

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

2/08/2000

8:00 P.M.

Present: Supervisor Holbrook  
Council Members Lasker, Maloney, Mandia & Smith  
Philip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

A member of the Anthony Moscarella American Legion Post 199 of Spring Valley presented the Friendship Award to the Clarkstown Baseball Association for their support of events in the American Legion baseball program. They presented a plaque to the Town Board which was to be put in the Andrew Jackson Room.

Supervisor opened the public portion of the meeting

Appearance: Martin Bernstein  
New City

Asked if Item No. 3, Comprehensive Plan, designated places or definition.

Appearance: John Lodico  
New City

Spoke regarding reviewing senior citizen housing and questioned ARCO being in charge. The Town should investigate. Regarding the sanitation pick-up, the contract states pick-up should be 100 feet back from the street not at the curb.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding (Property Maintenance): Barrier Motor Fuels, Inc. (continued) was opened, time: 8:02 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding (Property Maintenance): Barrier Motor Fuels, Inc. (continued) was closed, ADJOURNED, time: 8:05 P.M.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance Regarding Child Day Care as part of the Clarkstown Comprehensive Plan Implementation (continued) was opened, time: 8:06 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance Regarding Child Day Care as part of the Clarkstown Comprehensive Plan Implementation (continued) was closed, ADOPTED, time: 8:07 P.M.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance Regarding Assisted Care Living and Senior Citizen Congregate Housing as part of the Comprehensive Plan Implementation (continued) was opened, time: 8:06 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance Regarding Assisted Care Living and Senior Citizen Congregate Housing as part of the Comprehensive Plan Implementation (continued) was closed, ADOPTED, time: 8:07 P.M.

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RESOLUTION NO. (138-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board has adopted a Comprehensive Plan as of September 28, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to consider amendment to the Zoning Ordinance consistent with said Comprehensive Plan, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 3, 2000, provided for a public hearing on January 25, 2000, at 8:00 P.M., or as soon thereafter as possible, to consider the adoption of the proposed amendments set forth herein to the Zoning Ordinance of the Town of Clarkstown, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a Full Environmental Assessment Form pursuant to SEQRA, from its consultant, Robert Geneslaw, which the Board has discussed and considered such report in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the full EAF report of Robert Geneslaw dated January 25, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be it and hereby is amended as follows:

**AMEND §290-3. Definitions, to add the following definition of "Child Day Care Center"**

"CHILD DAY CARE CENTER - A facility licensed by New York State pursuant to the Social Services Law that provides care for seven (7) or more children, for more than three (3) and less than twenty-four (24) hours per day, in premises other than the residence of a care provider, and for children between the ages of 6 weeks to 12 years of age."

**Amend Table 10, Table of General Use Regulations for LS District, Column 3, Item B, by adding new item B "2" to read as follows:**

"B-2. Child Day Care Center, subject to site plan approval by the Planning Board, which approved site plan shall accompany the application for special permit."

**Amend §290-17. Additional requirements for certain special permit uses, by adding article "Z" as follows:**

## RESOLUTION NO. (138-2000) continued

"Z. Child Day Care Centers, subject to the following conditions:

