

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/11/2000

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.

Captain William Sherwood opened the Promotion Ceremony. Chief Kevin Kilduff led assemblage in the Pledge of Allegiance. Police Chaplin, Reverend. David Lothrop, gave the invocation. Clarkstown Police Honor Guard, lead by Officer Robert MacDonald, presented the colors.

The following were promoted to the rank of:

Sergeant, Joanna Brogna
Sergeant, Raymond McCullagh
Lieutenant, Michael Sullivan

The oath of office was given by Police Commission, Hon. John R. Maloney, Hon. Ralph F. Mandia and Mr. John Danahy. Chief Kilduff and PBA President, Police Officer, Michael Novotny, recognized and congratulated all the officers on their promotion. The Town Board congratulated the officers and their families. Captain Sherwood dismissed the assemblage.

Supervisor Holbrook opened the public portion of the meeting.

Appearance: John Lodico
New City

Spoke regarding Clarkstown Veterans Memorial Park and thanked everyone who donated their services.

On motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law to end the Moratorium affecting Certain Special Permit Applications subject to §290-11(A), Table 10 and;§290-17(Z) Child Day Care Centers) of the Zoning Ordinance was opened, time: 8:40 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law to end the Moratorium affecting Certain Special Permit Applications subject to §290-11(A), Table 10 and;§290-17(Z) Child Day Care Centers) of the Zoning Ordinance was closed, Resolution Adopted, time: 8:45 P.M.

On motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the public hearing re: Petition for Abandonment of a Portion of Terrace Avenue, Congers was opened, time: 8:45 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Petition for Abandonment of a Portion of Terrace Avenue, Congers was closed, Decision Reserved, time: 9:15 P.M.

On motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the public hearing re: Continuation of Chap. 216 Proceeding (Property Maintenance): Barrier Motors Fuels was open, time: 9:15 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Continuation of Chap. 216 Proceeding (Property Maintenance): Barrier Motors Fuels was closed, Resolution Adopted, time: 9:25 P.M.

RESOLUTION NO. (312-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW TO END THE MORATORIUM AFFECTING CERTAIN SPECIAL PERMIT APPLICATIONS SUBJECT TO SECTIONS 290-II(A), TABLE 10, AND 290-17(Z) OF THE ZONING ORDINANCE”

was introduced by Councilman Maloney at a Town Board meeting held on March 14, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 14, 2000, directed that a public hearing be held on April 11, 2000, at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on March 27, 2000, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 9, 2000, and

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

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6 - 2000 entitled:

“A LOCAL LAW TO END THE MORATORIUM AFFECTING CERTAIN SPECIAL PERMIT APPLICATIONS SUBJECT TO SECTIONS 290-II(A), TABLE 10, AND 290-17(Z) OF THE ZONING ORDINANCE”

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

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

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

RESOLUTION NO. (313-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 999, dated December 14, 1999, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 60, Block A, Lot 14.1, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 28th day of December, 1999, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated December 10, 1999, exist and have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such conditions continue to be uncorrected on or after the 14th day of April, 2000 and be it

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

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

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. (314-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of March 28, 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. (315-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, BARRY GOLDBERG has advised the Town that he will be unable to attend the scheduled public hearing date of April 25, 2000 to discuss the above matter;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 301, adopted by the Town Board on March 28, 2000, by rescheduling the public hearing to May 9, 2000, at 8:00 p.m., or as soon thereafter as possible, to be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, 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. (316-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by 519 57th Street Associates, Inc. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 43, Block E, Lot 8.3, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 9th day of May, 2000, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 24th day of April, 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. (317-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

LIFESTYLE ENTERPRISE, INC.
 3 Woodglen Drive
 P.O. Box 398
 New City, NY 10956

RESOLUTION NO. (317-2000) continued

RESOLVED, that the following Certificate of Registration be issued: No. 2000-25
LIFESTYLE ENTERPRISE, INC.

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. (318-2000)

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 Rockland ARC Playground, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Phillips Hill Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated March 7, 2000 from New Vistas of Rockland, Inc. to the Town of Clarkstown, gratuitously conveying a strip of land along Phillips Hill Road, New City, 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. (319-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 588b-1999, the Town Board proposed to construct sewer improvements, lines and appurtenances within the Town of Clarkstown known as MBSIA No. 2, pursuant to Article 12 of the Town Law, and

WHEREAS, pursuant to Part 85 of Title 2, NYCRR, applications for permission of the State Comptroller must be accompanied by a certified resolution of the Town Board stating that the application was prepared at the direction of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board represents that the application for sewer improvements in the Town of Clarkstown Master Benefited Sewer Improvement District No. 2 was:

- 1. Prepared at the direction of the governing board;
- 2. That the Board believes that the contents of the application to be accurate;

RESOLUTION NO. (319-2000) continued

3. That the Board has determined that the improvement extension for which permission is sought is in the public interest and will not constitute a undue burden of the property which will bear the cost thereof;

4. That the cost of the proposed improvement is to be assessed in whole or in part against the benefited area;

5. That all real property to be so assessed will be benefited by the proposed improvements; and

6. That no benefited property has been excluded.

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. (320-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Patricia Sheridan, Town Clerk, is hereby authorized to attend the New York State Town Clerks' Annual Conference 2000, to be held in Saratoga, New York from April 30 through May 3, 2000 and all proper charges, including the registration fee of \$50.00, shall be charged to Appropriation Account #A-1410-141.

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. (321-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Dorothy Poust, RN, CSW, Clarkstown Counseling Center, is hereby authorized to attend a conference entitled "Second Women's Forum on Chemical Dependency" on August 14, 2000 at Nyack Recovery Center for change, Nyack Hospital, Nyack, New York.

FURTHER RESOLVED, that the registration fee of \$10.00 and all reasonable expenses including travel, tolls and meals shall be charged to Appropriate Account A 4210-414.

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. (322-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes John W. Coyle, Safety Manager, to attend a workshop entitled, "Work Zone Traffic Control for Local Roads" on May 24, 2000, which is being held at the Rockland County Fire Training Center, Pomona, New York, and be it

FURTHER RESOLVED, that the fee for said workshop shall not exceed \$30.00 and shall be charged to Account No. A 1010-414.

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. (323-2000)

Co. Maloney offered and Co. Lasker seconded

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

BID #31-2000 - PAPER & PLASTIC SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: APRIL 28, 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. (324-2000)

Co. Maloney offered and Co. Lasker seconded

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

**BID #32-2000 - CAST IRON CURB INLETS, CATCH BASINS,
FRAMES & GRATES**

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: MAY 2, 2000 at which time bids will be opened and read, and be it

RESOLUTION NO. (324-2000) continued

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. (325-2000)

Co. Maloney offered and Co. Lasker seconded

BID # 33-2000
BASEBALL FIELD LIGHTING AT NANUET SENIOR H.S., NANUET, 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: MAY 5, 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 upon payment of the prescribed non-refundable fee

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. (326-2000)

Co. Maloney offered and Co. Lasker seconded

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

BID #34-2000 -
2000 CONCRETE CURB & SIDEWALK REPLACEMENT PROGRAM

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

WHEREAS, the Rockland County Personnel Office has certified on March 29, 2000 that the position of Account Clerk, Comptroller's Office can be created.

NOW, THEREFORE, be it

RESOLUTION NO. (326-2000) continued

RESOLVED, that the position of Account Clerk, Comptroller's Office is hereby created effective April 12, 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. (327-2000)

Co. Maloney offered and Co. Lasker seconded

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

**BID #35-2000 -
 2000 ROADWAY RESURFACING PROGRAM**

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

RESOLUTION NO. (328-2000)

Co. Maloney offered and Co. Lasker seconded

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

**BID # 23-2000
 MOSQUITO CONTROL PROGRAM**

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: MAY 3, 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. (329-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization 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 2000 to the following non-profit organization in the following amount:

Rockland Center for the Arts \$12,500.00, and be it

FURTHER RESOLVED, that the total amount of \$12,500.00 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

RESOLUTION NO. (330-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Edward Lettre, Clerk of the Works, has recommended hiring the firm of VAN ZELM HEYWOOD & SHADFORD, INC., to provide professional services to identify the cause and provide remediation recommendations pertaining to the condensation condition in the HVAC system of the Police and Justice Court facility;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with VAN ZELM HEYWOOD & SHADFORD, INC., as per its proposal, in a form satisfactory to the Town Attorney, to provide professional services to the condition referred to above, and be it

FURTHER RESOLVED, that the compensation shall be made pursuant to the proposed fee schedules attached hereto, and shall not exceed the amount of \$6,000.00, and shall be charged to Account No. A 3120-409.

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. (331-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with ROBERT GENESLAW CO., in a form satisfactory to the Town Attorney, to provide professional services to the Town of Clarkstown, for the continuation of planning and environmental review necessary for the implementation of the Comprehensive Plan, and be it

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. shall be according to the fee scheduled attached hereto, and shall not exceed the amount of \$30,000.00, and shall be charged to Account No. B-8020-409-15, and be it

FURTHER RESOLVED, that the contract shall contain, among the other provisions required by the Town Attorney, the indemnity provision recommended by the Town's insurance consultant, and provide for liability insurance coverage with the Town of Clarkstown named as an additional insured.

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. (332-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Governor's Traffic Safety Committee of the State of New York, has approved a grant application (Project No. PT-4450081) submitted by the Town of Clarkstown Police Department, in the sum of \$14,000.00, for the purpose of financing 254 additional person hours for two police officers to enforce the Vehicle and Traffic Law for the period from October 1, 1999 through September 30, 2000;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with State of New York, Governor's Traffic Safety Committee, to accept a \$14,000 grant for the purpose of financing 254 additional person hours for two police officers to enforce the Vehicle and Traffic Law for the period from October 1, 1999 through September 30, 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. (333-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the County of Rockland, Department of Mental Health, has approved financing for the Substance Abuse Program at the Clarkstown Counseling Center pursuant to Article 25 of the Mental Hygiene Law, in the amount of \$112,265.00, for the year 2000;

RESOLUTION NO. (333-2000) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form acceptable to the Town Attorney, with the County of Rockland, Department of Mental Health, to accept funds in the amount of \$112,265.00, for the purpose of financing the Substance Abuse Program at the Clarkstown Counseling Center, in the amount of \$112,265.00, for the year 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. (334-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on March 29, 2000 that the position of Account Clerk, Comptroller's Office can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Account Clerk, Comptroller's Office is hereby created effective April 12, 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. (335-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that the position of Computer Installation Assistant, Data Processing Department can be reclassified to the position of Information Service Specialist I (Networked System)/

NOW, THEREFORE, be it

RESOLVED, that the position of Computer Installation Assistant, Data Processing Department, is hereby reclassified to the position of Information Services Specialist I (Networked System) effective April 17, 2000, and be it

FURTHER RESOLVED, that the grade for the position of Information Services Specialist I (Networked System) is hereby established at a grade 27.

RESOLUTION NO. (335-2000) 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. (336-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #99103 Information Services Specialist I (Networked System) which contains the name of Matthew C. Buteux.

NOW, THEREFORE, be it

RESOLVED, that Matthew C. Buteux, 463 Kings Highway, Valley Cottage, New York is hereby appointed to the (Permanent) position of Information Services Specialist I (Networked System), Data Processing Department, at the current annual salary of \$37,553.00 effective April 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. (337-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Arlyn Manzella, 2 Demarest Mill Court, West Nyack, New York, Senior Clerk Typist, Purchasing Department is hereby accepted, effective and retroactive to April 8, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (338-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Anne M. Ashmore, 273 Mirth Drive, Valley Cottage, New York is hereby appointed to the position of (Provisional) Senior Clerk Typist, Purchasing Department at

RESOLUTION NO. (338-2000) continued

the current annual salary of \$32,129.00, 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. (339-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95060, Senior Clerk Typist which contains the name of Maureen A. Golden.

NOW, THEREFORE, be it

RESOLVED, that Maureen A. Golden, 14 DeForest Avenue, New City, New York is hereby appointed to the (Permanent) position of Senior Clerk Typist, Town Clerk's Office at the current annual salary of \$29,472.00, effective and retroactive to 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. (340-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Kathleen C. Costello, 41 Spring Hill Terrace, Chestnut Ridge, New York is hereby appointed to the position of (Part-time) Counselor, Clarkstown Counseling Center at the current hourly rate of \$20.70 effective April 12, 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. (341-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board & Recreation Commission of Aurea Juarbe, 88 Avalon Gardens Drive, Nanuet, New York

RESOLUTION NO. (341-2000) continued

to the position of (Provisional) Senior Clerk Stenographer, Parks Board and Recreation Commission at the current salary of \$25,386.00 effective and retroactive to December 13, 1999.

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. (342-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, on March 23, 2000, the Town of Clarkstown received a determination from the Federal Emergency Management Agency (FEMA) that the Cranford Drive Flood Amelioration Project is ineligible for funding under Public Assistance, and

WHEREAS, on March 24, 2000, the Town of Clarkstown was instructed by the Community Mitigation Programs Manager, to file a Letter of Intent (LOI) with the New York State Emergency Management Office (SEMO) for financial assistance under the Hazard Mitigation Grant Program for the Cranford Drive Flood Amelioration Project, New City, New York, and

WHEREAS, on April 14, 2000, the Town of Clarkstown will submit the necessary documents and proceed to the second phase of the approval process, and

WHEREAS, if approved, the project requires a twenty five percent (25%) share of the project cost to be borne by the Town of Clarkstown and is a condition of the second phase of the approval process.

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board, Town of Clarkstown hereby authorizes the twenty five percent (25%) participation of the project cost in the Hazard Mitigation Grant Program for the Cranford Drive Flood Amelioration Project, and

BE IT FURTHER RESOLVED, that the required funding will become available upon notification of SEMO that the project has been approved.

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. (343-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, on December 10, 1999, the Town of Clarkstown filed a Letter of Intent (LOI) with the New York State Emergency Management Office (SEMO) for financial assistance

RESOLUTION NO. (343-2000) continued

under the Hazard Mitigation Grant Program for the Jerry's Avenue Flood Amelioration Project, Nanuet, New York, and

WHEREAS, on December 22, 1999, the Town of Clarkstown received notification from SEMO that the project appears to meet the eligibility requirements and may proceed to the second phase of the approval process, and

WHEREAS, if approved, the project requires a twenty five percent (25%) share of the project cost to be borne by the Town of Clarkstown and is a condition of the second phase of the approval process.

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board, Town of Clarkstown hereby authorizes the twenty five percent (25%) participation of the project cost in the Hazard Mitigation Grant Program for the Jerry's Avenue Flood Amelioration Project, and

BE IT FURTHER RESOLVED, that the required funding will become available upon notification of SEMO that the project has been approved.

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. (344-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, on December 14, 1999, the Town of Clarkstown filed a Letter of Intent (LOI) with the New York State Emergency Management Office (SEMO) for financial assistance under the Hazard Mitigation Grant Program for the Pascack Brook Flood Reduction Project, Nanuet, New York, and

WHEREAS, on December 28, 1999, the Town of Clarkstown received notification from SEMO that the project appears to meet the eligibility requirements and may proceed to the second phase of the approval process, and

WHEREAS, if approved, the project requires a twenty five percent (25%) share of the project cost to be borne by the Town of Clarkstown and is a condition of the second phase of the approval process.

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board, Town of Clarkstown hereby authorizes the twenty five percent (25%) participation of the project cost in the Hazard Mitigation Grant Program for the Pascack Brook Flood Reduction Project, and

BE IT FURTHER RESOLVED, that the required funding will become available upon notification of SEMO that the project has been approved.

RESOLUTION NO. (344-2000) 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. (345-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, on December 9, 1999, the Town of Clarkstown filed a Letter of Intent (LOI) with the New York State Emergency Management Office (SEMO) for financial assistance under the Hazard Mitigation Grant Program for the Demarest Mill Creek Flood Reduction and Dam Rehabilitation Project, West Nyack, New York, and

WHEREAS, on January 18, 2000, the Town of Clarkstown received notification from SEMO that the project appears to meet the eligibility requirements and may proceed to the second phase of the approval process, and

WHEREAS, if approved, the project requires a twenty five percent (25%) share of the project cost to be borne by the Town of Clarkstown and is a condition of the second phase of the approval process.

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board, Town of Clarkstown hereby authorizes the twenty five percent (25%) participation of the project cost in the Hazard Mitigation Grant Program for the Demarest Mill Creek Flood Reduction and Dam Rehabilitation Project, and

BE IT FURTHER RESOLVED, that the required funding will become available upon notification of SEMO that the project has been approved.

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. (346-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, on December 9, 1999, the Town of Clarkstown filed a Letter of Intent (LOI) with the New York State Emergency Management Office (SEMO) for financial assistance under the Hazard Mitigation Grant Program for the Hackensack Levce Flood Reduction Project, West Nyack, New York, and

WHEREAS, on or about January 12, 1999, the Town of Clarkstown received notification from SEMO that the project did not meet the eligibility requirements and may proceed to the second phase of the approval process, and

RESOLUTION NO. (346-2000) continued

WHEREAS, on February 22, 2000, SEMO reconsidered its decision and determined that the Hackensack Levee Flood Reduction Project appears to meet the eligibility requirements and may proceed to the second phase of the approval process, and

WHEREAS, if approved, the project requires a twenty five percent (25%) share of the project cost to be borne by the Town of Clarkstown and is a condition of the second phase of the approval process.

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board, Town of Clarkstown hereby authorizes the twenty five percent (25%) participation of the project cost in the Hazard Mitigation Grant Program for the Hackensack Levee Flood Reduction Project, and

BE IT FURTHER RESOLVED, that the required funding will become available upon notification of SEMO that the project has been approved.

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. (347-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, on December 9, 1999, the Town of Clarkstown filed a Letter of Intent (LOI) with the New York State Emergency Management Office (SEMO) for financial assistance under the Hazard Mitigation Grant Program for the Solid Waste Facility Operations Building, West Nyack, New York, and

WHEREAS, on January 18, 2000, the Town of Clarkstown received notification from SEMO that the project appears to meet the eligibility requirements and may proceed to the second phase of the approval process, and

WHEREAS, if approved, the project requires a twenty five percent (25%) share of the project cost to be borne by the Town of Clarkstown and is a condition of the second phase of the approval process.

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board, Town of Clarkstown hereby authorizes the twenty five percent (25%) participation of the project cost in the Hazard Mitigation Grant Program for the solid Waste Facility Operations Building Project, and

BE IT FURTHER RESOLVED, that the required funding will become available upon notification of SEMO that the project has been approved.

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. (348-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, on December 9, 1999, the Town of Clarkstown filed a Letter of Intent (LOI) with the New York State Emergency Management Office (SEMO) for financial assistance under the Hazard Mitigation Grant Program for the Green Avenue Flood Reduction Project, Valley Cottage, New York, and

WHEREAS, on January 12, 1999, the Town of Clarkstown received notification from SEMO that the project did not meet the eligibility requirements and may proceed to the second phase of the approval process, and

WHEREAS, on February 22, 2000, SEMO reconsidered its decision and determined that the Green Avenue Flood Reduction Project appears to meet the eligibility requirements and may proceed to the second phase of the approval process, and

WHEREAS, if approved, the project requires a twenty five percent (25%) share of the project cost to be borne by the Town of Clarkstown and is a condition of the second phase of the approval process.

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board, Town of Clarkstown hereby authorizes the twenty five percent (25%) participation of the project cost in the Hazard Mitigation Grant Program for the Green Avenue Flood Reduction Project, and

BE IT FURTHER RESOLVED, that the required funding will become available upon notification of SEMO that the project has been approved.

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. (349-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to hire a contractor to remove trees at the following locations:

One tree in Easement – 2 Pine Tree Court, Valley Cottage, N.Y.
Three trees in easement – 25 May Place, Nanuet, N.Y.

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. (350-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from the County of Rockland Department of Finance, in payment of a Youth Court Grant, be it therefore

RESOLVED, to increase Estimated Revenue Account A 01 10 3841 (Rockland County Youth Court) and Appropriation Account A 1120-319 (Youth Court - Miscellaneous Supplies) by \$2,000.00

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. (351-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Justice Court has received \$300.00 from the New York State Assistance Program toward the purchase of a hand-held scanner for the courtroom, be it

RESOLVED, to increase Estimated Revenue Account A 01 10 4990 (NYS Justice Court Assistance) and Appropriation Account A 1110-327 (Justice Court -Courtroom Supplies) by \$300.00, and

WHEREAS, the Town of Clarkstown Police Department has received a donation from the Donald Grindle family, be it

FURTHER RESOLVED, to increase A 01 9 2705 0 (Gifts and Donations) and A 3120-293 (Law Enforcement Equipment) by \$435.60, and

WHEREAS, the Police Department has received \$25 for the C.A.N.I.N.E.S. class, be it

FURTHER RESOLVED, to increase A 01 3 1520 5 (CANINE) and increase A 3510-326 (Animal Control-Law Enforcement Supplies) by \$25.00 and,

WHEREAS, the following budgetary accounts need additional funding be it

FURTHER RESOLVED, to:

Increase

Decrease

A 1220-201 (Supervisor-Furniture & Fixtures)

A 1990-505 (Contingency-Other Costs) by \$5,460.00

B 8030-114 (Architectural & Landscape Comm. O-T)

B 3620-111 (Building Dept. O-T) by \$984.32

and,

WHEREAS, it is necessary to amend the year 2000 budget for the New City Ambulance Corps, be it

FURTHER RESOLVED, to increase SM 18 14 29990 (Unexpended Balance) and SM 4540-582 (New City Ambulance Corps) by \$4, 100.

RESOLUTION NO. (351-2000) 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. (352-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is currently holding Letter of Credit No. YS126263 in the amount of \$100,000 from the Jack Parker Corporation, which was furnished to the Town to secure the public improvements in the Parker-Nanuet Subdivision, and

WHEREAS, said Letter of Credit is not automatically renewable and is due to expire on April 25, 2000, and

WHEREAS, said Letter of Credit is still required by the Town of Clarkstown as this subdivision has not yet been accepted for dedication;

NOW, THEREFORE, be it

RESOLVED, that unless the aforementioned Letter of Credit is extended for a period of not less than one year prior to its current expiration date of April 25, 2000, the Comptroller and the Town Attorney are hereby authorized and directed to draw against said Letter of Credit for the purpose of establishing a cash security fund to secure the Performance Agreement for the Parker-Nanuet Subdivision.

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. (353-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with LAWLER, MATUSKY & SKELLY ENGINEERS, LLP, in a form satisfactory to the Town Attorney, to obtain a study and recommendations for remediation with respect to the water quality basin located within the Pelham West Subdivision, Nanuet, New York, and be it

FURTHER RESOLVED, that the compensation of Lawler, Matusky & Skelly Engineer, LLP shall not exceed the amount of \$7,000.00, and be it

FURTHER RESOLVED, that the contract shall contain, among the other provisions required by the Town Attorney, the indemnity provision recommended by the Town's insurance consultant, and provide for liability insurance coverage with the Town of Clarkstown named as an additional insured.

RESOLUTION NO. (353-2000) 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. (354-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Town Board Resolution #299-2000 is hereby corrected to read:

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

As per their low bid of \$498,000.00

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 Compensation Disability Coverage

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

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

RESOLUTION NO. (354-2000) continued

On roll call the vote was as follows:

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

There being no one further wishing to be heard, on motion of Co. Mandia, seconded by Councilman Smith and unanimously adopted, the Town Board Meeting was closed, time: 9:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/11/00

8:40 P.M.

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

RE: Proposed local law to end the moratorium affecting certain special permit applications subject to §290-11(A), Table 10, and §290-17 (Z) (Child Day Care Centers) of the Zoning Ordinance

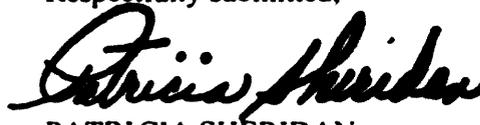
On motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified a to proper posting and publication.

Supervisor opened the public portion of the meeting. No one appeared.

Town Attorney explained the necessity for the public hearing in light of the new regulations regarding child day care centers.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. 312-2000 ADOPTED, time 8:45 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

(RESOLUTION NO. 312-2000 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/11/00

8:45 P.M.

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

RE: Petition for abandonment of a portion of Terrace Avenue, Congers

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

Supervisor Holbrook stated that the Town does not have any fee interest in this piece of property and the Town Attorney confirmed that. This public hearing is to consider the deletion of this from the official map of the town. Supervisor asked if there was anyone wishing to speak on this.

Appearance: Gerry O'Rourke
Congers

Asked who had submitted the petition for abandonment. (Supervisor informed him it was the Kennellys). Mr. O'Rourke said he thought that the discontinuance of undedicated streets from the Town maps on a random basis was no longer going to be done as a result of the Comprehensive Plan. There seems to have been a random approach to this and people are adding them to their property for flag lots and other development. Referred to an issue regarding Massachusetts Avenue and feels this decision should be held off until that issue is resolved. Questioned what portion of Terrace Avenue was being abandoned.

Supervisor Holbrook read the description of what portion was being abandoned and Co. Mandia showed Mr. O'Rourke a map.

Supervisor Holbrook invited the petitioner to speak.

Appearance: Walter Kennelly
Valley Cottage

Stated he has no intention to do anything with the property right now, other than the fact that it subdivides the 2 lots that he owns. The paper road is landlocked by his property, he owns the property in front of it and behind it. If in time, he wants to do anything on it, he will petition the Town and do everything legally.

Co. Lasker asked why he wanted the property, if he doesn't intend to do anything with it.

Mr. Kennelly responded that he may want to put a shed or something up and couldn't do that if it were Town property.

Co. Lasker asked why he didn't wait until he actually had plans to do something on that property. She questioned whether he intended to expand the outdoor activities on his property. She questioned his addition of a meeting room above the restaurant.

Mr. Kennelly confirmed that he was presently petitioning the Town for a variance for this room.

Appearance: Lawrence Garvey
Congers

His property is behind Mr. Kennelly's property. Stated that Mr. Kennelly's property is being used for an outside party area. He stated that substantial improvements have been put on this property, including the portion of Terrace Avenue in question, such as paved parking, high powered post lighting and rebuilt certain structures on that property. Stated that both pieces of property are in R-15 zones, the one with the bar on it has a variance. Submitted an advertisement by Mr. Kennelly advertising clambakes and golf outings in his outdoor party area. From April until October, this property is an outdoor bar. He has asked Mr. Kennelly on several occasions what can be done so they can coexist peacefully. He has asked for fencing or shrubbery and so far, there has been no response from Mr. Kennelly. Feels that Mr. Kennelly will petition the Zoning Board again for a non conforming use for this property as soon as he gets it and this will become one big party area. This is a residential area. Submitted a petition from some of the neighbors. Asked that this request be tabled and that Mr. Kennelly bring the property into compliance with the zoning laws. You can require them to put in privacy fencing and substantial shrubbery. Keep these comments in mind when you consider this issue.

Appearance: Nath DeBhois
Congers

Has had to call police over the noise going on over there.

Appearance: Gerald O'Rourke
Congers

Asked if when the road is abandoned, does that become part of the property?

Supervisor answered that this was not necessarily so. The Town has no fee interest in the road. Anybody could lay claim to it. Town can not sell this to him because we don't own it.

Mr. O'Rourke stated he has no opposition to Mr. Kennelly's business, thinks that it looks a lot better since Mr. Kennelly has taken it over, but maybe this street is a buffer to the gentleman who spoke and why should we just disclaim it. It should not be done without careful evaluation.

Co. Smith agreed that this property has greatly improved in appearance since Mr. Kennelly has taken it over. He has been before us for a year and a half telling us what he wished to do. This will enable him to move everything forward and buffer the back area to help out Mr. Garvey. Thinks that may be a condition of whatever is done in the future. Would like to finish this right here.

Appearance: Mr. Kunes
Congers

There has been three restaurants in the same place, this has always been a picnic place. South of Mr. Kennelly, Terrace Avenue has already been closed off. There is already a noise ordinance.

Supervisor Holbrook suggested that the Board consider some of the suggestions that Mr. Garvey raised in terms of conditions and ask the Town Attorney to draft a resolution for the Board to take a look at Monday night.

Co. Mandia stated that since this is a residential area and it's a nonconforming use and it has been going on for 40 or 50 years, the fact remains it is a nonconforming use, allowing the property to be abandoned should not automatically just allow the place to be expanded. I hope, as the Supervisor suggests, we can table this until we can get the Town Attorney to draft a resolution.

Appearance: Lawrence Garvey
Congers

Last night's ZBA meeting was not considering the piece of property in the back. He can apply for a use permit for that piece of property and give the neighborhood a chance to say their piece.

Appearance: Mr. Kennelly
Valley Cottage

This has been going on for 18 months, that place has been there for 40 years. I was present at the Clarkstown police station 4 or 5 months ago and we tried to work out some sort of resolution and Officer Shine even admitted Mr. Garvey was being unreasonable with his way of doing things. There has been one compliant on file in the 18 months that I've taken over, by Mr. Garvey. No other record on file or any problem with any other neighbor in the area. I have had several neighbors call me up and ask me if I needed any type of support, they would have been happy to come with me tonight. I didn't feel that I would need it because it is only one person who seems to be against it. I told him of my plans, I took out 25, 25 yard dumpsters at my expense, \$23,000 in Town dumping fees, of garbage that has been in that backyard. I have been at that place everyday, working, cleaning up, making it a safe place for people to enjoy themselves back there. Never have I had anything go past 10 p.m. He denied allegations made about drums in the backyard. He is not going to do anything that would jeopardize anyone in the area. Mr. Garvey's property does not even abut his property and the neighbors right next to him say he is not a problem.

Co. Smith said she sees no reason to defer this any longer.

Supervisor suggested they give the Town Attorney the opportunity to draft a resolution.

Town Attorney stated he would have to look to the Town Board before drafting such a resolution. If the Board wishes to place other conditions upon granting the resolution, they have to communicate it so it can be incorporated into the resolution.

Co. Smith stated that she would like more buffering in the back and have things brought forward.

Appearance: John Lodico
New City

Feels a person should not be denied the opportunity to use his property to the fullest extent.

Supervisor Holbrook stated he would like to give the Town Attorney an opportunity to incorporate a resolution that the Board could look at and put on the Town Board Agenda on April 25.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 9:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/11/00

9:15 P.M.

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

RE: Continuation of Chap 216 proceeding (Property Maintenance): Barrier
Motor Fuels (60-A-14.1)

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

Supervisor read the following fax received that afternoon from the attorneys for Barrier Fuels:

We respectfully request that the public hearing of the above captioned matter as scheduled for April 11 be adjourned since Barrier Motor Fuels has filed a petition in bankruptcy court and there was an automatic stay in place.

Town Attorney confirmed that this doesn't have anything to do with zoning violations.

Supervisor asked anyone wishing to speak on this matter to come forward.

Co. Smith asked the Town Attorney if the Town can go in and clean this up and put a lien on the property.

Town Attorney said not until the Board makes its findings and determinations.

Appearance: Richard Martishek
New City

Lives behind the Citgo Gas Station. Barrier rents to landscapers, there are 8 trucks there now some with trailers and other equipment, large piles of mulch, chopped wood all over the place, steel structures and a shed put up by another landscaper who refused to move any of his equipment. There are also wood chips and oil stains on the ground.

Supervisor stated that they have a court order ordering them to be in compliance within a certain period of days which expired last Friday.

Appearance: Irwin Sharp
New City

This has become a storage area for heavy vehicles. He went by this week and counted 13 vehicles there, 4 of which had no plates on them. Today he went by and saw a back hoe on top of a flatbed truck and a large pile of timber. This is an ugly eyesore.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing was closed, RESOLUTION NO. (313-2000) ADOPTED, time: 9:25 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk