

TOWN BOARD MEETING

Town Hall

9/28/99

8:00 P.M.

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

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

Town Clerk presented the tentative budget to the Town Board.

Supervisor spoke about the aftermath of Hurricane Floyd. He commended the efforts of the Town employees and the residents of Clarkstown under very trying and difficult circumstances. He specifically recognized Greg Tobin, who is in charge of emergency services. Had it not been for his coordination and actions, in the absence of a Rockland radio station, there could have been loss of life. A 100 year storm is 7 inches of rain in 24 hours, we got 15.5 inches in 18 hours. This was probably a 200 year or better storm. He thanked Greg and all those who worked with him on behalf of the Town Board. Co. Smith stated that Greg had recognized the need for having an emergency services manual in operation. If he hadn't had this already established, we would not have been able to respond as quickly as we did. She mentioned a resolution on the agenda for a bond for money to help in two areas of the Town. She asked that this resolution be amended to include a new or used 4 wheel drive designated as an emergency services vehicle and put under the authorization of Greg Tobin.

Additionally, the Supervisor mentioned Ralph Lauria, with regard to damage in excess of \$30 million to streams and culverts and the video taping he did to document this. He commended the Superintendent of Highways, Wayne Ballard and the Highway Department, Luke Kalarical and the Environmental Department, the Building Department and specifically, Peter Beery. The Town Board is grateful for all the efforts by everyone. Co. Mandia commended the portion of Greg Tobin's plan that suggested that an O & R employee be stationed at the police station so residents could get in touch with an O & R person quickly in a dangerous situation. Supervisor Holbrook also commended the Police Department. He stated that there would be a public meeting with FEMA in Town Hall tomorrow night and then there will be informational meetings for the Town during the week of October 5th. It will take a while to sort out, and the resolution mentioned earlier by Co. Smith was just a first step. It is likely that with proper documentation, 87% of that money will be reimbursable to the Town. He commended the public for their resiliency under very trying and emotional circumstances

Supervisor opened the public portion of the meeting.

Appearance: George Kelly
Jerry's Avenue, Nanuet

Spoke about the drainage problem behind Jerry's Avenue and the severe mosquito problem that exists because of it.

Supervisor Holbrook stated that the area has been sprayed for 7 or 8 years. With regard to the encephalitis situation, it is the determination of the health department. He agreed that there is a drainage problem and the project is a two fold one, it is a Town project but it goes into the Town of Orangetown which makes it a County project as well. For us to move water downstream, the County has to do their work as well. I think we are finally going to see the County move on this. We will do the fly over the minute the leaves drop and then begin on our portion. We know it needs to be done and we will move on it and get it done.

Appearance: V. J. Pradhan
Nanuet

Spoke about drainage and mosquito problem on Jerry's Ave. and also requested that something be done about the Nanuet train station and the problem with people congregating there on weekends.

Appearance: Daniel Culhane
Jerry's Avenue, Nanuet

Spoke about drainage problem and how long it has been going on.

Appearance: Patrick Weir
Jerry's Avenue, Nanuet

Asked who was responsible for designating properties as flood areas.

Appearance: Debbie Kramer
New City

Spoke regarding need for day care. There is no quality center in New City and no after school programs.

Rudy Yacyshyn, Chairman of Planning Board, responded that this was part of the Comprehensive Plan study.

Appearance: Joseph Solicito
New City

Feels top quality day care is needed in New City.

Appearance: Barbara Scates
Jerry's Avenue, Nanuet

Questioned why spraying for mosquitos wasn't done in spring and summer. Stated there are also rats in her neighborhood.

Appearance: Warren Marshall
Nanuet

Complained that electricity had been shut off and people had to pay to have it turned on.

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing re: Amendment to Restrictive Covenants for property now known as DePaulis (129-A-5.01, 9.02, 9.03) was declared open, time: 8:15 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Amendment to Restrictive Covenants for property now known as DePaulis (129-A-5.01, 9.02, 9.03) was declared closed, time: 8:20 P.M.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing re: Proposed Local Law: "Extension of the local law prohibiting the issuance of building permits or certificates of occupancy for adult entertainment uses for the period form 9/28/99 to 12/14/99 to give the Planning Board ample time to study the matter." was declared open, time: 8:22 P.M.

On motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law: "Extension of the local law prohibiting the issuance of building permits or certificates of occupancy for adult entertainment uses for

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the period from 9/28/99 to 12/14/99 to give the Planning Board ample time to study the matter." was declared closed, time: 8:24 P.M.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing re: Continuation: Chapter 216 Proceeding: Monteith - 80A Brewery Road, New City (77-A-4.5) was declared open, time: 8:24 P.M.

On motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing re: Continuation: Chapter 216 Proceeding: Monteith - 80A Brewery Road, New City (77-A-4.5) was declared closed, time: 8:26 P.M.

RESOLUTION NO. (748-1999)

Co. Mandia offered and Co. Maloney

WHEREAS, on July 7, 1981, the Town Board of the Town of Clarkstown adopted Resolution No. 665-1981 amending the Zoning Ordinance of the Town on property known as Map 129, Block A, Lots 5.01, 9.01 and 9.02, which tax lots were merged to Map 129, Block A, Lots 5.01, 9.02 and 9.03, owned by Guiseppe DePaulis, subject to Declaration of Covenants by the owner, and

WHEREAS, Guiseppe DePaulis has requested that the Town Board amend Resolution No. 665-1981 by amending the conditions of the zone change which were recorded in the Rockland County Clerk's office on February 17, 1988, in Liber 279 at Page 606:

FROM:

"1. The premises shall be restricted to the following uses:

- a. Professional offices
- b. Retail sale of
 - (1) building materials
 - (2) hardware
 - (3) home appliances
 - (4) energy saving and solar energy devices
 - (5) firewood and bagged coal

2. All accessory uses and open storage shall be no closer than 25 feet to any property line. Said 25 foot buffer area shall be provided with evergreen screening."

TO:

"1. The premises shall be restricted to the following uses:

- a. Professional offices
- b. Retail sale of
 - (1) building materials
 - (2) hardware
 - (3) home appliances
 - (4) energy saving and solar energy devices
 - (5) firewood and bagged coal

c. For automotive repair and automotive body shop for Lot 5.01 only.

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RESOLUTION NO. (748-1999) continued

2. All accessory uses and open storage shall be no closer than 25 feet to any property line. Said 25 foot buffer area shall be provided with evergreen screening.", and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a report from our consultant Robert Geneslaw, stating that this matter is an unlisted action under S.E.Q.R

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NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated September 21, 1999, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Restrictive Covenant shall not have any significant impact on the environment, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, Resolution No. 665-1981 is hereby amended by amending the conditions of the DePaulis zone change which were recorded in the Rockland County Clerk's office on February 17, 1988, in Liber 279 at Page 606, as follows:

FROM:

"1. The premises shall be restricted to the following uses:

- a. Professional offices
- b. Retail sale of
 - (1) building materials
 - (2) hardware
 - (3) home appliances
 - (4) energy saving and solar energy devices
 - (5) firewood and bagged coal

2. All accessory uses and open storage shall be no closer than 25 feet to any property line. Said 25 foot buffer area shall be provided with evergreen screening."

TO:

"1. The premises shall be restricted to the following uses:

- a. Professional offices
- b. Retail sale of
 - (1) building materials
 - (2) hardware
 - (3) home appliances
 - (4) energy saving and solar energy devices
 - (5) firewood and bagged coal

c. For automotive repair and automotive body shop for Lot 5.01 only.

2. All accessory uses and open storage shall be no closer than 25 feet to any property line. Said 25 foot buffer area shall be provided with evergreen screening."

and be it

FURTHER RESOLVED, that this Resolution is subject to receipt of an amended Declaration of Covenants by Guisepe DePaulis, in a form satisfactory to the Town

RESOLUTION NO. (748-1999) continued

Attorney, which is to be recorded in the Rockland County Clerk's office, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (749-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

“AMENDMENT TO CHAPTER 290 (ZONING)
OF THE CODE OF THE TOWN OF CLARKSTOWN”

dealing with Adult Entertainment Uses was introduced by Councilman Mandia at a Town Board meeting held on September 14, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 14, 1999, directed that a public hearing be held on September 28, 1999, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 16, 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 September 7, 1999, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 28, 1999 ;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4 - 1999 entitled:

“AMENDMENT TO CHAPTER 290 (ZONING)
OF THE CODE OF THE TOWN OF CLARKSTOWN”

dealing with Adult Entertainment Uses 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. (749-1999) continued

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

RESOLUTION NO. (750-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of September 14, 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

RESOLUTION NO. (751-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the request of the residents of Casey Court, Nanuet, the Superintendent of Highways is hereby authorized to install "No Parking 8 a.m. to 4 p.m. School Days" signs along Casey Court, Nanuet, 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 Safety Advisory Board and the Chief of Police for their information and for enforcement purposes.

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. (752-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, the Superintendent of Highways is hereby authorized to install:

A "Stop" sign and a "Stop" line on Perth Lane at its intersection with Renfrew Road, New City, 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 Safety Advisory Board and the Chief of Police for their information and for enforcement purposes.

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RESOLUTION NO. (752-1999) 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. (753-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that a Special Town Board meeting shall be held on November 4, 1999, at 8:00 P.M., in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, 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

RESOLUTION NO. (754-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Tentative Budget for the year 2000, on file in the Town Clerk's Office and presented to the Town Board on September 28, 1999, shall be considered the Preliminary Budget for the year 2000 for the purposes of public distribution and review, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to prepare 50 copies of same for public distribution pursuant to Town Law Section 106, and be it

FURTHER RESOLVED, that the public hearing to be held on the preliminary budget shall be November 4, 1999, at 8:00 P.M. in Room 311, 10 Maple Avenue, 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

RESOLUTION NO. (755-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Mountainbrook Estates Corp. furnished to the Town of Clarkstown a Performance Bond secured by Letter of Credit No. 1596 in the amount of \$100,000, to

RESOLUTION NO. (755-1999) continued

cover the improvements and other facilities as shown on the final plat of Mountainbrook Estates, which was filed in the Rockland County Clerk's Office on September 26, 1997, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$75,000, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 1596 in the amount of \$100,000 be reduced to \$75,000.

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. (756-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Northgate Commons Condominium has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 141, Block C, Lots 1 through 26, for the year(s) 1996/97, 1998/99 and 1999/2000, 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

RESOLUTION NO. (757-1999)

Co. Maloney offered and Co. Smith seconded

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

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

RESOLUTION NO. (757-1999) continued

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$5,000 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

RESOLUTION NO. (758-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, RHYTIDFREE REALTY CORP. v. TOWN OF CLARKSTOWN, its Assessor and Board of Assessment Review of the TOWN OF CLARKSTOWN and CLARKSTOWN CENTRAL SCHOOL DISTRICT, Index No(s). 3968/95, 4924/96, 5530/97, 4248/98 and 4082/99, affecting parcel(s) designated as Map 57, Block D, Lot 2, for the year(s) 1995/96, 1996/97, 1997/98, 1998/99 and 1999/2000, 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 57, Block D, Lot 2 be reduced for the year(s) 1995 from \$426,500 to \$340,700; for the year 1996 from \$426,500 to \$340,400; for the year 1997 from \$426,500 to \$369,100; for the year 1998 from \$426,500 to \$369,200 and for the year 1999 from \$426,500 to \$406,100 at a cost to the Town of \$4,308.91;

2. That reimbursement for the year(s) 1995/96, 1996/97, 1997/98 and 1998/99 on the parcel described as Map 57, Block D, Lot 2 be made within (60) days through the Office of the Commissioner of Finance. If payment is made within (60) days, no interest will be charged;

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; and the attorneys for the Clarkstown Central School District have consented to such settlement.

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.

RESOLUTION NO. (758-1999) 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. (759-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Eileen Avenue, New City
 (Install one (1) 9500 Lumen sodium vapor street light
 on existing utility pole number 59388/42405)

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. (760-1999)

Co. Profenna offered and Co. Maloney seconded

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

BID #1-2000
 OFFICE SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: OCTOBER 14, 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.

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. (761-1999)

Co. Profenna offered and Co. Maloney seconded

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

BID #3-2000
PHOTOCOPIER AND FAX MACHINE SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: OCTOBER 19, 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.

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. (762-1999)

Co. Profenna offered and Co. Maloney seconded

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

BID #4-2000
PRINTING OF TOWN ENVELOPES AND STATIONERY

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: OCTOBER 20, 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.

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. (763-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with NYACK HOSPITAL for the Employee Assistance Program, for the twelve month period commencing October 1, 1999 and terminating on September 30, 2000, in a form

RESOLUTION NO. (763-1999) continued

satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the fee of \$12,926.00 for such services shall be charged to Account No. A 8840-424.

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. (764-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Roy F. Weston of New York, Inc. entered into an agreement with the Town of Clarkstown in May of 1996, (Amendment No. 6) for engineering and consulting services with respect to a project intended to provide river enhancement services associated with the revitalization of the Hackensack River, and

WHEREAS, certain aspects of FEMA requirements have changed and now require additional analysis as part of final design, and

WHEREAS, Weston has recommended additional subsurface investigation and construction oversight as a result of conditions discovered during the closure of the landfill in the vicinity of the Hackensack River, and

WHEREAS, the Town desires the work to proceed to secure the hydraulic improvement to the river channel in the vicinity of Western Highway, and has requested Weston to prepare two construction contracts, Phase I and Phase II;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement (Amendment No. 10) with ROY F. WESTON OF NEW YORK, INC., in a form satisfactory to the Town Attorney, to provide engineering and consulting services associated with the revitalization of the Hackensack River, and be it

FURTHER RESOLVED, that the fees for such services shall be \$307,483.00.

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. (765-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Charles E. Holbrook, Supervisor of the Town of Clarkstown, declared a State of Emergency in the Town of Clarkstown as of September 16, 1999, due to weather conditions from a storm on that day, and be it

RESOLUTION NO. (765-1999) continued

FURTHER RESOLVED, that the Town Board hereby waives the competitive bidding requirement pursuant to General Municipal Law Section 130 (4) in order to have emergency work performed on Mountain Shadows property, Congers, New York, by removing certain trees and installing a retaining wall, and at the New City Condominiums reconstruction of a retaining wall, and be it

FURTHER RESOLVED, that the Town Board authorizes the purchase of a new or used four wheel emergency services vehicle under the direct supervision of the EMS officer, and the vehicle will be painted and bear the graphics of the Town of Clarkstown EMS Department, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to September 16, 1999 at 6:00 P.M.

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. (766-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Rockhead Realty Associates in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 105, Block A, Lot 30, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 26th day of October, 1999, at 8:05 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 11th day of October, 1999.

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. (767-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Thomas Kempton, Jr. (Trustee) and leased and/or occupied by

RESOLUTION NO. (767-1999) continued

Everett Burger in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 81, Block A, Lot 6, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 26th day of October, 1999, at 8:10 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 11th day of October, 1999.

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. (768-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown was duly instituted against premises known and described on the Tax Map of the Town of Clarkstown as Map 141, Block B, Lot 36.2, and

WHEREAS, by Order of the Town Board, the Superintendent of Highways was authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the total cost for the proceeding and corrective measures is the sum of \$1,613.54;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to send a bill to the property owner for \$1,613.54 as reimbursement for this proceeding and for all corrective measures and necessary action , and be it

FURTHER RESOLVED, that in the event the property owner fails to reimburse the Town, a lien shall be assessed against the property to recover the costs of such proceeding and corrective measures.

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. (769-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, past modifications to the alignment and grading at Zukor Road have altered the drainage characteristics of the roadway, and

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RESOLUTION NO. (769-1999) continued

WHEREAS, existing drainage systems are not adequate to accommodate the runoff flows, and

WHEREAS, additional drainage piping and structures are required to accommodate new runoff patterns,

NOW THEREFORE be it

RESOLVED, that the Department of Environmental Control is hereby directed to prepare designs for remedial and additional drainage for Zukor Road, from 300 ft south of Woodhaven Drive north to the Hackensack River.

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. (770-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists in and over tax map lots 113 A 14, 22.01, 22.02, 23.20 in the vicinity of Westview Avenue and Farmhouse Road and

WHEREAS, residents of these attached parcels have petitioned the Town for assistance in remediating said adverse conditions,

NOW, THEREFORE be it

RESOLVED, That the Town Board directs the Department of Environmental Control to design remedial drainage for the affected area, and be it

FURTHER RESOLVED, that upon completion of said work the Town will acquire an easement for future maintenance.

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. (771-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Vanguard Crafts, Inc. and \$50.00 from COSTCO Wholesale, be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310 329 (Parks & Recreation - Supplies) by \$150.00.

RESOLUTION NO. (771-1999) 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. (772-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$217.20 from Action Metal Co., Inc.

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. SR 16 8 2650 0 (Sanitation-Scrap Metal) and Budgetary Account SR 8160-217 (Sanitation-Equipment Maintenance) by \$217.20 and

WHEREAS, various budgetary accounts need additional funding,

THEREFORE be it,

RESOLVED, to decrease account No. A 3120-417 (Police-In Service Training) and increase A 3120-111 (Police-Overtime) by \$17,000 and decrease A 3260-111 (SIU-Overtime) and increase A 3120-111 (Police-Overtime) by \$15,000 and decrease SR 8160-409 2 (Sanitation-Leaf Composting) and increase SR 8160-312 (Sanitation-Auto Maintenance Supplies) by \$5,000 and decrease Police Reserve for Seized Property Account and increase A 3120-293 (Police-Law Enforcement Equipment) by \$6,250 and decrease DB 5110-379 (Highway-Signs/Posts) and increase DB 5110-313 (Highway-Office Supplies & Printing) by \$500 and decrease A 5650-409 (Commuter Parking-Fees For Services) and increase A 5650-319 (Commuter Parking-Misc Supplies) by \$3,500 and increase Revenue Account No. B 02 1 1001 (Real Property Taxes) and Budgetary Account No. B 8112-435 (Sewer-Intergovernmental Charges) by \$44,233.55.

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. (773-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby schedules a Public Informational Meeting on October 12, 1999, at 8:00 P.M., in the Auditorium of the Clarkstown Town Hall, with respect to the Cranford Drive Drainage Project.

RESOLUTION NO. (773-1999) 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. (774-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Frank Finochio, 70 Lyncrest Avenue, New City, New York, Member & Chairman, Architectural and Landscape commission is hereby accepted effective and retroactive to September 14, 1999.

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. (775-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on September 22, 1999 that two (2) positions of Senior Recreation Leader, Parks Board and Recreation Commission can be created.

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Senior Recreation Leader, Parks Board and Recreation Commission are hereby created, effective September 29, 1999.

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. (776-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Recreation Leader #99023 which contains the name of Jamie A. Sensenig.

RESOLUTION NO. (776-1999) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment of the Parks Board and Recreation Commission of Jamie A. Sensenig, 12 Massachusetts Avenue, Congers, New York to the position of Senior Recreation Leader, Parks Board and Recreation Commission at the current salary of \$31,513.00, effective and retroactive to September 20, 1999.

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. (777-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of David McLeod, 18 Phillips Drive, Stony Point, New York, Building Plans Examiner, Building Department is hereby accepted effective and retroactive to September 4, 1999.

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. (778-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Beth Ann Malone, 15 Pine Avenue, Congers, New York is hereby appointed to the position of Data Entry Operator I (Part-time), Town Justice Department at the current hourly rate of \$12.75, effective and retroactive to September 27, 1999.

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. (779-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Karen Dowling, 4 Summit Place, Nanuet, New York is hereby appointed to the position of (part-time) Clerk Typist, Town Justice Department at the

RESOLUTION NO. (779-1999) continued

current hourly rate of \$12.50, effective and retroactive to September 27, 1999, for a period not to exceed 90 days.

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. (780-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that John F. Webster, 2 Normandy Village, Unit 6, Nanuet, New York is hereby appointed to the position of (Part-time) Bus Driver, Clarkstown Mini Trans Department at the current hourly rate of \$12.71, effective and retroactive to September 22, 1999.

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. (781-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on September 22, 1999 that two (2) positions of Police Officer, Clarkstown Police Department can be created.

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Police Officer are hereby created effective and retroactive to September 27, 1999.

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. (782-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on September 10, 1999 that the position of Secretarial Assistant I (Information Processing), Town Highway Department can be created.

RESOLUTION NO. (782-1999) continued

NOW, THEREFORE, be it

RESOLVED, that the position of Secretarial Assistant I (Information Processing), Town Highway Department is hereby created, and be it

FURTHER RESOLVED, that the grade for the position of Secretarial Assistant I (Information Processing) is hereby established at a grade 21.

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. (783-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the provisional appointment of Maureen Lynch to the title of "Clerk" is hereby terminated effective September 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

RESOLUTION NO. (784-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board in 1998 commissioned the Town Planning Board and an Ad Hoc Committee to prepare and recommend an update of the Town Comprehensive Plan under the provisions of Section 272a of the Town Law, and

WHEREAS, the Planning Board and Ad Hoc Committee (hereafter PBAHC) held numerous meetings over the following winter, spring and early summer, including three public input hearings to elicit public comment, and

WHEREAS, the PBAHC reviewed background conditions, adopted a Mission Statement, prepared proposals and adopted a proposed Comprehensive Plan on June 30, 1999 and forwarded same to the Town Board, and

WHEREAS, the Town Board, as lead agency under S.E.Q.R. determined that this was a Type I action and commissioned the preparation of a Draft Generic Environmental Impact Statement (hereafter DGEIS), and

WHEREAS, a public hearing was held on the adoption of the Comprehensive Plan and the DGEIS on September 14, 1999, and

RESOLUTION NO. (784-1999) continued

WHEREAS, the comments from the public were strongly supportive of the proposed Comprehensive Plan, and did not raise adverse environmental issues, and

WHEREAS, during the comment period several communications were received and all were supportive of the Plan and none raised adverse environmental issues, and

WHEREAS, Part 617 of the implementing regulations provide that in such circumstances the preparation of a Final Generic Environmental Impact Statement is unnecessary;

NOW, THEREFORE, be it

RESOLVED, the Town Board determines that there will not be adverse environmental impacts arising from the adoption of the Comprehensive Plan, concludes the environmental review process, and directs that the appropriate notifications and filings be made.

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. (785-1999)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Comprehensive Plan authorizes "amending the M Zone to allow hotels on sites of at least 5 acres at or near Thruway interchanges, by special permit," and

WHEREAS, Councilman Ralph F. Mandia recommends that this wording be deleted from the Comprehensive Plan;

RESOLUTION NO. (785-1999) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the deletion of the wording "amending the M zone to allow hotels on sites of at least 5 acres at or near Thruway interchanges, by special permit," in the Comprehensive Plan.

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. (786-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board in 1998 commissioned the Town Planning Board and an Ad Hoc Committee to prepare and recommend an update of the Town Comprehensive Plan under the provisions of Section 272a of the Town Law, and

WHEREAS, the Planning Board and Ad Hoc Committee (hereafter PBAHC) held numerous meetings over the following winter, spring and early summer, including three public input hearings to elicit public comment, and

WHEREAS, the PBAHC reviewed background conditions, adopted a Mission Statement, prepared proposals and adopted a proposed Comprehensive Plan on June 30, 1999 and forwarded same to the Town Board, and

WHEREAS, the Town Board, as lead agency under S.E.Q.R. determined that this was a Type I action and commissioned the preparation of a Draft Generic Environmental Impact Statement (hereafter DGEIS), and

WHEREAS, a public hearing was held on the adoption of the Comprehensive Plan and the DGEIS on September 14, 1999, and

WHEREAS, the comments from the public were strongly supportive of the proposed Comprehensive Plan, and did not raise adverse environmental issues, and

WHEREAS, during the comment period several communications were received and all were supportive of the Plan and none raised adverse environmental issues; and

WHEREAS, the proposed Comprehensive Plan was referred to the Rockland County Planning Department under the provisions of the General Municipal Law and their report was received and evaluated, and

WHEREAS, the Town Board adopts the attached memo from Robert Geneslaw dated September 27, 1999 as the Town Board's response to the GML comments, and

NOW, THEREFORE, be it

RESOLVED, in accordance with Section 272-a.10 of the Town Law, the Town Board resolves that the Comprehensive Plan will be periodically reviewed at not more than 5 year intervals, and be it

FURTHER RESOLVED, that the PBAHC shall continue to meet to discuss and recommend actions to be taken as part of the Comprehensive Plan with regard to housing needs and alternatives and hamlet center revitalization, and be it

FURTHER RESOLVED, that the Town Board recognizes the efforts by the PBAHC members and publicly acknowledges their work and the participation by the public, and be it

FURTHER RESOLVED, that the memo from Robert Geneslaw dated September 28, 1999 regarding amendments is hereby incorporated into the Comprehensive Plan, and be it

FURTHER RESOLVED, that the Town Board hereby resolves to amend the Town's land use regulations to be in accordance with the Comprehensive Plan, and be it

FURTHER RESOLVED, that the Town Board hereby adopts the Comprehensive Plan as of October 1, 1999, and directs that the appropriate notifications and filings be made.

RESOLUTION NO. (786-1999) 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. (787-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Supervisor Holbrook declared a State of Emergency in the Town of Clarkstown as of September 16, 1999, due to weather conditions from a storm on that day, and

WHEREAS, Wayne Ballard, Superintendent of Highways, finds it necessary to purchase certain equipment to ameliorate the conditions due to said storm;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the competitive bidding requirement pursuant to General Municipal Law Section 130 (4) in order to purchase equipment such as a Jet Vac, Sweeper and the like to perform emergency work in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized to purchase the necessary equipment.

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. (788-1999)

Co. Maloney offered and Co. Mandia seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), hereby authorizes various capital improvements in and for the Town, including: (a) resurfacing of various Town roads at the estimated maximum cost of \$2,310,000, (b) drainage improvements at the estimated maximum cost of \$200,000, (c) acquisition of vehicles and equipment at the estimated maximum cost of \$365,000, and (d) reconstruction of various Town roads at the estimated maximum cost of \$125,000. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof is \$3,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,000,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on

RESOLUTION NO. (788-1999) continued

all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any funds to be received from the United States of America or the State of New York with respect to such improvements are authorized to be applied towards the cost of said objects or purposes or redemption of any Town obligations issued therefor or to be budgeted as an offset to the taxes for the payment of the principal and interest on said obligations.

Section 2. Serial bonds of the Town in the principal amount of \$3,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The periods of probable usefulness of the objects or purposes for which said serial bonds are authorized to be issued are equal to or in excess of five (5) years: however, the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years from the date of original issuance of said bonds or notes.

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

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

RESOLUTION NO. (788-1999) continued

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution .

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law the "THE JOURNAL-NEWS," a newspaper published in Nyack, New York, an/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Pearl River, New York, each having a general circulation within said Town for such publication

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:05

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/99

8:15 P. M.

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

Re: Amendment to Restrictive Covenants for 129-A-5.01, 9.02, 9.03 - DePaulis

On motion of Co. Mandia seconded by Co. 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.

Town Attorney stated that the County Planning Board said it is for local determination. Town Planning Board approved SEQR and listed action no environmental impact.

Appearance: Donald Tracy, Esq.
Representing DePaulis

Back in 1981 the properties of DePaulis known as 129-A-5.01, 9.01, 9.02 were merged into map 129-A-5.01, 9.02, 9.03. A zone change was granted and certain restrictive covenants were entered into which restricted the property to the following uses: professional offices, retail sale of building supplies, hardware, home appliances, energy saving, solar energy devices, firewood and bagged coal. There was another part of the restrictive covenant which provided that no outdoor storage be within 25 feet of a lot line. Recently on one of those parcels, 5.01, which consists of 25,000 plus square feet, with a concrete 2 story building thereon, a request was made by a use across the street, which is auto body which was being eased out of his lease, to purchase that property. In order to accommodate him in the existing building, we put in this request, not that the restrictive covenants be lifted, but rather that an additional use be added to the restrictive covenants, which use would say for automotive repairs and automotive body shop for lot 5.01. This is not a request that the restrictive covenants be lifted or abated, but a request that one lot receive permission to have an additional use on it which use presently exists directly across the street on 303 and 9W.

Supervisor asked if anyone wished to speak on this matter. No one appeared. There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing was closed: 8:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (748-1999) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/99

8:22 P. M.

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

RE: Proposed Local Law: "Extension of the local law prohibiting the issuance of building permits or certificates of occupancy for adult entertainment uses for the period from 9/28/99 to 12/14/99 to give the Planning Board ample time to study the matter."

On motion of Co. Smith seconded by Co. 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 wishing to speak on this. No one appeared.

There being no one wishing to be heard on motion of Co. Smith seconded by Co. Mandia and unanimously adopted, the public hearing was closed, RESOLUTION NO. 749-1999 ADOPTED, time: 8:24 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (749-1999) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/99

8:24 P. M.

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

Re: Continuation: Chapter 216 Proceeding: Monteith - 80-A Brewery Rd, New City
(77-A-4.5)

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

Supervisor asked if there was anything further on this matter.

Appearance: Peter Beery
Building Department

Stated that Code Inspector Burton was out there today and reported that the property has been tidied up sufficiently. There are a few weeds still but the property owner says he will take care of those in the next day or so.

Supervisor said they would not pass a resolution discontinuing this proceeding tonight; they will wait for the next Town Board Meeting.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing was adjourned to the next Town Board Meeting, time: 8:26 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk