

TOWN BOARD  
TOWN BOARD MEETING

Town Hall

1/11/2000

8:00 P.M.

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

Supervisor declared the Town Board meeting open. Assemblage saluted the Flag. Supervisor opened public portion of the meeting.

Appearance: Ellen Ferretti, Nanuet

Spoke regarding Narashaun Brook; water problems, nothing being done.

Appearance: John Lodico, New City

He is opposed to the creation of a Dept. of Public Works and funds for Mountain Shadows because it is using public funds for private use..

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing re: Continuation, Chap.216 Proceeding (Property Maintenance) Barrier Motor Fuels, Inc. (60-A-14.1) was opened, time: 8:00 P.M. adjourned, time: 8:19 P.M.

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted the public hearing re: Proposed Local Law Increasing the Salary of the Superintendent of Highways, was opened, time: 8:20 P.M., closed, time: 8:40 P.M.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted the public hearing re: Proposed Local Law: Providing a tax exemption on real property owned by members of volunteer fire companies or volunteer ambulance services, was opened time: 8:44 P.M., closed, time: 8:48 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing re: Request for special permit to conduct a landfill operation: Capasso (5-A-27) was opened, time: 8:50 P.M., closed, time: 10:07 P.M.

RESOLUTION NO. (67-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

**“A LOCAL LAW INCREASING THE SALARY OF THE SUPERINTENDENT  
OF HIGHWAYS OF THE TOWN OF CLARKSTOWN”**

was introduced by Councilman Mandia at a Town Board meeting held on January 3, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 3, 2000, directed that a public hearing be held on January 11, 2000, at 8:00 P.M., or as soon thereafter as possible, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on January 6, 2000, 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 January 3, 2000, and also placed on the desk of newly elected Councilwoman Shirley Lasker on January 6, 2000, and

RESOLUTION NO. (67-2000) Continued

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on January 11, 2000;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2000 entitled:

**“A LOCAL LAW INCREASING THE SALARY OF THE SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF CLARKSTOWN”**

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- Charles E. Holbrook, Supervisor . . . . Yes
- John R. Maloney, Councilman . . . . . No
- Ralph F. Mandia, Councilman . . . . . Yes
- Ann Marie Smith, Councilwoman . . . . Yes
- Shirley Lasker, Councilwoman . . . . . Yes

and be it

FURTHER RESOLVED, that this Local Law is subject to Permissive Referendum.

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. (68-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

**“A LOCAL LAW PROVIDING A PARTIAL TAX EXEMPTION ON REAL PROPERTY OWNED BY MEMBERS OF VOLUNTEER FIRE COMPANIES OR VOLUNTEER AMBULANCE SERVICES”**

was introduced by Councilman Profenna at a Town Board meeting held on December 28, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on December 28, 1999, directed that a public hearing be held on January 11, 2000, at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on December 27, 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 November 23, 1999, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on January 11, 2000;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1 - 2000 entitled:

**“A LOCAL LAW PROVIDING A PARTIAL TAX EXEMPTION ON REAL PROPERTY OWNED BY MEMBERS OF VOLUNTEER FIRE COMPANIES OR VOLUNTEER AMBULANCE SERVICES”**

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RESOLUTION NO. (68-2000) Continued

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:

Charles E. Holbrook, Supervisor . . . . Yes  
John R. Maloney, Councilman . . . . . Yes  
Ann Marie Smith, Councilwoman . . . . Yes  
Ralph F. Mandia, Councilman . . . . . Yes  
Shirley Lasker, Councilwoman . . . . . Yes

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

RESOLUTION NO. (69 -2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of December 28, 1999 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (70-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 65-2000 adopted by the Town Board on January 3, 2000, is hereby amended to add the following:

“RESOLVED, that the Amendment to the Zoning Ordinance dealing with Child Day Care Centers 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, 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 proposed Amendment to the Zoning Ordinance is hereby referred to the Ad Hoc Committee on the Comprehensive Plan of the Town of Clarkstown for its review and recommendation.”

On roll call the vote was as follows:

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

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RESOLUTION NO. (71-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Resolutions # 2-2000 and 3-2000 and Resolutions # 5-2000 through 12-2000 are each hereby amended to add the phrase, "to serve at the pleasure of the Town Board."

On roll call the vote was as follows:

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

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RESOLUTION NO. (72 -2000)

Co. Mandia offered and Co. Lasker seconded

Whereas, the Town Board of the Town of Clarkstown passed a resolution at its meeting of June 22, 1999 authorizing the Department of Environmental Control to retain the services of Environmental Construction, Inc. of Stony Point, New York to perform certain improvements to the stream and existing headwall located at 99 Bardonia Road, Bardonia, New York in accordance with a plan prepared by the Department of Environmental Control; and

Whereas, upon removal of the existing, damaged concrete headwall, it was determined that a change in the scope of the project was required; and

Whereas, based on these field conditions, the Department of Environmental Control prepared a change order containing a new design for the replacement headwall; and

Whereas, the Department of Environmental Control solicited a price from Environmental Construction, Inc. for the additional work required by this change order; and

Whereas, the Department of Environmental Control reviewed said price and found it to be acceptable;

Now, Therefore, Be It Resolved that the amount for this project be increased to \$23,675.00 to reflect this change order; and

Be It Further Resolved that this shall be a proper charge to account # H 8743 409 68-6.

On roll call the vote was as follows:

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

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RESOLUTION NO. (73-2000)

Co. Maloney offered and Co. Mandia seconded

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

BID #13-2000  
FIRST AID SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.on: FEBRUARY 9, 2000 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:

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

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RESOLUTION NO. (74-2000)

Co. Maloney offered and Co. Mandia seconded

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

BID #14-2000  
FIREWORKS DISPLAY

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: FEBRUARY 4, 2000 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:

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

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RESOLUTION NO. (75-2000)

Co. Maloney offered and Co. Mandia seconded

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

BID #15-2000  
HIGHWAY SIGNING AND ROAD MAINTENANCE 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: FEBRUARY 11, 2000 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:

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

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RESOLUTION NO. (76-2000)

Co. Maloney offered and Co. Mandia seconded

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

BID #72-1999  
LAKE LUCILLE DAM RESTORATION PROJECT

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: MARCH 1, 2000 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 Environmental Control upon payment of the prescribed non-refundable fee per set.

On roll call the vote was as follows:

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

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RESOLUTION NO. (77-2000)

Co. Maloney offered and Co. Mandia seconded

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

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RESOLUTION NO. (77-2000) Continued

BID #12-2000  
GROUP PICNIC SHELTER AND RESTROOM  
RENOVATIONS AT GERMONDS PARK

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by at a time TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing, upon payment of the prescribed non-refundable fee per set.

