

## TOWN BOARD MEETING

Town Hall

11/9/99

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.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Chapter 216 Proceeding, Joy Builders, Inc. was declared open, time: 8:00 PM, closed: 8:01 PM.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Chapter 216 Proceeding, Rockhead Realty Associates was declared open, time: 8:01 PM, closed 8:03 PM.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted the public hearing re: Chapter 216 Proceeding, Kempton 3 High Tor Road was declared open, time: 8:04 PM, closed 8:19 PM.

Supervisor opened the public portion of the meeting.

Appearance: Martin Bernstein  
 New City

Questioned Item #4 setting public hearings on the zoning issues.

## RESOLUTION NO. (888-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 766-1999, dated September 28, 1999, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 105, Block A, Lot 30, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 26<sup>th</sup> day of October, 1999, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated September 29, 1999, exist and have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector and the Highway Superintendent of the Town of Clarkstown are hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such conditions continue to be uncorrected on or after the 10<sup>th</sup> day of November, 1999, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective measure, including the removal of debris and the costs of this proceeding and all other necessary action, be assessed as a lien against the property, and be it

RESOLUTION NO. (888-1999) continued

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

RESOLVED, that the Town Board Minutes of October 26 and November 4, 1999 are hereby 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. (889-1999)

Supvr. Holbrook offered and Co. Smith seconded

WHEREAS, by Resolution No. 767, dated September 28, 1999, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 81, Block A, Lot 6, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 26<sup>th</sup> day of October, 1999, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated September 29, 1999, exist and have not been completely corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such conditions continue to be uncorrected on the 15<sup>th</sup> day of November, 1999 at 12 noon, at which time the Superintendent of Highways, the Director of Environmental Control and the Building Inspector will meet at this property to evaluate what work still needs to be completed to bring this property into compliance, and upon this determination, proceed with this work, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector, the Director of the Department of Environmental Control, the Superintendent of Highways and the Town Attorney with respect to such corrective measures, including the removal of debris and the costs of this proceeding and all other necessary action, be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

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RESOLUTION NO. (889-1999) 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. (890-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of October 26 and November 4, 1999 (amending Resolution No. 884 to read after the RESOLVED CLAUSE "as amended") are hereby 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.....No

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RESOLUTION NO. (891 -1999)

Co. Maloney 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:

H#1 - w/s of Flower Lane approx. 875' n/e of Kings Highway

Investigation No.:11634, and be it

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

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. (892-1999)

Co. Maloney 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:

RESOLUTION NO. (892-1999) continued

H#1 - n/c Corner of Lath Lane & Rose Road

Investigation No.:11630, and be it

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

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. (893-1999)

Co. Maloney 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(s):

H#1 - X10453H e/s of Route 303 approx. 300' n/o Executive Drive

Investigation No.:11613, and be it

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

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. (894-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 868 adopted by the Town Board on October 26, 1999, is hereby amended to read as follows:

“WHEREAS, ANTHONY CAPASSO has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation pursuant to the provisions of the Zoning Ordinance of the Town of Clarkstown, Section 290-IIA of the Table of General Use Regulations for an R-15 District, Column 3, Section B, Paragraph 4; Section 290-IIB of the General Bulk Regulations (Table 16) for an R-15 District; Section 290-17L, and Section 290-15, for property located on the east side of Pascack Road and the north side of Will Rogers Lane, Nanuet, New York, and designated on the Clarkstown Tax Map as Map 5, Block A, Lot 27;

NOW, THEREFORE, be it

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RESOLUTION NO. (894-1999) continued

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on January 11, 2000, at 8:00 P.M., or as soon thereafter as possible, to consider the application of ANTHONY CAPASSO, relative to said Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and the following agencies for comment or study and report on or before December 31, 1999:

- 1. Clarkstown Department of Environmental Control
- 2. Clarkstown Building Inspector
- 3. Clarkstown Architecture and Landscape Commission
- 4. NYS Department of Environmental Conservation
- 5. Rockland County Soil Conservation
- 6. Rockland County Health Department
- 7. Rockland County Drainage Agency"

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. (895-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 599, adopted by the Town Board of August 10, 1999, is hereby amended as follows:

RESOLVED, that the Town Board hereby authorizes a refund of the Department of Environmental Control fee for land disturbance review and the Building Permit fees totaling \$971.00 to Mr. Kowalski, owner of property known as Map 80, Block A, Lot 11.

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. (896-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board authorized the hiring of Roby's Sweeping and Pipe Cleaning, Inc., 64-66 Rosman Road, Thiells, New York to clean and televise the existing storm drainage system on South Main Street, New City, New York, and

WHEREAS, the cost for the proposed work would not exceed \$19,590.00, and

WHEREAS, an additional drain line from First Street was discovered and required additional cleaning.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution #314-1999 to include the drain line cleaning on First Street, New City, New York, and be it

FURTHER RESOLVED, that the additional cost for the required cleaning shall be \$500.00, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$20,090.00 and shall be a proper charge to H 5111 400 409 0 4 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. (897-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown duly adopted a Comprehensive Plan on September 28, 1999, and

WHEREAS, Robert Geneslaw, the Town's Planning Consultant, has identified certain parcels of land in the Town of Clarkstown having present zoning designations inconsistent with those recommended in the Comprehensive Plan and has recommended that certain Amendments to the Zoning Map of the Town of Clarkstown be made to implement said Comprehensive Plan, and

WHEREAS, the Clarkstown Planning Board has reviewed the identified properties and has proposed to the Town Board for several zone changes to implement certain of the recommendations contained in the adopted Comprehensive Plan, and

WHEREAS, on October 26, 1999 the Town Board duly adopted a resolution affecting numerous parcels recommended for rezoning but certain properties were inadvertently omitted from the legal advertising for the prior public hearing, and

WHEREAS, the Town Board wishes to consider making the further changes to the Zoning Map of the Town of Clarkstown identified on Schedule "A" herein, so as to better conform the Zoning Map with the adopted Comprehensive Plan;

NOW, THEREFORE, be it

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RESOLUTION NO. (897-1999) continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby schedules a public hearing on December 14, 1999, at 8:00 P.M., or as soon thereafter as possible, be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, to consider the proposed Amendments to the Zoning Map as shown on Schedule "A" herein, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

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

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law.

#### SCHEDULE "A"

##### Changes to the Zoning Map of the Town of Clarkstown adopted October 26, 1999

<u>Tax Map Block &amp; Lot</u>	<u>Present Zoning</u>	<u>Proposed Zoning</u>	<u>Approximate Acres</u>
142-A-5.02	R-80	R-160	60.00
138-H-24	MF-3	MF-1	1.73
138-H-25	MF-3	MF-1	0.21
138-H-26	MF-3	MF-1	0.10
138-H-27	MF-3	MF-1	0.10

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. (898-1999)

Co. Maloney offered and Co. Mandia seconded

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

##### "A LOCAL LAW AMENDING CHAPTER 205 (NOISE) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New

RESOLUTION NO. (898-1999) continued

York, on December 14, 1999, at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the newspaper of general circulation and posted in the manner provided by law, and be it

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

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. (899-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown duly adopted a Comprehensive Plan on September 28, 1999, and

WHEREAS, Robert Geneslaw, acting as consultant to the Planning Board has recommended certain amendments to the Zoning Ordinance with respect to Special Permit applications, and

WHEREAS, the Planning Board has reviewed these proposals and has made recommendations to the Town Board for implementing legislation, and

WHEREAS, the Town Board wishes to consider amending the Zoning Ordinance so as to better conform same with the recently adopted Comprehensive Plan of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby schedules a public hearing on December 14, 1999, at 8:00 P.M., or as soon thereafter as possible, be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, to consider the proposed amendments to the Zoning Map as shown on attached Schedule "A," and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law an file proof thereof in the Office of the Town Clerk, and be it

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

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies

RESOLUTION NO. (899-1999) continued

as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law.

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. (900-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, BARRY RUSSIN and LINDA RUSSIN, owners of property located at 43 Roberts Road, New City, New York, described on the Clarkstown Tax Map as Map 43, Block E, Lot 8.29, have requested modification of a Conservation Restriction recorded in the Rockland County Clerk's office on October 7, 1980, in Liber 1049, at Page 151, which affects the rear of their premises as shown on a subdivision map known as "South of the Mountain, Section 3" filed in the Rockland County Clerk's office on May 15, 1985 as Map No. 5748, and

WHEREAS, the Town of Clarkstown Planning Board has reviewed said request and has recommended consideration of same by the Town Board;

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be held in the Auditorium of Town Hall in the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on November 23, 1999, at 8:00 p.m., or soon thereafter as possible, relative to the proposed change in the boundary of the Conservation Restriction as shown on said subdivision map, provided, however, that the property owner shall give ten (10) days prior notice of such public hearing by regular mail to all property owners of record who own premises as shown on the subdivision map known as "South of the Mountain, Section 3," and all the other owners of premises located within 500' of the affected premises which is depicted on a survey dated July 26, 1999 by James D. Boswell, P.L.S, attached as Schedule "A," and be it

FURTHER RESOLVED, that the property owners or their agent shall file an affidavit of mailing of the notices as required herein, in the Town Clerk's office on or before November 23, 1999, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such public hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the request is hereby referred to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as provided in Sections 239-1 and 239-m of the General Municipal Law and any other applicable provisions of law, and be it

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

RESOLUTION NO. (900-1999) 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. (901-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended that the Town terminate its agreement with Micros-to Mainframes, Inc. because they have not demonstrated an acceptable level of service with respect to maintenance and support to the Town personal computers, and

WHEREAS, it is recommended that the Town obtain a refund of the unused portion of the retainer fee paid by the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take the necessary steps to collect the retainer fee which was paid by the Town to Micros-to-Mainframes, 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. (902-1999)

Co. Mandia offered and Co. Maloney seconded

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

**BID #1-2000  
OFFICE SUPPLIES**

is hereby awarded to:

OFFICE DEPOT  
71 UNION AVE  
RUTHERFORD NJ 07070  
PRINCIPALS: DAVID FUENTE C.E.O.

ROCKLAND OFFICE SUPPLY  
PO BOX 602  
SUFFERN NY 10901  
PRINCIPALS: DEBBIE TORTORA  
PAUL TORTORA

(Price schedule on file in Town Clerk's Office)

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RESOLUTION NO. (902-1999) 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. (903-1999)

Co. Mandia offered and Co. Maloney seconded

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

BID #3A-2000  
 PHOTOCOPIER AND FAX MACHINE SUPPLIES

is hereby awarded to

Beta Business Products, Inc.  
 9 East 38<sup>th</sup> Street  
 New York, NY 10016  
 Principal: George Brot

Boutons Business Machines  
 95 Route 304  
 Nanuet, NY 10954  
 Principal: Patrick Despirito

Northern Business Systems  
 575 Corporate Drive  
 Mahwah, NJ 07430  
 Principal: Castle Office Systems Inc.

Toners R US  
 91 Cylmer Street  
 Brooklyn, NY 11211  
 Principal: Jacob Deutsch, Shipra

O.P.G. Industries, Inc.  
 P.O. Box 140  
 Brooklyn, NY 11232  
 Principals: Don Thompson  
 Dan Schwerbe

Vista Business Products, Inc.  
 565 Taxter Road  
 Elmsford, NY 10523  
 Principal: George Forstbauer

(Price list on file in Town Clerk's Office)

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. (904-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Mary Maloney, 7 Tavo Lane, New City, New York, is hereby appointed to the position of Deputy Comptroller, at the recommendation of the Town Comptroller, Edward J. Duer. Term effective and retroactive to Sept. 13, 1999 and to expire on December 31, 1999; to serve at the pleasure of the Town Board pursuant to Town Law Section 20 Sub 3(d) at the current 1999 annual salary of \$2,675.00

RESOLUTION NO. (904-1999) 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. (905-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that David G. Phillips, 19 Red Hill Road, New City, New York is hereby appointed to the position of (temporary) Laborer, Solid Waste Facility at the current hourly rate of \$12.50, effective November 9, 1999 for a period not to exceed 3 months.

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. (906-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Andrew J. Burgio, 20 Oak Road, Congers, New York is hereby appointed to the position of (temporary) Laborer, Solid Waste Facility, at the current hourly rate of \$12.50 effective November 15, 1999 for a period not to exceed 3 months.

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. (907-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Michael D. Sforza, 85 Poplar Street, Nanuet, New York, is hereby appointed to the position of (temporary) Laborer, Solid Waste Facility, at the current hourly rate of \$12.50, effective November 9, 1999 for a period not to exceed 3 months.

RESOLUTION NO. (907-1999) 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. (908-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Lynn A. Strenkert, 11 Britta Lane, New City, New York is hereby appointed to the position of Motor Equipment Operator II, Solid Waste Facility at the current annual salary of \$30,171.00, effective November 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. (909-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated October 25, 1999, the Superintendent of Highways is hereby authorized to perform the following traffic sign work on Freedman Avenue, Nanuet:

TRAFFIC SIGN WORK RECOMMENDED ON FREEDMAN AVENUE

<u>Location</u>	<u>Legend</u>	<u>Sign Number</u>	<u>Work Necessary</u>
NB Between Houses #10 & #12	(Reverse Curve (L) (30 MPH	W1-7C W9-1X	New
SB Between House s#103 & #105	(Reverse curve (L) (30 MPH	W1-7C W9-1X	New
NB N/O House #108 Driveway	(Reverse Curve (L) (30 MPH	W1-7C W9-1X	New
NB N/O House #104 Driveway	Left Curve (L)	W1-3C	Remove
SB Between Houses #85 & #69	(Reverse Curve (L) (30 MPH	W1-7C W9-1X	New
SB Between Houses #65 & #69	Town Speed Limit 30	R2-1C	Remove
SB S/O Old Nyack Turnpike	Town Speed Limit 30	R2-1C	Install

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

RESOLUTION NO. (909-1999) continued

implementation, and to the Traffic and Traffic Fire Safety Advisory Board, to Howard L. Lampert, and to 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

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RESOLUTION NO. (910-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to:

Remove the "Yield" sign on the east side of Highway Avenue at Lake Road, Congers and replace it with a "Stop" sign, 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. (911-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "No Outlet" sign on Chestnut Grove Court, New City, NY, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

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. (912-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, WALD REALTY CO. #4, LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 13, Block D, Lot 1.2, for the year(s) 1996/97, 1997/98, 1998/99 and 1999/00, and

WHEREAS, it is desirable to have a trial 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 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. (513-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, GEORGE WALD AND BARBARA WALD have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 13, Block D, Lot 14, for the year(s) 1996/97, 1997/98, 1998/99 and 1999/00, and

WHEREAS, it is desirable to have a trial 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 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. (914-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, WEST NYACK REALTY v. TOWN OF CLARKSTOWN, its Assessor and Board of Assessment Review of the TOWN OF CLARKSTOWN, Index No(s). 5538/97, 4167/98 and 4094/99, affecting parcel(s) designated as Map 32, Block A, Lot 5.1, for the year(s) 1997/98, 1998/99 and 1999/00, and

RESOLUTION NO. (914-1999) continued

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 32, Block A, Lot 5.1 be reduced for the year(s) 1997/98, 1998/99 and 1999/00 from \$1,065,000 to \$938,300 at a cost to the Town of \$3,760.59;

2. That reimbursement for the year(s) 1997/98 and 1998/99 on the parcel described as Map 32, Block A, Lot 5.1 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.

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. (915-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, by Resolution of the Town Board of the Town of Clarkstown on August 10, 1999, the Town of Clarkstown declared the property designated on the Clarkstown Tax Map as Map 33, Block A, situate near Lots 5.01 and 6, Demarest Mill Road, Bardonia, New York, which consists of approximately 15,300 sq. ft. of land, to be surplus municipal property, and

WHEREAS, the Town Attorney contacted the abutting property owners for bids regarding the sale of said property, and

WHEREAS, the only bidder for the property was G.S.A., a New York partnership and Theodore L. Schultz, for a cash price of \$90,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the offer from G.S.A., a New York partnership and Theodore L. Schultz, to purchase the aforesaid property as shown on the attached Schedule "A" for the sum of \$90,000.00, being the minimum acceptable bid for said surplus property, the balance of which is payable after thirty (30) days from

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RESOLUTION NO. (915-1999) continued

the date of publication of notice of this sale and subject to the fulfillment of the condition of final approval contained herein, and which sale is subject to the following:

- 1. Easements, covenants, and restrictions of record, if any;
- 2. Zoning Ordinance of the Town of Clarkstown;
- 3. Such state of facts as an accurate survey or personal inspection may reveal, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a contract of sale and a bargain and sale deed in a form satisfactory to the Town Attorney for deliver to the purchasers in accordance with the terms of this resolution, and be it

FURTHER RESOLVED, that this resolution is subject to Permissive Referendum.

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. (916-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Nanuet Community Ambulance Corps wishes to lease a portion of Town property located at the Highway Department, Nanuet, New York, which is designated on the Clarkstown Tax Map as Map 33, Block B, Lot 20.04;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Supervisor Holbrook to execute a lease agreement with the Nanuet Community Ambulance Corps, in a form satisfactory to the Town Attorney, for the leasing of Town property located at the Highway Department, Nanuet, New York, which is designated on the Clarkstown Tax Map as Map 33, Block B, Lot 20.04.

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. (917-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Mallory Construction Corp. furnished to the Town of Clarkstown Letter of Credit No. 1770 in the amount of \$25,316.00 as escrow funds securing

RESOLUTION NO. (917-1999) continued

improvements on individual building lots owned by Mallory Construction Corp. in the Clarkwest Subdivision for which Certificates of Occupancy may be issued, and

WHEREAS, the Director of the Department of Environmental Control has determined that \$25,316.00 is insufficient to cover the improvements on the remaining individual lots;

NOW, THEREFORE, be it

RESOLVED, that upon receipt of a Letter of Credit in the amount of \$48,000.00, which sum has been determined by the Director of the Department of Environmental Control to be adequate, Letter of Credit No. 1770 in the amount of \$25,316.00 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

\*\*\*\*\*

RESOLUTION NO. (918-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that Account No. A-1420-409 (fees for services) shall be decreased by \$5,000.00 and Account No. A-1420-211 (Law Books and Supplements) shall be increased by \$5,000.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (919-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Wayne T. Ballard, Superintendent of Highways, has advised that additional work needed to be performed for the 1998 Curb and Sidewalk Replacement Program under Bid No. 48-1999;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an increase in the cost of Bid No. 48-1998 with respect to the 1998 Curb and Sidewalk Replacement Program, which shall not exceed the sum of \$3,080.00

RESOLUTION NO. (919-1999) 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. (920-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an adverse drainage condition exists in the vicinity of 20 South Main Street, New City, New York, and

WHEREAS, the Department of Environmental Control has determined that the installation of a catch basin is necessary to correct the adverse drainage condition.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to hire Danny Clapp Landscaping, 59 Schriever Lane, New City, New York, to perform the required work in accordance with their proposal dated 11/8/99, and be it

RESOLVED, that the cost for the work shall not exceed \$1,350.00 and shall be charged to H 5111 400 409 0 4 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. (921-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, that the Town Board authorized cleaning and stabilization of the existing drainage channel adjacent to Anton Court, New City, New York, and

WHEREAS, it is necessary to have the remainder of the channel cleaned and stabilized in order to assure proper drainage in the area.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Director of Environmental Control to hire KJS Hauling and Home Improvements, 95 Maple Avenue, New City, New York, to perform the required cleaning and stabilization in accordance with their proposal dated 10/26/99, and be it

FURTHER RESOLVED, that the cost of the work shall not exceed \$12,994.00 and shall be charged to H 8743 400 409 0 68 10.

RESOLUTION NO. (921-1999) 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. (922-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, for reasons of safety, the Town Board authorized the installation of a fence on a drainage easement located on Lot 77- A - 17.38 (123 Congers Road, New City); and

WHEREAS, sections of this fence were damaged due to Hurricane Floyd; and

WHEREAS, the Director of the Department of Environmental Control has solicited proposals to have the damaged sections of the fence replaced;

NOW, THEREFORE, BE IT

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

Fesco Fence  
 237 South Route 303  
 West Nyack, New York 10994

to perform the corrective work in accordance with their proposal of \$400.00; and be it

FURTHER RESOLVED that this amount shall be a proper charge to account #H 8748-409-0-72-1.

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. (923-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the residents at #5 Rookery Circle and #15 Tarry Hill Drive in New City have registered complaints relating to an adverse drainage condition in the cul-de-sac at Rookery Circle with the Town; and

WHEREAS, the Supervisor's office has referred these complaints to the Department of Environmental Control for their recommendations; and

RESOLUTION NO. (923-1999) continued

WHEREAS, the Department of Environmental Control has investigated said complaints and determined that the adverse drainage condition does, in addition to other concerns, result in a hazardous icing problem in the winter; and

WHEREAS, the Department of Environmental Control has formulated a plan to install additional storm drainage in the cul-de-sac of Rookery Circle; and

WHEREAS, the Department of Environmental Control has also recommended that the Highway Department install a six (6) inch high asphalt berm along a portion of the cul-de-sac when it is paved as a part of the 1999 annual resurfacing contract; and

WHEREAS, the Department of Environmental Control has solicited prices from contractors to perform the installation of the addition to the existing storm drain system in accordance with their plan; and

WHEREAS, the Department of Environmental Control has received one response to its solicitation; and

Whereas, the Department of Environmental Control has reviewed said response 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

Hudson Canyon Construction, Inc.  
16 Schuman Road  
Millwood, New York 10546

to perform the installation of the addition to the existing storm drain system in accordance with their proposal for an amount not to exceed \$8,500.00; and be it

FURTHER RESOLVED, that this shall be a proper charge to account #8743 - 409 - 0 - 68 - 13.

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. (924-1999)

Co. Profenna offered and Co. Mandia seconded

WHEREAS, the Town Board authorized the hiring of Atzl, Scatassa & Zigler, Surveyors and Land Planners, to perform a boundary survey on property designated on the Clarkstown Tax Map as Map 57, Block M, Lot 13.1, New City New York, owned by John DeBevoise and occupied by Epic Pools, and

WHEREAS, in order to commence with preliminary engineering plans, it is necessary to have additional topography and spot elevations established for the property.

NOW THEREFORE be it,

RESOLUTION NO. (924-1999) continued

RESOLVED, that the Town Board hereby authorizes Atzl, Scatassa & Zigler, Surveyors and Planners, to obtain the additional topography and spot elevations on the property designated on the Clarkstown Tax Map as Map 57, Block M, Lot 13.1, New City, New York, and be it

FURTHER RESOLVED, that the fee for the additional topography and spot elevations shall not exceed \$4,750.00 and shall be charged to A 8746 409 0 71 2.

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. (925-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown, (herein called "Town Board" and "Town" respectively), in the County of Rockland, New York, has caused competent engineers, duly licensed by the State of New York, to prepare a general map, plan and report for the proposed construction of sewer improvements consisting of the replacement of the Holland Drive and Forest Brook Avenue pump stations, the construction of upgrades and/or improvements to the Congers Road West pump station and the Foxwood Road, Klein Avenue, Little Brook Lane and Valley Terrace ejector stations, including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required in connection therewith (all of the foregoing being referred to herein collectively as the "Sewer Improvement"), all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, and which map, plan and report has been heretofore duly filed in the office of the Town Clerk for public inspection; and

WHEREAS, after a public hearing duly called and held on March 12, 1996, the Town Board of the Town determined by the Resolution and Order After Public Hearing duly adopted on March 12, 1996, that it is in the public interest to construct the Sewer Improvement at the estimated cost of \$1,205,000.00; and

WHEREAS, due to increased costs of materials and labor, the estimated cost of construction of the Sewer Improvement is now estimated to be \$1,455,000, and it is necessary and desirable and in the best interest of said Town to increase the total appropriation therefor by \$250,000, from \$1,205,000 to \$1,455,000; and

WHEREAS, such Sewer Improvement will benefit the entire Benefited Area, said area having been designated as the Benefited Area pursuant to the Town Law; and

WHEREAS, the Benefited Area within the Town, situate wholly outside of any village or city, is more particularly bounded and described as follows: (map on file in Town Clerk's Office)

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$1,455,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in proportion to the amount

RESOLUTION NO. (925-1999) continued

of benefit which such Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

Clerk;

WHEREAS, pursuant to the direction of the Town, the engineers have completed and filed with the Town Board modifications to the map, plan and report heretofore prepared for the construction of the Sewer Improvement;

NOW, THEREFORE, be it

ORDERED, THAT THE Town Board of the Town, meet and hold a public hearing at the Town Hall, 10 Maple Avenue, New City, New York, on the 23<sup>rd</sup> day of November, 1999 at 8:10 o'clock P.M. (prevailing Time) to consider the increase in cost for construction of such Sewer Improvement within the Benefited Area, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "JOURNAL-NEWS", a newspaper published in West Nyack, New York, and/or in the "ROCKLAND COUNTY TIMES", a newspaper published in Nanuet, New York, each having a general circulation in the Town, and hereby designated as the official newspapers of the Town for such publication, and post conspicuously on the bulletin board in the office of the Town Clerk, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

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. (926-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Superintendent of Highways is hereby authorized to remove the fallen tree in front of 32 Pierce Street, Nanuet.

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. (927-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has solicited competitive bids for a project known as "Demarest Avenue Sidewalk/Roadway Improvement" (Bid No. 51-1999), and

WHEREAS, several bidders have responded to the bid opening which occurred on November 3, 1999, and

WHEREAS, Howard L. Lampert, P.E., the Town's Traffic Engineering Consultant, has recommended that the bid be awarded to the second lowest bidder upon the ground that the low bid should be disregarded for not having been made by a responsible bidder, and

WHEREAS, the Town Board wishes to conduct an inquiry and to make a determination as to whether or not the low bidder is qualified to perform the work;

NOW, THEREFORE, be it

RESOLVED, Ralph A. Lauria, Engineer 2, Department of Environmental Control, is hereby appointed and directed to conduct an inquiry regarding the qualifications of McNAMEE CONSTRUCTION CORP. to perform the work as specified in Bid No. 51-1999, and that he is directed to notify the low bidder of the time and place when such inquiry will be made, to make a record of the proceedings and to make his findings and recommendations to the Town Board on or before December 6, 1999, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to provide counsel and assistance with respect to this matter.

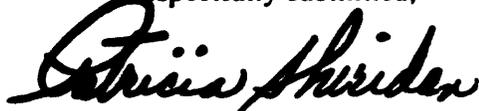
On roll call the vote was as follows:

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

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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: 8:30 PM

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

Mr. Don Elfers, Chairman of the Board, Nanuet Community Ambulance Corps appeared and thanked the Town Board and expressed his appreciation for their support

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

11/9/99

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

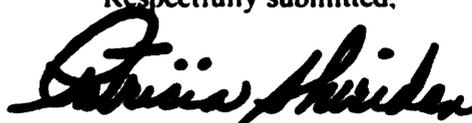
RE: CHAPTER 216 PROCEEDING - JOY BUILDERS, INC.

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

Supervisor asked if anyone was present for Joy Builders, Inc.. No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing was ADJOURNED, time: 8:01 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

11/9/99

8:01 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 - ROCKHEAD REALTY ASSOCIATES

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

Supervisor Holbrook asked Mr. Milich, Building Inspector if he had anything on Greenbush Road.

Mr. Milich stated that the debris remains on the property.

Supervisor asked if there was anyone present wishing to make a comment or ask a question. No one appeared.

Supervisor directed that our Highway Department clean-up the premises.

There being no one wishing to be heard on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:03 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (888-1999) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

11/9/99

8:04 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 - KEMPTON 3 HIGH TOR ROAD

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.

Mr. Milich, Building Inspector stated there was a dispute on the property line whether the garbage was on what property. George Burton, Code Enforcer Officer II got a look at the property. Mr. Milich does not as yet have a report from Luke Kalarickal, Environmental Director.

Supervisor asked if there was anyone wishing to give an up-date .

Appearance; Arthur Pomerantz  
South Mountain Road, New City

Mr. Pomerantz's property borders the property in question. This has been going on for a long time. He spoke to Mr. Kalarical to find out what he determined. Mr. Pomerantz stated that Mr. Kalarical surveyed the property and based on his survey, it appears that the garbage is on the Kempton's property. Based on the Kempton's survey, it appears that it is on my property. One of the things established at the last meeting was that Mr. Kempton's attorney was asked about the ownership of the property. He established that he is representing Mr. Kempton who owns the property. The other thing that was established beyond any doubt, is that Mr. Berger stood up and acknowledged that the garbage on Mr. Kempton's property belongs to him and the garbage that was on my property, we are talking about a tiny area, was not Mr. Berger's. That little piece of property that is in question happens to be loaded with the exact same type of garbage that appear on Mr. Kempton's property which Mr. Berger has stood before this Council and acknowledge ownership of and has been dumping there for thirty years. Mr. Pomerantz moved into his house a year ago and there is no way he could possibly have dumped that amount of rubbish. The man who built his house started construction on that property two days after he closed on it. Within two days they were digging the hole for the foundation. Given the fact that this property is bordering Mr. Kempton's property, it is clear who put that garbage there. He believes that Mr. Berger should be made to pick it up. He has been in touch with the State, Jill Kauffman, she is going to take a second look at it. She determined that it is possibly a toxic waste problem. The other thing that was established here was that Mr. Berger and Mr. Kempton's attorney stood up here and acknowledged that they did the clean up. They regraded the property the way it was thirty years ago. They acknowledge the fact that the huge dumpster is still sitting in the middle of the property and that it was really muddy and wet. The people who own the dumpster have not been able to get in to get it. As of now, that dumpster is still there and that property is bone dry with the exception of a couple of areas where the water has been channeled to run off. It was established in a letter from Mr. Burton that it was not completely cleaned up. Here we are two weeks later and not a single thing has happened to expedite the clean up. The garbage there is approximately three to four feet deep and thirty feet wide. Once that material is removed down to the dirt and seed is planted, we will not have a grading issue. Once it is properly removed, the natural lay of the land will be there. Wood chips are on the surface. you cannot grow grass in wood chips. It will continue to get worse. Every time we have a heavy rain, that water is channeled off the mountain and it runs onto mine and Mr. Heath's property. We both incur damages and costly expenses every time it happens.

Appearance: Adam Kurland, Esq.  
On behalf of Mr. Kempton.

Mr. Kurland restated his position for the record that he made two weeks ago. Based on his personal inspection of the property, he saw that 90% to 95% of the debris sited in the violation notice has been cleaned up. The dumpster does remain on the property. He does not know why. Mr. Berger might be addressing that issue. Of the remaining property, there is a property dispute. It might be beyond the Board's jurisdiction to resolve that issue. As Mr. Pomerantz stated, it is a minuscule portion. He will abide by the Town's decision and Mr. Kalarical's decision as to whose property the debris presently sits. Mr. Berger will likely say, the sited debris is his and he has cleaned it up and there is no need for the Town to get involved.

Appearance: Everett Berger

He does not understand a person who moves onto a piece of property and can state that the debris is four foot deep and six or eight feet wide. The Town directed him, being a property user to clean up the mulch and so on, which he has done. He tried to explain if he takes certain portions of this out, the people are going to have a problem with drainage. He did it and now we have a drainage problem. It is my understanding that Mr. Pomerantz was not concerned about the drainage. Mr. Pomerantz was concerned about cleaning up the compose, wood chips and so on which has been done. I feel that I have done everything that the Town has directed me to do. The property is back the way it was thirty years ago. Mr. Pomerantz bought this piece of property and he saw what was there. I feel that I cleaned it up to the best of my ability. I would like to have this closed tonight if at all possible.

Supervisor Holbrook stated that apparently it has not been closed because the owners have not complied. The Supervisor suggested to the Board to direct our Highway Superintendent to go in there and clean it up and then we will have our Environmental people determine where the boundary line is and take it from there.

Mr. Berger stated that the only thing we have there is a dumpster from Mr. Capasso. I have been on Mr. Capasso's case to get it out of there and Mr. Kurland has been on his case. The property is clean.

Mr. Kurland stated in light of Mr. Berger's representation that the debris is his, I don't think it would be fair that my client is charged the cost of cleaning the property. Mr. Kurland asked how that would be worked out.

Supervisor stated that it is up to the Code Inspector to make the determination. We want the property to be cleaned. Supervisor recommended that we close the public hearing, authorize the Highway Superintendent, Luke Kalarickal and the Code Inspector on Monday, November the 15<sup>th</sup> at high noon to go there and determine what needs to be cleaned up.

Mr. Pomerantz asked who was going to pay for the survey. Supervisor replied that we will take care of that.

On motion of Supervisor Holbrook, seconded by Councilwoman Smith and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED time: 8:19 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 889-1999 AOPTED)