1. **Licensing.** The Child Day Care Center must be licensed under the provisions of the NYS Social Services Law or successor agency.
2. **Application Narrative.** The special use permit application shall be accompanied by a narrative description of the anticipated occupancy of the facility by age group, i.e., infant, toddler, and school age, the hours of operation of the facility, staffing, food service and sanitary provisions.
3. **Floor Plan.** A preliminary floor plan of the child day care center shall be submitted.
4. **Parking.** One parking space shall be provided for each 350 square feet of gross floor area, exclusive of exterior play areas. Additional parking spaces shall be provided for drop-off and pick-up of children at a rate of one (1) parking space per thirty (30) children. Said spaces shall be provided directly in front of the facility along an internal driveway or in an approved parking area. The most appropriate location for drop-off parking shall include a consideration of emergency access, and shall be determined by the Planning Board during site plan review. The drop off location shall be clearly posted with appropriate signage or pavement markings. Fire lanes shall not be used for drop-off areas. Staff shall have separate parking; one space for every two at peak time.
5. **Outdoor play area.** The minimum outdoor play area as required for licensing purposes shall be provided. Outdoor play areas shall be located a minimum distance of twenty-five (25) feet from any lot line or from any parking area, and fifty (50) feet from any public right-of-way, provided, however, that the Planning Board may vary this requirement on a case-by-case basis to ensure that play areas are adequately screened and buffered from vehicular areas. Outdoor play areas shall be directly accessible from the principal structure, and shall not require crossing any street, driveway, or parking area for access. The Planning Board may, as part of site plan review and in consultation with the prospective operator, modify the area requirement to apply only to the largest age group enrollment scheduled to use the outdoor play area at one time.
6. **Minimum indoor play area.** The minimum indoor play area as required for licensing purposes shall be provided. Areas used for large motor activity, staff lounges, storage spaces, halls, bathrooms, kitchens and offices shall not be included in the calculation of the applicable per child requirement.
7. **Noise and Visual Screening.** Operation of a child day care center shall be conducted in a manner which minimizes any impacts to adjoining residential uses or residential zoning districts. In particular, noise shall be minimized and visual screening shall be provided. Outdoor play areas shall not be located in any required buffer area. The Planning Board shall determine the appropriate combination of materials to buffer and screen the center, which may include a combination of berm, fence and landscape materials. Consideration shall be given to situating the building on the site to attenuate and block noise generated by traffic and the outdoor play area.
8. **Ingress and Egress.** Said facility shall provide a minimum of two (2) exits.
9. **Other Standards.** Child day care centers shall adhere to the requirements of the New York State Uniform Fire Prevention and Building Code, as well as all other applicable sanitation, health and traffic safety code requirements.
10. **Multi-Story Buildings.** If the child day care facility is part of a multi-story building, any floor being used that is part of a multi-story building, shall have ground level entry.

RESOLUTION NO. (138-2000) continued

11. Hallways with a length of twenty (20) feet or greater between the building exterior and the child day care center shall be prohibited.

12. Traffic Considerations. Due to the special occupancy of a child day care center, a center shall be situated on properties which afford safe internal and external traffic circulation. In order for the Planning Board to make this determination, a traffic impact study may be required with the special use permit application and shall include, but not be limited to: a traffic capacity analysis, sight distance calculations, study of internal traffic circulation. The study shall include the submission of traffic data from existing comparable facilities. The Planning Board may impose reasonable conditions, including but not limited to restrictions on traffic flow and direction into and out of the center, based on the results of the traffic impact study.

13. Security. A child day care center may be developed in a location where it abuts office or retail space that is transient in nature. To ensure adequate safety to the occupants of the child day care center, the applicant shall demonstrate that reasonable measures may be implemented to secure the center from entry by persons other than employees, children being cared for, and their parents or guardians. Security measures may include, but are not limited to, appropriate locations for lighting, and internal security systems.”

and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (139-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board has adopted a Comprehensive Plan as of September 28, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to consider amendments to the Zoning Ordinance consistent with said Comprehensive Plan, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on December 14, 1999, provided for a public hearing on January 25, 2000, at 8:00 P.M., or as soon thereafter as possible, to consider the adoption of the proposed amendments set forth herein to the Zoning Ordinance of the Town of Clarkstown, and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a memorandum report pursuant to SEQRA from our consultant Robert Geneslaw, and

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RESOLUTION NO. (139-2000) continued

recommendations from the Clarkstown Planning Board, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the memorandum report of Robert Geneslaw dated January 21, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be it and hereby is amended as follows:

**Schedule "A"**

**PROPOSED AMENDMENTS TO THE TOWN OF CLARKSTOWN ZONING ORDINANCE - COMPREHENSIVE PLAN UPDATE PROJECT**

**Delete from the MF-1, MF-2, MF-3, R-10, R-15, R-22, R-40, R-80 and R-160 districts in Column 3 of §290-11A:**

"Convalescent and nursing homes, and institutions for children and aged, whether or not operated for profit, provided that no building is located within 100 ft. of any lot and the lot has an area of at least 3 acres."

**Amend in the CS, LS, PO, LO, RG-1, RG-2, R-10, R-15, R-22, R-40, R-80 districts in Column 3 of §290-11A from:**

"Agency boarding homes, agency group homes, agency community residences and special care homes."

**to read as follows:**

"Agency boarding homes, agency group homes, agency community residences and residential care facilities for victims of domestic violence."

**Add the following definitions in alphabetical order to §290-3:**

**Assisted Care Living Quarters** - A facility consisting of a building, or a group of buildings in a campus setting, for residents who need assistance on a daily basis and are provided with such assistance, consisting of housekeeping and linen services, transportation for shopping and other needs, prepared meals served in quarters or in common with other residents, planned on-site leisure and recreational activities and limited access to licensed professionals for consultation and evaluation, and where other professional services are provided by independent licensed professionals not on staff."

**Convalescent Home** - A facility, other than a hospital or nursing home, where persons recovering from illness, not needing the level of care provided by a nursing home, are provided with lodging, meals and sufficient staff assistance to assist in the gradual recovery from prolonged illness."

**Residential Care Facility for Victims of Domestic Violence** - A facility established in accordance with the provisions of Article 6A of the Social Services Law."

**Senior Citizen Congregate Housing** - A facility consisting of a building, or a group of buildings in a campus setting, which serves as a residence for persons age 60 or older, who do not need daily assistance and can live independently, but where meals are available in a dining room setting. In addition, housekeeping, linen, laundry services and

RESOLUTION NO. (139-2000) continued

other amenities may be provided. No licensed professional medical care or related services are directly provided."

**Amend the presently existing definition of "Nursing Home" in §290-3 from:**

"Nursing Home - A building other than a hospital where persons, except insane, feeble-minded, drug addicted or alcoholic patients are lodged, furnished with meals and nursing care for hire."

**to read as follows:**

"Nursing Home - A licensed facility, other than a hospital, where elderly or infirm persons who are unable to care for themselves are provided with twenty-four hour care consisting of lodging, meals, personal grooming and cleaning, supervision for medication, and other therapeutic needs, recreation and companionship by trained and licensed staff."

and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (140-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of January 25, 2000 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. (141-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Executive Master Builders, Inc. furnished to the Town of Clarkstown a Performance Bond secured by a certified check in the amount of \$19,940, to cover the improvements and other facilities as shown on the final plat of Austin Homes, which was filed in the Rockland County Clerk's Office on May 18, 1999, and

RESOLUTION NO. (141-2000) continued

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$3,500, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Performance Bond in the amount of \$19,940 be reduced to \$3,500.

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. (142-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendations of the Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Maintenance Bond in the amount of \$5,225.00, in connection with the dedication of the road(s) and improvements on March 25, 1997, in a subdivision known as Waterview Estates is hereby terminated; and the sum of \$5,225.00 may be released to the guarantor.

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. (143-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendations of the Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Maintenance Bond in the amount of \$4,640.00, in connection with the dedication of the road(s) and improvements on June 27, 1995 in a subdivision known as Naurashaun Brook II, is hereby terminated; and the sum of \$4,640.00 may be released to the guarantor.

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. (144-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Division of Criminal Justice Service (DCJS No. LG9999-8366) has appropriated funds for the purpose of financing the purchase of supplies for the D.A.R.E. program and for the purchase of a motorcycle for the honor guard by the Town of Clarkstown Police Department, and

WHEREAS, the State shall provide \$4,000.00 to the Town of Clarkstown Police Department for supplies to the D.A.R.E. Program, and \$5,000.00 towards the purchase of a motorcycle for the honor guard, for the period covering April 1, 1999 through March 31, 2001.

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 totaling \$9,000.00 to cover the purchase of supplies for the Dare Program and the purchase of a motorcycle for the honor guard by the Clarkstown Police Department, for the period to April 1, 1999 through March 31, 2001.

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. (145-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with PHOENIX SYSTEMS & ANALYSIS, INC., in a form satisfactory to the Town Attorney, for computer consulting and technical services, and be it

FURTHER RESOLVED, that said agreement shall commence on February 1, 2000 and shall expire January 31, 2001, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$75.00 per hour, and shall not exceed \$5,000.00 without further authorization of the Town Board, and such hours shall be designated by the Director of Automated Systems, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that the fee for said services shall be charged to Account No. A 1680-409.

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. (146-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into agreements, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for the year 2000 to the following non-profit organizations in the following amounts:

Big Brothers Big Sisters	\$1,000
Rockland County Council for Senior Citizens, Inc. (Foster Grandparent Program)	\$1,000
Home Aides of Rockland, Inc.	\$1,400
Camp Venture, Inc.	\$5,000
Rockland Community College Senior Citizens Club	\$4,500

and be it

FURTHER RESOLVED, that the total amount of \$12,900 be transferred from Account No. A 1990-505 to Account No. A 8840-424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 2000, and are to be charged against Account No. A 8840-424.

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. (147-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Rockland Lawn Sprinkler, Inc., in a form satisfactory to the Town Attorney, to provide sidewalk plowing at the rate of \$225.00 per hour, for a period to expire on April 1, 2000, and be it

FURTHER RESOLVED, that the fee for said service shall be charged to Account No. DA 5142-443.

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. (148-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the return of \$183.56 paid as penalty interest on taxes for property owned by Janie Zambito, 76 South Harrison Avenue, Congers, New York.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . No  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (149-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placing of a full page advertisement for the Town of Clarkstown in the 2000 Suburban Business Outlook Section of the Journal News on March 12, 2000 and March 19, 2000, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$4056.00 which shall charged to Account No. A 6410-405.

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. (150-2000)

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:

B & Z DEVELOPMENT, INC.  
19 West Street  
Spring Valley, NY 10977

EDWARD DE LEONARDIS  
EXCAVATING, INC.  
328 Fulle Drive  
Valley Cottage, N. Y. 10989

RESOLVED, that the following Certificates of Registration be issued:

No. 2000-7 B & Z DEVELOPMENT, INC.  
No. 2000-15 EDWARD DE LEONARDIS EXCAVATING, INC.

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. (151-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is desirous of obtaining drainage easements for the purpose of maintaining existing improvements on lots 123-F-3.02 (n/f Damiani) and 123-F-3.05 (n/f Lewis) on Ridge Road in Valley Cottage; and

WHEREAS, the Town Attorney's office has requested that the Department of Environmental Control provide legal descriptions of the desired easements; and

WHEREAS, the Department of Environmental Control has determined that it is necessary to have boundary surveys performed on the affected lots for the purpose of locating the existing improvements with relation to the property lines in order to provide said descriptions; and

WHEREAS, the Department of Environmental Control has solicited and received proposals from four (4) qualified licensed professional land surveyors to perform said surveys; and

WHEREAS, the Department of Environmental Control has reviewed said proposals and found them 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

*A. R. Celantano Land Surveying PLLC  
31 Rosman Road  
Thiells, New York 10984*

to perform said survey 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 \$1,950.00; and be it

FURTHER RESOLVED that this shall be a proper charge to account #A 8730 409 0.

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. (152-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Nanuet Community Ambulance Corps is desirous of purchasing 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 for the purpose of erecting a building to be used exclusively as an ambulance corps building, and

WHEREAS, in order to ascertain the value of the aforementioned property, it is necessary to obtain an appraisal.

RESOLUTION NO. (152-2000) continued

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner is hereby authorized to prepare an appraisal of Map 33, Block B, Lot 20.04, more particularly described as follows:

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York, being more fully bounded and described as follows:

BEGINNING at a point on the easterly right-of-way line of Seeger Drive, said point being located at the northwest corner of lands now or formerly of Margaret C. Grey Brown (Tax Lot 33-B-20.0502) and the southwest corner of the hereinafter intended to be described parcel; running thence

- 1) N03-24-45E, 65.00 feet along the easterly right-of-way line of Seeger Drive; running thence thru lands now or formerly of the Town of Clarkstown (Tax Lot 33-B-20.04) the following three (3) courses and distances:
- 2) N59-43-25E, 36.06 feet;
- 3) S86-35-15E, 110.00 feet;
- 4) S03-24-45W, 85.00 feet; thence
- 5) N86-35-15W, 140.00 feet along the northerly line of lands now or formerly of Margaret C. Grey Brown (Tax Lot 33-B-20.0502) to the point or place of BEGINNING.

Containing 11,600 Sq. Ft. of land. For a fee not to exceed \$500.00

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. (153A-2000)

Co. Smith offered and Co. Maloney seconded

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to acquire a parcel of land consisting of approximately 1.04 acres contiguous to the existing Police Department building and known as Map 57, Block M, Lot 13.1, to be used by the Town Police Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$600,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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RESOLUTION NO. (153A-2000) continued

Section 2. Serial bonds of the Town in the principal amount of \$600,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

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

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

RESOLUTION NO. (153A-2000) continued

Section 7. This bond resolution is subject to permissive referendum.

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. (153B-2000)

Co. Smith offered and Co. Maloney seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVED AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "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 within said Town and hereby designated the official newspapers of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 8, 2000, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted February 8, 2000, authorizing the acquisition of a parcel of land for use by the Town Police Department, stating the estimated maximum cost thereof is \$600,000 appropriating said amount therefor, and authorizing the issuance of \$600,000 serial bonds to finance said appropriation,"

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire a parcel of land consisting of approximately 1.04 acres contiguous to the existing Police Department building and known as Map 57, Block M, Lot 13.01, to be used by the Town Police Department; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$600,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$600,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is thirty (30) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after

RESOLUTION NO. (153B-2000) continued

the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$600,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to permissive referendum.

Section 2. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper(s) referred to in Section 1 hereof, and hereby designated the official newspaper(s) for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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. (154-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Frank J. Fuchs, 344 West Clarkstown Road, New City, New York, Bus Driver & Clerk, Clarkstown Mini Trans Department is hereby accepted, effective and retroactive to February 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

\*\*\*\*\*

RESOLUTION NO. (155-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation of Todd A. DePatto, 327 Old Forge Hill Road, Apt. #227-2, New Windsor, New York 12553, Motor Equipment Operator II, Solid Waste Facility is hereby accepted, effective and retroactive to February 1, 2000.

RESOLUTION NO. (155-2000) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (156-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Jamie Moreno has requested a leave of absence without pay.

WHEREAS, Article XIX, Section 2 (d) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., provides for a leave of absence, without pay.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, without pay, by the Parks Board and Recreation Commission for Jamie Moreno, 12 Massachusetts Avenue, Congers, New York, Senior Recreation Leader, Parks Board and Recreation Commission, effective and retroactive to January 31, 2000 to May 9, 2000.

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. (157-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Louis Presta, 53 Ridge Road, Valley Cottage, New York to the position of Maintenance Mechanic I, Parks Board and Recreation Commission at the current annual salary of \$32,922.00, effective and retroactive to February 2, 2000.

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. (158-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on October 25, 1999 that the position of Account Clerk #0001, encumbered by Julie Simeti can be reclassified to the position of Senior Account Clerk.

NOW, THEREFORE, be it

RESOLVED, that the position of Account Clerk #0001, encumbered by Julie Simeti is hereby reclassified to the position of Senior Account Clerk, Town Justice Department, effective and retroactive to January 17, 2000.

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. (159-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Julie Simeti, 17 Green Oval, Nanuet, New York is hereby appointed to the position of (Provisional) Promotional, Senior Account Clerk, Town Justice Department at the current annual salary of \$34,387.00, effective and retroactive to January 17, 2000.

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. (160-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Tore G. Lindland, 38 Craigville Road, Goshen, New York is hereby appointed to the position of Maintenance Mechanic II, Maintenance Department, at the current salary of \$38,319.00, effective and retroactive to February 7, 2000.

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. (161-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on January 26, 2000 that the position of Police Lieutenant, Police Department can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Police Lieutenant, Police Department is hereby created, effective and retroactive to February 7, 2000.

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. (162-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Joseph Hirschfield, 96 Susan Drive, New City, New York is hereby reappointed to the position of Member, Zoning Board of Appeal, term effective and retroactive to January 16, 2000 and to expire on January 15, 2005 at the current annual salary of \$3,250.00.

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. (163-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Catherine Nowicki, 149 North Middletown Road, Nanuet, New York is hereby appointed to the position of Member, Historical Review Board, term effective February 14, 2000 and to expire on December 31, 2000 at the current annual salary of \$1,500.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (164-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Paul F. Murray, 71 Hall Avenue, New City, New York is hereby reappointed to the position of Member, Sanitation Commission, term effective and retroactive to February 6, 2000 and to expire on February 5, 2005 at the current annual salary of \$2,500.00.

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. (165-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that David L. Secor, 6 New Lake Road, Valley Cottage, New York is hereby granted a Second Provisional appointment to the position of Principal Engineering Technician, Department of Environmental Control at the current salary of \$54,846.00, effective February 11, 2000.

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. (166-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Angelo Hernandez, 21 Windmill Lane, New City, New York is hereby appointed to the position of (part-time) Bus Driver, Mini Trans Department at the current hourly rate of \$12.71, effective and retroactive to February 2, 2000.

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. (167-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Aurelio DiZeno, 5 Toni Court, Valley Cottage, New York, Computer Operator (Mid Range), Data Processing Department is hereby granted a Sick Leave of Absence at one-half pay. Effective and retroactive to February 16, 2000 to March 16, 2000.

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. (168-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes payment to SYLVIA WELCH, Community Development Specialist, for the preparation of a grant project application to the New York State Archives and Records Administration to establish a Records Storage Room in the Town of Clarkstown Town Hall, and be it

FURTHER RESOLVED, that the fee of \$385.00 for said services shall be charged to Account No. A 1660-409.

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. (169-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$2,408 from Pyramid, EklecCo, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 2705 2 (Donations-Pyramid Mall) and Budgetary Account A 3120-113 by \$2,048.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

TBM 2/8/2000  
Page 21

RESOLUTION NO. (170-2000)

Co. Maloney offered and Co. Mandia seconded

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

BID #20-2000  
SWIMMING POOL CHEMICALS

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 10, 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

\*\*\*\*\*

RESOLUTION NO. (171-2000)

Co. Maloney offered and Co. Mandia seconded

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

BID #21-2000  
MAINTENANCE AND IMPROVEMENTS TO TOWN CUL-DE-SACS

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 15, 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

\*\*\*\*\*

RESOLUTION NO. (172-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Supt. of Recreation & Parks and the Director of Purchasing that

RESOLUTION NO. (172-2000) continued

BID #14-2000  
FIREWORKS DISPLAY

is hereby awarded as follows:

PYROTECNICO  
P.O. BOX 149  
NEW CASTLE, PA 16103  
PRINCIPALS: STEPHEN J. VITALE, MICHAEL J. FOX, E. BRUCE VOLENSKY

as per their low bid proposal of \$4,150, and be it

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

- A) A Certificate of Commercial, General, Automobile and Fireworks Display Liability Insurance in the face amount of at least \$1,000,000.
- B) A Certificate of Excess Liability Insurance in the amount of at least \$2,000,000.

Both A & B shall

- 1 Contain no deductibility
- 2 Have a ten day cancellation notice filed with the Town
- 3 Hold the Town of Clarkstown and the Nanuet School District Harmless
- 4 Name the Town of Clarkstown and the Clarkstown Central School District as additional insureds
- 5 Policy shall be an occurrence, not claims made policy

- C) Certificate of Workers Compensation Insurance Coverage
- D) Certificate of Workers Disability Insurance Coverage

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. (173-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, SOUTHERN ENERGY BOWLINE, L.L.C. has applied to the New York State Public Service Commission for the Bowline Point - Buena Vista underground natural gas transmission line project entitled, "Application of Southern Energy Bowline, L.L.C. pursuant to subpart 85-1.3 of the Public Service Commission's Rules of Procedure to construct a fuel gas transmission line which is less than 10 miles long", and

WHEREAS, the project would include the construction, ownership and operation of approximately 4.2 miles of 24 inch diameter underground natural gas transmission line meant to transport natural gas from the interstate gas pipelines system to the Bowline Point Generating System, and

WHEREAS, a substantial portion of this proposed gas transmission line would be located in northern Clarkstown, and

RESOLUTION NO. (173-2000) continued

WHEREAS, if it is approved, the proposed Bowline Point - Buena Vista underground natural gas transmission line would become the third successive gas transmission line to be constructed in the same alignment, and

WHEREAS, construction, operation and maintenance of such gas transmission lines as well as the consumption of the natural gas they would transmit has potential environmental consequences, both local and global, that are of real concern to the Town of Clarkstown, and

WHEREAS, SOUTHERN ENERGY BOWLINE, L.L.C. has requested, as part of its proposal, that the New York State Public Service Commission override various requirements of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that to protect the interests of the Town of Clarkstown, the Town Board of the Town of Clarkstown hereby asks that the New York State Public Service Commission to grant the Town of Clarkstown intervenor status in its proceedings concerning this application.

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 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: 8:17 P.M.

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/08/2000

8:02 P.M.

Present:

Supervisor Holbrook  
Council Members Lasker, Maloney, Mandia & Smith  
Philip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Chapter 216 Proceeding (Property Maintenance): Barrier Motor Fuel, Inc., (Con't)

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

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

Appearance: Jeffrey Shumejda, Esq.  
Sleepy Hollow, NY

Spoke regarding the status of the site and stated that as a result of the court action, the landscapers, towing company, etc. will be evicted. All debris will be removed. The legal time frame will be April 1, 2000.

Supervisor Holbrook stated that we will adjourn until the first meeting in April. Co. Mandia asked for confirmation of the evictions by April 1<sup>st</sup>. Mr. Shumejda stated that the Court mandated the time.

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: 8:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/08/2000

8:06 P.M.

Present: Supervisor Holbrook  
Council Members Lasker, Maloney, Mandia & Smith  
Philip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Amendment to the Zoning Ordinance Regarding Child Day Care as Part of the  
Clarkstown Comprehensive Plan Implementation (Continued.)

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

Supervisor asked if there was anyone present wishing to make a statement. No  
one appeared.

There being no one further wishing to be heard, on motion of Councilman  
Maloney, seconded by Councilwoman Lasker, and unanimously ADOPTED the public  
hearing was closed, time: 8:07 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 138-2000) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

2/08/2000

8:06 P.M.

Present: Supervisor Holbrook  
Council Members Lasker, Maloney, Mandia & Smith  
Philip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Amendment to the Zoning Ordinance Regarding Assisted Care Living and Senior  
Citizen Congregate Housing as Part of the Clarkstown Comprehensive Plan  
Implementation (Continued)

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

Supervisor asked if there was anyone present wishing to make a statement. No  
one appeared.

There being no one further wishing to be heard, on motion of Councilman  
Maloney, seconded by Councilwoman Lasker, and unanimously ADOPTED the public  
hearing was closed, time: 8:07 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 139-2000) ADOPTED

TOWN OF CLARKSTOWN  
SPECIAL TOWN BOARD MEETING

Town Hall

2/08/2000

8:13 P.M.

Present: Supervisor Holbrook  
Council Members Lasker, Maloney, Mandia & Smith  
Philip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the special meeting re: Carpenters & Joiners Local 964 Housing Development Fund Company, Inc. (Amending the name of the corporation to Clarkstown Middlewood Housing Development Fund Company, Inc.)

Charles Holbrook, Supervisor acted as Chairman and Councilman Maloney acted as Secretary of the meeting.

The Chairman stated that the purpose of the meeting was to discuss (1) amending Article I of the Corporation's Certificate of Incorporation, to change the name of the Corporation to Clarkstown Middlewood Housing Development Fund Company, Inc.

Upon motion duly made, seconded and unanimously carried, it was

- (1) RESOLVED, that the name of the Corporation be, and the same hereby is, changed from "Carpenters & Joiners Local 964 Housing Development Fund Company, Inc." to Clarkstown Middlewood Housing Development Fund Company, Inc." and it is further
- (2) RESOLVED, that President, Secretary, Treasurer and other proper Officers of the Corporation and each of them be, and hereby is, Authorized, empowered and directed, in the name, and on behalf, of the Corporation, to execute and file, with the appropriate governmental authorities, a Certificate of Amendment to the Corporation's Certificate of Incorporation, amending Article I Thereof to effectuate such change in the Corporation's name, and to take any other steps and actions necessary to implement the Resolutions and transactions contemplated therein and herein.

There being no further business to come before the meeting, the same was on motion duly made, seconded and unanimously carried, adjourned, time: 8:17 P.M.

Respectfully submitted



PATRICIA SHERIDAN,  
Town Clerk