On roll call the vote was as follows:

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

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RESOLUTION NO. (78-2000)

Co. Maloney offered and Co. Mandia seconded

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

VICTOR P. ZUGIBE, INC.  
66 Railroad Avenue  
Garnerville, NY 10923

TRAVCON, INC.  
375 Kings Highway  
Valley Cottage, NY 10989

RONALD J. TARIGO  
5 Crosscreek Lane  
Stony Point, NY 10980

RESOLVED, that the following Certificates of Registration be issued:

- No. 2000-8 VICTOR P. ZUGIBE, INC.
- No. 2000-9 TRAVCON, INC.
- No. 2000-10 RONALD J. TARIGO

On roll call the vote was as follows:

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

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RESOLUTION NO. (79-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Clarkstown South High School at approximately 9:30 p.m. on Monday, July 3, 2000, raindate, Wednesday, July 12, 2000 pursuant to Section 405 of the Penal Law.

On roll call the vote was as follows:

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

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RESOLUTION NO. (80-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Account No. A-1420-409 (fees for services) shall be decreased by \$300.00 and Account No. A-1420-201 (furniture & fixtures) shall be increased by \$300.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (81-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills) and Budgetary Account No. H 1942-409 (Golf Course-Bids & Specs) by \$2,000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (82-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes a refund of \$177.60 to John and Deborah Raquet for taxes they paid for three garbage cans when they should be paying for one, provided that two excess Town decals are returned to the Assessor's office.

On roll call the vote was as follows:

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

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RESOLUTION NO. (83-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has complied with New York State's Environmental Quality Review Act (SEQR) for the proposed Route 303 Trailway Project and,

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

WHEREAS, SEQR was circulated on December 3, 1999 to potential involved and interested agencies and no interested or involved agencies objected to the Town Board being the Lead Agency. Under the provisions of 6 NYCRR PART 617 whereby the Town Board is therefore Lead Agency,

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

WHEREAS, the impacts and mitigating measures are documented in the Environmental Assessment for the Route 303 Trailway Project, and;

WHEREAS, the potential beneficial impacts far outweigh any short term environmental impacts,

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (84-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown wishes to expand the concrete recycling and wood chip processing operation at the existing facility in West Nyack by filling the existing wetlands and diverting storm water flow through an underground piping system, and;

WHEREAS, the Department of Environmental Control solicited proposals to perform necessary drainage work on a per day basis for equipment and personnel, and;

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

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

CAL MART ENTERPRISES, INC.  
37A ROUTE 59  
West Nyack, NY 10994  
Phone: (914) 353-2183

to perform drainage work, and;

BE IT FURTHER RESOLVED, that the cost of the said work shall not exceed \$6,200.00 per day and shall be a proper charge to account # SR 8160 409

On roll call the vote was as follows:

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

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RESOLUTION NO. (85-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town is in the process of constructing mitigation wetlands are required by the Army Corps of Engineers for the expansion of the concrete recycling and wood chip processing operation at the Tax Lot 88-B-8 in West Nyack, NY, and;

WHEREAS, the Department of Environmental Control solicited four proposals to perform clearing and grubbing work, and;

WHEREAS, THE Department of Environmental Control has reviewed said proposals,

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

Timberline Tree and Landscape Services  
172 West Nyack Road  
West Nyack, NY 10994  
Phone: (914) 627-0186

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RESOLUTION NO. (85-2000) Continued

to perform clearing and grubbing of the site, and;

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$12,500.00 and shall be a proper charge to account #SR 8160 409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (86-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Murray N. Jacobson, 62 Laurel Road, New City, New York - Town Attorney - is hereby accepted - effective and retroactive to January 1, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (87-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Angelo Padovani, 17 Buckingham Court, Pomona, New York, Maintenance Mechanic I - Parks Board and Recreation Commission - is hereby accepted - effective and retroactive to January 8, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (88-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on January 7, 2000 that the position of Information Services Specialist I (Police Department) - can be created,

RESOLUTION NO. (88-2000) Continued

Now, therefore, be it

RESOLVED, that the position of Information Services Specialist I (Police Department) is hereby created effective January 10, 2000 and be it

FURTHER RESOLVED, that the grade for the position of Information Services Specialist I (Police Department) is a grade 27.

On roll call the vote was as follows:

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

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RESOLUTION NO. (89-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Supt. Of Recreation and Parks that the following 2000 Part-Time salaries be established:

<u>PART-TIME</u>	<u>2000 Proposed MINIMUM</u>	<u>2000 Proposed MAXIMUM</u>
Recreation Aide . . . . .	\$ 6.50	\$ 18.00
Recreation Assistant . . . . .	\$ 6.50	\$ 18.00
Recreation Leader . . . . .	\$ 10.00	\$ 20.00
Recreation Specialist . . . . .	\$ 10.00/session	\$ 35.00/session
Refreshment Stand Attendant I . . . . .	\$ 6.50	\$ 9.00
Refreshment Stand Attendant II . . . . .	\$ 7.50	\$ 15.00
Lifeguard . . . . .	\$ 8.00	\$ 15.00
Head Lifeguard . . . . .	\$ 9.50	\$ 15.00
Water Safety Instructor . . . . .	\$ 9.50	\$ 14.00
Head Water Safety Instructor . . . . .	\$ 10.00	\$ 15.00
Labor-Student . . . . .	\$ 8.00	\$ 13.00
Groundswoker (L) . . . . .	\$ 10.00	\$ 15.00
Custodial Worker (Seasonal) (L) . . . . .	\$ 6.50	\$ 15.00
	<u>1999 CONTRACT</u>	<u>PROPOSED</u>
Senior Citizen's Leader (Part-time) Frank DiMaria	\$26,715.	\$27,517.
Swim Area Supervisor (Seasonal) Marty Silverberg	\$18,410.	\$18,963.
Senior Recreation Leader (Seasonal-Camps/Playgrounds) James Nash	\$ 9,013.	\$ 9,284.
Senior Recreation Activity Specialist (Seasonal-Arts & Crafts) Ann Slingsby	\$ 5,879.	\$ 6,056.



RESOLUTION NO. (91-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Supervisor of the Town of Clarkstown is desirous of having all debris and litter picked up on a weekly basis within the right-of-way limits for New York State Route 59 in Nanuet from Grandview Avenue to New York State Route 304; and

WHEREAS, the Supervisor has directed the Department of Environmental Control to obtain competitive proposals from qualified landscape contractors to perform this work for the time period beginning on January 12, 2000 and ending on April 3, 2000; and

WHEREAS, the Department of Environmental Control has received three (3) responses to their request for proposals from qualified landscape contractors; and

WHEREAS, the Department of Environmental Control has reviewed these proposals with the Supervisor of the Town of Clarkstown and found them to be acceptable;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to retain the services of

Helmke Industries, Inc.  
513 Route 303  
Orangeburg, NY 10962-1303

to perform this work, in accordance with the scope of work prepared by the Department of Environmental Control, as per their proposal for an amount not to exceed \$4,750.00 and

FURTHER RESOLVED, that this shall be a proper charge to account # H 8742 409 0 24 5.

On roll call the vote was as follows:

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

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RESOLUTION NO. (92-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi Tor Animal Care Center, Inc., in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2000 and termination on December 31, 2000, provided that Hi Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town.

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RESOLUTION NO. (92-2000) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (93-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that all responses to

BID #75A-1999  
SNOW REMOVAL AND SALTING OF  
SCHOOL SIDEWALKS

are hereby rejected, and be it

FURTHER RESOLVED, that the Supt. of Highways is hereby authorized to negotiate agreement(s) with one or more contractors to provide required services.

On roll call the vote was as follows:

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

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RESOLUTION NO. (94-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Division of Criminal Justice Services (DCJS #MV99016930) has appropriated funds for the purpose of the Motor Vehicle Theft and Insurance Fraud Prevention Program System by the Town of Clarkstown Police Department, and

WHEREAS, the State shall provide \$50,000 to the Town of Clarkstown Police Department for said purposes, for the period covering January 1, 2000 through December 31, 2000;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York Division of Criminal Justice Services to accept a grant award of \$50,000 to cover the cost of the Motor Vehicle Theft and Insurance Fraud Prevention Program System by the Town of Clarkstown Police Department, for the period January 1, 2000 through December 31, 2000.

RESOLUTION NO. (94-2000) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (95-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED that Town Board resolution #998-1999 is hereby corrected to read as follows:

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

BID #6-2000  
PAPER & PLASTIC SUPPLIES

is hereby awarded to:

PRINCIPALS: ALL AMERICAN POLY  
40 TURNER PLACE  
PISCATAWAY, NJ 08854  
GEORGE PSCHERLOFER

PRINCIPALS: CENTRAL POLY CORP.  
18 DONALDSON PLACE  
LINDEN, NJ 07036  
ANDREW HOFFER  
AGNES SERHOFER

PRINCIPALS: CLEANING SYSTEMS  
44A SECOR LANE  
PELHAM MANOR, NY 10803  
JAMES TRISTER  
BARBARA TRISTER

PRINCIPALS: MT. ELLIS PAPER CO., INC.  
P.O. BOX 4083  
NEW WINDSOR, NY 12553  
CLIFFORD KAPLAN  
SEYMOUR KAPLAN

PRINCIPALS: SOFCO, INC.  
702 POTENTIAL PARKWAY  
SCOTIA, NY 12302  
A PUBLIC CORPORATION

PRINCIPALS: STRAUSS PAPER  
10 SLATER STREET  
PORTCHESTER, NY 10573  
STEWART STRAUSS  
ROBERT JONAP  
JOYCE STRAUSS JONAP

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RESOLUTION NO. (95-2000) Continued

as per the attached item/price schedule. (On file in Town Clerk's Office)

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (96-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Anthony Fimmano, 780 Sequoia Drive, Valley Cottage, requested a refund of the Building Permit fee of \$128.00 since he canceled construction plans for the property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund of the Building Permit fee to Anthony Fimmano in the amount of \$128.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was closed, time: 10:07 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

LIAISON APPOINTMENTS FOR THE YEAR 2000 - Revised 1/11/00Councilman Maloney

Architecture and Landscape Commission  
Counseling Center  
Drug Abuse Prevention Council  
Elections  
Fire Board of Appeals  
Historical Review Board  
Justice Court  
\*Parks Board and Recreation Commission (Seniors, Youth, Golf Course)  
Police Commission  
Traffic and Traffic Fire Safety Advisory Board

Councilwoman Smith

CSEA  
Dept. of Environmental Control (recycling, sewers, transfer station, drainage)  
Mini-Trans  
Purchasing Department  
Receiver of Taxes  
Sanitation Commission

Councilman Mandia

Assessor's Office  
Highway Department  
Insurance and Workers' Comp.  
Police Commission  
School Districts  
Streetlights  
Town Clerk's Office  
Villages

Councilwoman Lasker

Building Department  
Comptroller's Office  
Emergency Services  
Planning Board  
\*Parks Board and Recreation Commission (Seniors, Youth, Golf Course)  
Youth Court  
Zoning Board of Appeals

\*Parks Board and Recreation Commission (Seniors, Youth, Golf Course) liaison appointment is shared by Councilman Maloney and Councilwoman Lasker

TOWN BOARD  
PUBLIC HEARING

Town Hall

1/11/2000

8:00 P.M.

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

RE: - Chapter 216 Proceeding Barrier Motor Fuels, Inc. (60-A-14.1) - Continuation

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

Supervisor stated that meetings have taken place and there has been some progress. We would like an up date.

Appearance: Donald Walsh  
Planning Director of Barrier Motor Fuels, Inc.

This is actually divided in two parts. First there is the effort being made to clean up the property based on some of the comments that were made by different citizens. The other is a matter that is before the Court right now. Which is the matter involving the use of the property, particularly the use of the parking area that is used by the tow trucks. Mr. Walsh asked the Supervisor if he was able to give the letter he sent to the Town Board. Supervisor said that he read it, but did not give it to the Town Board. Supervisor asked Mr. Walsh to summarize it. Mr. Walsh stated that the large dirt pile that was dumped by an unknown person on the eastern side has been removed with the cooperation of Matt Fierman who is President of Maple Shade Landscaping. The fence sections were removed. We also brought new fence sections into the site. They are now stacked against the side of the building where the dumpster used to be. They will be put in on the Christie Street side as soon as possible. We put the waste disposal company on a much faster schedule. Both Joe's Towing and Pedro's Automotive Repairs have tagged their cars. As a result of the tagging, we found that some of the complaints of the citizens were quite correct. There were eight abandoned vehicles on the site that will be removed. The store owners are working extra time to clean off their site. I went by the site tonight and I went by numerous other sites. I would like to say that it is the cleanest gas station in New City. The Building Inspector indicated that there are a number of files and records concerning this property. It overlaps three separate zoning codes. The Building Inspector is going to review that and get back to us as to the use in the near future. Before we bought the property, we met with Art Conklin and he showed me the current one and what the property's use was. Based on that we bought the property. As far as the tow truck company is concerned, the biggest problem in night delivery is that there is a rotation here in the Town. He says it happens once or twice a month. Some of the citizens said it happens five to six times a month. I have asked the tow truck company to refrain from night deliveries except in municipal emergencies when called by the Town. They promised to comply with that. There has not been a night delivery since. I am waiting to hear from the Building Department. I expect to hear from them this week with their review of the codes. We will work with them in that respect.

Appearance: Phyllis Bulhack  
9 West Gate Blvd., New City

I do not know what all the confusion is about. This property came before the Zoning Board about June 1, 1982 and there was a variance granted. It was originally a gas station in an R-40 District that had two bays. They wanted a little general store to be opened. The community rallied behind the people because there was a hardship involved and they came out in support. There were restrictions put on that property. It was to only be a gas station with a little general store. It is very nice that they are cleaning up and there is a towing service. There are about seven or nine businesses going on this property

RE: - Chapter 216 Proceeding Barrier Motor Fuels, Inc. (60-A-14.1) - Continuation

that is just suppose to have two things going on. There use to be two or three cars there at a time because they were working on the cars at the gas station. If you go by there, it is like an industrial use with all of the major vehicles. The dirt around there is disgusting. This is a violation of what is permitted in an R-40 use. Clearly, the intent of that motion, was for a minimum variance because they had a hardship. It was not to disturb the convenience, comfort, safety, prosperity and general welfare of the community. What is existing here today is clearly contrary to all of the things that we proposed that year. It is the building inspectors job, as I understand it, to issue the violations to remove these violators and if they don't do that, I would think, the variance they got on the entire property should be taken back and be reverted back to an R-40 District.

Appearance: Tom Vance  
3 Christie Drive, New City

There is oil where they put up the new fence. I do not know where it came from, but it is coming out of the pipe and it is all over the grass going to the road on 3 Christie Drive. Today is the first time I noticed it. The grass is turning a dark fall color.

Appearance: Sandra  
11 Westgate Blvd.

For the last couple of months there has been a fire in the park. There are kids going in there and drinking beer. I chased people from the gas station using Westgate as a test tract. I took my car and chased them. I told them, " if I see you here again, I will call the police". There are a lot of young children in our development and when you are going fifty or sixty miles an hour down a dead-end street, that is a problem.

Supervisor Holbrook stated that relative to this situation here, there are some things obviously the Town Board has to take a look at and measure that up against the variance that was granted seventeen years ago.

Mr. Milich, Building Inspector stated that we have the property maintenance in front of this Board. That violation is issued. They have to appear on February 4<sup>th</sup> in Town Justice Court to answer the charge of all the illegal uses. There is no question that these problems will be resolved, either by Justice Court or the Town Board. We have gone as far as we can go with this Public Hearing and before Justice Court.

Appearance: Richard Monartischef  
4 Christie Drive, New City

David Wagner is the lawyer who is handling this case. His secretary called me on Friday about a pre-trial on January 31<sup>st</sup> prior to the court date previously mentioned.

Supervisor Holbrook stated that from the appearance of what is being said here, it looks like there is work to be done on the property maintenance. There is also issues relating to the code enforcement which is on trial now. On the property maintenance aspect, we push this to the 25<sup>th</sup>. If at that time, the property maintenance is not in total compliance, we will authorize our Highway Superintendent to go in there and bring that property into compliance. In the meantime, we are going to pursue the court case on the use of violations which are being held in Justice Court. Supervisor asked if there was anyone having objections to that course of action at this time.

Appearance: Joan Kay  
Meadow Lane

They put up some sections of new fencing, but in between the new fencing they left the old fencing. It is a slap in the face to the neighbors. The kind of fencing that they put up is the kind that has repeatedly come down. The kids are there at night. Every Saturday and Sunday night, there are litter cans all over Meadow Lane and Christie

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RE: - Chapter 216 Proceeding Barrier Motor Fuels, Inc. (60-A-14.1) - Continuation

Drive. I have called the Town to pick them up. Sometimes they do and sometimes they don't.

Appearance: Michael Goodman  
11 Meadow Drive, New City

During the previous two meetings and tonight, it has been mentioned that Joe's Towing Service is a contract agency for the Town. Might this make the Town a code violator if they are towing on behalf of the Town? Supervisor replied that they are a towing business that occasionally gets called by the Police Department, but that does not legitimize them being at this particular site. That is not an excuse for being there. Mr. Goodman stated when the variance was issued, there were certain conditions as required for landscaping. He requested that everything be brought back to its original condition as the original variance required. Supervisor said that there have been no variances since the variance that was granted in 1982.

Supervisor adjourned this to the 25<sup>th</sup>. At that point in time, on the property maintenance, if we haven't resolved the issues of the oil, fencing and litter, we will take action.. In regard to the court cases on the uses, we will follow up on that. Our argument in court will be that they have to comply with what was in the variance that was granted back in 1982.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing was ADJOURNED, time: 8:19 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN BOARD  
PUBLIC HEARING

Town Hall

1/11/2000

8:20 P.M.

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

RE: -Proposed Local Law - Increasing the Salary of the Superintendent of Highways

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 read the following letter from Edwin J. Day, dated January 11, 2000, addressed to the Town Board Members.

"It is our understanding that consideration for a local law regarding the above subject will be considered at tonight's Town Board meeting. Please accept this communication in lieu of a personal appearance by a representative of our organization.

The Little Tor Neighborhood Association, representing the nearly three hundred families residing in the heart of New City would like to go on record supporting this pay increase for the current superintendent, Mr. Wayne Ballard. It has been our experience that during his tenure, the response of the Highway Department to community concerns has been exemplary. It is our impression that this agency has demonstrated a one hundred eighty degree turnaround under his stewardship. Mr. Ballard continues to bring fresh ideas to the agency, all to the betterment of Clarkstown. Whether this local law is designed to keep a valued employee or to reward performance, it is our opinion it is a meritorious proposal deserving of an affirmative vote. Respectfully, Edwin J. Day, President".

Patricia Sheridan, Town Clerk, read a petition from the employees of the Highway Department as follows: "By submitting this letter to the members of the Clarkstown Town Board, the workers of the Clarkstown Highway Department wish to inform the Town Board of their full support of the proposed local law as titled below, and hereby request that approval of it be given their full consideration:

**"A LOCAL LAW INCREASING THE SALARY OF THE  
SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF CLARKSTOWN"**

Supervisor Holbrook read a letter from Legislature, Theodore Dusanenko. "I will be unable to attend the public hearing regarding increased compensation for the Clarkstown Superintendent of Highways due to my necessary attendance at a County Planning and Public Works meeting. I whole-heartedly support the increase for Mr. Wayne Ballard. Aside from the fact that he is a professional and has turned around and increased the performance of our Highway Department, it would be a great loss to the Town if his services were secured elsewhere. It has been a long time since the Department has been headed by such a capable person, which our town has not seen since the days of the late Fred Seeger. I hope you will concur with this conclusion. Sincerely, Theodore R. Dusanenko, Rockland County Legislator".

Supervisor asked if there was anyone wishing to make a comment relative to this hearing.

Appearance: William Vines, Former Town of Clarkstown Supervisor  
West Nyack

To Mr. Day's letter, I would like to say, amen. Mr. Ballard has been a real revelation in this Town. We haven't had a superintendent like Wayne Ballard since Fred Seeger. I strongly urge you to vote for this law.

RE: -Proposed Local Law - Increasing the Salary of the Superintendent of Highways

Appearance: Gerald Bierker, County Legislature  
Bardonia

He added his support of the petition regarding Wayne Ballard. The men respond to Wayne Ballard's leadership. They are terrific employees and they are giving us 110%.

Appearance: Irene Ryan, Vice President of Keep Rockland Beautiful  
Nanuet

Wayne Ballard has been Keep Rockland Beautiful's very best friend. Shortly after getting into office, he removed 1400 illegally posted signs. Bus shelters and commuter lots are much cleaner. The leaf pick-up was done quickly and well. The Great American Clean-Up is Keep Rockland Beautiful's annual event. Mr. Ballard participated by spending the day with us regarding the litter van problem. The litter van is something Ann Marie Smith suggested he check out in New York City. We now have a litter graffiti van which cleans up litter and graffiti. The litter hot line was started by Keep Rockland Beautiful and the Highway Department has answered over 200 calls. There was a dumping incident in Nanuet last week opposite the Rockland Bakery. The dumpers were a small business from Spring Valley. Thirty to forty white plastic bags of business trash was dumped on that site. The Police were notified and filed an incident report. Keep Rockland Beautiful would like to see the Highway Department have code enforcement powers. Wayne Ballard is a rare find.

