

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

03/27/2001

8:00 P.M.

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

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

Supervisor Holbrook opened a special presentation. He called on Councilman Mandia to speak about William Nest, Vice Chairman of the Planning Board, who passed away last week. The purpose of this presentation is to recognize Bill and thank him for the service he gave to the Town and community at large. The Town Board wants to express sympathy to his family and recognize his commitment to our Town. Bill served in the military and worked with the Telephone Company. He gave service to so many people including The New City Fire Department, American Legion, Republican Committee, and the Town Planning Board. He will be sorely missed.

Supervisor Holbrook called on Councilman Maloney to express his appreciation for Bill Nest's contributions to the Town and Planning Board. Councilman Maloney expressed how Bill was a dedicated gentleman who was really concerned about the town.

Ann Marie Smith expressed her sympathy to Doris Nest, Mr. Nest's wife. She will remember him when she goes out in our Town and sees the sights that the Planning Board worked on. He was an "All American Man" who was very fair. She presented a certificate from Scott Vanderhoff, who sends Bill's family his very best wishes.

Shirley Lasker expressed her admiration for Bill, who was a public servant who was very knowledgeable and a valuable member of the community.

Supervisor Holbrook has known the Nest's for a long time. He expressed how Bill was the backbone of the Planning Board. He was fair and even handed. Everyone respected his views and his community service. On behalf of the Town of Clarkstown Supervisor Holbrook made a presentation to his family - a certificate for all of Bill's accomplishments.

Jim Yarmus spoke regarding his relationship with Bill Nest and because of their association through Rotary, became friends. Next, Richard Paris, spoke on behalf of the Planning Board. He expressed their sorrow and said that there would be a tribute in Bill Nest's honor at the next day's Planning Board Meeting. Ed Graybow spoke as Chairman of Clarkstown Republican Committee and expressed his condolences on behalf of the party. Phil Bosco spoke and he reminisced about his past experiences with Mr. Nest. He had some great memories. Memories he will always be special.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Capasso, Petition under Town Law 280-a(2) to use undedicated streets known as Terrace Ave. and Quaspeck Rd was continued, time: 8:20 PM.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Capasso, Petition under Town Law 280-a(2) to use undedicated streets known as Terrace Ave. and Quaspeck Rd was closed, RESERVE DECISION, time: 8:55 PM.

Supervisor opened the public portion of the meeting.

Appearance: Russell Trojan
Clarkstown

Spoke regarding the Sister's of Charity and suggested that there be a review for sidewalks within the development. He also spoke regarding Pederson (tax lien against property), and it is on the Open Space list.

Appearance: Bob Jackson
Nanuet

Spoke regarding item number 21, he inquired how far along are the plans for the golf course.

Appearance: Martin Bernstein
New City

Spoke regarding item number 15, Assisted Living. He also spoke regarding item number 21. He believes we should sell the golf course as quickly as possible and buy Dellwood Country Club.

Appearance: John Lodico
New City

Spoke regarding item number 21 and said the Town Board should try to get the excess money paid for the golf course because he believes this could be done under Rico. He further stated that we should sell the golf course.

Appearance: George Nugent
President of Valley Cottage Civic Association,

Spoke regarding item number 21 and said the Town Board should carefully analyze the situation.

Appearance: Ed Graybow
New City

Spoke regarding item number 21 and said we should explore the opportunity to sell the golf course.

Appearance: Cora Bodkin
New City

Spoke regarding item number 21 and said the Town should explore other sites for a golf course before they consider selling the one we presently own.

Appearance: Phil Bosco
West Nyack

Spoke regarding item number 8 and said he was concerned about the PCBs in the Hudson River. He also spoke regarding item number 21 as said that he believed that we should be able to sell the golf course at a profit.

Appearance: Steven Rosenbaum
Clarkstown

Spoke regarding item number 21 and said that this could be our last opportunity to own a golf course and the Town Board should examine all alternatives before selling the one we have.

Appearance: Russell Trojan
Clarkstown

Spoke regarding a tribute to William Nest and that the Town Board must research carefully someone to replace him.

RESOLUTION NO. (246-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of March 13, 2001 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

RESOLUTION NO. (247-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Barry Goldberg, residing at 139 Massachusetts Avenue, Congers, New York, has petitioned the Town Board of the Town of Clarkstown by petition dated January 4, 2000, for a special permit to conduct a landfill operation pursuant to Section 290-11A, Table 4, Column 3, Item B-4 of the Town Code of the Town of Clarkstown, affecting property known and designated as 52.8-3-53.1 and 52.8-53.2 (formerly Map 139, Block A, Lots 22.5 and 22.6), commonly referred to as 139 Massachusetts Avenue, Congers, New York, 10920, and

WHEREAS, said petition requested permission to fill the rear portion of the property which was below the grade of that established for the existing dwelling so as to eliminate an approximately 45° slope to the boundary of Terrace Avenue (mapped but undeveloped street), and

WHEREAS, after due notice was published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on May 9, 2000, at 8:00 p.m., to consider such application, and pursuant to resolution duly adopted on May 9, 2000, the Town Board reserved its decision on the matter pending receipt of the reports of the Planning Board and the Director of the Department of Environmental Control of the Town of Clarkstown, and

WHEREAS, the Town Board has duly considered all information presented in the petition, and by the applicant at the public hearing, the comments of those appearing at the public hearing, the recommendations of the Rockland County Department of Planning, the Town of Clarkstown Planning Board, the Town of Clarkstown Architecture and Landscape Commission, the Rockland County Department of Health, the Town of Clarkstown Highway Department, the report of the Director of the Department of Environmental Control, and various reports prepared by the applicant's engineer and others which the Town Board has duly considered in making the findings of fact herein, and its decision and determination of the application;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby makes the following Findings of Fact:

1. The petition requested permission to authorize landfill that had been previously placed on the site without permission.

RESOLUTION NO. (247-2001) continued

2. The petition requested permission to place fill "limited to construction debris free of organic material."

3. The environmental assessment form submitted in support of the petition by the petitioner described the project to be the placing of "clean fill to add to a back yard of a residential home and vacant parcel."

4. The report of Joseph Puchalik, Solid Waste Engineer of the Rockland County Department of Health, dated April 26, 2000, advised the Town Board that while the applicant stated that he intended to use construction and demolition debris free of organic material to fill the site, that such a fill operation would be in violation of Part 360 (NYCRR) because "C&D debris free of organic material can still contain roof shingles, wall board, paint cans with residue, electric wiring, etc." The report of the Rockland County Department of Health stated that the application was unacceptable to the Rockland County Health Department.

5. By memo dated April 26, 2000, the Director of Environmental Control advised that land filling had occurred at the subject location without a permit, that the source and the contents of the fill was unknown, that a survey was necessary to stake out the property, that a geo-technical study was recommended to determine if the fill was acceptable, and that the submitted grading plan annexed to the petition was unacceptable.

6. By memo dated April 27, 2000, the Rockland County Planning Department recommended that the applicant's plan be reviewed by the New York State Department of Transportation, the Palisades Interstate Park Commission, and that a grading erosion control plan, meeting New York State guidelines, be developed for erosion and sediment control.

7. At the public hearing the applicant stated that tests had been undertaken of the fill presently on site from samples collected on April 26, 2000, and that "the results look good. The fill that we had for landscaping purposes appears to be quite clean."

8. The applicant claims that he was unaware when the fill was placed on his property that he needed a permit.

9. The applicant has pledged to do "everything he is told to do by Mr. Haelen or other individuals in the Town."

10. That the fill placed on the applicant's property has migrated and/or trespassed onto adjacent property to the south owned by Patrick Rocco, and that the slope created by the placement of the fill is not stable.

11. That the fill placed on the applicant's property had migrated and/or trespassed on the Palisades Interstate Park Commission property to the east of the applicant's property.

12. That the fill placed on the applicant's property has also likely trespassed on additional adjoining property to the north of applicant's property.

13. That by report dated March 22, 2001, from the Director of the Clarkstown Department of Environmental Control, the Town Board has been advised that analysis of soil samples taken by applicant's engineers, Northeast Environmental, Inc., on or about April 26, 2000, has disclosed the presence of semi-volatile organic compounds (SVOC's) and mercury concentrations above the New York State Department of Environmental Conservation Soil Cleanup Standards in all six samples taken, including the sample taken from the materials which had migrated and/or trespassed onto the Rocco property, and that the engineering reports disclosed there is no present installation at the fill site to control the future migration of the waste pile or to control runoff water from the waste pile, and that the waste pile has begun to slump and migrate further onto the Rocco property and onto the Palisades Interstate Park property adjacent to Route 9W.

14. That the applicant is in violation of New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 360-1.7a(1)(i) for accepting solid waste at his property without a permit.

15. That no groundwater samples had been collected or analyzed, although same should reasonably have been taken and analyzed.

16. That the installation of groundwater monitoring wells and the collection and analysis of groundwater samples are necessary to properly assess the threat to human health and to the environment posed by the unauthorized placing of debris classified as Construction and Demolition Debris on the applicant's property.

17. That the applicant has not prepared any plan to remediate the problems created by the unauthorized filling of his property.

RESOLUTION NO. (247-2001) continued

18. That the Director of the Department of Environmental Control has recommended the following remedial action be taken by the applicant:

- (a) The dumped material be removed;
- (b) The proposed removal location be disclosed and approved prior to commencement of any remedial operation;
- (c) That the work commence within thirty (30) days and be completed with six (6) weeks thereafter, and
- (d) The applicant be required to pay all engineering fees, surveys, installation of monitoring wells, surveys and consultants' reports which have already been conducted or made, and those which shall be reasonably necessary to assure that all hazardous materials are removed from the site and adjacent properties, and that no environmental hazard remains or if same persists, that it is remediated in accordance with applicable standards,

and be it

FURTHER RESOLVED, that the Town Board hereby declares the public hearing and record to be closed and determines that granting the Special Permit will present unreasonable and unacceptable risk of adversely affecting the health, safety and welfare of the occupants of the applicant's property and also the residents of neighboring property, that environmental damage has already occurred sufficient to warrant the imposition of remedial measures, that the applicant by his own admission has engaged in prohibited acts by accepting Construction and Demolition Debris at this site without a State permit, that he has placed himself, his family, and his neighbors at risk from dangerous pollutants, and be it

FURTHER RESOLVED, that the application for the Special Permit described herein be and is hereby DENIED, and be it

FURTHER RESOLVED, that the applicant is hereby ORDERED to prepare and file with the Director of the Department of Environmental Control of the Town of Clarkstown, within thirty (30) days from receipt of a copy of this determination, a plan approved by the NYSDEC, for the removal of all unauthorized fill placed on his and adjacent properties, which plan must take into account all measures necessary to assure that all applicable standards shall be met in the cleanup and any required remediation, and that said approved plan shall be implemented and completed within six (6) weeks from the date it has been accepted by the Director of the Department of Environmental Control, unless the time shall be extended for good cause by the said Director, and be it

FURTHER RESOLVED, that the within special findings, determination, decision and order of the Town Board shall constitute the report of the Town Board to be filed with the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (248-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town has requested proposals from engineering firms to provide evaluation services with respect to property known as 44.15-3-1 (formerly Map 127, Block N, Lot, 23.02), Burnside Avenue, Congers, New York, and

WHEREAS, the Director of Environmental Control has recommended acceptance of the proposal from Lawler, Matusky & Skelly Engineers, LLP;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers, LLP, to provide engineering serves to the Town with respect to property known as 44.15-3-1 (formerly Map 127, Block N, Lot 23.02), Burnside Avenue, Congers, New York, and be it

FURTHER RESOLVED, that this Resolution is retroactive to March 19, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (249-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Department of Environmental Control has completed a Request for Proposals for Environmental Monitoring Services at the Clarkstown Sanitary Landfill; And

WHEREAS, all proposals have been reviewed and the proposal provided by Sterling Environmental Engineering, P.C. was found to be most responsive to the needs of the Town.

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the recommendation of the Director of the Department of Environmental Control, the Supervisor shall be authorized to execute a Service Agreement in a form approved by the Town Attorney, with Sterling Environmental Engineering, P.C. for a period of 4 years at \$45,700 for the first year and increasing by 4.75% for each following year; and

BE IT FURTHER RESOLVED that said amounts shall be a proper charge to account SR 8160 409 0.

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. (250-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with PHOENIX SYSTEMS & ANALYSIS, INC. , in a form satisfactory to the Town Attorney, for computer consulting and technical services, and be it

FURTHER RESOLVED, that said agreement shall commence on March 1, 2001 and shall expire December 31, 2002, and be it

FURTHER RESOLVED, that the fee for said services shall be \$75.00 per hour, and shall not exceed \$60,000 without further authorization of the Town Board, and such hours shall be designated by the Director of Automated Systems, and be it

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

FURTHER RESOLVED, that the fee for said service shall be charged to Account No. A-1680-409

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. (251-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown, County of Rockland, New York, has received a proposal from the United Water Company for the installation of approximately 1,000 feet of eight inch water main on SHERIDAN AVENUE and WELLS AVENUE, from the intersection of Sheridan Avenue and Liberty Avenue to the intersection of Wells Avenue with Southward Avenue, Congers, New York, at a cost not to exceed \$67,800.00, and

WHEREAS, the Town Board has determined to proceed with the extension of the Clarkstown Consolidated Water Supply District #1 to include said area, and

WHEREAS, the proposed extension of said Water Supply District is depicted on Schedule "A" attached hereto and made a part hereof;

NOW, THEREFORE, be it

ORDERED, that a public meeting of the Town Board of the Town of Clarkstown be held at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 24, 2001, at 8:00 p.m., or as soon thereafter as possible, to consider the proposed extension of the Clarkstown Consolidate Water Supply District #1 as herein referred to, and to hear all persons interested in the subject thereof, concerning the same, and for such other action of the part of the Town Board with relation thereto as may be required by law, and be it

RESOLUTION NO. (251-2001) continued

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare a map depicting the properties to be benefited by the proposed extension described herein, and to file same for public inspection in the Office of the Town Clerk on or before April 4, 2001, and be it

FURTHER RESOLVED, that the Town Clerk publish at least once in the newspaper of general circulation and post on the sign board of said Town maintained pursuant to Subdivision 6 of Section 30 of Town Law, and conspicuously in at least five public places within said proposed Clarkstown Consolidated Water Supply District #1, a copy of this Order, certified by the Town Clerk, the first publication thereof and said posting to be not less than ten or more than twenty days before the day designated herein for the public hearing as aforesaid.

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. (252-2001)

Co. Maloney offered and Co. Lasker seconded

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

**“AMENDMENT TO CHAPTER 146 (FLOOD DAMAGE PREVENTION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

And

WHEREAS, this proposed local law is intended to correct an error with respect to an elevation reference mark used in the Flood Insurance Rate Map establishing the 100 year base flood elevation for the Town of Clarkstown;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on April 24, 2001 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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. (253-2001)

Co. Maloney offered and Co. Lasker seconded

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

“A LOCAL LAW REGULATING THE OPERATION OF TAXICABS WITHIN THE TOWN OF CLARKSTOWN”

and

WHEREAS, this proposed local law is intended to regulate the operation of taxicabs within the Town of Clarkstown, in order to protect the health, safety and welfare of individuals making use of taxicabs;

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 May 22, 2001 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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. (254-2001)

Co. Maloney offered and Co. Lasker seconded

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

“HISTORICAL ROAD PRESERVATION”

and

WHEREAS, this proposed local law is intended to protect certain roads in the Town of Clarkstown by reasons of their significance to the history of the Town, County, State and Nation;

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 April 24, 2001 at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

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

RESOLUTION NO. (254-2001) continued

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (255-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby appoints Howard Lampert, Traffic Engineering consultant, to contact the Rockland County Highway Department for the purpose of coordinating and obtaining cooperation on improvements to the traffic signalization at the intersection of Buena Vista Road at New Hempstead Road, New City.

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. (256-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Radio Control Club has requested permission to utilize a portion of the discontinued and capped Clarkstown Sanitary Landfill for the installation of a radio controlled model airplane airdrome, and

WHEREAS, the New York State Department of Environmental Conservation has advised that the submitted design details would not unfavorably impact on the landfill site, and the Town of Clarkstown Director of Environmental Control has advised that the proposed use is an appropriate post-closure use of the site;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a license agreement with the Rockland County Radio Control Club for the use of the described portion of the capped Sanitary Landfill for a nominal fee of \$1.00

RESOLUTION NO. (256-2001) continued

per year, in a form approved by the Town Attorney, provided that said license agreement may be revoked at any time upon 30 days' notice to the licensee, and provided further that the licensee shall permit all residents of the Town of Clarkstown the opportunity to participate in the club's activities on a non-discriminatory basis, shall name the Town of Clarkstown as an additional insured on its insurance policy with respect to any liability which may result from its activities, and further agrees to indemnify and save the Town harmless from all acts or occurrences arising therefrom, and also agrees to refrain from any act which would impact unfavorably on maintenance of the capped landfill in accordance with the requirements of the New York State Department of Environmental Conservation.

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. (257-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Historical Society of Rockland County is holding its annual Historic Preservation Merit Awards Program on May 20, 2001. The awards will be presented in recognition of outstanding historic preservation efforts in Rockland County, and

WHEREAS, the Town Board of the Town of Clarkstown believes that the 2001 Historic Preservation Merit Awards Program provides cultural, economic and aesthetic benefits and rewards for historic preservation which are all in the public interest;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the expenditure of \$1,600 to cover the partial sponsorship of the 2001 Historic Preservation Merit Awards Program by the Historical Society of Rockland County, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (258-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the health and beauty of the Hudson River is critical to the economic vitality of our community and the Hudson River is a treasured asset; and

RESOLUTION NO. (258-2001) continued

WHEREAS, the Hudson River has been designated an American Heritage River, and the Valley as a National Heritage Area; and

WHEREAS, nearly 200 miles of the Hudson River – from Hudson Falls to New York City – are a federal Superfund site due to the polychlorinated biphenyl (PCB) contamination; and

WHEREAS, PCBs are the most significant contaminant limiting full use and enjoyment of the Hudson River; and

WHEREAS, PCBs were banned in 1976 because of a variety of known and suspected impacts on humans and wildlife; and

WHEREAS, PCBs remain in the Hudson River exposing humans and wildlife to their effects; and

WHEREAS, an estimated \$40 million annually has been lost over the last twenty years because of the closure of Hudson River commercial fisheries and restrictions on recreationally caught fish. As a result, the Hudson Valley has lost an important cultural heritage and way of life and the economic vitality of the Hudson River region continues to be hampered by the limitations on recreational use of the River and the stigma of PCB contamination; and

WHEREAS, U.S. Environmental Protection Agency (EPA) Superfund officials determined in February 1997 that PCB “hot spots” in the sediment of the upper Hudson are the “dominant source” of PCB contamination to the River, and that microbial breakdown will not rid the River of PCBs; and

WHEREAS, the EPA’s Hudson River Reassessment has determined that without remediation, present levels of contamination will continue indefinitely; and

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby expresses support for the findings of the proposed remediation plan in the Hudson River Reassessment being conducted by the U.S. EPA under the Superfund, and urges EPA to complete the Reassessment and issue a Record of Decision (ROD) without delay, including the evaluation and timely implementation of remedial actions, which include environmental dredging, that can most effectively restore the Hudson River, as well as the evaluation of traditional disposal methods as well as innovative technologies that can be used to destroy PCBs. Further, the Clarkstown Town Board urges that the U.S. EPA fully consider public opinion and complete the Hudson River Reassessment as expeditiously as possible.

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. (259-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, William E. King and Jane W. King, residing at One Woodvue

RESOLUTION NO. (259-2001) continued

Court, Valley Cottage, New York, also identified as 52.19-2-63 (formerly known as 123-F-5.01) have agreed to gratuitously convey a Drainage Easement to the Town of Clarkstown, and

WHEREAS, the Town Attorney recommends acceptance of said conveyance;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said Easement on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said Drainage Easement is hereby ordered recorded in the Office of the Rockland County Clerk.

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. (260-2001)

Co. Mandia offered and Co. Smith seconded

WHEREAS, The Sisters of Charity of St. Vincent DePaul of New York furnished to the Town of Clarkstown a Performance Bond secured by an assignment of Passbook No. 14070077 in the amount of \$728,006.00, to cover the improvements and other facilities as shown on the final plat of Sisters of Charity New York (63.15-1-38+, formerly known as 4-A-8), which was filed in the Rockland County Clerk's Office on July 29, 1998, and

WHEREAS, the Deputy Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown have recommended that said Performance Bond be reduced to \$403,960.00, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Performance Bond in the amount of \$728,006.00 be reduced to \$403,960.00.

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. (261-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown, as Board of Directors of the Carpenters and Joiners Local 964 Housing Development Fund Company, Inc., hereby authorize the signing of the 2000 Financial Statement for the Middlewood Senior Citizens' Complex - HUD Project No. 012-44136-NP-WAH.

On roll call the vote was as follows:

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

RESOLUTION NO. (262-2001)

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 Here to Corner” signs on both sides of Amory Drive,
30 ft. from the intersection of Lake Road, Valley Cottage, N.Y.

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

RESOLUTION NO. (263-2001)

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 “No Left Turn” sign on the eastside of Lake Road, Valley Cottage
Just before the entrance of the Playgarten School

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. (263-2001) 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. (264 -2001)

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 "Dead End" sign on the south side of April Lane at the Intersection of April Court, Nanuet, N.Y.

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

RESOLUTION NO. (265-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Dorothy Stoops, RN, CSW, Director, Clarkstown Counseling Center and Melinda Parziale, MS, Ed., are hereby authorized to attend the "9th Annual Conference for Professionals on Sexual Orientation and Youth" on Wednesday, March 28, 2001 at Stony Point Conference Center, Stony point, New York and be it

FURTHER RESOLVED, that the registration fee of \$35.00 per person and all reasonable expenses including travel, tolls and meals shall be charged to Appropriate Account #4210-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (266-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Chief of Police, Kevin Kilduff, has advised that Section 837-d of the Executive Law authorizes municipalities to apply for partial reimbursement of expenses incurred for the purchase of "soft body ballistic armor vests" for police officers, and

WHEREAS, the Chief of Police has recommended submission of an application for such reimbursement, which may result in an award in the amount of \$12,238.13 to reimburse for expenditures previously made by the Police Department;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an application, pursuant to Section 837-d of the Executive Law, for the partial reimbursement to the Clarkstown Police Department for expenditures incurred for the purchase of "soft body ballistic armor vests" for police 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. (267-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, John Loch, Surveyor and Engineer for the SISTERS OF CHARITY, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17, to permit Independent Living facilities on a portion of premises known as 63.11-2-13 (formerly Tax Map 4, Block A, Lot 6), for property located on the north side of Convent Avenue and to the east side of Pascack Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for their review and recommendation.

On roll call the vote was as follows:

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

RESOLUTION NO. (268-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town Board believes it is desirable to purchase properties owned by John Conlon, which are designated as 65.5-2-20 and 65.5-2-21 (formerly Map 89, Block C, Lots 45.2 and 45.4), which are located at 721 and 723 West Nyack Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract to purchase properties owned by John Conlon, which are designated as 65.5-2-20 and 65.5-2-21 (formerly Map 89, Block C, Lots 45.2 and 45.4), which are located at 721 and 723 West Nyack Road, West Nyack, New York, for the sum of \$140,000.00.

On roll call the vote was as follows:

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

Co. Lasker stated that she had referred this to the open space committee. This has been going on for 10 years and we had promised to buy this property way before the open space bond. If the committee does not recommend that we buy it then I would suggest financing through some other way than the open space bond.

RESOLUTION NO. (269-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town Board is concerned that Town and County public works projects which have required the removal of trees and naturally occurring shrubbery have been commenced without prior notice to affected property owners in Clarkstown, and

WHEREAS, the removal of such vegetation may have an impact on the aesthetics of the affected areas, and

WHEREAS, the Town Board wishes to assure that such projects are not performed without providing advance notice so that affected property owners will have an opportunity to make comments that may serve to reduce such impacts;

NOW, THEREFORE, be it

RESOLVED, that the Department Head of each department shall implement procedures which shall provide no less than ten days advance notice, by either regular mail or posting, of any Town construction project which will result in the removal of trees or shrubbery to property owners of premises upon which the work shall be done and any immediately adjacent premises involved in such construction project, and be it

FURTHER RESOLVED, that the failure to send or post such notice shall not serve to delay or invalidate such project, as it is intended as a courtesy to the affected property owners, and be it

FURTHER RESOLVED, that the Town Board hereby requests that all agencies and departments in Rockland County government, who may perform similar projects in Clarkstown, implement a similar notification procedure.

RESOLUTION NO. (269-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (270-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$18,000 from NYS Division of Criminal Justice and \$2,000 from Hasty Hills Stable,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No.A 01 10 3828 4 (DCJS-Security Camera) and increase Budgetary Account A 3120-230 (Police-Communications Equipment) by \$18,000 and increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills Stable) and increase Budgetary Account H 1942-409 0 58-2 (Golf Course-Bid & Specs) by \$2,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (271-2001)

Co. Maloney offered and Co. Mandia seconded

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

BID #29-2001
CUSTODIAL SERVICES AT THE
CLARKSTOWN HIGHWAY DEPARTMENT

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00A.M.on:April 20, 2001at 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 LaskerYes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookYes

RESOLUTION NO. (272-2001)

Co. Maloney offered and Co. Mandia seconded

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

BID #30-2001
FOUR (4) SELF PROPELLED, ARTICULATED VIBRATORY PAVEMENT
ROLLERS WITH TRAILER AND RAMPS

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: April 23, 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. (273-2001)

Co. Maloney offered and Co. Mandia seconded

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

BID #31-2001
WASHED SAND & GRAVEL

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: April 18, 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. (274-2001)

Co. Maloney offered and Co. Smith seconded

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

BID # 8-2001
HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

is hereby awarded to:

CUSTOM PRODUCTS CORP.
P.O. BOX 54091
JACKSON, MS 39228
PRINCIPALS: DENNIS PERKINS
HALL PERKINS
MAY PERKINS
GARY PERKINS

ALLMAC SIGNS
10 CAPTAIN SCOTT ROAD
HARWICH, MA 02644
PRINCIPALS: GARY S. MCMAHON

GARDEN STATE HIGHWAY PRODUCTS, INC
2 POWSER ROAD
MILLVILLE, NJ 08332
PRINCIPALS: SHARON L. GREEN
ROBERT A. GREEN

VULCAN SIGNS
P.O. BOX 1850
FOLEY, AL 36536
PRINCIPALS: A PUBLIC CORPORATION

HIGHWAY TRAFFIC SUPPLY
28 W. WASHINGTON AVENUE
PEARL RIVER, NY 10965
PRINCIPALS: LANCE ROBBINS

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

CAPITOL HIGHWAY MATERIALS, INC
ROUTE 6
BALDWIN PLACE, NY 10505
PRINCIPALS: S. BHATTACHARJI
V. PAIS

UNITED RENTAL
124 WINDSOR HWY
ROUTE 32
NEW WINDSOR, NY 12553
PRINCIPALS: A PUBLIC CORPORATION

RESOLUTION NO. (274-2001) continued

AMERICAN TRAFFIC SAFETY MATERIALS
P.O. BOX 1449
ORANGE PARK, FL 32067
PRINCIPALS: ARTHUR C. WAGNER

CHEMUNG SUPPLY CO.
P.O. BOX 527
ELMIRA, NY 14902
PRINCIPALS: MYRA S. STEMERMAN
HERMAN WARSHAW

ROCAL, INC
P.O. BOX 640
FRANKFORT, OH 45628
PRINCIPALS: LEO M. LIGHTLE TRUST
ROBERT D. LIGHTLE
DAVID R. LIGHTLE
REBECCA L. ATER
VIOLA H. LIGHTLE
MARY BETH LIGHTLE

3M COMPANY
3M CENTER BLDG 225-5S-08
P.O. BOX 33225
ST PAUL, MN 55133-3225
PRINCIPALS: A PUBLIC CORPORATION

as per the item/price schedule

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. (275-2001)

Co. Maloney offered and Co. Smith seconded

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

BID #17-2001

FOOD PROVISIONS FOR TOWN OPERATED REFRESHMENT STANDS
is hereby awarded to:

J.H. HAAR/U.S. FOODSERVICE INC.
849 NEWARK TURNPIKE
KEARNY, NJ 07032
PRINCIPAL: A PUBLIC CORPORATION

COOKIES AND MORE
165 PRICE PKWY
FARMINGDALE, NY 11735
PRINCIPAL: BRIAN GOLD
MARK ABRUSCATO

RESOLUTION NO. (275-2001) continued

JAY BEE DISTRIBUTORS
P.O. BOX 8037
HICKSVILLE, NY 11802
PRINCIPALS: JEFFERY PRICE

ROCKLAND BAKERY
94 DEMAREST MILL ROAD
NANUET, NY 10954
PRINCIPALS: J. BATTAGLIA
P. BATTAGLIA
J. BATTAGLIA
M. BATTAGLIA

MULLER DAIRIES
P.O. BOX 456
FLORIDA, NY 10921
PRINCIPALS: WILLIAM J. MULLER

BELLWOOD VENDING
100 RED SCHOOLHOUSE ROAD
SO. SPRING VALLEY, NY 10977
PRINCIPALS: ROBERT APPELBAUM
STEVE APPELBAUM

As per the item/price schedule

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. (276-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Captain of Police and the Director of Purchasing that

BID # 22-2001
UNIFORM MAINTENANCE SERVICES FOR THE CLARKSTOWN
POLICE AND FIRE INSPECTORS

is hereby awarded to: KWON'S CLEANERS, INC.
D/B/A/ SPARKLE DRY CLEANERS
12 ORANGETOWN SHOPPING CENTER
ORANGEBURG, NY 10962
PRINCIPAL: DAVID OCITUN KWON

as per their low bid prices:

RESOLUTION NO. (276-2001) continued

	PER UNIT
TROUSERS - DRY CLEANED.....	\$ 1.45
SHIRTS - DRY CLEANED.....	1.35
LEATHER JACKETS - DRY CLEANED.....	30.00
POPLIN JACKETS - DRY CLEANED.....	3.00
DACRON/WOOL JACKETS - DRY CLEANED...	3.00
HURRICANE JACKETS - DRY CLEANED.....	3.00
HONOR GUARD BLOUSES.....	1.50
HATS - DRY CLEANED.....	FREE
TIES.....	FREE
WHITE DRESS SHIRTS - LAUNDERED.....	1.45
BLAZERS.....	1.35
SLACKS.....	1.45

ATTACH A SEPARATE SHEET INDICATING COST OF ALTERATIONS AND OTHER SPECIAL UNIFORM SERVICES AVAILABLE.

PERCENT COST INCREASE, IF ANY, FOR A ONE YEAR EXTENSION TO CONTRACT
(AT THE OPTION OF THE TOWN): 0%

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. (277-2001)

Co. Maloney offered and Co. Smith seconded

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

BID #23-2001
CRUSHED STONE

is hereby awarded to:

TILCON NEW YORK INC
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPALS: PUBLIC CORPORATION

VAN ORDEN SAND & GRAVEL OF RINGWOOD
P.O. BOX 8246
HALEDON, NJ 07538
PRINCIPAL: JANET R. BRAEN

PLAZA MATERIALS COMPANY
969 MIDLAND AVENUE
YONKERS, NY 10704
PRINCIPAL: CARL E. PETRILLO

RESOLUTION NO. (277-2001) continued

DUTCHESS QUARRY AND SUPPLY CO., INC
P.O. BOX 651
PLEASANT VALLEY, NY 12569
PRINCIPAL: A PUBLIC CORPORATION

as per the item/price schedule

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. (278-2001)

Co. Maloney offered and Co. Smith seconded

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

BID # 25-2001
SWIMMING POOL CHEMICALS

is hereby awarded to: BEL-AQUA POOL SUPPLY
750 MAIN STREET
NEW ROCHELLE, NY 10805
PRINCIPALS: MARTIN SILVER
SUSAN WISAN

JCI JONES CHEMICALS, INC
40 RAILROAD AVE - P O BOX 1089
MERRIMACK, NH 03054
PRINCIPAL: JEFFREY W. JONES

as per the item/price schedule.

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. (279-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown acquired real property
in the Town of Ramapo, designated on the Town of Ramapo Tax Map as 3-13A2C1, for
the purpose of the construction of the Town of Clarkstown Golf Course, and

RESOLUTION NO. (279-2001) continued

WHEREAS, the construction of the golf course has been inordinately delayed as a result of which the cost of construction has risen significantly;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby agrees to offer for sale, pursuant to all applicable provisions of law, the aforesaid land now tentatively designed on the Town of Ramapo Tax Map as: 32.11-1-4, 32.11-1-15, 32.11-1-16 and 32.14-2-3, and be it

FURTHER RESOLVED, that in the event the Town of Clarkstown sells such land, the proceeds of such sale will be used to pay all or part of the debt service on the bond issued by the Town in connection with the aforesaid land, and be it

FURTHER RESOLVED, that any such sale shall be subject to Permissive Referendum.

On roll call the vote was as follows:

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

RESOLUTION NO. (280-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00292 Account-Keeping Supervisor which contains the name of Mary C. Maloney,

Now, therefore, be it

RESOLVED, that Mary C. Maloney, 7 Tavo Lane, New City, New York, is hereby appointed to the position of Account-Keeping Supervisor – Comptroller’s Office – at the current annual salary of \$52,168., effective and retroactive to March 26, 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. (281-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, THAT Joseph Maggino, 3 Esquire Road, New City, New York is hereby appointed to the position of (Temporary) Transfer Station Monitor – Solid Waste Facility – at the current annual salary of \$28,463., effective April 2, 2001 – for a period not to exceed 30 days.

RESOLUTION NO. (281-2001) 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. (282-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation (In accordance with the Town of Clarkstown – C.S.E.A. Agreement, Article 23 – Paragraph 2(a) – of David G. Phillips, 98 Old Haverstraw Road, Congers, New York – Solid Waste Facility Attendant – Solid Waste Facility – is hereby accepted – effective and retroactive to February 27, 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. (283-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Gloria Rinciari, 43 Friend Street, Congers, New York – Clerk – Assessor’s Office – is hereby accepted – effective April 3, 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. (284-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Susan Paradiso, has been absent from and unable to perform the duties of her position for one (1) year or more pursuant to Section 71 of the Civil Service Law; and

WHEREAS, said employee has been provided a pre-separation opportunity to be heard pursuant to Section 71 of the Civil Service Law; and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the information provided by the employee and the employee’s Department Head; and

RESOLUTION NO. (284-2001) continued

WHEREAS, the Town Board has reviewed the recommendation of the Department Head

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Clarkstown separates Susan Paradiso from the service of the Town, pursuant to Section 71 of the Civil Service Law, effective immediately, subject to any reinstatement rights provided hereunder.

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. (285-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Patrick Lenz, Assistant Scout Executive for the Hudson Valley Council, Boy Scouts of America, has requested the Town Board waive the fee to acquire forty yards of mulch from the Town of Clarkstown composting site, which will be used at Camp Bullowa, Stony Point, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the fee for obtaining no more than forty yards of mulch from the Town of Clarkstown composting site by the Boy Scouts of America, which will be used at Camp Bullowa, Stony Point, New York.

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. (286-2001)

Co. Maloney offered and Co. Lasker seconded

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

BID #32-2001
BACKHOE FOR HIGHWAY DEPARTMENT

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by TO BE DETERMINED A.M.) (P.M.) on 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. (286-2001) 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. (287-2001)

Co. Maloney offered and Co. Mandia seconded

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

BID #21-2001
REFUSE PICKUP SERVICE FROM TOWN FACILITIES

is hereby awarded to: **PAT NAZZARO DISPOSAL**
 P.O. BOX 481
 VALLEY COTTAGE, NY 10989
PRINCIPALS: PAT NAZZARO

as per the item/price schedule.

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. (288-2001)

Co. Maloney offered and Co Smith. seconded

WHEREAS, the Hudson Valley Greenway Act, (hereinafter the "Greenway Act") Chapter 748 of the Laws of 1991 has a legislative goal the establishment of the Greenway Compact, a process for voluntary regional cooperation and decision-making among the communities of the Hudson River Valley, and

WHEREAS, the process and programs that will comprise the Compact are under development, and

WHEREAS, communities may participate in the initiation and implementation of the compact process, and

WHEREAS, the Town of Clarkstown is situated in the Greenway area as it was officially designated in the Greenway Act, and

WHEREAS, the Greenway Act permits the Hudson River Valley Greenway Communities Council (hereinafter the "Council"), and the Greenway Conservancy for the Hudson River Valley, Inc. (hereinafter the "Conservancy") to assist communities in

RESOLUTION NO. (288-2001) continued

developing local planning and projects related to the five criteria contained in the Greenway Act: natural and cultural resource protection, regional planning, economic development (including tourism, agriculture and urban redevelopment), enhancing public access to the Hudson River and heritage and environmental education, and

WHEREAS, communities can become eligible to receive technical and financial assistance from the Greenway, and

WHEREAS, community participation in the Greenway planning process is voluntary, and

WHEREAS, the Greenway Act does not supercede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts,

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Clarkstown supports the criteria contained in the Greenway Act and the process by which the Compact will be achieved, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown endorses the designation of the Town of Clarkstown by the Greenway Council and Conservancy as a Greenway Community.

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. (289-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, it is necessary to pave a portion of 12 Seeger Drive, Nanuet, New York, at the site of the Clarkstown Highway Department, Mini-Trans and Police Garage, and

WHEREAS, it will be necessary to purchase approximately 1,600 tons of Bituminous Concrete from County Asphalt at \$35.00 per ton, pursuant to Town of Clarkstown Bid No. 24-2001 and Town Board Resolution No. 224-2001 dated March 13, 2001, and

WHEREAS, the work and labor in connection therewith shall be performed by personnel of the Town of Clarkstown Highway Department;

NOW, THEREFORE, be it

RESOLVED, that the sum necessary to purchase the Bituminous Concrete shall not exceed \$60,000.00 and shall be charged to Account No. H8751-409-0-75-3.

RESOLUTION NO. (289-2001) 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. (290-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Superintendent of Highways has recommended the purchase of equipment, as follows:

Quantity	Vehicle	EQUIPMENT		State Contract Bid # Information
		Cost per Vehicle	Total Cost	
11	Dump Trucks*	\$84,555	\$930,105.00	Contract PC55803, Item 1
2	Dump Trucks/wings*	90,661	181,322.00	Contract PC55803, Item 1
1	Tandem Truck*	99,946	99,946.00	Contract PC55803, Item 4
3	Pickup Trucks	12,973	38,919.00	Contract PC55740, Item 4B
1	Backhoe	70,000	70,000.00	Purchasing Dir. will bid out
1	Bobcat Model 863 "H" Skid Steer Loader w/High Flow Auxilliary Hydraulic Option	24,798	24,798.00	Contract PC56218, Award #4393-G
1	125 Kilo Watt Generator	150,000	150,000.00	Purchasing Dir. will bid out.
		Total:	\$1,495,090.00	

* 180 day delivery minimum

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the purchase of this equipment, and be it

FURTHER RESOLVED, that the amount of \$1,500,000.00 shall be charged to Account No. H 8751-409-0-075-4.

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. (291-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, ST. AGATHA HOME OF THE NEW YORK FOUNDLING HOSPITAL, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-IIA of the General Use Regulations, R-22 Zoning District, Table 3, Column 2, Item B-5, to construct an Agency Group Home on a portion of premises known as 63.15-1-42 (formerly known as Tax Map 4, Block A, Lot 7), for property located on the south side of Convent Road and the east side of Duryea Lane, Nanuet, New York, and more particularly described on Schedule "A" attached;

NOW, THEREFORE, be it

RESOLVED, that the aforementioned petition shall be in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-L and 239-M of the General Municipal Law for report, and the Clarkstown Planning Board for comment or study and report on or before April 23, 2001, and to other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that 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

Supervisor Holbrook announced that the Board was adjourning the Meeting and retiring to Executive Session to discuss the Police contract.

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

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

3/27/01

8:20 P.M.

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

RE: - Continuation Capasso/Town Law 280-a(2)/ Terrace Ave & Quaspeck Rd., Congers
as access to Lot 52-12-1 to construct single family house

Supervisor called upon the applicant to make a presentation.

Appearance: Everett Johns, Esq.
Attorney for the petitioner

Read the following letter from the Fire Commissioners of the Congers Fire District.

Dear Mr. Capasso

In response to your request that the Conger's Fire District review the site plan for your property on Massachusetts Avenue, Congers, New York, we submit the following:

In order for the Congers Fire District to have sufficient access and response time to the proposed structure, the road should be as straight and level as possible, and wide enough to permit passage of all fire fighting apparatus.

Based upon the information provide for our review, we have no objection to the site plan.

Sincerely,

Robert Kraft, Chairman Congers Fire District

Mr. Johns understands that the Department of Environmental Control has prepared a report dated March 27, 2001. His office has not seen it yet. There are seven items in the report that he would like to discuss with Mr. Capasso and reserve comment. Also, if the Building Department has any input into this or has any report, he would like to review this and reserve any comment.

Appearance: Riccardo McKay, Esq.
Representing residents who live on private driveway (Youngblood & Dupe)

I regret to say that no realistic, real, meaningful efforts were made to resolve what was brought before your attention two weeks ago. The safety issues that were described in detail (angle of hill, steep terrain, the significant drop off), and the need to allow for cars to get in any more cars would be a serious detriment unless there was some kind of parking arrangement made to allow the cars to get out during inclement weather and bad road conditions. The only contact that has been made with the petitioner is by him making two phone calls to them. I am the only one initiating contact and it appears very clear to me that they are not offering any kind of change. As far as the DEC report that was filed, I have not seen it. I just read the Fire Department's statement and it is very clear that they did not inspect the premises. They looked at a site plan. The Fire Department stated that they would want the road to be straight and level. This is a winding 660 foot road that is not straight or level and has a very serious 90 degree turn in it. I expect that a proper examination in person would produce a different result. This report was requested by the Town Attorney in a report to the applicant and this Board about a year ago. It arrives today on the exam date of this session. I would like this Board to oppose this application. This condition is going to be worsened and the applicant is making no effort to relieve it. The applicant simply wants to take advantage

of an investment he made. I don't think this Board should be encouraging people to speculate in Congers on the possible building of a lot that is not accessible to a road except to these unusual extensive 660 foot private roads. This is not a hardship that was created by someone else. This is a hardship that he bought into and he is asking to help him make some money and then walk away from it and leave the residents and the new occupants hand tied with further congestion on a very narrow road. We asked the Town engineers to do an inspection of this property for the purposes of getting specifications of what a road should be if there was going to be a road used by three residents as a driveway. The engineers came back with a description of nine inches of road (6 inches of gravel, 3 inches of coarse asphalt, and 1 inch of top). I feel that the road that is there does not meet those specifications. In order for the Town to implement this, the entire 660 feet of road would have to be dug up. It is my understanding in the last conversation he had with the applicant that they are not prepared to do that. It is an insult to be here and saying that we want to do it but not proposing a meaningful way to do it. I strongly encourage you to look at the minutes of your prior meeting, with strong resentment and objection to the entire community in that area and even stronger objections from the people who are going to be directly affected by it. He will take any questions that anyone may have.

Supervisor Holbrook told Mr. McKay that he will give him a copy of the Department of Environmental Control's report. He also read the report as follows:

From: K. Luke Kalarickal, P. E. Director
To: Mr. Charles E. Holbrook, Supervisor and Town Board Members
Subject: 280a(2) Anthony Capasso Lot 52-12-1 (formally 139 A 11)

We have made a field inspection and following are our recommendations for the improvement of Quaspeck Road and Terrace Avenue.

1. Widen the existing paved roadway to 18 feet.
2. The southeast intersection of Massachusetts Avenue and Quaspeck Road should be widened with a 35 foot radius connecting the easterly edge of pavement of Massachusetts Avenue and southerly edge of pavement of Quaspeck Road.
3. The southwest corner of Quaspeck Road and Terrace Avenue should be widened with a 35 foot radius connecting the southerly edge of pavement of Quaspeck Road and the westerly edge of pavement of Terrace Avenue.
4. The southeast corner of Quaspeck Road and Terrace Avenue should be widened with a radius of 53 feet connecting the northerly edge of pavement of Quaspeck Road and the easterly edge of pavement of Terrace Avenue.
5. Provide a 20 foot x 40 foot turn-around on Terrace Avenue north of the driveway for lot 139 A 17.03 (n/f Youngblood).
6. The new widened portion of the roadway should have 6 inches sub-base course and 3 inches of asphalt base course.
7. The entire roadway (existing and new roadway) should have one inch asphalt top course.

Mr. McKay states that none of these 7 requested changes address the parking of the cars at the top of the hill. This was discussed in length at the last meeting. (There are presently 6 cars in inclement weather that have to try to get up this hill). These changes relate to the other end or the middle turn or a small apron accessing out onto Massachusetts Avenue. This is a construction view that would be a desirable driveway but it is not a practical view for the situation that exists. Anyone has visited the terrain and saw the terrain and for the people who have lived there for more than 15 years, have experienced. There is also no maintenance agreement between the residents on that road, driveway, and the new prospective lot owner. In good faith we try to encourage entering into a road improvement district. We petitioned the Town and the Town went out and did an inspection, and reported a \$190,000 construction cost for a Town approved road. That was too expensive. I do believe from going to a town approved road to a driveway does not mean we go from \$190,000 project to a 5 or \$10,000 project. It still requires a significant amount of improvements which would make it fair and safe and I submit that the failure of the applicant to address any of that is basically asking you to give him a reward for having found a piece of property that might be developed. Regardless of the safety issues that would be generated by this, if this property has to be developed and this

Town feels and the Board feels that there is some kind of economic rights that are due this particular individual to develop this parcel, there is a more appropriate, safer and less invasive method to get to Massachusetts Avenue without having to endanger other people who are not participating in this. That would be to go across his own property straight to Massachusetts Avenue. If the Board is apposed to flag lots that does not mean the Board should show its displeasure with flag lots to approving the punishment and disadvantage of the users of an unsafe extensively long road for economic development.

Appearance: Ron Turigo
Previous owner of property in question

We had it all subdivided, all drawn up, and went to Peter Beary, and Mr. Beary said there would be no problem going out the back way and using that road as an access. I've been there over 40 years and there has never been any problems with the cars going in or out. Mrs. Youngblood's property is on part of his father's property. As far as putting up a turnaround for the snow plows, it is a private road, a paper road, undedicated, and I don't feel that they should have a problem with it. He owned a few houses in that area. He feels the Town should condemn some of the homes in that area. There is one with a garage and a bungalow on top and it is ready to fall down. That yard is a disaster. Look at other yards before they start condemning this one.

Appearance: Steven Levine
Resident, 193 Massachusetts Ave

Aside from the safety issues, I would like to remind the Board that the fact that the applicant has increased the bulk of his building, the height of the building, the slope has not been resolved to anybody's satisfaction. I have received no response in writing from the Building Inspector's office. Even if the Board feels that this applicant is entitled to access, which I am strongly apposed, why do you want to give access to a lot that may not be legally subdivided in accordance with the Zoning and/or Planning Board. Even if you did subdivide the lot the applicant would now need variances from the Zoning Board and the Planning Board to make any kind of building on this parcel. He would also like to present into evidence The Department of Environmental Control Building Permit Checklist signed by Ron Haelen. Items required: "Install maintain erosion control - no clearing or grading except for addition foundation, Provide new plot plan showing full lot. This plan is not valid." He clearly indicates that no fill should be brought in off site. He indicated to the Supervisor that he does not have a response. One of his complaints when that property was under construction is that no one was doing any inspections for the footings or structural work. He has not received any written response from the Building Inspector's Office. However, Bill Maloney, did go out and inspect on 6/2/00. He continued to read an exerpt from Bill Mahoney's notes which contained issues that he raised over 10-12 months ago, and he still has received no response. Even if access is granted by the Town Board, you have a property that has several issues and problems that the applicant created. This is a self-created problem. He did not have a plot plan approved and he urges the Board to consider that.

Appearance: Anthony Capasso
83 Waters Edge Congers

In response to the inspections, his tenant who has a lease option in contract has a handicapped child. I agreed to let him take the permits out on the house and do renovations to expedite the handicap availability for the child. He has submitted everything the Town needed as far as the inspections. As far as the zoning for the square footage we have over 22,000 square foot on one lot and over 18,000 on another. The house is still under the permitted density area. He sat down with the Dupe's and had two meetings and indicated that Terrace Avenue was not an issue and that Quaspeck was. They had trouble getting up the hill and wanted him to widen it for a parking area and have access ability to Massachusetts Avenue. They pay \$50 for a snow plow and their contractor comes only after the snow has completely fallen. He feels they want him to pay for their extra expense. He feels he is being ridiculed and diverted back and forth for the past 2 ½ years.

John Costa stated to Mr. Kalarickal that the purpose of this Public Hearing is to determine whether or not a safe and reasonable access could be established as to permit a building permit assuming all requirements of law are met, to build on the back part of Mr. Capasso's lot. Please comment on your recommendations.

Appearance: K. Luke Kalarickal
Director of Environmental Control

Stated that it is his professional opinion based on his inspection that the road needs to be widened by 18 feet and this would adequately affect the neighborhood.

Mr. Costa asked if this would provide a safe and reasonable access for fire and other emergency vehicles.

Mr. Kalarickal answered, yes.

Mr. Costa, talking to Mr. Kalarickal, states that his report does not address the issue of maintenance of this right of way in terms of snow removal and repairs.

Mr. Kalarickal answered that it is the responsibility of the homeowner who is using that particular private road. It is not the Town of Clarkstown's responsibility.

Mr. Costa agreed that because it remains a private access, it is the homeowner's responsibility and those who use the property. In the absence of the people that use it agreeing amongst themselves to provide for that type of maintenance, what alternatives do you see the Town having?

Mr. Kalarickal said that he cannot answer that question, he does not have a legal opinion. He feels the town does not have that responsibility.

Co. Maloney states that the issue seems to be the parking of these four or five cars. Mr. Kalarickal states that his professional opinion is not to be concerned about the parking but to make sure there is safe access to these homes for emergency vehicles.

Appearance: Maria Janson
193 Massachusetts Ave

Asked if the road would it be widened equally on both sides? Will there be an easement?

Mr. Costa replied that these two paper streets are on the Town of Clarkstown Official Map. They are in his opinion reserved for use as public streets although they are not public streets. In order for them to become public streets they will have to be improved through Town specifications, including widening them to 50 feet. The map shows the right a ways to be 40 feet in width. There is little potential that this right of way can become a public road unless a road improvement district is established. It would require taking some of the property on one side or the other, or on both sides to widen the right of ways. This is all subject to engineering input.

She said at the last meeting that the slope of the property is over 30 feet which means the slope is over one third of the property. The lot size will only be 11,000 square feet. She feels that because of the lot area this may not legally be subdivided. Please refer this information to the Planning Board. She brought this up to the Planning Board and she wants to make sure it is looked at. She said that maybe if this was investigated by the Planning Board and the Building Department, it would be a moot point.

Supervisor Holbrook indicated that he will have the Zoning Administrator look at the slope as well as the additions to the house which could affect the floor ratio.

Mr. Costa stated those are issues Mr. Millman and Mr. Beary will have to address.

Ms. Janson stated that in the report from the DEC representative he made a reference that he thought that the site plans submitted did not reflect the condition.

Mr. Mandia stated that if the Town Board approves this one portion of the project to go through, then begins the process of going to the Planning Board, Building Department etc. A lot of these issues will not even be addressed if it is denied. If it is granted, he still has a long way to go. He said that all the permits that were necessary were approved by Mr. Millman. Whether it was inspected properly, he can not answer. If he increased the bulk of the house we could have problems. Also, we need to look at the slope of the property. He wants to make it clear that this is only one step of the process.

Ms. Janson states that Mr. Capasso has gone in front of the Planning Board already. We brought up the same issues there. She did not see them resolved there. She just wants to make sure that the things that are supposed to be checked, are being checked.

Mr. Mandia asked Mr. Capasso last time they met and was told there was no dumping of soil on that property. Mr. Capasso's tenant, on the record, stated that there were two loads of soil dumped there. Please explain.

Mr. Capasso stated that he had two loads of soil picked up from his property on Waters Edge, but he had no knowledge of it getting dumped on the property on Massachusetts Avenue.

Mr. McKay said that Mr. Kalrickel from DEC indicated that the road needs to be 18 feet wide and he has acknowledged that he did not consider the parking of cars as an issue. He did not consider it as a safety factor. At least five or six cars park there. According to DEC an 18 foot wide road would be sufficient for emergency vehicles but it is not wide enough for parked cars and emergency vehicles. The Town Board needs to make it their concern.

Appearance: Helen Sharpman
161 Massachusetts Ave

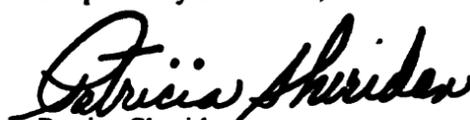
She would like to note some potential repercussions of widening this road of 18 feet or larger. Her property abuts Quaspeck. Six feet or more would then take out her driveway. In order to rebuild her driveway she will have to take out personal funds. This now affects another household. A potential benefit to one party is potential loss to others. Were talking about tens of thousands of dollars to several others. She has not been contacted regarding any type of maintenance agreement.

Supervisor Holbrook stated that he would like to close the Public Hearing. He indicated that the Town Attorney's office will be drafting a resolution for the Town Board's consideration for the workshop of April 3, 2001.

Supervisor Holbrook stated that there are a lot of important questions that have been raised. We are going to reserve decision at this time but the record speaks for itself.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the public hearing was closed, RESERVE DECISION, time: 8:55 P.M. This will be on the workshop agenda for consideration.

Respectfully submitted,


Patricia Sheridan
Town Clerk

(VERBATIM TRANSCRIPT ON FILE IN TOWN CLERK'S OFFICE)