

**TOWN OF CLARKSTOWN
TOWN BOARD MEETING**

Town Hall

02/24/2004

8:00 P.M.

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

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

On motion of Co. Mandia seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Extension of the Clarkstown Consolidated Water Supply Dist. #1 to include the areas of Almuth Drive, Meyer Lane and Linden Court, New City was opened, time: 8:01 pm

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Extension of the Clarkstown Consolidated Water Supply Dist. #1 to include the areas of Almuth Drive, Meyer Lane and Linden Court, New City was closed, time: 8:10 pm

On motion of Co. Lasker seconded by Co. Maloney and unanimously adopted, the public hearing re: Extension of term of Deed of Conservation Easement was opened, time: 8:12 pm

On motion of Co. Mandia seconded by Co. Lasker and unanimously adopted, the public hearing re: Extension of term of Deed of Conservation Easement was closed, time: 8:45 pm.

Supervisor opened the public portion of the meeting.

Appearance: George Rumelt
New City

Regarding item #8, creating a position for Spanish-speaking Computer-Aided Dispatch, inquired as to what the position paid and said it was discriminatory and provided no incentive to speak English. Referred to the problem created in Canada with 2 languages and stated that throughout Europe you have to speak the language of the country.

Appearance: Martin Bernstein
New City

Regarding item #2, Community Development Funding, he asked whether this listed the projects for community development. Regarding item #10, he inquired as to what the costs to move the counseling center were and what was the total cost involved. Regarding item #16, tax certiorari settlement, he inquired as to what property was involved. Regarding item #17, property appraisal, he inquired as to what property was referred to and why the Town wanted an appraisal on it. Regarding item #18, property purchase for open space, he inquired what's the amount of acreage and if it was zoned R-160. He also inquired about the appraisal that was done on Dellwood Country Club and asked if the property could be subdivided by the vacant land.

Appearance: John Lodico
New City

Why did we take the easement from United Water when that is already open space, just like Dellwood Country Club. Inquired about the Hackensack River Waterway.

Appearance: Richard Diaz
Congers

Spoke regarding the Congers Overlay District. Said it had been referred back to the Planning Board and thought there would be another meeting. He inquired as to why it was on the agenda as an add on.

RESOLUTION NO. (177-2004)

Co. Mandia offered and Co. Nowicki seconded

RESOLVED, that the Town Board Minutes of February 10, 2004 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 Nowicki. Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (178-2004)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown wishes to request that the Rockland County Consortium consider several projects and two organizations for Community Development Block Grant Funding, and

WHEREAS, a public hearing was duly held as required by Federal regulations on January 27, 2004 at 8:00 p.m. in the auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and

WHEREAS, the Town Board of the Town of Clarkstown supports each of these projects and organizations in their requests for funding,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the Rockland County Consortium consider Community Development Block Grant Funding for the following items, listed in priority order:

RESOLUTION NO. (178-2004) continued

1. Town of Clarkstown – Proposed Road Improvement Districts for:
 - a) South Grant Avenue, Congers
 - b) Dustman Lane, Bardonia
 - c) West Street, West Nyack
2. Town of Clarkstown – Lawrence Street, Nanuet, Sidewalk Construction and Drainage Improvement Project, Vicinity of New Jersey Transit Railroad Tracks
3. Town of Clarkstown – Waldron Avenue and Depew Avenue, Central Nyack, Sidewalk Construction and Drainage Improvement Project, Vicinity of Central Nyack Community Center
4. Camp Venture, Inc. - Purchase of a van with wheelchair conversion to transport Venture Academy Day Program participants
5. Literacy Volunteers of Rockland County – Funding to Continue Adult Literacy and English as a Second Language Programs.

On roll call the vote was as follows:

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

RESOLUTION NO. (179-2004)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways has requested that the cost of a drainage project completed at Old Phillips Hill Road, New City, be determined to be a capital improvement, and

WHEREAS, Old Phillips Hill Road, New City, was in such disrepair that it required reconstruction and installation of new piping, milling, catch basins, and resurfacing, so that the project may be considered a capital project, and

WHEREAS, the Superintendent of Highways has incurred costs as follows:

Old Phillips Hill Road – installed 140 linear feet of pipe with 3 new catch basins.

Paving:	951 tons @ \$59.45	\$ 56,536.95
Risers:	3 risers @ \$187.00	561.00
Mason Raise:	19 mason raise @ \$412.00	7,828.00
Pipe:	140 linear feet @ \$9.45	1,323.00
New Catch Basins:	3 units @ \$450.00	1,350.00
Milling:	1,612 sq. yds. @ \$3.60/sq. yd.	<u>5,803.20</u>
		\$ 73,402.15

and

RESOLUTION NO. (179-2004) continued

WHEREAS, the work was completed utilizing the Clarkstown Highway Department forces, materials from the following bids NYS Bid 02866 Corrugated Polyethylene Pipe and Underdrain Tubing, Bid #380-2004 Roadway Resurfacing, and Clarkstown Highway Department yard inventory from Bid #43-2002;

NOW THEREFORE, be it

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways is hereby authorized to charge these costs to a capital account, and be it

FURTHER RESOLVED, that the cost of \$73,402.15 is hereby determined to be a proper charge to capital account # H 8753-409-0-77-37.

On roll call the vote was as follows:

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

RESOLUTION NO. (180-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, The Hudson River Valley Greenway requests the participation of the Town of Clarkstown in its first annual Greenway Visions in Planning Award. The 2004 V.I.P. award is for those 201 communities who have joined the Hudson River Valley Greenway, and who may have completed a project that personified excellence in innovative planning, and

WHEREAS, the Town Board wishes to participate and shall submit an application for the "2004 Visions in Planning Award";

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby supports an application for the "2004 Visions in Planning Award" and authorizes the Supervisor to complete an application on behalf the Town of Clarkstown, and be it

FURTHER RESOLVED, that this Resolution is retroactive to February 13, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (181-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt a segment of various town roads for a period of two (2) years, beginning March 1, 2004 to March 1, 2006, as follows:

Sponsor: Norris Cadillac-Oldsmobile-Pontiac-GMC
32 Route 304, Nanuet New York 10954

Roads: .5 mile segment of Old Nyack Turnpike between
Pascack Road and Route 59, and

.9 mile segment of Grandview Avenue between
Convent Road and Route 59, Nanuet, New York

and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the Norris Cadillac-Oldsmobile-Pontiac-GMC organization will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning March 1, 2004 to March 1, 2006, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by the Norris Cadillac-Oldsmobile-Pontiac-GMC organization, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (182-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Department of Recreation and Parks and the Deputy Town Attorney, Purchasing, that

BID #9-2004 – Repair and Resurfacing of Tennis and Handball Courts –
Congers Lake Memorial Park, Congers, NY

RESOLUTION NO.(182-2004) continued

Is hereby awarded to:

Copeland Coating Co. Inc.
3600 Route 20
P.O. Box 595
Nassau, NY 12123

Principal(s): John Copeland (93%) Steve Hinding (7%)

As per their low bid proposal of \$22,445 and be it

FURTHER RESOLVED, that said award is subject to Copeland Coating Co. Inc. meeting the conditions in the bid specifications including, but not limited to, the execution of two sets of contract documents and the delivery of a performance bond and labor and material payment bond as set forth in the specifications.

On roll call the vote was as follows:

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

RESOLUTION NO. (183-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Department of Environmental Control and the Deputy Town Attorney, Purchasing, that

BID #13-2004 – Miscellaneous Minor Sewer Improvements

Is hereby awarded to:

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, NY 10994

Principal(s): Carl Wortendyke, Martin Wortendyke, Peter Wortendyke

As per their low bid proposal of \$11,110 and be it

FURTHER RESOLVED, that said award is subject to Cal Mart Enterprises Inc. meeting the conditions in the bid specifications including, but not limited to, the execution of five sets of contract documents, the delivery of a performance bond and labor and material payment bond as set forth in the specifications, and the delivery of satisfactory proof of insurance coverage as required by the Insurance & Claims Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (184-2004)

Co. Maloney offered and Co. Lasker seconded

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

BID #14-2004 – HIGHWAY SIGNING & ROAD MAINTENANCE SUPPLIES

Bids to be returnable to 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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (185-2004)

Co. Maloney offered and Co. Lasker seconded

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

BID #17-2004 – HAND TOOLS & MISCELLANEOUS MAINTENANCE SUPPLIES

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 Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (186-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Town Board Resolution #95-2004 appointing Frank J. Maresca, 27 Park Avenue, Congers, New York, to the position of (Provisional) Custodian I, Parks Board and Recreation Commission, is hereby amended to reflect the corrected annual salary of \$30,669., effective and retroactive to January 5, 2004.

