

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/28/2003

8:00 P.M.

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

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

Supervisor opened the public portion of the meeting.

Appearance: Steven Levine
 Congers

He requested an explanation of Item #9 and inquired about the Building Insurance fees. He also spoke about the lack of enforcement of building violation laws.

Appearance: Trudy LaForgia
 Nanuet

She inquired on the status on Smith Farm. She stated it is her understanding that because the Town did not act within the 62-day period, the contract purchaser has automatic approval without any public and school board input to build.

Appearance: David Carlucci
 New City

He spoke on Smith Farm issue.

Appearance: Frank Pandolfi
 Nanuet

He commented on the Smith Farm issue.

Appearance: John Lodico
 New City

He said some young people are destroying Veteran's Memorial Park. He suggested installing a camera.

Appearance: Congregation – Norm Lizensk

He commended all of the departments in Town Hall saying that they are all doing a good job. He said that he has not received a response to his application for a building permit submitted on June 30, 2003.

RESOLUTION NO. (791-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown conducted a Mass Disaster Drill on October 19, 2003 at the New City Post Office located at 245 North Main Street, New City, New York; and

WHEREAS, United States Postal Service required that an Indemnity Agreement be signed by the Supervisor of the Town of Clarkstown prior to the Town's use of the property;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor was authorized to sign the aforesaid Indemnity Agreement, and this resolution shall be retroactive to October 16, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (792-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 610-2003, adopted by the Town Board on August 12, 2003, is hereby amended to correctly read:

WHEREAS, Chief of Police William T. Sherwood, and Police Officer Gregory J. Tobin, Emergency Management Coordinator, have advised the Town Board that an Emergency Notification Listings License Agreement with VERIZON NEW YORK, INC. has been proposed and that same would authorize the Police Department to obtain listing information, including unlisted subscribers for the limited purpose of providing outbound emergency notification services with respect to the Police Department and its City Watch Program, and

WHEREAS, Chief Sherwood and Police Officer Tobin recommend that the Town enter into said license agreement which provides for periodic updated information to be used for the City Watch notification system at the charge of four cents (4¢) per listing and six cents (6¢) for updated transactions per listing, with the expected service order activity to occur periodically, the annual cost of which cannot be determined at this time, but which may be paid by County of Rockland;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Verizon New York, Inc., in a form approved by the Town Attorney, for the purpose of providing updated emergency notification listings information for use by the Town of Clarkstown Police Department emergency notification system known as "City Watch".

On roll call the vote was as follows:

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

RESOLUTION NO. (793-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the New City Jewish Center has advised that the week of November 9th through November 15th has been deemed United Synagogue Youth Week, and further advised that the USY Program is intended to give Jewish youth an opportunity to develop their own democratic political structures and to take part in organized programs and activities of a social and athletic nature, which are deemed by the Town Board of the Town of Clarkstown to be supportive of our Nation's democratic ideals, and

WHEREAS, the Town Board commends the members of the United Synagogue Youth for their outstanding contributions and support of our Nation's democratic institutions and encourages public recognition for same;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby proclaim the week of November 9-15, 2003 as USY Awareness Week in the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (794-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution adopted on August 12, 2003, the Town Board authorized the purchase of property located at 368-400 Buena Vista Road, New City, for the Town's Open Space Initiative, and designated the Town's Planning Consultant, Robert Geneslaw, as its agent to conduct the SEQRA review, and

WHEREAS, the Town Board of the Town of Clarkstown has received and reviewed the Environmental Assessment Form and report dated October 1, 2003, prepared by its consultant Robert Geneslaw, and which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the SEQRA report prepared by Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that the proposed action is an Unlisted Action, the purchase of the Goldman property, Tax Map 33.16-2-6, for use as Open Space in the Town of Clarkstown, shall not result in any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

On roll call the vote was as follows:

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

RESOLUTION NO. (795-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 167-2003 authorized improvements to Third Street, New City, New York as part of the Downtown New City Revitalization Project, and

WHEREAS, unforeseen conditions and utility interferences have resulted in additional work to be performed beyond the scope of the project, and

WHEREAS, a memorandum from the Deputy Director of Operations, Department of Environmental Control has identified and explained the additional work that is required to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes Change Order No. 3 for Bid # 57-2001, and

BE IT FURTHER RESOLVED, that the cost for the additional work shall not exceed \$19,099.82, and

BE IT FURTHER RESOLVED, that the total cost for the corrective work shall not exceed \$411,793.67 and shall be a proper charge to account # H 8736 409 0 67 6.

On roll call the vote was as follows:

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

RESOLUTION NO. (796-2003)

Co. Lasker offered and Co. Maloney 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 the following signs on Cavalry Drive, New City, NY:

A "T" intersection sign (see Sec. 232.1.1 - sign W2-3) on the Northside of East Cavalry Drive, East of #9) and a "Driveway" panel beneath.

A Right curve sign (a W1-4 sign) on the westbound side of East Cavalry Drive in the vicinity of #17.

A Left curve sign (a W1-3 sign) on the eastbound side of East Cavalry Drive in the vicinity of #8.

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. (796-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (797-2003)

Co. Lasker offered and Co. Maloney 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 the following signs on Rose Road, West Nyack, NY:

A Truck Tonnage Limit 4 Tons (an R5-1 sign) on the eastside of Rose Road on the Town right-of-way at Rte 59.

Two "Town Speed 30 MPH" signs to be erected on Rose Road, the first on the eastside of Rose Road on the Town right-of-way at Rte 59. The second, on the Westside of Rose Road at West Nyack Road.

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 Absent
 Supervisor Holbrook Yes

RESOLUTION NO. (798-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED to decrease and increase the following Appropriation Accounts:

A7180-219 (Misc. Supplies) by \$1,500.	to A7180-114 (part time) by \$1,500.
A7180-306 (Maint.Supplies) by \$3,000	to A7180-114 (part time) by \$3,000.
A7180-408 (Bldg. Repairs) by \$10,000	to A7180-114 (part time) by \$10,000.
A7180-410 (Photo I.D.) by \$5,000	to A7180-114 (part time) by \$5,000.
A7180-424 (Cont.Exp.) by \$200.00	to A7180-114 (part time) by \$200.00
A7020-204 (office machines) by \$500.	to A7020-411 (postage) by \$500.00
A7140-114 (part time) by \$19,000	to A7310-114 (part time) by \$19,000.
A7140-307 (uniforms) by \$1,000	to A7140-407 (equip. repairs) by \$1,000.
A7210-301 (food) by \$4,000	to A7210-114 (part time) by \$4,000.
A7210-407 (Eq. Repairs) by \$1,000	to A7210-114 (part time) by \$1,000.
A7210-219 (Misc.Equi.) by \$700.00	to A7210-114 (part time) by \$700.00

RESOLUTION NO. (798-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (799-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Resolution #789-2003 awarding BID #52-2003 - TRI-AXLE ROLL-OFF CHASSIS WITH HOIST was written in error, therefore, be it

RESOLVED, that Resolution #789-2003 is corrected to read as follows:

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

BID #52-2003 - TRI-AXLE ROLL-OFF CHASSIS WITH HOIST

is hereby awarded to:

GABRIELLI TRUCK SALES
 3333 CONNER STREET
 BRONX, NY 10475

PRINCIPALS:

ARMANDO GABRIELLI
 AMEDEO GABRIELLI

as per their low bid quote of \$128,453.00 per unit for 2004 Mack Model RD688S with Galbreath Roll-Off Hoist, and be it further

RESOLVED, that the corrected resolution is retroactive to October 14, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (800-2003)

Co. Lasker offered and Co. Mandia seconded

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

BID #2-2004 - PHOTOCOPIER/FACSIMILE MACHINE SUPPLIES

is hereby awarded to:

CANON BUSINESS SOLUTIONS EAST
 5 DAKOTA DRIVE
 LAKE SUCCESS, NY 11042
 PRINCIPAL: A PUBLIC CORPORATION

RESOLUTION NO. (-2003) continued

ATLANTIC BUSINESS PRODUCTS
134 W. 26TH ST.
NEW YORK, NY 10001
PRINCIPAL: LARRY WEISS

DANKA OFFICE IMAGING COMPANY
11101 ROOSEVELT BLVD
ST. PETERSBURG, FL 33716
PRINCIPAL: A PUBLIC CORPORATION

NEW CITY OFFICE SUPPLIES
93 MAPLE AVE
NEW CITY, NY 10956
PRINCIPALS: GLENN MILLER
LARRY ROTH

CHARLES B. MERRILL OFFICE SUPPLIES
190 S. ROBINSON AVE
NEWBURGH, NY 12550
PRINCIPAL: JOYCE MERRILL
MARSH MERRILL

as per item/price schedule.(on file in Town Clerk's office)

On roll call the vote was as follows:

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

RESOLUTION NO. (801-2003)

Co. Maloney offered and Co. Mandia seconded

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

BID #67-2003 - SOUTH MOUNTAIN ROAD DRAINAGE EXTENSION

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

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Department of Environmental Control.

On roll call the vote was as follows:

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

RESOLUTION NO. (802-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Purchasing Department is hereby authorized to advertise for bids for:
BID #5-2004 - ATHLETIC AND RECREATION SUPPLIES

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on November 13, 2003 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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (803-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, CHONGKOL KASEMSAWAT and PRASOM SUBUDOM have requested a refund of Building Permit fee (No. 03-864) they paid in the amount of \$908.00 for premises located at 99 Western Highway, West Nyack, New York, because they have decided not to proceed with renovation due to a conflict with their architect;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, less the cost of \$180.00 for processing, in the amount of \$728.00 to CHONGKOL KASEMSAWAT and PRASOM SUBUDOM, to be charged to Account No. B 02-6-2555-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (804-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes John W. Coyle, Safety Manager and Francis Hunt, Senior Clerk to attend PERMA Regional Meeting being held in Tarrytown, New York, on November 5, 2003, and be it

FURTHER RESOLVED that the cost for travel shall be paid by the Town, and shall be charged to Account No. A 1010-404.

