

**TOWN OF CLARKSTOWN
TOWN BOARD MEETING**

Town Hall

1/23/2001

8:00 P.M.

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

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

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted the Public Hearing re: Proposed Local Law Amending Chapter 290 (Zoning) of the Clarkstown Town Code Regarding Assisted Care Living was continued, time: 8:05 P.M.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted the Public Hearing re: Proposed Local Law Amending Chapter 290 (Zoning) of the Clarkstown Town Code Regarding Assisted Care Living will be continued, time: 8:40 P.M.

On motion of Co. Smith, seconded by Co. Lasker and unanimously adopted the Public Hearing re: Proposed Local Law Amending Chapter 278 (Vehicle and Traffic) of the Clarkstown Town code was opened, time: 8:40 P.M.

On motion of Co. Smith, seconded by Co. Lasker and unanimously adopted the Public Hearing re: Proposed Local Law Amending Chapter 278 (Vehicle and Traffic) of the Clarkstown Town code was closed and ADOPTED, time: 8:45 P.M.

Supervisor opened the public portion of the meeting and asked if there was anyone present wishing to make a comment on any agenda item.

Appearance: Ed. Day
New City

On Item #13, weight restrictions, he thanked Sgt. Franchino and the Board members for their positive action.

Appearance: Russell Trojan
Clarkstown

Spoke regarding Item #18, authorizing payment to County of Rockland relative to property designated as (6-E-2). He asked for this to be elaborated on.

Appearance: Martin Bernstein
New City

On Item #12 (designating sidewalk on both sides of North Main St., New City, from New Hempstead Rd. to Phillips Hill Rd. as an arterial sidewalk) he asked for an explanation as to what is going happen and about South Main Street. He also inquired about Item #20 regarding open space.

Appearance: George Nugent, President
Valley Cottage Civic Association

Spoke regarding the resolution that should have been on the agenda tonight regarding the beautification of the Hamlet of Valley Cottage.

Appearance: John Lodico
New City

Spoke regarding the damage done to the Veterans Memorial area by youngsters.
The Town should have cell phone towers on Town property in order to get the revenue.

RESOLUTION NO. (77-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

A LOCAL LAW ENTITLED, "AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Smith at a Town Board meeting held on January 9, 2001, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 9, 2001, directed that a public hearing be held on January 23, 2001, 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 January 15, 2001, 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 December 29, 2000, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on January 23, 2001;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1 - 2001 entitled:

"AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

- Charles E. Holbrook, SupervisorYes
- John R. Maloney, CouncilmanYes
- Ralph F. Mandia, CouncilmanYes
- Ann Marie Smith, CouncilwomanYes
- Shirley Lasker, CouncilwomanYes

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

RESOLUTION NO. (78-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of January 3, 2001 and January 9, 2001 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (78-2001) continued

On roll call the vote was as follows:

Councilwoman LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookYes

RESOLUTION NO. (79-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement to continue Workers' Compensation Insurance with the Public Employer Risk Management Association, Inc. (PERMA), for a period of one year commencing on January 1, 2001 and expiring December 31, 2001, at a cost not to exceed \$278,407.00 which shall be charged to Account No. CS 9040-420, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to January 1, 2001.

On roll call the vote was as follows:

Councilwoman LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookYes

RESOLUTION NO. (80-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the passive vent system installed at the closed Clarkstown Sanitary Landfill is emitting landfill gases at levels in excess of current air permit authorization; and

WHEREAS, the New York State Department of Environmental Conservation, Bureau of Remediation, has recommended abandoning the passive gas vents and converting to the active system; and

WHEREAS, connecting the passive vent system to the landfill's flare system will provide the best overall control:

NOW, THEREFORE, be it

RESOLVED, that the Supervisor shall be authorized to enter into a professional services agreement with Lawler, Matusky and Skelly Engineers LLP, in a form approved by the Town Attorney, for project design in accordance with the Lawler, Matusky and Skelly Engineers LLP proposal dated December 8, 2000, for a lump sum of \$6,500.00, and be it

FURTHER RESOLVED, that said amount shall be a proper charge to Account SR 8160 409-0.

RESOLUTION NO. (80-2001) 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. (81-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, THE building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No.9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the code of the Town of Clarkstown, at

OMNI PARK CONDOS
OMNI COURT
NEW CITY, NY 10956 (59-A-7.04)

By the installation of fire lane designation, and

WHEREAS, Brian Landau, Assistant chief New City Fire Department has requested that the Town of Clarkstown install said fire lane designations.

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (82-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 2, adopted by the Town Board on January 3, 2001, is hereby amended as follows:

RESOLVED, that mileage at the rate of 34½¢ a mile, or the current reimbursable rate as per the Internal Revenue Service, be paid to designated personnel for use of their personal automobiles in performance of their official duties:

Members of the Town Board
Confidential Assistant to the Supervisor

RESOLUTION NO. (82-2001) continued

- Town Clerk and Deputies
- Superintendent of Highways
- Confidential Secretary to Highway Supt.
- Receiver of Taxes
- Building Inspector and Assistants
- Assessor and Assistants
- Town Attorney and Deputy Town Attorneys
- Code Enforcement Officer I
- Paralegal Specialists
- Legal Stenographer
- Members of the Parks Board and Recreation Comm.
- Director of Environmental Control and Aides
- Director of Finance
- Town Comptroller
- Deputy Comptroller
- Administrative Assistant I, Comptroller's Office
- Building Maintenance Mechanic
- Members of the Planning Board
- Members of the Zoning Board of Appeals
- Director of Purchasing
- Safety Coordinator
- Town Courier
- Director of Automated Systems
- Computer Network Specialist

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. (83-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 3, adopted by the Town Board on January 3, 2001, is hereby amended as follows:

WHEREAS, Regulations of the Internal Revenue Service have been promulgated which require employers, including municipal employers, to include for personal income tax purposes, the value of employer owned vehicles used for private purposes or for commuting to and from work;

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized ad directed for the period commencing January 1, 2001 and ending December 31, 2001, to credit as additional income the sum of \$3.00 per work day or 34½¢ per mile, or the current applicable rate in effect for the year as per the Internal Revenue Service, whichever is less to those employees who have the use of Town owned vehicles for commuting to and from work except those employees who are public officers as defined in Section 263.14 of the Handbook for State Social Security Administration, and be it

FURTHER RESOLVED, that employees who have the use of Town owned vehicles shall not use any vehicle assigned to such employee for personal reasons except

RESOLUTION NO. (83-2001) continued

for commuting to and from work, and be it

FURTHER RESOLVED, that the employer provided vehicles as set forth below shall be excluded from the wage calculation:

- (a) Clearly marked police and fire vehicles;
- (b) Delivery trucks with seating only for the driver, or only for the driver plus a folding jump seat;
- (c) Flatbed trucks;
- (d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds;
- (e) Passenger buses used as such with a capacity of at least twenty (20) passengers;
- (f) Ambulances used as such or hearses used as such;
- (g) Bucket trucks (cherry pickers);
- (h) Cranes and derricks;
- (i) Forklifts;
- (j) Cement Mixers;
- (k) Dump trucks (including garbage trucks);
- (l) Refrigerated trucks;
- (m) Tractors;
- (n) Combines;
- (o) School buses used as such;
- (p) Qualified moving vans;
- (q) Qualified specialized utility repair trucks;
- (r) Officially authorized use of unmarked vehicles by law enforcement officers.

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. (84-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 985-2000, adopted by the Town Board on December 12, 2000, is hereby amended to reflect that the agreement with Ward Associates, P.C., for design services, shall be in accordance with a written proposal dated April 27, 2000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (85-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 1012, adopted by the Town Board on December 27, 2000, is hereby corrected to read as follows:

RESOLVED, that

BID NO. 63-2000
RESIDENTIAL REFUSE PICKUP SERVICES ONE, TWO AND THREE
FAMILY HOMES

is hereby awarded to the lowest responsible bidder meeting all bid specifications:

Clarkstown Carting Associates, Inc.
P.O. Box 481
Valley Cottage, New York 10989

as per its proposal for Alternative "A" ("Back door") pickup as follows:

\$19 per month per eligible unit for period 1/1/01 through 12/31/01
\$19 per month per eligible unit and \$3.25 per month per eligible
unit for bulk pickup services for period 1/1/02 through 12/31/05,
and be it

FURTHER RESOLVED, that said award is subject to the provisions of the bid specifications relating to, but not limited to, signing the formal agreement included in bid package, submission of requested certificates of insurance, and posting the specified performance security instrument, and be it

FURTHER RESOLVED, that this Resolution is intended to correct a typographical error referring to the wrong entity in the bid award Resolution adopted by the Town Board on December 27, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (86-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby amends Resolution No. 725, adopted by the Town Board on September 12, 2000, to accept contract addendum from Rockland Community College to add three additional sessions on sexual harassment training, to meet the scheduling demands of the Police Department, and be it

FURTHER RESOLVED, that the fee for each additional session is \$351.00, which totals \$1,053.00 for the sessions, and said amount shall be charged to Account No. A 1010-409.

RESOLUTION NO. (86-2001)

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. (87-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

PETER KIERNAN D/B/A ROTO-ROOTER SERVICES CO.
190 Sawmill River Road
Hawthorne, NY 10532

J. D. BACKHOE JOE D'AURIA D/B/A
P. O. Box 342
Sparkill, NY 10976

J. RAGGI & SON, INC.
276 Maple Road
Valley Cottage, NY 10989
Richard Raggi, President

EDWARD DE LEONARDIS EXCAVATING, INC.
328 Fulle Drive
Valley Cottage, NY 10989
Edward DeLeonardis, President

RESOLVED, that the following Certificates of Registration be issued:

- No. 01-7 PETER KIERNAN D/B/A ROTO-ROOTER SERVICES CO.
- No. 01-11 J. D. BACKHOE JOE D'AURIA D/B/A
- No. 01-16 J. RAGGI & SON, INC.
- No. 01-17 EDWARD DE LEONARDIS EXCAVATING, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (88-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists along a portion of stream NJ1 12 -3-1, from Third Street to Windmill Lane, New City, New York, and

RESOLUTION NO. (88-2001) continued

WHEREAS, the Department of Environmental Control has determined that certain improvements are required to ameliorate the existing condition, and

WHEREAS, all required improvements will be within existing Town drainage easements and / or rights-of-way, and

WHEREAS, the cost of the required improvements is estimated at \$190,000.00.

NOW THEREFORE, BE IT

RESOLVED, that the Department of Environmental is hereby directed to prepare the plans and specifications for the improvements to stream NJ1-12-3-1, from Third Street to Windmill Lane, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (89-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution No. 636-2000 awarded bid #37-2000 for the Scale House Replacement to Zugibe Construction, 254 South Main Street, New City, New York: and

WHEREAS, during the course of construction conditions were found that require additional work to complete the project; and

WHEREAS, the Department of Environmental Control has evaluated the conditions and recommended the additional work outlined in Change Order No. 1; and

WHEREAS, the contractor has submitted the additional cost associated with Change Order No. 1; and

WHEREAS, the Department of Environmental Control has reviewed said cost and found it to be acceptable;

NOW, THEREFORE, be it

RESOLVED that Resolution No. 636-2000 be amended to reflect the additional cost of \$3,594.00; and be it

FURTHER RESOLVED that the total project cost shall not exceed \$97,194.00 and shall be a proper charge to Account H-8743-409-68-18.

RESOLUTION NO. (89-2001)

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. (90-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Lawler Matusky and Skelly Engineers LLP are currently the landfill operations and maintenance contractors; and

WHEREAS, trouble shooting and repairing of the landfill gas flare control system beyond the requirements of the operation and maintenance agreement are necessary;

NOW, THEREFORE, be it

RESOLVED, that the current agreement amount be increased by \$3,100.00 for corrective work as proposed by Lawler Matusky and Skelly Engineers LLP in their letter of January 9, 2001.

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. (91-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown and Anthony Capasso entered into a Consent Order on December 13, 2000, with respect to a special permit issued to Anthony Capasso to conduct a landfill operation pursuant to Section 290-IIA, Table of General Use Regulations for an R-15 District, with respect to property known as Map 5, Block A, Lot 27, and

WHEREAS, weather conditions have hindered the completion of the property testing requirements in said Consent Order;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an extension of the completion date of said Consent Order for an additional sixty (60) days.

RESOLUTION NO. (91-2001) 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. (92-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Philip B. Fogel, Sr. Deputy Town Attorney, to attend a seminar dealing with the U.S. Supreme Court, which is being given by the New York State Bar Association, to be held on January 23, 2001, in New York City, and be it

FURTHER RESOLVED, that the seminar cost of \$100.00 and all reasonable expenses for travel will be charged to Account No. A 1010-414, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to January 9, 2001.

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. (93-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Ralph A. Lauria, Engineer II, Ron Haelen, Environmental Resource Specialist, and Arlette Phillips, Drafter, Department of Environmental Control, are hereby authorize to attend the "Introduction to Geographic Information Systems" GIS Course held at Rockland Community College during the 2001 Spring Semester and be it

FURTHER RESOLVED, that the cost for said course shall not exceed \$400 per person and shall be proper charge to Appropriation Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (94-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Laurence Kohler, Director of Purchasing, is hereby authorized to attend the annual training forum of the National Institute of Government Purchasing in Columbus, Ohio from August 18-23, 2001, and be it

FURTHER RESOLVED, that registration fee of \$450.00 and other related expenses be charged to account A 1345-414.

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. (95-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Penny Leonard, Deputy Supervisor, to attend two insurance seminars, which are being given by Rockland Community College at the Haverstraw Extension Center, to be held on May 7, 2001 and May 8, 2001, in Haverstraw, New York, and be it

FURTHER RESOLVED, that the total cost of \$275.00, plus any reasonable expenses for travel will be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (96-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Shirley Lasker, Councilwoman, to attend a conference dealing with strategies for commercial district revitalization, which is being given by the National Trust for Historical Preservation, to be held from April 1 through April 4, 2001, in Indianapolis, Indiana, and be it

FURTHER RESOLVED, that the seminar fee of \$335.00 and all reasonable expenses for travel, food and lodging will be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (97-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Captain of the Police Department and the Director of Purchasing that Resolution #937-2000 awarding

BID #57-2000
DIGITAL RECORDING SYSTEM FOR THE POLICE DEPARTMENT

is hereby rescinded, due to the financial uncertainty created by the Chapter 11 Bankruptcy filing of Dictaphone Corporation and that formal contract documents have not been provided, and be it

FURTHER RESOLVED, that the Town Board hereby rejects all bids received for Bid #57-2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (98-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the sidewalk on Main Street, New City, New York, is used by a substantial number of pedestrians for travel between their residences and stores or public transportation facilities, and

WHEREAS, a significant portion of such pedestrian traffic involves senior citizens residing in the vicinity;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby designates the sidewalk on both sides of South Main Street from Route 304 to New Hempstead Road, and both sides of North Main Street from New Hempstead Road to Phillips Hill Road, New City, New York, as an arterial sidewalk in accordance with Chapter 250 of the Town Code, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized and directed to maintain said sidewalk in accordance with Section 250-42 (a & b).

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. (99-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Section 1660(1) of the Vehicle and Traffic Law and 278-6(13) of the Town Code authorizes the Town Board, by resolution, to exclude trucks in excess of certain designated weights from highways within the Town, excepting local deliveries, and

WHEREAS, the Town Board determines that weight restrictions will result in safe and more easily maintained roads;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby restricts trucks which exceed the maximum gross weight of ten (10) tons on the following roads:

ROAD	FROM/TO
Collyer Avenue	Little Tor Road to Main St.
Congers Road/Lake Road	Route 304 to Route 9W
Germonds Road	South Little Tor Rd. to Strawtown Rd.
Kings Highway, Congers	Lake Road to Crusher Road
Little Tor Road	South Mountain Road to PIP
New Clarkstown Road	Smith Road to West Clarkstown Rd.
Old Hempstead Road	Little Tor Road to New Hempstead Rd.
Old Route 304	Main Street to Route 9W (Town Line)
Ridge Road, New City	Congers Road to Old Route 304
Sickletown Road	Townline Road to West Nyack Road
Strawtown Road	West Nyack Road to Congers Road
Western Highway	West Nyack Road to (Town Line)
West Clarkstown Road	New Hempstead Road to Middletown Road
Old Haverstraw Road	Route 304 to Congers Road
Doscher Road	At the Route 59 Exit

and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized to fabricate and install the necessary signs to implement this resolution.

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. (100-2001)

Co. Maloney offered and Co. Lasker seconded

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

BID # 15-2001
STORAGE & DELIVERY OF TOWN VOTING MACHINES

RESOLUTION NO. (100-2001) continued

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: FEBRUARY 14, 2001 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (101-2001)

Co. Maloney offered and Co. Lasker seconded

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

BID # 16-2001
ARTS & CRAFTS SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: FEBRUARY 22, 2001 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (102-2001)

Co. Maloney offered and Co. Lasker seconded

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

BID # 17-2001
FOOD PROVISIONS FOR TOWN OPERATED REFRESHMENT STANDS

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: FEBRUARY 16, 2001 at which time bids will be opened and read, and be it

RESOLUTION NO. (102-2001) continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (103-2001)

Co. Maloney offered and Co. Lasker seconded

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

BID #18-2001
SOFT DRINKS FOR TOWN REFRESHMENT STANDS

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by: 11:00 (AM) on: FEBRUARY 21, 2001 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (104-2001)

Co. Maloney offered and Co. Lasker seconded

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

BID # 19-2001
ICE CREAM FOR TOWN REFRESHMENT STANDS

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: FEBRUARY 20, 2001 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. (104-2001) 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. (105-2001)

Co. Lasker offered and Co. Maloney seconded

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

BID #6-2001
 PAPER & PLASTIC SUPPLIES

is hereby awarded to:

SOFCO, INC.
 702 POTENTIAL PARKWAY
 SCOTIA, NY 12302
 PRINCIPALS: A PUBLIC CORPORATION

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

BORDA PRODUCTS
 80 BRUCKNER BLVD
 BRONX, NY 10454
 PRINCIPALS: ZOLTAN WIEDER, DAVID BORDA

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

ALL AMERICAN POLY
 40 TURNER PLACE
 PISCATAWAY, NJ 08854
 PRINCIPALS: GEORGE PSCHERLOFER, JACK KLEIN

CENTRAL POLY CORP
 18 DONALDSON PLACE
 LINDEN, NJ 07036
 PRINCIPALS: ANDREW HOFFER; AGNES SERHOFFER

(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. (106-2001)

Co. Lasker offered and Co. Maloney seconded

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

BID #9-2001
HAND TOOLS & MISCELLANEOUS MAINTENANCE SUPPLIES

is hereby awarded to:

F & F. INDUSTRIAL EQUIPMENT CORP.
195 TOWER DRIVE
MIDDLETOWN, NY 10941
PRINCIPALS: FRANK J. FASANO, WERNER H. FROST

EDWARD EHRBAR, INC.
100 SECOR LANE
PELHAM MANOR, NY 10803
PRINCIPALS: JEREMIAH F. AHERN, PATRICK AHERN, MATTHEW AHERN

J.E. VANDERBILT & CO., INC.
41 DEMAREST AVENUE
NEW CITY, NY 10956
PRINCIPAL: WILLIAM J. DEBEVOISE

BLISS TIRE AND RUBBER
175-12 ROUTE 9W
CONGERS, NY 10920
PRINCIPAL: EDWARD COLUMBIA

(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. (107-2001)

Co. Lasker offered and Co. Maloney seconded

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

BID #66-2000
CRUM CREEK DETENTION BASIN IMPROVEMENTS

Is hereby awarded to:

DANNY CLAPP LANDSCAPING, INC.
56 SHRIEVER LAND
NEW CITY, NY 10956
PRINCIPAL: DANNY CLAPP

RESOLUTION NO. (107-2001) continued

As per their proposed lowest bid project cost of \$79,885.00 and be it

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

- a) Signed Contract Documents -2 sets
- b) Performance Bond - 100 % of proposed project cost.
- c) Labor and Materials payment Bond - 100% of proposed project cost.
- d) Certificate of contractors Liability and Property Damage Coverage, including a Save Harmless Agreement.
- e) Certificate of Workers Compensation
- f) Certificate of Workers Disability Coverage

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

On roll call the vote was as follows:

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

RESOLUTION NO. (108-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the 2001 Salary Schedule, adopted at the January 3, 2001 Town Board Meeting is hereby amended to reflect a salary change for Joann M. Geary, Justice Court Clerk, from \$58,710.00 to \$61,000.00, effective and retroactive to January 1, 2001.

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. (109-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the 2001 Salary Schedule, adopted at the January 3, 2001 Town Board Meeting is hereby amended to reflect a salary change for Robert Knight, Historian, from \$721.00 to \$1,545.00, effective and retroactive to January 1, 2001.

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. (110-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Margaret M. Whelan, 6 Acorn Terrace, New City, New York is hereby appointed to the position of (Provisional) Real Property Appraiser, Assessor's Office at the current annual salary of \$48,413.00, effective January 29, 2001.

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. (111-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Dawn L. Mauro, 13 North Park Avenue, Nanuet, New York is hereby appointed to the position of (Temporary) Real Property Data Collector II, Assessor's Office at the current annual salary of \$34,334.00, effective January 29, 2001.

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. (112-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on January 17, 2001 that the position of clerk, Assessor's Office, can be created (in lieu of the position of Real Property Data Collector I)

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk, Assessor's Office is hereby created, effective January 24, 2001.

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. (113-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of William A. Draper, 10-12 Oxford Drive, Valley Cottage, New York, Custodian II, Parks Board and Recreation Commission is hereby accepted. Effective and retroactive to January 14, 2001.

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. (114-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Supt. of Recreation and Parks that the following 2001 part-time salaries be established:

PART-TIME	<u>2001 Proposed MINIMUM</u>	<u>2001 Proposed MAXIMUM</u>
Recreation Aide	\$ 6.50/hr.	\$18.00/hr.
Recreation Assistant	6.50/hr.	18.00/hr.
Recreation Leader	10.00/hr	20.00/hr.
Recreation Specialist	10.00/session	35.00/session
Refreshment Stand Attendant I	6.50/hr.	9.00/hr.
Refreshment Stand Attendant II	7.50/hr.	15.00/hr.
Lifeguard	8.00/hr.	15.00/hr.
Head Lifeguard	9.50/hr.	16.00/hr.
Water Safety Instructor	9.50/hr.	14.00/hr.
Head Water Safety Instructor	10.00/hr.	15.00/hr.
Laborer-Student	8.00/hr.	13.00/hr.
Groundswoker (L)	10.00/hr.	15.00/hr.
Custodial Worker (Seasonal) (L)	6.50/hr.	15.00/hr.
	2000 CONTRACT	PROPOSED 2001 CONTRACT
Senior Citizen's Leader (Part-time) Frank DiMaria	\$27,517.00	\$28,343.00
Swim Area Supervisor (Seasonal) Marty Silverberg	\$18,963.00	VACANT
Senior Recreation Leader (Seasonal) (Camps/playgrounds) James Nash	\$ 9,284.00	\$ 9,563.00
Senior Recreation Activity Specialist (Seasonal) (Arts & Crafts) – Ann Slingsby	\$ 6,056.00	\$ 6,238.00
Senior Recreation Activity Specialist (Seasonal) (Sr. Show) – Ann Slingsby	\$ 7,530.00	\$ 7,756.00

RESOLUTION NO. (114-2001) continued

Salary based on a 3% increase.

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. (115-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00055 Senior Recreation Leader which contains the name of James F. Watson.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of James F. Watson, 12 Hillside Drive, New City, New York to the position of Senior Recreation Leader at the current annual salary of \$33,676.00, effective and retroactive to January 22, 2001.

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. (116-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Windham Development Corp. obtained subdivision approval for a subdivision known as Mackenzie Glen, which map was filed in the Rockland County Clerk's Office on November 5, 1996, and

WHEREAS, as a condition to securing Certificates of Occupancy for certain lots, escrow deposits were required for the installation of property corners, and

WHEREAS, said developer posted \$2,450.00 for the installation of property corners for Lots 2, 3, 7, 12, 13, 14 and 15, and Theodore Alban posted \$700.00 for the installation of property corners for Lots 4 and 5, and

WHEREAS, since only four out of the fifteen lots in the Mackenzie Glen Subdivision have had property corners installed, Windham Development Corp. has failed to fulfill its obligation and Theodore Alban has failed to fulfill his obligation, with respect to the installation of the property corners,

NOW, THEREFORE, be it

RESOLUTION NO. (116-2001) continued

RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control, escrow deposits in the amount of \$2,450.00 posted by Windham Development Corp. and \$700.00 posted by Theodore Alban, are hereby declared in default, and be it

FURTHER RESOLVED, that the sums defaulted herein shall be used to pay for the installation of the required property corners, to the extent same are required, and the balance remaining, if any, shall be retained to be used toward any other remaining unfinished obligation of the developer.

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. (117-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, as a result of an inadvertent error in 1999, the 1999 County tax for property designated as Map 6, Block E, Lot 2 was not paid to the County of Rockland, and

WHEREAS, as a consequence thereof, the taxpayer has received notice of foreclosure from the County of Rockland;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$662.31 be paid to the Commissioner of Finance of Rockland County as and for a late payment penalty.

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. (118-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated January 16, 2001, the Superintendent of Highways is hereby authorized to:

Remove the "Yield" signs

1. On eastbound Colton Street at Massachusetts Avenue, and
2. On northbound Massachusetts Avenue at Lake Road, Congers, and

RESOLUTION NO. (118-2001) continued

Replace with "Stop" signs at both of these locations, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (119-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Congers Chamber of Commerce has requested the Town Board to consider the purchase of property designated on the Clarkstown Tax Map as 44.15-3-1 (formerly 127-N-23.02), Congers, New York, for open space, and

WHEREAS, the Town Board is considering the acquisition of said property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers this matter to the Open Space Citizens' Advisory Committee for evaluation and recommendation to the Town Board regarding the use of this property known as Map as 44.15-3-1 (formerly 127-N-23.02), Congers, New York, as open space.

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. (120-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Anthony Capasso has petitioned the Town Board for permission to apply Town Law 280-a(2) to obtain access to premises known as 52-12-1 (formerly Map 139, Block A, Lot 11), and

WHEREAS, the Town Board has determined to schedule a public hearing on notice to adjacent property owners;

NOW, THEREFORE, be it

RESOLUTION NO. (120-2001)

RESOLVED, that the Town Board hereby schedules a public hearing for March 13, 2001, at 8:00 p.m. or as soon thereafter as possible, at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the applicant shall adhere to the notice requirements pursuant to Section 290-33 (C) of the Zoning Local Law of the Town Code, and provide proof of mailing said notice to property owners within five hundred feet of affected property or before the date of the public hearing.

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. (121-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Deputy Director of the Department of Environmental Control of the Town of Clarkstown, Performance Bond in the amount of \$140,350.00, furnished to the Town in connection with the Rockridge Subdivision is hereby terminated as all of the work has been completed to Town specifications; and the Letter of Credit may be released to the guarantor.

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. (122-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as Tom's Shopping Plaza, the Planning Board of the Town of Clarkstown requested deeds for road widening purposes along Buena Vista Road and New Hempstead Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Deputy Director of Environmental Control of the Town of Clarkstown, deeds dated December 11, 2000 from Norma Jean Timmons to the Town of Clarkstown, gratuitously conveying strips of land along Buena Vista Road and New Hempstead Road, New City New York are hereby accepted and ordered recorded in the Rockland County Clerk's Office.

RESOLUTION NO. (122-2001) 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. (123-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi Tor Animal Care Center, Inc., in a form approved by the Town Attorney, to provide an animal shelter pursuant to Section 115 of the Agriculture and Markets Law for the Town of Clarkstown for the period commencing January 1, 2001 and terminating on December 31, 2001, provided that Hi Tor Animal Care Center, Inc. shall, in said agreement, provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows:

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

RESOLUTION NO. (124-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Governor's Traffic Safety Committee of the State of New York, has approved an amendment to agreement dated October 1, 1999 (Contract No. C-000719), for grant application (Grant No. PT-4450082) submitted by the Town of Clarkstown Police Department, for an additional sum of \$14,000.00, for the purpose of financing additional patrol hours for two police officers to enforce the Vehicle and Traffic Law for the period from October 1, 2000 through September 30, 2001;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with State of New York, Governor's Traffic Safety Committee, to accept an additional \$14,000 grant for the purpose of subsidizing additional hours for two police officers to enforce the Vehicle and Traffic Law in the Town of Clarkstown for the period from October 1, 2000 through September 30, 2001.

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. (125-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Governor's Traffic Safety Committee Department of Motor Vehicles, State of New York, has approved an amendment to agreement dated October 1, 1999 (Contract No. C-000603) for grant application (Grant No. PT-4450082) submitted by the Town of Clarkstown Police Department, for an additional sum of \$15,000.00, for the purpose of participating in the statewide "Buckle Up New York" campaign for the period from September 30, 2000 through September 30, 2001;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, to accept additional \$15,000.00 grant for the purpose of participating in the statewide "Buckle Up New York" campaign for the period from October 1, 2000 through September 30, 2001.

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. (126-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, The Board of Managers of the Omni Court Condominium has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 59, Block B, Lot 1 through 45, for the year(s) 1999/00 and 43.11-1-54./10 through .450 for the year 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 Scott Shedler 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

RESOLUTION NO. (127-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Supt of Parks & Recreation and the project engineer that

**BID # 58-2000
ROUTE 303 TRAILWAY**

is hereby awarded to:

**INTERCOUNTY PAVING ASSOCIATES, LLC
859 WILLOW GROVE STREET
HACKETTSTOWN, NJ 07840
PRINCIPALS: CARL LIZZA, JR, CARL LIZZA, JOHN LIZZA, JOHN PERRUCCI, JR**

as per their proposed lowest bid project cost of \$350,274.30 and be it

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

- a) Signed Contract Documents-2 sets
- b) Performance Bond-100% of proposed project cost
- c) Labor and Materials payment Bond-100% of proposed project cost
- d) Certificate of Contractors Liability and Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Workers Compensation
- f) Certificate of Workers Disability Coverage

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

On roll call the vote was as follows:

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

RESOLUTION NO. (128-2001)

Co. Maloney offered and Co. Mandia seconded

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

**BID #12-2001
PRINTING OF SPRING/SUMMER AND FALL/WINTER
RECREATION & PARKS BROCHURES**

is hereby awarded to: **ENCOMPASS DESIGN, INC.
ONE MAPLE PLACE
GLEN HEAD, NY 11545
PRINCIPAL: BRUCE SWENSON**

as per the following item/price schedule:

SPRING/SUMMER BROCHURE @ \$8,950.00

RESOLUTION NO. (128-2001) continued

FALL/WINTER BROCHURE @ \$5,900.00

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. (129-2001)

Co. Lasker offered and Supvr..Holbrook seconded

RESOLVED, that Agenda Item #27A regarding the appointment of Otto Stern as Member of the Architecture and Landscape Commission is hereby 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. (130-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Otto Stern, 613 Gateway, Valley Cottage, New York, is hereby appointed to the position of Member, Architecture and Landscape Commission (to fill the unexpired term of Todd Campbell) at the current annual salary of \$2,060., term effective January 29, 2001 and to expire on October 13, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (131-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Donna T. Boemio has requested a leave of absence, without pay, and

WHEREAS, Donna T. Boemio has supplied a satisfactory reason for her request,
and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

RESOLUTION NO. (131-2001)

NOW, THEREFORE, BE IT

RESOLVED, that Donna T. Boemio, 584 Babbling Brook Lane, Valley Cottage, New York, Clerk Typist, Building Department is hereby granted a leave of absence, without pay, effective March 27, 2001 to April 2, 2001, and be it

FURTHER RESOLVED that consistent with prior and pending decisions of the Town Board, should Donna Boemio hold any other remunerated employment during the leave period, this resolution shall be automatically deemed rescinded without further action of 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

RESOLUTION NO. (132-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Frances H. Hunt has requested a leave of absence, without pay, and

WHEREAS, Frances H. Hunt has supplied a satisfactory reason for her request, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

NOW, THEREFORE, BE IT

RESOLVED, that Frances H. Hunt, 10 Jolene Drive, New City, New York, Senior Clerk, Personnel Office, is hereby granted a leave of absence, without pay Effective February 13, 2001 to June 4, 2001, and be it,

FURTHER RESOLVED that consistent with prior and pending decisions of the Town Board, should Frances H. Hunt hold any other remunerated employment during the leave period, this resolution shall be automatically deemed rescinded without further action of 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

TBM 1/23/01

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RESOLUTION NO. (133-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Vincent A. Walker has requested a leave of absence, without pay, and

WHEREAS, Vincent A. Walker has supplied a satisfactory reason for his request, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence without pay,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, without pay, by the Parks and Board and Recreation Commission of Vincent A. Walker, 7 Anorac Court, Congers, New York – Senior Recreation Leader – Parks Board and Recreation Commission – effective February 1, 2001 to June 22, 2001, and be it.

FURTHER RESOLVED that consistent with prior and pending decisions of the Town Board, should Vincent A. Walker hold any other remunerated employment during the leave period, this resolution shall be automatically deemed rescinded without further action of 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

RESOLUTION NO. (134-2001)

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., John J. Kelly, 47 Hall Avenue, New City, New York, Motor Equipment Operator I, Clarkstown Highway Department is hereby granted a Sick Leave of Absence, at one-half pay effective and retroactive to January 16, 2001 to February 16, 2001.

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. (135-2001)

Co. Mandia offered and Co. Maloney 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., Marianne E. Kilduff, P.O. Box 113, 915 Route 9W, Fort Montgomery, New York 10922,

RESOLUTION NO. (135-2001) continued

Bus Driver, Mini Trans Department is hereby granted an extension of her Sick Leave of Absence, - at one-half pay – effective and retroactive to January 7, 2001 to February 7, 2001.

On roll call the vote was as follows:

Councilwoman LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookYes

RESOLUTION NO. (136-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Columbia Pictures Industries, Inc., a production company, has requested permission to film in Clarkstown on Thursday, January 18th, 2001;

NOW, THEREFORE, be it

RESOLVED, that Columbia Pictures Industries, Inc., 291 Tuckahoe Road, Yonkers, New York 10710, is hereby authorized to film in the Town of Clarkstown, at Dr. Davies Farm, Route 304, Congers, New York 10920, on January 18th, 2001, upon the following conditions:

- (1) A permit fee of \$250.00 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 \$1,000,000.00 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 \$1,000.00 prior to the commencement of any filming activities;
- (6) Permittee shall pay for all required police protection as determined by the Chief of Police, to be reimbursed at a rate equal to the actual hourly cost to the Town, and
- (7) Permittee shall not utilize public property for any filming or storage of equipment or parking of vehicles, and be it

FURTHER RESOLVED, that the permit granted herein is with the understanding that should public property be used by the Permittee, a fee of \$1,500.00 per day shall be paid for each day, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to January 18, 2001.

On roll call the vote was as follows:

Councilwoman LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookYes

RESOLUTION NO. (137-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Columbia Pictures Industries, Inc., a production company, has requested permission to film in Clarkstown on Sunday, January 28th, 2001, or Sunday, February 4, 2001;

NOW, THEREFORE, be it

RESOLVED, that Columbia Pictures Industries, Inc., 291 Tuckahoe Road, Yonkers, New York 10710, is hereby authorized to film in the Town of Clarkstown, in or about the premises of the causeway, Rockland County Route 80 (Congers Road) between Ridge Road and Old Haverstraw Road, Congers, New York 10920, on January 28th, 2001, or February 4, 2001, upon the following conditions:

- (1) A permit fee of \$250.00 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 \$1,000,000.00 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 \$1,000.00 prior to the commencement of any filming activities;
- (6) Permittee shall pay for all required police protection as determined by the Chief of Police, to be reimbursed at a rate equal to the actual hourly cost to the Town;
- (7) Permittee shall not utilize public property for any filming or storage of equipment or parking of vehicles, and
- (8) Permittee is not authorized to close any Town road at any time during filming, and be it

FURTHER RESOLVED, that the permit granted herein is with the understanding that public property, on or in the vicinity of Congers Lake Road, Congers, shall be used by the Permittee, and a fee of \$1,500.00 per day shall be paid for each day, and be it

FURTHER RESOLVED, that a copy of this resolution shall be deemed the filming permit.

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. (138-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

“AMENDMENT TO CHAPTER 290, “ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN” TO RESTRICT USE OF “FLAG LOT” DEVELOPMENT

RESOLUTION NO. (138-2001) continued

IN THE TOWN OF CLARKSTOWN BY IMPLEMENTING REVISED REQUIREMENTS FOR LOT FRONTAGE, LOT WIDTH MEASUREMENT, RESIDENTIAL BUILDING ORIENTATION, REQUIRED RIGHT OF WAY WIDTH AND ORIENTATION OF SIDE LOT LINES TO DESIGNATED STREET LINES"

was introduced by Councilwoman Mandia at a Town Board meeting held on November 28, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 28, 2000, directed that a public hearing be held on December 12, 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 December 1, 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 December 6, 2000, and

WHEREAS, the Town Board of the Town of Clarkstown has received a SEQRA analysis report from its consultant, Robert Geneslaw, which the Board discussed and considered in making its decision herein, and

WHEREAS, a public hearing was duly held by the Town Board of the Town of Clarkstown on December 12, 2000 and continued to January 9, 2001;

NOW, THEREFORE, be it

RESOLVED, that based on the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Local Law to Amend Chapter 290 dealing with flag lot regulations shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board determines to adopt the Local Law referred to herein in its present form, notwithstanding the recommendation of the Rockland County Planning Department that it should be amended to require shared entry on Rockland County and New York State roads, because the suggested change would be difficult to implement and would reduce the flexibility of the Town of Clarkstown Planning Board in providing for subdivision of property where dwellings and other improvements are already in place, and be it

FURTHER RESOLVED, that this Local Law has been approved by a majority plus one of the Town Board, and be it

FUTHER RESOLVED, that this Local Law is subject to the following exception: This Local Law shall not apply to any application for subdivision of property into not more than two lots which was pending by written application to the Planning Board on or before January 23, 2001, and be it

FURTHER RESOLVED, that this Local Law is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- Charles E. Holbrook, Supervisor . . . Yes
- John R. Maloney, Councilman Yes
- Ralph F. Mandia, Councilman Yes
- Ann Marie Smith, Councilwoman . . . Yes
- Shirley Lasker, Councilwoman No

RESOLUTION NO. (138-2001) continued

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. (139-2001)

Co. Mandia offered and Co. Maloney seconded

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

BID #20-2001
AUTOMATIC COMMUNITY ALERT AND MESSAGE
NOTIFICATION SYSTEM FOR C.P.D

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

Supervisor Holbrook was concerned with the Town's liability in connection with this program

Co. Smith said that it was beneficial for the safety of the Town's people. Citing the hostage taking in Valley Cottage last year, she felt it would have been beneficial and worth the \$40,000.00.

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. Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/23/2001

8:05 P.M.

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

RE: Proposed Local Law Amending Chapter 290 (Zoning) of the Clarkstown Town Code Regarding Assisted Care Living (continuation)

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

Supervisor stated that the Town Board had a workshop last week where they were presented with certain recommendations for changes. Our Planning Consultant will present the recommendations to the Town Board at our next workshop session. Hopefully, by the first meeting in February, we will be able to make a final decision.

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

Appearance: Russell Trojan
 Clarkstown

He asked if the assisted living also includes independent living for seniors. For other housing developments, the Town has provisions for either getting land from the developer or getting money in lieu of land. Should a provision be included in the senior housing for such a similar arrangement? The seniors who leave their homes to enter one of these senior housing facilities will free up housing stock for younger families thereby increasing the population of Clarkstown and increasing the need for recreation. The seniors in independent living facilities have rights to use all Town park facilities. The Town provides seniors clubs in many of the Hamlets and some of those senior clubs are pretty full. The senior housing will either have to provide for facilities on site, in some ways segregating and isolating them from the rest of the community, or have them use our senior clubs which they are entitled to. There is justification for some kind of provision for recreation and whether it is in the resolution or whether it is provided for by other means, it is something the Board should seriously consider and be able to lay the ground work for future Boards. We are going to provide recreation for all of our citizens and we will find ways to do it. Recreation for the seniors or the young people who are going to be replacing the seniors in the homes is something this Board should consider.

Appearance: Martin Bernstein
 New City

We are talking about two different issues. We are talking about independent living which is really a form of multi-family housing. We have a situation where people want to stop increasing the density and we are talking about increasing it. We have an Ordinance for senior citizen housing. We may have to make some minor changes in the Ordinance. You don't have to create independent living in order to have senior citizen housing. The independent living should be cancelled. It should not be put into an R-40 or R-80. Assisted living is like a form of commercial development. Instead of having it on a special permit, there should be a special zone created called assisted living. That could be a floating zone. If a developer has a piece of property of ten acres or more and wants to create assisted living, he can put it into R-15 or R-22 and come up with a change of zone for that specific property. You could have hearings so that the public will understand what's going on. You have to have a comprehensive plan to fit it.

PH: Proposed Local Law Amending Chapter 290 (Zoning) of the Clarkstown Town Code Regarding Assisted Care Living (continuation)

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Appearance: John Lodico
New City

We are not talking about senior citizen housing. People are being misled to think that they are getting something that they are not. We are talking about the creation of a commercial development. When the question was raised that it should be in an area where it is convenient to transportation and shopping, we are talking about a commercial enterprise and renting. The Town should seriously consider using other zones such as LIO or other commercial zones and make sure that they are taxed commercially rather than as a resident.

Appearance: Ed Day, President
Little Tor Neighborhood Association

He is glad to hear that there is an on going assessment of what is going on in the workshops. He hopes that at some point the Planning Board and the Ad Hoc Committee get some time with this again. There has been a lot of constructive comments that have been raised and they do bear some flushing out. The membership is concerned with the recommendations made by the County of Rockland. Some of these recommendations he concurs with and some he does not. The recommendations of County Planning goes into not having any senior housing in other than R-15 or R-22 zones. There may be a potential in the less dense zones. It may have less of an impact visually and practically. On one hand, they recommend that there may be a significant impact on community character and then they go on about concerns of adequate parking. If you start having this type of high density development in the Hamlet, you are going to have more parking and traffic problems and more of an impact on the homes that are already there. The reality is that we have a blend of housing stock. They express a concern that only 25% of the lot was reserved as open space. There is a concern about that and a comment about soil erosion, storm water and the impact on County streams or State and Federal wetlands. The reality is locally that we have a 12 ½ acre parcel on Schreiber Lane (Federal wetlands), we have a 17½ acre parcel off of Little Tor Road that is being considered (Davies Lake). They are forcing these developments into properties that are contain within R-15 and R-22 zones. We are on the right track in establishing firm guidelines for the development of this type of housing. Presently, it is too vague. We may want to consider a special zone approach.

Appearance: Cora Bodkin, President
South Little Tor Civic Association

She agrees with a lot of the comments by Mr. Bernstein and Mr. Day. The concerns of the Association are: 1) The greater density of multi-unit housing is out of character in single family zones. Values of surrounding houses would likely decline. 2) Needs for such housing change over time, and there is potential for these housing units to be converted to multi-family or other uses at some point in the future. In that case, not only would the character of the neighborhood be impacted, but also services such as schools and road would be impacted.

We conclude that multi-family zones would be more appropriate for multi-unit housing for senior. Clarkstown currently has three affordable housing developments for seniors. In addition, we have two assisted living facilities, both of which currently have occupancy rates below desirable levels. The South Little Tor Civic Association wants our senior residents to be able to continue to live in our community. We want our parents and grandparents to be able to live here. Most seniors choose to "age-in-place" which means to stay in their current home. Other seniors move into condos or rental apartments such as Normandy Village close to shopping and with ample public transportation

PH: Proposed Local Law Amending Chapter 290 (Zoning) of the Clarkstown Town Code Regarding Assisted Care Living (continuation)

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facilities. This type of housing frees active adults of maintenance chores associated with owning private homes. Whatever further housing for seniors in Clarkstown might be

needed, this particular amendment is in need of further by the Planning Board and the Ad Hoc Committee. Please do not rush into a decision that might be regretted in the future.

Appearance: Gerry O'Rourke, President
Congers Civic Association

He is a member of the Ad Hoc Committee working with the Planning Board on this very complex issue. There has been many meetings and many hours spent on this subject. We owe a debt of gratitude to Mr. Paris, Chairman of the Zoning Board and Bob Geneslaw, Planning Consultant who have worked very hard trying to craft this. What we have come up with is better than what we had, but obviously, we don't have a high degree of unanimity as to approving it. He suggested that the Board defer on this and send it back to the group that drafted it. We have comments from the County. We have other experts who have offered their suggestions. This should go back to the drawing board and lets try to correct what some consider to be deficiencies. It is time for the Board to speak up. He does not approve of LIO land being rezoned for this. We need LIO land for economic development and we don't have much of it.

Supervisor said that it will be put back on the workshop. We had an extensive workshop on this last Tuesday and some suggestions were made to Mr. Paris. Mr. Paris made some suggestions to Mr. Geneslaw. We will have it on the workshop for February 6th. It requires a lot of care and has gotten a lot of care, time and effort.

Co. Mandia asked if there is a limit to the amount of changes that can be made. Supervisor said that it is a Local Law which has been changed. It is not in the final form. It will have to be put in final form five days before the Town Board could act on it. We do have the ability to make changes and put the law in final form. When it is in final form, Mr. Costa will have the entire law published in the paper so that everybody in Town will have the benefit of the exact language.

Appearance: Bob Jackson, President
Nanuet Civic Association

He is a member of the Ad Hoc Committee. At the workshop meeting, can you decide to give it back to the Committee. Supervisor said, yes, and we will incorporate things they have suggested and things we have suggested. Mr. Jackson asked about money-in-lieu of land. Mr. Costa stated that does require some planning study. In the past, we did have some difficulty with a Local Law that tried to obtain money-in-lieu of land for site plan approvals. We were beaten in litigation on that. That is a Planning matter that bears study. The current subdivision regulations require \$2,500.00 per unit or the land for recreational purposes.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted the Public Hearing is to be CONTINUED on February 13, 2001 time: 8:40 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/23/2001

8:40 P.M.

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

RE: Proposed Local Law Amending Chapter 278 (Vehicle and Traffic) of the
Clarkstown Town Code

On motion of Councilwoman Smith, 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 asked Sergeant Franchino to comment on this Local Law.

Sgt. Franchino stated that the law is basically meant to close a few loop holes from when we adopted the previous laws over the past couple of years. These were overlooked. One being the permits that were issued by the State of New York. They are State Laws and we would like them to be adopted as Town Ordinances.

Supervisor said that right now we have traffic crews doing the weights and other safety things relative to trucks. Sgt. Franchino said that we have adopted quite a few laws and these are the last that we need to add to the Town Code.

Supervisor asked, since we adopted these, what would be the estimate of the fines the Town has realized as a result of this particular effort? Sgt. Franchino replied, close to \$300,000.00. Supervisor stated that hopefully this is making our roads safer because of the enforcement on trucks and unsafe vehicles. Sgt. Franchino said that over the two years we have been doing this, we are still at a very high rate of what we consider out of service vehicles. Those are vehicles with major problems. We found that a lot of the big tractor trailers that are running basically on Rte. 303 have come into compliance with the requirements for permits and with the equipment on their trucks. We are now looking at the smaller vehicles in the Town. We cover anything over 10,000 pounds.

Supervisor said that we have another issue on the agenda that is relative to tonnage on County roads in the Town of Clarkstown. Right now on those County roads there is no tonnage limit, is that correct? Sgt. Franchino said that any truck can run on any of the roads. Supervisor asked what 10,000 tons was equivalent to. Sgt. Franchino replied, that everyone is familiar with the recycling trucks. They are nine tons. It will keep the large dump trucks from using these roads as a thoroughfare to get from one location to another. It will keep them on Routes. 303, 304 and 59 where they belong. Supervisor said that he followed one at 5:30 A.M. that came down Rte 304, made a right on Congers Rd. and followed it to Rte. 303 where it made a right going toward Valley Cottage. Basically, we do have a State Highway network and that is where those trucks should be. Sgt. Franchino stated that a lot of these roads are not build to handle these trucks. Supervisor stated that this will help in tightening up the law.

Co. Mandia asked about the last entry on the Local Law which talks about the fines collected as a result of the above schedule shall remain the property of the Town of Clarkstown. If we are using State laws now and we want to mimic them with a Local Law, is possible when someone is fined now that some or all of that money goes to the State rather than the Town. Sgt. Franchino replied that it still comes to the Town. Supervisor said that we were the first Town to do this and then Orangetown did it.

Supervisor asked if there was any else wishing to speak on this matter. No one else appeared.

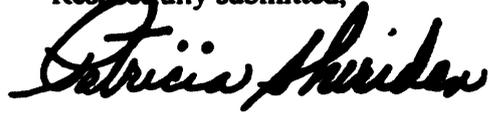
RE: Proposed Local Law Amending Chapter 278 (Vehicle and Traffic) of the
Clarkstown Town Code

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There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilwoman Lasker and unanimously adopted the Public Hearing was declared closed, RESOLUTION ADOPTED, time: 8:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (77-2001) ADOPTED