RESOLUTION NO. (186-2004) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (187-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on February 4, 2004 that the position of Police Radio Dispatcher (Computer-Aided Dispatch) (Spanish-Speaking) – Police Department – can be created,

Now, therefore, be it

RESOLVED, that the position of Police Radio Dispatcher (Computer-Aided Dispatch) (Spanish-Speaking) – Police Department – is hereby created – effective February 25, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (188-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Roberto Zayas, 37 Wargo Court, West Haverstraw, New York , being reinstated (resigning from the Village of Spring Valley Police Dept.) to the position of Police Radio Dispatcher (Computer-Aided Dispatch) (Spanish-Speaking) – Police Department – at the current 2004 annual salary of \$43,416., effective March 15, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (189-2004)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on November 24, 2003 that the position of Storekeeper #0650 – Parks Board and Recreation Commission can be reclassified to the position of Senior Storekeeper Parks Board and Recreation Commission,

NOW, THEREFORE, BE IT

RESOLVED, that the position of Storekeeper #0650 is hereby reclassified to the position of Senior Storekeeper, Parks Board and Recreation Commission, effective and retroactive to January 26, 2004, and be it

FURTHER RESOLVED, that the grade for the position of Senior Storekeeper – Parks Board and Recreation Commission is hereby established at a Grade 22.

On roll call the vote was as follows:

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

RESOLUTION NO. (190-2004)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of John P. Macrino, 6 Lake View Court, Congers, New York, to the position of (Provisional) Senior Storekeeper – Parks Board and Recreation Commission – at the current annual salary of \$46,292., effective and retroactive to January 26, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (191-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an existing stream embankment located within a town drainage easement on the premises of 22 Denver Drive has eroded and is creating an unstable channel in that area; and

WHEREAS, the Department of Environmental Control investigated and prepared a plan for the repair of the eroded stream bank; and

RESOLUTION NO. (191-2004) continued

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to perform said improvements in accordance with the plan; and

WHEREAS, four contractors provided proposals in response to said solicitation, and after review by Department of Environmental Control staff, it was found that the lowest responsible proposal was by Daniel Cusack, Inc. for the amount of \$7,300.00; and

WHEREAS, the Director of the Department of Environmental Control recommends that the work be awarded to Daniel Cusack, Inc., 16 Homestead Lane, New City, New York 10956 for their low proposal of \$7,300.00; and

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of Daniel Cusack, Inc. to perform this work for an amount not to exceed \$7,300.00; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this amount shall be a proper charge to account H 8754-409-0-78-1

On roll call the vote was as follows:

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

RESOLUTION NO. (192-2004)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes payment to Valuation Plus, Inc., for the preparation of an updated appraisal of Town property located at 3 East Evergreen Road, New City, New York, in the amount of \$1,500.00, which shall be charged to Account No. A 1420-409, and be it

FURTHER RESOLVED, that this Resolution is retroactive to February 13, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (193-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes payment to Valuation Plus, Inc., for the preparation of an updated appraisal of Town property located at Burts Road, Congers, New York, in the amount of \$1,250.00, which shall be charged to Account No. A 1420-409, and be it

RESOLUTION NO. (193-2004) continued

FURTHER RESOLVED, that this Resolution is retroactive to December 8, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (194-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, by Resolution No.1059, adopted by the Town Board on December 17, 2002, the Supervisor was authorized to enter into an agreement with Optio Software, Inc., and

WHEREAS, following the execution of the agreement the Police Department determined not to proceed with the purchase of the software and so advised the vendor, and

WHEREAS, the Town Attorney and Optio Software, Inc. have discussed settlement of this matter by general release of the Town of Clarkstown by Optio Software, Inc. upon payment of the amount of \$1,000.00, which settlement is recommended by the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes settlement and payment of \$1,000.00 to Optio Software, Inc. subject to receipt of a general release from the vendor from any liability for the cancelled software contract, which fee shall be charged to Account No. A 3120-226.

On roll call the vote was as follows:

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

RESOLUTION NO. (195-2004)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, St. John's Episcopal Church, 365 Strawtown Road, New City, New York, has served as a polling place for the Town of Clarkstown, and the Town Board wishes to continue said use, and

WHEREAS, St. John's Episcopal Church has made certain access and parking improvements which will improve voter access during polling times and a request has been made for reimbursement of inspection fees paid to the Town with respect to the project in recognition that the subject facility is not legally obligated to serve as a polling place for regular, special and general elections by the Town, and

RESOLUTION NO. (195-2004) continued

WHEREAS, the Town is authorized to expend funds to assure that adequate facilities are available to be used as a polling place;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with St. John's Episcopal Church, in a form approved by the Town Attorney, to provide premises for use as a polling place for the Town for all regular, special and general elections for a term of not less than six (6) years commencing on January 1, 2004, and be it

FURTHER RESOLVED, that the Town agrees to compensate St. John's Episcopal Church for allowing use of its facilities for all scheduled regular, special and general elections by reimbursement of the sum of \$9,193.00 which was paid as an inspection fee for its access and parking area reconstruction project, payable upon execution of said agreement, and be it

FURTHER RESOLVED, that the fees referred to above shall be charged to Account No. A 1450-401-0

On roll call the vote was as follows:

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

RESOLUTION NO. (196-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, Letter of Credit No. 500047954, in the amount of \$195,000.00, issued by the Bank of New York, for the applicant Lorencin Contracting Corp., is no longer required as all the work under the bid has been completed, and the Letter of Credit may be released.

On roll call the vote was as follows:

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

RESOLUTION NO. (197-2004)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of K. Luke Kalarickal, Director of the Department of Environmental Control, the Town Board hereby authorizes payment of \$38,144.67 in full satisfaction of contract work undertaken by Weston Solutions, Inc. for the Town of Clarkstown Sanitary Landfill Capping Project, and be it

RESOLUTION NO. (197-2004) continued

FURTHER RESOLVED, that the fee shall be charged to Account SR 8160-409-0.

On roll call the vote was as follows:

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

RESOLUTION NO. (198-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, GIBRALTAR MANAGEMENT COMPANY, INC. v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, Index No(s). 4148/00, 4127/01, 4855/02 and 4689/03, affecting parcel(s) designated as Map 52.19, Block 1, Lots 9, 9.1, 9.1/1 and 9.2, (formerly known as 123-D-4.1, 4.2, 4.2//1 and 4.3) and more commonly known as Route 303, Valley Cottage, New York for the year(s) 2000/01, 2001/02, 2002/03 and 2003/04, and

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

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.19, Block 1, Lot 9 be reduced for the year(s) 2000/01 from \$1,116,600 to \$893,000 at a cost to the Town of \$3,228.55; for the year(s) 2001/02 from \$1,116,600 to \$841,700 at a cost to the Town of \$3,967.98; for the year(s) 2002/03 from \$1,116,600 to \$836,400 at a cost to the Town of \$4,083.89; and for the year(s) 2003/04 from \$1,116,600 to \$729,300 at a cost to the Town of \$5,803.18;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.19, Block 1, Lot 9.1 be reduced for the year(s) 2000/01 from \$187,000 to \$167,400 at a cost to the Town of \$283.00; for the year(s) 2001/02 from \$187,000 to \$157,800 at a cost to the Town of \$421.48; for the year(s) 2002/03 from \$187,000 to \$156,800 at a cost to the Town of \$440.16; and for the year(s) 2003/04 from \$187,000 to \$136,800 at a cost to the Town of \$752.18;

RESOLUTION NO. (198-2004) continued

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.19, Block 1, Lot 9.1/1 be reduced for the year(s) 2000/01 from \$1,813,000 to \$1,730,100 at a cost to the Town of \$1,196.99; for the year(s) 2001/02 from \$1,813,000 to \$1,630,700 at a cost to the Town of \$2,631.36; for the year(s) 2002/03 from \$1,813,000 to \$1,620,500 at a cost to the Town of \$2,805.67; and for the year(s) 2003/04 from \$1,813,000 to \$1,413,100 at a cost to the Town of \$5,991.98;

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 52.19, Block 1, Lot 9.2 shall remain unchanged for the year(s) 2000/01, 2001/02, 2002/03 and 2003/04;

5. Reimbursement for the year(s) 2000/01, 2001/02, 2002/03 and 2003/04 on the parcels described as Map 52.19, Block 1, Lots 9, 9.1, 9.1/1 and 9.2, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (199-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown wishes to consider acquisition of certain premises in the Hamlet of Congers, New York, designated on the Clarkstown Tax Map as 52.7-2-57, consisting of approximately .27 acres, and located at 2 Gilcrest Road, Congers, New York, adjacent to Congers Lake Memorial Park, reputedly owned by Thomas E. Walsh III;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals from qualified appraisers for the purpose of determining the current market value of a fee simple absolute interest, or as otherwise directed, and the Town Attorney is hereby authorized to accept on behalf of the Town the lowest proposal which shall meet all the appraisal proposal criteria.

RESOLUTION NO. (199-2004) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (200-2004)

Co. Mandia offered and Co. Nowicki seconded

WHEREAS, by Referendum held on November 7, 2000, residents of the Town of Clarkstown authorized the issuance of \$22 Million in municipal bonds for the purpose of financing the acquisition of Open Space within the Town of Clarkstown, and

WHEREAS, Martha MacGuffie has offered for sale, to the Town of Clarkstown, property known as Tax Map 34.8-1-7.2 which consists of approximately 10.54 acres of land, and Tax Map 34.8-1-7.33 which consists of approximately 11.85 acres of land, to be included in the Town of Clarkstown Open Space Protection Initiative, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to enter into a contract, in a form approved by the Town Attorney, to obtain the subject property as Open Space for a price not to exceed \$905,000.00, plus the customary and necessary closing expenses and adjustments, 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 Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that all expenses pursuant to this Resolution shall be charged to H 8750-409-0-74-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (201-2004)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Town Attorney Purchasing Department and Superintendent of Parks and Recreation that

RESOLUTION NO. (201-2004) continued

**BID #11-2004 – FOOD PROVISIONS FOR TOWN OPERATED
SUMMER REFRESHMENT STANDS**

is hereby awarded to:

**U.S. FOODSERVICE – KEARNY DIV.
849 NEWARK TURNPIKE
KEARNY, NJ 07032
PRINCIPALS: A PUBLIC CORPORATION**

**COUNTRY COFFEE PAPER & SUPPLY
6 EAST DEXTER PLAZA
PEARL RIVER, NY 10965
PRINCIPALS: THOMAS J. CARECCIA
LORI VAIL**

**COOKIES AND MORE, INC.
165 PRICE PARKWAY
FARMINGDALE, NY 11735
PRINCIPALS: MARK V. ABRUSCATO
JANICH TRUST**

**MULLER DAIRIES
P.O. BOX 456
FLORIDA, NY 10924
PRINCIPALS: WILLIAM J. MULLER**

**FREIHOFFER SALES CO, INC
1238 ALBANY STREET
SCHENECTADY, NY 12304
PRINCIPALS: A PUBLIC CORPORATION**

as per the attached price/item list, and be it

FURTHER RESOLVED, that said award is subject to the successful bidders meeting the conditions in the bid specifications including, but not limited to the delivery of Bid Security where required.

On roll call the vote was as follows:

**Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Nowicki. Yes
Supervisor Holbrook Yes**

RESOLUTION NO. (202-2004)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution #860-2003 awarded bid #67-2003; South Mountain Road Drainage Extension to Cal Mart Enterprises, Inc.; and

WHEREAS, unforeseen field conditions require additional materials and labor to alleviate an existing adverse drainage condition in the vicinity of the project; and

WHEREAS, one (1) change order on contract has been reviewed and found acceptable by the Department of Environmental Control as Follows:

C.O. #1: Additional +/- 25' of 15" HDPE perforated pipe to replace existing crossing @ west end of project; installation of 2'x 2' pre-cast catch basin on north side of South Mountain Road; Additional 3/4" stone backfill material over pipe to Bottom of asphalt	\$6,886.00
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NOW, THEREFORE, BE IT RESOLVED that the allowance for this project be increased from the original bid amount of \$59,595.00 to \$66,481.00 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account #H-8753-409-0-77-34

On roll call the vote was as follows:

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

RESOLUTION NO. (203-2004)

Co. Maloney offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Deputy Director Environmental Control and the Deputy Town Attorney – Purchasing that

BID #29-2003 – SOLID WASTE FACILITY – FUEL TANK REPLACEMENTS

Including “Add Alternate A” is hereby awarded as follows:

AMERICAN PETROLEUM EQUIPMENT & CONSTRUCTION CO., INC.
366 AVENUE OF THE AMERICAS
NEW WINDSOR, NY 12553

PRINCIPALS: ANTHONY RIZZI, DANIEL CARPENTER, JAMES DOLLAWAY, GERALD MORSE.

RESOLUTION NO. (203-2004) continued

as per their low bid quote of \$38,950.00 for the Fuel Tank Replacements and \$185.00 per cubic yard for removal and disposal of contaminated soil; and be it

FURTHER RESOLVED, that said award shall be conditioned upon meeting all of the requirements in the bid specifications, including, but not limited to, the execution of five (5) sets of contract documents and the delivery of a Labor and Materials Performance Bond.

On roll call the vote was as follows:

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

RESOLUTION NO. (204-2004)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown, County duly caused the Director of the Department of Environmental Control of the Town of Clarkstown to supervise the preparation of map, plan and report for providing the facilities, improvements or services in a portion of the Town of Clarkstown, wherein it was proposed to extend the Clarkstown Consolidated Water Supply District No. 1, and

WHEREAS, said map, plan and report were filed in the Office of the Town Clerk of the Town of Clarkstown, the said Town Board did, on February 10, 2004, duly adopt an Order setting forth a listing of all the properties to be included in the proposed extension to said Water Supply District, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same be filed in the Town Clerk's Office for public inspection, and specifying that said Town Board shall meet at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on February 24, 2004, at 8:00 p.m., for the purpose of conducting a public hearing on such proposal to extend the Clarkstown Consolidated Water Supply District No. 1, with the specified improvements, and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and hear all persons interested in the subject thereof, who appeared at such time and place concerning same, and

WHEREAS, evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, that it be and hereby is determined as follows:

RESOLUTION NO. (204-2004) continued

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed extension of the Clarkstown Consolidated Water Supply District No. 1 are benefited thereby.
3. That all of the property owners in the existing water supply district would be benefited by the improved fire safety and other public health benefits of the proposed extension of said water supply district.
4. That all of the property and property owners benefited are within the proposed extension of the Clarkstown Consolidated Water Supply District No. 1.
5. That it is in the public interest to establish the proposed water extension as hereinafter described,

and be it

FURTHER RESOLVED, that the Town Board does hereby approve the extension of the Clarkstown Consolidated Water Supply District No. 1, to include the area of ALMUTH DRIVE, MEYER LANE and LINDEN COURT, New City New York, as necessary to include all of the properties listed in Schedule "A" appended hereto, and be it

FURTHER RESOLVED, that the proposed improvements, including the cost of any rights-of-way, constructions costs, legal fees and other expenses shall be financed by taxation upon all the properties within the extended Clarkstown Consolidated Water Supply District No. 1, and be it

FURTHER RESOLVED, that this Resolution is subject to Permissive Referendum in the manner provide in Article Seven of the Town Law and Subdivision 3 of Section 209-3 of the Town Law.

SCHEDULE "A"

TAX MAP	ADDRESS	OWNER
New City, New York		
34.15-2-8	26 Linden Court	Greenblatt
34.15-2-9	28 Linden Court	See
34.15-2-10	30 Linden Court	Robins
34.15-2-11	32 Linden Court	Doyle
34.15-2-12	34 Linden Court	Berzon
34.15-2-13	36 Linden Court	Jacobs
34.15-2-14	11 Almuth Drive	Steckler
34.15-2-15	31 Linden Court	Melian
34.15-2-16	29 Linden Court	Grossbarth
34.15-2-17	27 Linden Court	Glum
34.15-2-18	25 Linden Court	Weishaus
34.15-2-19	23 Linden Court	Rivera
34.15-2-20	21 Linden Court	McGrath
34.15-2-21	11 Linden Court	Morgese
34.15-2-22	9 Linden Court	Reynolds

RESOLUTION NO. (204-2004) continued

34.15-2-23	7 Linden Court	DiPasquale
34.15-2-24	5 Linden Court	Donn
34.15-2-25	3 Linden Court	Graham
34.15-2-26	1 Linden Court	Feltham
34.15-2-27	10 Almuth Drive	Pedersen
34.15-2-28	2 Linden Court	Perez
34.15-2-29	4 Linden Court	Rees
34.15-2-30	6 Meyer Lane	Weiner
34.15-2-31	8 Linden Court	Garcia
34.15-2-32	4 Meyer Lane	Bruno
34.15-2-34.1	71 Old Route 304	Carrobis
34.15-2-34.2	2 Meyer Lane	Sweet
34.15-2-37	5 Meyer Lane	Braun
34.15-2-38	7 Meyer Lane	Jenks
34.15-2-39	9 Meyer Lane	Zernone
34.15-2-40	8 Almuth Drive	Reck
34.15-2-41	6 Almuth Drive	McCarthy
34.15-2-42	4 Almuth Drive	Meneses
34.16-1-56	10 Linden Court	Mindich
34.16-1-57	12 Linden Court	Cocolicchio
34.16-1-58	14 Linden Court	DeMaio
34.16-1-59	16 Linden Court	Blumenfeld
34.16-1-60	18 Linden Court	Undersinger
34.16-1-61	20 Linden Court	Brooks
34.16-1-62	22 Linden Court	Hougui
34.16-1-63	24 Linden Court	Siegel

On roll call the vote was as follows:

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

RESOLUTION NO. (205-2004)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, in February, 2003, the Town Board authorized and the Town of Clarkstown acquired, a Deed of Conservation Easement (the Conservation Easement) with a one-year term, on undeveloped land of United Water New York and Corwick Realty, Inc. (Grantees) lying in the Hackensack River Basin in the Town of Clarkstown, except the submerged land of Lake DeForest (the Affected Land); and

WHEREAS the area of the Affected Land is about 458 acres; and

WHEREAS preserving the scenic, open and natural values of these lands and protecting land used for farming in the Town are among the policies and goals declared in the Clarkstown Comprehensive Plan Update of 1999 and its Generic Environmental Impact Statement; and

WHEREAS these same objectives were further endorsed in the Town-Wide Open Space and Land Conservation Initiative, its Supplementary Generic Impact Statement and the resolutions related to it; and

RESOLUTION NO. (205-2004) continued

WHEREAS the People of Clarkstown have shown their approval of the Town-Wide Open Space and Land Conservation Initiative by their referendum endorsement of a \$22 Million open space purchase fund; and

WHEREAS the Affected Land was recommended for protection by the Open Space Committee; and

WHEREAS the Clarkstown Comprehensive Plan Update of 1999, its Generic Environmental Impact Statement as well as the Town-Wide Open Space and Land Conservation Initiative, its Supplementary Generic Impact Statement and related resolutions all contemplate Town acquisition of less-than-fee interests to accomplish their open space and land conservation goals; and

WHEREAS Section 247 of the General Municipal Law authorizes the town to acquire less-than-fee interests in land to protect its natural scenic beauty, to retain its existing openness or natural condition or to maintain or enhance the conservation of natural or scenic resources, including open land used for farming; and

WHEREAS Article 49 of the Environmental Conservation Law provides for conservation easements as a means for the town to accomplish the less-than-fee acquisitions authorized by General Municipal Law § 247 for natural and scenic resource protection; and

WHEREAS the Conservation Easement limits or restricts development, management or use of land for the purpose of preserving or maintaining its scenic, open, natural values as well as those values of a historic, archaeological, architectural character; and

WHEREAS the Conservation Easement yields open space and land conservation goals established by this Town Board because it permits United Water New York and Corwick Realty, Inc., continued use of the Affected Land only for their water utility purposes and their ordinary course of business uses (along with continued farming uses) but prohibits all development or subdivision for industrial, commercial or residential uses; and

WHEREAS the Assessor is bound by General Municipal Law § 247 to take into account the effects of a conservation restriction on the valuation of the Affected Land; and

WHEREAS that valuation will result in an abatement of Grantees' real property assessments without reducing the Town's tax levy; and

WHEREAS New York State law prohibits any agreement concerning prospective assessments, even those concerning only the method of assessing land rather than the assessment itself; and

WHEREAS Grantees are unwilling to restrict their land for a period any longer than they can be assured of an assessment process like the one currently in use by the Assessor; and

WHEREAS, this prohibition in New York Law hobbles many conservation easement transactions; and

WHEREAS making a durable conservation easement between the Town of Clarkstown and Grantees will require a change in state law; and

WHEREAS, obtaining the necessary changes in New York law will take more time; and

WHEREAS Grantees have offered to continue existing restrictions on the Affected Land for another two years; and

RESOLUTION NO. (205-2004) continued

WHEREAS the Town Board finds that it is more economical to protect the Affected Land with a conservation easement than by any other means, including purchasing it in-fee; and

WHEREAS the Town Board wants to make every effort to persuade the State of New York to make its law more congenial to conservation easements in general and to the Conservation Easement with Grantees in particular; and

WHEREAS the Town Board, having conducted a duly noticed public hearing on the subject, has considered the comments offered and submitted; and

WHEREAS the Town Board has determined that this is an unlisted, site-specific action that conforms with the conditions and thresholds established for such actions in the Generic Environmental Impact Statement for the Comprehensive Plan Update of 1999 and the Supplementary Generic Impact Statement prepared for the Town-Wide Open Space and Land Conservation Initiative, and therefore requires no further compliance with the State Environmental Quality Review Act;

NOW THEREFORE be it

RESOLVED that to continue protecting the Affected Land, the Supervisor is hereby authorized to execute an Amendment extending by two years the term of the Deed of Conservation Easement with United Water New York and Corwick Realty, Inc., in a form meeting the standards of Article 49 of the Environmental Conservation Law and approved by the Town Attorney; and

Be it further

RESOLVED that if a court of competent jurisdiction finds any provisions of this Resolution or the subject Amendment to be invalid, all other provisions of this Resolution and the Amendment shall continue to be separately and fully effective; and

Be it further

RESOLVED that expenses and fees for this transaction be charged to Account No. H 8750-409-0-74-1.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the Town Board Meeting was closed, time: 9:30 pm.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

02/24/2004

8:01 PM

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

Re: Proposed Extension of the Clarkstown Consolidated Water Supply District #1 to Include the Areas of Almuth Drive, Meyer Lane and Linden Court, New City

On motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open. The Town Clerk read the Notice of Public Hearing and attested to its proper posting and publication.

Supervisor Holbrook explained that the cost of connecting into the existing water line and subsequent resurfacing of the road is not to exceed \$390,000. Supervisor asked if anyone had any questions.

Co. Mandia asked if the fire hydrants will be included. Supervisor replied that in addition to providing potable water, fire protection will also be provided.

Supervisor opened the meeting for public comment.

Appearance: Ed Brooks
Linden Court
New City

He asked if the \$2,500 cost for local main installation is a standard price. Supervisor said in reply that it is an estimate on an economy of scale.

Co. Mandia asked if there is a cost to installing a meter. Supervisor said that the water company provides the meter.

Appearance: Joel Grossbarth
29 Linden Court
New City

He commended Supervisor Holbrook and the Town Board for taking the initiative for the hook-up for United Water. He asked that the problem site be resolved as soon as possible.

Appearance: Vito Margesi
11 Linden Court
New City

He asked who owns the gas station property at this time and who will be responsible for all of these repairs.

Supervisor said that Barrier Oils was the last reputed owner and the gas station owners will be responsible for the clean-up.

Mr. Costa said that he wanted to make everyone aware that Barrier Fuels is in bankruptcy and there are a number of liens on their property including the Town of Clarkstown.

Supervisor said the first step tonight is to create the district and install the mains.

Appearance: John Lodico
New City

He said responsibility for the first 75 ft. of the mains from the road into the property is by the water company.

Appearance: Ed Braun
New City

He said the Town should investigate the old abandoned gas station where there are several aviation fuel tanks. He is concerned that the tanks are less than 100 yards from the water supply.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was CLOSED and ADOPTED.
Time: 8:10 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. 204-2004 ADOPTED

**TOWN OF CLARKSTOWN
TOWN BOARD MEETING**

Town Hall

02/24/2004

8:12 PM

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

Re: Extension of the term of Deed of Conservation Easement

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

Supervisor Holbrook explained that an extension of the easement for another two years hopefully will give the Town enough time to have the state laws changed to provide for conservation easements. He said that aside from ensuring not only protection to water but also providing control of development, it is a lot easier, cheaper, and cost effective to deal with conservation easements than for the Town to acquire the properties that are environmentally sensitive which will cost the town millions of dollars.

Appearance: Martus Granirer
Deputy Town Attorney

Explained the need for legislation on easements because the NY Constitution prohibits making any attempt to contract away the power of taxation unless sanctioned by the people. He said that there is also a possibility in the future of adding acreage to land that is already protected because the assessor cannot give a tax abatement.

Supervisor Holbrook also discussed other properties which could potentially be developed and which need to be protected (wooded area in Route 304 between Goebel and Ridge Roads, Davies Orchard).

Mr. Granirer discussed that the tax levy from Clarkstown and school districts remains the same whether there is an easement or not. The actual money that is not paid by United Water is distributed among the commercial properties or non-homestead owners and the town or the school districts do not incur a loss.

Appearance: Peggy Nadell
Valley Cottage

Read a letter by Art Bridgman, also from Valley Cottage, supporting the extension of the conservation easement.

As a resident of Clarkstown for 41 years, Ms. Nadell has seen lots of development and urges the Board to approve the extension because further development would be very aesthetically negative.

Appearance: John Lodico
New City

Born and raised in Clarkstown, believes the Board is hoodwinking the taxpayers of the town. United Water already got more land than what they originally wanted. Board is giving away tax money. If the easement is granted, the Board should at least have United Water first complete the reservoir in West Nyack.

302
Appearance: Martin Bernstein
New City

The mistake made was that United Water should not have been allowed to develop the property. It is never anticipated that United Water will be selling pieces of land. Town should have negotiated with United Water for open space.

Appearance: Nicole Doliner
New City

Implored the Town Board to continue the extension of the conservation easement and expressed the importance of clean, drinking water.

Co. Lasker discussed Sec. 6.02 of the conservation easement regarding the town police being in direct control of monitoring and penalizing people for clear-cutting any of the property covered by the easement.

Greg Tobin of the Police Department said that the police is working with the NY State and Department of Forestry to implement the re-planting of natural vegetation around the lake with the hope that someday the lake can be opened to some type of recreation as it once was.

There being no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted, the Public Hearing was CLOSED AND ADOPTED, time 8:45 p.m.

Respectfully submitted,



Patricia Sheridan
Town Clerk

Resolution No. 205-2004 ADOPTED