

TOWN BOARD MEETING

Town Hall

MAY 11, 1999

8:00 P.M.

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

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

Supervisor presented a Certificate of Award to Lucie Iuzzolino for achieving the Girl Scout Gold Award.

Supervisor Holbrook opened the public portion of the meeting.

Appearance: Martin Bernstein  
New City

Spoke regarding Items 17 and 18. Sale of a portion of Mirror Lake Road, Nanuet

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding (Sappah (13-D-22) was opened, time: 8:15 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 216 Proceeding (Sappah (13-D-22) was closed, time: 8:20 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Local Law: Amendment to Chapter 149 (Garbage, Rubbish and Refuse ) was opened, time: 8:21 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Local Law: Amendment to Chapter 149 (Garbage, Rubbish and Refuse ) was closed, time: 8:25 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Local Law: Amendment to Chapter 278 (Vehicle and Traffic) was opened, time: 8:25 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Local Law: Amendment to Chapter 278 (Vehicle and Traffic) was closed, time: 8:30 P.M.

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RESOLUTION NO. (368-1999)

Co. Smith offered and Co. Maloney seconded

RESOLUTION, that the Town Board Minutes of April 27, 1999 and May 3, 1999 are hereby accepted as submitted by the Town Clerk.

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. (369-1999)

Co. Maloney offered and Co. Profenna 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 278, Sec. 13, of the Code of the Town of Clarkstown by the installation of fire land designations, and

WHEREAS, Paul J. Zorn, 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 designation.

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 Maloney. . . . . Yes  
Councilman Mandia. . . . . Yes  
Councilman Profenna. . . . . Yes  
Councilwoman Smith. . . . . Yes  
Supervisor Holbrook. . . . . Yes  
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RESOLUTION NO. (370-1999)

Co. Profenna offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes an increase in the petty cash line of the Clarkstown Police Department from \$200.00 to \$400.00.

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. (371-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Highway Department to remove a stop sign located near 7 Virginia Street, New City, New York.

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. (372-1999)

Co. Smith offered and Co. Profenna seconded

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

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veteran organization for the year 1999:

KOREAN WAR VETERAN ASSOCIATION  
Eagle Chapter

and be it

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

FURTHER RESOLVED, that said funds will be charged against 1999 Account No. A 6510-401.

RESOLVED, to increase Appropriation Account A-7610-301 (Program for the Aging-Food) by \$690.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$690.00.

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. (373-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Performance Bond in the amount of \$100,000, secured by Letter of Credit No. 97-0611, furnished to the Town in connection with the 303-9W Co. LLC Site Plan is hereby terminated; and the Letter of Credit may be released.

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. (374-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

DE SIMONE & SONS, INC.  
35 Madison Avenue, Garnerville, New York 10923

RESOLVED, that the following Certificate of Registration be issued: No. 99-24 DE SIMONE & SONS, INC.

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. (375-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to increase Appropriation Account A-7610-301 (Program for the Aging-Food) by \$690.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$690.00.

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. (376-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has collected \$809.00 as donations from the Annual Senior Citizen show, and be it

THEREFORE, RESOLVED, to increase Revenue Account #01-002001 (Park and Recreation Charges) and Appropriation Account #7610-329 (Recreation Supplies) by \$809.00.

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. (377-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend the 1999 Police Security Expo which is being held on June 29 and 30, 1999, at the Atlantic City Convention Center, and be it

FURTHER RESOLVED, that the fee for the conference and related expenses shall not exceed the sum of \$600.00 which sum shall be charged to Account No. A 1680-414.

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. (378-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Edward J. Duer, Comptroller is hereby authorized to attend the Government Finance Officers' Association, Inc. conference being held on May 14, 1999 in New York City, and be it

FURTHER RESOLVED that the fee of \$40 for said program, and any necessary and proper charges be charged to Appropriation Account A 1010-414 (Schools & Conferences).

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. (379-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Resolution No. 330-1999 adopted on April 27, 1999 authorized the attendance of Robert Davies and Philip Platz, Real Property Appraisers, Assessor's Office at a one day seminar on Litigation Case Studies on Wednesday, May 12, 1999 at the Holiday Inn, Fishkill, New York .

NOW, THEREFORE, be it

RESOLVED, that this resolution be amended to also include the name of Cathy Conklin, Supervising Real Property Appraiser, Assessor's Office as being authorized to attend said seminar, and be it

FURTHER RESOLVED, that all proper charges (not be exceed the total amount of \$225.00 for all three attending) shall be charged against line 1010-414.

RESOLUTION NO. (379-1999) Continued

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. (380-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Doris Fogel, Administrative Asst. I, is hereby authorized to attend the Bureau of Justice Assistance - Local Law Enforcement Block Grant training seminar at Edison, New Jersey on August 5, 1999, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$15.00 be charged to A 1010-414 (Schools & Conferences).

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. (381-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes Murray N. Jacobson, Town Attorney, and Marsha Coopersmith, Deputy Town Attorney, to attend the Rockland County Bar Association Continuing Legal Education Program dealing with Ethics, which is being held on May 20, 1999 at the Palisades Center Mall, West Nyack, New York, and be it

FURTHER RESOLVED, that the total fee of \$105.00 for said program, and any necessary expenses, shall be charged to Account No. A 1420-414.

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. (382-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 325-1999, dated April 27, 1999, authorizing Karl Kirchner to prepare a preliminary appraisal on Map 6, Block A, Lot 16.4 (Pier One Imports) is hereby amended to authorize William R. Beckmann of Beckmann Appraisals, Inc. to prepare such preliminary appraisal in lieu of Karl Kirchner.

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. (383-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 135-1999 which was adopted on February 9, 1999 is hereby amended to read:

RESOLVED, that pursuant to the Agreement by and between the Town of Clarkstown and the Civil Service Employees Association, Inc. (pertaining to CSEA Unit #8352), the Town Board hereby designates:

Ralph F. Mandia, Ronald A. Longo, Esq., and Edward J. Duer, CPA as representatives for the purpose of addressing Article V of that Agreement, and Ronald A. Longo, Esq., Edward J. Duer, CPA and Penny Leonard as representatives for the purpose of addressing Article XXV of that Agreement.

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. (384-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposal from Orange and Rockland Utilities, Inc., for street lighting at the following location:

Clarkwest Homes  
New Clarkstown Road, New City

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. (385-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with the Church of St. Anthony, Nanuet, New York, in a form approved by the Town Attorney, to purchase 3.2 acres of land at a cost of \$160,000.00, and be it

FURTHER RESOLVED, that said cost shall be charged to Account No. H 8744-409.

On roll call the vote was as follows:

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

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## RESOLUTION NO. (386-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Joseph T. Caruso, P.E., P.C. & Associates, has made application for the owner Reynolds Metals Development Co., for use of Town Law Section 278 in connection with the REYNOLDS METALS SITE, which is located on the south side of West Nyack Road, West Nyack, New York, and is designated on the Clarkstown Tax Map as Map 51, Block A, Lots 20.01 and 21, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this site because the average density layout provides for an improved layout, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property shown on such proposed average density layout map entitled, "Reynolds Metals Development Company, Town of Clarkstown, Rockland County, N.Y.," dated November 30, 1998, last revised March 3, 1999, prepared by Joseph T. Caruso, P.E., P.C. & Associates;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed site of Reynolds Metals, which is designated on the Clarkstown Tax Map as Map 51, Block A, Lots 20.01 and 21, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board, and not inconsistent with the plan depicted on aforesaid proposed site map; and further subject to the owner providing a minimal buffer of 75 feet, with 50 feet being undisturbed land and 25 feet having a minimal disturbance with appropriate plantings as determined by the Architecture and Landscape Commission and Ron Haelen, Environmental Resource Specialist, from the Department of Environmental Control.

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. (387-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on April 23, 1999 that two (2) positions of (Part-time) Counselor (Municipal Counseling Services) can be created.

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of (Part-time) Counselor (Municipal Counseling Services), Clarkstown Counseling Center are hereby created, effective and retroactive to April 28, 1999.

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. (388-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Pasquale (Pat) DiPerna, 26 Dover Road, Congers, New York, Motor Equipment Operator II, Solid Waste Facility is hereby accepted, effective May 11, 1999, at the close of the business day.

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. (389-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Pasquale (Pat) DiPerna, 26 Dover Road, Congers, New York, is hereby appointed to the position of Assistant Maintenance Mechanic, Sewer Department, at the current annual salary of \$30,171.00, effective May 12, 1999.

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. (390-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Michael J. August, 86 Old Phillips Hill Road, New City, New York is hereby appointed to the position of Laborer, Sewer Department, at the current hourly rate of \$12.00, effective and retroactive to February 8, 1999 to May 14, 1999, at the close of the business day.

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. (391-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Michael J. August, 86 Old Phillips Hill Road, New City, New York is hereby appointed to the position of Laborer, Sewer Department, at the current annual salary of \$25,386.00, effective May 17, 1999.

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. (392-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, JEAN MARIE ASSOCIATES has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 33, Block B, Lots 22.5 and 22.6, for the year(s) 1995/96, 1996/97, 1997/98 and 1998/99, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000 per appraisal.

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. (393-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board shall consider Amending the Official Map of the Town of Clarkstown by demapping Mirror Lake Road, Nanuet, New York, from Lariat Court to the Town of Ramapo boundary, (14,088 sq. ft.) which is shown on the Clarkstown Tax Map No. 166, and more particularly described on the attached Schedule "A," and

WHEREAS, the Amendment to the Official Map is a Type 2 action and is not subject to SEQRA requirements;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on June 8, 1999, at 8:05 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider Amending the Official Map of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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, that the Town Attorney shall fulfill the additional requirements of Section 290-33(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred (500) feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this Resolution be referred to the Clarkstown Planning Board and Rockland County Commissioner of Planning for their report and recommendation.

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. (394-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Town Board Resolution 98-1999, authorized the preparation of a Right of Way and Topographic survey necessary for the development of plans and specifications for the New Lake Road culvert Replacement, and

WHEREAS, the Department of Environmental Control has determined that permanent easements are required in order to facilitate the culvert replacement, and

WHEREAS, the Department of Environmental Control has obtained a proposal for the preparation of the property acquisition maps.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain the services of Jay A. Greenwell, PLS, 85 Lafayette Avenue,

RESOLUTION NO. (394-1999) Continued

Suffern, New York, to prepare the property acquisition maps in accordance with his proposal dated May 6, 1999, and be it

FURTHER RESOLVED, that the cost of the preparation of the property acquisition maps shall not exceed \$700.00 per easement and shall be a proper charge to account H 8736 409 0 67 16.

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. (395-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists in the vicinity of lot 71-A-1.39, West Street, West Nyack, New York, and

WHEREAS, the Department of Environmental Control has recommended a solution to ameliorate the condition, and

WHEREAS, the corrective drainage work will be performed within an existing Rockland County Sewer District No. 1 easement, adjacent to a Town of Clarkstown drainage easement, and

WHEREAS, the Department of Environmental Control has obtained proposals from qualified contractors to perform the work.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, 59 Schriever Lane, New City, New York 10956 in accordance with their proposal dated May 1, 1999, and be it

FURTHER RESOLVED, that the cost of the corrective drainage work shall not exceed \$2,450.00 and shall be a proper charge to account H 7128 409 0 55 29.

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. (396 -1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board resolution 601-1998 authorized improvements to the Hub Shopping Center/Route 59 intersection, Central Nyack, New York and

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RESOLUTION NO. (396 -1999) Continued

WHEREAS, a significant removal of existing vegetaion was required in order to construct the new roadway and improvements, and

WHEREAS, the removal of the vegetation has exposed the surrounding residences to increase noise from Route 59, and

WHEREAS, the additional planting of one (1) Douglas Fir tree will provide adequate visual screening in front of the residence on lot 120-H-27.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to execute Change Order No. 2 to Hudson Canyon Construction for the planting of the additional tree, and be it

FURTHER RESOLVED, that the cost for the additional planting shall not exceed \$550.00 and shall be a proper charge to account H 7182 409 0 55 26.

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. (397-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, members of the Little Tor Neighborhood Association requested a review of traffic signs on Irion Drive, Twin Elms Lane, and Capral Lane in New City, and

WHEREAS, Howard L. Lampert, Traffic and Highway Engineering Consultant was directed to conduct said review.

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of Howard L. Lampert, the Superintendent of Highways is hereby authorized to install the following signs at the following locations:

<u>Location</u>	<u>Legend</u>	<u>Sign #</u>	<u>MUTCD</u> <u>Comment</u>
EB Irion Dr.S.End,35Ft.E/O Little Tor Rd	Left Turn	W1-1C	New
	15 MPH	W9-1X	New
EB Irion Dr.N.End,100 Ft. E/O Little Tor Rd	Right Turn	W1-2C	New
	15 MPH	W9-1X	New
NB Irion Dr.,120 ft. N/O Twin Elms La.	Left Turn	W1-1C	New
	15 MPH	W9-1X	New
SB Capral La.W.End,Just S/O Twin Elms La.	Left Turn	W1-1C	New
	15 MPH	W9-1X	New
WB Capral La.W. End,Bet.#47 & #49 Capral La.	Right Turn	W1-2C	New
	15 MPH	W9-1X	New
EB Twin Elms La. Bet #43 & #45 Twin Elms La.	Town Speed Limit 30	R2-6C	New
WB Twin Elms La.W/O Capral Lane Crossing	Town Speed Limit 30	R2-6C	New
WB Twin Elms La.W/O Main St.	Weight Limit 4 Tons	R5-1C	New
	Except Local Delivery	R7-3W	New
WB Twin Elms, 150Ft. E.O Capral La.	"+" Intersection	W2-1C	Relocate From

RESOLUTION NO. (397-1999) Continued

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation and to the Traffic and Traffic Fire Advisory Board and the Chief of Police for their information.

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. (398-1999)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Cornell Cooperative Extension has requested use of the Town of Clarkstown showmobile on July 23-25, 1999 from 9:AM - 10:00 PM at Letchworth-East Kirkbride Road, New York.

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Cornell Cooperative Extension to use the Town of Clarkstown showmobile on July 23-25, 1999 from 9:00 AM - 10:00 PM for the above purpose and subject to the provision of the necessary insurance policies.

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. (399-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrant:

X10393H - w/s of N. Main St. approx. 150' s/o N. Heritage Dr.

Investigation No.: 11572, and be it

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

RESOLUTION NO. (399-1999) 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. (400-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #49-1999

SEVEN PASSENGER MINIVAN (NEW OR USED) FOR DATA PROCESSING DEPT

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: JUNE 1, 1999 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 upon payment of the prescribed non-refundable fee.

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. (401-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that all proposals received for

BID #41-1999

SALE OF SURPLUS DATA PROCESSING AND MISC.OFFICE EQUIPMENT

are hereby rejected

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. (402-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #42-1999  
DRAINAGE EASEMENT REPAIRS, 30 FREUND DRIVE, NANUET

is hereby awarded to:

ENVIRONMENTAL CONSTRUCTION INC  
73 ROUTE 2210  
STONY POINT, NY 10980  
PRINCIPAL: SUSAN A RAMOS

as per their low bid proposal of \$63,836 and their add alternate of \$300 if (if required), and be it

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

- a) Signed Contract Documents - 2 sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, and Property Damage Coverage, including
  - a Save Harmless Clause
- e) Certificate of Worker's Compensation
- f) Certificate of Worker's Disability Coverage

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (403-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Automated Systems that

BID #43-1999  
EMERGENCY BACK-UP GENERATOR

is hereby awarded to:

CUMMINGS METROPOWER INC.  
890 ZEREGA AVE  
BRONX, NY 10473  
PRINCIPAL: JAMES E. SHIPP

RESOLUTION NO. (403-1999) Continued

for one Onan 60GGHB & OT 225 Generating System at their proposed cost of \$21,000.

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. (404-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control has recommended a solution for herbicide application, roto-tilling the soil and planting wild flowers seeds along the embankment as necessary, and;

WHEREAS, the Department of Environmental Control has solicited proposals to perform said herbicide application, roto-tilling of soil and planting wild flowers seeds work;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, 59 Schriever Lane, New City New York, to perform the necessary work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$3,840.00 and shall be a proper charge to account # H 8742 409 0 24 5.

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. (405-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Department of Environmental Control has obtained proposals to perform restoration of the Walker property at 3 Rob Court, Nanuet, and

WHEREAS, the Department of Environmental Control has reviewed said proposals;

NOW, THEREFORE, BE IT RESOLVED that, based on said review, the Director of the Department of Environmental Control recommends that the Town of Clarkstown retain the services of

Pro-Cut  
Lawns and Landscaping  
421-13 Route 59  
Monsey, NY 10952  
(914) 496-2608

RESOLUTION NO. (405-1999) Continued

to perform the restoration work under the direction of the Department of Environmental Control as per their proposal; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$13,450 and shall be a proper charge to account # H 8743-409-68-3

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. (406-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has complied with New York State's Environmental Quality Review Act (SEQR) for the proposed Lake Lucille Dam Restoration Project and,

WHEREAS, A Full Environmental Assessment has been prepared in compliance with 6NYCRR - Part 617 (SEQR), under authority of the New York State Environmental Conservation Law, to evaluate potential impacts and mitigation measures (if any) resulting from the proposed project, and ;

WHEREAS, the Full EAF was circulated on January 12, 1999 to potential involved and interested agencies and no interested or involved agencies objected to the Town Board being the Lead Agency. Under the provisions of 6 NYCRR PART 617 whereby the Town Board is therefore Lead Agency,

WHEREAS, it has been determined that the proposed project is an UNLISTED action, and;

WHEREAS, the impacts and mitigating measures are documented in the Environmental Assessment for the Lake Lucille Dam Restoration Project, and;

WHEREAS, the potential beneficial impacts far outweigh any short term environmental impacts, to wit: mitigate potential flooding problems in a residential area and to improve the hydraulic efficiency of the Lake Lucille Dam and its reaches;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, as lead agency, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

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. (407-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown is in the process of having a storm drain system installed on Muller Court in New City for the purpose of alleviating an adverse drainage condition; and

WHEREAS, in the opinion of the Department of Environmental Control, it is necessary to repave both the cul-de-sac and street portions that make up Muller Court in order to fully realize the benefits of the new storm drain system; and

WHEREAS, the Department of Environmental Control has obtained a proposal to repave Muller Court in accordance with the specifications set by the Department of Environmental Control; and

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

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain the services of

County Asphalt, Inc.  
West Main Street, P.O. Box 96  
Tarrytown, New York 10591-0096

to repave Muller Court in New City, New York in accordance with their proposal for an amount not to exceed \$16,000.00; and be it

FURTHER RESOLVED, that this shall be a proper charge to account # *H* 7182 409 0 55-58.

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. (408-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Resolution dated June 9, 1998 a special permit was issued to Anthony Capasso to conduct a landfill operation on premises described on the Clarkstown Tax Map as Map 5, Block A, Lot 27, and

WHEREAS, by subsequent resolution said permit has been suspended on the basis that the Permittee had failed to comply with the conditions established in said permit, and

WHEREAS, the property owner has been advised through his attorney that he shall permit Tectonic Engineering Consultants P.C. ("Tectonic") to investigate the site, conduct laboratory testing, and perform other engineering services at his expense to provide the Town Board with a report as to the fill placed on the site and its potential, if any, to impose any environmental hazard, and

RESOLUTION NO. (408-1999) Continued

WHEREAS, the Permittee has agreed to provide a topography survey from a licensed land surveyor to show the current topography of the site with respect to whether or not the special permit has been complied with and to pay for the field investigation;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Tectonic to perform the scope of work identified in its proposal dated May 11, 1999, consisting of the field investigation, laboratory testing, and necessary engineering for a fee not to exceed \$5,210.00, and be it

FURTHER RESOLVED, that this resolution is subject to Permittee posting the sum of \$5,210.00 as additional security under the terms and conditions of the special permit, and providing a backhoe with operator for one day to be used at the discretion of Tectonic personnel referred to above.

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. (409-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

“AMENDMENT TO CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilman Mandia at a Town Board meeting held on April 13, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 13, 1999, directed that a public hearing be held on May 11, 1999, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 29, 1999, 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 April 5, 1999, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 11, 1999, and

WHEREAS, this Local Law Amending Chapter 149 of the Clarkstown Town Code is a Type 2 action and is not subject to SEQRA requirements;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1 - 1999, entitled:

RESOLUTION NO. (409-1999) Continued

“AMENDMENT TO CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE) 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

\*\*\*\*\*

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

RESOLUTION NO. (410-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

“AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilwoman Smith at a Town Board meeting held on April 13, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 13, 1999, directed that a public hearing be held on May 11, 1999, at 8:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 29, 1999, 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 April 9, 1999, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 11, 1999, and

WHEREAS, this Local Law Amending Chapter 278 of the Clarkstown Town Code is a Type 2 action and is not subject to SEQRA requirements;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 1999, entitled:

“AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC)  
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:

RESOLUTION NO. (410-1999) Continued

On roll call the vote was as follows:

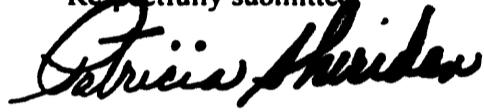
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilman Profenna.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

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

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 Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 8:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

May 11, 1999

8:16 P.M.

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

RE: Chapter 216 Proceeding: Sappah (13-D-22) Continued from 4/27/99

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open.

Adolph Milich, Building Inspector stated that he went out there and took some pictures. Apparently, there is a substantial improvement. Supervisor asked Mr. Milich to compile a list for the next meeting that we can find out what exactly still has to be done. Mr. Milich stated that Mr. Sappah is going to remove the debris that is in the enclosed fence. He is still adding fencing on the property and repairing it. He removed the wire. Supervisor Holbrook stated that we want to bring this into compliance. We are not going to go forward with anything else there until it is in compliance.

Supervisor Holbrook asked Mr. Sappah if he would be done in two weeks. Mr. Sappah replied that he had to know exactly what was needed. Supervisor told him to set up a meeting with Mr. Milich.

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 closed, SINE DIE. Time: 8:20 P.M.

Respectfully submitted



PATRICIA SHERIDAN,  
Town Clerk

TBM - 5/11/99  
Page 21

RESOLUTION NO. (409-1999) Continued

**"AMENDMENT TO CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE) 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

\*\*\*\*\*

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

RESOLUTION NO. (410-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

**"AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"**

was introduced by Councilwoman Smith at a Town Board meeting held on April 13, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 13, 1999, directed that a public hearing be held on May 11, 1999, at 8:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on April 29, 1999, 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 April 9, 1999, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 11, 1999, and

WHEREAS, this Local Law Amending Chapter 278 of the Clarkstown Town Code is a Type 2 action and is not subject to SEQRA requirements;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 1999, entitled:

**"AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC)  
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:

RESOLUTION NO. (410-1999) Continued

On roll call the vote was as follows:

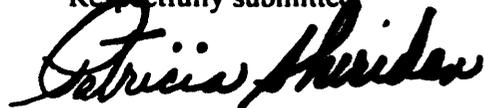
Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilman Profenna.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

\*\*\*\*\*

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

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 Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 8:15 P.M.

Respectfully submitted



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

May 11, 1999

8:16 P.M.

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

RE: Chapter 216 Proceeding: Sappah (13-D-22) Continued from 4/27/99

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open.

Adolph Milich, Building Inspector stated that he went out there and took some pictures. Apparently, there is a substantial improvement. Supervisor asked Mr. Milich to compile a list for the next meeting that we can find out what exactly still has to be done. Mr. Milich stated that Mr. Sappah is going to remove the debris that is in the enclosed fence. He is still adding fencing on the property and repairing it. He removed the wire. Supervisor Holbrook stated that we want to bring this into compliance. We are not going to go forward with anything else there until it is in compliance.

Supervisor Holbrook asked Mr. Sappah if he would be done in two weeks. Mr. Sappah replied that he had to know exactly what was needed. Supervisor told him to set up a meeting with Mr. Milich.

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 closed, SINE DIE. Time: 8:20 P.M.

Respectfully submitted



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

May 11, 1999

8:21 P.M.

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

RE: Proposed Local Law: Amendment to Chapter 149: Garbage, Rubbish and Refuse

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 read the Local Law, Amendment to Chapter 149: Garbage, Rubbish and Refuse. Councilwoman Smith stated that it was to handle all the brokering that is going on. People from out of state are calling up and brokering all the stores and they don't realize that they need a license.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 409-1999 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

May 11, 1999

8:25 P.M.

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

RE: Proposed Local Law: Amendment to Chapter 278: Vehicles and Traffic

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

Supervisor Holbrook asked Sergeant Franchino to give a brief explanation of this law. Sgt. Franchino stated that recent statutes were passed by the Federal Government to regulate interstate commerce with regards to trucks. They were adopted by the State of New York and are currently being enforced by the State Police and the local municipalities under State Law. It covers everything on a truck from lights up to the dangerous equipment violations of steering and plates. Because of the size of these trucks, it is a lot more stringent and more closely monitored. He believes this started last year with the accident that caused a gentleman to lose the full use of his legs. We have had numerous trucks that over turned. There were two in Congers within the last two months. We also had one come down on Rt. 59 and took out a woman that was stopped at a red light. We are looking to get these statutes adopted as Town Codes.

Supervisor asked what kind of remuneration does the Town get. Sgt. Franchino replied, nothing. Supervisor asked, as a result of making a change in the law, what would we receive. Sgt. Franchino said that you would be able to receive the mandated fines from the Federal Government. Today we inspected close to thirty vehicles. Out of thirty, it was close to twenty trucks that were taken off the road because they were unsafe. Eighty summonses were issued. Supervisor stated that there are a lot of unsafe vehicles out there and our Police Department is out there enforcing the law. We are paying all the freight for that and the tickets go to the State. This law will change that and continue to keep the roads safe.

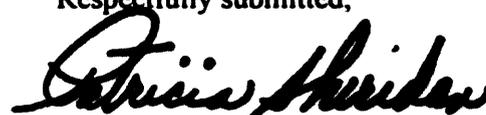
Supervisor asked if there was anyone wishing to make a comment or ask a question?

Appearance: Edwin Day  
President of Little Tor Neighborhood Association

He urged the Town Board to adopt this law. The damages that trucks can cause are tremendous. There are more and more trucks out there. He suggested that consideration be given to some media releases by the Town to let people know that there will be a pro active approach to enforcement and that might augment the enforcement issue being done by Clarkstown PD.

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: 8:30 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (410-1999) ADOPTED