RESOLUTION NO. (804-2003) 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. (805-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a resident of the Town of Clarkstown has requested that a street lighting be installed to improve the safety and welfare of the community, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal, dated October 21, 2003 from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Foxwood Road (Install one (1) 5800 lumen sodium vapor street light - utility pole number 59588/39693)	West Nyack
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On roll call the vote was as follows:

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

RESOLUTION NO. (806-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, residents have advised that there is increasing truck traffic traversing through Buena Vista Road, New City, which is a residential area and not planned or mapped as a truck route; and

WHEREAS, the Town Board is concerned about the safety issues presented by such activity;

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes and directs the Superintendent of Highways to install "Four Ton Weight Limit" signs at the entrances of Buena Vista Road at the following locations:

- a) On Buena Vista Road at its intersection with New Hempstead Road, and
- b) On Buena Vista Road at its intersection with Saw Mill Road, New City

RESOLUTION NO. (806-2003) continued

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (807-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$350.00 from the SMART Sales Program,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account A 01 3 1520 1 (Smart Sales) and Budgetary Account A 3120-225 0 (Police-Computer Hardware) by \$400 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 3120-110 (Police-Salaries) and increase A 3140-111 (Police/Canine Unit- Overtime) by \$8,000 and decrease A 8730-199 (Env. Control-Vacation Buybacks) by \$4,202.16 and increase A 8730-402 (Env. Control-Rental of Equipment) by \$402.16 and A 8730-409 (Env. Control-Fees for Services) by \$3,800 and decrease A 1110-201 (Justice Ct.- Furniture & Fixtures) by \$1,000, A 1110-110 (Justice Ct-Salaries) by \$4,000 and A 1110-199 (Justice Ct-Vacation Buybacks) by \$1,000 and increase A 1110-459 (Justice Ct-EBT Hearings) by \$6,000 and decrease B 8020-320 (Planning-Master Plan Mail) and increase B 8020-423 (Planning- Association Dues) by \$235 and decrease B 8110-209 (Sewer-Other Equipment) and increase B 8110-407 (Sewer-Equipment Repairs) by \$1,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (808-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Of Clarkstown applied for public assistance with the Federal Emergency Management Agency for the 2003 Presidents Day Snowstorm (Disaster #3184) and

WHEREAS, the Town Of Clarkstown has received \$249,163.94 from the New York State Emergency Management Office (Fema) for the 2003 Presidents Day Snowstorm,

RESOLUTION NO. (808-2003) continued

NOW THEREFORE, BE IT,

RESOLVED, to increase the following Revenue Accounts:

DA 042 11 4090 0	(Highway-Fema/Federal)	\$165,536.35
DA 042 10 3091 0	(Highway-Fema/State)	\$ 27,589.39
SR 16 11 4090 0	(Sanitation-Fema/Federal)	\$ 4,714.48
SR 16 10 3091 0	(Sanitation-Fema/State)	\$ 785.75
B 02 11 4090 0	(TownOutside Village-Fema/Federal)	\$ 1,273.17
B 02 10 3091 0	(TownOutside Village-Fema/State)	\$ 212.19
A 01 11 4090 0	(General-Fema/Federal)	\$ 42,980.18
A 01 10 3091 0	(General-Fema/State)	\$ 6,072.43

AND BE IT FURTHER RESOLVED, to increase the following Budgetary Accounts:

DA 5142-111 0	(Highway-Overtime)	\$193,125.74
SR 8160-111 0	(Sanitation-Overtime)	\$ 5,500.23
B 8110-111 0	(Sewer-Overtime)	\$ 1,485.36
A 3120-111 0	(Police-Overtime)	\$ 24,639.23
A 1620-111 0	(Maintenance-Overtime)	\$ 5,523.20
A 7140-111 0	(Recreation-Overtime)	\$ 10,988.33
A 5650-409 0	(Commuter Lots-Fees for Svcs)	\$ 1,356.25
A 9000-803 0	(General Fund-Social Security)	\$ 6,545.60

On roll call the vote was as follows:

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

RESOLUTION NO. (809-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on October 24, 2003 that the position of Senior Clerk #500978 - Department of Environmental Control - can be reclassified to the position of Senior Clerk Typist - Department of Environmental Control,

Now, therefore, be it

RESOLVED, that the position of Senior Clerk #500978 is hereby reclassified to the position of Senior Clerk Typist, Department of Environmental Control, effective October 29, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (810-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on October 8, 2003 that the position of Drafter, Office of the Assessor, can be created,

Now, therefore, be it

RESOLVED, that the position of Drafter - Office of the Assessor - is hereby created - effective and retroactive to October 27, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (811-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Arlette Phillips, 42 R Main Street, Garnerville, New York - is hereby reassigned to the position of Drafter - Office of the Assessor - at the current annual salary of \$48,175., effective and retroactive to October 27, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (812-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #03237 Senior Clerk Typist (NCP/t&e) which contains the name of Angela Cleary,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission - of Angela Cleary, 19 Mein Drive, New City, New York, to the (Permanent) position of Senior Clerk Typist - Parks Board and Recreation Commission - at the current annual salary of \$42,626., effective and retroactive to October 27, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (813-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01124 Clerk Typist, which contains the name of Kristy M. Francella,

Now, therefore, be it

RESOLVED, that Kristy M. Francella, 39 Friend Street, Congers, New York, is hereby appointed to the position of Clerk Typist - Town Justice Department - at the current annual salary of \$25,941., effective and retroactive to October 27, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (814-2003)

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., Rosemary Sanfratello, 3 Cygnet Lane, Valley Cottage, New York, Paralegal Specialist I - Office of the Town Attorney - is hereby granted an extension of her Sick Leave of Absence, at one-half pay - effective and retroactive to October 15, 2003 to October 22, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (815-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Rosemary Sanfratello has requested a leave of absence, without pay, and

WHEREAS, Rosemary Sanfratello 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 Rosemary Sanfratello, 3 Cygnet Lane, Valley Cottage, New York, Paralegal Specialist I - Office of the Town Attorney - is hereby granted a leave of absence, without pay, effective and retroactive to October 22, 2003 to January 16, 2004 - and be it

RESOLUTION NO. (815-2003) continued

FURTHER RESOLVED, that consistent with prior and pending decisions of the Town Board, should Rosemary Sanfratello 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 Absent
Supervisor Holbrook Yes

RESOLUTION NO. (816-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Senator Thomas Morahan and Assemblyman Alex Gromack have advised that they have sponsored legislation which has been adopted by the Senate and Assembly, and signed into law by Governor George Pataki, to provide that the Rockland Korean Presbyterian Church may file an application for Real Property Tax Exemption for property acquired by such church on or after March 7, 2002, which, if accepted, shall be considered as having been received on or before the taxable status date of March 1, 2002 with the result that the church may, with the concurrence of the Town Assessor and approval of the Town Board, be granted exemption from real property taxation commencing on the date of acquisition of the property as though said application had been filed on or before the March 1, 2002 taxable status date, and

WHEREAS, said legislation has been adopted as Chapter 347 of the Laws of 2003;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers Chapter 347, Laws of 2003, to Cathy Conklin, Tax Assessor, for her analysis and report to the Town Board as to the fiscal implication of approving the retroactive filing of the application for tax exemption, and her recommendation with respect to any discretionary action the Town Board may take, and be it

FURTHER RESOLVED, that such report shall be provided to the Town Board on or before November 18, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (817-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

RESOLUTION NO. (817-2003) continued

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2003.

Valley Cottage Library \$3,000

On roll call the vote was as follows:

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

RESOLUTION NO. (818-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the town board workshop meeting on October 7, 2003. Mr. Steingart, Tarry Hill Drive, New City requested that the Town Board consider installing sidewalk on the north side along Phillips Hill Road, from the area of the Prime Time Learning Center to Brookline Way in New City.

WHEREAS, the town board directed that a resolution be prepared to direct the Department of Environmental Control to prepare a design for the proposed sidewalk to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to design the proposed sidewalk

On roll call the vote was as follows:

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

RESOLUTION NO. (819-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the services of a qualified engineering consultant are required in connection with density testing for the Third Street Reconstruction Project, and

WHEREAS, the Department of Environmental control has obtained a proposal from Tectonic Engineering and Surveying Consultants, P.C., to perform the required compaction testing.

NOW THEREFORE, BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain:

RESOLUTION NO. (819-2003) continued

Tectonic Engineering and Survey Consultants, P.C.
70 Pleasant Hill Road
Mountainville, New York 10953

to prepare the required report in accordance with their proposal dated October 20, 2003, and

BE IT FURTHER RESOLVED, that the cost shall be on a time and materials basis and shall not exceed \$605.00 and shall be a proper charge to account H 8736 409 0 67 6.

On roll call the vote was as follows:

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

RESOLUTION NO. (820-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Clarkstown Citizens' Advisory Committee for Open Space has recommended that the Town Board consider acquisition of premises designated on the Tax Map as 51.10-3-1, consisting of approximately 23.85 acres of land located at 230 Little Tor Road, New City, New York, reputedly owned by James and Patricia Cropsey, as part of the authorized Town of Clarkstown Open Space Acquisition Program, and

WHEREAS, the parcel is presently being used as a farm;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for an appraisal of premises referred to herein, and for the purpose of determining the purchase fee simple absolute, or in the alternative to acquire the conservation/developmental rights which would prevent development of the property but preserve same in its present state for possible continued use as a farm.

On roll call the vote was as follows:

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

RESOLUTION NO. (821-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Nanuet Community Ambulance Corps is planning to purchase and renovate the premises at 255 North Middletown Road, Nanuet, New York, to provide an enhanced ambulance storage and service facility which will be available for lease to the Nanuet Ambulance District to provide for the present and future needs of the Nanuet Ambulance District, and

RESOLUTION NO. (821-2003) continued

WHEREAS, the proposal to provide such facility has been reviewed to determine its reasonable rental value upon completion, and it has been determined that the new facility will have a reasonable rental value of \$10,000 per month provided the landlord provides all services and amenities;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a lease referred to herein on behalf of the Nanuet Ambulance District, in a form approved by the Town Attorney, for a gross rental including services and amenities not to exceed \$10,000 per month for a term not to exceed five years, said term to commence on the first of the month following the issuance of the Certificate of Occupancy for the facility completed in accordance with plans approved by the Planning Department of the Town of Clarkstown, said facility to be under exclusive control of the Nanuet Ambulance District and to be used exclusively for Nanuet Ambulance District purposes, and be it

FURTHER RESOLVED, that the premises are not expected to be ready until some time during the fiscal period 2004, at which time rental payments shall be charged to an appropriate Ambulance District Account to be determined by the Town Comptroller.

On roll call the vote was as follows:

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

RESOLUTION NO. (822-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board has sought the assistance of the Rockland County Department of Highways in the review and study of traffic conditions on New Clarkstown Road, a Rockland County highway, in the vicinity of Amber Fields Condominiums, for the purpose of investigating and recommending improvements to traffic conditions, particularly pedestrian safety, if necessary, on New Clarkstown Road in the vicinity of Amber Fields Condominiums, and

WHEREAS, the Rockland County Department of Highways has offered to cooperate in this endeavor provided a traffic consultant selected by their department is retained at Town cost to perform the necessary comprehensive traffic study, and

WHEREAS, the Town Board wishes to proceed in this matter;

NOW, THEREFORE, be it

RESOLVED, that the proposal of Adler Consulting, Transportation Planning and Traffic Engineering, PLLC, dated October 23, 2003, provided to Charles H. Vezzetti, Rockland County Superintendent of Highways, is hereby accepted on behalf of the Town of Clarkstown subject to the execution of an agreement in a form acceptable to the Town Attorney, to provide for the services outlined in said proposal, subject to inclusion in the agreement such 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

RESOLUTION NO. (822-2003) continued

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said agreement at a cost not to exceed \$9,500 in accordance with said proposal, which sum shall be charged to Account No. A 3320-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (823-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board authorized the extension of the lease for the crusher at the Solid Waste Facility until Sept 30, 2003, and

WHEREAS, the Department of Environmental has been actively investigating and evaluating various manufactures of crushers to determine the proper type for the crushing and recycling operations at the Solid Waste Facility, and

WHEREAS, the proper type of machine has been determined and will be advertised for bidding immediately, and

WHEREAS, delivery of a new crusher will require approximately sixty days after opening of the bids, and

WHEREAS, the Deputy Director of the Department of Environmental Control has sought comparable rental rates for similar machines and determined that the rental rates of \$18,000.00 per month exceed the Town's current rate of \$6,725.00 per month, and

WHEREAS, authorizing the additional three (3) month extension of the Town's current lease is in the best interest of the Town.

NOW, THEREFORE, BE IT

RESOLVED, the Supervisor is hereby authorized to extend the lease for the Hartl Crusher at the Solid Waste Facility for the current monthly rental rate of \$6,725.00 per month until December 31, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (824-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

RESOLUTION NO. (824-2003) continued

BID #66-2003 – RENTAL OF TRUCKS FOR THE HIGHWAY DEPARTMENT

is hereby awarded to the following:

1. JOSEPH MUTINSKY, GEN. CONTRACTOR
 65 NORTH GRANT AVENUE
 CONGERS, NY 10920
 PRINCIPALS: JAMES A. MUTINSKY

2. W. HARRIS & SONS, INC.
 37 WEST WASHINGTON AVENUE
 PEARL RIVER, NY 10965
 PRINCIPALS: WILLIAM H. HARRIS, JR.
 ANTOINETTE R. HARRIS

3. FRAN NEW YORK CORP.
 35 PARKER AVENUE
 NEW CITY, NY 10956
 PRINCIPALS: FRANCINE KEAHON

4. PAT NAZARRO DISPOSAL
 P.O. BOX 481
 VALLEY COTTAGE, NY 10989
 PRINCIPALS: PAT NAZARRO

to be selected on an as needed lowest cost basis by the Superintendent of Highways as per the schedule of proposed costs on file in the Purchasing Department and be it

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

- a. Certificate of Contractor's Liability, Property Damage Coverage
- b. Certificate of Automobile Liability Coverage
- c. Certificate of Worker's Compensation Insurance coverage
- d. Certificate of Worker's Disability Insurance coverage
- e. Photocopy of Motor Vehicle Registration for specific vehicle(s) being offered for rental to the Town

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 Absent
 Supervisor Holbrook Yes

RESOLUTION NO. (825-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

BID #64-2003 – SIX ROLL-OFF BOXES WITH CABLE HOOK-UP

RESOLUTION NO. (825-2003) continued

is hereby awarded to: RUDCO PRODUCTS, INC.
 140 MAPLETREE ROAD
 TOMS RIVER, NJ 08753
 PRINCIPALS: ROBERT A. RUDOLPH
 DEBORAH M. RUDOLPH

as per their low bid quote of \$2,652.00 per unit

On roll call the vote was as follows:

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

RESOLUTION NO. (826-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Mini-Trans is in need of seven (7) new buses; and

WHEREAS, the Federal Government and the County of Rockland Department of Transportation have recommended that an auditor be appointed by the Town to conduct a pre-award certification of the buses, an in-plant quality control inspection and a post delivery inspection; and

WHEREAS, three competitive proposals were considered by the Town and the lowest was that of Transit Resource Center;

NOW, THEREFORE, be it

RESOLVED, that Transit Resource Center, 5840 Red Bug Lake Road, #165, Winter Springs, FL 32708-5011, is appointed as the Town's auditor per their proposal dated October 16, 2003; and be it

FURTHER RESOLVED, that the fee for such work shall not exceed the amount of \$17,700.00 which shall be charged to Account No. H 8753-409-0-77-21.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted the Town Board Meeting was closed, time 9:15 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/28/2003

8:00 PM

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

Re: Petition for Special Permit to Conduct a Landfill Operation at Property Known as Bordas,
197 Massachusetts Avenue, Congers, Map 52.12-2-4

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open. The Town Clerk read the Notice of Public Hearing.

Supervisor read the recommendation from the Rockland County Department of Planning dated October 16, 2003 as follows:

"The Rockland County Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the Rockland County Charter, I hereby

*recommend the following modifications:

1. A review shall be done by the Palisades Interstate Park Commission and any comments addressed.
2. A 20-foot buffer shall be maintained along all Park property. This buffer shall remain undisturbed by construction vehicles in order to protect the root systems of trees on the Park property."

Signed by: James Cymore, Commissioner of Planning

Supervisor asked John Costa, Town Attorney if a recommendation from the Town Planning Department has been received. Mr. Costa said all of the proper referrals were made including a referral to the Palisades Interstate Park Commission. He said there is an Affidavit of Mailing and a Notice of Publication dated October 13, 2003 on file.

Mr. Costa read correspondence from the Rockland County Highway Department dated October 17, 2003 addressed to the Clarkstown Planning Board as follows:

"We have reviewed the information provided for the above project and offer the following comments:

1. The above-mentioned project would have no adverse effects upon county roads in the area.
2. Overweight and/or oversized vehicles utilizing county roads will require a Rockland County Highway Department Special Hauling Permit. Vehicles in excess of 80,000 pounds or greater then 13ftn 6in height or 8 ft. in width will have to contact our department to obtain a permit.
3. It should be noted that the section of Ridge Road in Congers and Valley Cottage proximal to this parcel is not within the County Highway Road System."

Signed by: Joseph Arena, Senior Engineering Technician

Supervisor read the recommendation from the Clarkstown Department of Environmental Control dated October 28, 2003 as follows:

"We have reviewed the special permit application and the information supplied, and the following are our comments:

1. The backyard is already filled in an average length of 150 feet to the rear of the property from 9 to 4 ½ feet in depth. An area approximately 9 feet wide along the southerly property line of 193 Massachusetts Avenue has been unaltered. We will need formal certification of the source of the material from the owner of his contractor.

2. Applicant should provide the Town Board with the additional quantity of fill material they are planning to bring to the site for the B's consideration. The owner should provide the source of material coming to the site.
3. If the source of the material, which is already on site and which is to be brought to the site in the future is unknown to this department, it should be tested for any possible contamination. If the material is unacceptable to this department, it should be disposed of at an acceptable facility.
4. The proposed retaining wall should be constructed a minimum of 5 feet from the property line to allow the maintenance of the existing drainage and avoid any impacts on adjacent properties. The construction of the wall should be inspected by a professional engineer and a final certification should be provided to this office.
5. A silt fence should be installed prior to the installation of any additional fill material, and it should be maintained until the site is stabilized.
6. The fill area should be compacted, graded, top soiled and seeded.
7. We recommend \$3,500 be held in escrow to guarantee the restoration of the disturbed area."

Signed by: K. Luke Kalarickal, P.E., Director of Environmental Control

Supervisor asked the applicant to come forward to make his presentation.

Appearance: Chris Wohl
 Congers – Father of Christine Bordas

He distributed a handout to the Town Board showing the plan and described the property and the portion where the fill is requested to be. He said they currently have \$55,000 in escrow with the Town and doesn't see a need to deposit any more money. He gave assurance that this project is safe.

Supervisor asked Mr. Wohl who the engineer is to which Mr. Wohl replied that it is Michael Tesik. He said the engineer is supervising the project.

Supervisor opened the meeting for public comment.

Appearance: Barry Krinski
 2 Connecticut Court
 Valley Cottage

He asked if the trucks coming in to deliver the material will be using the Massachusetts Avenue side of the property. He said it is a single lane and many children play there which may cause a problem.

Appearance: Steven Levine
 193 Massachusetts Avenue
 Congers

He lives adjacent to the property and said that this work is already done and this proceeding is to legalize it. He said he and his neighbors have complained and the Town has not taken action. He said his property is most directly affected by this.

Mr. Levine presented photographs to the Town Board showing the Massachusetts Avenue frontage of the property. He pointed out a raised driveway pointing to his property, two (2) large depressions in the property, and a large depression close to the new house that also directs water to his property. The photos also show the garage area where there is another depression and where fill has already been brought in. He said this also directs water to his property. Another photo shows where his fence has been knocked down and debris such as pipes on an encroachment onto his property. He presented additional photos showing drainage and encroachments onto his property.

Mr. Levine read the following into the record and distributed copies to the Town Board and the Town Clerk:

PH: Petition for Special Permit to Conduct a Landfill Operation at Property Known as Bordas, 197 Massachusetts Avenue, Congers, Map 52.12-2-4 10/28/03 Page 3

"I am strongly opposed the granting of this request for a special permit to conduct a landfill operation.

First and foremost: the applicant is not proposing to do the work the applicant has all ready substantially filled in the land without any permit. The applicant was well aware that he was required to obtain a permit as evidenced by his request to the Town Department of Environmental Control for a permit dated April 21, 2003, yet he continued to bring in truckload after truckload of fill.

The plans prepared by the applicant's engineer Mr. Tesik do not reflect any of the existing conditions illegally created by the applicant. There is not enough information on these 'plans' for anyone to evaluate exactly what are the existing conditions, where is the water being directed, how the earth will be restrained. There is no basic information as to what is being proposed, contour lines, nor the minimal amount of information required by the Town Department of Environmental Control Standards for a site plan. In fact the application indicates that the vertical height above existing grade at the rear of the property shall be 3 feet. The plans indicate a height of 5 feet and what was actually filled is between 4.5-6.0 feet.

The plans do not indicate that the applicant has created a dramatic slope of the land from his West lot line shared by Stone Heritage Landscaping to our shared East lot line directing the water towards my property.

The plans indicate that a single run of boulders shall be placed along our shared property line to a distance of 50 feet from the rear property line towards the street. The proposed elevation shall be 3-5 feet higher than my property. The boulders will not stop the water from rapidly washing down from this steep slope. The boulders will not keep the soil from washing down with the water. There is no provision to stop the boulders and soil it is restraining from rolling on to my property.

The plans indicate that at a distance of 50-75 feet from the rear property line towards the street along our shared property line the new grade will be 2 feet higher than mine with no provisions to restrain the fill.

The plan does not indicate that the grade has been changed from the house towards the street and that this has created an elevated driveway along our shared property line. The elevated driveway is currently 1'-6" above my grade at the house and is proposed to be 3'-5' above my grade with no provisions to restrain the fill and directs the runoff water on the my property.

I believe that most residents of Rockland county acknowledge that we have drainage problems in Rockland. These types of dramatic changes in the existing topography will worsen the situation for all County residents and the most affected are the adjacent properties.

This dumping operation on the two adjacent properties was performed over a 10-12 month period of time with trucks that had no names on the cabs dumping in the back of the property. Many neighbors and I complained to the Town about this operation yet no violations, tickets or summons have been issued to the property owners. Despite our complaints the applicant continued to bring in more and more fill mostly on the weekends and after 5 in the evening.

I am concerned as to what is in the fill, where does it come from and does it contain toxic and hazardous materials. I am requesting once again that the Town retain an independent testing laboratory to test what has been brought on to the site and verify what is in the soil before any possible consideration of this request.

I remind the Board this is the exact same situation as the unresolved Goldberg case where the entire landfill operation was carried out with out any permits. That fill contains toxic and hazardous material. The Goldberg filling incident was over four years ago and the site still has not been cleaned up placing all neighbors at a health risk.

Mr. Goldberg attempted to legalize what he had done and tried to obtain a special permit from the Board. He and his attorney assured the Town that he had certifications and that the fill material was quite good and safe.

The testing laboratory revealed that the fill contained large amounts of extremely hazardous and toxic chemicals.

The issue of why the applicants need to fill in the land was stated in their application as '...make a safer area for children to play...' This is the same reason stated by Mr. Goldberg as to why he illegally filled in his land except it was for his grandchildren to play. The existing grade before

the filling operation had a gentle and natural slope toward the rear of the property. There was a natural and safe area for the children to play. The applicant has filled in approximately 4.5'-6.0' in height above the existing grade at the rear of the property and created a vertical wall. The applicant has created an unsafe condition for the children to play.

The issue of a landfill in a residential zone can best be summed up by the applicant's father-in-law, Mr. Chris Wohl.

During a recent Town Board Workshop meeting this summer Mr. Wohl's immediate neighbor I believe his name was Mr. Perez approached the Town Board to discuss the requirements for bringing in fill and explained his reasons the filling in his rear yard. Mr. Perez stated that his new home was built in wetlands and that the ground is sloped, swampy, muddy and he is unable to use his backyard. Thus he wanted to fill in the land.

Mr. Wohl and another neighbor stated that they were strongly opposed to the granting of this landfill request. Mr. Wohl stated that his house is currently flooded since the town allowed Mr. Perez's house to be built. Mr. Wohl stated that when the builder of the house applied to the town Board to build the home there was a public hearing because the site required Town Board approval for access.

Mr. Wohl stated that at the hearing he told the Town they should never allow houses to be built in the wetlands and that he had no faith in the town DEC insuring that this property would not be flooded out.

Mr. Wohl stated at the workshop that he has experienced severe flooding problems in his cellar since the new home was built and that any landfill operations would create even worse flooding for him. He indicated that if they allow this landfill, that he after three generations in Congers would be forced to move out. Mr. Wohl implored the Town to deny his request and not to grant any landfill operations in any residential zones because it negatively affects adjacent homeowners.

I concur with what Mr. Wohl has indicated and implore the Town not to allow fill operations in residential zones.

I have a well on my property along this shared lot line. I am concerned about what is in this fill and I believe the Town should have it tested. I have a retaining wall approximately 3'-4' away from this shared lot line. After Mr. Bordas sells his home I will be the one who will have my topsoil being washed to the bottom of my property. I will be the one who will have my retaining walls washed out and collapse due to the soil erosion. I am the one who will have unrestrained soil, rocks, debris, boulders and whatever else is in this landfill washed on to my property. My family and I are the ones who may have health related problems if any toxic or hazardous chemical are found in the soil. My property and family will affect in a negative way by this landfill operation.

I do not believe the applicant should be rewarded for his illegal activities at the expense of my family and my neighbors. He will be long gone and we will still be here.

Thus for the above stated reasons I strongly object to and implore the Town Board to deny this request in its entirety and immediately commence testing of the fill."

Signed by: Steven Levine

Co. Mandia asked Mr. Levine and Mr. Wohl to look at each other's photographs for accuracy. Mr. Levine said that while he cannot trespass onto the Bordas property, the photographs appear to match.

Appearance: Maria Jansen
 Congers

She said the topography of the land should not be changed. She said there are no accurate drawings to show exactly what will be brought in and asked who is going to police what is going to be brought in. She also questioned Stone Heritage bringing in fill and if he had also brought in fill for the Bordas'. She said a swale would be helpful in redirecting the drainage away from her property, but there doesn't seem to be a large enough buffer space to have a swale.

She suggested the Town should test the fill.

PH: Petition for Special Permit to Conduct a Landfill Operation at Property Known as Bordas, 197 Massachusetts Avenue, Congers, Map 52.12-2-4 10/28/03 Page 5

Appearance: Nancy Gronwoldt
4 Pennsylvania Avenue
Congers

She lives 500 or 600 feet away from the property and said that there are large trucks and equipment frequently traveling to the property. She said she has small children who play in the area and she is concerned about their safety. She also is concerned about the effect on the drinking water.

Co. Mandia asked Mr. Wohl to comment on the photographs.

Appearance: Mr. Chris Wohl

He looked at pictures and said that fill came from back of the house. He said only 10 or 12 truck loads of fill to complete the project. In regard to the water, the property in the back of the house slopes down 23 ft. He said the Bordas' have done everything in compliance with Town Code.

Mr. Costa asked Mr. Wohl if he would commit the applicant to provide formal certification specifying the quantity and source of the material already placed as well as any additional material that would be brought to the site. Mr. Wohl said in response that he has kept a log of the fill that has come onto the property. Mr. Costa also asked Mr. Wohl if the applicant would provide testing of the material already on the site at their expense sufficient and satisfactory to the Town's Department of Environmental Control. Mr. Costa then asked that if the material is unacceptable, would the applicant be willing to remove it from the site. Mr. Wohl replied that they absolutely would.

Mr. Costa said that it was also recommended the construction of the wall be inspected by a professional engineer and the applicant provide final certification to the Town's Department of Environmental Control. Would the applicant agree to do so and absorb the cost. Mr. Wohl replied that they would. Mr. Wohl said that an engineer has already been retained and has been out the site.

Mr. Costa asked Mr. Wohl if he disagreed with anything in the correspondence to the Town Board from the Department of Environmental Control or any of the other agencies. Mr. Wohl replied that he does not disagree.

Supervisor said the Town Board will take a look at the record and asked the Town Attorney to develop some Findings of Fact which will then be presented to the Town Board at the next meeting. Mr. Costa said that statutory Findings of Fact is needed before the Town Board can act. Mr. Costa said the SEQRA report is also needed from the Department of Environmental Control which is not part of the record and held in abeyance pending the information presented tonight.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing was CLOSED and RESERVED at 8:55 PM.

Sincerely,


Patricia Sheridan
Town Clerk