

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

5/09/00

8:00 P.M.

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

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

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On motion of Co Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Petition for special permit: Goldberg, 139 Massachusetts Avenue, Congers was opened 8:00 P.M.

On motion of Co Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Petition for special permit: Goldberg, 139 Massachusetts Avenue, Congers was closed, DECISION RESERVED, 8:50 P.M.

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On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Chapter 216 Proceeding (Property Maintenance) 519 57<sup>th</sup> Street Associated, Inc., 6 Kakiat Court, New City was opened 8:51 P.M.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Chapter 216 Proceeding (Property Maintenance) 519 57<sup>th</sup> Street Associated, Inc., 6 Kakiat Court, New City was closed, RESOLUTION NO. 397-2000 ADOPTED, 8:55 P.M.

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On motion of Co Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Chapter 111 Proceeding (Unsafe Building) Stecher, 6 Highview Avenue, Nanuet was opened 8:56 P.M.

On motion of Co Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Chapter 111 Proceeding (Unsafe Building) Stecher, 6 Highview Avenue, Nanuet was closed, RESOLUTION NO. 398-2000 ADOPTED, 8:58 P.M.

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On motion of Co Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law for flood damage prevention was opened 8:59P.M.

On motion of Co Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law for flood damage prevention was closed, RESOLUTION NO. 399-2000 ADOPTED, 9:01 P.M.

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Supervisor opened the public portion of the meeting.

Appearance: Martin Bernstein  
New City

Asked what organizations were receiving economic assistance on Item #5. Asked for an explanation of the reclassifications on Item 14. Spoke regarding the need for a master plan for the center of New City. Would like a joint New City Public Commission with representative of the public, town and county officials to create such a plan. Suggested the Town Board hold a forum on cable TV to keep the public informed

Appearance: John Lodico  
New City

With reference to Item #16, asked what work was being done on Klein Avenue. Asked about the status of flow gate proposal.

Appearance: John Skirti  
New City

Spoke regarding Tutor Time in Congers. Is upset that the Planning Board ad hoc meeting not going to discuss parking issue until June. September enrollment is the largest for the year and would like to open by then.

Appearance: Martin Bernstein  
New City

Questioned why ad hoc committee couldn't discuss this issue with the Planning Board at the Planning Board meeting.

Appearance: John Lodico  
New City

The meeting Planning Board ad hoc meeting should not have been cancelled just because one person was absent.

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**RESOLUTION NO. (397-2000)**

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 316-2000, dated April 12, 2000, 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 43, Block E, Lot 8.3, 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 9<sup>th</sup> day of May, 2000, 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 April 13, 2000, exist and have not been corrected, and be it

RESOLUTION NO. (397-2000) continued

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 16<sup>th</sup> day of May, 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 . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (398-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 356-2000, dated April 25, 2000, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 111 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 13, Block E, Lot 26, 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 9<sup>th</sup> day of May, 2000, 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 111 of the Code of the Town of Clarkstown, dated April 27, 2000, 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 16<sup>th</sup> day of May, 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.

RESOLUTION NO. (398-2000) continued

RESOLVED, that the Town Board Minutes of April 25, 2000 are hereby accepted a submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (399-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

“A local law for FLOOD DAMAGE PREVENTION as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36”

was introduced by Councilwoman Smith at a Town Board meeting held on April 25, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 25, 2000, directed that a public hearing be held on May 9, 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 May 2, 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 April 21 and April 25, 2000, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 9, 2000;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 7 - 2000 entitled:

“A local law for FLOOD DAMAGE PREVENTION as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36”

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:

On roll call the vote was as follows:

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

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TBM 5/9/00  
PAGE 5

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. (400-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of April 25, 2000 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (401-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Historical Society of Rockland County is holding its annual Historic Preservation Merit Awards Program on May 21, 2000. The awards will be presented in recognition of outstanding historic preservation efforts in Rockland County, and

WHEREAS, the Town Board of the Town of Clarkstown believes that the 2000 Historic Preservation Merit Awards Program is a worthy cause;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the expenditure of \$1,600 to cover the partial sponsorship of the 2000 Historic Preservation Merit Awards Program by the Historical Society of Rockland County, and be it

FURTHER RESOLVED, that the fee for such program shall be charged to Account No. A 7520-419.

On roll call the vote was as follows:

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

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RESOLUTION NO. (402-2000)

Co. Lasker offered and Co. Maloney 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

RESOLUTION NO. (402-2000) continued

SWAN'S LANDING CONDO'S  
CYGNET ROAD  
CONGERS, NEW YORK 10920

by the installation of fire lane designations, and

Whereas, MATTHEW CIFUNI, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, 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, a amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire 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 . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (403-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to increase Appropriation Account A-7610-301 (Program for the Aging - Food) by \$705.00 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$705.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (404-2000)

Co. Smith offered and Co. Lasker seconded

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

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

RESOLUTION NO. (404-2000) continued

Association for Visually Impaired, Inc.	\$1,000.00
Clarkstown Baseball Association (Babe Ruth Baseball)	\$1,050.00
Friends of the Nyacks	\$1,000.00
Hudson Valley Council (Boy Scouts of America)	\$2,500.00
Rockland YM-YWHA	\$1,500.00
T.O.U.C.H. of Rockland County, Inc.	\$5,000.00

and be it

FURTHER RESOLVED, that the total amount of \$12,050.00 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 . . . . . Absent  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (405-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes attendance by John A. Costa, Town Attorney, at an Environmental Enforcement Conference which is being held on May 19, 2000 at Garden City, New York, and be it

FURTHER RESOLVED, that the cost for such seminar is \$25.00 and shall be charged to Account No. A 1010-414, and other reasonable expenses for travel will be charged to Account No. A 1010-404.

On roll call the vote was as follows:

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

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RESOLUTION NO. (406-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the area surrounding the Kill Von Beast, from Congers Lake to Heatons Pond, experienced severe flooding which resulted to damage to Town infrastructure and public utilities, and

WHEREAS, based upon the recommendation of the State Emergency Management Office (SEMO), the Town of Clarkstown has made an application to SEMO for funding assistance to remediate the affected properties so as to remove them from the flood plain, and

WHEREAS, in the opinion of the Department of Environmental Control, alternate solutions need to be studied before a final determination can be made.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environmental Control is hereby directed to perform the required engineering study to determine the necessary improvements and alternatives to ameliorate the flooding associated with the Kill Von Beast, and its tributaries, from Congers Lake to Heatons Pond, and

BE IT FURTHER RESOLVED, that the Department of Environmental Control will prepare and submit a written report to the Town Board for their review no later than August 8, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (407-2000)

Co. Maloney offered and Co. Smith 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:

DeSIMONE & SONS, INC.  
35 Madison Avenue  
Garnerville, NY 10923  
Paulo DeSimone, Jr., President

RESOLVED, that the following Certificate of Registration be issued:

No. 2000-26 DeSIMONE & SONS, INC.

On roll call the vote was as follows:

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

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RESOLUTION NO. (408 -2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown was duly instituted against premises known and described on the Tax Map of the Town of Clarkstown as Map 69, Block A, Lot 14.1, and

WHEREAS, by Order of the Town Board, the Building Inspector was authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the total cost for the proceeding and corrective measures is the sum of \$18,168.64;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on May 4, 2000, upon the payment of \$18,168.64 to reimburse the Town for the cost of the proceeding pursuant to the attached statement.

On roll call the vote was as follows:

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

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RESOLUTION NO. (409-2000)

Co. Maloney offered and Co.Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, B. G. SCHEFA DEVELOPMENT CORPORATION v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, THE BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN and THE TOWN OF CLARKSTOWN, Index No(s). 4752/94 and 4219/95, affecting parcel(s) designated as Map 6, Block B, Lots 4 and 4.1, for the year(s) 1994/95 and 1995/96, 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, Deputy Town Attorney of the Town of Clarkstown and the attorneys for the East Ramapo Central 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 6, Block B, Lot 4 be reduced for the year(s) 1995/96 from \$577,000 to \$455,100 at a cost to the Town of \$1,840.51;

RESOLUTION NO. (409-2000) continued

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 6, Block B, Lot 4.1 be reduced for the year(s) 1994/95 from \$135,000 to \$108,200 and for the year(s) 1995/96 from \$135,000 to \$106,500 at a cost to the Town of \$826.21;

3. Reimbursement for the year(s) 1994/95 and 1995/96 on the parcels described as Map 6, Block B, Lots 4 and 4.1, as stated above, be made within (60) 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. 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

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 . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (410-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, CONGERS REALTY, INC. v. TOWN OF CLARKSTOWN and NICHOLAS LONGO, Assessor, COUNTY OF ROCKLAND, NEW YORK, Index No(s). 4155/96, 4724/97, 4147/98 and 3970/99, affecting parcel(s) designated as Map 125, Block B, Lots 11 through 11. 16, for the year(s) 1996/97, 1997/98, 1998/99 and 1999/2000, 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 Clarkstown Central 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 125, Block B, Lots 11 through 11.16 be reduced for the year(s) 1996/97 as shown on the annexed Schedule "A", at a cost to the Town of \$3,026.68;

RESOLUTION NO. (410-2000) continued

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 125, Block B, Lots 11 through 11.16 be reduced for the year(s) 1997/98 as shown on the annexed Schedule "B", at a cost to the Town of \$3,120.40;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 125, Block B, Lots 11 through 11.16 be reduced for the year(s) 1998/99 as shown on the annexed Schedule "C", at a cost to the Town of \$3,142.92;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 125, Block B, Lots 11 through 11.16 be reduced for the year(s) 1999/00 as shown on the annexed Schedule "D", at a cost to the Town of \$3,200.32;

5. Reimbursement for the year(s) 1996/97, 1997/98, 1998/99 and 1999/00 on the parcels described as Map 125, Block B, Lots 11 through 11.16, as stated above, be made within (30) 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;

6. 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

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 . . . . . Absent
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (411-2000)

Co. Maloney offered and Co. Lasker seconded

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

BID #28-2000 - WASHED SAND AND GRAVEL

hereby awarded to: TILCON, NEW YORK  
162 OLD MILL ROAD  
WEST NYACK, NY 10994  
PRINCIPALS: A PUBLIC CORPORATION

E. TETZ AND SONS  
299 CRYSTAL RUN ROAD  
MIDDLETOWN, NY 10941  
PRINCIPALS: DENISE STITT  
CORINNE TETZ  
ED TETZ, JR.  
GARY TETZ, SR.

RESOLUTION NO. (411-2000) continued

ISLIP BUSINESS CORP.  
308 W. MAIN STREET  
SMITHTOWN, NY 11787  
PRINCIPALS: GEORGE HEINLEIN

as per the attached item/price schedule

On roll call the vote was as follows:

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

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RESOLUTION NO. (412-2000)

Co. Maloney offered and Co. Lasker seconded

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

BID # 23-2000  
MOSQUITO CONTROL PROGRAM

is hereby awarded to:

TBC SPRAYING SERVICE  
229 GRANITE AVE.  
HALEDON, NJ 07508  
PRINCIPALS: THOMAS WINKLER  
DEAN WINKLER

as per their low bid proposal :

Six (6) Larvicide Applications @ \$325.00 per application  
Seven(7) Adulticide Application @ \$7,215.00 per application

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

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (413-2000)

Co. Maloney offered and Co.Lasker seconded

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Superintendent of Recreation and Parks that

**BID #26-2000 - SECURITY GUARD SERVICE - TOWN PARKS**

is hereby awarded to:

**ACCURATE SECURITY CO.  
84 SOUTH LIBERTY DRIVE  
STONY POINT, NY 10980**

as per their proposed cost of \$9.75 per guard per hour and be it

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

- a) Certificate of Contractor's Liability, in the amount of 1 million dollars, including coverage for errors and omissions
- b) Save Harmless Clause
- c) Certificate of Worker's Compensation insurance coverage
- d) Certificate of Worker's Disability Insurance coverage

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (414-2000)

Co. Maloney offered and Co.Lasker seconded

RESOLVED, that based upon the recommendation of the Project Engineer, and the Superintendent of Recreation and Parks that

**BID #33-2000 - BASEBALL FIELD LIGHTING AT  
NANUET SENIOR HIGH SCHOOL  
ELECTRICAL WORK**

is hereby partially awarded to

**FANSHAWE, INC.  
d/b/a ROCKLAND ELECTRIC  
58 EAST ROUTE 59  
NANUET, NY 10954  
PRINCIPALS: BARBARA FANSHAWE  
GEORGE FANSHAWE**

RESOLUTION NO. (414-2000) continued

as per their proposed project cost of \$205,700, and be it

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

- 1) Signed contract Documents - 2 sets
- 2) Performance Bond - 100% of project cost
- 3) Labor and Material Payment Bond - 100% of proposed project cost
- 4) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Clause
- 5) Certificate of Worker's Compensation
- 6) 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.

On roll call the vote was as follows:

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

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RESOLUTION NO. (415-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is desirous of enhancing the transportation corridors along Route 304, and,

WHEREAS, the Department of Environmental Control has recommended a solution for core-aeration and planting wild flowers seeds along the embankment as necessary, and;

WHEREAS, the Department of Environmental Control has solicited proposals to perform said core-aeration and planting wild flower seeds work;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, 59 Schriever Lane, New City New York, to perform the necessary work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$900.00 and shall be a proper charge to account # H 8742 409 0 24 5.

On roll call the vote was as follows:

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

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RESOLUTION NO. (416-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Raymond J. Flynn, 10 South Lexow Avenue, Nanuet, New York, is hereby appointed to the position of (part-time) Bus Driver – Mini Trans Department – at the current hourly rate of \$13.15 – effective and retroactive to May 5, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (417-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Dina M. Eigenlaub, 88 Wisconsin Avenue, Congers, New York, is hereby appointed to the position of (part-time) Clerk – Highway Department --at the current hourly rate of \$12.99 – effective and retroactive to April 3, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (418-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that the position of Principal Clerk Stenographer #0179 – Department of Environmental Control (encumbered by Geraldine Kelly) – can be reclassified to the position of Administrative Secretary,

Now, therefore, be it

RESOLVED, that the position of Principal Clerk Stenographer is hereby reclassified to the position of Administrative Secretary – Department of Environmental Control – and be it

FURTHER RESOLVED, that the grade for the position of Administrative Secretary is hereby established at a Grade 24 effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (419-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Geraldine J. Kelly, 39 Twin Elms Lane, New City, New York, is hereby appointed to the position of (Provisional – Promotional) Administrative Secretary – Department of Environmental Control – at the current annual salary of \$48,851., effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (420-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that the position of Senior Clerk Typist #0216 – Department of Environmental Control – (encumbered by Carol O’Boyle) can be reclassified to the position of Principal Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Senior Clerk Typist is hereby reclassified to the position of Principal Clerk Typist – Department of Environmental Control – effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (421-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Carol A. O’Boyle, 38 Beechwood Drive, Congers, New York, is hereby appointed to the position of (Provisional – Promotional) Principal Clerk Typist – Department of Environmental Control – at the current annual salary of \$40,592., effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (422-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that the position of Senior Stenographer #0224 – Department of Environmental Control – (encumbered by Rita Maklin) – can be reclassified to the position of Principal Clerk Stenographer,

Now, therefore, be it

RESOLVED, that the position of Senior Stenographer – is hereby reclassified to the position of Principal Clerk Stenographer – Department of Environmental Control – effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (423-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Rita Maklin, 4 Maplewood Lane, New City, New York, is hereby appointed to the position of (Provisional – Promotional) – Principal Clerk Stenographer – Department of Environmental Control – at the current annual salary of \$41,406., effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (424-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that the position of Senior Clerk Typist #0220 – Department of Environmental Control – (encumbered by Ruku DeColyse) can be reclassified to the position of Principal Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Senior Clerk Typist is hereby reclassified to the position of Principal Clerk Typist – Department of Environmental Control – effective and retroactive to April 10, 2000.

RESOLUTION NO. (424-2000) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (425-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Rukmani DeColyse, 21 Endicott Street, Congers, New York, is hereby appointed to the position of (Provisional – Promotional) Principal Clerk Typist, Department of Environmental Control – at the current annual salary of \$39,692., effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (426-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on March 24, 2000 that the position of Clerk Typist #0088 – Department of Environmental Control – (encumbered by Joan Williams) – can be reclassified to the position of Senior Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Clerk Typist is hereby reclassified to the position of Senior Clerk Typist – Department of Environmental Control – effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (427-2000)

Co. Maloney offered and Co. Smith seconded

RESOLUTION NO. (427-2000) continued

RESOLVED, that Joan M. Williams, 11 New Haven Avenue, Nanuet, New York, is hereby appointed to the position of (Provisional – Promotional) Senior Clerk Typist – Department of Environmental Control – at the current annual salary of \$37,397., effective and retroactive to April 10, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (428-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective and retroactive to May 8, 2000:

Year Round High School Students (Office Worker Students)  
.....Salary Range: \$ .35 to 1.25 hr.

Year Round College Students (Office Worker Students) and Laborer Students  
..... Salary Range: \$1.00 to \$2.00 hr.

Returning Seasonal College Students:

Office Worker Students . . . . . \$1.00 hr.

Laborer Students . . . . . \$ 1.00 hr.

Special Studies Interns . . . . . \$8.00 to \$10.00 hr.

Office Worker Student Starting Salary (High School) . . . . . \$5.50 hr.

Office Worker Student Starting Salary (College) . . . . . \$6.50 to \$7.50 hr.

Laborer Students (Over 18 years of age) . . . . . \$7.50

On roll call the vote was as follows:

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

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RESOLUTION NO. (429-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board has received a proposal from Sylvia A. Welch, Ph.D., who has experience in the preparation of project grant applications, to act as agent for the Town of Clarkstown to obtain grants for certain projects;

RESOLUTION NO. (429-2000) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Sylvia A. Welch, Ph.D., in a form approved by the Town Attorney, to obtain her services as a grant writer on behalf of the Town of Clarkstown, to seek grants to fund capital project for the Town of Clarkstown, and be it

FURTHER RESOLVED, that Sylvia A. Welch, Ph.D., shall be compensated at the rate of \$55.00 per hour, and shall be charged to Account No. DB 5110-409, and be it

FURTHER RESOLVED, that the contract shall contain, among other provisions required by the Town Attorney, the indemnity provision recommended by the Town's insurance consultants liability insurance coverage with the Town of Clarkstown named as an additional insured, and that the agreement may be terminated on thirty days notice.

On roll call the vote was as follows:

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

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RESOLUTION NO. (430-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Police Department will possess and operate a Heartstream Forerunner (AED) and will complete the National Safety Council Basic Life Support and Automated External Defibrillator Course, and

WHEREAS, Michael S. Lippe, M.D. has proposed to provide services as an Emergency Health Care Provider to the Clarkstown Police Department pursuant to the New York State Public Health Law, Article 30, Section 3000-B;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Michael S. Lippe, M.D. in a form satisfactory to the Town Attorney, whereby Dr. Lippe shall agree to provide services as an Emergency Health Care Provider to the Clarkstown Police Department pursuant to the New York State Public Health Law, Article 30, Section 3000-B, for a period of one year from the date of adoption of this Resolution, and be it

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

FURTHER RESOLVED, that such services shall be provided without charge to the Town of Clarkstown.

RESOLUTION NO. (430-2000) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (431-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, The Town of Clarkstown owns and maintains a flood control structure known as the Klein Avenue Retention Basin identified as Tax Map 89, Block C, Lot 2, and

WHEREAS, as a result of Tropical Storm Floyd, certain large trees were uprooted and block access to the top of the berm around the perimeter of the retention basin, and

WHEREAS, in order to assure the continued integrity of the flood control structure, all trees within, and along the entire length of the berm must be removed, and

WHEREAS, the removal of all trees from the berm is in accordance with the New York State Department of Environmental Conservation's procedure for the maintenance of earthen flood control structures, and

WHEREAS, the Director of the Department of Environmental Control has solicited proposals from three (3) qualified contractors to perform the necessary work.

NOW, THEREFORE BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Exclusive/Oasis Tree Experts, 29 Summit Park Road, Spring Valley, New York 10977 in accordance with their proposal dated May 9, 2000, and

BE IT FURTHER RESOLVED, that the cost of the work shall not exceed \$25,000.00 and shall be a proper charge to account H 7186 409 59 1.

On roll call the vote was as follows:

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

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RESOLUTION NO. (432-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Parks Board and Recreation Commission wishes to extend the lease agreement with the Grace Baptist Church to conduct a preschool program in Nanuet, New York;

NOW, THEREFORE, be it

RESOLUTION NO. (432-2000) continued

RESOLVED, that the Town board hereby authorizes the Town of Clarkstown Parks Board and Recreation Commission to execute an extension agreement with the Grace Baptist Church to conduct a preschool program, and that said agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that said agreement shall cover the period fro July 1, 2000 to June 30, 2002, and the fee shall remain the same as the 1998/1999 agreement and be charged against Appropriation Account No. 7141-424.

On roll call the vote was as follows:

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

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RESOLUTION NO. (433 -2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Scheu, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Grant Avenue, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated May 8, 2000 from Herman Scheu to the Town of Clarkstown, gratuitously conveying a strip of land along Grant Avenue, Congers, 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 . . . . . Absent
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (434-2000)

Co. Smith offered and Co. Maloney seconded

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

BID #32 -2000 - CAST IRON CURB INLETS, CATCH BASINS,  
FRAMES, GRATES, ET AL

hereby awarded to:   CAMPBELL FOUNDRY  
800 BERGEN STREET  
HARRISON, NJ 07029  
PRINCIPALS:   J. ROBERT CAMPBELL, JR.  
                  JOHN CAMPBELL  
                  LEIGH V. MAYNARD

RESOLUTION NO. (434-2000) continued

CAPITOL HIGHWAY MATERIALS  
ROUTE 6  
BALDWIN PLACE, NY 10505  
PRINCIPALS: SIDDHARTH BHATTHACHARJI  
VICTOR PAIS

EXPANDED SUPPLY PRODUCTS  
3330 ROUTE 9  
COLD SPRING, NY 10516  
PRINCIPALS: BRUCE KEHR  
DONNA KEHR

PRE-CAST CONCRETE SALES  
P.O. DRAWER O  
VALLEY COTTAGE, NY 10989  
PRINCIPALS: RAYMOND M. FISHER  
GREGORY P. FISHER

NEENAH FOUNDRY CO.  
P.O. BOX 729  
NEENAH, WI 54957  
PRINCIPALS: JAMES HILDEBRAND  
BILL BARRETT  
GARY LACHEY

as per the item/price schedule on file in the Purchasing Department

On roll call the vote was as follows:

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

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RESOLUTION NO. (435-2000)

Co. Smith offered and Co. Maloney seconded

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

BID #31-2000 - PAPER AND PLASTIC SUPPLIES

hereby awarded to: SOFCO, INC.  
702 POTENTIAL PKWY  
SCOTIA, NY 12302  
PRINCIPALS: A PUBLIC CORPORATION

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

RESOLUTION NO. (435-2000) continued

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

ALL AMERICAN POLY  
40 TURNER PLACE  
PISCATAWAY, NJ 08854  
PRINCIPALS: GEORGE PSCHERHOFER  
JACK KLEIN  
ABE MOSKOWITZ

CENTRAL POLY  
P.O. BOX 4097  
LINDEN, NJ  
PRINCIPALS: ANDREW HOFFER  
AGNES SERHOFFER

as per the item/price schedule on file in the Purchasing Department

On roll call the vote was as follows:

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

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RESOLUTION NO. (436-2000)

Co. Smith offered and Co. Maloney seconded

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

**BID #37-2000 - RECONSTRUCTION OF THE SCALE HOUSE AT THE SOLID WASTE FACILITY**

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York 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 . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (437-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes John Coyle, Safety Manager, to attend a conference being conducted by PERMA, which will be held on May 11 and May 12, 2000, at Lake George, New York, and be it

FURTHER RESOLVED, that the cost of the conference will be borne by PERMA, and the cost for travel shall be paid by the Town, and shall be charged to Account No. A 1010-404.

On roll call the vote was as follows:

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

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RESOLUTION NO. (438-2000)

Co. Smith 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:

Jawonio, Inc.                      \$250.00

and be it

FURTHER RESOLVED, that the total amount of \$250.00 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 . . . . . Absent  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/9/2000

8:00 P.M.

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

Re: Special Permit to Conduct a Landfill Operation – Goldberg

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

Supervisor asked the applicant to make their presentation.

Appearance: Barry Goldberg  
Massachusetts Ave., Congers

Mr. Goldberg thanked the Town Board for having this hearing. Last spring he began adding fill to his back yard in order to provide his grandchildren with a safe and level environment in which they could play. There are four grandchildren and a grand niece. Prior to that time, he had no back yard to speak of. It was steeply sloped. It contained rambles and poison ivy. It had raccoons possibly with rabies. It had glass from prior owners and chards of metal. His dog and cat had cut themselves badly. His two daughters who grew up in this house, never had the opportunity to play there. Within a short time, he was informed by town officials that he needed a permit to add fill and was ordered to stop. Since that time, he has been engaged in a broad range of activities in concert with recommendations made by DEC official, Ron Haelen to insure the safety and stability of this site. Rather than list all of these activities which are quite numerous, he handed out a list of them to the Board. He has been fully cooperative in a timely fashion in all endeavors to this point. It is his intent to continue to do so in order to have a resolution that is satisfactory to all involved agencies. One document is a series of allegations submitted by an individual to the town court. One of these allegations is the basis for a number of town activities and recommendations to date as well as a number of others that may come. All of these are provably false. However, since only a couple of them have a direct bearing on this matter, he will only address these at this time. The first and most serious allegation is that the backhoes and bulldozers pull down most of the beautiful trees in the area. These trees were used as a base to fill the area. There are three parts to this. First, less than two weeks ago, a large excavator dug a large number of holes in the level part of the filled area. These holes were four feet wide by four feet long by sixteen feet deep and they went down to virgin soil. Mr. Haelen the DEC official was on site and examined the holes and the dirt. There were no signs of buried trees. Second, the area of the slope contains just a few trees. Each of which were all ready at or near the far end. The largest of these trees remains exposed as do two smaller ones. Other trees were already dead. Third, as to the allegation relating to most of the beautiful trees, he would estimate that more than 80% of the trees remain standing behind his house somewhere around 25 in number. It is also instructive to note that this same individual had asked Mr. Goldberg's contractor to take down a beautiful tree on Mr. Goldberg's property (one rising close to 100 feet) so that this individual could have a better view of the lake. Another important allegation relates to sink holes. This individual's house and Mr. Goldberg's house are not next to each other. This individual states, "sink holes can cause the entire structure to collapse". There are no structures of any kind in this area. It has always been Mr. Goldberg's intent to use this area for the safety and enjoyment of his grandchildren. Less than two weeks ago, a number of very large holes ( four feet by four feet by sixteen feet deep down to virgin soil) were dug and no evidence of buried trees was found (no trees, no sink holes). He is fully committed to working cooperatively and expeditiously in order to resolve this matter. If he is asked to prepare a sediment and soil erosion plan, he will be glad to comply. If asked to supply a detailed grating plan

Re: Special Permit to Conduct a Landfill Operation - Goldberg

including the stabilization of the slope, he will be glad to comply. If asked to have a surveyor stake out his property line before and after any remediation of this site, he will be glad to comply. The Palisades Interstate Park Commission has indicated that he should replace their fence as a portion of the site remediation. He is pleased to comply. In granting him the right of access, he was asked to replace any trees removed for the purpose of gaining access. He is pleased to comply. He was asked to restore the site of the access area if he used it to its original condition. He is pleased to comply. It is in the spirit of being a good citizen, a good resident, a good neighbor and a good grandfather that he pledges here and now and will continue to pledge his full and active cooperation with all Town agencies.

Appearance: Robert Fullem  
Massachusetts Ave., Congers

Two weeks ago he stood in the Town Court and listened to Judge Flick indicate to Mr. Goldberg that he had certain things to fulfill before any action would be taken. At that time, Mr. Goldberg said that he would comply. He did have a bulldozer come and then the bulldozer was parked for the next eight days in front of Mr. Goldberg's facing Rockland Lake, not Massachusetts Ave. If you listened to Mr. Goldberg talk here tonight, you would swear to God that he is one of the finest people on God's earth and the rest of us are just complaining neighbors. That is not the truth. In the first place, Mr. Goldberg never had a permit to dump the landfill on his land. Now he is asking for a special permit to do what. The soil is already there. Has Mr. Goldberg complied with the Judge's instruction? Is the Board aware of this?

Supervisor stated that they are here tonight to take the information. We are going to reserve decision on this because we are aware that there are problems. If people have concerns and questions that they feel the need to be addressed, now is the time to do it. That is the purpose of this meeting. Mr. Fullem asked why he needs a special permit now when he didn't have a permit to dump the soil in the first place? Supervisor said that he is not necessarily entitled to a special permit, but he has applied for one and that is why we are having the public hearing. Mr. Fullem asked what happened when the soil was dumped there. Supervisor stated that that was in violation of the Town Code and that is why it ended up in Justice Court.

Appearance: Patrick Rocco  
Massachusetts Ave., Congers

This is definitely a matter of safety. He asked everyone to remember the work "safety". He has two small children. He feels that this is a very unsafe environment that has been made by this landfill. He has been to every court case with Judge Flick. Last Thursday, Mr. Goldberg was suppose to have the soil test results in. They have not come in yet. We have no idea what is in the soil. There are trees going down, all laid out across the property and the soil go down on top of the trees. Since 1975 this has been illegal in the County because it can cause dangerous sink holes over time. It is a matter of safety that we are here tonight. We want to make sure that what goes into the soil is clean soil. Supervisor asked Mr. Rocco what outcome would he like to see. Mr. Rocco replied, exactly what the Town has recommended in part and a couple of more things added. The Town is looking to see if this is safe soil and also that the structure is safe. Mr. Goldberg encroached on a couple of other properties including the P.I.P. property with the fill. Mr. Goldberg has been instructed to get that up. We have thirty-seven signatures in protest of this special permit.

Supervisor asked if the signatures are against the granting of the special permit or the granting of a special permit with the conditions that you would like to see implemented? Mr. Rocco stated, we do not want anything to happen tonight. Supervisor asked if there was a list of recommendations? Mr. Rocco said, no. Co. Maloney asked if he was opposed to the special permit. Mr. Rocco stated that they are opposed to a landfill permit.

Re: Special Permit to Conduct a Landfill Operation - Goldberg

Appearance: Maria Jansen  
Massachusetts Ave., Congers

She read the petition signed by the thirty-seven people. She read a letter in opposition to the landfill and gave a copy to the Board.

Appearance: Steve Levine  
Massachusetts Ave., Congers

'Safety is the paramount concern. We don't know what has been dumped in this soil. He has personally witnessed thirty, forty, fifty, sixty large container trucks full of unknown material going to this site dumping, week in, week out. There were so many trucks going to this site that he could not get down the street. There were absolutely no names on any of the cabs of these vehicles and no proper stickers by the regulatory agencies which made him very suspicious as to what is in the fill. Is there lead, arsenic, plastic, what is in the soil is the issue here. Leaving a hole four feet and going down sixteen feet when over thirty or forty feet of fill material is not adequate. You need to have people do proper testing with boring samples analyzing to see what is in the soil. After the fact of dumping all this material, Mr. Goldberg is requesting a special permit so he can continue to dump more. If he wants to be a good neighbor, let him take out everything. Let him come back and get proper permits. Let him have the soil certified as required by law. It is outrageous what is going on here. This is a residential street. In the section of the Zoning Ordinance, he could have a fill permit for up to five years. Many of us including myself have wells. Is my well now contaminated by what is dumped a thousand feet away. In the Zoning Ordinance, when you have a site that exceeds a certain percent of slope, which this site does, you cannot use that lot area in your calculations for a potential subdivision, however, if someone comes along and fills in dramatically the site to bring it up to grade, you would circumvent the Zoning Ordinance and furthermore you would have done it without a permit. What the Board has to consider here is that this is very dangerous. As far as most neighbors are concerned, he needs to remove all of that material and have it tested properly.

Appearance: Debbie Maroney  
Barry Goldberg's daughter

She is concerned about safety with having her two children there. They are not parking on this added property. There is no intentions to build that she is aware of. If safety is a concern, the Town Board will decide based on testing what should be done. Her father reseeded a number of times to make sure it was covered with grass and help stabilize the soil. They just want to get the permit so they can have the approval for the work that was already done. She hopes the special permit will be granted and any fears will be met.

Appearance: Catherine Fullem  
Massachusetts Ave.

She has lived at 148 Massachusetts Ave. for 52 years. It has been a lovely street until this episode happened. Mr. Goldberg came to my home and talked to me. He misconstrued everything she said to make him look like a plaster saint. She asked Mr. Goldberg if he had a permit and he said no. She told him he was wrong.

Appearance: Patrick Loftus, Esq.  
Freeman, Loftus & Manley  
Representing Mr. & Mrs. Robert Legon

His clients concern is simply that the plans that were submitted are not sufficient for them to take a position. Their main concern is to be given greater detail in the grading plan in order to determine whether or not Mr. & Mrs. Legon's property would be adversely affected in terms of drainage. He asked the Town Board to ask Mr. Goldberg to submit more detail plans.

Re: Special Permit to Conduct a Landfill Operation - Goldberg

Supervisor asked Mr. Goldberg, what is the intent of the fill on this property and how big is the lot? Mr. Goldberg said that the intent is to have it solely for the enjoyment of his family. They have no intention of building anything there. They are not going for a subdivision. They received a subdivision more than nine years ago. That subdivision came complete with a housing plot or plan that was approved at that time. They have no intentions of building. They have 31,000 square feet for these two properties. Each of them has 15,000 or more square feet. We needed no variances.

Supervisor Holbrook asked when the tests would be available. Mr. Goldberg stated that the tests were undertaken in the presence of Ron Haelen on April 26<sup>th</sup>. Nick Barnaba, owner of Barnaba Group and is the individual who coordinated this activity with Mr. Haelen that the test results did come back. The results look good. The fill that we had for landscaping purposes appears to be quite clean.

Co. Lasker asked Mr. Goldberg why he did not ask for special permission before he started the work. Mr. Goldberg stated that he had no idea that he needed to do that. Co. Lasker asked if his neighbors complained when all the trucks were coming up and down the road. Mr. Goldberg stated that not a single individual at any time for any reason ever called him or sent a note to indicate that there was any objection to this. The fill operation ended the day it was told to end. That date was May 18th. He will continue to do everything he is told to do by Mr. Haelen and other authorized individuals of the Town.

John Costa, Town Attorney stated that the hearing remains open waiting for the input from the Planning Board and the DEC.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 8:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/9/2000

8:51 P.M.

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

Re: Chapter 216 Proceeding, 519 57<sup>th</sup> Street Associates, Inc., 6 Kakiak Ct., New City

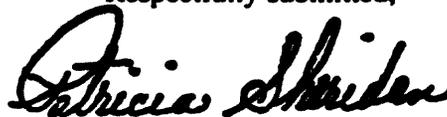
On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Adloph Milich, Building Inspector stated that the Code Enforcement Office went there today and found the following items on this lot: a backhoe parked there, pile of earth, pile of mulch, scrap lumber, pipes and plywood. The adjacent lot, Five Kakiak court (43-E-8.4) is owned by the same owners and is an active construction site.

Supervisor asked if there was anyone present representing the owner of this property. No one appeared. Supervisor made a motion to order Wayne Ballard to clean it up if nothing has been done.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:55

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 397-2000 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/9/2000

8:56 P.M.

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

Re: Chapter 111 Proceeding (Unsafe Building): Stecher, 6 Highview Ave., Nanuet

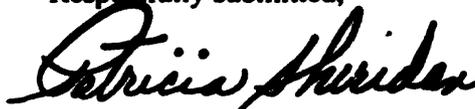
On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Vincent Narciso, Fire Inspector stated that he has no other information than what the Board has. The premises represents a clear and present hazard to life and property to anyone who might come on the site. Mr. Narciso recommended the building be removed.

Supervisor asked if there was anyone present representing the property. No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:58

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 398-2000 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/9/2000

8:59 P.M.

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

Re: Proposed Local Law for Flood Damage Prevention as Authorized by the NYS Constitution, Article IX, Section 2 and Environmental Law, Article 36

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

John Costa, Town Attorney, explained that this is a local law which will bring the Town's Flood Damage Prevention Law up-to-date recommended by the State and Federal Emergency Management Agencies. It corresponds to the model legislation. It replaces our existing law.

Supervisor Holbrook asked if there was anyone wishing to speak. No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:01

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

(RESOLUTION NO. 399-2000 ADOPTED)