

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

10/24/00

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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Certificate of award was presented to Paul Kanyuk of Boy Scout Troop 97 for achieving the rank of Eagle Scout.

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On motion of Co. Mandia seconded by Co. Maloney the public hearing re: Proposed Amendment to the Town Code Chapter 205 (Noise) was opened, time: 8:00 PM

On motion of Co. Maloney seconded by Co. Lasker the public hearing re: Proposed Amendment to the Town Code Chapter 205 (Noise) was closed, time: 9:03 P.M.

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Supervisor opened the public portion of the meeting.

Appearance: Martin Bernstein  
New City

Spoke regarding Item #15, services of special counsel to evaluate the potential of the Town to recover funds relating to the purchased of the golf course property.

Appearance: Joseph Branda  
Clarkstown

Gave a progress report on the McKenzie Glenn subdivision,

Appearance: Frank Altro  
Clarkstown

Submitted a request for a vote to veto builder's bond for Long Clove Mews.

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RESOLUTION NO. (820-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby elects not to adopt the proposed Local Law to Amend Chapter 205 (Noise) of the Town Code of the Town of Clarkstown.

RESOLUTION NO. (820-2000) 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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Supervisor Holbrook stated that over the month there has been discussions relative to the attenuation of noise at the quarry and certain aspects and improvements have been made. The Town is interested in those successes in terms of attenuating noise We want to work in a harmonious relationship and try to address problems as they come about. We ask that the quarry to continue to make those improvements as time goes on because there are advances in technology continually coming out that can make it the quietest operation it could be. We recognize that there are difficulties in terms of getting materials to jobs. Improvements have been made and the Town encourages you to continue making those improvements.

RESOLUTION NO. (821-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of October 10, 2000 and October 19, 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. (822-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, ENTENMANN'S, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 32, Block B, Lot 107.2, for the year(s) 1996/97, 1997/98, 1998/99, 1999/00 and 2000/01, and

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

NOW, THEREFORE, be it

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

RESOLUTION NO. (822-2000) 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. (823-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, THE BANK OF NEW YORK has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58, Block F, Lot 11.1, for the year(s) 1996/97, 1997/98, 1998/99, 1999/00 and 2000/01, and

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (824-2000)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Building Inspector has posted and notified the last owner of record of premises known as 59.10-1-12.8 (108-B-14.10), commonly known as 15 Mayfield Street, Valley Cottage, New York, that a violation of Town Code Chapter 216 exists at said location in that there are wood and asphalt debris dumped on the vacant lot; the silt fence needs to be repaired; and a construction safety fence must be installed above the vertical cut in the embankment, and

WHEREAS, the Violation Notice of the Building Inspector dated October 16, 2000 has not been complied with;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Attorney is hereby authorized to institute proceedings as provided in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify the unsafe conditions on premises reputedly owned by A & S Building LLC in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 108, Block B, Lot 14.10, and also known as 15 Mayfield Street, Valley Cottage, New York, and be it

RESOLUTION NO. (824-2000) continued

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 14<sup>th</sup> day of November, 2000, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 30<sup>th</sup> day of October, 2000.

Dated: October 24, 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. (825-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Anoop Pandya, member of Tri-Murti Associates LLC, owner of property and parking area in a shopping center located at 260 West Route 59, Nanuet, New York, and known on the Clarkstown Tax Map as Map 163, Block A, Lots 20, 21.02 and 2, to implement the provisions of Section 278-13 of the Town Code, as amended, and Section 1660-a of the Vehicle and Traffic Law, to the aforementioned parking area;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the implementation of the provisions of Section 278-13 of the Town Code, as amended, and Section 1660-a of the Vehicle and Traffic Law, to the parking area located at 260 West Route 59, Nanuet, New York, and known on the Clarkstown Tax Map as Map 163, Block A, Lots 20, 21.02 and 2, and be it

FURTHER RESOLVED, that should any signage or signalization be required, the Superintendent of Highway's is authorized to install same provided the property owner pays for all required materials, equipment and labor.

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. (826-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, John Coyle, Safety Manager, wishes to attend the New York State Safety Seminar which is being sponsored by the New York State Department of Labor Division of Safety and Health. The seminar will be held on November 13-14, 2000, in White Plains, New York, and shall be at no cost to the Town;

NOW, THEREFORE, be it

RESOLUTION NO. (826-2000) continued

RESOLVED, that the Town Board hereby authorizes John Coyle, Safety Manager, to attend the New York State Safety Seminar which is being held on November 13-14, 2000, in White Plains, New York, and be it

FURTHER RESOLVED, that all reasonable expenses for tolls, travel and meals shall be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (827-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Clarkstown Sunrise Rotary Club, Inc. and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310-329 (Parks & Recreation - Supplies) by \$100.00.

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. (828-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7210-301 (Food) by \$3,540.00 and to increase A-7210-114 (Part Time) by \$3,540.00.

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. (829-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from The Bank of New York, and be it

THEREFORE, RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310-329 (Parks & Recreation - Supplies) by \$100.00.

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. (830-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$250.00 from United Water, and be it

THEREFORE, RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310-329 (Parks & Recreation - supplies) by \$250.00.

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. (831-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$2,000.00 from Hasty Hills Stable, Inc., \$2,895.00 from Orion Specialty, and \$4,940.00 from Coca Cola,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills Stables) and Budgetary Account No. H 1942-409 58-2 (Golf Course-Bids & Specs) by \$2,000.00 and increase Revenue Account No. A 01 8 2680 0 (Insurance Recoveries) and Budgetary Account No. A 1450-219 (Town Clerk-Misc Equipment) by \$2,895.00 and increase Revenue Account No. A 01 9 2705 (Gifts and Donations) and Budgetary Account No. A 3120-111 (Police-Overtime) by \$4,940.00 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLUTION NO. (831-2000) continued

RESOLVED, to decrease Budgetary Account No. A 1420-409 (Town Attorney-Fees for Services) by \$4,500.00 and increase Budgetary Accounts No. A 1420-211 (Town Attorney-Law Books) by \$4,000.00 and A 1420-111 (Town Attorney-Overtime) by \$500.00 and decrease Budgetary Account A 1640-406 (Town Garage-Repairs to Vehicles) and increase A 1640-311 (Town Garage-Gasoline) by \$5,975.41 and decrease Budgetary Accounts No. A 3260-328 (Special Investigations-Books & Pub.) by \$1,000.00 and A 3260-314 (Special Investigations-Comp. Supps) by \$1,000 and A 3260-417 (Special Investigations-InService Training) by \$1,000 and A 3260-436 (Special Investigations-Lab Services) by \$3,000 and A 3260-415 (Special Investigations-Investigative Expenses) by \$2,000 and increase Budgetary Account No. A 3260-225 (Special Investigations-Computer Hardware) by \$8,000 and decrease Account No. A 01 14 2999 (Unexpended Balance) and increase A 3120-293-1 (Police-Law Enforcement Equipment) by \$35,143.

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. (832-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, repairs have been made to the subject channel as part of the Tropical Storm Floyd Rebuilding Program using funds made available by the Federal Emergency Management Administration (FEMA); and

WHEREAS, the work limits and funding for these repairs were determined by the Project Worksheet prepared by FEMA personnel for this location; and

WHEREAS, the Department of Environmental Control has discovered that the Project Worksheet for this location did not allow for the restoration of the entire channel due to a miscalculation by FEMA personnel; and

WHEREAS, the Department of Environmental Control has solicited proposals from three (3) qualified contractors to provide the equipment and operators for Town personnel to direct in completing the restoration of the channel; and

WHEREAS, the Department of Environmental Control has reviewed these 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 under the direct supervision of personnel from the Department of Environmental Control, in accordance with their proposal for a fixed rental cost not to exceed \$6,490.00; and be it

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

RESOLUTION NO. (832-2000) continued

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 arrangement is contemplated and therefore, all work shall be performed under the direct supervision and control of the Department of Environmental Control; and be it

FURTHER RESOLVED, that this work 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 . . . . . Yes
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (833-2000)

Co. Mandia offered and Co. Smith seconded

WHEREAS, Terri Sacheli, 2 Fair Acres Road, has advised that Fair Acres Road is private and that the Town Board consider deleting Fair Acres Road from the Official Map of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the subject request is hereby referred to the Planning Board for its review and recommendation to the Town Board.

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. (834-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

“No Parking Anytime” signs on the entire turn  
-around located on Croyden Lane, New City

and be it

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

RESOLUTION NO. (834-2000) 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. (835-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "School Bus Stop Ahead" sign going westbound on South Mountain Road, New City, NY 300 Ft. east of #115

and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (836-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Deborah Horowitz, owner of property designated on the Clarkstown Tax Map as Map 127, Block Q, Lots 2.1 and 22, has petitioned the Town Board requesting Amendment to the Official Map to remove a portion of a mapped but unopened street known as Lakeward Avenue in Congers, which is adjacent to her property and has also requested a Certificate of Abandonment to be executed by the Superintendent of Highways, and

WHEREAS, the Town Board is aware that this mapped right-of-way is adjacent to premises presently in recreational use owned by the Veterans' Memorial Association;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for review and recommendation regarding the appropriateness of removing Lakeward Avenue from the Official Map, due to its proximity to property that has recreational value and may be subject to a developmental proposal in the future.

RESOLUTION NO. (836-2000) 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. (837-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that **Ciro Camillo, 1 Toni Court, Valley Cottage, New York**, is hereby appointed to the position of **(Part-time) Bus Driver – Mini Trans Department – at the current hourly rate of \$13.15 – effective and retroactive to October 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. (838-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that **Columbus Bowden, 6 Duane Avenue, New City, New York**, is hereby appointed to the position of **(part-time) Bus Driver – Mini Trans Department – at the current hourly rate of \$13.15 – effective and retroactive to 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. (839-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the **Rockland County Personnel Office** has certified on **October 24, 2000** that the position of **Clerk Typist, Supervisor’s Office** can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of **Clerk Typist, Supervisor’s Office** is hereby created effective **October 30, 2000.**

RESOLUTION NO. (839-2000) 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. (840-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Cheryl Poletto, 298 South Middletown Road, Nanuet, New York is hereby appointed to the position of (Provisional)Clerk Typist, Supervisor's Office at the current annual salary of \$23,170.00, effective October 30, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (841-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on October 6, 2000 that the position of Maintenance Helper, Maintenance Department, can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Maintenance Helper, Maintenance Department, is hereby created (in lieu of custodial Worker position #500800), effective October 30, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (842-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Anthony Loperfido, 30 North Troop Road, Blauvelt, New York is hereby appointed to the position of Maintenance Helper, Maintenance Department, at the current annual salary of \$30,577.00, effective October 30, 2000.

RESOLUTION NO. (842-2000) 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. (843-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Sr. Vincent Cirelli, 31 Lake Road, Valley Cottage, New York is hereby reappointed to the position of Member, Board of Ethics, at the current annual salary of \$1,750.00, term effective November 13, 2000 and to expire on November 12, 2005.

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. (844-2000)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Sr. Mary Bernadette Phillips, 56 North Conger Avenue, Congers, New York is hereby appointed to the position of Member, Board of Ethics, at the current annual salary of \$1,750.00, term effective and retroactive to October 23, 2000 and to expire on October 22, 2005.

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. (845-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Steven Candullo has requested a refund of Building Permit fees paid for BP #99-3198, since he could not build due to zoning changes.

NOW, THEREFORE, be it

RESOLUTION NO. (845-2000) continued

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit No. 99-3198 fee, less a \$100.00 review fee, to Steven Candullo in the amount of \$8,368.00.

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. (846-2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Town Board Resolution #356-2000 awarded Bid #25-2000, Frenchman's Creek / Parrott Road Channel Improvements, to Let It Grow, Inc., 50 Ackerson Avenue, Riveredge, New Jersey 07661 as per their low bid proposal of \$31,500.00, and

WHEREAS, during construction, the removal of additional landscape screening was required to provide access, and

WHEREAS, restoration of the access area is required, and

WHEREAS, the Department of Environmental Control has reviewed the cost for Change Order #2 and found it to be reasonable,

NOW, THEREFORE, BE IT,

RESOLVED, that the Town Board hereby authorizes Change Order #2 dated October 20, 2000, for the additional cost of \$1,925.00, and

BE IT FURTHER RESOLVED that the total cost for Bid #25-2000 shall not exceed \$36,425.00.

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. (847-2000)

Co. Maloney offered and Co. Mandia seconded

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

**“AMENDMENT TO CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

RESOLUTION NO. (847-2000) continued

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 the 28<sup>th</sup> day of November, 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 of the Town of Clarkstown 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 same manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the proposed amendment is hereby referred immediately to the Clarkstown Planning Board for its review and recommendations, and when the proposed local law is in its final form on or before November 14, 2000, same shall be referred to the Rockland County Commissioner of Planning, and 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. (848-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown purchased acreage in the Town of Ramapo intended for development of a municipally owned golf course pursuant to a contract dated August 7, 1996 with Patrick Farms, LLC, and

WHEREAS, various news media have reported that the Town may have paid an inflated price due to a purported agreement between the contract vendor and a real estate agent or agents which may have artificially inflated the price of the land, and

WHEREAS, the Town Board wishes to seek the services of special counsel with expertise in real estate matters concerning undisclosed brokerage or other compensation arrangements to investigate the facts and circumstances regarding this transaction, and to evaluate the potential for the Town to recover some or all of the alleged inflated value and or excessive brokerage or other fees which were undisclosed at the time the transaction closed;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney, in consultation with any interested members of the Town Board, is hereby authorized to seek the services of counsel having the special expertise in the area of law concerning the subject transaction for the purpose of analyzing same and providing a Memorandum of Law assessing the potential for

RESOLUTION NO. (848-2000) continued

recovery from any person or persons who may have earned recoverable profits at Town expense, and be it

FURTHER RESOLVED, that the Town Board reserves the right to review and accept any such proposal made in accordance with this Resolution prior to authorizing the investigation.

NO VOTE

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RESOLUTION NO. (849-2000)

Co. Mandia offered and Supvr. Holbrook seconded

RESOLVED, that the resolution authorizing the Town Attorney to seek services of special counsel, be tabled.

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. (850-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized repairs to the existing culvert located on Old Lake Road in Valley Cottage; and

WHEREAS, upon commencement of said repairs, the condition of the existing culvert was found to be worse than previously anticipated; and

WHEREAS, the Department of Environmental Control reformulated their plan to repair the culvert and directed Environmental Construction, Inc., the contractor retained to provide the labor and equipment for this project, to implement this new plan; and

WHEREAS, the revised plan necessitated an increase in the scope of work required to stabilize the culvert; and

WHEREAS, the Department of Environmental Control obtained a price from Environmental Construction, Inc. to cover this increase in the scope of the project;

NOW, THEREFORE, be it

RESOLVED, that the amount authorized to provide labor and equipment for this project be increased by **\$4,436.00** (to a total of **\$12,083.00**) to allow for the increase in the scope of work; and be it

FURTHER RESOLVED, that this amount shall be a proper charge to account #H 8749 409 0 73-17.

RESOLUTION NO. (850-2000) 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. (851-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan known as Candlewood Hotel, designated on the Clarkstown tax map as Map 164, Block A, Lot 1.02, and

WHEREAS, it has been recommended that four (4) fire hydrant(s) be installed within the said approved site plan, for the protection of future occupants, and

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

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the owner of the subject premises, reputedly to be Candlewood Clarkstown NY, LLC, in the form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby Candlewood Clarkstown NY, LLC, or its successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the hotel use to be located on such property presently owned by Candlewood Clarkstown NY, LLC, located in the hamlet of Nanuet, for site plan known as Candlewood Hotel, affecting the tax map parcels referred to above; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to the property owner of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (852-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists in the vicinity West Gate Boulevard, New City, New York, and

RESOLUTION NO. (852-2000) continued

WHEREAS, the Department of Environmental Control has investigated the problem and determined that drainage improvements are necessary to stream NJI-12-3-2 from North Main Street to the confluence with the Demarest Kill, and

WHEREAS, the services of an engineering consultant are required to design the necessary improvements and evaluate the impacts downstream to the confluence with the Demarest Kill.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain the services of a qualified engineering consultant to perform the required drainage analysis and prepare the necessary plans and specifications.

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. (853-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists within a Town drainage easement in the vicinity of parcels 23-A-1.01, 1.02, and 1.03, Pleasant Hill Drive Boulevard, New City, New York, and

WHEREAS, the Department of Environmental Control has investigated the problem and determined that drainage improvements are necessary to the drainage channel within the easement to correct the adverse condition, and

WHEREAS, the services of an engineering consultant are required to design the necessary improvements and evaluate the impacts downstream to the confluence with the Demarest Kill.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain the services of a qualified engineering consultant to perform the required drainage analysis and prepare the necessary plans and specifications.

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. (854-2000)

Co. Maloney offered and Co. Mandia seconded

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

WHEREAS, the "RCIDA" has undertaken a project consisting of the acquisition of an existing building and renovations thereof, and acquisition and installation thereto of certain machinery and equipment, all to be used for a manufacturing facility and administrative offices located at 200 Route 303, Congers, New York, and

WHEREAS, to facilitate this project, the "RCIDA" proposes to issue bonds, which bonds will be secured by a pledge of substantially all right, title, and interest of the "RCIDA" in, and to a lease agreement between the "RCIDA", Intercos and by a pledge of the income, rental, revenues and receipts derived by the "RCIDA" for this project, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with INTERCOS, THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY, in a form approved by the Town Attorney, with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as Map 129, Block A, Lots 5.11 ad 5.13.

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. (855-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "No Dumping" sign on the northside of West Clarkstown Road,  
New City, just West of the Palisades Interstate Parkway exit.

and be it

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

RESOLUTION NO. (855-2000) 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. (856-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by resolution dated March 28, 2000, a revised Special Permit was issued pursuant to Section 290-IIA of the Town Code to Anthony Capasso, with respect to premises known as Map 5, Block A, Lot 27, affecting a landfill project, and

WHEREAS, by report dated September 25, 2000, the Director of the Department of Environmental Control advised that the Permittee had exceeded the authorization contained in said special permit by having approximately thirteen truck loads of fill delivered at the site after the premises had been tested and assessed by Tectonic Engineers, and

WHEREAS, by memo dated October 22, 2000, the Deputy Director of Environmental Control has recommended a course of remediation with respect to the violation of said special permit which the Town Board has considered and believes to be an appropriate resolution of the violation committed by the Permittee;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Town Attorney to seek a consent agreement with the Permittee in connection with the violation of the revised Special Permit issued to conduct a landfill on premises known as Map 5, Block A, Lot 27, which consent agreement shall require the following:

1. That approximately eighty (80) cubic yards of fill material placed improperly on the site shall be removed under the direction and supervision of the Department of Environmental Control;
2. That approximately fifty (50) cubic yards of fill material improperly placed on said site shall be relocated so as to eliminate all low areas that currently present a hazard as a result of standing water;
3. That prior to moving and relocating said unauthorized fill, Permittee shall obtain the services of an approved engineering firm to test the material to determine that it is clean fill and that may be used on the site or otherwise removed therefrom without hazard or special environmental controls being required;
4. That all work shall be done during normal business hours under the direct supervision and control of members of the Department of Environmental Control;
5. That the applicant shall provide the Town with a verified statement as to the source, transporter, and actual quantity of all fill material that was brought upon the site subsequent to June 23, 2000; and
6. That said consent agreement shall contain provision requiring payment by the Permittee for all costs associated with the testing, removal, or redistribution of the fill material and also for reimbursement of the actual costs for all Town personnel engaged in supervision of the work; and be it,

FURTHER RESOLVED, that should the Permittee fail to enter into a consent agreement in accordance with the terms of this Resolution, the Town Attorney is hereby authorized and directed to take steps necessary to enforce the contents of this Resolution by Court Order of the Supreme Court or in the Clarkstown Justice Court.

RESOLUTION NO. (856-2000) 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. (857-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Director of the Department of Environmental Control has reason to believe that an abandoned subterranean fuel tank or tanks are located in the vicinity of 495 Kings Highway, Valley Cottage, New York, and that said fuel tank or tanks may be located in the right-of-way, having been placed there by a long discontinued commercial user, and

WHEREAS, the Director of Environmental Control has recommended obtaining the services of a surveyor and other professionals to determine the exact location of the Town's right-of-way and to confirm the location of the subterranean installation;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to obtain the services of Jay Greenwell, 85 Lafayette Avenue, Suffern, New York, to survey the right-of-way of Kings Highway, in the vicinity of 495 Kings Highway, Valley Cottage, New York, and be it

FURTHER RESOLVED, the Director of Environmental Control is hereby authorized to obtain the services of a qualified operator of ground penetrating radar to determine the exact place of the abandoned fuel tank or tanks which may be contributing to contamination of ground water at said location.

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. (858-2000)

Co. Smith offered and Co. Lasker seconded

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

BID #3-2001

PRINTING OF TOWN ENVELOPES, STATIONERY & BUSINESS CARDS is hereby awarded to:

LONG ISLAND ENVELOPE  
526 ROUTE 46 WEST  
TETERBORO, NJ 07608  
PRINCIPALS: CALVIN K. GOOD  
IRWIN FISHMAN  
ERWIN ROTH

NEWBURGH ENVELOPE CORP.  
1720 ROUTE 300  
NEWBURGH, NY 12550  
PRINCIPALS: CARL STILLWAGON  
STUART STILLWAGON

RESOLUTION NO. (858-2000) continued

IK BUSINESS FORMS  
949 SPRING VALLEY ROAD  
MAYWOOD, NJ 07607  
PRINCIPAL: PHILIP IAMPIETRO, JR.

(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 . . . . . Yes
- Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (859-2000)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Captain of the Police Department that

BID #36-2000  
VIDEO SURVEILLANCE PROJECT - NANUET TRAIN STATION

hereby awarded to: SYSTEM ONE ALARM SERVICES, INC.  
795 FRANKLIN AVENUE  
P.O. BOX 487  
FRANKLIN LAKES, NJ 07417

as per their proposed project cost of \$18,750.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (860-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, SUNSHINE ASSOCIATES, LLC has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58, Block F, Lot 1, for the year(s) 1996/97, 1997/98, 1998/99, 1999/00 and 2000/01, and

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

NOW, THEREFORE, be it

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

RESOLUTION NO. (860-2000) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (861-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Commission on Lobbying has scheduled a teleconference to be held at Westchester Community College, on November 10, 2000, for the purpose of discussion on the new Local Lobbying Activities Law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes attendance at a teleconference being given by the New York Temporary State Commission on Lobbying, to be held on November 10, 2000, at Westchester Community College, for the following persons: John A. Costa, Town Attorney and Philip B. Fogel, Sr. Deputy Town Attorney, and be it

FURTHER RESOLVED, that the teleconference is of no cost to the Town, and be it

FURTHER RESOLVED, that tolls and mileage expenses will be charged to Account No. A 1010-404.

On roll call the vote was as follows:

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

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RESOLUTION NO. (862-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Howard L. Lampert, Traffic Engineering Consultant, has recommended that Resolution No. 517, adopted by the Town Board on June 27, 2000, be amended with respect to Item 2 of that Resolution:

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 517, adopted by the Town Board on June 27, 2000 dealing with Item 2 as follows:

“RESOLVED, that the Superintendent of Highways is hereby authorized to install the following sign;

2. No standing anytime on the south side of Samantha Way from 315 feet west of the westerly pavement edge of Strawtown Road to 365 feet west of the westerly pavement edge of Strawtown Road.”

RESOLUTION NO. (862-2000) continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (863-2000)

Co. Maloney offered and Co. Lasker seconded

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

BID #5-2001  
JANITORIAL/MAINTENANCE SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by: 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. (864-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, vegetation was removed within a drainage easement in order to perform necessary drainage work (TB resolution # 756-2000) and;

WHEREAS, the Department of Environmental Control has recommended planting three evergreen trees and installing topsoil, seed and straw; and

WHEREAS, the Department of Environmental Control has requested four (4) proposals from qualified contractors to perform the required work, and

WHEREAS, the Department of Environmental Control has received three (3) responses to the request for proposals for the required work.

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

RESOLUTION NO. (864-2000) continued

FURTHER RESOLVED that the cost of the said work shall not exceed \$985.00 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

\*\*\*\*\*

RESOLUTION NO. (865-2000)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Claudia Cohen and David Cohen, 6 Sandusky Road, New City, New York 10956, has requested permission to erect a bench or memorial sculpture on the center island of Sandusky Road, New City; and the Town Attorney has advised that § 220 of the Town Law permits the Town Board to authorize such a monument on Town-owned property;

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to Claudia Cohen and David Cohen to erect a memorial bench on the center island of Sandusky Road, provided, however, that prior to placing said memorial, permission shall be obtained from the Superintendent of Highways as to the proper and safe location, and be it

FURTHER RESOLVED, that permission herein is subject to termination by further resolution of the Town Board at any time should the installation present any public hazard or otherwise not be in the public interest.

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. (866-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Rockland County Bar Association is presenting a seminar on the "Utilization of Paralegals," to be held on November 8, 2000, in West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes attendance at said seminar for the following Town Attorney's Office staff: Philip Fogel, Sr. Deputy Town Attorney, Marsha Coopersmith, Deputy Town Attorney, Daniel Krauhsaar, Deputy Town Attorney,

Cornelia Alemi, Paralegal II, Rosemary Sanfratello, Paralegal I, Patricia McDonald, Paralegal I, and Helena Walsh, Legal Stenographer, and be it

FURTHER RESOLVED, that the tuition for all the above attendees at the seminar shall not exceed the sum of \$185.00, and be it

FURTHER RESOLVED, that expenses for travel will be charged to Account No. A 1010-404.

On roll call the vote was as follows:

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

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RESOLUTION NO. (867-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Rosa D'Maria, 12 Greenwood Drive, New City, New York, has alleged that she filed an application for a STAR exemption in the Town of Clarkstown Tax Assessor's Office during February 1999 for premises listed on the Clarkstown Tax Map as 43.14-1-48 and that said premises was not granted an exemption for either the school tax year of 1999/00 or 2000/01 and she has made application for a refund of the STAR exemption equivalent amount, and

WHEREAS, the Assessor has certified that the subject basic STAR application could not be found in his office and has certified to same, as well as requested that the sum of \$514.61 be refunded to the property owner, and

WHEREAS, this matter has been referred to the Town Attorney for determination as to whether or not the applicant is entitled to the benefit of the provisions of Real Property Tax Law allowing for correction of clerical errors who has reviewed an affidavit provided by Rosa D'Maria which states the facts and circumstances regarding her basic STAR application, and

WHEREAS, the Town Attorney has advised that sufficient evidence has been presented to warrant a determination that a clerical error has been made authorizing correction of the tax status of premises 43.14-1-48 and a refund for one (1) tax period in the amount of \$514.61;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Town Attorney that sufficient evidence has been provided to establish that the applicant for the refund had in fact submitted an application qualifying for the basic STAR exemption which may have been lost due to clerical error, and be it

FURTHER RESOLVED, that the Town Board hereby determines that a clerical error occurred, that the applicant is entitled to such refund in the amount of \$514.61, and that the Supervisor is hereby authorized and directed to execute an application for a refund to the Board of Real Property Services on the forms provided therefor.

RESOLUTION NO. (867-2000) continued

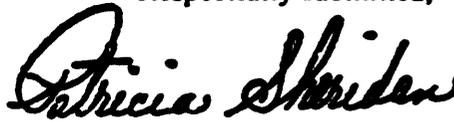
On roll call the vote was as follows:

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

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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the Town Board Meeting was closed, time: 10:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

10/24/00

8:00 P.M.

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

RE: Proposed Amendment to the Town Code Chapter 205 (Noise)

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

Town Attorney stated that the proposed amendment to Chapter 205 eliminates an exception that existed in that chapter which exempted both quarrying and blasting activities from the effect of Chapter 205 on noise law. Blasting continues to be regulated in other chapters in the Town Code and it adds quarrying activities to the regulation of Chapter 205.

Appearance: John Lynch  
Operating Engineer, Local 825

I represent the International Union of Operating Engineers Local 825, a labor union consisting of approximately 7000 members. Local 825's basic jurisdiction includes the entire state of New Jersey and Orange, Rockland, Ulster, Sullivan, Delaware and part of Dutchess County of New York State. Local 825's members are the equipment operators, mechanics and surveyors, on the area road, bridge, building and heavy construction projects. In addition to construction, we have many members employed in construction supply yards, which include quarries, asphalt plants and concrete plants. Our members working in construction and the construction supply yards are employed under collective bargaining agreements which provide for pensions, medical benefits, decent working conditions, and an hourly wage consistent with their area, all of which are ingredients required to support a family, own a home, pay taxes and support area businesses in our communities. I have in the past heard the common reference of each actual job position as having a multiplying factor to affect five additional employees of community businesses. But whether it is one to five or less, good area job positions do have a multiplying effect on the community's economy. Within Rockland County, including the Town of Clarkstown, Local 825 has a host of collective bargaining agreements covering our members working in quarry related operations which would be adversely affected by the proposed amendment you are here to consider tonight. Companies such as County Asphalt, Con-agg, Brookfield Quarry Services, Valery Drilling & Blasting, Tilcon New York and Blue Circle Materials have fixed based employees within these quarry related facilities. In addition, we have members employed by various other companies which provide related services regarding equipment maintenance and construction related services. The employees of these companies are not part time. Their job positions are not similar to the retail or shopping mall positions. All of these job positions provide for a decent hourly wage, reasonable working conditions, family medical benefits and multiple pensions. If the Town of Clarkstown, on its own or with a state or county agency were attempting to attract a new business to this area, the anticipated employee wage and benefit structure would reasonably factor into your consideration. But we don't need to attract the jobs in question. We just need to retain what we already have. Within my brief review of the current Clarkstown Code on Noise, several sections seem to stand out. First under Section 205-2, it is the purpose of this chapter to prohibit unnecessary noise. Second, Section 205-4(A) refers to unnecessary noise prior to 7:00 a.m. and after 8:00 p.m., Monday through Friday along with certain hours on weekends. And third, Section 205-6.(D) provides for an exemption for any sound associated with any quarrying or blasting operation. I would have to submit to you that this issue was previously and correctly researched in February of 1993 when first adopted by the Town Board. I would assume that with quarry operations already in existence at the time in 1993, the effect of a new law on existing businesses needed to be adequately addressed. Unless a quarry operation has a shortfall of sales, long days and multiple working shifts are common and necessary to maintaining the operation. Depending on

PH: Proposed Amendment to Chapter 205 (Noise)

production requirements, extra shifts are used for the processing of materials and maintenance of equipment. Suppliers further need to alter or increase production during the year as the market demands. Stockpiles of course have their limitations, and companies find it necessary to work extra shifts and overtime including weekend hours. Shift work and overtime is a part of quarry's regular operation. Unreasonable limitations on shifts would cost job positions and may also jeopardize the efficiency of the entire operation. I personally do not think the replacement of job positions of this nature are that easy to come by. Hours of operation regarding all quarry type materials which include stone, sand, asphalt and concrete are more often dictated by contract bid requirements of municipalities, county and state agencies. A perfect example would be the New York State Thruway Authority. The last thing any daily commuter in this county is looking for is active construction projects during hours of already high traffic congestion. Construction contractors and their suppliers, whether it be stone, asphalt or concrete have their hours directly regulated by the structure of the bid. To restrict your local contractors and suppliers from bidding on these projects would be unreasonable, and detrimental to the business. If construction material yards cannot operate at night, these construction projects must operate during the day. Again, multiple shifts and additional hours of operation are not only necessary to maintain these operations they are dictated by bid documents, production requirements and overall community concerns. In summary, your local law on noise has already taken a hard and appropriate look at the issue of quarries. Quarries and their related operations are an exception to Chapter 205 for a reason. These facilities and their necessary hours of operation do not fit the general purpose or intent of the current code. Attempting to impose restrictions on the hours of operation for these facilities will definitely cost this community good jobs and would be detrimental to the preexisting businesses. On behalf of myself, this union, our members and their families, I respectfully request that you vote against and reject this proposed amendment to the Clarkstown code on noise.

Appearance: Ron Boler  
Clarkstown resident, employee of Tilcon

Rockland County was built on quarrying. The rocks that come out of the quarry build the roads that you drive on. Quarry must run 24 hours a day to make the quantity that they need to make a profit. There are constant repairs and breakdowns, and 8 hours isn't enough time to make a profit. People will lose their jobs. Asked the Board to consider this before they make a decision.

Appearance: Ed Bender  
Clarkstown resident for 27 years

One point being missed here is that this quarry is located in a residential area. Their operating 24 hours a day is disturbing neighbors. Taxpayers in this area are entitled to a sound sleep. He stated he wakes up at 2 am, 5 am from the noise that is going on. Has been talking to the Town Board about this for the last couple of years. A positive outcome of this has been the use of strobe light alarms because at least the backup alarms are no longer going on. There has only been a 10% reduction of noise in the last 2 years. Regardless of what time of the night it is, the work is going on and what has been done to date is not sufficient to allow the citizens of this area to lead a decent life. Federal and State laws are not being enforced and there has to be some ordinance in the Town to make sure that the people that pay taxes in this Town can get a good night's sleep. Something has to be done to have some enforcement authority over the actions that take place in this vicinity. Noise levels are excessively high and the quality of life is not satisfactory.

Appearance: Yan Hoose  
Clarkstown Resident

Lives near the quarry and never hears any noise from there. If you amend this noise ordinance he may lose his job as he works second shift there

Appearance: Haverstraw resident

I understand where Mr. Bender is concerned about waking up in the middle of the night but I have lived in the village of Haverstraw for 22 years right next to Tilcon and I don't hear anyone in the village complaining about it. We work very hard to put food on the table for our

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families. The people that work here pay taxes like everyone else. If this amendment passes many of these people will lose their jobs, they have kids, schools, mortgages. What are they going to do? Feels this amendment should not be passed because you will ruin a lot of lives. The roads that we drive on as well as many roads throughout the county and state have been built on the blood and sweat of these hardworking gentlemen.

Appearance: Eric Chagin  
Safety Director, Tilcon

Lives on 154 Old Mill Road and what this gentleman is saying is totally wrong. We operate crushing on 2 shifts. Yes, crushing does make some noise. We have incorporated all sorts of liners to keep noise levels down. They only operate until 11 or 11:30 at night. Has recently moved to Casper Hill, right on the edge of the quarry and there is no noise. If you want to talk about noise, when the train goes by it sounds as if a bunch of trucks are coming down the road, but there is no way noise from the quarry at night is waking anyone up at 2 o'clock in the morning. The company is very professional and tries to do everything for the employees and the community. If he is not sleeping, it is from the train which makes much more noise.

Appearance: Frank Felice  
Tractenberg Court

The third shift is not a problem. He has been in contact with Tilcon to try and work out some sort of compromise. I have suggested that instead of working until 11 or 11:30 maybe they could stop at 9 and perhaps not start until 7 am. I have gotten "no" to these suggestions. What we are asking for is that they tailor their hours.

Town Attorney clarified the noise law. He stated that Chapter 205 designates certain activities to be violations of the statute and when those activities occur at the time specified, they are violations. There are other activities that can occur that would produce unreasonable and unnecessary noise and that does not depend on the hours of operation. There is nothing in this proposed local law which would limit the hours of operation of the quarry. What it would do is extend the standard of unreasonable noise to the operations of the quarry whenever they occur. It would mean that noise would have to reach a level of sound that would threaten or annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities. This is a standard that the court of appeals has found to be acceptable in terms of a reasonable person approach to noise control. An individual who might have a heightened sensitivity to noise and who had suffered from that noise would not provide the basis for prosecution of anyone under the statute. What this does is take the previously totally exempt activities of the quarry and would then now subject the quarry to the general police power of the Town to regulate noise. The standard would have to be sound that endangered the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities. I doubt that any conviction would result based on a single complaint from a single individual.

Appearance: Richard Motto  
Tuxedo

The quarry was there first. I have been living for two years now, 500 feet from railroad tracks and about 1,000 feet from Route 87. They are not going to shut that down just because I can't get a good night's sleep. They were there first.

Appearance: William Gillberdie, Esq.  
Attorney for Tilcon Industry

I am here on behalf of Tilcon. Let me just take a second to say that I am speaking on behalf of Tilcon New York. We are the current owner of all the New York assets of Lone Star Industries as well as New York Traprock Corporation. Tilcon and Traprock are all one and the same. I do not personally represent but I do speak tonight on behalf of the more than 200 employees of Tilcon New York that work in the Town of Clarkstown. Nearly 150 of them are here tonight whose livelihood would be directly affected by this proposed amendment. I want to provide you with a little bit of background information both for your own edification as to the significance of this act and actually to give you notice of the irreparable harm that would arise from the enactment and enforcement of this law in Tilcon. We believe that the enactment of this

amendment would be unfortunate, improvident and unlawful. I say unfortunate because it will dramatically change the relationship that we have as a corporate citizen of this town. We will be in a contentious situation rather than a cooperative situation. Tilcon has been a very cooperative corporate citizen and neighbor to the residents and to the Town. I have had prior dealings with the Town and I think we were able to work out any of our differences over the table as good residents of a town should do with its town leadership rather than being in a contentious situation. I say it is improvident because we don't really see any diligence on the municipal side of this proposed amendment. It would seem something that has such a severe consequence for the large corporate citizen in this town and hundreds of employees of this town, would have been given more thought and more research than what we have seen to date. I don't know if the Town has hired a noise engineer to determine the sources of noises that residents may find problematic to determine whether it is coming from our operations or from other noise sources in close proximity to our operations, from the NYS Thruway, from the train, from the other industrial and municipal operations. What we know is that somewhere about April 2000 was a complaint from a resident and we end up here tonight. Tilcon has made a significant investment in the Town of Clarkstown. We have 2 quarries that exist in the Town and we employ over 200 people in the Town. We have an annual salary of over \$10 million in the Town. We pay real estate taxes of approximately \$500,000 a year; our capital investment and the economic ripple effect of our payroll annually exceeds \$100 million. Our quarry personnel are all union, they are comprised of operating engineers and teamsters; highly skilled professional people in high paying jobs. Several years ago we moved our corporate offices from New Jersey to the Town of Clarkstown. We have made a very significant substantial investment in this Town. The 2 quarries that would be under the jurisdiction of the noise ordinance, Chapter 205 with this amendment, are both mining and processing construction aggregates, stone. With these aggregates we build bridges, roads highways buildings houses, schools, hospitals, daycare centers and retirement centers. Everything that is built is built with construction aggregates. One quarry lies partially in Haverstraw and partially in Clarkstown and one we refer to as the West Nyack quarry. Both quarries started about the turn of the century. We have operated in the same manner since that time. They have predated most land use in close proximity to the quarries, most land use regulation, most regulatory requirements at the state and local levels and they predate most of the adjoining or nearby land uses by decades. They are two of the largest quarries in New York State. They are the two closest quarries to New York City. Our hours of operation that have been in place for decades are and continue to be three, eight-hour shifts. Monday through Saturday, 6 a.m. to 3:30 p.m. is the first shift, 3:30 p.m. to midnight is the second shift and midnight to 8 a.m. is the third shift. On that shift, that is generally reserved for maintenance but we are allowed to operate by all of our permits and all of our rights given the demand for our product. We must be able to work at night to be competitive in the market. Our employees are mostly union. This is significant because you should be aware that if you enact this law and we are told by a police officer to close down, that the moment an employee punches in on a shift we are required by contract to pay him for 8 hours. You can imagine the costs for any type of improvident or unlawful direction to shut down. We mine and process stone for sale. In order to do this first you must strip an area getting down to the bedrock you are going to mine. This requires a loader or bulldozer. Then the bedrock is drilled and blasted. Once you blast it, the material is of no value unless you can pick it up with a front end loader and bulldozers and haul it to the primary crusher where it goes through an initial crushing phase. It then must go through a secondary processing system and then conveyed to various stockpiles. This process involves the utilization of heavy equipment to effectuate every single aspect of this operation. I believe if you were to enact this amendment it would be in violation of state and federal law. Substantial noise mitigation efforts have been employed at great expense to the company. We have federal, state and municipal contracts on an annual basis total in the hundreds of millions of dollars. Our material has been set for those jobs. Those contracts have delay damages and liquidated damages for any delay or any interruption in those contracts in the supply of that material. Should we be shut down and unable to meet those contract requirements there will be severe and significant damages that will occur to Tilcon. If that was premised upon an unlawful and illegal law by the Town of Clarkstown we would have no ability other than to look to the Town of Clarkstown. Mr. Costa clarified the definition of noise. The Town should objectively undertake this analysis. Has the land around the quarries become more valuable? Has it been assessed more for taxes since 1900? Has it become more valuable to develop?, Have other businesses been developed? Would Mr. Bender or other residents resell his home for what he bought it for? I think all of the properties around these quarries are much more valuable than they were in 1900 and have never decreased in value. This means that reasonable people as you say in your noise ordinance have not found either of these quarries to be an annoyance or

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disturbance. Reasonable people have found this property to be valuable, and the Town has found it to be valuable. When we were notified that Mr. Felice had a complaint about noise we immediately met with the Town and Mr. Felice. We hired noise experts. Our noise analysis submitted to you indicated that we were below all of the noise thresholds. We have spent thousand of dollars to upgrade our facility to reduce noise. Why isn't there any record of looking at this issue in a more productive way before an amendment is considered that will destroy this company and destroy the livelihoods of more than 100 employees? All of our jobs require material on the job by 7 a.m. and we will not have a market if we can't continue to employ our hours of operation. Enactment of this amendment violates state and federal law. On behalf of the corporate management I would like to sit down with the Town and spend whatever time is necessary to review our property and operations and to review whatever initiatives we can do together jointly and positively for the Town of Clarkstown.

There being no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared closed, time: 9:03 P.M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

RESOLUTION NO. 820-2000 ADOPTED