

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

09/26/00

8:00 P.M.

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

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

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Certificates of award were presented to Ryan Cassidy and Nicholas Levesque of Boy Scout Troop 2 for achieving the rank of Eagle Scout.

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On motion of Co. Maloney; seconded by Co. Mandia and unanimously adopted the Public Hearing re: Chapter 111 Proceeding (Unsafe Buildings): Bernaschina, 10 Parliament Drive, New City was declared open, time: 8:05 PM

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the Public Hearing re: Chapter 111 Proceeding (Unsafe Buildings): Bernaschina, 10 Parliament Drive, New City was declared closed, to be continued, time: 8:35 PM

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On motion of Co. Maloney; seconded by Co. Mandia and unanimously adopted the Public Hearing re: Chapter 250 (Streets and Sidewalks) of the Clarkstown Town Code was declared open, time: 8:35 PM

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the Public Hearing re: Chapter 250 (Streets and Sidewalks) of the Clarkstown Town Code was declared closed, time: 8:36 PM

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On motion of Co. Maloney; seconded by Co. Mandia and unanimously adopted the Public Hearing re: Chapter 290 (Zoning) of the Clarkstown Town Code (Reformatting) was declared open, time: 8:35 PM

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the Public Hearing re: Chapter 290 (Zoning) of the Clarkstown Town Code (Reformatting) was declared closed, time: 8:36 PM

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On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Public Hearing re: Petition for zone change (MF-2 to MF-3), John Booth, was declared open, time 8:36 PM

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Public Hearing re: Petition for zone change (MF-2 to MF-3), John Booth, was declared closed, time 9:03 PM

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On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing re: Chap 216 Proceeding (Property Maintenance): Windham Properties, was declared open, time: 9:05 PM

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing re: Chap 216 Proceeding (Property Maintenance): Windham Properties, was declared closed, DECISION RESERVED, time: 9:05 PM

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Supervisor opened the public portion of the meeting.

Appearance: Bill Vines  
West Nyack

Spoke regarding Item 4, doesn't feel the Town should charge \$250 per hour for production company to film at a local church. Implored the Town Board to adopt agenda item #14 for purposes of a village green park in West Nyack.

Appearance: Sharon Hittman  
West Nyack

Spoke regarding work being done on Sickletown Road in West Nyack on swamp land next to Route 59. Wants to know what is being done there. Spoke about property on Worthington Court that was sold after it was deeded as an environmental easement.

Appearance: Bruce Broadley  
West Nyack

Spoke on West Nyack Village Green; feels it is necessary to have there. Spoke about houses that were built behind post office where everything sunk and the Town had to rectify it. Spoke about the swamp land that is being filled in, it should be watched carefully. Against more development in West Nyack.

Appearance: Stan Pajewski  
Demarest Avenue, West Nyack

Is concerned about over development in Clarkstown. Open space in Clarkstown is evaporating. Those 9 acres in West Nyack should be saved.

Appearance: Nicole Dolander  
New City

Spoke regarding Item 12 on agenda. Asked what the agreement is with Southern Energy Bowline.

Appearance: Phil Bosco  
West Nyack

Asked about the \$2 million we got from Pyramid. How is that going to be used.

Appearance: John Lodico  
New City

Feels that spending \$500,000 for swampland is a waste of money. Property is not worth \$100,000. Code enforcer should change the property to water in lieu of land. Gave an update on the monument for Veteran's Memorial Park.

Appearance: John Cain  
Clarkstown Planning Board

Asked about the status of Rudy Yacyshyn and spoke about his 34 years of service on the Planning Board. Although he is not perfect, sometimes he takes about ten minutes to say what could be said in 30 seconds, Rudy Yacyshyn is incorruptible. I don't always agree with him, but to leave him hanging like this for so long is unconscionable.

Appearance: Martin Bernstein  
New City

Spoke about Rudy Yacyshyn, feels there should be limits on serving. Doesn't feel anyone should be on these boards for more than 10 or 12 years. There should be new blood on these boards.

Appearance: Gil Heim  
New City

Spoke in favor of Rudy Yacyshyn being reappointed to the Planning Board. Also is in favor of reappointing Richard Paris when his term is up in December.

Appearance: Russell Trojan  
Clarkstown

Feels the Planning Board needs to be kept in tact. Feels Mr. Yacyshyn and Mr. Paris should serve until he wants to step down.

Appearance: John Lodico  
New City

Feels the Town Attorney should follow up on the conspiracy to commit fraud in the golf course land sale.

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RESOLUTION NO. (730-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

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

was introduced by Supervisor Holbrook at a Town Board meeting held on August 8, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 8, 2000, directed that a public hearing be held on September 26, 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 September 13, 2000, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 29, 2000, and

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

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 26, 2000;

NOW, THEREFORE, be it

RESOLUTION NO. (730-2000) continued

RESOLVED, that based upon the memorandum of Robert Geneslaw dated September 26, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Local Law to Amend Chapter 250 (Streets and Sidewalks) 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. 11 - 2000 entitled:

**"AMENDMENT TO CHAPTER 250 (STREETS AND SIDEWALKS)  
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:

On roll call the vote was as follows:

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

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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. (731-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, 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"**

was introduced by Councilman Mandia at a Town Board meeting held on August 8, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 8, 2000, directed that a public hearing be held on September 26, 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 September 13, 2000, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 31, 2000, and

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

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 26, 2000;

RESOLUTION NO. (731-2000) continued

NOW, THEREFORE, be it

RESOLVED, that based upon the memorandum of Robert Geneslaw dated September 1, 2000, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Local Law to reformat the existing Zoning Law and Districts (Chapter 290 Zoning) 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. 12 - 2000 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"

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

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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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. (732-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on August 8, 2000, provided for a public hearing on September 26, at 8:00 P.M., or as soon thereafter as possible, to consider the application of JOHN BOOTH aka John Bouzoucos, to amend the Zoning Local Law of the Town of Clarkstown, by redistricting the property of the Petitioner described on Clarkstown Tax Map as Map 6, Block C, Lot 10, from an MF-2 District to an MF-3 District, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Clarkstown Planning Board that the parcel should not be changed from an MF-2 District to an MF-3 District because there is no planning rationale for amending the Comprehensive Plan and the Zoning Map, and for the reasons of public health, safety and welfare, the Town Board hereby determines to take no further action with respect to the petition of JOHN BOOTH aka John Bouzoucos for an amendment to the Zoning Local law.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (733-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of September 7, 2000 and September 12, 2000 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (734-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

**“A LOCAL LAW AMENDING CHAPTER 205 (NOISE)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

NOW, THEREFORE, be it

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 October 24, 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 . . . . . Yes
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (735-2000)

Co. Lasker offered and Co. Smith seconded

WHEREAS, a walking easement, for use by students attending Laurel Plans Elementary School, was required by the Planning Board in connection with the Frenchmen's Creek Subdivision, and is shown on the subdivision plat of Frenchmen's Creek, Section 3, which was filed in the Rockland County Clerk's office on November 20, 1981, at Map No. 5313, Book No. 97, Page No. 69, and

WHEREAS, the Clarkstown Central School District has advised that said easement is no longer necessary and has recommended it be extinguished. The District has further advised that the path is no longer needed because the neighborhood children are now bussed to the school;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers this matter to the Clarkstown Planning Board, for review and recommendations, as to whether said easement should be abandoned and removed from said subdivision.

On roll call the vote was as follows:

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

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RESOLUTION NO. (736-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Crossroads Films, Inc., a production company, has requested permission to film in Clarkstown on Monday, September 18, 2000;

NOW, THEREFORE, be it

RESOLVED, that Crossroads Films, Inc., 136 West 21st Street, New York, New York, is hereby authorized to film in the Town of Clarkstown, Congers, New York, on September 18, 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;

RESOLUTION NO. (736-2000) continued

(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, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to September 18, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (737-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the New York State Government Finance Officers' Association Downstate Council is holding their regional Fall Training Seminar on Friday, October 6, 2000 at West Point, New York, and be it

THEREFORE RESOLVED, that the following persons attend:

- Charles E. Holbrook, Supervisor
- Ann Marie Smith, Councilwoman
- Edward J. Duer, Comptroller
- Penny Leonard, Deputy Supervisor
- Mary Maloney, Account Keeping Supervisor
- Doris Fogel, Administrative Assistant I, and be it

FURTHER RESOLVED, that all proper charges be charged to A 1010-414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (738-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Dorothy Poust, RN, CSW and Lisa Kloenne, CSW, Clarkstown Counseling Center, is hereby authorized to attend a conference entitled: 4<sup>th</sup> Annual Red Ribbon Breakfast – on Friday, October 13<sup>th</sup>, 2000 in Newburgh, New York, and be it

FURTHER RESOLVED, that the registration fee of \$15 per person, and all reasonable expenses including travel, tolls, and meals shall be charged to Appropriation Account A-4210-414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (739-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Dorothy Poust, RN, CSW, and Melinda Parziale, MS, Ed, Clarkstown Counseling Center, is hereby authorized to attend a conference entitled: "New Horizons : More Tools for Your Tool Box" on Friday, October 20<sup>th</sup>, 2000 in Middletown, New York, and be it

FURTHER RESOLVED, that the registration fee of \$25 per person, and all reasonable expenses including travel, tolls, and meals shall be charged to Appropriation Account A 4210-414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (740-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Melinda Parziale, MS, Ed, Clarkstown Counseling Center is hereby authorized to attend a conference entitled: "Ackerman Family Sculpting Revisited: A Powerful Tool for Change" on Saturday, November 4<sup>th</sup>, 2000 in New York City, and be it

FURTHER RESOLVED, that the registration fee of \$95.00 and all reasonable expenses including travel, tolls and meals shall be charged to Appropriation Account A 4210-414.

RESOLUTION NO. (740-2000) continued

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . Yes
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RESOLUTION NO. (741-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Melinda Parziale, MS, Ed, Clarkstown Counseling Center is hereby authorized to attend a conference entitled: "Putting the Pieces Together: Practical Solutions to Puzzling Problems" on Thursday, October 5<sup>th</sup>, in Carmel, New York and be it

FURTHER RESOLVED, that the registration fee of \$30.00 and all reasonable expenses including travel, tolls and meals shall be charged to Appropriation Account A 4210-414.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . Yes
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RESOLUTION NO. (742-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby amends Resolution No. 590-2000, adopted by the Town Board on August 8, 2000 as the fee was incorrect, and be it

FURTHER RESOLVED, that the fee shall be amended to reflect the amount of \$995.00, instead of \$945.00

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . Yes
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RESOLUTION NO. (743-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Twin County Grocers, Inc. v. Nicholas Longo, Tax Assessor, Dolores Avaras, Patricia Battles, Eileen Daley, Joan Derella and Artiso Fontana the individual members constituting and sitting as the Board of

RESOLUTION NO. (743-2000) continued

Assessment Review and the Board to hear grievances with respect to real property taxes in and for the Town of Clarkstown, Index No(s). 4371/96, 4322/97, 4372/96, 4320/97, 4373/96, 4319/97, 4374/96 and 4321/97 for the years 1996/97 and 1997/98 and ALPINE DISTRIBUTORS D/B/A TWIN COUNTY GROCERS v. THE TOWN OF CLARKSTOWN, A MUNICIPAL CORPORATION, ITS ASSESSOR AND THE BOARD OF REVIEW, ET AL., Index No(s). 4517/98 for the year 1998/99 and MARK KARSCH & ROBERT SILVERMAN v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, AND THE TOWN OF CLARKSTOWN, Index No(s). 4240/99 for the year 1999/00 affecting parcel(s) designated as Map 32, Block A, Lot 6; Map 33, Block A, Lot 4; Map 33, Block A, Lot 4.1 and Map 52, Block A, Lot 24, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, the Senior Deputy Town Attorney of the Town of Clarkstown and the attorneys for the Clarkstown 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 32, Block A, Lot 6 be reduced for the year(s) 1997/98 from \$5,438,100 to \$5,259,000; for the year(s) 1998/99 from \$5,438,100 to \$5,020,200 and for the year(s) 1999/00 from \$5,438,100 to \$3,945,675 at a total cost to the Town of \$30,780.62;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 32, Block A, Lot 6 shall remain unchanged for the year(s) 1996/97;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 33, Block A, Lot 4; Map 33, Block A, Lot 4.1 and Map 52, Block A, Lot 24 shall remain unchanged for the years 1996/97, 1997/98, 1998/99 and 1999/00;
4. Reimbursement for the year(s) 1997/98, 1998/99 and 1999/00 on the parcel described as Map 32, Block A, Lot 6, 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;
5. 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 . . . . . Yes
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (744-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00300 Principal Clerk Typist R.C.N.C.P. which contains the name of Rukmani DeColyse.

Now, therefore, be it

RESOLVED, that Rukmani DeColyse, 21 Endicott Street, Congers, New York, is hereby appointed to the (permanent) position of Principal Clerk Typist – Solid Waste Facility – at the current annual salary of \$39,692., effective and retroactive to September 25, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (745-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Keith M. Hudak, 20 Kreuz Drive, West Nyack, New York – Laborer – Town of Clarkstown Highway Department – is hereby accepted – effective and retroactive to September 15, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (746-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Beth Ann Malone, 15 Pine Avenue, Congers, New York – Data Entry Operator I (part-time) – Town Justice Department – is hereby accepted – effective September 29, 2000, at the close of the business day.

On roll call the vote was as follows:

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

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RESOLUTION NO. (747-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Beth Ann Malone, 15 Pine Avenue, Congers, New York, is hereby appointed to the position of (part-time) Clerk Typist, Personnel Office, at the current hourly rate of \$13.20 effective October 23, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (748-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Cheryl Poletto, 298 South Middletown Road, Nanuet, New York is hereby reappointed to the position of (temporary) Receptionist, Supervisor's Office at the current hourly rate of \$12.00, effective September 29, 2000, for a period not to exceed 30 days.

On roll call the vote was as follows:

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

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RESOLUTION NO. (749-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Alice Ortiz, 18 Windmill Lane, New City, New York, Clerk Typist, Purchasing Department is hereby accepted, effective and retroactive to September 17, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (750-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Ellen Burns, 65 South Greenbush Road, Apartment #3, West Nyack, New York, Senior Recreation Leader, Parks Board and Recreation Commission is hereby granted a Sick Leave of Absence at one half pay. Effective and retroactive to August 29, 2000 to September 11, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (751-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, an action is pending in the Supreme Court of the State of New York entitled Hudson Canyon Construction, Inc. vs the Town of Clarkstown, et al, and

WHEREAS, it is necessary to retain the services of a professional engineer and land surveyor in connection with said litigation,

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of Wayne T. Ballard, Superintendent of Highways, and Marsha Coopersmith, Esq., Town Attorney's Office, that George J. Mottarella, P.E.,L.S., be retained to perform necessary surveys and plotting of existing paving surfaces at a cost not to exceed \$1,050.00, and that Larry J. Nardecchia, Jr., P.E., be retained to perform necessary engineering services to support the claim against Hudson Canyon Construction and develop documents (Bid #50-2000) for the Remediation work for Old Mill Road Safety Improvement Project not to exceed \$4,555.00, and be it

FURTHER RESOLVED, that said charges be charged to H 8735-409-12-11.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (752-2000)

Co. Lasker offered and Co. Maloney seconded

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

BID #59-2000  
SECURITY GUARD SERVICE CLARKSTOWN SOLID WASTE FACILITY

RESOLUTION NO. (752-2000) continued

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date to be determined at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing .

On roll call the vote was as follows:

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

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RESOLUTION NO. (753-2000)

Co. Lasker offered and Co. Maloney seconded

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

BID #1-2001  
OFFICE SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a date and time to be determined at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

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RESOLUTION NO. (754-2000)

Co. Lasker offered and Co. Maloney seconded

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

BID #2- 2001  
PHOTOCOPIER & FAX MACHINE SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by date and time 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. (754-2000) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (755-2000)

Co. Lasker offered and Co. Maloney seconded

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

**BID #3-2001  
PRINTING OF TOWN STATIONERY & ENVELOPES**

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by date and time to be determined at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing

On roll call the vote was as follows:

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

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RESOLUTION NO. (756-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, on September 19, 2000, a flash flood occurred in the vicinity of West Gate Boulevard resulting in roadway flooding, and

WHEREAS, the Department of Environmental Control determined the cause of the flooding to be the be the result of brush and debris within stream NJ1-12-3-2 which occluded the flow of water and caused a blockage in culverts No. 413 and No. 414, and

WHEREAS, the Department of Environmental Control has recommended the immediate removal of all brush and debris from stream NJ1-12-3-2, and

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

WHEREAS, the Department of Environmental Control has received two (2) responses to the request for proposals for the required work.

NOW, THEREFORE BE IT

RESOLUTION NO. (756-2000) continued

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire KJS, Hauling and Home Improvements, 95 Maple Avenue, New City, New York 10956, to perform the required stream cleaning to stream NJ1-12-3-2 within the Town's drainage easement from North Main Street to West Gate Boulevard, New City, New York in accordance with the requirements of the Department of Environmental Control and their proposal dated September 22, 2000, for a total cost of \$19,500.00 and

BE IT FURTHER RESOLVED, that the cost for the stream cleaning shall not exceed \$19,500.00, and shall be a proper charge to account #8748 409 0 72 1, and is an approved FEMA project identified as PW #320.

On roll call the vote was as follows:

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

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RESOLUTION NO. (757-2000)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Southern Energy Bowline, L.L.C. ("Southern Energy") has requested permission to place a gas line on Town property, and

WHEREAS, the majority of Clarkstown land owners with private holdings along the proposed alignment of said pipeline have agreed to provide easements over their property in favor of Southern Energy, and

WHEREAS, the Town's objections, raised by its special counsel, have been met or satisfactorily compromised;

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds that it will be in the public interest to grant an easement to allow a gas pipeline to be installed by Southern Energy over premises known and described as Map 172, Block A, Lot 2.1, for a consideration of \$500,000, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute, on behalf of the Town, a Grant of Easement and other necessary documents in a form acceptable to the Town Attorney, which shall include indemnification and reasonable insurance protection.

On roll call the vote was as follows:

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

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RESOLUTION NO. (758-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is engaged in a Town-wide Open Space Protection Initiative, and

WHEREAS, the Town Board has set a bonding referendum to provide funds to purchase interests in land to protect open space which shall be presented to the voters on November 7, 2000, and

WHEREAS, there are certain desirable parcels in immediate danger of development that the Town Board may wish to acquire, or that are held by the County of Rockland for imminent sale at tax auction, and

WHEREAS, these lands cannot be protected from development unless immediate action is taken to purchase options or to acquire tax sale deeds, and

WHEREAS, General Municipal Law § 247 provides that the Town may acquire such interests;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby establishes a fund of \$500,000 to be used to acquire open space parcels in the form of options or to acquire parcels by tax sale, subject to further approval by the Town Board, and be it

FURTHER RESOLVED, that the funds to be acquired from the sale of an easement to Southern Energy shall be used to establish this fund, and be it

FURTHER RESOLVED, that the Town shall only acquire such interests after public notice and adherence to all requirements of law.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (759-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Karl Kirchner is hereby authorized to prepare appraisal updates for Map 89, Block C, Lots 45.02 and 45.04 in preparation for purchase or condemnation of said properties for park purposes, for an amount not to exceed \$2,500, and such fee shall be charged to Account No. A 1420-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (760-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an appraisal proposal for property designated on the Clarkstown Tax Map as Map 71, Block A, Lot 5.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (761-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that payment of \$1,200.00 to Robert R. Rahnefeld for property analysis reports on Map 89, Block C, Lots 45.02 and 45.04 to determine highest and best uses of these properties is hereby authorized, and such fee shall be charged to Account No. A 1420-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (762-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with he Rockland Board of Cooperative Education (BOCES), having offices at 131 Midland Avenue, Nyack, New York, in a fore approved by the Town Attorney. BOCES shall provide computer training classes for Town of Clarkstown employees for the Period October 1, 2000 through December 31, 2000, and be it

FURTHER RESOLVED, that the fee or said classes shall not exceed \$5,500.00 and shall be charged to Account No. A-1680-414.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (763-2000)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Gerald F. Brickwood, Deputy Director of the Department of Environmental Control is hereby authorized to arrange for paving of the portion of Little Brook Road, New City near the sewer pumping station as part of the sewer improvement project at this location.

On roll call the vote was as follows:

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

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RESOLUTION NO. (764-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the following Clarkstown Highway Department personnel to attend a one-day course presented by Cornell Local Roads Program, co-sponsored by the New York Metropolitan Chapter of the American Public Works Association, on October 25, 2000 at the Rockland County Fire Training Center, Pomona.

- Wayne T. Ballard, Superintendent
- George C. Drescher, HMS III
- John Clune, HMS II
- Tom Westervelt, HMS II

and be it

FURTHER RESOLVED, that the fee for said workshop shall not exceed \$30.00 each and shall be charged to Account No. DB 5110-414.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (765-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as Brega Company, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Kings Highway, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLUTION NO. (765-2000) continued

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated July 12, 2000 from Brega Company to the Town of Clarkstown, gratuitously conveying strips of land along Kings Highway, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (766-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Town Board Resolution #524-2000 authorized the Director of the Department of Environmental Control to retain the services of a private contractor to perform corrective drainage work within the Right-of-Way of Third Street, New City, New York, and

WHEREAS, Town Board Resolution #524-2000 was a duplicate resolution to Town Board resolution #546-2000 for the same location and scope of work.

NOW, THEREFORE, BE IT,

RESOLVED, that Town Board Resolution # 524-2000 is hereby rescinded.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (767-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Clerk of the Works, Town Clerk and the Director of Purchasing that

BID # -46A-2000  
STEEL SHELVING AND RELATED ITEMS  
FOR TOWN ARCHIVAL RECORDS STORAGE ROOM

hereby awarded to: F & F Industrial Equipment Corp.  
195 Tower Drive  
Middletown, NY 10941  
Principal: Werner Frost, Frank Fasano

as follows:

## RESOLUTION NO. (767-2000) continued

Item #1 - Steel Shelving - Offering Penco per spec at the proposed cost of \$13,980.00.

Item #2 - Steel Work Bench - Offering Pollard at the proposed cost of \$1,321.00.

Item #3 - Rolling Ladder - Offering Tri-Arc Easy Climb at the proposed cost of \$857.00.

On roll call the vote was as follows:

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

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## RESOLUTION NO. (768-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is engaged in a Town Wide Open Space Protection Initiative which will identify lands worthy for open space protection, acquire the fee or other interest in such lands, and fund such acquisitions with a bond referendum subject to approval by the voters on November 7, 2000, and

WHEREAS, pending federal legislation, known as The Conservation and Reinvestment Act, may provide assistance to the Town for such open space protection, as well as certain state government grants to assist and enhance the ability of the Town to preserve open space for the benefit of present and future residents, and

WHEREAS, Clarkstown citizens have from time to time made gifts of money, land, and other interests in land to provide the Town with open space, all of which make it impossible to determine the full potential of funding available to the Town for its Town Wide Open Space Protection Initiative, and

WHEREAS, the Town Board is aware that the bonding referendum may not provide sufficient funds to acquire all parcels worthy of protection but, nevertheless, it is important to identify such parcels by mapping same, and

WHEREAS, Town Law §270 provides for the establishment of a Town Official Map by which the Town Board can, among other things, plan for the location of parks, active and passive, and Town Law §273 authorizes changes to said official map to show the location of prospective parks;

NOW, THEREFORE, be it

RESOLVED, that the Town Board has determined that the conservation of open space will enhance and protect the public health, safety and general welfare, and is in the best interests of the community, and be it

FURTHER RESOLVED, that a public hearing to consider amendment of the Town of Clarkstown Official Map, to show thereon the parcels identified on Schedule "A" as future passive park lands, which Schedule "A" shall be published with the required legal notice, shall be held on October 24, 2000, at 8:00 p.m., at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York, 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

RESOLUTION NO. (768-2000) continued

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 a copy of this Resolution be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their report and recommendation.

On roll call the vote was as follows:

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

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RESOLUTION NO.(769A-2000) (FAILED)

Co. Lasker offered and Supervisor Holbrook seconded

RESOLVED, that the resolution authorizing the reappointment of Rudolph Yacyshyn as a member to the Planning Board, be tabled.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . No
- Councilman Mandia . . . . . No
- Councilwoman Smith . . . . . No
- Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (769B-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, the Rudolph Yacyshyn, 12 Reservoir Drive, New City, New York, is hereby reappointed to the position of Member – Planning Board – at the current annual salary of \$5,500., term effective and retroactive to January 3, 2000 and to expire on January 2, 2007.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . No
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . No

Co. Lasker stated that Rudy Yacyshyn has served for a long time and she would prefer he stepped down. He still has his name on the skating rink on the Pyramid Mall, and throughout the Pyramid meeting he treated the public in a very arrogant fashion. She feels it is time for new blood.

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Co. Smith asked about investigating the possibilities of bringing a taxpayer lawsuit against the individuals who conspired to dupe the Town out of money in connection with sale of land for the golf course.. She would hope to recover the \$1 million but primarily wishes that the Town would sue to overturn the sale.

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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 11:05 PM.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/26/00

8:05 P.M.

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

RE: Chapter 111 Proceeding (Unsafe Buildings): Bernaschina, 10 Parliament Drive

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

Supervisor spoke to Mrs. Bernaschina and requested that she come to tonight's meeting. She did not appear. Supervisor told her that this was a property maintenance concern and there were also concerns about the structural integrity of the building. We were successful in contacting her and she knows she is running the risk of liens on the property. The real estate market is good, but for the sake of argument, if it is worth X and you are maintaining it, it might be worth X+, but it is not going up in value if it is not maintained properly. Supervisor indicated that if she did not contact the Board, that they would be back in touch with her. The Town Attorney took a look at the property and reported about high grass, a pile of debris and a couple of dead trees. He also indicated that it might be difficult to obtain a search warrant to get a licensed architect in there. That is still an option we might be able to pursue if in fact, Mrs. Bernaschina does not perfect trying to sell this property in an expeditious manner. Supervisor conveyed to Mrs. Bernaschina that in his opinion, in today's real estate market in New City, if you put it on the market at a reasonable price, it should be able to sell in a relatively short period of time. Mrs. Bernaschina asked if she could have an opportunity to clean up the property. Supervisor said that we might entertain that, but we wanted some information as to her definitive intentions regarding the sale of the property. Supervisor suggest that the Town attempt to contact Mrs. Bernaschina tomorrow to find out what her intentions are and try to perfect the sale of this property which would lead to the quickest and most efficient rectification of the situation. Failing that, the Supervisor thinks the Town Board would be in favor of pursuing a subpoena to get into the house, or authorize the cleaning up of the property and contacting her tomorrow to say that we would be prepared to hold it off for a week if she was serious about contacting a contractor to clean it up and perfect the idea of the sale of the property. There is no way to contact her by phone and a police officer would have to be sent over there.

Co. Mandia asked if she was aware that every time we send someone there to make repairs or clean up that it is effectively creating liens on her property. Supervisor replied that he did not think that she was really aware of the hearings that were held to date.

Supervisor told her that every time we go there, she is creating a situation where the Town has put liens on the property. If we could get her to sell the place, it would address the issue.

Co. Maloney asked, what happened to the Court Order?

Supervisor stated that we would have to get a subpoena. The quickest way to bring about the action the people seek is for the house to be sold and fixed up.

Co. Mandia stated that someone is paying the taxes and the two mortgages on the property.

Supervisor asked if there was anyone wishing to ask a question or make a comment.

Appearance: Martin Bernstein  
New City'

About six weeks ago, we had a discussion about this. He was shocked that this was going on for five years. He looked at the property which was a mess and then tracked down the bank. He sent a letter stating that he knew someone who might buy it. He did not get an answer yet. In the future, when anything like this comes up, the Town should pursue this immediately not wait five years.

John Costa, Town Attorney, stated that in his opinion, in order to obtain access to that building we would need to obtain a search warrant. A search warrant will not be issued unless there is probable cause to suggest there is a good reason to go inside the building. There is a requirement in the law to observe due process. Mrs. Bernaschina has been notified in the past by sending mail both certified and ordinary mail to her last known address which proved to be no notice because we kept getting the envelopes back. We now know where she resides and in the future we will be able to personally service her with any notice. There are some things at the site that are visible and may constitute problems under Chapter 216. We have made some recommendations with regard to the debris that exists behind the building and the dead trees that appear to be on the site. Those trees are substantial. If they should come down, they could injure somebody or damage property. We will pursue it as best we can. The Fire Inspector issued a report indicating that he does not believe that the premises need to be destroyed or removed. It has been secured against the elements and vagrants.

Supervisor stated that we have to come up with some reason to make a petition to the Court.

Co. Mandia said that maybe we need to do something with the Town Code that says the property has been damaged by fire or otherwise and that within a certain period of time, it must be brought back to a standard that would allow a Certificate of Occupancy.

Co. Maloney said to tell Mrs. Bernaschina that there is a deadline and we are not going beyond a week.

There being no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing was closed, TO BE CONTINUED, time: 8:35 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

Town Hall

9/26/00

8:36 P.M.

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

RE: Amendment to Chapter 250 (Streets and Sidewalks) of the Clarkstown Town Code

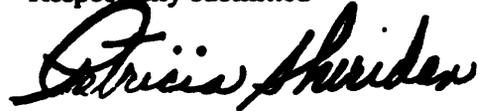
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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing was declared open. The Clerk read notice calling public hearing and testified as to proper posting and publication.

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

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:37 P.M.

Respectfully submitted



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (730-2000) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/26/00

8:36 P.M.

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

RE: Reformat the Existing Zoning Law and Districts of the Town of Clarkstown  
as a Local Law to be Known as Chapter 290 "Zoning"

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

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

On motion of Councilman Mandia, seconded by Councilman Maloney and  
unanimously adopted, the public hearing was declared closed, RESOLUTION  
ADOPTED, time: 8:37 P.M.

Respectfully submitted



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (731-2000) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/26/00

8:38 P.M.

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

RE: Petition for Zone Change (MF-2 to MF-3) J. Booth (6-C-10)

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

Supervisor Holbrook asked John Costa, Town Attorney to give the recommendations from the Rockland County Department of Planning. Mr. Costa stated that we have correspondence dated September 11, 2000 from the Rockland County Planning Department which states that they have reviewed this proposed zone change and have indicated that the matter is remanded for local determination. The following additional comments are offered strictly as suggestions or observations and are not part of the County's required General Municipal Law review. The Board may have already addressed these points or may disregard them without any formal vote required under the GML process. We would like to take this opportunity to suggest that the Town examine the remaining properties not zoned MF-3 in the adjacent area to determine if the MF-3 zone should be expanded to encompass these parcels as well. Signed Dr. James J. Yarmus, Commissioner of Planning.

Supervisor stated that our Planning Board recommended against this and asked if the applicant was present.

Appearance: John Booth  
Builder

Mr. Booth stated that he has been a builder in Clarkstown for forty years and he is one of the better builders in the area. Many times when a real estate firm is selling one of his resale homes, they often advertise his homes in the multiple listing as "John Booth Colonial" or "the perfect house, beautiful John Booth". He owns seven parcels of land on Pipetown Hill Road that was zoned MF-3 until October 9, 1999 when it was rezoned to MF-2. He requested that the parcels be returned back to MF-3. Surrounding his parcels there are five other parcels that are MF-3 which includes a small parcel smack in the middle of his parcel which is also zoned MF-3. By having his parcel MF-2, he considers it spot zoning. If all the properties were MF-2 and he requested his parcels to be changed to MF-3, he would be told that he was unreasonable. Mr. Booth distributed to the Town Board the newly adopted easement clause. When his parcel was zoned MF-3, he was permitted 95 units. When his parcel was changed to MF-2, he would have been permitted 70 units, a loss of twenty-five units or 27%. That is not the full story. The zone change that was made on October 9, 1999 also made the changes whereby if there is an easement on the parcel, you are limited to only half of the easement in determining the number of units permitted. He has an easement on that property. Combining the MF-2 and the easement limitation, he is now limited to fifty-eight units or a 39% reduction from the original ninety-five units of MF-3. The net effect is not MF-2 or 70 units, but below MF-2 or between MF-2 and MF-1. The impact on him is a big financial loss. Mr. Booth said that he is not asking to go back to the 95 units of MF-3. He is seeking the following compromise: Change the zone back to MF-3 and keep the easement clause on the parcel. It would permit him 79 units not 95. He has owned this parcel for fourteen years and has paid \$169,754.00 in taxes. He has

been a big asset to Clarkstown over the years and has built over four hundred single family or condos. During his forty years in Clarkstown, the Supervisor's Office, the Building Department, the Environmental Department and the Town Attorney's Office have never had a complaint on him. Mr. Booth read a letter from Mr. LaPenta to Mr. Holbrook in favor of the zone change. Mr. Booth does not consider his request unreasonable considering all the factors he brought out. He trusts that his forty years of loyalty, results of his endeavors in Clarkstown and the merits of his proposal will have a favorable reaction.

Supervisor asked if there was anyone present wishing to make a comment or ask a question.

Appearance:: John Lodico  
New City

He has been in the construction business for forty-five years and does not personally know Mr. Booth. He was executive director of the Independent Contractors Association of Rockland County for thirty years. The members in the Association who have worked for Mr. Booth have only praise. He was unjustly deprived of his property rights to build within the framework. When you change someone's property, you take away their money. He is probably the best builder in Rockland County.

Appearance: Ed Day, New City  
Little Tor Neighborhood Ass. & Ad Hoc Committee

As a member of the Ad Hoc Committee, he and many others have spent many months reviewing the codes and where this Town is going to go in the future. There were a number of meetings, citizen input into where we were going, what we were doing, and what were the safeguards going to be against zone changes once we had put a plan together for the benefit of this Town. His view at the time which was directed to the Supervisor, was that there was a compelling need for health, safety and security, then there should be consideration for changes. The bottom line is that you are the guardians of the Comprehensive Plan. He had the opportunity to look at Mr. Booth's petition. We do have various types of housing and took great pains to strike a balance to insure that there is appropriate housing consistent with the Town's needs and each local communities characteristics. Mr. Day's stated that if there is building done, it impacts upon the services of this community. Mr. Day requested that the Board deny the zone change.

Appearance: Russell Trojan  
Clarkstown

During a previous revision in the Master Plan, numerous parcels in the Town previously zoned R-7½ and R-10 were rezoned to R-15. It was understood then and when the Comprehensive Plan was developed that we have enough of certain type of housing already build and existing. One of those categories was the MF-3. Numerous petitions were put forth to this Board and granted by this Board even in opposition to the Planning Board's recommendation to convert lands of other designations to MF-3. Changes were made and properties were built upon. I do not know why this applicant has not built in the fourteen years of ownership in which he has had the opportunity to build MF-3. In review of the Comprehensive Plan, discussion among the Planning Board was stated that this and certain other parcels in Clarkstown should be zoned MF-1. The Board was generous in this parcel and said MF-2 for this one, MF-1 for another. Mr. Booth mentioned that it would not impact the Nanuet or Clarkstown school districts. The East Ramapo school district is partly in Clarkstown. Should they not get the same treatment as the other three school districts? Should we make an exception because this parcel is in the East Ramapo school district? They have a huge school district that spans three townships. We should give them the same treatment as we did for the Nanuet, Clarkstown and Nyack school districts in not

opening up any more land to MF-3 development. After more than a year of work by the Planning Board and the Ad Hoc Committee, we should stick by the Comprehensive Plan, and see how it works for a few years before we start rushing into zone changes.

Appearance: Gilbert Heim  
New City and member of the Clarkstown Planning Board

At their meeting of last week, this matter was discussed in great detail. It was the consensus of the Board (7-0) that since we put so much time into a Comprehensive Plan and we have enacted one, we felt it was too early and too soon to start picking it apart. We mentioned to the applicant that he is a great builder and we are not taking that away from him. At one point during the meeting, we asked the applicant to produce a map that would show how many town homes he could get on the parcel. He wanted a guarantee from us that if he produced it, that he would get something. We told him we were not going to give any guarantees, but it will show that you are not going to generate the amount of units that you are anticipating getting. The Planning Board is concerned that we don't start picking apart the Master Plan.

Appearance: Shirley Thorman  
Valley Cottage Civic Association

She was asked by the president, George Noon, to come here tonight and add their voice. They requested that the Town Board back the Planning Board and support the Comprehensive Plan. We should give it a chance to see what it will generate and how it will work in the future. She stated that Mr. Booth is one of the best builders in Clarkstown and this in no way detracts from him.

Appearance: John Booth  
Builder

He asked the Board to examine the plans he gave them. They will see that surrounding his property are five parcels that are MF-3 and the piece that is in the middle is also MF-3. If it can be called anything other than spot zoning, he would like an explanation.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the Town Board Meeting was closed, RESOLUTION TO DENY ADOPTED, time: 9:03 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (732-2000) ADOPTED

Town Hall

9/26/00

9:05 P.M.

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

RE: Chapter 216 Proceeding (Property Maintenance): Windham Properties, 20  
Mayfield Street, Valley Cottage (108-B-14.13)

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

Supervisor explained that this was a property maintenance application. At the last meeting regarding Windham property, other matters were discussed. At that time, the Town Board took action and called a bond. They gave to the 26<sup>th</sup> for a whole variety of items to be resolved. Supervisor asked if there was anyone present wishing to make a comment

Appearance: Joe Branda  
Valley Cottage

As residents of Mayfield Street, they believe, that the Town Board in good faith granted an extension to the developer. The developer who took a two-year hiatus waited seven days from the last Town Board Meeting to commence work. As homeowners they have some concerns and need some assurances as to the quality of the work that has been done. Mr. Branda gave the Board some photos showing sub-standard construction. Through his conversations with the Environmental Control Department, he found out that the stretch of property on Mayfield, the road itself, is thirty feet with ten feet on either side and is currently owned in its undedicated state by the builder. These issues were previously raised and we still have eight-foot weeds. In compliance with the September 12<sup>th</sup> memorandum, there is to be a retaining wall installed. There is also an excavated lot which has become the dumping ground for the street that has been excavated. There was forty feet of road dug up. Some additional sub-composition was added to it.

Supervisor asked Mr. Ballard, the Highway Superintendent if he was aware of the work going on. Mr. Ballard stated that sufficient areas in the sub base has been rectified by the developer. The road is ready to be topped. In assessing other items with the DEC, the former Superintendent of Highways requested a retaining wall for the purposes of snow retention. In reviewing the actual conditions of the site, the dirt is inclined at such a level if you were to throw the snow upon this inclined embankment it would merely rub off, ice up and we would have to send out crews to constantly deice. There is a need for this retaining wall. Supervisor asked about the cuts where the road would meet the driveway. Mr. Ballard stated that the driveway is cut so that it would receive an inch and a half of top which is something we would recommend. The curbing is under the DEC's jurisdiction.

Supervisor stated that we have a couple of issues, one is the recommendation of the retaining wall in that location, another is that the road has been repaired to the point where the final grade could be put on to it. The issue of the cutting of the driveways is OK if the proper caps are put on so the water runs on to the road in the proper fashion. The other issue would be the question of the end caps on the curbs that, if they are not adequate, those things would have to be taken care of prior to putting on the top cap. When that is done sufficiently then the road could be recommended to the Town to be taken over as a Town road.

Appearance: Albert Orlando  
Builder

The retaining wall was called for to run down to the first new house on the left and then to that driveway. There is also a different grade to the road and we have had to approach the DEC about a revised grading plan and revised wall. This does not mean that a wall will not be place there. Also there must be a five foot flat strip there. The question is how long the wall will be. The DEC is evaluating that and have asked me for a suggestion for that wall. In terms of Lot #8, I am not entitled to that property and anything that was temporarily placed there will be removed. He does not own the lot but can get the name of the company that does and can get that for you. Regarding the curb cuts, this is the way we were instructed to do it. It was not acceptable to run them across the thresholds, so there had to be some sort of blending it down into the natural blacktop driveway. Mr. Letson and I walked through that today and did notice that cracks did occur. I agreed to redo that and I will.

Appearance: Xavier Francis  
18 Mayfield Avenue

Moved here last December. Is concerned about the water that runs from the new building, #20. He has water standing there as a result of water drainage from that house and also from the street. Has gotten in touch with the DEC but so far nothing has been done about this. Would like this water to be diverted so he can develop his land.

Appearance: Angelo Ciavrella  
17 Mayfield Avenue

Lives next to the vacant lot of dirt that you have seen photos of. Here to verify everything that has been said tonight. There are various issues that need to be addressed. One is the problem with surveys. He has been mowing someone else's lawn. The stakes were put down and it was always his understanding that 5 to 7 feet from there was his property. His survey doesn't match what was presented to him in his closing, something is off. People need to know where their property is. Another issue is the lot next to him. Mr. Orlando is responsible for making a hole in the vacant lot next to him. This is a safety hazard and a liability. This creates a cliff on the side of his property and someone can get hurt here. Other concerns are the street paving concerns. Also, there is the vacant house and he doesn't know what is going on there. Weeds were growing there and it has looked horrible in the neighborhood. Now it has been mowed but how long is that going to last? He has grading issues with regard to his own property that are causing gullies after heavy rains. If this was done properly, he would not have to incur the cost of correcting it. Hopes that the money put aside can be used in part to cover those costs. We have had two years to address these problems and nothing has been done...

Appearance: Mrs. Thompson  
11 Mayfield St.

Lives next to Lot #8 and verified that it is a dangerous cliff and children in the neighborhood can be seriously hurt. Drainage problems are causing water to pool at the bottom of her driveway. Hope the work done this week will solve this problem. Asked who will power wash her house to get rid of dirt on her house from this construction.

Appearance: Mario Sasso  
28 Mayfield Street

Stated that there was deception on the part of Mr. Orlando on the quality of work he has done. Observed the workers skim coating the pavement instead of doing it the right way, cut, poured and formed in concrete. Everybody's surveys are different. There are a lot of unanswered questions and he should be put on the line for what he has done.

Appearance: Tom Kovach  
19 Mayfield St.

Just wanted to go on record. Many things need to be addressed. You will let us know tonight what the follow-ups will be.

Appearance: Bill Carnegie  
22 Mayfield St.

Concurs with the drainage problems that are going at 18 Mayfield. It starts behind his house and is more evident after heavy rains. Mosquito problem is huge there. Also has questions about his survey. He is directly next to 20 Mayfield, the vacant house. Is concerned about who may be going in and out of there. Weeds are temporarily up to speed but how long will that last. Who is watching this?

Appearance: Lou Fata  
23 Mayfield Street

Speaking also for his neighbor at 26 Mayfield Street. We are both first time homeowners, looking for a great place to live and from the day we met Mr. Orlando we have had nothing but problems. Questions about his workmanship range from the driveway blacktop to the squeaky floorboards to other structural issues. It is absurd to think that for 2 years we have lived with these conditions, sub par roads, driveways and end caps. Sub par living conditions for what we paid for the homes. We want to make sure he finishes the job he started several years ago. The surveys are still subject. I now have to pull up some sprinkler systems and move a swing set to accommodate the changes on survey.

Appearance: Mr. Branda  
25 Mayfield St.

Would like to submit from the residents a punch list of items to be done and have that tagged on to the performance bond.

Appearance: Mr. Orlando  
Builder

Takes exception to a lot of the criticism here but takes responsibility for certain things too. There houses are built well and the development looks well, despite the fact that road is not incomplete. Punch lists were gone back to numerous times in everyone's house. When a closing takes place a final survey is prepared which marks from a position on the house from the side yards to the rear yards and the front yard of the property. Those are supposed to be accurate for rough measurements. Property stakes very often are done towards the end of a project. This is late and I take responsibility for that, this should not have lasted this long. Any variations between those setbacks and the actual locations of the corners have to be looked in to but the surveyor does this work. Spoke about the vacant house, it will be completed when it is sold. It is not sold. The doors are open any time to the building inspector or anyone else.

Supervisor Holbrook stated that Mr. Milich's report stated the violation should be discontinued because the grass is cut. If we discontinue this, are we going to be back here again in a couple of weeks?

Mr. Orlando stated he has a contract to have the lawn mowed and maintained. There is no evidence that anyone has been in that house. The house is clean and in good stead. Stated he does not own the vacant lot but he can get the name of the owner. He takes responsibility for the debris put on that lot which he will take responsibility for.

Supervisor stated he is interested in who owns the vacant lot because unless someone builds a house there and finishes out this development, there will be a property maintenance situation on going there. Town Board wants to see this brought to completion as soon as possible. There are drainage issues, we are still holding money in escrow and the Town Board is not prepared to give back any escrow until all of these things are taken care of. The roadways, the retaining wall issues, the drainage issues and the survey issues need to be resolved.

Mr. Orlando stated that he was not trying to dupe anyone with regard to the curbs. They were doing what they were instructed to do, to smooth out the curbs rather than to cut them back and certainly not to go across the thresholds. If there is to be something else we want to be told

that and we well do that. I walked this afternoon with Dennis Letson and he was satisfied that they just had to be redone.

Supervisor recommended that no escrow be given back and that dedication not take place until the highway superintendent says it is ok and we get a sign off on all these other issues from the DEC. We have a resolution from a couple of weeks ago to forfeit that bond and we can certainly pull that plug at any time.

Co. Maloney asked if the violations have been corrected on 20 Mayfield.

Mr. Milich stated that the property maintenance violation was in compliance.

Co. Lasker asked that a copy of the contract be provided to the Town.

Supervisor Holbrook stated that we have on the record now that this grass is going to be cut until someone buys it. He suggested that we hold a progress meeting on this at the Town Board Workshop to be held on Monday. He would like an interim report from Mr. Orlando at that time on what progress has been made. Suggested residents bring their punch lists up at that time also.

There being no one further wishing to be heard on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing was closed, DECISION RESERVED, time: 10:05 PM

Respectfully submitted,



Patricia Sheridan  
Town Clerk