Appearance: Bob Jackson  
Nanuet Civic Association

The Nanuet Civic Association also supports the pay increase for the Superintendent of Highways. Since he was elected, he sends a representative to our monthly meetings. They work well with the Police Department. At the Nanuet Civic Association the other night, numerous members stood up and complimented this agency.

Appearance: George Nugent  
President of Valley Cottage Civic Association

He has been a resident for 35 years. Without reiterating all the good things that Wayne Ballard has done and reasons why the local law should pass and an increase should come into being, the unique things about Superintendent Ballard is he brings to the job not only professional confidence, but a vision and the willingness to work with other people.

Appearance: Joseph Schlimer  
New City

It is very hard to follow some of the things that were said. We have to reward the people who do a good job if we are going to keep them. The increase in salary is warranted and should be voted on tonight.

Appearance: Nancy Fuchs  
Nanuet Ambulance Corps Representative

We come here in support of Mr. Ballard's receiving an increase in pay. For the first time in the memory of the Ambulance Corps, this is a man who has gone far out of his way to try and help our Ambulance Corps and help the Town in the process to accomplish something for the betterment of the Corps and the members of the Town by helping us to relocate to another piece of property. This is a man who is not only interested in his salary, he is interested in helping our community to grow, be better and be efficient for the members of the community.

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RE: -Proposed Local Law - Increasing the Salary of the Superintendent of Highways

Appearance: Don Elfers  
Sr. Board of Director for Nanuet Ambulance Corps

Mr. Ballard has spent numerous hours with us over the concern for our emergency service. He has volunteered to do so much in the future to help our dreams come true with our new building. It would be a shame to lose this man.

Appearance: James Komer  
President of Forest Brook Homeowners Association

Wayne should get the pay increase. The backbone of Clarkstown is its labor. Without the labor, there is no head to it. He has brought guidance to the Highway Department.

Appearance: Roberta Banks  
So. Pascack Road, Nanuet

She supports Wayne's increase in salary. It might be time for the Town to consider a Department of Public Works and putting more than just the Highway under Wayne.

Appearance: Arnold Wisenberg  
Pascack Road, Nanuet

Wayne is a professional. He has increased the morale of the people who work with him and I strongly support the increase.

Appearance: Dwight Kearns  
Congers

Mr. Ballard does a grand job. I recommend that the increase be adopted tonight. I do believe there should be a management review of all the salaries of the municipal officers. I believe Mr. Ballard's salary will be either equal to or higher than Mr. Holbrook's. The Chief of Police has a salary far in excess of your Chief Executive Officer. I don't understand that. People recognize that you get what you pay for.

Councilman Maloney stated that he is opposed. Everything that has been said about Mr. Ballard is absolutely correct. I agree with everything that has been said. I was elected to represent the taxpayers of Clarkstown and it is not that we didn't give Mr. Ballard an increase. We gave him an increase from \$83,000.00 to \$91,000.00 which is a 10% increase and now we are asked to give him an increase from \$91,000.00 to \$99,000.00 which amounts to a 20% increase. I don't think there is anybody in the private sector, and I have checked with a lot of people, and nobody that I know of has received a 20% increase in salary working in the private sector. Some people got 5%, some people got 6%. He has done one hell of a job, but I was elected to represent the taxpayers of the Town of Clarkstown. He has received an increase. It is not that he hasn't received an increase. I want to make that clear. We are talking about a 20% increase in salary from \$83,000.00 to \$99,000.00. I agree with the last speaker in that Mr. Holbrook is under paid as the Chief Executive of the Town. If we are talking about merit increases, we have to face in the future that every department head is going to be coming before us and trying to justify why they did not get a 15% or 20% increase in salary. Mr. Ballard has done an exceptional job and he has been compensated for that from \$83,000.00 to \$91,000.00. I think he knew what the salary called for when he ran for reelection. I wish him well, but in conscience and representing the people of Clarkstown, I have to vote 'no' on this. Supervisor Holbrook stated that he appreciates Mr. Kearns' comments about the salaries, but it does not bother him that Wayne Ballard makes more than he does. The compensation that I get is the job that he does. In my years as supervisor, people confuse three "s's" - Supervisor, Superintendent of Highways

RE: -Proposed Local Law - Increasing the Salary of the Superintendent of Highways

and Superintendent of Schools. If the Highway Department does not function as it should, it creates a lot of problems. Our Highway Department has done an outstanding job particularly under Wayne's leadership. It is no secret why the County wanted him. They wanted him to do the job there that he has done here. Between Tobin, Ballard and the Department of Environmental Control with Luke and Ralph Lauria and all the people associated with that operation, this town was served exceptionally well. No other town even comes close to the amount of money that FEMA is providing. They haven't written stories about that in the paper and they are not going to pat these people on the back, but I know what the difference is. We were able to get equipment. We were able to get projects finished, fixed and up to date that would have taken decades to get around to. The fact that I don't make as much as he does now, does not bother me because the reward is that it makes my job a lot easier as Supervisor when my desk isn't cluttered with a hundred messages about the Highway Department. I think it is deserved.

Councilwoman Lasker feels that Wayne Ballard has done an excellent job. In the long run with having Wayne Ballard as Superintendent of Highways, we saved the taxpayers a lot more money than the small increase we are giving him. She is glad we are keeping him in the Town of Clarkstown.

There being no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (67-2000) ADOPTED, time: 8:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 67-2000 ADOPTED)

TOWN BOARD  
PUBLIC HEARING

Town Hall

1/11/2000

8:44 P.M.

Present: Supervisor Charles E. Holbrook  
Council Members Lasker, Maloney, Mandia, and Smith  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

RE: Proposed Local Law - Providing a Tax Exemption on Real Property Owned by  
Members of Volunteer Fire Companies or Volunteer Ambulance Services

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

Supervisor Holbrook said that this is a local law that stemmed from legislation from the State which gives municipalities the ability to grant. Other towns have granted it. We wanted to do this by taxable status day which is March the 1<sup>st</sup>. That is the reason why this public hearing is being held at this point. Supervisor asked Mr. Fogel, Deputy Town Attorney to give the highlights of what the law provides.

Phil Fogel stated that this law was enacted pursuant to provisions of New York State Law which was passed and signed by the Governor some time in October or November of last year. It basically provides for an exemption of 10% of the assessed valuation of their real property multiplied by the State Equalization rate not to exceed \$3,000.00 in any case. In order to qualify, a member of the corps must be a member for at least five consecutive years and must be certified as an active member by whoever the director of the corps may be. This is on the Town tax. There is no application to the school tax. It only has application to a primary residence. If a property is owned partially as a primary residence, and partially in some other status, then only a portion of the property will be subject to the exemption.

Supervisor asked if there was anyone present wishing to make a comment.

Appearance: Donald Tracy, Esq.  
New City

Mr. Tracy asked if a volunteer fireman has his house in his wife's name and resides there with her, is he qualified? Would a volunteer fireman who rents a residence in the Town of Clarkstown qualify under that definition? Mr. Fogel responded that the answer is negative to both questions. Mr. Tracy asked if a fireman has his house in his wife's name and he resides with her, he is not eligible? Mr. Fogel responded, that is correct. Mr. Tracy thinks that is discriminatory because a lot of firemen who are subject to possible claims of negligence put their houses in their wife's name for liability protection. Supervisor stated that right now we are operating on what the State has given us permission to adopt. There might be some refinements to the law later on. Basically, what we have now is what's been adopted. Mr. Tracy asked if primary residence mean ownership? Mr. Fogel responded, yes. Mr. Tracy stated he disagreed. Supervisor asked Mr. Tracy if he was in favor of this. Mr. Tracy responded, absolutely.

Appearance: John Lodico  
New City

He supports the proposal for this exemption, however he thinks it is important that we keep in mind the rules and regulations that relate to qualifying for the exemption. Mr. Lodico reflected on his years as a young volunteer fireman and feels that there should be an attendance ratio. Just being a member should not qualify a person.

RE: Proposed Local Law - Providing a Tax Exemption on Real Property Owned by Members of Volunteer Fire Companies or Volunteer Ambulance Services

Co. Mandia stated that when this proposal was first brought to our attention, the question Mr. Lodico raised was raised by myself and I am sure my colleagues. I have spoken to various people and certainly the chiefs and the fire commissioners are going to make sure that certain standards apply as to whether a person is truly a contributing member. On the other hand, I certainly believe this is something we should do, I want you to understand that this is a very small thing just to show our gratitude for these people without whom, I don't think, the Town could survive. It is 10% with a maximum of \$3,000.00. The average home in Clarkstown is assessed at about \$133,000.00. You are talking about two or two and a half percent of the Town taxes alone. It is not an enormous amount of money, but it is something, we should do to recognize the magnificent contribution they make to us. This is just a small token of our appreciation if we enact this as the State has. There are controls in place to assure that the people who enjoy that small benefit are really participating as they should.

Appearance: Gerold Bierker, County Legislature  
Bardonia

A number of us in the County Legislature will be introducing a motion to allow the members of the fire and ambulance service to have tuition abatement at Rockland Community College. We get our volunteers when they are young. It is in their blood and that blood comes to the surface at about sixteen years of age. We would like to keep these young people in our Town attending Rockland Community College getting a tuition abatement for their effort. I applaud the Town's position. I speak also as a former member of the Nanuet Fire Engine Company and I know the token appreciation will be deeply marked.

Appearance: Nancy Fuchs  
President of Nanuet Community Ambulance Corps

Ms. Fuchs requested that the Board pass this motion and stated that part of the reason that this will be so important to the Ambulance Corps and to the Fire Departments is that we have had a problem over the course of years maintaining membership. Unfortunately, what happens is we get the young people. They are interested. We get them trained and then they have to leave Clarkstown because they can't afford to live here. We need an incentive to get the people to stay here. I have been a member of the Ambulance Corps for twenty-six years. If there was some incentive given by the Town to have these people remain here, to help them to afford to live here in condos or in homes, that would help the Ambulance Corps maintain the people they have spent their time, effort and money in training and have more experienced people. We are having a tremendous difficult time manning the ambulances. The fire companies have the same difficulty because our young people have to leave. They can't afford to stay here. There are only a few members of the Ambulance Corps who would currently benefit from this program. It is not going to be a tremendous expenditure. If we can keep the young people in the Corps and in the Fire Companies, it will be a program that will grow and benefit the Town in other ways.

Councilman Mandia stated that there are several members here involved in fire and ambulance work. Clearly, the comments by Ms. Fuchs and Mr. Bierker about the young people points to the possibility that some of these young people live with their parents and as a result don't own a home. Therefore, they will not be participating. Is there any other ideas out there or any other facts to come before you, please bring them forward to the Town Board.

Councilwoman Smith stated that currently additional requests have been sent to the State to include the Police Auxiliary. If that is not acted by the State, I would like to add that to our resolution also. I think as this progresses everything that Ralph said will be discussed later on.

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Page 3

RE: Proposed Local Law - Providing a Tax Exemption on Real Property Owned by  
Members of Volunteer Fire Companies or Volunteer Ambulance Services

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (68-2000) ADOPTED, time: 8:48 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (68-2000) ADOPTED

TOWN BOARD  
PUBLIC HEARING

Town Hall

1/11/2000

8:50 P.M.

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

RE: Special Permit to Conduct a Landfill Operation: Capasso (5-A-27)

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 stated that the basis of this public hearing was to take testimony and for the Town Board to consider it. At this time, our Town Attorney advised us not to make a decision tonight because of the moratorium. This meeting will be taking the testimony, closing the public hearing and reserving decision.. Supervisor asked the applicant or his attorney to come forward and make their presentation.

Appearance: Everett Johns, Esq.  
McCormack, Damiani, Lowe & Mellion

The application tonight is an amendment of an original petition that was granted by this Board. The application and testimony of the original petition as to the requirements of the Special Permit have already been founded by this Board. This particular piece of property that is involved is about a 5.77 parcel of land situated on the east side of Pascack Road in the vicinity of Will Rogers Road in the Spring Valley section. He gave the Board a copy of the map. The location is closer to the Nanuet area rather than Spring Valley. The original permit was granted by this Board June 9, 1998. The applicant, Mr. Capasso, had commenced the filling of the site pursuant to the permit, but during the course of the filling, the County drainage agency by its representative, Mr. Cohen, had authorized Mr. Capasso to make additional filling on that site without further approval of the Department of Environmental Control in the Town of Clarkstown. The question has been raised as to the excessive fill on the site. In addition, there was some questions raised or alleged of some contamination of the fill. In that connection, the Town Board took action by rescinding the special permit this year so that all work had to stop. The Town Board authorized the engineering firm to make an environmental study to determine if there is anything other than clean fill at the site. Such a report was rendered to the Town Board. The report indicated after they had made eight findings, that there was no contamination of the site as far as the sanitary landfill is concerned. In addition the report indicated that the removal of yard waste and wood would be recommended. The applicant has ceased all work on that site. At the request of members of this Board, an application was made to amend the special permit to cover the area of the additional fill which had been recommended by an engineer from the County drainage agency who is here this evening. There will be no more additional fill. There will be certain areas that it will be spread to that it wasn't spread to before. A copy of the map prepared by Ted Atzl has been filed with the Department of Environmental Control. It shows location and the elevations of this additional coverage. Since this a highly technical situation of sanitary landfilling, he asked the engineer from the County drainage agency to appear on behalf and in support of this application. He asked Mr. Richard Cohen to step up and appear before the Board.

Appearance: Richard Cohen  
Engineer for Rockland County Drainage Agency

Mr. Cohen was sworn in by Supervisor Holbrook. He went over some of the items that are in the Petitioner's request as follows: The petitioner would like to retract

his former request to bring in more fill. No additional fill will be brought in now which is in compliance with the Teconic report recommendations. He will remove from the site all wood, yard waste and any other debris and continue removing any dumping of debris and junk by others until completion of the development. He will remove from the site any other deleterious material discovered during the grading of the existing fill. He will secure and maintain any silt fence and erosion control devices that have been moved or disturbed. He will maintain the asphalt road pavement installed and paid for by the petitioner known as Will Rogers Lane (formerly a dirt road). He will be allowed to keep the fill brought in rather than move it out and bring it back later after site plan approval. (The Town DEC and County Drainage Agency both prefer this as there will be fewer disturbances to the site and roads). He will regrade and slope the existing fill towards positive drainage in accordance with a drainage grating plan which the DEC of Clarkstown requested Mr. Capasso to do, it was dated June 2, 1999. He will stabilize the regrade existing fill and site with sealed and other erosion control measures and protect topsoil by silt fencing and or plastic sheeting. He will place "no dumping" signs along the perimeter of the property. He asked that the Town's stop work order be lifted on the site so that the before mentioned items can be accomplished and prevent further costly delays. After all the work is done, we will ask Mr. Capasso to comply with a statement of Compliance and Findings of the grading of the fill which will be submitted to the Town within 30 days upon completion of operations. This project was identified by the County in a study of the Pascack Brook. The project was funded for over \$200,000.00 which didn't include the engineering. Together with Clarkstown and the developer, we have been working together to get this project done at no cost to the taxpayers. This project will reduce the 100 year water level on two houses on Will Rogers Lane. It will remove the 100 year flooding at two houses on Steep Hill Road and one yard of a third house. It will remove the 100 year flood from one half of Corral Street which goes under water and is 150 feet of street. It will take 380 linear feet of Steep Hill Road out of the 100 year flood plain. These are all the benefits the County had identified with this project.

Appearance: Everett Johns, Esq.

Mr. Johns asked Mr. Cohen, as an engineer, if he fully supported this Petition of Mr. Capasso. Mr. Cohen responded, that is correct. Mr. Johns asked the Board to consider the fact that the increase in fill was recommended by the County Drainage Agency. Mr. Capasso did not do that in violation of the original Special Permit. The remediation of what is taking place will benefit the entire site. He asked the Board to consider granting the application for the Amended Permit including the removal of the stop work order.

Appearance: Norma Tullo  
Will Rogers Lane, Nanuet

Half of the things that were just said are very untrue. Corral Street has not flooded in 20 years. I have lived on Will Rogers for forty years. Nothing has happened to my house until they monkeyed around with that brook. I don't blame Mr. Capasso. I blame the builder next door that was told to dump all the necessary fill there. My house is flooded. I hope FEMA gives us some money to fix Pascack Brook.

Supvr. Holbrook stated that the County has put in for that money. Pascack stream is a County stream. He asked Mr. Cohen if that was his bailiwick. Ms. Tullo stated that it was and Mr. Cohen has been to her house. Supervisor said that one of the problems is that it is a County stream. There is more work that needs to be done on the Pascack stream.

Ms. Tullo stated that she has \$25,000.00 in damages with Floyd. Mr. Capasso has had a bulldozer there for the past three weeks. The Planning Board referred this to you. He was not suppose to do anything until he got permission from the Town Board. Supervisor stated that he has not gotten that yet. Ms. Tullo asked why the bulldozer has

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been there for five and six days a week starting at 7:00 am and working all day long when he doesn't have the permission to do that. She is not against Mr. Capasso building those

houses. In fact, it would be wonderful to have the dump that he created there fixed up with houses, but it has to be done right. He has been causing a lot of trouble. We are continually flooding. Denis Letson is not in favor of what Mr. Cohen is saying. Supervisor said that the Town Board granted a permit to fill on a certain spot and then the County got involved and gave him permission to fill in another spot or continue filling. The Town Board never gave that approval. That resulted in the stop work order, the testing of the additional stuff and the reason why we are here this evening. The problem has been with the County pushing their agenda and the Town giving permission for a certain spot to be filled. Ms. Tullo said that after he finished the channel, he put in all kinds of shrubbery. All that shrubbery has been washed away. It has been washed away before Floyd.

Appearance: Lorraine Danser  
Will Rogers Lane, Nanuet

The bulldozers have been on that property every day sometimes before seven o'clock on weekends. She asked what house will be taken out of the 100 year flood zone that Mr. Cohen referred to. She had a large amount of damage due to Floyd. Mr. Cohen responded, "the two houses that are shown on the hydraulic analysis that the County did are the two houses next to Mr. Bogard. Both of them will receive the benefit from this project. The bulldozers that were there were part of the work that was done to rebuild the wall that got blown out and also raise some of the wall that the County surveyors found out didn't reach the height. Either it settled or the contractor who put it in missed it by six or eight inches. This is a benefit for this project. We spend hundreds and hundreds of hours answering questions, showing people maps and trying to fight to save the trees, prevent the flooding, prevent mosquito breeding places. We got the job for nothing. We saved over \$250,000.00. I spent hundreds of hours trying to defend a project that looked beautiful. Everybody was going to win on this. I don't understand why the residents resent the project". Ms. Danser said that the last big storm was a hurricane and she cannot attest to how much flooding she would have had if it were not a hurricane. She has lived on Will Rogers Lane for twenty-four years and there was one other time where she might have had an inch to two in her basement. This time, she had five feet and had to be pumped out by the Fire Department. Mr. Cohen said that Floyd was more than a 100 year flood. In addition, a dam broke. There was a lot of situations that made this storm a disaster.

Appearance: Arnold Weisenberg  
Will Rogers Lane, Nanuet

He lives adjacent to Mr. Capasso's property in the southeast corner of Will Rogers Lane and South Pascack Road. To some extent, he is one of the most affected. The property did not get a clean bill of health. The recommendation of Teconic was that additional test pits be dug at test point 16 where it already shows hydrocarbon contamination and they suggest that these tests be done with an engineer on site to direct where it is taken from. The Atzl map you refer to is not the grade that is suggested for the property. It is where the dirt is now. He would love to see this property built on and see valuable houses on it. In addition, he would like to see that Mr. Capasso is not charged the \$13,000.00 or \$14,000.00 that was spent for the survey. He believes that money was spent because the DEC did not adequately supervise on a truckload by truckload basis as they were mandated to do by 5/15/98 resolution. If you ask the DEC what they got there, they say, I don't know, we've never been there. That expense was spent in lieu of salary that should have been spent to supervise the property. Mr. Cohen says that many houses benefit from this. Corral Street is still at elevation 335. Will Rogers Lane is still elevation 336. The improvement ends at Will Rogers Lane. You have a sluice way that is 338 feet of elevation (five feet high). When the water reaches the end of that, it doesn't go down the stream bed because you want it to, it goes where it is convenient. The stream is obstructed, it goes east, west and south. If the water does not come into Corral Street from the north, it comes from the south. So what did you

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do? You authorized raising the thing another 18". It is now at height 340', not 338'. He drew and read the area that is at

elevation 340' that would be damaged by water escaping at the end of the sluice way and the houses that are not protected. Several houses are now flooded by this. Mr. Capasso's property has been raised to 340' and presumably would be graded at one foot per one hundred feet. From there upwards is out of that area. Rather than helping the area, what has happen, is you have taken 12,000 odd cubic yards of water now displaced by 12,000 cubic yards of excess fill. You are causing that 12,000 cubic yards of water to go elsewhere. That does not solve the problem. In June of 1997 while he and his wife were on vacation, they cut down all the trees. Filling began in June of 1997 and it wasn't until June of 1999 that a resolution was passed granting a permit to fill. That resolution allowed 3,780 cubic yards of fill to fill to the limit of disturbance as approved by Brookers Plan WR 1. By the time the permit was granted, there was 8,000 yards of fill. Under the guidance of the DEC who should have been looking after this an additional 8,500 was placed over the next nine months. Now we have 16,000 when the Board clearly authorized 3,780. A grading plan needs to be provided. Taking the topsoil, covering it with plastic and putting "no dumping" signs is not appropriate for a residential neighborhood. He has grave concerns about who is going to supervise this plan. The resolution of 5/15/98 was not overseen properly.

Appearance: Mark Boyle  
9 Bitter Drive, Nanuet

The trees that were taken down were from his yard. He is floored that Mr. Cohen said that he wants to fight mosquitoes. If you want to fight mosquitoes, come to 9 Bitter Drive. He has been fighting this for twenty months and it comes down to enforcement. There were guidelines put out there for the development on Brierwood. They were clear. They were filed with the State. Was this filed with the State DEC? He is putting a book together that shows the violations and the lack of enforcement that was done. Any development over five acres, you have to file a State DEC permit. He said that his back yard is a dump from Floyd. He asked who hired Teconic. Supvr. Holbrook replied that the Town hired Teconic and Mr. Capasso paid for it. The Town or the County needs to put somebody there every day to check every truck going in there and answer for it. The Town should not pay for that. Capasso should pay for that. Co. Maloney asked Mr. Boyle if he was opposed to this Special Permint. Mr. Boyle replied, absolutely.

Appearance: Martin Bernstein  
New City

There is a lot of technical questions. Shouldn't the Environmental Department be looking at this and giving recommendations to the Town Board so the Town Board knows how to decide this on a professional basis. Supvr. Holbrook replied, we will get that input, but at this juncture because of the way this is involved, this is like war and peace. It took myself ordering the police to go there and stop the work. Mr. Bernstein asked if the Dept. of Environmental in Clarkstown has been involved in this. Supvr. Holbrook stated, they have been. The Special Permit was there to sell a certain amount of property, then the County gave permission to sell additional property. The Town collectively was remiss in enforcing and putting a stop to that at lot sooner. It took residents and the Clarkstown Police to stop the operation over a year ago. We have been working on this from that day to this. It has been exacerbated by Floyd. The residue of Hyenga Lake is there and that has to be cleaned up. When the FEMA people were here, we had a meeting with Sue Sherwood from the County who was operating the County Stream team and Mr. Lawer who was with me at the time, we said that if the County wasn't going to put in for Pascack, we would because something had to be done. That issue has to be addressed before we grant anything here. What happens to the junk that is in the stream and what happens to the site beyond this down to Convent Road because that is where this water is heading. Mr. Bernstein asked if the Town should be receiving an engineering report analyzing what the County is saying and suggesting what we should approve before anything is done. Supervisor said that the answer is yes, but the

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DEC has disagreed with the County because they feel that the County allowed Capasso to fill there illegally and gave him improper permission. Mr. Bernstein asked who enforces stop orders in the Town. Supervisor replied, if necessary, the Clarkstown Police. Mr.

Bernstein stated that the Town Board should have engineers from the Town to represent them from day one so that you know what is right and what is wrong.

Appearance: Bob Jackson  
76 Briar Road, Nanuet

He met twice on this matter. Once in the Andrew Jackson Room and that day Luke Kalarickal and a bunch of engineers were there. He left that meeting believing the Town was going to move ahead with remediation on that stream from Will Rogers to St. Agatha. We met another time on the new bridge. Denis Letson, Wayne Ballard, Mr. Pomberberg and Mr. Cohen were at that that meeting. Again, they talked about the stream and everything was going to move ahead and remediation would be done to help these people. Supervisor asked Luke if there was anything on FEMA on this particular part of the stream. The answer was that we put that in as one. Mr. Jackson never heard FEMA mentioned at the meetings. He thought that the Town was going to apply for permits to do some work there. Supervisor said we were going to apply through FEMA. This is a County stream. We are concerned about what happens from Will Rogers Lane to Convent Road. It is more than cleaning. That whole stream needs to be channeled or remediated so that it is not going to flood. We are waiting for FEMA to get back to us. Mr. Jackson agrees with Mr. Boyle on enforcement. He didn't see enforcement. It always seems that we have to go to the Clarkstown Police to get any enforcement. They are the only ones who will listen to us. The wood chips on Blue Heron are still there. After leaving the first meeting, he was under the impression that there would be people digging the stream out and making it better for everyone. Co. Maloney asked Mr. Jackson if he was in favor of this resolution and the way it is worded. Mr. Jackson replied, he is as long as the stream is remediated and we have some sort of time table that we could all agree with that the work will be done from Blue Heron to Convent Road. If the Town and County do the work that they are promising, the gentleman should be able to build on his property. Supervisor said that nothing is going ahead until everything is hammered out.

Appearance: Roberta Banks  
135 So. Pascack Rd., Nanuet

The property in question is directly across the street from her property and the view is like a dump. A lot of the things that have been brought to your attention are not Mr. Capasso's problems. A lot of them were created by Mr. Herskowitz. It is only fair to the neighborhood to allow Mr. Capasso to spread the fill. He does not want to put anymore in. We want this stop work order lifted. We want the property ameliorated. We want the mess that is there straightened out. She does not want any "no dumping" signs. That is not going to do any good. If it looks like inhabited property instead of a Clarkstown landfill, people will stop dumping on it. She is in favor of Wayne's raise and feels it is time for Clarkstown to have a department of Public Works headed by a professional engineer.

Appearance: Tom Burke  
Clarke Drive, Nanuet

Nobody mentioned the north side of the brook and he wanted to know what is going to happen at the end of the brook by the Orange & Rockland substation. He has been living in the County for thirty-two years.

Appearance: Michael Baronio  
38 Will Rogers Lane, Nanuet

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He lives adjacent to the property and next to the brook. He was not one of the people who were flooded by Floyd. He looks at a very unsavory situation that has existed for quite some time. The resolution should be passed. The land should be graded

and things done to improve conditions. This Board has to make an effort to see that the project is completed. That project was suppose to go past his property, along the brook, but it is not being done.

Appearance:           Anthony Capasso  
                              83 Waters Edge, Congers

He wishes he could get things resolved. The County did see a need for a safety margin over the stream for future housing. As far as the stop work order, he was humiliated. There was nothing posted or directed to him to stop the filling. He thought there was suppose to be a council brought together by the Town Board to evaluate it. As far as the tree cutting and clearing, he was advised by the Town DEC to do a filling and to cut down the trees which everybody says he violated. He did not bring in any equipment. That was done by Mr. Herskowitz. He would like to get things cleaned up and clear himself. He feels that he is the one who is being held hostage. The County DEC said there was an advantage to the fill that was brought in.

Supervisor asked Mr. Cohen to come forward. Mr. Cohen spoke at great length regarding this issue.

Supervisor Holbrook said that they were going to reserve decision. We want to clarify what kind of work is going to be done on the stream from the County or the Town.

Mr. Johns stated that this is an amendment of an original permit that was granted. He asked the Board to withdraw the stop order and grant this Special Permit.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESERVE DECISION, time: 10:07 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk