

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall 8/8/2000 8:00 P.M.

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

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

Supervisor Holbrook opened the public portion of the meeting.

Appearance: Russell Trojan
Clarkstown

He asked the Board to add a memorializing resolution to the Town of Orangetown to oppose the fly over of helicopters over Nanuet. He asked what the date of the Public Hearing was for Item 19. On Item 22, he asked if there was any reassignments of duties in order to reduce staffing and Town expenses.

Appearance: Ellen Feretti
Nanuet

She worked for Lederle Labs for forty-six and a half years. The helicopters landed on the grass, picked up medication and took off. She asked, what is the big problem today?

Appearance: Martin Bernstein
New City

Regarding Item 26, he asked for an explanation.

Appearance: Ingrid Ilkiw
New City

Spoke regarding spraying the mosquitoes and the way it is being done.

Councilwoman Lasker stated for the record that inadvertently there was a memo sent out in her name regarding the open space. It involved the consultant Martus Granier. Actually, it was supposed to be sent out in Mr. Mandia's name. She asked Mr. Mandia to acknowledge that. Councilman Mandia said that was right.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: A Local Law to re-institute the Moratorium on prohibiting the issuance of Building Permits or Certificates of Occupancy for Adult Entertainment uses for a period of six months from the adopted of Local Law No. 9-1999 was opened, time: 8:00 PM.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: A Local Law to re-institute the Moratorium on prohibiting the issuance of Building Permits or Certificates of Occupancy for Adult Entertainment uses for a period of six months from the adopted of Local Law No. 9-1999 was closed and ADOPTED, time 8:06 PM.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Amendment to the Zoning Ordinance regarding Parking for Child Care Centers was opened, time: 8:07 PM

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Amendment to the Zoning Ordinance regarding Parking for Child Care Centers was closed and ADOPTED, time: 8:08 PM

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Petition for Abandonment of a portion of Kemmer Avenue, Nanuet was opened, time: 8:08 PM

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Petition for Abandonment of a portion of Kemmer Avenue, Nanuet was closed and ADOPTED, time: 8:09 PM

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing re: Proposed Local Law: Amending Chapter 246 (Site Plan Review) of the Town Code was opened, time 8:09 PM.

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing re: Proposed Local Law: Amending Chapter 246 (Site Plan Review) of the Town Code was closed and ADOPTED, time: 8:11 PM.

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing re: Proposed Local Law: Amending Chapter 254 (Subdivision of Land) of Town Code was opened, time: 8:09 PM.

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing re: Proposed Local Law: Amending Chapter 254 (Subdivision of Land) of Town Code was closed and ADOPTED, time: 8:11 PM

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing re: Petition for Special Permit to Conduct a Child Day Care Center: Child Site Corporation (129-A-14) was opened, time: 8:14 PM.

On motion of Councilman Maloney, seconded by Councilman Mandiar and unanimously adopted, the public hearing re: Petition for Special Permit to Conduct a Child Day Care Center: Child Site Corporation (129-A-14) was closed and ADOPTED, time: 8:22 PM.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Marshall, 16 Jerrys Avenue, Nanuet (162-B-4) was opened, time: 8:23 PM.

On motion of Councilman Maloney, seconded by Councilwoman Lasker and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Marshall, 16 Jerrys Avenue, Nanuet (162-B-4) was closed and ADJOURNED, time: 8:24 PM.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Zhavoronkin, 450 Phillips Hill Rd., New City (21-B-8.02), was opened, time: 8:24 PM.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Zhavoronkin, 450 Phillips Hill Rd., New City (21-B-8.02), was closed and ADOPTED, time: 8:53 PM.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Bernaschina, 10 Parliament Drive, New City was opened, time: 8:54 PM.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Bernaschina, 10 Parliament Drive, New City was closed and ADOPTED, time: 9:05 PM

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 111 Proceeding: Bernaschina, 10 Parliament Drive, New City was opened, time: 8:54 PM.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 111 Proceeding: Bernaschina, 10 Parliament Drive, New City was closed and ADJOURNED, time 9:05 PM

RESOLUTION NO. (571-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW TO RE-INSTITUTE THE MORATORIUM ON PROHIBITING THE ISSUANCE OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF SIX MONTHS FROM THE ADOPTION OF LOCAL LAW NO. 9-1999 TO PERMIT ADDITIONAL STUDY AND IMPLEMENTATION OF NEW REGULATIONS SUBSEQUENT TO ADOPTION OF THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN"

was introduced by Councilwoman Smith at a Town Board meeting held on June 27, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 27, 2000, directed that a public hearing be held on July 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 June 30, 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 June 28, 2000, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 11, 2000, and the Board opened the public hearing and recessed the matter to August 8, 2000, and

RESOLUTION NO. (571-2000) Continued

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated December 28, 1999, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the local law shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. 8 - 2000 entitled:

"A LOCAL LAW TO RE-INSTITUTE THE MORATORIUM ON PROHIBITING THE ISSUANCE OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF SIX MONTHS FROM THE ADOPTION OF LOCAL LAW NO. 9-1999 TO PERMIT ADDITIONAL STUDY AND IMPLEMENTATION OF NEW REGULATIONS SUBSEQUENT TO ADOPTION OF THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN"

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, SupervisorYes
John R. Maloney, CouncilmanYes
Ralph F. Mandia, Councilman	Yes
Ann Marie Smith, Councilwoman . .	Absent
Shirley Lasker, CouncilwomanYes

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. (572-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 27, 2000, provided for a public hearing on July 11, 2000, at 8:00 P.M. or as soon thereafter as possible, to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

AMEND §290-17(Z). Additional requirements for certain special permit uses - as follows:

"(4) Parking. One (1) parking space shall be provided for every 350 square feet of gross floor area, exclusive of exterior play areas. The most appropriate location for dropoff parking shall include a consideration of emergency access and shall be determined by the Planning Board during site plan review. The dropoff location shall be clearly posted with appropriate signage or pavement markings. Fire lanes shall not be used for dropoff areas."

and

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

WHEREAS, the Town Board of the Town of Clarkstown has received a memorandum report dated January 25, 2000, pursuant to SEQRA, from our consultant

RESOLUTION NO. (572-2000) continued

Robert Geneslaw, which the Board has discussed and considered such report in making its decision herein;

NOW, THEREFORE, be it

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

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

AMEND §290-17(Z). Additional requirements for certain special permit uses - as follows:

“(4) Parking. One (1) parking space shall be provided for every 350 square feet of gross floor area, exclusive of exterior play areas. The most appropriate location for dropoff parking shall include a consideration of emergency access and shall be determined by the Planning Board during site plan review. The dropoff location shall be clearly posted with appropriate signage or pavement markings. Fire lanes shall not be used for dropoff areas.”

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (573-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is the owner of a certain road known as Kemmer Avenue, Nanuet, New York, and is designated on the Clarkstown Tax Map as Map 163, and

WHEREAS, FB Nanuet has offered the Town \$207,000 to purchase approximately 11,504.20 sq ft. of Kemmer Avenue, which is situated contiguous to Route 59, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares that the Town property being approximately 11,504.20 sq. ft. of Kemmer Avenue, Nanuet, New York, which is situated

RESOLUTION NO. (573-2000) continued

contiguous to Route 59, as surplus municipal property as same is no longer required for any municipal purposes, and be it

FURTHER RESOLVED, that the Town Board hereby accepts the offer made by FB Nanuet, LLC, for the sum of \$207,000 which equals the fair market value of said premises, ten (10%) percent on the signing of a contract, and the balance of \$186,300 which is payable within forty-five days from the date of publication of a notice of this sale, which sale is subject to the following:

- a) Easement, covenants and restrictions of record;
- b) Zoning Ordinance of the Town of Clarkstown;
- c) Such state of facts as an accurate survey for personal inspection may reveal;
- d) Such title as may be conveyed by quit claim deed,

and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a contract of sale and a quit claim deed, in a form satisfactory to the Town Attorney, for delivery to the purchaser in accordance with the terms of this Resolution, and be it

FURTHER RESOLVED, that this Resolution is subject to Permissive Referendum.

On roll call the vote was as follows:

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

RESOLUTION NO. (574 -2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

**“A LOCAL LAW AMENDING CHAPTER 246 (SITE PLAN REVIEW)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

was introduced by Councilwoman Smith at a Town Board meeting held on July 11, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 11, 2000, directed that a public hearing be held on August 8, 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 July 25, 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 July 11, 2000, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 8, 2000, and

RESOLUTION NO. (574 -2000) continued

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated July 26, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the local law shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. 9 - 2000 entitled:

**"A LOCAL LAW AMENDING CHAPTER 246 (SITE PLAN REVIEW)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"**

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

Charles E. Holbrook, Supervisor . . . Yes
John R. Maloney, Councilman . . . Absent
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. (575 -2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

**"A LOCAL LAW AMENDING CHAPTER 254 (SUBDIVISION OF LAND)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"**

was introduced by Councilwoman Smith at a Town Board meeting held on July 11, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 11, 2000, directed that a public hearing be held on August 8, 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 July 25, 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 July 11, 2000, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 8, 2000, and

RESOLUTION NO. (575 -2000) continued

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated July 26, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the local law shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Local Law No. 10 - 2000 entitled:

**"A LOCAL LAW AMENDING CHAPTER 254 (SUBDIVISION OF LAND)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"**

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

Charles E. Holbrook, Supervisor . . .	Yes
John R. Maloney, Councilman	Yes
Ralph F. Mandia, Councilman	Yes
Ann Marie Smith, Councilwoman . .	Absent
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 (576-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the CHILD SITE CORPORATION aka CHILD CARE CORPORATION has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a Child Day Care Center pursuant to the provisions of Section 290-11A, General Use Regulations for the LS District, Table 10, Column 3, Item B(2) of the Zoning Ordinance of the Town of Clarkstown, for property located at the west side of Route 303, Congers, New York, within a shopping center known as DePaulis Enterprises IV, and designated on the Clarkstown Tax Map as: Map 129, Block A, Lot 14 (part of), and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on August 8, 2000 at 8:00 P.M., or as soon thereafter as possible, to consider such application, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated July 26, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit for the Child Site Corp. shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLUTION (576-2000) continued

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

That, the proposed use as described and represented by the applicant:

- 1. Will be located within an LS District, and shall be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
- 2. Will not cause undue traffic congestion or create a traffic hazard;
- 3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the LS District;
- 4. Will not adversely affect the character of, or property values in the area;
- 4. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
- 5. Will comply with all other regulations applicable to such use, including but not limited to the provisions of Section 290-17(Z) ;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to conduct a Child Day Care Center, as defined in Section 290-3 of the Zoning Ordinance, on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

- 1. Petitioner must comply with the bulk regulations established by Section 290-11(B) and the regulations of Section 290-17(Z) of the Zoning Ordinance of the Town of Clarkstown annexed hereto, and
- 2. Petitioner shall comply with all requirements of the approved site plan dated July 26, 2000, of the Clarkstown Planning Board, and
- 3. Petitioner shall comply with the law and all rules and regulations adopted pursuant to the New York State Social Services Law, and remain in compliance with same at all times.
- 4. Petitioner shall return to the Planning Board for consideration of and compliance with the recommendation of the Rockland County Planning Board with respect to landscaping and parking, and be it

FURTHER RESOLVED, that the Petitioner shall comply with the modified Section 290-17(Z)(4) parking requirements, as adopted by the Town Board on August 8, 2000, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (577-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 565-2000, dated July 11, 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 21, Block B, Lot 8.02, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, as a result of a telephone complaint received on or about August 2, 2000, which alleged that conditions at the premises referred to above had deteriorated to the point of creating immediate risk to life and property, an inspection made by the Director of the Department of Environmental Control revealed that due to recent heavy rains a potential drowning hazard existed on the above site and that large trees were undermined by erosion and in danger of falling with potential risk to life and property, and

WHEREAS, as a result of said examination the Director of the Department of Environmental Control recommended immediate steps be taken to protect life and property, and

WHEREAS, on August 2, 2000 personnel from the Town of Clarkstown Department of Environmental Control and the Highway Department were dispatched to said site and secured same by removing accumulated water from the foundation area, reinstalled erosion control measures, and excavated eroded material from the roadway so as to remove the present hazard to the public, and

WHEREAS, funds for personnel and equipment necessary to protect the public were expended, and

WHEREAS, a public hearing was duly held on the 8th day of August, 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 determined that the conditions complained in the Order and Notice dated July 24, 2000, pursuant to Chapter 216 of the Town Code of the Town of Clarkstown, created a present and clear danger of risk of personal injury and property damage which necessitated immediate action to preserve and protect the public, and that the measures taken by the Department of Environmental Control and the Highway Department on August 2, 2000 were necessary and proper and were undertaken because of the neglect of the property owner to make said corrections, and be it

FURTHER RESOLVED, that the Building Inspector and the Superintendent of Highways of the Town of Clarkstown are hereby authorized and directed to take whatever steps as are necessary to correct any of the remaining the conditions complained of in the Order and Notice, and be it

FURTHER RESOLVED, that the expenses incurred by the Department of Environmental Control, the Building Inspector, the Highway Department and the Town Attorney with respect to such corrective measure, including those undertaken as an emergency measure on or about August 2, 2000, 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. (577-2000) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (578-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 560-2000, dated July 11, 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 98, Block A, Lot 9.68, 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 8th day of August, 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 July 12, 2000, exist and have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector and the Superintendent of Highways of the Town of Clarkstown are 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 15th day of August, 2000 and to continue to take such corrective steps as are necessary for 4 months, 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, and be it

FURTHER RESOLVED, that the Building Inspector obtain evaluation of the structure from the Fire Inspector.

On roll call the vote was as follows:

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

RESOLUTION NO. (579-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of July 11, 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 Absent
Supervisor Holbrook Yes

RESOLUTION NO. (580-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by letter dated July 10, 2000, the Director of the Retired and Senior Volunteer Program (RSVP) has requested economic assistance from the Town of Clarkstown for said program;

NOW, THEREFORE, be it

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 the year 2000 to the following non-profit organization in the following amount:

Retired and Senior Volunteer Program (RSVP) \$1,500.00 and be it

FURTHER RESOLVED, that the total amount of \$1,500.00 shall be charged to Account No. A 8840-424.

On roll call the vote was as follows:

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

RESOLUTION NO. (581-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the execution of an agreement with Glen Nelson to provide Consultant Services with regard to the wage equity study as more fully set forth in the Memorandum of Agreement between the Town and the Town of Clarkstown Unit, Local 844 of the Civil Service Employees Association with the Town's share to be paid to the Consultant for such study to be \$3,000.00; and be it

RESOLUTION NO. (581-2000) continued

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute such an agreement as approved by the Town Attorney's office.

On roll call the vote was as follows:

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

RESOLUTION NO. (582-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 450, adopted by the Town Board on May 23, 2000, is hereby amended to increase the fees to the Robert Geneslaw Company from \$5,000.00 to \$10,000.00, for providing professional services to the Town concerning affordable housing issues being litigated in "BOARD OF TRUSTEES OF THE VILLAGE OF SPRING VALLEY v. THE TOWN OF CLARKSTOWN, et al".

On roll call the vote was as follows:

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

RESOLUTION NO. (583-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Resolution No. 547-2000 adopted on July 11, 2000 authorized a partial refund of a Building Permit fee paid for premises at 23 Windmill Lane, New City (77-A-17.28) since construction will not take place on this property, and

WHEREAS, there was an error in computing the amount to be refunded,

NOW THEREFORE BE IT

RESOLVED, that Resolution No. 547-2000 is hereby amended to reflect the refundable amount to be \$91.00, instead of \$144.00 that was authorized in Resolution No. 547-2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (584-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has obtained the services of Mayo, Lynch & Associates, Inc. for design work with respect to the Congers Lake Earth Dam Reconstruction Project at the Congers Memorial Park, and

WHEREAS, the engineers have recommended consideration of the possible acquisition of permanent and temporary access easements, or certain fee interest, in land adjacent to the location of the project;

NOW, THEREFORE, be it

RESOLVED, that the appraisal firm of Laurence & Schedler is hereby authorized to provide appraisal services as described in the May 4, 2000 recommendations from the Town's engineering consultants, in accordance with the appraisal proposal from Scott Schedler dated July 25, 2000, at a cost not to exceed \$3,500.00, and be it

FURTHER RESOLVED, that said fee will be charged to Account No. H 8741-400-409, Project 23-2.

On roll call the vote was as follows:

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

RESOLUTION NO. (585-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Police Chief and the Police Commission of the Town of Clarkstown have requested establishment of a Cash Investigative Fund for the use by the Clarkstown Police Department;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the establishment of a \$2,000.00 Cash Investigative Fund for use by the Clarkstown Police Department Detective Bureau for investigative matters, subject to establishment of Department procedures securing accountability for the use of such funds, and be it

FURTHER RESOLVED, that the Cash Investigative Fund shall be charged to Account No. 3260-4150.

On roll call the vote was as follows:

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

RESOLUTION NO. (586-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Barry Bostwick has requested a refund of Building Permit fees paid for premises located at South Mountain Road, New City, New York, since proposed construction has been postponed;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, less \$150.00 review fee and less \$50.00 Land Disturbance Permit fee submitted to Department of Environmental Control, to Barry Bostwick in the amount of \$4,368.00, and be it

FURTHER RESOLVED, that this Resolution shall not be effective unless Building Permit No. 99-1444 is surrendered and revoked by the Building Inspector.

On roll call the vote was as follows:

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

RESOLUTION NO. (587-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

Mesa Place, Nanuet
(Install one (1) - 5800 lumen sodium vapor street light-existing utility pole number 58191/39822) a cost of \$112.44 annually

Strawtown Road, West Nyack
(Install one (1) -16000 lumen sodium vapor street light-existing utility pole number 59931/401 at a cost of \$155.04 annually, and be it

FURTHER RESOLVED, that these costs shall be charged to Account #SL 5182 461 0.

On roll call the vote was as follows:

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

RESOLUTION NO. (588-2000)

Co. Maloney offered and Co. Lasker 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:

RESOLUTION NO. (588-2000) continued

SAVAGE EQUIPMENT CORP.
852 Warwick Turnpike
Hewitt, NJ 07421
James Stock, President

RESOLVED, that the following Certificate of Registration be issued:
No. 2000-28 SAVAGE EQUIPMENT CORP.

On roll call the vote was as follows:

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

RESOLUTION NO. (589-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Fire Inspector has posted and notified the last owner of record of premises known as Map 43.7-1-34 (59-A-16.04), commonly known as 42 Yale Drive, New City, New York, that an unsafe condition exists at said location in that the premises is fire damaged and unsecured, and

WHEREAS, the Order of the Fire Inspector dated June 12, 2000 to secure the premises has not been complied with;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Fire Inspector, the Town Attorney is hereby authorized to institute proceedings as provided in Chapter 111 of the Code of the Town of Clarkstown to remove or rectify the unsafe conditions on premises reputedly owned by Donna Alpert in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 59, Block A, Lot 16.04, and also known as 42 Yale Drive, New City, New York, 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 12th day of September, 2000, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice, pursuant to Town Code Chapter 111, is made on or before the 7th day of September, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (590-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown wishes to have an

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RESOLUTION NO. (590-2000) continued

historical marker placed at the Scotland Hill Burial Ground, Carriage Lane, Nanuet, New York, and

WHEREAS, The Historical Society of Rockland County shall perform research to determine the appropriate location for the marker, and shall erect said marker if approved;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the installation of an historical marker at the Scotland Hill Burial Ground, Carriage Lane, Nanuet, New York, and be it

FURTHER RESOLVED, that the fee for said marker shall not exceed the sum of \$945.00, and be it

FURTHER RESOLVED, that the fee for historical marker 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 Yes
Councilwoman Smith Absent
Supervisor Holbrook Yes

RESOLUTION NO. (591-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the resident at 83 Prospect Street, Nanuet has repeatedly reported problems with neighbors neglecting to pick up after their dogs on Prospect Street at its intersection with Park Avenue, Nanuet, as required by Section 125-4-F of the Clarkstown Town Code,

NOW THEREFORE BE IT

RESOLVED, that the Superintendent of Highways is hereby authorized to install the following sign on the right-of-way at 83 Prospect Street, on Park Avenue, near the intersection of Prospect Street at Park Avenue, Nanuet:

“Dog Waste Prohibited - Pursuant to Section 125-4-F of the Town Code of the Town of Clarkstown”

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (592-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the request of a resident of Nanuet and the concurrence of the surrounding property owners, the Superintendent of Highways is hereby authorized to install:

A "No Dumping" sign on the south side of Clinton Place, Nanuet in the area of the paper street portion of Freemont Avenue, between house #9 Clinton Place and house #26 Fairview Avenue, Nanuet, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (593-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, Rocco Marino has obtained a permit from the Parks Board and Recreation Commission to hold an event at the Street Community Center, New City, New York, on September 16, 2000, and

WHEREAS, the permittee has requested permission to dispense alcoholic beverages on the occasion;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Rocco Marino to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, for an event which shall be held at the Street Community Center, New City, New York, on September 16, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (594-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Section 93-2(A) of the code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Clarkstown Police Auxiliary has requested permission to dispense alcoholic beverages at its picnic at Lake Nanuet;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Police Auxiliary to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town of Clarkstown, which shall be held at Lake Nanuet, Nanuet, New York on September 10, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (595-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, to decrease Appropriation Account A7180-408 (Bldg. Rep.) by \$3,591.00 and to increase A7180-219 (Misc. Equip.) by \$3,591.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (596-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, to decrease Appropriation Account A7610-307 (Uniforms) by \$500.00 and to increase A7610-230 (Comm. Equip.) by \$500.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (597-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, to decrease Election Account A-1450-407 (Equipment Repair) by \$1,000.00 and to increase Account #A-1450-219 (Misc. Equipment) by \$1,000.00 for the purpose of purchasing an additional voting machine.

On roll call the vote was as follows:

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

RESOLUTION NO. (598-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that all proposals received for

BID #46-2000

are hereby rejected, and be it

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

BID # 46A-2000
SUPPLY & INSTALL STEEL SHELVING FOR
ARCHIVAL RECORDS STORAGE ROOM

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: AUGUST 30, 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 Absent
Supervisor Holbrook Yes

RESOLUTION NO. (599-2000)

Co. Lasker offered and Co. Maloney seconded

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

BID #49-2000
BALLFIELD LIGHTING AT NYACK HIGH SCHOOL

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

RESOLUTION NO. (599-2000) 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 Absent
Supervisor Holbrook Yes

RESOLUTION NO. (600-2000)

Co. Lasker offered and Co. Maloney seconded

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

BID #40-2000
COMPUTER AND WORD PROCESSING SUPPLIES

is hereby awarded :

OFFICE SUPPLY SUPPLEMENT
10 CRAIG ROAD
MONTVALE, NJ 07645
PRINCIPAL: GLEN MILLER

MANCHESTER EQUIPMENT
FORMS DIVISION
160 OSER AVE.
HAUPPAUGE, NY 11788
PRINCIPAL: BARRY STEINBERG

ROCKLAND OFFICE SUPPLY
PO BOX 602
SUFFERN, NY 10901
PRINCIPALS: DEBBIE TORTORA
PAUL TORTORA

R&D COMPUTER SUPPLIES
5 WINDWARD CT
DIX HILLS, NY 11746
PRINCIPAL: DONNA GLOVER

OFFICE COMMUNICATIONS
80 RED SCHOOL HOUSE RD
CHESTNUT RIDGE, NY 10977
PRINCIPALS: CLINTON HART
THOMAS MURRAY

OPG INDUSTRIES, INC.
PO BOX 140
BROOKLYN, NY 11232
PRINCIPALS: DON THOMPSON
DAN SCHEEBE

CAMBRIDGE DATA GRAPHICS
1 HOLLYWOOD AVE. BLDG 24
HO-HO-KUS, NJ 07423
PRINCIPALS: J. CONNOLLY
A. CONNOLLY

(Price schedule on file in Town Clerk's Office)

On roll call the vote was as follows:

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

RESOLUTION NO. (601-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, COLONY NYRO PARTNERS, L.P. v. ASSESSOR of the Town of Clarkstown, New York, THE BOARD OF ASSESSMENT REVIEW of the Town of Clarkstown, New York, and the TOWN OF CLARKSTOWN, New York, Index No(s). 11912/96, affecting parcel(s) designated as Map 163, Block B, Lot 25, for the year(s) 1996/97, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, the Senior Deputy Town Attorney of the Town of Clarkstown and the attorneys for the

Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block B, Lot 25 be reduced for the year(s) 1996/97 from \$2,867,700 to \$2,332,110 at a cost to the Town of \$8,156.51;
2. Reimbursement for the year(s) 1996/97 on the parcel described as Map 163, Block B, Lot 25, 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;
3. 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 Yes
 Councilwoman Smith Absent
 Supervisor Holbrook Yes

RESOLUTION NO. (602-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, BILOBA CORP. v. ASSESSOR of the Town of Clarkstown, New York, THE BOARD OF ASSESSMENT REVIEW of the Town of Clarkstown, New York, and the TOWN OF CLARKSTOWN, New York, Index No(s). 11574/97 and 11357/98, affecting parcel(s) designated as Map 163, Block B, Lot 25, for the year(s) 1997/98 and 1998/99, and

RESOLUTION NO. (602-2000) continued

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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block B, Lot 25 be reduced for the year(s) 1997/98 and 1998/99 from \$2,867,700 to \$2,276,240 at a cost to the Town of \$17,555.16;

2. Reimbursement for the year(s) 1997/98 and 1998/99 on the parcel described as Map 163, Block B, Lot 25, 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;

3. 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 Yes
Councilwoman Smith Absent
Supervisor Holbrook Yes

RESOLUTION NO. (603-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, NANUET IMPROVEMENTS, LLC. v. ASSESSOR of the Town of Clarkstown, New York, THE BOARD OF ASSESSMENT REVIEW of the Town of Clarkstown, New York, and the TOWN OF CLARKSTOWN, New York, Index No(s). 10719/99, affecting parcel(s) designated as Map 163, Block B, Lot 25, for the year(s) 1999/00, and

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

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

RESOLUTION NO. (603-2000) continued

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block B, Lot 25 be reduced for the year(s) 1999/00 from \$2,867,700 to \$2,041,660 at a cost to the Town of \$12,180.43;
2. Reimbursement for the year(s) 1999/00 on the parcel described as Map 163, Block B, Lot 25, 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;
3. 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 Yes
 Councilwoman Smith Absent
 Supervisor Holbrook Yes

RESOLUTION NO. (604-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board, on its own Motion, pursuant to Section 200 of the Town Law, shall consider a road improvement project for of all or a portion of a street known as PIERCE STREET, Nanuet, New York, situate on the east side of College Avenue, in the Hamlet of Nanuet, New York, for a frontage distance of approximately 160 lineal feet, and

WHEREAS, the Director of the Department of Environmental Control has prepared a preliminary estimate of Road Improvement District – Pierce Street, Nanuet the amount proposed to be expended for such road improvement to be the sum of \$20,000.00;

NOW, THEREFORE, it is

ORDERED, that a public hearing pursuant to Sections 264 and 265 of the Town Law to be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, on September 12, 2000 at 8:00 P.M., or as soon thereafter as possible, relative to the proposed road improvement, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five (5) public places along Pierce Street, in the time and manner required by law, and it is

RESOLUTION NO. (604-2000) continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (605-2000)

Co. Maloney offered and Supvr. Holbrook seconded

WHEREAS, JOHN BOOTH aka John Bouzoucos, has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an MF-2 District to an MF-3 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 6, Block C, Lot 10 (County Tax #57.15-2-3);

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 26, 2000, at 8:00 p.m., relative to the proposed amendment, and be it

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (606-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 2000 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLED, that said figures for percentages and proportions are attached. (Figures on file in Town Clerk's Office)

On roll call the vote was as follows:

Councilwoman Laker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Absent
Supervisor Holbrook Yes

RESOLUTION NO. (607-2000)

Co. Maloney offered and Co. Laker seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 2000 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLED, that said figures for such proportions are attached. (Figures on file in Town Clerk's Office)

On roll call the vote was as follows:

Councilwoman Laker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Absent
Supervisor Holbrook Yes

RESOLUTION NO. (608-2000)

Co. Mandia offered and Co. Laker seconded

RESOLVED, that the resignation of Cynthia Shaw, 193 Depew Avenue, #2, Nyack, New York, Counselor (part-time), Clarkstown Counseling Center is hereby accepted effective and retroactive to August 2, 2000 at the close of the business day.

On roll call the vote was as follows:

Councilwoman Laker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Absent
Supervisor Holbrook Yes

RESOLUTION NO. (609-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #99089 Clerk which contains the name of Gloria P. Rinciari.

NOW, THEREFORE, be it

RESOLVED, that Gloria P. Rinciari, 43 Friend Street, Congers, New York, is hereby appointed to the position of Clerk, Assessor's Office at the current annual salary of \$22,215.00, effective and retroactive to August 1, 2000. (August 1, 2000 to August 7, 2000, leave of absence, without pay).

On roll call the vote was as follows:

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

RESOLUTION NO. (610-2000)

Co. Mandia offered and Co. Lasker seconded

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

NOW, THEREFORE, be it

RESOLVED, that Susan L. Sicherman, 95 Crum Creek Road, New City, New York is hereby appointed to the position of Clerk, Assessor's Office at the current salary of \$22,215.00, effective and retroactive to August 1, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (611-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on July 19, 2000 that the position of Clerk Typist, Assessor's Office can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist, Assessor's Office is hereby created, effective and retroactive to August 7, 2000.

RESOLUTION NO. (611-2000) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (612-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Kathleen T. Goodyear, 19 Strawtown Road, West Nyack, New York is hereby appointed to the position of (Provisional) Clerk Typist, Assessor's Office at the current annual salary of \$23,170.00, effective and retroactive to August 7, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (613-2000)

Co. offered and Co. seconded

RESOLVED, that Martin G. Leeds, 148 Caroline Road, Paramus, New Jersey 07652 is hereby appointed to the position of (Provisional) Assistant Director of Municipal Counseling Services, Clarkstown Counseling Center at the current annual salary of \$52,173.00, effective and retroactive to August 7, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (614-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on August 2, 2000 that the position of Automotive Mechanic I #0667 encumbered by Charles Clark can be reclassified to the position of Automotive Mechanic I and Body Repairer, Town Garage.

NOW, THEREFORE, be it

RESOLUTION NO. (614-2000) continued

RESOLVED, that the position of Automotive Mechanic I #0667, Town Garage, is hereby reclassified to the position of Automotive Mechanic I and Body Repairer, effective and retroactive to August 7, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (615-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Charles W. Clark, 45 Parkway Court, Pomona, New York is hereby appointed to the position of Automotive Mechanic I and Body Repairer, Town Garage at the current annual salary of \$50,423.00, effective and retroactive to August 7, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (616-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on August 2, 2000 that the position of Automotive Mechanic I #0028 encumbered by Gregory Barra can be reclassified to the position of Automotive Mechanic I and Body Repairer, Town Garage.

NOW, THEREFORE, be it

RESOLVED, that the position of Automotive Mechanic I #0028, Town Garage is hereby reclassified to the position of Automotive Mechanic I and Body Repairer, effective and retroactive to August 7, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (617-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Gregory Barra, 14 Chauncy Street, Congers, New York is hereby appointed to the position of Automotive Mechanic I and Body Repairer, Town Garage, at the current annual salary of \$47,464.00, effective and retroactive to August 7, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (618-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on August 2, 2000 that the position of Assistant Automotive Mechanic #0741 (encumbered by William Carton) can be reclassified to the position of Automotive Mechanic I, Town Garage.

NOW, THEREFORE, be it

RESOLVED, that the position of Asst. Automotive Mechanic #0741, Town Garage, is hereby reclassified to the position of Automotive Mechanic I, effective and retroactive to August 7, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (619-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that William L. Carton, 543 Kings Highway, Valley Cottage, New York is hereby appointed to the position Automotive Mechanic I, Town Garage, at the current annual salary of \$38,042.00, effective and retroactive to August 7, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (620-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Sylvester Almiron, Jr., M.D., 296 Brewery Road, New City, New York is hereby reappointed to the position of Member, Park Board and Recreation Commission at the current annual salary of \$2,500.00. Term effective August 16, 2000 and to expire on August 15, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (621-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Rabbi David Berkman, 11 Salem Road, New City, New York is hereby reappointed to the position of Member, Board of Ethics, at the current annual salary of \$1,750.00. Term effective and retroactive to June 27, 2000 and to expire on June 26, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (622-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Racquel Guzman, 11 Old Clave Road, Congers, New York is hereby appointed to the position of (Provisional) Clerk Typist, Purchasing Department at the current annual salary of \$23,170.00, effective August 21, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (623-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as

RESOLUTION NO. (623-2000) continued

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:

VERSAILLES AT NANUET
ALEXANDER COURT, NANUET, NEW YORK 10954

by the installation of fire lane designations, and

WHEREAS, PHILLIP NEWMAN, 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, as 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 Abstained
Councilman Mandia Yes
Councilwoman Smith Absent
Supervisor Holbrook Yes

RESOLUTION NO. (624-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Supt. Of Rec. & Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, to apply for funding in the amount of \$26,221.00 for a period commencing January 1, 2001 through December 31, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (625-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, in 1981 the Town of Clarkstown allowed the erection of a pole and siren (location #33) on Town property in the vicinity of Maple Avenue and Congers Road, New City, with respect to the Indian Point Nuclear Power Plant Early Warning System, and

RESOLUTION NO. (625-2000) continued

WHEREAS, said pole and siren has been place on Town property since 1981;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby confirms permission granted to the New York Power Authority to maintain the pole and siren (location #33) on Town property in the vicinity of Maple Avenue and Congers Road, which property is known and designated on the Clarkstown Tax Map as Map 58, Block E, Lot 29.02.

On roll call the vote was as follows:

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

RESOLUTION NO. (626-2000)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that pursuant to the provisions of Local Law 9 of 1996, the Town Board of the Town of Clarkstown finds that Police Officer Robert Lynn, Police Officer Michael Garvey, and Sgt. Brian Marley were acting in the proper discharge of their duties and within the scope of their employment when the acts referred to in the Federal matter entitled, DANIEL A. CEA v. THE TOWN OF CLARKSTOWN, RPBERT LYNN, MICHAEL GARVEY, "JOHN" MARLEY and POLICE OFFICERS "JOHN DOE 1-4." Docket No. 00 CIV 4263 (BDP), occurred;

NOW, THEREFORE, be it

RESOLVED, that the Town will indemnify and hold such officers harmless from an award of damages inclusive of punitive or exemplary damages, from any negligent act or other tort allegedly committed with respect to this case, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to June 14, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (627-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Charles E. Holbrook, Supervisor, has been named in an action known as MOUNTAIN SHADOW HOMEOWNERS ASSOCIATION, INC., JOSEPH LIA and FRANK VOCE v. CHARLES E. HOLBROOK, Individually and as Town Supervisor, THE TOWN OF CLARKSTOWN, MICHAEL LETTRE, "JOHN DOES 1-5" and JANE DOES 1-3. Index No. 3485/00, and

RESOLUTION NO. (627-2000) continued

WHEREAS, Charles E. Holbrook has requested defense and indemnification as provided by in Section 18 of the Public Officers' Law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes this action to be defended and that the public employee/official be indemnified in accordance with Section 18 of the Public Officers' Law.

On roll call the vote was as follows:

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

RESOLUTION NO. (628-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Charles E. Holbrook, Supervisor, and Charles Connington, Superintendent of Recreation and Parks have been named in an action known as HASTY HILL STABLE, INC. and JAMES BARNARD v. CHARLES HOLBROOK, CHARLES CONNINGTON, THE TOWN OF CLARKTOWN, et al, Index No. 4537/00, and

WHEREAS, Charles E. Holbrook and Charles Connington have requested defense and indemnification as provided by in Section 18 of the Public Officers' Law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes this action to be defended and that the public employee/official be indemnified in accordance with Section 18 of the Public Officers' Law.

On roll call the vote was as follows:

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

RESOLUTION NO. (629-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS no responses were received for the initial solicitation of proposals for

BID #42-2000

now therefore be it,

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

RESOLUTION NO. (629-2000) continued

**BID #42-2000
TRANSFER STATION VENTING SYSTEM UPGRADE**

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: SEPTEMBER 6, 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 Department of Environmental Control upon payment of the prescribed fee for each set obtained.

On roll call the vote was as follows:

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

RESOLUTION NO. (630-2000)

Co. Lasker offered and Co. Mandia seconded

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

**BID # 50-2000
REMEDATION WORK FOR OLD MILL ROAD SAFETY
IMPROVEMENT PROJECT (BID 59-1998)**

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by (AM) (PM) 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 Absent
Supervisor Holbrook Yes

RESOLUTION NO. (631-2000)

Co. Lasker offered and Co. Mandia seconded

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

**BID #51-2000
STREAM CLEANING - KILL VON BEAST - CONGERS LAKE DAM TO
LAKE DE FOREST @ OLD MILL ROAD**

RESOLUTION NO. (631-2000) continued

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: AUGUST 29, 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 Department of Environmental Control upon payment of the prescribed fee for each set obtained.

On roll call the vote was as follows:

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

RESOLUTION NO. (632-2000)

Co. Lasker offered and Co. Mandia seconded

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

BID #52-2000
WORK CLOTHING AND RELATED SAFETY ACCESSORY ITEMS

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by (AM) 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 Absent
- Supervisor Holbrook Yes

RESOLUTION NO. (633-2000)

Co. Lasker offered and Co. Mandia seconded

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

BID # 53-2000
RECLAMATION & MILLING OF TOWN ROADS (REF-FEMA)

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

RESOLUTION NO. (633-2000) 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 Absent
Supervisor Holbrook Yes

RESOLUTION NO. (634-2000)

Co. Lasker offered and Co. Mandia seconded

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

BID # 54-2000
FOUR LEAF VACUUM MACHINES FOR HIGHWAY DEPARTMENT

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by (AM) (PM) on: To Be Determined at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Environmental Control upon payment of the prescribed fee.

On roll call the vote was as follows:

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

RESOLUTION NO. (635-2000)

Co. Lasker offered and Co. Mandia seconded

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

BID #55-2000
EPOXY PAVEMENT MARKING (SUPPLY AND INSTALL)

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by (AM) 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 .

RESOLUTION NO. (635-2000) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (636-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control that

BID #37-2000
SCALEHOUSE RECONSTRUCTION - SOLID WASTE FACILITY

is hereby awarded to: ZUGIBE CONSTRUCTION, INC.
254 SOUTH MAIN STREET - 4TH FLOOR
NEW CITY, NY 10956
Principals: Patricia Zugibe
Keith Allerton

as per their proposed lowest bid project cost of \$93,000, and be it

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

- a) Signed Contract Documents- 2 sets
- b) Performance Bond- 100% of proposed project cost
- c) Labor and Materials Payment Bond- 100% of proposed project cost
- d) Certificate of Contractors Liability and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Workers Compensation
- f) Certificate of Workers 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 Abstained
Councilman Mandia Yes
Councilwoman Smith Absent
Supervisor Holbrook Yes

RESOLUTION NO. (637-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, an adverse groundwater and surface drainage condition exists at lots 60-A-16.41, 60-A-16.67, 60-A-16.68, AND 60-A-16.69 on the tax map of the Town of Clarkstown; and

RESOLUTION NO. (637-2000) continued

WHEREAS, the Department of Environmental Control has developed a plan to ameliorate said adverse drainage condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to perform said corrective drainage work; and

WHEREAS, the Director of the Department of Environmental Control has reviewed said proposals and has recommended the proposal set forth below;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of:

**Pro-Cut Lawns and Landscaping
102 Goshen Road
Chester, New York 10918
(1-800) 425-4320**

to perform said corrective drainage work in accordance with their proposal for an amount not to exceed \$4500.00; and be it

BE IT FURTHER RESOLVED, that this amount be a proper charge to Account # A 8749 409 0 73-14; and

BE IT FURTHER RESOLVED, that the performance of said corrective drainage work is contingent on the receipt of signed Right-of-Entry agreements from the owners of the subject lots.

On roll call the vote was as follows:

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

RESOLUTION NO. (638-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists along the back yards of lots 60-A-14.19, 60-A-14.18, 60-A-14.17, 60-A-14.16, 60-A-14.15, 60-A-14.14, 60-A-14.13, 60-A-14.22, 60-A-14.23 and 60-A-14 as shown on the tax map of the Town of Clarkstown in the vicinity of Westgate Boulevard in New City; and

WHEREAS, the Department of Environmental Control has been directed to take whatever measures may be required to ameliorate said adverse drainage condition; and

WHEREAS, the Department of Environmental Control has obtained proposals from four (4) qualified contractors to have corrective work performed within said lots; and

WHEREAS, the Director of the Department of Environmental Control has reviewed said proposals and recommended acceptance of the proposal set forth below;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

RESOLUTION NO. (638-2000) continued

K J S Hauling and Home Improvements
95 Maple Avenue, New City, New York 10956
(845) 634-7308

to perform said corrective work in accordance with their proposal for an amount not to exceed \$4,300.00; and

BE IT FURTHER RESOLVED that work shall be a proper charge to Account # A 8749 409 0 73-15.

On roll call the vote was as follows:

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

RESOLUTION NO. (639-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the existence of dead trees on Town easements located on lots 78-A-20.26, 78-A-20.27, 77-A-18.18, AND 77-A-17.35 as shown on the tax map of the Town of Clarkstown represents a potentially dangerous condition; and

WHEREAS, Department of Environmental Control has inspected said condition and recommends that these trees be removed; and

WHEREAS, the Department of Environmental Control has obtained proposals from four (4) qualified contractors to have to perform this work; and

WHEREAS, the Director of the Department of Environmental Control has reviewed said proposals and has recommended acceptance of the proposal set forth below;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Exclusive/Oasis Tree Experts, Inc.
29 Summit Park Road, Spring Valley, New York 10977
(845) 362-0780

to perform said corrective work in accordance with their proposal for an amount not to exceed \$2,000.00; and

BE IT FURTHER RESOLVED, that this work shall be a proper to charge to Account # A 8730 409 0.

On roll call the vote was as follows:

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

RESOLUTION NO. (640-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control has received a complaint regarding the condition of a drainage channel within a Town drainage easement in the vicinity of lots 30-A-27, 27.01, 27.02, and 27.03, Blauvelt Road, Nanuet, New York, and

WHEREAS, an inspection performed by the Department of Environmental Control revealed that significant brush and debris accumulated within the limits of the channel has the potential to cause flooding to adjacent properties, and

WHEREAS, the Department of Environmental Control recommends the immediate removal of all brush and debris from the limits of the channel, and

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

WHEREAS, based upon a review of the submitted proposals, the Director of the Department of Environmental Control recommends hiring Danny Clapp Landscaping, 59 Schriever Lane, New City, New York to perform the required work in accordance with his proposal dated August 2, 2000.

NOW, THEREFORE, BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, 59 Schriever Lane, New City, New York to perform the corrective work in accordance with his proposal dated August 2, 2000, and

BE IT FURTHER RESOLVED, that the cost of the corrective work shall not exceed \$4,500.00, and shall be a proper charge to account H 8749 409 0 73 16

On roll call the vote was as follows:

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

RESOLUTION NO. (641-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, an adverse condition exists within an existing drainage easement in the vicinity of South Cranford Road, Nanuet, New York, and

WHEREAS, the Department of Environmental Control has evaluated the easement and determined that a topographic survey is required to determine the necessary corrective action, and

WHEREAS, the Department of Environmental Control has requested proposals from three (3) qualified surveying firms to perform the necessary topographic survey, and

WHEREAS, based upon a review of the submitted proposals, the Department of Environmental Control recommends hiring Jay A. Greenwell, PLS, 85 Lafayette Avenue, Suffern New York in accordance with his proposal dated July 13, 2000.

RESOLUTION NO. (641-2000) continued

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain the services of Jay A. Greenwell, PLS, 85 Lafayette Avenue, Suffern New York to perform the topographic survey of the South Cranford Road Low Flow Channel, Nanuet, New York, in accordance with his proposal dated July 13, 2000, and

BE IT FURTHER RESOLVED, that the cost of the topographic survey shall not exceed \$3,150.00 and shall be a proper charge to account H 8749 409 0 73-13

On roll call the vote was as follows:

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

RESOLUTION NO. (642-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, it is necessary to adjust for prior transfers made,

THEREFORE be it,

RESOLVED, to decrease A 8840-424 (Economic Assistance) and increase A 1990-505 (Contingency) by \$50,000 and

FURTHER RESOLVED, to decrease A 1990-505 (Contingency) by \$33,448.75 and increase A 8090-409 (Control of Aquatic Pests) by \$19,968.75 and A 8511-409 (Community Beautification) by \$13,480 and

WHEREAS, various accounts need additional funding,

THEREFORE be it,

RESOLVED, to decrease A 1420-439-1 (Town Attorney-Tax Certiorari) and increase A 1420-201 (Town Attorney-Furniture & Fixtures) by \$5,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (643-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd; and

RESOLUTION NO. (643-2000) continued

WHEREAS, the Federal Emergency Management Administration (FEMA) has made available funds for this work; and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting these repairs; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to provide equipment and operators for Town personnel to direct in making the required repairs for each location; and

WHEREAS, the Department of Environmental Control has received four (4) responses to their requests for proposals; and

WHEREAS, KJS Hauling and Home Improvements, the provider of the apparent low proposal, has requested their proposal be withdrawn due to a misinterpretation of the scope of work; and

WHEREAS, the Department of Environmental Control has reviewed this request and found it to be in the best interests of all parties concerned; and

WHEREAS, the Department of Environmental Control has reviewed the remaining proposals and found them to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to lease equipment with operators from

Environmental Construction, Inc.
P.O. Box 563
Stony Point, New York 10980

on a lump sum basis, with all activities to be under the direct supervision of personnel from Clarkstown DEC, in accordance with their proposal for a fixed rental cost not to exceed \$26,000.00; and be it

FURTHER RESOLVED, that all materials required to complete this work shall be provided by the Town of Clarkstown; and be it

FURTHER RESOLVED, that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control; and be it

FURTHER RESOLVED that this shall be a proper charge to account # H 8748-409-0 72-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (644-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Town Board Resolution #356-2000 awarded Bid #25-2000, Frenchman's Creek / Parrott Road Channel Improvements, to Let It Grow, Inc., 50

RESOLUTION NO. (644-2000) continued

\$31,500.00, and

WHEREAS, a pre-construction field meeting revealed additional trees requiring removal within the limits of work, and

WHEREAS, the removal of the additional trees was not included in the original bid and necessitates a change order to properly complete the project, and

WHEREAS, the Department of Environmental Control has reviewed the cost for Change Order #1 and found it to be reasonable.

NOW, THEREFORE, BE IT,

RESOLVED, that the Town Board hereby authorizes Change Order #1 dated August 2, 2000, for the additional cost of \$3,000.00, and

BE IT FURTHER RESOLVED, that the total cost for Bid #25-2000 shall not exceed \$34,500.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (645-2000)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that based upon the recommendations of the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks, the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Ward Associates, PC, 1500 Lakeland Avenue, Bohemia, New York, in accordance with a written proposal dated January 19, 2000 to perform the following:

Design, prepare bid documents and provide project inspections services for Pascack Community Center, for compensation calculated at 8% of the costs of construction for total basic compensation, payable in accordance with the owner and architect agreement,

which agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the Comptroller shall charge the necessary amount to Account No. H 8749 4090 73 6, and be it

FURTHER RESOLVED, that payments pursuant to this resolution shall not exceed \$300,000. (based on estimated project cost of \$3,750,000.), without further resolution of the Town Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (646-2000)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for August 14, 2000, at 8:00 P.M., in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Board hereby extends an invitation to the Board of Education of the Clarkstown Central School District to attend said meeting for the purpose of acting jointly upon a proposed settlement of a Tax Certiorari matter affecting both jurisdictions.

On roll call the vote was as follows:

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

RESOLUTION NO. (647-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended upgrading of the Police Department AS/400 computer system for the purpose of increasing disk capacity and performance to accommodate increased usage by the Police Department, and

WHEREAS, the IBM AS/400 hardware and storage products are currently listed on the New York State contract P006142 and available through various IBM approved vendors, and

WHEREAS, the Director of Automated Systems has conferred with several of the approved vendors and obtained competitive proposals, and has recommended purchase of the necessary hardware and software through IBM vendor DYNAX RESOURCES, INC.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to purchase the required AS/400 hardware and software through DYNAX RESOURCES, INC. to provide for the upgrading of the Police Department AS/400 system to increase disk capacity and performance, and be it

FURTHER RESOLVED, that the cost for equipment and services shall not exceed \$98,000 and shall be charged to Account No. H 1682-409-0-26-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (648-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, as a result of Tropical Storm Floyd, certain large trees were uprooted, stream banks were eroded and sediment was deposited into various stream channels, and

WHEREAS, the Town of Clarkstown wishes to restore the stream channel and stream banks damaged during Tropical Storm Floyd on property known as Tax Map 43, Block E, Lot 1 and Map 62, Block A, Lot 6.3 and 6.4 within a Town drainage easement, and

WHEREAS, in order to assure the continued integrity of water quality, all debris and sediment within the stream channel will be removed and the stream banks restored with heavy rip rap stone, and

WHEREAS, the Director of the Department of Environmental control has solicited and reviewed proposals from four companies which can provide equipment and operators on a per diem rental basis;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, CALMART ENTERPRISES, INC., 357A Route 59, West Nyack, New York, is hereby selected to provide equipment and operators in accordance with their proposal dated July 11, 2000, and be it

FURTHER RESOLVED, that all work shall be performed under the direct supervision and control of personnel from the Department of Environmental Control, and that only equipment and qualified operators shall be provided, and be it

FURTHER RESOLVED, that the rental of equipment with operators shall not be charged at more than \$3,437.00 per day and shall be a proper charge to Account No. H 88748-409-0-72-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (649-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, residents have petitioned the Town of Clarkstown for the purpose of gratuitously dedicating drainage easements to the Town of Clarkstown to maintain the drainage stream which passes through their respective property, said properties are designated on the Clarkstown Tax Map as Map 123, Block F, Lots 5.01, 5.02, 5.03, 5.04, 6, and 11, and are located in the vicinity of Woodvue Court, Valley Cottage, New York, and

WHEREAS, easement surveys of the individual lots must be performed in order that the drainage easement may be created, and

WHEREAS, the Department of Environmental Control has solicited proposals from four qualified professional land surveying firms to perform said surveys, and

RESOLUTION NO. (649-2000) continued

WHEREAS, the Department of Environmental Control has reviewed said proposals and the Director of the Department of Environmental Control recommends acceptance of the property made by A.R. CELANTANO LAND SURVEYING PLLC, 31 Rosman Road, Thiells, New York;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to retain the services of A.R. CELANTANO LAND SURVEYING PLLC to perform the necessary easement surveys in accordance with the scope of work as per the proposal dated August 4, 2000 for an amount not to exceed \$4,725.00, and be it

FURTHER RESOLVED, that said fee shall be charged to Account No. A 8730-409-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (650-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Supervisor Charles E. Holbrook, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

“A LOCAL LAW TO REFORMAT THE EXISTING ZONING LAW AND DISTRICTS OF THE TOWN OF CLARKSTOWN AS A LOCAL LAW TO BE KNOWN AS CHAPTER 290 “ZONING”

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on September 26, 2000 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

RESOLUTION NO. (650-2000) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (651-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Councilperson Mandia, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

**"AMENDMENT TO CHAPTER 250 (STREETS AND SIDEWALKS)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"**

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on September 26, 2000 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed Amendment to the Town Code is hereby referred to the Clarkstown Planning Board for report, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law, and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (652-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, a Project for the Emergency Repair and Permanent Restoration Work to correct damage caused by Tropical Storm Floyd at various public owned or controlled locations in the Town of Clarkstown, PIN 8758.28 (the "Project") are eligible

RESOLUTION NO. (652-2000) continued

for funding under Title 23 U.S. Code, as amended, for Federal emergency relief which provides for the apportionment of the costs for Emergency Repair to be borne at the ratio of 100% Federal funds to -0-% non-federal funds, and for the cost of Permanent Restoration to be borne at the ratio of 80% Federal funds to 20% non-federal funds, and

WHEREAS, the TOWN BOARD of the TOWN OF CLARKSTOWN wishes to commit its resources to advance the Projects by interim funding of 100% of the costs thereof;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the Projects described in the Federal Emergency Relief Project Agreement Project No. 8758-28, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to pay in the first instance 100% of the federal and non-federal share of the cost of all work for the Projects or portions thereof, and be it

FURTHER RESOLVED, that the sum of \$457,531.00 is hereby appropriated from Account No. 8748-409-0-72-01 and made available to cover the cost of participation in said Projects, and be it

FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Town Board of the Town of Clarkstown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Department of Environmental Control thereof, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the TOWN BOARD of the TOWN OF CLARKSTOWN with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid-eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it

FURTHER RESOLVED, that a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

On roll call the vote was as follows:

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

RESOLUTION NO. (653-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Wayne T. Ballard, superintendent of Highways, recommends the hiring of Tectonic Engineering Consultants, P.C., in accordance with its proposal dated

RESOLUTION NO. (653-2000) continued

August 8, 2000, to provide construction inspection and material testing services for the 2000 Roadway resurfacing Program for the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Tectonic Engineering Consultants, P.C., in a form approved by the Town Attorney, to provide construction inspection and material testing services for the 2000 Roadway Resurfacing Program for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$30,000.00 and shall be charged to Account No. DB 5110-381-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (654-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, and Lawrence Berkowitz, Network Specialist, have requested permission to attend the Annual Government Technology Conference in Albany, New York, on September 13-15, 2000;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems and Lawrence Berkowitz, Computer Network Specialist, to attend the Annual Government Technology Conference in Albany, New York, on September 13-15, 2000, and be it

FURTHER RESOLVED, that the cost of the conference, lodging, meals and parking shall not exceed the total sum of \$1,200.00, and shall be charged to Account No. A 1680-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (655-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems has recommended that Lawrence Berkowitz, Computer Network Specialist, and Matthew Buteux, Computer

RESOLUTION NO. (655-2000) continued

Installation Assistant attend the AS/400 Systems Operator School on October 23-27, 2000, at the IBM Center, 590 Madison Avenue, New York, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Lawrence Berkowitz, Computer Network Specialist, and Matthew Buteux, Computer Installation Assistant to attend the AS/400 Systems Operator School in New York City on October 23-27, 2000, and be it

FURTHER RESOLVED, that the cost of the conference, lodging, meals and parking shall not exceed the sum of \$3,540.00 per person, and shall be charged to Account No. A 1680-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (656-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Soprano Productions, Inc., a production company, has requested permission to film in Clarkstown on Monday, August 21, 2000;

NOW, THEREFORE, be it

RESOLVED, that Soprano Productions, Inc., 42-22 22nd Street, Long Island City, New York 11101, is hereby authorized to film in the Town of Clarkstown, Bardonia, New York, on August 21, 2000 upon the following conditions:

- (1) A permit fee of \$250 shall be paid by Permittee;
- (2) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000 combined single limit for automobile liability and general public liability;
- (3) Permittee to provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (4) The Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (5) Permittee shall post a cash security deposit of not less than \$1,000 prior to the commencement of any filming activities;
- (6) Permittee shall pay for all required police protection as determined by the Chief of Police, to be reimbursed at a rate equal to the actual hourly cost to the Town, and
- (7) Permittee shall not utilize public property for any filming or storage of equipment or parking of vehicles, and be it

FURTHER RESOLVED, that the permit granted herein is with the understanding that should public property be used by the Permittee, a fee of \$250.00 per hour shall be paid for each hour or part thereof.

RESOLUTION NO. (656-2000) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (657-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Bid Award No. 35-2000, to Columbus Construction Corp., Mount Vernon, New York, (Year 2000 Paving Contract) was awarded on the basis of unit cost for asphalt installed in place, and

WHEREAS, the bid provided for additional work to be added to the contract in accordance with the bid specifications;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to add to the contract the location specified in his memorandum of August 8, 2000, subject to the advice and consent of the Supervisor, and consistent with the availability of funds, and be it

FURTHER RESOLVED, that the additional work shall not exceed the sum of \$275,000 and this fee shall be charged to Account No. DB 5110-381-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (658-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Bid No. 29-2000, has been awarded for drainage improvements in the vicinity of Farmhouse Road, Congers, New York, and

WHEREAS, Dennis Letson, Deputy Director of Environmental Control, has advised that recent weather conditions and soil material encountered on the site may require the installation of sod to achieve proper site restoration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a change order, if required, for the installation of sod for restoration purposes at a cost not to exceed \$1,000.00, and be it

FURTHER RESOLVED, that said cost shall be charged to Account No 8749-409-0 73-5.

RESOLUTION NO. (658-2000) continued

On roll call the vote was as follows:

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

The meeting was adjourned in memory of the late George Burton, a member of the Building Department for the past ten years.

There being no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was closed, time: 9:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/8/2000

8:00 P.M.

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

RE: A local Law to Re-Institute the Moratorium on Prohibiting the Issuance of Building Permits or Certificates of Occupancy for Adult Entertainment uses for a Period of Six Months from the Adoption of Local Law No. 9-1999

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

Supervisor Holbrook stated that this is the continuation for proposed Local Law reinstating the moratorium on prohibiting the issuance of Building Permits or Certificates of Occupancy for Adult Entertainment uses for a period of six months from the adoption of the Local Law #9-1999 to permit additional studies and implementation of new regulations subsequent to the adoption of the Town's Comprehensive Plan. This is asking for a continuation of the moratorium specifically for that purpose.

Supervisor asked if there was anyone wishing to make a comment or ask a question. No one appeared.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:06 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (571-2000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/8/2000

8:07 P.M.

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

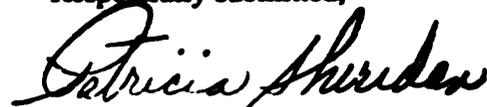
RE: Proposed Amendment to the Zoning Ordinance Regarding Parking for Child
Care Centers (Continued from 7/11/2000)

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

Supervisor asked if there was anyone wishing to make a comment or ask a
question. No one appeared.

On motion of Councilman Maloney, seconded by Councilman Mandia and
unanimously adopted, the public hearing was declared closed, RESOLUTION
ADOPTED, time: 8:08 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (572-2000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/08/00

8:08 P.M.

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

RE: Petition for abandonment of a portion of Kemmer Avenue, Nanuet

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

Appearance: Martin Cornell, Esq.
Representing the Petitioner

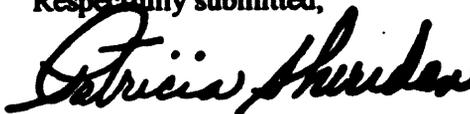
Is in favor of this abandonment. This is the final portion of Kemmer Avenue to be abandoned. It will cease to exist as a road after this. Clarkstown Planning Board has approved this in their recommendations.

Supervisor asked if there was anyone further wishing to speak on this public hearing.

Town Attorney stated that this matter is subject to a permissive referendum and recommended closing and reserving 30 days until the permissive referendum period has expired.

There being no one wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing was closed, RESOLUTION #573-2000 ADOPTED, time: 8:09 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO.(573-2000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/08/00

8:09 P.M.

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

RE: Proposed Local Law: Amending Chapter 246 (Site Plan Review) of the Town Code

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

Town Attorney explained that both of these local laws relate to authorization for changes that may be made to approved plans. In the first case, site plans and the second case, subdivisions of land. It sets up a procedure whereby if it is not a significant departure from the approved plan, internal approvals may be granted. If it is more than a minor change it then would be referred back to the Planning Board for consideration. This is something that was recommended by the Planning Board.

Co. Mandia asked if there was some measurable item here between what is minor and what is major?

Town Attorney stated that the phrase in the statute is, it does not alter the intent of the Planning Board. With regard to the subdivision of land, the approach is exactly the same.

Supervisor asked if there was anyone further wishing to speak on this public hearing.

Appearance: Martin Bernstein
New City

Asked if the amendment couldn't be written in such a way as it restricts it exactly so that we know in advance how to read a particular change.

Town Attorney stated that specificity is difficult because there are necessary field changes that result from outcroppings of rock that were not known before construction began, other types of changes that are merely changes in the plan but do not alter the intent of the approvals. These are things that the DEC has in the past routinely approved changes on and what this does is provide some form of review for that, though internal, not through the Planning Board for that type of approval. And then when it's a change that is more significant it would have to go back to the Planning Board.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the public hearing was closed, RESOLUTION #574-2000 ADOPTED, time: 8:11 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO.(574 2000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/08/00

8:09 P.M.

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

RE: Proposed Local Law: Amending Chap 254 (Subdivision of Land) of Town Code

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

Town Attorney explained that both of these local laws relate to authorization for changes that may be made to approved plans. In the first case, site plans and the second case, subdivisions of land. It sets up a procedure whereby if it is not a significant departure from the approved plan, internal approvals may be granted. If it is more than a minor change it then would be referred back to the Planning Board for consideration. This is something that was recommended by the Planning Board.

Co. Mandia asked if there was some measurable item here between what is minor and what is major?

Town Attorney stated that the phrase in the statute is, it does not alter the intent of the Planning Board. With regard to the subdivision of land, the approach is exactly the same.

Supervisor asked if there was anyone further wishing to speak on this public hearing.

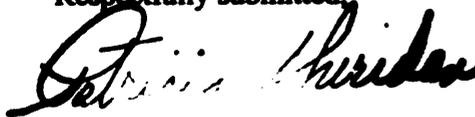
Appearance: Martin Bernstein
New City

Asked if the amendment couldn't be written in such a way as it restricts it exactly so that we know in advance how to read a particular change.

Town Attorney stated that specificity is difficult because there are necessary field changes that result from outcroppings of rock that were not known before construction began, other types of changes that are merely changes in the plan but do not alter the intent of the approvals. These are things that the DEC has in the past routinely approved changes on and what this does is provide some form of review for that, though internal, not through the Planning Board for that type of approval. And then when it's a change that is more significant it would have to go back to the Planning Board.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the public hearing was closed, RESOLUTION #575-2000 ADOPTED, time: 8:11 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO.(575-2000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/08/00

8:14 P.M.

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

RE: Petition for Special Permit to Conduct a Child Day Care Center: Child Site Corporation (129-A-14)

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

Appearance: Donald Tracy, Esq
Representing the Applicant

In addition to affidavits of posting and mailings handed in previously, he handed in an affidavit of Alfred Novis, executive vice president of Child Site Care, as to the ability to obtain licenses in the State of New York. This is an application pursuant to Resolution 138-2000 which provided that the LS zone could have a use of child day care. It also set forth certain requirements. One is that child day care will be licensed under provisions of NYS Social Services law. Attached to the petition is a narrative description which includes the anticipated occupancy of the facility by age group, the hours of operation, the staffing, food service and sanitary provisions. There is also a preliminary floor plan of the child day care center. The Planning Board has given preliminary and final approval. The site plan was provided with emergency access suitable to the Planning Board and was clearly posted with appropriate signage or pavement markings. There will be an outdoor play area located minimum distance of 25 feet from any lot line or parking areas and 50 feet from any public right-of-way which was not varied by the Planning Board but which is on our site plan. Play areas are adequately screened and buffered from vehicular access and directly accessible from the principle structure without the necessity of crossing any street, driveway or parking area for access. The proposed day care center shall contain a minimum indoor play area as required. Areas used for large motor activity, staff lounges, storage spaces, halls, bathrooms, kitchens and offices are not included in the calculations applicable per child requirement. Noise abatement and visual screening is provided and no play area is located in any buffer area. The proposed facility has a minimum of 2 exits and will adhere to all of the requirements of the NYS fire prevention code and building code and all applicable sanitary, health and safety regulations. There is a ground level entry on any floor being utilized as a child care center. The length of hallways in the proposed center do not have a length of 20 feet or more from the building exterior. In view of the location of the child care center and the isolated nature of the child care center, a traffic impact study was not requested by the Planning Board. Reasonable measures have been implemented to secure the center from entry by persons other than employees, children's parents and guardians. The security measures that Tutor Time employees have been visited and revisited during various hearings and I submit that this applicant has met all of the requirements in the ordinance for a child day care center.

Supervisor asked if there was anyone further wishing to speak on this public hearing.

Appearance: Stu Fleisher
39 Yale Drive, New City

Asked where the center was located.

Re: Petition for Special Permit to conduct a Child Day Care Center: Child Site Corp.

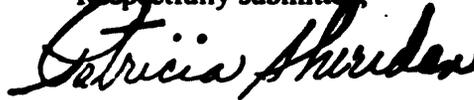
Supervisor responded that the property was located in Congers, across from DePaulis Masonry, near the intersection of Rte 303 and 9W.

Town Attorney asked which was the correct name of the company Child Site Corporation or Child Care Corporation.

Mr. Tracey responded that Child Site Corp is the franchiser of Tutor Time and he confirmed for the Town Attorney that the petitioner is a wholly owned corporation of Tutor Time Learning Systems, Inc.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing was closed, RESOLUTION #576-2000 ADOPTED, time: 8:22 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO.(576-2000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/08/00

8:23 P.M.

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

RE: Chapter 216 Proceeding: Marshall, 16 Jerrys Avenue, Nanuet (162-B-4)

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

Supervisor asked the Building Inspector for his report.

Building Inspector stated that he inspected the site last week and today and spoke to Mr. Marshall. There was a shed that looks like its damaged as well as some odds and ends. He is in the process of cleaning up the site. It does not appear that he has a lot more to do.

Appearance: Mr. Marshall
Property owner

Stated that he cleaned off the driveway and bought a new shed to replace what is there. Most of the other stuff has been cleared off.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the public hearing was adjourned until September 11, time: 8:24 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/08/00

8:24 P.M.

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

RE: Chapter 216 Proceeding: Zhavoronkin, 450 Phillips Hill Rd, New City (21-B-8.02)

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

Supervisor asked the Building Inspector for his report.

Building Inspector stated that he inspected the site today the highway took some corrective action to restrict soil erosion.

Ralph Lauria, of the Clarkstown DEC reported that there was a foundation that was under construction holding approximately 18 inches of water, there were mosquitoes breeding in it. There was severe erosion causing a number of close calls on Phillips Hill Road. Every time it rains the driveway erodes, mud and debris would come down Phillips Hill Road. On August 1, the highway department in cooperation with DEC started to take some immediate stabilization measures at the site. On the 2nd of August, we drained the foundation, dug some diversion trenches coming down the driveway and put approximately 30 tons of stone, some to stabilize the soil, the rest to act as a large heavy check dam. We do not yet have the costs for the manpower and equipment.

Supervisor asked if this was going to be an ongoing problem.

Mr. Lauria responded that the foundation may need to be filled in to a point where it will drain out to the back of the property and then the driveway would be more permanently stabilized.

Supervisor asked if the building, highway and environmental departments could be given the authority to do whatever is necessary to address these situations.

Town Attorney stated that we have taken all steps required by law to notify the owner. The situation required immediate attention prior to the public hearing. Only those things that were necessary to protect life and property were done. There may be other steps that are required on that site which the Town Board could by resolution authorize to be done in the future. The expense of doing that, including the emergency measures, all could be charged against the property as a special assessment.

Mr. Lauria stated that there were trees on the property that needed to be taken down.

Town Attorney asked if there was anything short of taking down that tree that could prevent it from becoming a hazard to property or life.

Mr. Lauria responded that there was not and he recommended immediate removal.

Co. Mandia asked about the foundation, is there some way and automatic pump could be installed?

Mr. Lauria stated that this was not practical because there are no utilities up there. He recommended filling the foundation with stone as a temporary measure.

Town Attorney asked about a drowning hazard.

Mr. Lauria stated that the depth of the water was 18 inches and a small child could drown there. He confirmed Town Attorney's statement that this could be referred to as an attractive nuisance.

Appearance: Aileen Snyder
New City

Showed a movie of the site to illustrate the erosion problems.

Appearance: Bob Levitan
455 Phillips Hill Rd.

Very serious problem here. Two years ago man in County Asphalt truck killed on the road here. The driveway should not be allowed there because it is too dangerous, there have been many accidents here already. Thanked all for their response to the situation. Trees have to be taken care of right away, very dangerous.

Appearance: Janice Levitan
455 Phillips Hill Rd.

Has seen hundreds of accidents at this spot on Phillips Hill Rd. If a driveway is put there, it is only a matter of time before someone is killed. Nobody in the neighborhood was notified that anything was going on there.

Appearance: Barry Synder
447 Phillips Hill Rd.

Is concerned about the water flowing down driveway on to Phillips Hill Road causing dangerous driving conditions due to ice, mud etc. Road should be regraded so water stays on the west side of Phillips Hill Road until it reaches stream at Candy Mountain Day Camp.

Town Attorney stated that a last owner search was done. Title of property appears to be Oleg & Nadia Zhavoronkin. Certified mail returned receipt notices were sent on July 24 to the address on the tax rolls, 1210 Avenue V, Brooklyn, New York as well as a regular letter. Both were returned with an "attempted, not known" notation. Certified mail was also sent to 450 Phillips Hill Rd and those green cards were returned and are in the file. There is no mortgage on this property. Would also like to make part of the record the report from August 1, August 7 and a log created by the DEC with respect to the work that was done on the site.

Co. Mandia asked if the building permit allowed for a driveway to be put where it is and whether or not a variance was required.

Mr. Milich will check on these matters.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing was closed, RESOLUTION NO. 577-2000 ADOPTED, time: 8:53 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO.(577-2000) ADOPTED

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

8/08/00

8:54 P.M.

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

RE: Chapter 216 Proceeding: Bernaschina, 10 Parliament Drive, New City

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

Supervisor asked the Building Inspector for his report.

Building Inspector stated that he inspected the site this morning and also spoke to the fire inspector. The building has been secured, plywood is in place, building is unoccupied. Left message with lawn service and told him to take care of this after Town Board passed a resolution.

Supervisor asked if there was anyone here wishing to speak on this matter.

Appearance: Ellen Cole
Parliament Drive

Has lived there for 20 years. House has been vacant for 5 years, this is a burned out house continually being boarded up, door is often open, danger to children. Was told taxes were being paid on this house. Just having the lawn mowed is not enough, our property values are being affected.

Town Attorney stated that the Town is not required to wait until the property is ready to fall down, this is a judgment call by the fire inspector as to whether the property presents an immediate hazard. If it does, the town would be authorized to hire contractors to remove that building. To date, the fire inspector seems to think that boarding up the house is enough to keep the premises safe. As far as cleaning up property, the property is presently in violation of Chapter 216 Property Maintenance and it seems the Board can adopt a resolution for a fairly long time in the future to maintain the property.

Supervisor stated that we should do the property maintenance and ask the Fire Inspector to look at this from the standpoint of having this removed.

Appearance: Patty Power
Assembly Court

Has three children. This property is a magnet for kids. Doesn't understand how this is allowed to remain here. Who is the fire inspector that is saying it is ok year after year. The plywood keeps being taken off. There was a homeless woman living there for a time. Can maintenance be done more than once a month.

Co. Mandia suggested that in addition to regular lawn maintenance someone also check that plywood is in place.

Appearance: Martin Bernstein

With the value of property, it seems ridiculous for someone to leave that property the way it is. Is there any way to get a hold of owner. It is a good investment, houses are easily renovated, there must be a person who is answering these letters.

Co. Lasker agreed that it was ridiculous that we can't get in touch with the owner and to let this exist for 5 years.

Co. Maloney said we can have police track down owners.

Supervisor would like to ask fire inspector to inspect the structure.

Appearance: Karen Ametuso
Long Clove Rd

Asked why can't we track it if a tax bill is sent. There is an open hole over the door and she wonders what is crawling or flying in and out of there. Was a health inspection done? Asked how the reduced tax bill worked.

Co. Mandia said the reduced taxes are done until the house is rebuilt, but this has gotten out of hand.

Supervisor stated that we should pass resolution directing building inspector to have property maintained on a biweekly basis for a period of 120 days, in addition, on the Chapter 111, to direct the building inspector to engage the services of a licensed architect to gain entrance into the property to determine the structural stability of the dwelling. The Chapter 111 hearing will be continued on September 11.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the public hearing was closed, RESOLUTION NO. 578-2000 ADOPTED, time: 9:05 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO.(5782000) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/08/00

8:54 P.M.

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

RE: Chapter 111 Proceeding: Bernaschina, 10 Parliament Drive, New City

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

Supervisor asked the Building Inspector for his report.

Building Inspector stated that he inspected the site this morning and also spoke to the fire inspector. The building has been secured, plywood is in place, building is unoccupied. Left message with lawn service and told him to take care of this after Town Board passed a resolution.

Supervisor asked if there was anyone here wishing to speak on this matter.

Appearance: Ellen Cole
Parliament Drive

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Town Attorney stated that the Town is not required to wait until the property is ready to fall down, this is a judgment call by the fire inspector as to whether the property presents an immediate hazard. If it does, the town would be authorized to hire contractors to remove that building. To date, the fire inspector seems to think that boarding up the house is enough to keep the premises safe. As far as cleaning up property, the property is presently in violation of Chapter 216 Property Maintenance and it seems the Board can adopt a resolution for a fairly long time in the future to maintain the property.

Supervisor stated that we should do the property maintenance and ask the Fire Inspector to look at this from the standpoint of having this removed.

Appearance: Patty Power
Assembly Court

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Co. Mandia suggested that in addition to regular lawn maintenance someone also check that plywood is in place.

Appearance: Martin Bernstein

With the value of property, it seems ridiculous for someone to leave that property the way it is. Is there any way to get a hold of owner. It is a good investment, houses are easily renovated, there must be a person who is answering these letters.

Co. Lasker agreed that it was ridiculous that we can't get in touch with the owner and to let this exist for 5 years.

Co. Maloney said we can have police track down owners.

Supervisor would like to ask fire inspector to inspect the structure.

Appearance: Karen Ametuso
Long Clove Rd

Asked why can't we track it if a tax bill is sent. There is an open hole over the door and she wonders what is crawling or flying in and out of there. Was a health inspection done? Asked how the reduced tax bill worked.

Co. Mandia said the reduced taxes are done until the house is rebuilt, but this has gotten out of hand.

Supervisor stated that we should pass resolution directing building inspector to have property maintained on a biweekly basis for a period of 120 days, in addition, on the Chapter 111, to direct the building inspector to engage the services of a licensed architect to gain entrance into the property to determine the structural stability of the dwelling. The Chapter 111 hearing will be continued on September 11.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the public hearing adjourned until September 11, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk