

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

3/28/2000

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor Holbrook presented a Certificate of Award to Derick Gilmour for achieving the rank of Eagle Scout.

Supervisor read the following proclamation:

CENSUS 2000 AWARENESS WEEK
APRIL 1st - 7th 2000

WHEREAS, the Census is vital to our community in that it determines the apportionment of seats in the U.S. House of Representatives and the State Legislature and is the basis for the allocation of billions of dollars of Federal, State, County and local funds for social and other programs; and

WHEREAS, the Census is also used to help determine where to locate schools, day care centers, senior citizen centers, hospitals and other facilities and is used to make decisions concerning business growth and jobs; and

WHEREAS, Census information is confidential and Federal law prohibits any public or private agency from gaining access to individual Census data; and

WHEREAS, In Clarkstown, we are committed to a full and accurate CENSUS 2000 count and are placing special emphasis on enumerating members of population groups traditionally undercounted;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, by virtue of the authority vested in me as Supervisor of the Town of Clarkstown, and on behalf of the Town Board, hereby proclaim April 1 - 7, 2000, CENSUS 2000 AWARENESS WEEK in the Town of Clarkstown and thus, do urge the citizens of Clarkstown to support in every way the activities and endeavors of CENSUS 2000.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND
AND CAUSE THE SEAL OF THE TOWN OF
CLARKSTOWN TO BE AFFIXED THIS 28TH DAY OF
MARCH 2000

CHALES E. HOLBROOK, SUPERVISOR
TOWN OF CLARKSTOWN

Supervisor opened the public portion of the meeting.

Appearance: Bob Jackson
Nanuet

Spoke regarding item #19, Special Permit to conduct a landfill operation.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing Re: Commencing an Initiative for Town-wide protection of Open Space was open, time 8:10 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing Re: Commencing an initiative for Town-wide protection of Open Space was closed, time 9:50 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing Re: Proposed Amendment to the Zoning Ordinance as part of the Clarkstown Comprehensive Plan Implementation: Removal of Definition of "Special Care Home" because same is now Obsolete as new Definitions of "Senior Citizen Congregate Housing" and "Assisted Care Living Quarters" have been Adopted, was opened, time 10:00 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Public Hearing Re: Proposed Amendment to the Zoning Ordinance as part of the Clarkstown Comprehensive Plan Implementation: Removal of Definition of "Special Care Home" because same is now Obsolete as new Definitions of "Senior Citizen Congregate Housing" and "Assisted Care Living Quarters" have been Adopted, was closed, RESOLUTION NO, 267-2000 ADOPTED and closed, time: 10:01 P.M.

RESOLUTION NO. (267-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on February 29, 2000, provided for a public hearing on March 28, 2000, at 8:00 P.M. or as soon thereafter as possible, to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

Purpose: Remove definition of "Special Care Home" from the Zoning Ordinance because same is now obsolete as new definitions of "Senior Citizen Congregate Housing" and "Assisted Care Living Quarters" have been adopted.

Amend Section 290-3. Definitions, by repealing the definition of "Special Care Home."
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 dated March 28, 2000, pursuant to SEQRA, from our consultant Robert Geneslaw, 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, 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:

Purpose: Remove definition of "Special Care Home" from the Zoning Ordinance because same is now obsolete as new definitions of "Senior Citizen Congregate Housing" and "Assisted Care Living Quarters" have been adopted.

RESOLUTION NO. (267-2000) continued

Amend Section 290-3. Definitions, by repealing the definition of "Special Care Home."
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

RESOLUTION NO. (268-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of March 14, 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

RESOLUTION NO. (269-2000)

Co. Maloney offered and Co. Lasker seconded

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

X10517H – n/s of Brookside Avenue approx. 380' e/o Goebel Road

Investigation No.:11661, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (270-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Department of Environmental Control has recommended the replacement of a sewer pump at the location of 33 East Street, West Nyack, with the condition that the property owner at this location shall enter into an agreement with the Town to provide maintenance to the sewer pump;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Department of Environmental Control to purchase and install a sewer pump at 33 East Street, West Nyack, New York, at a cost not to exceed \$5,000.00, to be charged to Account No. B 8110-424, and be it

FURTHER RESOLVED, that this resolution is subject to the current property owner entering into an agreement which shall run with the land, with the Town of Clarkstown, in a form approved by the Town Attorney, for maintenance of said sewer pump at 33 East Street, West Nyack, New York.

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. (271-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a condition to the issuance of a building permit on Lot No. 1 in the Mountaindale Estates Subdivision, Angelo Terranova assigned to the Town of Clarkstown Passbook No. 175000314 containing the sum of \$4,370.00 as security for his share of the money required to complete the public improvements in the Mountaindale Estates Subdivision, and

WHEREAS, upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, the aforementioned security in the amount of \$4,370.00 is no longer required as the subdivision was dedicated to the Town of Clarkstown on September 15, 1998; and at that time, a Maintenance Guaranty was accepted;

NOW, THEREFORE, be it

RESOLVED, that Passbook No. 175000314 is no longer required by the Town of Clarkstown and 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

RESOLUTION NO. (272-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Colony Nyro Partners, L.P, Biloba Corporation and Nanuet Improvements, LLC have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 163, Block B, Lot 25, for the year(s) 1996/97, 1997/98, 1998/99 and 1999/00, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

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. (273-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as Demarest Mill Realty, LLC, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Demarest Mill Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated February 23, 2000 from Demarest Mill Realty, LLC to the Town of Clarkstown, gratuitously conveying a strip of land along Demarest Mill Road, Nanuet , New York, is hereby accepted and ordered recorded in the Rockland County 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. (274-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as FB Nanuet, LLC, the Planning Board of the Town of Clarkstown requested deeds for road widening purposes along Hutton Avenue, Nanuet, New York;

