happen. If you go to Sec. 205A, that provides for abandonment under the Highway Law. That is a situation where the road has not been in use for a certain period of time and has not been used as a public thoroughfare. When you have a road that has been in use of recent days, the only way that you can discontinue that road is a process used under 171 of the Highway Law. That provides for the discontinuance of the road that is no longer in use and has no useful purpose whatsoever. Back in the late 50's and early 60's. Rte 59A had been abandoned to the Town by Highway Law Sec. 212. We are now in a process of abandoning these three roads. You discontinue under 171 and further under Sec. 212A which provides for the Town discontinuance and abandonment of roads as a proper process to use. It is based upon the Highway Superintendent's recommendation to the Town Board. The Town Board therefore has to consent to it or the County Superintendent of Highways. I did submit that letter to the Town Board recommending the discontinuance of the roads and as of today, I sent a letter to the County Superintendent of Highways asking him to review Sec. 171 and 212A for his consent and recommendation of the discontinuance of the roads.

Appearance: Susanne Barkley
Orangetown

Ms. Barkley stated that the Town Board should listen to the Town Attorney's opinion with re: to EklecCo.

Appearance: Fred Christi
West Nyack

Mr. Christi is a construction worker. He needs the mall for work.

Appearance: Elizabeth Arnold
Nyack

Ms. Arnold said the area was being destroyed.

Appearance; Steve Fetner
Upper Nyack

Mr. Fetner asked why the Town Attorney said Resolution 909 was illegal? He asked the Town Board to amend Resolution 909 right now.

Co. Maloney asked Mr. Jacobson, "the only part that is illegal in this Resolution is the part that I put in because Mr. Holbrook had that in his, is that correct. In other words it is the second part of that Resolution that I had added that made my Resolution as you say illegal - that part of it."

Mr. Jacobson replied, "it is not the only thing, but it is."

Co. Maloney asked if Mr. Jacobson ever put anything in writing to him that we could not act on this particular Resolution.

Mr. Jacobson replied, "no".

Co. Maloney asked if he had heard anything about the fact that this was illegal to put up that Resolution?

Mr. Jacobson replied, "no".

Co. Maloney said, that if in other words, if I put up my original Resolution and left out the part that I wanted to put in because people wanted it, would that Resolution be legal?

Mr. Jacobson replied, "no".

Co. Maloney stated, "you want me to vote on something tonight and I am getting mixed answers. Not tonight, I am not."

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to Local Law - Burglar Alarm Device Control was opened, time 8:05 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Amendment to Local Law - Burglar Alarm Device Control was closed, RESOLUTION ADOPTED, time: 8:07 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amendment to Local Law - Ethics, Code of was opened, time: 8:08 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Public Hearing re: Amendment to Local Law - Ethics, Code of was closed, RESOLUTION ADOPTED, time: 8:15 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Petition for Zone Change for Courtney Lynn Properties was opened, time: 8:16 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Petition for Zone Change for Courtney Lynn Properties was closed, RESERVED DECISION, time: 9:35 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Abandonment of a Portion of Lawrence Street, Congers was opened, time: 8:20 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Abandonment of a portion of Lawrence Street, Congers was closed, no action taken time: 8:21 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Acquisition of Raphael Rivero Property was opened, time: 8:21 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Acquisition of Raphael Rivero Property was closed, RESOLUTION ADOPTED, time: 9:03 P.M.

RESOLUTION NO. (948-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled:
"AMENDMENT TO CHAPTER 91 (BURGLAR ALARM DEVICE CONTROL) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Mandia at a Town Board meeting held on September 24, 1996, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 24, 1996, directed that a public hearing be held on October 22, 1996, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on October 8, 1996, 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 September 16, 1996, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 22, 1996;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 12 - 1996, entitled:
"AMENDMENT TO CHAPTER 91 (BURGLAR ALARM DEVICE CONTROL) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN".

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:

On roll call the vote was as follows:

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

RESOLUTION NO. (949-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 18 (ETHICS, CODE OF)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Mandia at a Town Board meeting held on September 24, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 24, 1996, directed that a public hearing be held on October 22, 1996, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on October 8, 1996, 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 September 16, 1996, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on October 22, 1996;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 13 - 1996, entitled:
"AMENDMENT TO CHAPTER 18 (ETHICS, CODE OF)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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:

On roll call the vote was as follows:

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

RESOLUTION NO. (950-1996)

Supvr. Holbrook offered and Co. Maloney seconded

WHEREAS, by Resolution of the Town Board of the Town of Clarkstown (Resolution No. 831-1996), duly adopted on October 8, 1996, a public hearing was scheduled for October 22, 1996, at 8:20 p.m., in the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, under SEQRA and pursuant to the Eminent Domain Procedure Law to consider the acquisition by exercise of the power of eminent domain of temporary and/or permanent easements on and over a portion of the premises situate on the southerly side of Route 59, Town of Clarkstown, County of Rockland, West Nyack, New York, and more particularly described on Schedule "A," which is annexed hereto, to construct and install a landfill cap and to otherwise remediate off-site disposal from the Town of Clarkstown Landfill, to be utilized for a staging area and for related purposes in connection with the landfill remediation, and/or to be utilized for the purposes of future inspection, sampling, testing and monitoring of the landfill and landfill remediation

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RESOLUTION NO. (950-1996) Continued

in order to comply with the requirements of the Consent Order heretofore entered into between the Town of Clarkstown and the New York State DEC, and to comply with New York State DEC Regulations and to meet the immediate and future needs of Town government to serve and protect the residents of the Town of Clarkstown, and

WHEREAS, a full Environmental Assessment Form has been prepared and reviewed by the Town Board, and

WHEREAS, notice of such statutory public hearing was published in the Journal News, the official newspaper of the Town of Clarkstown for seven (7) consecutive days as follows: October 9, 1996, October 10, 1996, October 11, 1996, October 12, 1996, October 13, 1996, October 14, 1996, and October 15, 1996 and

WHEREAS, said public hearing was duly held as scheduled, and the purpose, the proposed location of the public project and all other pertinent information was set forth, and thereafter all persons in attendance were given a reasonable opportunity to present oral or written statements, or to submit other documentation concerning the proposed public project;

NOW, THEREFORE, upon due consideration, the Board of the Town of Clarkstown, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder hereby makes the following Determination of Nonsignificance under SEQRA:

**STATEMENT OF FINDINGS AND
DETERMINATION UNDER SEQRA**

1. This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

2. The Clarkstown Town Board hereby designates itself as a lead agency under SEQRA for this acquisition by condemnation of an interest in property, since no other agency has authority with respect to the acquisition.

3. The Town Board, as lead agency under SEQRA, has determined that the acquisition by condemnation of temporary and permanent easements is an "unlisted action" as defined in 6 NYCRR Sec. 617.2(ak) and based upon the criteria set forth in 6 NYCRR Sec. 617.7(c)(1)(i-xii), the proposed action including the acquisition of temporary and permanent easements, the on and off-site remediation of the landfill and the activities to be carried out within the easements will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared for reasons which are more fully set forth, *infra* in this Determination and Findings. The Town Board has also determined that the on and off-site remediation of the landfill is a "Type II Action" as defined in 6 NYCRR Sec. 617.2(aj) and based upon the criteria set forth in 6 NYCRR Sec. 617.5(c)(29) is not subject to review under this part because the Town of Clarkstown entered into a Consent Order with New York State DEC on August 7, 1989 which obligates the Town of Clarkstown to implement a full remedial program and allows reimbursement to the Town of Clarkstown up to 75 percent of the eligible cost of remediation pursuant to the Municipal Assistance Program Hazardous Waste Site Remediation under Title 3 of the 1986 Environmental Quality Bond Act. By Record of Decision dated November 28, 1995, the New York State DEC determined the selected remedy for the on and off-site remediation of the Town of Clarkstown Landfill.

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4. Landfill operations at the Clarkstown Landfill site began in the 1940's prior to ownership by the Town of Clarkstown.

5. The Town purchased the property in the 1950's and operated the landfill until it was officially closed on December 31, 1990 under a consent decree entered into with New York State DEC. A copy of the Consent Order entered into between the New York State DEC and the Town of Clarkstown is incorporated herein by reference in its entirety.

6. A portion of the subject premises known as Map 106, Block A, Lot 17 - Raphael Rivero, which is contiguous to the Clarkstown Landfill, although not owned by the Town, was subjected to use as a landfill sometime in the past and that portion of the Rivero premises requires remediation and future monitoring for the protection of human health and the environment.

7. Pursuant to a consent order previously entered into between New York State DEC and the Town, the Town installed a leachate collection system and soil cover and began monitoring ground water. The Town constructed a solid waste transfer station at the landfill site. Thereafter, a Remediation Investigation/Feasibility Study, which was required by the Consent Order, was carried out and a Final Remediation Investigation Report dated April 10, 1995, and a Final Feasibility Study Report dated June 14, 1995, both prepared by Roy F. Weston of New York, Inc. were submitted to the Town. Both of these documents are incorporated herein by reference in their entirety.

8. Based on the results of the RI/FS, five potential remedial alternatives for on-site and off-site landfill remediation were identified, screened and evaluated. The New York State DEC added another alternative to the analysis which is referred to as "Alternative 5B" in the Record of Decision of the New York State DEC dated November 5, 1995.

9. The New York State DEC selected the remedial action which was chosen for the Clarkstown Landfill in accordance with the Environmental Conservation Law. The selected remedial action is consistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1999 (40 CFR 300). The decision was based upon the administrative record of the New York State DEC and upon public input into the Proposed Remedial Action Plan presented to New York State DEC.

10. The selected remedy generally provides inter alia, for acquiring the northeast area, consolidating the waste from the northwest area into the main landfill area, relocating the leachate collection system and installing a vertical barrier around the northeast area, replacing the existing leachate force mains, installing an active landfill gas collection and treatment system, grading the main landfill area and northeast area and installing a cap over these areas. The plan also provides for long term monitoring of ground water and landfill gas. A summary of the selected remedy appears in the Record of Decision of New York State DEC which is incorporated herein by reference in its entirety.

11. The Town will be responsible for on and off-site landfill remediation and capping only to the extent provided for in the Consent Order dated August 7, 1989, the New York State DEC Record of Decision dated November 28, 1995, and the New York State DEC regulations.

12. The New York State Department of Health concurs with the remedy selected for this site as being protective of human health.

13. The relevant areas of environmental concern, including but not limited to, soil, surface water, ground water and air were identified, evaluated and explored in the Final Remedial Investigation Report dated April 10, 1995 and the Final Feasibility Study Report dated June 14, 1995. Human exposure pathways and environmental exposure pathways were also

RESOLUTION NO. (950-1996) Continued

identified and evaluated. Remediation goals were established and potential remedial alternatives were identified, screened and evaluated. Having taken a "hard look" at all of the remedial alternatives, the Town Board concludes that the subject premises are in need of remediation because the site in its present condition is adversely affecting the environment and the adverse impact are likely to worsen over time. In the event that no action is taken, the New York State Standards, Criteria and Guidance (SCG's) will not be complied with and in addition, off-site leachate migration into ground water and surface water would increase after stopping leachate collection. Further, no additional protection over existing conditions that are adversely affecting ground water, surface water and sediments would be provided. Unless an action is taken there will be no reduction in the existing risk due to site conditions and as previously stated, the existing adverse impacts are expected to worsen over time. The proposed action will meet some SCG's such as surface water and ground water standards in order to minimize the adverse impacts of the site. The proposed action will provide additional protection over existing conditions that are adversely affecting ground water, surface water and sediments. Long term reduction in site risks due to the cap placement that would reduce exposure with contaminated soils and landfill gas will be provided and risks from contaminated surface water and ground water would also be reduced. In addition, contaminant mobility would also be reduced. Consequently, the proposed action including the condemnation of temporary and/or permanent easements on the Riverso property, the on and off-site landfill remediation and capping and the activities to be undertaken in connection therewith on the Riverso property will not have a significant adverse effect on the environment or upon the residents of the surrounding locality.

14. New York State DEC has declared that the selected remedy is protective of human health and the environment, complies with state and federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable and is cost effective. The selected remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to maximum extent practicable and satisfies the preference for remedies that employ treatment that reduce toxicity, mobility or volume as a principle element.

15. The public use, benefit, or purpose to be served by the action is the off-site remediation of the portion of the landfill on the Riverso premises, the long term monitoring of the site for the protection of human health and the environment to insure compliance with the consent order, to enable the Town, to implement the remedial program selected by New York State DEC, to comply with New York State DEC regulations, and to comply with future maintenance and monitoring requirements.

16. The approximate location for the proposed action is shown on the annexed map and the reason for selecting that location is that it is the portion of the Riverso premises which was formerly utilized for landfill purposes and which is to be capped and monitored and/or is the portion of the Riverso premises on which temporary facilities are to be constructed in connection with the landfill remediation. Because the portion of the Riverso premises was formerly utilized for landfill purposes and is in need of remediation and future monitoring, no alternative location for this action can be considered.

17. Plans and specifications and bid documents for the Remediation of Clarkstown Sanitary Landfill and Landfill Capping dated March 29, 1996 as revised September 6, 1996, have been prepared by Roy F. Weston of New York, Inc., and copies of these plans, specifications and bid documents are incorporated herein by reference in their entirety. The plans,

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specifications and bid documents have been approved by the New York State DEC.

18. The outer limits of the portion of the Riverso premises which was formerly utilized for landfill purposes are within the portion of the Riverso premises shown on the "Proposed Permanent Easement" on the annexed map. The plans, specifications and bid documents for the Remediation for the Clarkstown Sanitary Landfill and Landfill Capping generally provide for the construction of a slurry wall as a permanent structure, leachate collection pipes, leachate discharge force main, active gas collection system and a landfill cap within the boundaries of the "Proposed Permanent Easement" all of which will remain in place forever and under New York State DEC regulations, will have to be monitored and maintained by the Town for a period of a minimum of 30 years after construction. This will entail regular inspection and maintenance of the perimeter leachate collection and storm water management systems, checking and repairing settlement, monitoring and maintaining the gas collection system and paving.

19. The portion of the Riverso premises which will be temporarily utilized during the Remediation of the Clarkstown Sanitary Landfill and Landfill Capping is shown as the "Proposed Temporary Easement" on the annexed map. The plans, specifications and bid documents for the Remediation for the Clarkstown Sanitary Landfill and Landfill Capping generally provide for the construction of a portion of temporary sediment basin No. 7, surface drainage inflow structures, discharge outlets and a silt fence within the boundaries of a temporary easement. When the Remediation of the Clarkstown Sanitary Landfill and Landfill Capping is complete, these structures will be dismantled and removed and the area will be restored and maintained for a period of 12 months. It is estimated that the temporary easement on this portion of the Riverso premises will be required for a period of 36 months from the time when the Town of Clarkstown takes possession of said premises in order to allow for the landfill remediation work provided under the Town's construction contract as it may be amended by change order, extra work orders, delays, legal challenges and unforeseen contingencies, etc., but the temporary easement shall cease and terminate upon the expiration of the 12 month post-construction maintenance period after the completion of construction and the site will be left in a clean and neat appearance with all work done in a workman like manner and said easement will be abandoned and possession shall be restored to the owner of the fee.

20. During the course of both the on-site and off-site capping and leachate collection remedial work (including the remedial work to be performed within the proposed temporary and permanent easements), health and safety measures to protect workers, the public and the environment will be employed. Dust and storm water run off control and air monitoring will be performed. Waste consolidation and cover would provide long term reduction in site risks due to the cap placement that would reduce exposure with contaminated soils and landfill gas. They would also reduce risks from contaminated surface water and ground water as the cap would minimize infiltration and percolation through the landfill and would limit contaminated ground water generation. Contaminated ground water which would be generated would be collected and will reduce the risks from ongoing contaminat release. Contaminant mobility would be reduced due to cap placement.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to 6 NYCRR 617.7(c), the Town Board makes the above mentioned SEQRA Findings concerning the proposed condemnation of temporary and permanent easements over and upon a portion of the premises of Raphael Riverso more particularly described in Schedule "A", and

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RESOLUTION NO. (950-1996) Continued

BE IT FURTHER RESOLVED, that the Town Board adopts and incorporates as its own the Statements of Findings, all documents referred to herein, including but not limited to, the consent order entered into with the New York State DEC and the Record of Decision of the New York State DEC dated November 28, 1995, to the extent that such documents are not modified by the SEQRA findings being made at this time, and

BE IT FURTHER RESOLVED, that the Town Board hereby certifies that it has given thorough consideration to the Consent Order entered into between the New York State DEC and the Town of Clarkstown; the Remediation Investigation/Feasibility Study which was required by the Consent Order and a Final Remediation Investigation Report dated April 10, 1995 and a Final Feasibility Study Report dated June 14, 1995, both prepared by Roy F. Weston of New York, Inc.; the New York State DEC Record of Decision, Clarkstown Town Landfill, Site Number 344001, dated November 28, 1995, the New York State DEC approved Plans and Specifications for the Project and the public comments and certifies that the requirements of SEQRA have been met, and

BE IT FURTHER RESOLVED, that a copy of this resolution containing the SEQRA findings of the Town Board be filed with all appropriate agencies, as well as filed in the Town Clerk's Office.

DETERMINATION AND FINDINGS PURSUANT TO EDPL

NOW, THEREFORE, upon due consideration, the Town Board of the Town of Clarkstown, pursuant to the Constitution of the State of New York, Town Law, and Eminent Domain Procedure Law, hereby makes the following Determination and Findings:

1. The findings theretofore set forth by the Town Board in making its determination of nonsignificance under SEQRA are adopted and incorporated into the findings and determination herein.

2. The public use, benefit, or purpose to be served by the action is the off-site remediation of the portion of the landfill on the Riverso premises and the long term monitoring of the site for the protection of human health and the environment in order to insure compliance with the consent order and to enable the Town to implement the remedial program selected by New York State DEC, to comply with New York State DEC regulations, and to comply with future maintenance and monitoring requirements.

3. The approximate location for the action is shown on the annexed map attached as Schedule "A" and the reason for selecting that location is that it is the portion of the Riverso premises which was formerly utilized for landfill purposes and which is to be capped and monitored and/or is the portion of the Riverso premises on which temporary facilities are to be constructed in connection with the landfill remediation. Because the portion of the Riverso premises was formerly utilized for landfill purposes and is in need of remediation and future monitoring, no alternative location for this action can be considered.

4. The relevant areas of environmental concern, for both on-site and off-site remedial work including but not limited to, soil, surface water, ground water and air were identified, evaluated and explored in the Final Remedial Investigation Report Dated April 10, 1995 and the Final Feasibility Study Report dated June 14, 1995. Human exposure pathways and environmental exposure pathways were also identified and evaluated. Remediation goals were established

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and potential remedial alternatives were identified, screened and evaluated. Having taken a "hard look" at all of the remedial alternatives, the Town Board concludes that the subject premises are in need of and are needed for remediation because the site in its present condition is adversely effecting the environment and the adverse impacts are likely to worsen over time. Based upon the benefits to human health and the environment gained, as more particularly outlined in the SEQRA findings, the proposed action including the condemnation of temporary and/or permanent easements on the Riverso property, the on and off-site landfill remediation and capping and the activities to be undertaken in connection therewith on the Riverso property will not have a significant adverse effect on the environment or upon the residents of the surrounding locality.

5. A permanent easement on the property described as follows:

PERMANENT EASEMENT

From a point being the southwesterly corner of property now or formerly of Greco, the following two course to be point or place of beginning:

- 1) N79° 52' 12"E 265.76' along lands now or formerly of EklecCo thence;
- 2) S18° 58' 41"W 274.46' to a point

THEN turning easterly N72° 50' 08"E 254.14' to a point in the easterly line of lands of Riverso;

THEN turning southerly S19° 37' 17"W 375.00' along lands now or formerly of Zeta Associates to a point;

THEN turning westerly N80° 52' 30"W 204.03' along lands now or formerly of the Town of Clarkstown;

THEN TURNING NORTHERLY N18° 58' 41"E, a distance of 260.00' to the point of beginning.

shall be acquired by the exercise of the power of eminent domain, to perform off-site remediation of the Clarkstown landfill and Landfill Capping; to construct, install, maintain, operate, inspect, monitor, install a slurry wall, leachate collection pipes, leachate discharge force main, active gas collection system and landfill cap; to undertake regular inspections, maintenance and monitoring of the perimeter leachate collection and storm water management systems; to check and repair settlement; to monitor and maintain the gas collection system; to maintain vegetation and paving; and to conduct post-closure remedial investigations and remedial work in accordance with New York State DEC Regulations.

6. A temporary easement on the property described as follows:

TEMPORARY EASEMENT

From a point being the southwesterly corner of property now or formerly of Greco N79° 52' 12"E 265.76" along lands now or formerly of EklecCo, to the point or place of beginning;

THEN S71° 44' 23"E 206.68' to a point then turning southerly S19° 37' 17" 127.17' to a point,

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RESOLUTION NO. (950-1996) Continued

THEN turning southerly S19° 37' 17"W 127.17' to a point;

THEN turning westerly S72° 50' 08"W 254.14' to a point;

THEN turning northerly N18° 58' 41"E 274.46' to the point or place of beginning.

shall be acquired by the exercise of the power of eminent domain, for the remediation of the Clarkstown Sanitary Landfill and Landfill Capping to perform off-site remediation of the Clarkstown Landfill; to install, maintain, operated, inspect, repair and remove a temporary sediment basin, surface drainage inflow structures, discharge outlets and a silt fence, all of which will be dismantled and removed when the Remediation of the Clarkstown Landfill and Landfill Capping has been completed and the 12 month post-construction period expires or in 36 months, whichever is sooner, at which time said temporary easement will be left in a clean and neat appearance, with all work done in a workman like manner and said easement will be abandoned and possession shall be restored to the owner of fee.

7. The funding for the acquisition of the property may be obtained from surplus funds or by the issuance of capital improvement bonds subject to further proceedings.

On roll call the vote was as follows:

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

RESOLUTION NO. (951-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Clarkstown P.B.A. has requested permission to dispense alcoholic beverages at its softball game at Germonds Park, West Nyack, New York, on October 12, 1996;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown P.B.A. to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Code of the Town of Clarkstown, which shall be held at Germonds Park, West Nyack, New York, on October 12, 1996, and be it

FURTHER RESOLVED, that this Resolution is retroactive to October 12, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (952-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an action was commenced in United States District Court for the Southern District of New York entitled, COLLETTE M. HIRNIAK v. TOWN BOARD FOR THE TOWN OF CLARKSTOWN, NEW YORK and WILLIAM COLLINS, as Chief of Police for the Town of Clarkstown, New York and FINAST TOWING, INC., 96 Civ. 97638, and

WHEREAS, the attorneys for the parties have agreed to settle the action conditioned upon payment to the plaintiff for reimbursement of any storage fees, filing fees and process server charges incurred, not to exceed \$1,200.00, in exchange for a Stipulation of Discontinuance, with prejudice, and General Release;

NOW, THEREFORE, be it

RESOLVED, that upon receipt of the aforesaid Stipulation of Discontinuance, with prejudice, and General Release, and upon payment to the plaintiff for reimbursement of expenses incurred, the aforementioned action is deemed settled.

On roll call the vote was as follows:

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

RESOLUTION NO. (953-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the New York State Department of Transportation has scheduled a project for the reconstruction of Route 304 at the Squadron Boulevard Intersection, New City, New York, identified as Pin 8155.08, and

WHEREAS, the NYSDOT's approval for access to the Camelot Subdivision on the East side of Route 304 is conditioned upon the widening of Route 304 to provide a southbound left turning lane, and

WHEREAS, the Town Board of the Town of Clarkstown and the NYSDOT believe it would be in the best interest of the community to combine both projects, and

WHEREAS, the Town of Clarkstown would act as an intermediary and fund the additional cost of \$110,000 to the State project through a "Betterment," and Price Construction, developer of the subdivision, would be responsible to provide the funds to the Town;

WHEREAS, in connection with the Betterment Agreement and no later than NYTDOT's award of contracts inclusive of the work contemplated by such agreement, the Municipality shall deposit with the State Comptroller, subject to the draft or requisition of the Commissioner, the amount of such cost estimate to be expended on the costs of the Betterment so requested and approved;

WHEREAS, the Company guarantees the performance of the Municipality's payment obligation for the Betterment, which

Continued on Next Page

RESOLUTION NO. (953-1996) Continued

guarantee is secured by a bond or payment of the required estimate of project costs into an account or escrow established therefore by the Municipality to be applied solely for the purposes and in accordance with the terms of the Betterment Agreement.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Clarkstown to execute all necessary agreements with the NYSDOT and Price Construction in connection with the project, to the satisfaction of the Town Attorney, and be it

FURTHER RESOLVED, that Price Construction will provide an Irrevocable Letter of Credit to the Town of Clarkstown in the amount of \$110,000 for the "Betterment," as aforementioned.

On roll call the vote was as follows:

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

RESOLUTION NO. (954-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Town Board resolution #919-1996 is hereby corrected to read,

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

BID #72-1996
TRACKLESS VEHICLE WITH OPTIONAL ATTACHEMENTS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 18, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (955-1996)

Co. Mandia offered and Co. Maloney seconded

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

Continued on Next Page

RESOLUTION NO. (955-1996) Continued

BID #75-1996
TOWN HALL BUILDING & SIDEWALK REPAIRS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 15, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (956-1996)

Co. Mandia offered and Co. Maloney seconded

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

BID #6-1997
ATHLETIC & RECREATION SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on December 3, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (957-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Ann Marie Kelly, 15 Christie Drive, New City, New York - Secretary (part-time) - Drug Abuse Prevention Council - is hereby accepted - effective and retroactive to October 11, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (958-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Carla Tessel, 6A Blue Hill Commons, Orangeburg, New York is hereby appointed to serve in a training program as a Special Studies Intern - Town of Clarkstown Counseling Center - to serve without compensation - effective and retroactive to September 8, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (959-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Joan Grund has requested a two (2) month leave of absence, without pay, and

WHEREAS, Article XIX, Section 1 of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A. provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Joan Grund, 25 Lafayette Drive, New City, New York, Registry Clerk and Stenographer, Town Clerk's Office is hereby granted a two (2) month leave of absence, without pay, effective and retroactive to october 19, 1996 to December 19, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (960-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 946-B, adopted at the October 8, 1996 Town Board meeting appointing Christopher Gibbs to the position of Cleaner (Nights) is hereby rescinded

On roll call the vote was as follows:

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

RESOLUTION NO. (961-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Christopher M. Gibbs, 1973 Crescent Drive, Thiells, New York, is hereby appointed to the position of Cleaner Maintenance Department at the current 1996 annual salary of \$20,533.00, effective and retroactive to October 9, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (962-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on October 21, 1996 that the position of Custodial Worker (Seasonal) #500751 Maintenance Dept. can be reclassified to the position of Custodial Worker (Part-time),

NOW, THEREFORE, be it

RESOLVED, that the position of Custodial Worker (Seasonal) - Maintenance Department is hereby reclassified to the position of Custodial Worker (Part-time) effective October 23, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (963-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Vito Mola, 129 Laurel Road, New City, New York, is hereby reassigned to the position of Custodial Worker (Part-time) Maintenance Department at the current 1996 hourly rate of \$10.00 - effective October 23, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (964-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Highway Superintendent is hereby authorized to resurface Cypress Street and Crescent Court in New City

Continued on Next Page

RESOLUTION NO. (964-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (965-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$187.80 from Teplitz Auto & Scrap Recyclers and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. SR 16 8 2665 0 (Sanitation Dists.-Sale of Scrap) and Appropriation Account No. SR 8160 307 (Uniforms) by \$187.00 and

WHEREAS, the Town of Clarkstown has received \$700.00 from the County of Rockland for Summer Youth Employment, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 10 3839 0 (General Fund-Summer Youth Employment) and A 7141 114 (Community Recreation Centers-Part time) by \$700.00 and

WHEREAS, various appropriation accounts require additional funding, and be it

THEREFORE RESOLVED, to decrease Appropriation Account No. A 5630 406 (Mini-Trans-Repairs to Vehicles) and increase A 5630 312 (Auto Maintenance Supplies) by \$9,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (966-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to increase Revenue Account 01-002705 (Gifts and Donations) by \$200.00 and to increase Appropriation Account A-7310-329 (Recreation Supplies) by \$200.00

On roll call the vote was as follows:

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

RESOLUTION NO. (967-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to increase Estimate Revenue Account No. SM 11 8 2680 2 (Spec. Dists. Ambulances-BLS Reimbursement) and Appropriation Account No. SM 4540 580 1 (BLS-Congers/Valley Cottage) by \$55,892.00

On roll call the vote was as follows:

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

RESOLUTION NO. (968-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a sanitary sewer main was damaged during the installation of a drainage system on Rt. 303 and

WHEREAS, Environmental Construction repaired same at a cost of \$16,702.74, and be it

THEREFORE RESOLVED, to transfer the expenditures from H 5111 409 4 7 (Medway Ave.) to H 7182 409 55 18 (Rt. 303/Medway).

On roll call the vote was as follows:

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

RESOLUTION NO. (969-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to increase Appropriation Account A-7141-408 (Building Repairs) by \$16,000.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$16,000.00 and be it

FURTHER RESOLVED, to increase Appropriation Account A-7180-408 (Building Repairs) by \$1,700.00 and to increase Revenue Account 01-002025 (Beaches and Pools) by \$1,700.00

On roll call the vote was as follows:

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

RESOLUTION NO. (970-1996)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, Cynthia Shaw, MA - Clarkstown Counseling Center, attend conference on Saturday, November 16, 1996 -

RESOLUTION NO. (970-1996) Continued

"Treating the Difficult Client: Who is Difficult and to Whom?"
Registration fee: \$40.00

On roll call the vote was as follows:

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

RESOLUTION NO. (971-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the
Deputy Director of DEC that

BID #68-1996
RENTAL OF TRUCKS

is hereby awarded as follows:

1) Garbage Trucks - awarded to:
Pat Nazzaro Disposal, 2 Wells Avenue, Congers, NY 10920
PRINCIPAL: Pat Nazzaro

as follows:

Monthly - With Operator.....\$14,040.00
 - Without Operator... 10,800.00
Weekly - With Operator..... 3,120.00
 - Without Operator... 2,400.00
Daily - With Operator..... 520.00
 - Without Operator... 400.00

(2) Dump Trucks - awarded to:

Joseph F. Mutinsky, General Contractors, Inc., 66 North
Grant Ave., Congers, NY 10920
PRINCIPAL: Joseph A Mutinsky

as follows:

Monthly - With Operator.....\$ 7,500.00
Weekly - With Operator..... 1,875.00
Daily - With Operator..... 400.00; and

W. Harris & Sons, Inc., 37 W. Washington Ave., Pearl River, NY
10965

PRINCIPAL: William V. Harris, Jr.

as follows:

Monthly - Without Operator....\$ 6,400.00
Weekly - Without Operator.... 1,600.00
Daily - Without Operator 320.00

On roll call the vote was as follows:

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

RESOLUTION NO. (972-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the vehicular traffic on the I-287 corridor is increasingly in a state of gridlock, exacerbated by a 70% increase in truck traffic (1.2 million in two years) attracted by lower truck tolls at the Tappan Zee Bridge, and

WHEREAS, the density of this traffic and its slow progress through the counties of Rockland and Westchester is contributing to the unhealthy level of toxic pollutants in the air which is already out of compliance with federal standards, and

WHEREAS, the New York State Thruway Authority has allowed the noise pollution caused by the increase in vehicular traffic on the I-287 corridor to increase beyond federal standards without adequate remediation, and

WHEREAS, the Thruway Authority has not taken action to avoid the impact of toxic spills and highway run-off on aquifers, rivers and wetlands as the result of the increased truck traffic, has not warned truckers about the sensitivity of these essential natural resources through proper signage and law enforcement, and has not required adequate hazard insurance to pay for damage and cleanup that might be required as the result of such accidents, and

WHEREAS, there is inadequate enforcement of other existing laws governing trucks that stop on the highway at the Spring Valley and the Tappan Zee Bridge toll plazas, and

WHEREAS, the Thruway Authority has inadequately monitored, through law enforcement personnel, the speed and unsafe driving practices of motorists and truckers passing through Rockland and Westchester Counties, and

WHEREAS, the Thruway Authority has been unresponsive to the concerns of communities and their residents along the I-287 corridor who suffer from these impacts, and therefore, be it

RESOLVED, that the Hudson Valley Regional Conference recommends that the Thruway Authority erect signage to identify public water supply areas, re-engineer the Tappan Zee Bridge toll plazas for high-speed EZ pass toll collections, eliminate the Spring Valley toll booths, initiate measures such as proposed in the May 1996 noise study technical report that calls for infrastructure changes to reduce noise pollution, and strengthen elevated exterior barriers on the I-287 corridor to reduce danger to residents and the environment, and be it

RESOLVED FURTHER, that the New York State Department of Transportation and the Thruway Authority work together with the Hudson Valley Regional Conference, which is comprised of elected officials, municipal planners and business, civic and environmental groups, to formulate an alternative transportation proposal to the HOV proposal which would include but not be limited to improved mass transit, and the elimination of specific bottlenecks on the I-287 corridor, and be it

RESOLVED FURTHER, that the Thruway Authority and the New York State Department of Transportation and New York Legislators adopt measures to reduce the impact of traffic in the I287 corridor, such as: a regional toll policy for trucks, aggressive enforcement of all traffic and environmental laws, adopt and implement measures to prevent spills, protect natural

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RESOLUTION NO. (972-1996) Continued

resources and require adequate insurance, and be it

RESOLVED FURTHER, that the Thruway Authority be required to comply with the New York State SEQRA law in all activities that are currently affecting the residents and the natural resources on which Rockland and Westchester depend, and be it

RESOLVED FURTHER, that a certified copy of this resolution be sent to the New York State Thruway Authority, and to Federal and State Elected Officials.

On roll call the vote was as follows:

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

RESOLUTION NO. (973-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Howard Lampert, Traffic Engineering Consultant, has recommended that a Turn Warning sign with 15 MPH Advisory speed panel be installed on the Edsall Ave. approach to Caravella Lane, Nanuet:

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the Superintendent of Highways to install a Turn Warning sign with 15 MPH Advisory speed panel on So. Park Avenue, Nanuet as shown on attached diagram.

On roll call the vote was as follows:

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

RESOLUTION NO. (974-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Howard Lampert, Traffic Engineering Consultant, has recommended that a Turn Warning sign with 15 MPH Advisory speed panel be installed on the So. Park Ave. approach to Caravella Lane, Nanuet;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the Superintendent of Highways to install Turn Warning signs with 15 MPH Advisory speed panels on the So. Park Avenue approach to Caravella Lane, Nanuet

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (974-1996) Continued

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install Turn Warning signs with 15 MPH Advisory speed panels on So. Park Avenue, Nanuet as shown on attached diagram.

On roll call the vote was as follows:

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

RESOLUTION NO. (975-1996)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Performance Bond No. 000803196-87 in the amount of \$37,000.00, furnished in connection with a subdivision known as Mount Vernon Manor is hereby terminated, and the bond may be released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (976-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Windham Development Corp., developer of Windham Park Subdivision, has overpaid inspection fees in the amount of \$5,260.00;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, the Town Board hereby authorizes the Town Comptroller to release the amount of \$5,260.00 in overpaid inspection fees to Windham Development Corp..

On roll call the vote was as follows:

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

RESOLUTION NO. (977-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced

Continued on Next Page

RESOLUTION NO. (977-1996) Continued

in Supreme Court, State of New York, County of Rockland entitled, DINGURI N. MWANIKI v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 4379/94 and 4361/95, affecting parcel(s) designated as Map 22, Block A, Lot 27, for the year(s) 1994/95 and 1995/96, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 22, Block A, Lot 27 be reduced for the year(s) 1994 and 1995 from \$477,800 to \$322,000;
2. That reimbursement for the year(s) 1994 and 1995 on the parcel described as Map 27, Block A, Lot 27 be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged; and
3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (978-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, on March 12, 1991, by Resolution No. 180-1991 of the Town Board of the Town of Clarkstown, designated a house located at Pascack Road and Sulky Lane, Spring Valley, New York, more particularly described on the Tax Map as Map 5, Block B, Lot 6.14, as an historical site, and

WHEREAS, the Town Board wishes to delist this property as an historical site because the house is in a dilapidated and unsightly condition;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on November 12, 1996, at 8:00 P.M., to consider the de-

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RESOLUTION NO. (978-1996) Continued

listing of the designated property as an historical site, and be

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (979-1996)

Co. Mandia offered and Co. Maloney seconded

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

"A LOCAL LAW REGULATING DEVELOPMENT FOR AN INTERIM PERIOD TO ALLOW FOR THE STUDY OF THE R-160 ZONING DISTRICT BOUNDARIES"

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 November 12, 1996, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (980-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, on May 28, 1996, by Resolution No. 494-1996, the Town of Clarkstown retained Roy F. Weston of New York, Inc. (Consultant) to conduct a study known as "The Hackensack River Natural Area Improvement Project" (Project); and

WHEREAS, the Town now wishes to supplement the level of public input to this study by increasing the number of Ad Hoc Committee meetings and associated support; and

Continued on Next Page

RESOLUTION NO. (980-1996) Continued

WHEREAS, the Consultant has identified the requirement for additional expense associated with hydraulic modeling within the Project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with the Consultant in a form satisfactory to the Town Attorney to provide for such services, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed \$15,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (981-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a grade reallocation request has been made for the following title:

Street Construction Inspector from Grade 25 to Grade 27, and

WHEREAS, the Town Board has reviewed this request;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown denies the above request pursuant to the Collective Bargaining Agreement of the Clarkstown Unit of the C.S.E.A.

On roll call the vote was as follows:

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

RESOLUTION NO. (982-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to take whatever steps may be necessary to remove dead trees on Brisley Road Burial Ground identified as Tax Map 112, Block A, Lot 10.07; and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal for said corrective work; and

WHEREAS, the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

Continued on Next Page

RESOLUTION NO. (982-1996) Continued

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to retain the service of Felter's Tree Service, Inc., 40 Collaberg Road, Stony Point, New York 10980 to perform said corrective tree work as per their proposal for an amount not to exceed \$2,800.00; and be it

FURTHER RESOLVED, that this amount be a proper charge to Account #H-7182-400-409-0-55-18.

On roll call the vote was as follows:

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

RESOLUTION NO. (983-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, flooding of the Alpine Court Sanitary Sewer Pump Station has caused extensive damage to the controls and other internal systems; and

WHEREAS, Roy F. Weston is currently in the process of designing replacements for four similar pump stations;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is authorized to add the expenses for design services for the Alpine Court Pump Station, in the amount of \$20,000.00 to the existing contract; and be it

FURTHER RESOLVED, that such shall be a proper charge to account number H-8110-400-409-0-83.

On roll call the vote was as follows:

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

RESOLUTION NO. (984-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Clarkstown Recycling Center, Inc. has requested a change in their hours of operation at the Transfer Station, and

WHEREAS, the Director, Department of Environmental Control has no objection to this request since it will not adversely affect the operation of the Solid Waste Facility;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (984-1996) Continued

RESOLVED, that Town Board of the Town of Clarkstown hereby authorizes the following operation hours at the Clarkstown Transfer Station effective November 1, 1996.

Monday thru Friday 7:00 a.m. to 4:00 p.m.
Saturday 7:00 a.m. to 12 noon

On roll call the vote was as follows:

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

RESOLUTION NO. (985-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an existing stream at Parrott Road, Bardonia has deteriorated due to siltation and debris blockages, and

WHEREAS, the deteriorated condition results in reduced storm flows through the stream with a potential for upstream flooding, and

WHEREAS, in response to resident complaints the Supervisor requested a design be prepared for remedial work, and

WHEREAS, proposals for work as specified by the Department of Environmental Control were solicited from several qualified and competent contractors, and

WHEREAS, proposals have not yet been received from all firms solicited,

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is authorized to hire the firm providing the least cost proposal to perform stream maintenance and improvement work for a cost not to exceed \$9,500.00, such cost to be a proper charge to account H 7182 409 0 55 20.

On roll call the vote was as follows:

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

Supervisor adjourned the meeting in memory of Recreation & Parks employee Michael Peterson.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 11:30 PM.

Respectfully submitted,

Patricia Sheridan
Patricia Sheridan
Town Clerk

**TOWN OF CLARKSTOWN
LOCAL LAW AMENDING CHAPTER 91**

Town Hall

10/22/96

8:05 P.M.

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

Re: Local Law # 12 - Amendment to Chapter 91 (Burglar Alarm Device Control) of the Town Code of the Town of Clarkstown

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

Supervisor asked if there was anyone present wishing to speak in relation to this Local Law.

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:07 P.M.

(RESOLUTION NO. (948-1996) ADOPTED)

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
LOCAL LAW AMENDING CHAPTER 18

Town Hall

10/22/96

8:08 P.M.

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

Re: Local Law # 13 - Amendment to Chapter 18 (Ethics, Code Of) of the Town
Code of the Town of Clarkstown

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

Supervisor asked if there was anyone present wishing to speak in relation to this Local Law.

Appearance: George Remelt
New City, New York
Asked for a definition of honesty and integrity.

Supervisor Holbrook said that was not pertinent to the public hearing on the amendment and it would probably be more appropriate to make those comments in the public portion.

Appearance: John Lodico
New City, New York
Questioned the ethics of the Town with regard to not using local concerns for handling the transfer of garbage.

Supvr Holbrook suggested those comments would be more appropriate to public portion.

Appearance: Jack Cuff
West Nyack, New York
Questioned whether persons in office can do business with the town or is this a conflict of interest.

Appearance: Martin Bernstein
New City, New York
Stated that he understood elected officials cannot do business with the town.

Supervisor Holbrook confirmed that this was correct.

On motion of Councilman Maloney, seconded by Councilman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:15 P.M.

(RESOLUTION NO. (949-1996) ADOPTED)

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

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**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

10/22/96

8:16 P.M.

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

Re: Zoning Ordinance Petition
Courtney-Lynn Properties, Inc. and Fred J. Cifuni
Petition for Zone Change from R-15 and R-40 to MF-2

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. At this point, discussion was delayed until arrival of applicant's attorney.

Public Hearing resumed at 9:20 P.M. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney stated that the County Planning Board had no objection, however, they felt that the Town Board should evaluate zone change as part of a comprehensive analysis of the area of Congers. He said the Town Planning Board objected and recommended an R-10. The SEQR is incomplete so Town Board can hear the hearing but cannot vote on this tonight.

Appearance: Jerome Johnson, Esq.
Attorney for Applicants
States that Larry Schwartz will make the presentation.

Appearance: Larry Schwartz, Esq.
Co-Counsel for the Applicants

Stated zone change application affects two parcels located on the western side of Rte 9W in Congers. They are commonly known as Miller Cabins and the Lakeland Hotel property and contain approximately 7.3 acres and 6.4 8 acres respectively with a lake comprising approximately half of each of two parcels. Zoning of both parcels at the present time is R-15 and R-40. Developers intend to build 1 & 2 bedroom condominiums if zone change is granted. Presently there are pre-existing non-conforming conditions on both properties. There are 10 units on Miller Cabin property and 26 units on Lakeland property. He submitted photographs of properties to the Board and a building permit for the 26 units on Lakeland property. States condos will be more aesthetically pleasing and will generate more taxes. States that surrounding properties are zoned RS, MF-3 and MF-1. States project will not have adverse impact on school system because there will be fewer children living here than if single family homes were built. Stated that these properties are surrounded by three condo complexes with a total of 89 units and a total of only 3 school age children. Said that there is support from the community for this project and submitted a petition with 130 signatures in support of project. Believes this project will enhance the area. Stated that they anticipated building approximately 47 units in total.

Supervisor expressed concern about effects on Swartout Lake and asked what, if any, positive contributions this project could have toward the problems associated with the lake.

Mr. Schwartz stated that he did not know precisely what type of contribution the Supervisor was addressing so it was hard to respond.

Supervisor stated that these plans are underway and that he wanted to make sure that all properties surrounding the lake are aware of it.

Mr. Schwartz stated he was aware of those plans.

Supervisor asks if anyone from the public wishes to be heard.

Appearance: Scott Turner
Congers Civic Association

Urges the Board to strongly consider the Planning Board's recommendation on this issue and to develop this property as currently zoned for single family homes.

There being no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilman Maloney, and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:35 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

10/22/96

8:21 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Harold Y. MacCartney, Jr., Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Acquisition of Ralph Rivero Property (106-A-17)

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.

Deputy Town Attorney states that there are a number of documents that have been received and reviewed by the Town Board which should be incorporated into the minutes of the public hearing. They are the consent orders of NYS DEC with respect to the landfill closure and remediation; the remediation investigation feasibility study done by Weston; the NYS DEC record of decision, dated 11/28/95; the plans, specifications and drawings for the project prepared by Weston; the contract for the remedial work with Ogden Remedial Services; the Notice to Proceed; the full environmental form, including map dated 9/4/96; Res #831-96, dated 10/8/96; Affidavit of Publication of Notice of Public Hearing; and a letter from Mr. Rivero's attorneys objecting to the proposed condemnation.

Appearance: John Ryan, Project Director
Roy F. Weston of New York, Inc.

Explained that he is addressing the Board due to the proposed action of the Acquisition by Condemnation of Temporary and Permanent Easements of Properties known as Rivero and a potential SEQRA finding. This action is known as an unlisted action, meaning it is neither a Type 1 or Type 2 action under Part 617 of NYS regulations of SEQRA. The Proposed Landfill Remediation is a Type 2 action under SEQRA regulations but it is not subject to environmental review since it is part of administrative action by a superior level of government, New York State, which has executed a consent order with the Town to effect the investigation and remediation and monitoring of this facility. Based upon the Environmental Assessment long form which has been prepared by the Town, the activities proposed by Acquisition by Condemnation will not have a significant effect on the environment. There are volumes of details and information that have already been entered into the record on this; he will attempt to summarize those findings. Gave brief chronology from 1950's to the present time. He explained that the Feasibility Study looked at alternatives and submitted five alternatives to the NYS Department of Environmental Conservation, Bureau of Hazardous Waste Remediation for their review. They prepared a sixth alternative in a Record of Decision which is their determination of the desirable solution, called Alternative 5B, and this was adopted in 1995 by the Commissioner of DEC subsequent to public notice and hearing. He briefly described what Alternative 5B entailed.

Described the proposed action of Acquisition by Condemnation for taking easements. Explained that there were two types of easements under discussion, permanent and temporary. Permanent Easement affects approximately 2-1/2 acres of the property under discussion. He described what part of the work (cap, perimeter leachate collection system, slurry wall) would be done on this property and explained that there is a provision that if additional remediation or monitoring is required for the next 30 years, it will be done, thus the term "permanent". Remainder of parcel is needed for Temporary Easement to provide for temporary sediment control during the construction process. Once construction is complete area, would be restored and monitored for a minimum period of 12 months.

Stated that Town had consented to proceed with the remedial action because it had been determined that the landfill was impacting the environment adversely and it was likely to worsen. Explained that various alternatives were evaluated as to their effectiveness at achieving pollution control, and found that the Alternate 5B was effective at controlling exposure to humans and the environment and will result in an overall improvement of the environment in the vicinity of the landfill.

Explained that the use for the taking of this property is to allow for the monitoring and protection of human health and to ensure compliance with the consent order and to enable the Town to implement the remedial program.

Harold MacCartney questioned Mr. Ryan about the Town's responsibility for on & off site remediation, capping and monitoring. Asked if NYS Department of Health concurred with NYS DEC's selection of remedies. Understands that no alternative location for this action exists.

Mr. Ryan reiterated what the Town's responsibility was, confirmed that Department of Health concurred with NYS DEC's selection of remedies and confirmed that there was no alternative location for this action.

Appearance: John Lodico
New City, NY

Questioned the boundaries of this acquisition. Questions whether or not anyone has considered utilizing the methane collection system for the generation of electricity.

Mr. Ryan responded that there is a methane collection report that will be given to the Town to look at and they can consider using this for energy production.

Mr. Lodico suggested that all land east of Dunkin Donut site be condemned and brought into the Town.

Appearance: Raphael Rivero
Owner of Property

Stated that he had a concrete plant on the site but the landfill got so close to his property, his men refused to work there and he had to close the operation. Stated that he couldn't lease or sell the land for 30 years. Tried to negotiate with the Town rather than fight in court, Town was looking into swapping other land with him for this but he never heard any more about this until getting a notice that they would be taking the land tonight. Has never heard of an Environmental Impact Study and would like to get a copy of it. Doesn't agree with the engineer's interpretation of the law tonight. Doesn't feel Town should be able to tie his land up for another 30 years, doesn't see the need for the extent of the taking when the Town has other land also adjacent to his property and doesn't see why the Town has chosen expense of litigation. Was willing to forego the town trespassing for 30 years and was willing to swap land with the Town.

Appearance: Milo Rivero

Asked Mr. Ryan if the Army Corp of Engineers had been approached regarding this project and requested to see a copy of permit. Asked Supervisor if any composting will be going on this land that is being taken. He was told those plans were not part of the easement. Asked the Supervisor if he was aware that the town has trespassed on this land and is presently working on this land over the Rivero's objections.

Supervisor and Town Attorney stated they were was not aware of this.

Asked why Permanent Easement instead of full taking.

Harold MacCartney responded that Rivero had objected to a full taking.

Asked about the time of the Temporary Easement and whether the area would be restored.

Mr. Ryan responded 36 months and confirmed that area would be restored.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:03 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO. (950-1996) ADOPTED