NOW, THEREFORE, be it

RESOLUTION NO. (274-2000) continued

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated February 4, 1998 from Jostan Realty Ltd. to the Town of Clarkstown, gratuitously conveying a strip of land along Hutton Avenue, Nanuet, New York, and deed dated January 11, 2000 from FB Nanuet LLC to the Town of Clarkstown, gratuitously conveying a strip of land along Hutton Avenue, Nanuet, New York, are hereby accepted and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to March 14, 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. (275-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

LACE
195 Route 303
West Nyack, NY 10994

WHEREAS, Chief Daniel Ulrich, the Chief of the West Nyack Fire Department has authorized that the Town of Clarkstown install said fire lane designations:

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (276-2000)

Co. Maloney offered and Co. Smith seconded

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

RESOLUTION NO. (276-2000) continued

BOB McGANNON EXCAVATING, INC.
85 A N. Central Highway
Garnerville, NY 10923

FRANK SEMERARO
CONSTRUCTION CO., INC.
333 Ratzter Road
Wayne, NJ 07470

RICKLI CONTRACTING &
EXCAVATING, INC.
7 Beaver Court
New City, NY 10956

JMK BUILDING CORP.
301 North Main Street
New City, NY 10956

RESOLVED, that the following Certificates of Registration be issued:

- No. 2000-21 BOB McGANNON EXCAVATING, INC.
- No. 2000-22 FRANK SEMERARO CONSTRUCTION CO., INC.
- No. 2000-23 RICKLI CONTRACTING & EXCAVATING, INC.
- No. 2000-24 JMK BUILDING CORP.

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. (277-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to direct Highway Department personnel to clean a Town easement at the vicinity of 18 Phillips Lane, West Nyack, New York.

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. (278-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, James and Michele Lata, 87 Cairnsmuir Lane, New City (95-A-18.5) have requested a refund of the Building Permit fee because they have decided not to build at this time;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund of a portion of the Building Permit fee to James and Michele Lata in the amount of \$156.00, to be charged against Account No. B 026 2555 0.

RESOLUTION NO. (278-2000) 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. (279-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board members have the responsibility of approving all contracts and authorizing the Supervisor to sign same on behalf of the Town, and

WHEREAS, in order for the Town Board members to carry out this responsibility;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney or the assigned Deputy Town Attorney will craft the contract and a cover memo stating the terms, conditions and fiscal impact of such contract, and will distribute a copy of such contract to all Town Board members for their review, seven days prior to a vote on the contract, and be it

FURTHER RESOLVED, that all per diem or hourly based contracts, if and when the contract costs reach \$100,000.00, Town Board members will receive written notice from the Town Comptroller that the contract is at the \$100,000.00 level, and be it

FURTHER RESOLVED, that those resolutions prepared by the Town Attorney or Department Head requesting additional funds to an approved contract contain the original approved amount, the additional requested amount and the reason for such increase, and be it

FURTHER RESOLVED, that the Town Attorney, Deputy Town Attorneys, Town Comptroller and Department Heads shall adhere to the policy set forth herein.

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. (280-2000)

Co. Maloney offered and Co. Lasker seconded

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

BID #27-2000
 PIPETOWN HILL ROAD IMPROVEMENT 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: TO BE DETERMINED at which time bids will be opened and read, and be it

RESOLUTION NO. (280-2000) continued

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

RESOLUTION NO. (281-2000)

Co. Maloney offered and Co. Lasker seconded

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

BID #28-2000
WASHED SAND & GRAVEL

City, New York by 11:00 A.M. on: APRIL 17, 2000 at which time bids will be opened Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New 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. (282-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan known as Millers Landing, designated on the Clarkstown tax map as Map 141, Block B, Lot 3, and

WHEREAS, it has been recommended that two (2) fire hydrant(s) be installed within the said approved site plan, for the protection of future residents, and

WHEREAS, said property is private property; and the hydrant(s) shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Courtney Lynn Properties Ltd., as owner, in the form of a Declaration

RESOLUTION NO. (282-2000) continued

of Covenant, which shall run with the land, as approved by the Town Attorney, whereby Courtney Lynn Properties Ltd., or its successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the dwelling units to be located on such property presently owned by Courtney Lynn Properties Ltd., located in the hamlet of Congers, for the condominium site plan known as Millers Landing, affecting the tax map parcels referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to Courtney Lynn Properties Ltd., or the future Board of Managers, Homeowners Association or respective owner(s) of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate, shall be levied against the present or future tax parcels in accordance with the applicable assessment values.

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. (283-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Charles Connington, Superintendent of Recreation and Parks, has recommended that the Town Board consider placing information concerning the Town of Clarkstown in the Community Information Guide which is prepared by the Community Map and Newsletter Company, at no cost to the Town. This guide is a newsletter that is designed to familiarize residents and businesses with the benefits and assets of our community;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Recreation and Parks to submit a completed order form to the Community Map and Newsletter Company, to provide for publication of information concerning the Town of Clarkstown in the Community Guide newsletter, and be it

FURTHER RESOLVED, that such publication shall be at no charge to the Town of Clarkstown.

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. (284-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the following persons are hereby appointed to the position of member of the Deferred Compensation Hardship Committee, to serve without compensation, for the purpose of determining whether an employee's application to withdraw money from the Deferred Compensation Plan is a hardship due to an unforeseeable emergency:

Nancy Davidson, Employee Benefit Clerk
Royal Starkey, Jr., Highway Maintenance Supervisor I
Edward Duer, Comptroller, who is to serve as Chairman of the Committee
Penny Leonard, Finance Director
Jeffrey Wanamaker, Police Officer
Laurence Kohler, Director of Purchasing
Paul K. Schofield, Deputy Town Attorney

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. (285-2000)

Co. Manida 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., Dorothy Marshall, 83 Eagle Ridge Way, Nanuet, New York, Senior Clerk Typist, Town Justice Department is hereby granted a Sick Leave of Absence, at one-half pay effective and retroactive to March 22, 2000 to April 22, 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. (286-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that the position of Clerk Typist #0075, Town Clerk's Office can be reclassified to the position of Clerk.

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist #0075, Town Clerk's Office is hereby reclassified to the position of Clerk effective April 3, 2000.

RESOLUTION NO. (286-2000) 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. (287-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #99089 Clerk which contains the name of June A. Gabrielli.

NOW, THEREFORE, be it

RESOLVED, that June A. Gabrielli, 2 Hannah Lane, Valley Cottage, New York is hereby appointed to the (Permanent) position of Clerk, Town Clerk's Office at the current annual salary of \$23,763.00, effective April 3, 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. (288-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #99089 Clerk which contains the name of Stacey L. Hawver.

NOW, THEREFORE, be it

RESLOVED, that Stacey L. Hawver, 83 Snedeker Avenue, Congers, New York is hereby appointed to the (Permanent) position of Clerk, Supervisor's Office, at the current annual salary of \$23,763.00 effective and retroactive to March 27, 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. (289-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #99089 Clerk which contains the name of Theresa A. Sullivan.

NOW, THEREFORE, be it

RESOLVED, that Theresa A. Sullivan, 11 Baldwin Place, New City, New York is hereby appointed to the (Permanent) position of clerk, Clarkstown Highway Department at the current annual salary of \$21,412.00 effective April 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. (290-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Susan A. Lieval, 15 Eastlyn Drive, Bardonia, New York is hereby appointed to the position of (Provisional) Secretarial Assistant I (Information Processing), Clarkstown Highway Department at the current annual salary of \$28,893.00, effective April 3, 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. (291-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that the position of Clerk (part-time), Clarkstown Highway Department can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk (part-time) Clarkstown Highway Department is hereby created effective April 3, 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. (292-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that two (2) positions of Solid Waste Facility Attendant can be created.

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Solid Waste Facility Attendant, Solid Waste Facility (LANDFILL) are hereby created effective March 31, 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. (293-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Mauro Loperfido, 30 North Troop Road, Blauvelt, New York is hereby appointed to the position of Cleaner (Nights) (Full-time), Maintenance Department (from Custodial Worker part-time), at the current annual salary of \$24,566.30, effective and retroactive to March 27, 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. (294-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Norman Peachey, 260 Germonds Road, New City, New York is hereby reappointed to the position of Member, Traffic and Traffic Fire Safety Advisory Board at the current annual salary of \$2,200.00, term effective April 1, 2000 and to expire on March 31, 2005.

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. (295-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law, and pursuant to the recommendations of the Director of Environmental Control, Building Inspector, and Zoning Administrator, a Building Permit for the erection of one (1) single family residence may be issued to EDWARD J. FINAN, as owner, for property situate on the east side of Lakewood Drive (formerly Hemingway Avenue) adjacent to Fisher Avenue, Congers, New York, as shown on the Clarkstown Tax Map as Map 141, Block B, Lot 29, provided the owner shall prior to the issuance of such Building Permit execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and which shall provide:

1. That the property owner shall acknowledge that no Town services, including but not limited to maintenance, paving or snow removal shall be provided along Fisher Avenue, Congers, New York.
2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on any mapped street adjacent to said premises, when and if required by the Town Board of the Town of Clarkstown.
3. That the property owner/declarant shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in any mapped street frontage the premises to the designated street line to Fisher Avenue, to fifty (50') feet in width.
4. That any deed of conveyance for the subject premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Building Permit or Certificate of Occupancy, as the case may be, for the subject premises, the owner shall perform the following to the satisfaction of the Zoning Administrator, Building Inspector and the Department of Environmental Control:

1. Establish that the floor area ratio (FAR) has not been exceeded by the size of the proposed house or amended building plans must be submitted conforming the proposed structure to the applicable FAR.
2. The existing gravel driveway and proposed driveway shall be paved.
3. The northerly right-of-way of Fisher Avenue should be staked out prior to construction, and an as-built survey shall be provided to establish that the proposed driveway and the utilities are located within the mapped right-of-way.
4. A sanitary sewer connection, including the spur, shall be provided at no cost to the Town.
5. A Flood Plain permit shall be obtained from the Department of Environmental Control prior to the issuance of the Building Permit.
6. A certification from a professional engineer licensed in the State of New York shall be provided prior to the issuance of the Building Permit to establish that a compensating volume area for the flood plain area shall be provided to mitigate the loss of volume area due to the proposed construction.
7. A road opening permit from the Clarkstown Highway Department shall be obtained prior to any work to be done in the mapped right-of-way, and be it

FURTHER RESOLVED, that a Building Permit and/or Certificate of Occupancy shall not be issued for the premises to be constructed until compliance with all other requirements of law, rules and regulations to the satisfaction of the Building Inspector.

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. (296-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that under the provisions of Section 280-a(2) of the Town Law, and pursuant to the recommendations of the Director of Environmental Control, Zoning Administrator and Building Inspector, a Building Permit for the erection of one (1) single family residence may be issued to PETER TOMKEVICH, as owner, for property situate east of Rosecrans Avenue and north of Fisher Avenue, Congers, New York, a mapped but unopened street, which property is shown on the Clarkstown Tax Map as Map 127, Block B, Lot 21, provided the owner shall prior to the issuance of such Building Permit execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and which shall provide:

1. That the property owner shall acknowledge that no Town services, including but not limited to maintenance, paving or snow removal shall be provided along Rosecrans Avenue or Fisher Avenue, Congers, New York.
2. That the property owner irrevocably agrees to participate in a road improvement district for any frontage of said premises, on any mapped street adjacent to said premises, when and if required by the Town Board of the Town of Clarkstown.
3. That the property owner/declarant shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the property owner in the premises which fronts on the mapped street to the designated street line.
4. That any deed of conveyance for the subject premises shall be conditioned upon and subject to observance of the Declaration of Covenant provided herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Building Permit or Certificate of Occupancy, as the case may require, the owner shall perform the following to the satisfaction of the Department of Environmental Control:

1. Prior to the issuance of a Building Permit, the applicant's engineer/architect shall verify that the applicable Bulk Regulations have been met.
2. Fisher Avenue should be widened to a width of 20 feet to the north, 60 feet in length, from the west side of Friend Street. The new pavement should be constructed with 6 inches of gravel, 3 inches of asphaltic base, and 1½ inches of asphaltic wearing course.
3. The applicant shall agree to a road improvement district as and when required by the Town.
4. A maintenance agreement between the property owners who are using this portion of Fisher Avenue should be submitted to the Town Attorney's Office for review and approval prior to issuance of a Building Permit.
5. Sanitary sewer house connection, including the spur, should be at no cost to the Town.
6. Applicant shall submit a detailed grading plan and a soil erosion and sediment control plan to the Department of Environmental Control for review and approval .and be it

FURTHER RESOLVED, that a Building Permit and/or Certificate of Occupancy shall not be issued for the premises to be constructed unless there is compliance with all other requirements of law, rules and regulations.

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. (297-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the request of homeowner of 40 Sheridan Avenue, Congers, the Superintendent of Highways is hereby authorized to install:

“Do Not Block Driveway” sign on either side of the driveway of 40 Sheridan Avenue, Congers. Said driveway is located at Wells Avenue And Sheridan Avenue, Congers, and be it

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

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. (298-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, EXXON CORP. #3-8490 v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, Index No(s). 3659/95, 3801/96, 4036/97, 4126/98 and 4157/99, affecting parcel(s) designated as Map 14, Block B, Lot 19, for the year(s) 1995/96, 1996/97, 1997/98, 1998/99 and 1999/00, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, the Senior Deputy Town Attorney of the Town of Clarkstown and the attorneys for the Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 14, Block B, Lot 19 be reduced for the year(s) 1996/97, 1997/98 and 1998/99 from \$413,600 to \$351,560 at a cost to the Town of \$2,768.22; 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 14, Block B, Lot 19 shall remain unchanged for the year(s) 1995/96 and 1999/00;

3. Reimbursement for the year(s) 1996/97, 1997/98 and 1998/99 on the parcel described as Map 14, Block B, Lot 19, as stated above, be made within (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

4. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

RESOLUTION NO. (298-2000) continued

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (299-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, The Town Board authorized BRIAN BROOKER ASSOCIATES to prepare construction document for the Lake Lucille Dam Restoration project and:

WHEREAS, the Director of Purchasing has obtained competitive bids based on Specifications and Contract Documents prepared by BRIAN BROOKER ASSOCIATES, and:

WHEREAS, BRIAN BROOKER ASSOCIATES has reviewed bids from the competitive bidders and the low bidder being deemed a "responsible bidder";

NOW THEREFORE, BE IT RESOLVED that based on the recommendations from BRIAN BROOKER ASSOCIATES and LUKE KALARICKAL, DIRECTOR OF DEC, the town Board hereby awards Bid #72-1999. LAKE LUCILLE DAM RESTORATION TO:

BMJ CONSTRUCTIONS CO INC
35 EAST GRASSY SPRAIN ROAD
SUITE 203
YONKERS NY 10910
PRINCIPAL: S. BEN TENORI

as per their low bid of \$498,999.00

As a condition of the award, you are to supply the following item to the town Director of Purchasing as soon as possible:

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

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

BE IT FURTHER RESOLVED that this shall be a proper charge to Account #H 8741
409 0 23 1

RESOLUTION NO. (299-2000) 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. (300-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Local Law No. 5, adopted by the Town Board of the Town of Clarkstown on March 14, 2000, ended the moratorium affecting certain special permit applications subject to Sections 290-11(A) and 290-17(L) of the Zoning Ordinance, and

WHEREAS, ANTHONY CAPASSO had petitioned the Town Board of the Town of Clarkstown for a revised Special Permit to conduct a landfill operation pursuant to the provisions of Section 290-11A, Table of General Use Regulations for an R-15 District, Column 3, Section B, Paragraph 4 of the Zoning Ordinance of the Town of Clarkstown for property located on the east side of Pascack Road and the north side of Will Rogers Lane, Nanuet, New York, more particularly described on the Clarkstown Tax Map as: Map 5, Block A, Lot 27, and

WHEREAS, after due notice published and posted, a public hearing had been held before the Town Board of the Town of Clarkstown on January 11, 2000 at 8:00 P.M., to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form pursuant to SEQRA, from the Director of the Department of Environmental Control, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

- That, the proposed use as described and represented by the applicant:
1. Will be properly located with respect to transportation, water supply, waster disposal, fire and police protection and other public facilities;
 2. Will not cause undue traffic congestion or create a traffic hazard;
 3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
 4. Will not adversely affect the character of, property values, in the area;
 5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
 6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of the Director of Environmental Control dated February 23, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the revised special permit will 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 a revised Special Permit to conduct a landfill on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

RESOLUTION NO. (300-2000) continued

1. Petitioner must comply with Section 290-17L of the Zoning Ordinance of the Town of Clarkstown annexed hereto;
2. The fill material which has already been placed on the property shall be certified by a licensed professional engineer to consist solely of materials acceptable to the Director of the Department of Environmental Control, as was represented by the applicant. The applicant shall provide certification by a geotechnical or environmental engineer that the materials placed do not contain non-permitted soils or materials;
3. Wallboard, C&D material, and organic materials (including tree stumps) are not permitted to be disposed at the site;
4. Applicant shall apply to the New York State Department of Environmental Conservation for a permit to fill the land, if required;
5. Applicant shall apply to the Rockland County Drainage Agency for a permit to fill the land, if required;
6. Applicant shall prepare and file an Erosion Control Plan for review and approval by the Director of the Department of Environmental Control prior to any further work at the site;
7. Applicant shall take all necessary steps to preserve and protect any adjacent public or private water supply, as determined by the Department of Environmental Control;
8. Any necessary grading or other site changes that affect drainage or adjoining properties will be first submitted to the Department of Environmental Control for determination and approval;
9. Applicant shall maintain or restore adjacent roadways or right-of-way, so as to be free of soil materials resultant from the landfill operation, and unobstructed, and shall sweep such roadways as directed by the Department of Environmental Control;
10. In the event that the Town Board determines that further independent consulting engineering services are necessary at any time before, during and after the landfill operation, applicant agrees to pay the actual costs of such consultant;
11. Acceptance of the permit by the applicant shall mean that in the event that the Town Board or any of its agencies is named as a party defendant in a lawsuit as a result of the landfill operations of the applicant pursuant to the Special Permit herein issued, the applicant agrees to indemnify and save harmless the Town of Clarkstown from any liability and costs, including attorneys fees and disbursements incurred in the defense, and any other damages for which the Town may become liable as a result of any activity or any actions taken by the applicant;
12. The Special Permit granted hereunder shall terminate upon the completion of the filling project which is the subject of this permit;
13. As part of applicant's request for subdivision approval, the applicant shall reconstruct Will Rogers Lane, if requested, so that it shall meet Town specifications and be eligible for dedication to the Town. Such reconstruction shall provide remedies for ponding of road runoff and other consequences of road drainage affecting private properties along the road. It is also a condition of this permit that Will Rogers Lane shall be irrevocably offered for such dedication to the Town as part of any approved subdivision or site plan;
14. That Resolution No. 364 adopted by the Town Board on April 27, 1999, which rescinded the prior special permit and ordered the work to be stopped, is hereby rescinded;
15. Applicant shall complete all work that is necessary or contemplated, and shall submit all required reports and certification within sixty (60) days of the date of the issuance of this revised special permit.
16. Nothing herein shall be interpreted to relieve the applicant from any obligation to process the site in accordance with all applicable laws and regulations before the Clarkstown Planning Board, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such revised Special Permit shall constitute a written report to be filed with the Town Clerk.

RESOLUTION NO. (300-2000) 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. (301-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Local Law No. 5, adopted by the Town Board of the Town of Clarkstown on March 14, 2000, ended the moratorium affecting certain special permit applications subject to Sections 290-11(A) and 290-17(L) of the Zoning Ordinance, and

WHEREAS, BARRY GOLDBERG has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfilling operation pursuant to the provisions of Section 290-11(A), Table of General Use Regulations for an R-15 District, Column 3, Section B, Paragraph 4 of the Zoning Ordinance of the Town of Clarkstown, for property located west of Terrace Avenue and south of Jolliffe Street, Congers, New York, and designated on the Clarkstown Tax Map as Map 139, Block A, Lots 22.5 and 22.6;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on April 25, 2000, at 8:00 p.m., or as soon thereafter as possible, to consider the application of BARRY GOLDBERG, relative to said Special Permit, and be it

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

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

FURTHER RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and the following agencies for comment or study and report on or before April 19, 2000:

1. Clarkstown Department of Environmental Control;
2. Clarkstown Building Inspector;
3. Clarkstown Architectural and Landscape Commission;
4. N.Y.S. Department of Environmental Conservation;
5. Rockland County Soil Conservation;
6. Rockland County Health Department, and
7. Rockland County Drainage Agency

RESOLUTION NO. (301-2000) 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. (302-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town entered into a four party Maintenance Agreement (the "Agreement") on March 11, 1997 with EklecCo, the New York State Thruway, the New York State Department of Transportation, and the People of the State of New York, which provided for a Ten Million Dollar (\$10,000,000) per occurrence liability insurance policy to be chosen and owned by the Town of Clarkstown and funded by EklecCo covering the roads of the Palisades Mall, and

WHEREAS, EklecCo has failed to pay the current premium due and owing on the Ten Million Dollar insurance policy (Policy No. 651-007843) which is in danger of lapsing, and

WHEREAS, the Agreement established a maintenance escrow fund in the amount of One Hundred Thousand Dollars (\$100,000) which can be drawn on by the Town in the event EklecCo fails to meet its road repair and maintenance obligations under the Agreement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Comptroller to charge the entire premium due and owing in the amount of \$19,500.00 to Account No. H 8732-400-409-65-03 for the Policy referred to above, against the Maintenance Escrow Fund, pursuant to the March 11, 1997 Agreement.

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. (303-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Industrial Development Agency ("RCIDA") is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County, and

WHEREAS, the "RCIDA" has undertaken a project consisting of the acquisition of an existing building to be used for a commercial publishing facility and administrative office located at 151 Wells Avenue, Congers, New York, and

WHEREAS, to facilitate this project, the "RCIDA" proposes to enter into an straight lease transaction pursuant to the "RCIDA" Uniform Tax Exemption Policy, and

RESOLUTION NO. (303-2000) continued

WHEREAS, the Town Board hereby authorizes the Supervisor to enter into a "payment in lieu of taxes agreement" (a pilot agreement) to be executed by all parties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with GAREB SHAMUS REAL ESTATE, LLC, GAREB SHAMUS ENTERPRISES, INC., THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY, in a form approved by the Town Attorney, with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as Map I28, Block A, Lot 27.

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. (304-2000)

Co. Mandia offered and Co. Lasker seconded

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

BID #29-2000

DRAINAGE PIPE REPLACEMENT VICINITY OF FARMHOUSE ROAD, CONGERS NY

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: 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 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

RESOLUTION NO. (305-2000)

Co. Mandia offered and Co. Lasker seconded

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

BID #30-2000

DRAINAGE EASEMENT REPAIRS SPRUCE COURT, NANUET NY

RESOLUTION NO. (305-2000) continued

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: 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.

On roll call the vote was as follows:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

RESOLUTION NO. (306-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an adverse drainage condition existed within a Town easement in the vicinity of parcel 162-A-33.10, Nanuet, New York, and

WHEREAS, the Town Board authorized the Freund Drive Drainage Improvements Project to correct the adverse drainage condition, and

WHEREAS, an adverse ground water condition has developed which could compromise the integrity of the new drainage system and an existing sanitary sewer, and

WHEREAS, the Director of the Department of Environmental Control has recommended a solution to correct the adverse condition.

NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to hire Environmental Construction Inc., P.O. Box 563, Stony Point, New York to perform the corrective work in accordance with their proposal dated 3-20-00, and

BE IT FURTHER RESOLVED, that the cost of the additional work shall not exceed \$6,800.00 and shall be a proper charge to account H 8743 409 0 68 2.

On roll call the vote was as follows:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

RESOLUTION NO. (307-2000)

Co. Maloney offered and Co. Mandia seconded

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

RESOLUTION NO. (307-2000) continued

WHEREAS, it is necessary to have additional restoration performed adjacent to the channel.

NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to hire KJS Hauling and Home Improvements, 95 Maple Avenue, New City, New York, to perform the required cleaning and stabilization in accordance with their proposal dated 3-24-00, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$4,650.00 and shall be charged to H 8743 400 409 0 68 10

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. (308-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an adverse drainage condition exists within a Town easement from Windmill Lane to Third Street, New City New York, and

WHEREAS, it is necessary to upgrade the existing drainage system to reduce the risk of flooding in the area, and

WHEREAS, the Director of the Department of Environmental Control has recommended a solution to correct the adverse condition.

NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to prepare the plans and specifications for the required drainage improvements, and

BE IT FURTHER RESOLVED, that the plans and specifications will be prepared by the Department of Environmental Control.

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. (309-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the request of the resident of 113 So. Pascack Road, Nanuet and concurred with by the Clarkstown Police Department, the Superintendent of

RESOLUTION NO. (309-2000) continued

Highways is hereby authorized to remove the two "No Parking" signs which are posted in front of the residence at 113 So. Pascack Road, Nanuet, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (310-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the Director of DEC that

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

is hereby awarded to

DANNY CLAPP LAWN & LANDSCAPING
59 SCHRIEVER LANE
NEW CITY NY 10956
PRINCIPAL: DANNY CLAPP

as per their low bid proposal of \$120,000, and be it

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

- a) Performance Security Bond (Irrevocable Letter of Credit)- 100% of project cost
- b) Labor and Materials Payment Bond - 100% of proposed project cost
- c) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Clause
- d) Certificate of Worker's Compensation
- e) Certificate of Worker's Disability coverage

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

There being no one further wishing to be heard, on motion of Co. Mandia, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was closed, time: 10:20 P.M.

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. (311-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$457.84 from the Clarkstown Central School District , be it therefore

RESOLVED, to increase Estimated Revenue Account A 01 3 2705 (Gifts and donations) and Appropriation Account A 3120-111 (Police Overtime) by \$457.84, and be it

FURTHER RESOLVED, to transfer \$15,000 from the Reserve for Dare Account and increase Appropriation Account A 3230-319 (Miscellaneous Supplies).

On roll call the vote was as follows:

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

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(VERBATIUM TRANSCRIPT ON FILE IN TOWN CLERK'S OFFICE)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

3/28/00

8:10 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: Commencing an Initiative for Town-Wide Protection of Open Space

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

Supervisor Holbrook asked Mr. Geneslaw to make a presentation and then asked the public to give their input. Comments here tonight will be recorded and submitted to the Planning Board and Ad Hoc Committee. After that the Town Board will hold another public hearing to identify the parcels that are indicated for preservation. Finally, a referendum will be put on the November ballot for the voters of Clarkstown to approve a certain sum of money to be put up for open space preservation.

Appearance: Bob Geneslaw
Planning Board Consultant

The Town undertook an adventure to update its Comprehensive Plan. As part of this work comments from the public were considered. Requests for preservation of open space were heard on a recurrent basis. When the mission statement was prepared in January of 1999, several elements of that mission statement referred to open space. To provide a mechanism to connect existing recreation facilities and important open spaces, to support the preservation and protection of historic and scenic features, including individual sites and buildings, scenic views, ponds and stream corridors, wetlands, steep slopes and high elevations. Specific proposals in the Comprehensive Plan called for implementation of some of those objectives. Some of those are illustrated on the maps around the room. More recently the Town Board asked the Planning Board and Ad Hoc Committee to prepare a set of open space guidelines. The guidelines are available in the front of the room. The highlights of these are to connect open spaces, to protect environmentally sensitive resources, to protect farms & historic and cultural places, to protect open space through development as that happens, to provide for recreation where necessary, to protect rivers and streams in the Town's watersheds. A good deal of watershed protection has already been undertaken by the Town in implementing some of the zoning changes that were recommended. We have nomination forms so you can fill one in so we have a record after tonight. Asked for comments from the Town Board

Co. Lasker questioned whether there was a deadline for submitting nominations.

Mr. Geneslaw recommended keeping the record open for at least a week to 10 days and possibly even until mid April.

Appearance: Jim Cropsey
New City

Nominated his property on the east side of Little Tor Road as open space. Opposed to buying development rights. Buying development rights from farmers was not appropriate in his case because he wants to sell 24 acres on the east side.

Appearance: Cora Bodkin
Little Tor Civic Assoc.

She nominated the purchase of Cropsey Farm and Davies Lake property

Appearance: Rich Franco
New City

Opposed to development of land on the mountain. Nominated the purchase of land on the mountain.

Appearance: Rita Kelly
(Spoke on behalf of Senator Tom Morahan):

I extend greetings from Senator Tom Morahan to members of the West Branch Conservation Association, the Rockland Civic Association, the Nanuet Civic Association, the Congers Civic Association - and of course, the South Little Tor Civic Association - as well as to other concerned residents of Clarkstown and Rockland County, Supervisor Holbrook and the Town Board.

Senator Morahan regrets that he cannot be here in person tonight to share his views with you, but the Senate is in session this week in Albany debating the budget and other important matters. I would like to convey some thoughts from Senator Morahan.

I would like to take this opportunity to extend my support for efforts to preserve the remaining green space in Clarkstown.

My concern about preserving open space stems from my responsibilities as a state senator - to do everything I can to enhance the quality of life for all my neighbors - but I also come to you as a resident of Clarkstown.

Today we have a great opportunity to make a difference in shaping our immediate future and our children's tomorrows. We need to identify land throughout Clarkstown that can and should be preserved as open space.

One such parcel, of course, is Cropsey Farm, which has been an integral and important part of Rockland County's landscape and culture for generations. Now that Pat and Jim Cropsey have decided to retire, I hope that their scenic, historic acreage can be included in Clarkstown's open space acquisition initiative to preserve this farmland and keep it from being developed.

I applaud all the individuals in the civic and conservation associations for their recent efforts to identify other tracts of open space in our back yards for preservation - and I thank others who have worked for years to preserve the beauty of Clarkstown and Rockland County.

To let you know, I have reached out to various state agencies looking for any additional assistance for our open space pursuits. Among the agencies are the Department of Environmental Conservation, the Department of Agriculture and the Office of Parks, Recreation and Historic Preservation.

I am checking whether the state revolving-loan fund can be used toward acquisition of open space, and the preliminary answer I have received is that in some instances it may be used.

It would be a tragedy if we did not act now to preserve what little open space we have left, to keep trees standing where otherwise stop signs and traffic lights would sprout.

Thank you for this opportunity to share my thoughts with you tonight and please feel free to call me at my District Office, 425-1818, should you have any questions or suggestions.

Rita Kelly then spoke on her own behalf as a resident and supports the open space concept, in particular, the parcels of Cropsey's and Davies Lake.

Appearance: John Lodico
New City

Spoke regarding a person's property rights to develop their property within the framework of the law but is opposed to condemnation of property when the property is not willingly given. Also is in favor of a mandatory referendum regarding this.

Appearance: Joseph Schleimer
New City

Nominated both parcels of Smith Farm.

Appearance: Jim Johansen
New City

Nominated 12 acres on Schriever Lane.

Appearance: Toni Velkiles
New City

Nominated for purchase 12 acres on Schriever La.

Appearance: Frank Hackett
Valley Cottage Civic Association

Nominated the quarry properties at both ends of Lake Deforest, property surrounding the reservoir, the east side of Rt 303 north of the Thruway and the northeast corner property at New Lake Rd and Kings Highway.

Appearance: Chris Wohl
Congers

Nominated 2 acres between Wisconsin Avenue and the paper street New Jersey Avenue in Congers, important for drainage.

Appearance: Sidney Krivini
New City

Nominated parcel on Schriever Lane, suitable for park or ponding.

Appearance: Ed Day
President of Little Tor Civic Assoc.

Nominated Cropsey Property, Davies Lake & Rapkin Property.

Appearance: Martin Bernstein
New City

Referred to his flyer from 1968 where Westchester County Planner, Nicholas Bonsangue, advised the Town to buy up as much vacant land as possible. \$100/year per home in taxes for the next 30 years would add up to \$50 million to purchase vacant land.

Appearance: John Hlipala
Nanuet

Nominated 3-1/4 acres at end of Fischer Ave in Nanuet.

Appearance: Terri Thal
New City

Wants to nominate the property on the south side of the mountain.

Appearance: Peggy Kurtz
Upper Nyack

Nominated the meadow and footlands at the foot of Hook Mountain at end of Midland Avenue, this could annex into State park.

Appearance: Sheryl Slavin
New City

Supports all parcels nominated particularly Davies Lake and Cropsey property.

Appearance: Tom Perry
Valley Cottage

Nominates West Hook Mountain property in Upper Nyack & Valley Cottage. There are two homes there already; 40 additional acres should be preserved.

Appearance: Katie Bolter
Valley Cottage

Student at Nyack HS. In favor of saving West Hook Mountain property.

Appearance: Mike Fitzgerald
Nanuet

Nominated 75 acres owned by American Home Products on Convent Road behind St. Agathas's.

Appearance: Eric Larson
Nyack

Nominated land by Hook Mountain.

Appearance: Karen Ametuso
New City

Nominated 22.2 acres in Long Path, Davies, Tilcon, and Lake Deforest properties.

Appearance: James Komer
Forest Glen Civic Assoc.

In favor of open space program.

Appearance: Bob Jackson
Nanuet Civic Association, President

Thanked the Town Board for the open space program. Nominated Lederle property.

Appearance: Dwight Kerns
Congers

Nominated Smith Farm property, 113 acres.

Appearance: Jane Murphy
Congers

In favor of the open space program. Should consider land in lieu of money instead of money in lieu of land.

Appearance: Russell Trojan
New City

There is a need for recreation in Nanuet. The Sisters of Charity are building the senior center on Convent Road and we are going to lose a baseball field.

Appearance: David Blake
New City

There are 17 acres off of Buena Vista Road would like to nominate 6 or 7 of those acres.

Appearance: Jamie Kuhn
New City

Was a skateboard enthusiast and said we needed an area where skateboarders could practice.

Appearance: Gerry O'Rourke
Pres, Congers Civic Assoc.

We are into needing open space because the Town has allowed over development with zone changes, etc. As far as deciding what parcels will be purchased, he objects to the Town Board deciding this. Should be some oversight by a professional to avoid political decision.

Appearance: Scott Turner
Congers

Nominated and submitted plan for Smith Farm.

Appearance: John Cain
Congers

Believes the Board should keep the bond to \$10 million and not be so grandiose and the parcels should be noted on the referendum. SECA requires the complete cooperation of property owner.

Appearance: Judith Katzmen
New City

Nominated 11 to 13 acres on 80 South Mountain Road.

Appearance: Joanna Galdone
New City

Nominated Smith Farm and read from a proposal she had prepared for a recreation center.

Appearance: Geraldine Ferris
New City

In favor of proposal for park land.

Appearance: Bob McLoughlin
New City

Nominated the 12 acres of Rapkin property which could be a flood plain.

Appearance: Lauren Glassman
New City

Nominated Smith Farm.

Appearance: Patrick French
Clarkstown

Nominated Hook Mountain West & 20 acres for sale on South Mountain.

Appearance: Jim Previdi President, Rockland Audoboun Society
Bardonia

Nominated land around Hook Mountain.

The following letter was submitted by Legislator Ken Zebrowski:

Dear Supervisor Holbrook and Town Board Members:

I am writing to comment on your actions this evening and the potential of Clarkstown to implement an Open Space Acquisition Program and then, of course, actually acquire open space properties.

As you know, the County of Rockland has embarked on just such an effort and in the Legislature, I am attempting to coalesce the aspirations of the County Executive with those of the Legislature, as a body, to ensure that Rockland County, as an entity, finds common ground for the acquisition of desirable open space parcels throughout the five towns and numerous villages constituting our lovely county.

It is my respectful hope and suggestion to the Town Board that you consider a collaborative effort with County government within the Town of Clarkstown, and just as importantly for those properties which border on and are adjacent to other towns for us to develop a corridor or greenbelt concept. I believe such a program would be in the best interests of the residents of Clarkstown and all of the people of Rockland County. If we were to be able to loosely confederate and agree in principle on such a goal, it would allow us to increase and maximize the greenbelts and open space preserved from town to town. By greenbelts or corridors, I mean stretches of land which would preserve the natural beauty and pristine condition of unspoiled land throughout our town and, of course, in other areas of Rockland County.

If we were able to develop an acquisition plan which recognized that there are still remaining certain belts of such unspoiled property, we could, with good planning, develop a corridor or greenbelt concept, which would stretch from town to town. While, obviously, there would be intervening parcels if we pursued such a goal in a properly planned way, we would, I believe, be able to develop truly natural corridors which would forever remain in their current state and which would significantly preserve the current character of the Town of Clarkstown and our beautiful County.

If I may be of assistance to the Town in pursuing the concept I have outlined, or in any other way that would be helpful in maximizing our acquisition of open space, I stand ready to devote my energies zealously towards that end.

Sincerely yours,
Kenneth P. Zebrowski
Chairman of the Legislature

Supervisor Holbrook said he wanted to nominate the shoulder of Hi Tor, owned by Tilcon, Dellwood Country Club, 243 acres, and Traphagen Estates. Supervisor announced that the filing date for nominations would be extended for 10 days until April 7th.

There being no one further wishing to be heard on motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing was closed, time: 9:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

3/28/00

10:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: Proposed amendment to the Zoning Ordinance as part of the Clarkstown Comprehensive Plan implementation: Removal of definition of "Special Care Home" because same is now obsolete as new definitions of "Senior Citizen Congregate Housing" and "Assisted Care Living Quarters" have been adopted

On motion of Co. Maloney, seconded by Co. 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 opened the meeting to the public. No one appeared.

There being no one further wishing to be heard on motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing was closed, RESOLUTION NO. (267-2000) ADOPTED, time: 10:01 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk