

TOWN OF CLARKSTOWN
Town Board Meeting
2/13/96

Town Hall

8:00 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

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

The Supervisor read the following proclamation:

TOM McKIERNAN
FIREFIGHTER AND HERO

WHEREAS, On December 28, 1995, West Nyack resident TOM McKIERNAN, LADDER COMPANY 23, NEW YORK CITY FIRE DEPARTMENT, was part of a team of firefighters called to a five-story building, where a man was heard screaming through thick smoke at the window ledge of his fourth floor apartment, and

WHEREAS, unable to reach the man with ladders, TOM McKIERNAN attempted to make a roof-rope rescue by scaling down the walls of the building, lowered down by other members of the company, and

WHEREAS, upon arriving at the fourth floor window, TOM saw Armando Mercado on the ledge, holding onto a pipe as the smoke billowed around him, and

WHEREAS, although the frightened man could not speak English, his relief was evident to firefighter TOM McKIERNAN as the two men reached out, wrapped their arms around each other and were lowered to the ground, and

WHEREAS, TOM McKIERNAN made this very rare and daring rescue without any regard for his own safety, his only concern being that it was his job to save the life of a fellow human being, and

WHEREAS, TOM McKIERNAN'S family, his friends and all the residents of the Town of Clarkstown are proud and honored to count TOM as one of our own,

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, hereby commend TOM McKIERNAN for the bravery and professionalism he demonstrated in his successful rescue of another fellow man.

Supervisor asked the Tom McKiernan and his family to come forward.

Tom McKiernan thanked the residents of Clarkstown and the Town Board.

Supervisor recognized the following Clarkstown citizens for achieving the rank of Eagle Scout: Shaun M. Cassidy, Michael D. Ceraldi and Steven M. Lewis

Supervisor Holbrook called upon Officer Elmendorf on behalf of the 22nd Youth Court Graduating Class. Officer Elmendorf explain the responsibilities of the Youth Court and introduced the leader of his Department, Chief William Collins. He also introduced Detective Sergeant James Doyle; Assistant District Attorney, Jessica Horwitz; Donna Robbins and Tony Shiro. Chief Collins and Tony Shiro presented the 22nd

Graduates with their certificates and identification cards.

The Town Board Members congratulated the graduates

Mr. Shiro thanked all those involved in this program and acknowledged the people who support the Youth Court.

Supervisor opened the public portion of the meeting.

Present: Shelly Goldberg
Nanuet, NY

Ms. Goldrich spoke regarding the safe operation of garbage trucks. On January 13, 1996, her car was hit by a garbage truck.

Present: Mitch Klein, President
Chamber of Commerce
New City, NY

Mr. Klein spoke regarding the resurfacing of Main Street, but is concerned about the traffic flow. He spoke about additional parking, signs, improving the bus shelters and adding additional disposal bins along Main Street.

RESOLUTION NO. (138-1996)

Co. Mandia offered and Co. Smith seconded

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Clarkstown and the Bargaining Team for the Town of Clarkstown Unit, Rockland County Local 844, Civil Service Employees Association for a successor to the 1993-95 Agreement between the parties; and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated January 31, 1996; and

WHEREAS, the membership of the CSEA has ratified the Memorandum of Agreement; and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with terms contained therein is in the best interests of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Supervisor of the Town to execute a Collective Bargaining Agreement consistent with the terms thereof; and

BE IT FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to file a copy of the executed Collective Bargaining Agreement with the Public Employment Relations Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (139-1996)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of January 9 and 23, 1996 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (140-1996)

Co. Maloney offered and Co. Smith seconded

PETITION for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Eastern State Tire Corp. in the Town of Clarkstown, Rockland County, New York

WHEREAS, a written Petition dated November, 1995 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(Description on File in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 12th day of March, 1996, at 8:00 P.M. to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other actions as may be required by law or proper in the premises.

On roll call the vote was as follows:

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

RESOLUTION NO. (141-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the name of Schweitzer Lane is hereby changed to Schweizer Lane to reflect the correct spelling of the resident for whom it was named, and be it

FURTHER RESOLVED that the Superintendent of Highways is hereby directed to install new street signs that reflect this change, and be it

FURTHER RESOLVED, that all departments within the

Continued on Next Page

RESOLUTION NO. (141-1996) Continued

Town of Clarkstown are directed to adjust their maps and records to reflect this change.

On roll call the vote was as follows:

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

RESOLUTION NO. (142-1996)

Co. Smith offered and Co. Maloney seconded

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

MONSEY EXCAVATING, INC.
18 Laura Drive
Monsey, New York 10952

RESOLVED, that the following Certificate of Registration be issued:

No. 96-13 Monsey Excavating, Inc.

On roll call the vote was as follows:

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

RESOLUTION NO. (143-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

KEVIN STOKES EXCAVATING, INC.
P.O. Box 831
Pearl River, N.Y. 10965

RESOLVED, that the following Certificate of Registration be issued:

No. 96-14 Kevin Stokes Excavating, Inc.

On roll call the vote was as follows:

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

RESOLUTION NO. (144-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Frances Koppel, Senior Clerk, and Ann Daino, Clerk, are hereby authorized to attend a course on "Exemption Administration" sponsored by the New York State Assessor's Association for continuing education on Tuesday, March 5, 1996 at the Holiday Inn, Mt. Kisco, New York.

FURTHER RESOLVED, that all proper charges be charged against line 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (145-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Assessor, Nicholas A. Longo; Supervising Real Property Appraiser, Cathy Conklin; Real Property Appraisers Philip Platz and Robert Davies; Data Collector II, Margaret Whelan; and Data Collector, KellAnn Stanard are hereby authorized to attend the following courses sponsored by the New York State Assessor's Association for continuing education.

July 14 - 19, 1996	Seminar on Appraising Cornell University Ithaca, New York
September 24 - 27, 1996	Annual Meeting and Fall Seminar on Assessment Administration Monticello, New York

FURTHER RESOLVED, that all proper charges be charged against line 1010.414.

On roll call the vote was as follows:

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

RESOLUTION No. (146-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that John F. Mauro, Superintendent of Highways, is hereby authorized to attend the 36th Annual North American Snow Conference, sponsored by the American Public Works Association, to be held in Salt Lake City, Utah, April 14 - 17, 1996, and;

RESOLUTION NO. (146-1996) Continued

BE IT FURTHER RESOLVED, that all necessary expenses be allocated against appropriation account No. DB-5110-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (147-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby amend Resolution No. 15-1996 adopted on January 2, 1996, as follows:

RESOLVED, that the Deputy Superintendent of Highways and the Confidential Secretary to the Highway Superintendent are hereby authorized by the Town Board to attend the Association of Towns Convention to be held in New York City on February 18 through February 21, 1996, for trips during their regular work hours, and the daily expenses incurred during these work hours be made proper Town charges.

On roll call the vote was as follows:

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

RESOLUTION No. (148-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, 20 SNAKE HILL ROAD CORP., Vincent Paolino, President, has petitioned the Town Board seeking a special permit for a recycling facility in an M zone at property known as "20 SNAKE HILL ROAD CORP., Town of Clarkstown, Rockland County, New York, Site Development Plan," which site is part of a filed subdivision map of Frank Tucek, Inc., dated March 4, 1982 at Map 5338, Book 98 at Page 19, also known on the Clarkstown Tax Map as Map 90, Block A, Lot 5;

NOW, THEREFORE, be it

RESOLVED, that the special permit application of 20 SNAKE HILL ROAD CORP. is hereby referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their review and recommendation, and be it

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

Continued on Next Page

RESOLUTION NO. (148-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION No. (149-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, KDJ REALTY, INC., contract purchaser, has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by Davies Farm, Inc., as follows:

- Proposed Lot 1 - R-22 District to LS District.
- Proposed Lot 2 - R-22 District to MF-2 District.
- Proposed Lot 3 - To remain in R-22 District.

and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 36, Block H, Lot 9;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33(A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION No. (150-1996)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the Clarkstown Senior High School South, a non-profit organization, to provide services and programs for residents of the Town of Clarkstown, pursuant to the proposal of January 3, 1996 from Gerald Bierker, Principal, that are deemed beneficial to Town residents, and be it

Continued on Next Page

RESOLUTION NO. (150-1996) Continued

FURTHER RESOLVED, that the Town Board shall allocate the sum of \$2,500.00 in economic assistance to the Clarkstown Senior High School South, and be it

FURTHER RESOLVED, that these funds are to be charged against Account No. A 8840-424.

On roll call the vote was as follows:

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

RESOLUTION No. (151-1996)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the Nanuet High School Parent Teacher Student Association, a non-profit organization, to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the sum of \$2,500.00 in economic assistance to the Nanuet High School Parent Student Association for "Project Graduation 1996," and be it

FURTHER RESOLVED, that these funds are to be charged against Account No. A 8840-424.

On roll call the vote was as follows:

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

RESOLUTION No. (152-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, it has been proposed that Old Haverstraw Road, Congers, New York, and Kings Highway, Congers/Valley Cottage, New York, be designated as an historical roads pursuant to Chapter 25-3(C) of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on March 12, 1996, at 8:05 P.M., to consider the designation of the aforesaid roads as historical roads, and be

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

Continued on Next Page

RESOLUTION NO. (152-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION No. (153-1996)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install traffic signs in "The Woods Subdivision," as recommended by the Planning Board.

On roll call the vote was as follows:

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

RESOLUTION No. (154-1996)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Alfred T. Rossi, for the Town of Clarkstown's use of the Kemmer Lane property as a commuter parking lot, at no cost to the Town, for the period commencing February 1, 1996 and terminating on January 31, 1997, in a form satisfactory to the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (155-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks are recommending that walkway lights be installed at Kevin Landau Park,

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$15,000 from Money in Lieu of Land to Parklands and Improvements account.

Continued on Next Page

RESOLUTION NO. (155-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (156-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an emergency repair had to be made on the lift at the town garage, BE IT THEREFORE

RESOLVED, to decrease Contingency Account No. A 1990 505 and increase Appropriation Account No. A1640 209 (Town Garage-Other Equipment) by \$1,150.

On roll call the vote was as follows:

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

RESOLUTION No. (157-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, ROCKLAND CARPENTERS, INC. v. The ASSESSOR of the TOWN OF CLARKSTOWN, The BOARD OF ASSESSMENT REVIEW of the TOWN OF CLARKSTOWN and the TOWN OF CLARKSTOWN, Index No(s). 5150/93, 4934/94 and 3967/95, affecting parcel(s) designated as Map 58, Block G, Lot 40.1, for the year(s) 1993/94, 1994/95 and 1995/96, and

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

1. That the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 40.1 be reduced for the year 1993/94 from \$418,400 to \$376,600;
2. That the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 40.1 be reduced for the year 1994/95 from \$418,400 to \$355,700;
3. That the premises owned by the petitioner(s) described on the assessment roll as Map 58, Block G, Lot 40.1 be reduced for the year 1995/96 from \$418,400 to \$334,800;
4. That reimbursement for the year(s) 1993/94, 1994/95 and 1995/96 on the parcel described as Map 58, Block G, Lot 40.1 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and

Continued on Next Page

RESOLUTION NO. (157-1996) Continued

5. That 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.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown, and the attorney for the Clarkstown Central School District has consented to such settlement.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION No. (158-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the return of \$168.00 to Barbara A. Lynch.

On roll call the vote was as follows:

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

RESOLUTION No. (159-1996)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, GENERAL INSURANCE COMPANY OF AMERICA v. THE TOWN OF CLARKSTOWN:

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Attorney to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

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

RESOLUTION No. (160-1996)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the sidewalk and curbing located along the Saint Paul's Fvangelical Lutheran Church on Collyer Avenue beginning at the corner of South Main Street, is in a deteriorated state;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Director of Environmental Control to prepare a design for the installation of a new sidewalk and curbing along Collyer Avenue from South Main Street to Gloria Court, New City, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (161-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Marybeth Baisley, 90 South Conger Avenue, Congers, New York, is hereby appointed to the position of Chairman, Architecture and Landscape Commission - at the current 1996 annual salary of \$500.00 - term effective and retroactive to February 12, 1996 and to expire at 12:01 a.m. January 1, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (162-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Jean Luther, 270 Old Haverstraw Road, Congers, New York, to the position of Crossing Guard - Police Department at the current 1995 salary of \$10.65 per crossing covered - effective and retroactive to February 5, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (163-1996)

Co. Maloney offered and Co. Smith 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.F.A., Robert W. Tigue, 7 Red Rock Road, New City, New York - Assistant Maintenance Mechanic Sewer Department - is hereby granted a Sick Leave of Absence - at one half pay - effective and retroactive to January 17, 1996 to February 17, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (164-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation (by retirement) of Cecil Ruiz, 19 Windmill Lane, New City, New York - is hereby accepted - with regret - effective and retroactive to February 3, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (165-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation (by retirement) of Edgar A. Lawrence, P.O. Box 505, Shady Lane, Bardonia, New York - Assistant Building Inspector - Building Department - is hereby accepted - with regret - effective and retroactive to February 3, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (166-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Laura Cascio, 8 Corners Road, Congers, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to February 3, 1996.

Continued on Next Page

RESOLUTION NO. (166-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (167-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Andrew J. Butler, 17 Laurel Trail, Monroe, New York - Motor Equipment Operator I - Highway Department - is hereby accepted - effective and retroactive to February 5, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (168-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Howard L. Lampert, in a form approved by the Town Attorney, to provide traffic engineering and consulting services to the Town of Clarkstown on a retainer basis to be paid at the rate of \$75.00 per hour for a period of one year, provided that the agreement may be terminated on thirty days notice by the Town, and he it

FURTHER RESOLVED, that said sum shall be charged to Account No. A 3320-409

On roll call the vote was as follows:

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

RESOLUTION NO. (169-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Stanley Jacoby, in a form approved by the Town Attorney, to provide quality management consulting and training services on a retainer basis to be paid at the rate of \$75.00 per hour for a period of one year.

FURTHER RESOLVED, that said sum shall be charged to Account No. A-1010-409.

Continued on Next Page

RESOLUTION NO. (169-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION No. (170-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with AT&T, in a form satisfactory to the Town Attorney, to provide for competitive discounted long distance telephone services for a period of one year.

On roll call the vote was as follows:

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

RESOLUTION No. (171-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes all carters who have formerly been permitted to dump refuse at the Haverstraw Landfill to use the Town of Clarkstown Transfer Station, at the usual rate.

On roll call the vote was as follows:

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

RESOLUTION No. (172-1996)

Co. Maloney offered and Co. Profenna seconded

WHFREAS, the Town of Clarkstown wants to continue newspaper recycling within its jurisdiction, and

WHEREAS, Garden State Paper Recycling Corp., d/b/a Bruno & D'Elia Inc. (GSP) markets post consumer newspapers, and

WHEREAS, GSP will pay the Town for said newspaper at an initial minimum rate of Seventy-Five Dollars (\$75.00) per (short) ton delivered;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (172-1996) Continued

RESOLVED, that the Supervisor of the Town of Clarktown is authorized to enter into an agreement with Garden State Paper Recycling Corp., d/b/a Bruno & D'Elia Inc., in a form satisfactory to the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (173-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #13-1996
FIREWORKS DISPLAY

is hereby awarded to

ZAMBELLI FIREWORKS MFG CO., INC.
20 SOUTH MERCER STREET
NEW CASTLE, PA. 16103
PRINCIPALS: GEORGE R. ZAMBELLI
CONSTANCE J. ZAMBELLI

as per their proposed cost for a Fireworks display of \$4,400.00, and be it

FURTHER RESOLVED, that said award is subject to the receipt of a Certificate of Insurance in compliance with Sections B-1,2 of the bid specifications.

On roll call the vote was as follows:

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

RESOLUTION NO. (174-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #10-1996
PRINTING OF RECREATIONS & DEPARTMENT
BROCHURES - 1996

is hereby awarded to

QUEBECOR PRINTING (USA) CORP
333 N. BROADWAY
JERICHO, NY 11753
PRINCIPAL: A PUBLIC CORPORATION

Continued on Next Page

RESOLUTION NO. (174-1996) Continued

as per their lowest bid proposals as follows:

- (A) SPRING/SUMMER BROCHURE
 - 30,000 - 2 color brochures @ \$9,101.00
 - additional 4 pages (if necessary) no bid
 - additional half tones (if necess.) @ \$ 20.00
- (B) FALL/WINTER BROCHURE
 - 30,000 - 2 color brochures @ \$5,738.00
 - additional 4 pages (if necessary) no bid
 - additional half tones (if necess.) @ \$ 20.00

On roll call the vote was as follows:

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

RESOLUTION No. (175-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #11-1996
GROUNDSKEEPING/LANDSCAPE SUPPLIES

is hereby awarded to:

Lesco Inc.
 20005 Lake Road
 Rocky River, OH 44116
 PRINCIPAL: Public Corporation

Mantek, A Div. of NCH CORP.
 1320 E. Northgate
 Irving Texas 75062
 PRINCIPAL: Irving Levy
 Lester Levy
 Milton Levy, Jr.

Shemin Nurseries, Inc.
 100 Weyerhaeuser Road
 Mahwah, NJ 07430
 PRINCIPAL: Public Corporation

The Terre Company of NJ Inc.
 206 Delawanna Avenue
 Clifton, NJ 07014
 PRINCIPALS: William Feury
 William B. Feury
 Thomas J. Feury

PRO-LAWN PRODUCTS
 PO Box 4908
 Syracuse, NY 13221
 PRINCIPAL: Public Corporation

(Price schedule on file in Town Clerk's Office)

On roll call the vote was as follows:

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

RESOLUTION No. (176-1996)

Co. Smith offered and Co. Maloney seconded

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

RID #16-1996
CRUSHFD STONE

is hereby awarded to:

Tilcon New York
PO Box 362
Haverstraw, NY 10927
PRINCIPAL: PUBLIC CORPORATION

Plaza Materials Company
969 Midland Avenue
Yonkers, NY 10704
PRINCIPAL:
CARL E. PETRILLO

Islip Business Corp.
308 West Main Street
Smithtown, NY 11787
PRINCIPAL: GEORGE HEINLEIN

Lone Star Industries
162 Old Mill Road
West Nyack, NY 10994
PRINCIPAL: PUBLIC CORP

Dutchess Quarry & Supply Co.
PO Box 651
Arborio Road
Pleasant Valley, NY 12569
Principals: JOSEPH C. ARBORIO
PETER ARBORIO
MARIE R. SCHACHER
JOSEPH J. LIGGERA

On roll call the vote was as follows:

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

RESOLUTION No. (177-1996)

Co. Smith offered and Co. Maloney seconded

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

RID #18-1996
ARTS & CRAFT SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 13, 1996 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION No. (178-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #19-1996
Sale of Surplus Mini Buses

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 21, 1996 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION No. (179-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #20-1996
SHADE PAVILIONS AT GERMONDS AND
LAKE NANUET PARKS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 15, 1996 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (180-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #21-1996
FOOD PROVISIONS FOR TOWN OPERATED REFRESHMENT STANDS

Continued on Next Page

RESOLUTION NO. (180-1996) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 8, 1996 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (181-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #22-1996
ICE CREAM FOR TOWN OPERATED REFRESHMENT STANDS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 11, 1996 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (182-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #23-1996
GARAGE LIFT FOR MINI TRANS DEPT.

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 18, 1996 at which time bids will be opened and read, and be it

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

Continued on Next Page

RESOLUTION NO. (182-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (183-1996)

Co. Smith offered and Co. Maloney seconded

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

BJD #24-1996
SWIMMING POOL AND OTHER MISC CHEMICALS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 20, 1996 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (184-1996)

Co. Smith offered and Co. Maloney seconded

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

BJD #25-1996
REPAVING OF SOUTH MAIN STREET, NEW CITY
FROM ROUTE 304 INTERSECTION TO INTERSECTION WITH CONGERS ROAD

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on Friday, March 8, 1996 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (185-1996)

Co. Smith offered and Co. Maloney seconded

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

RID #26-1996
CHRISTIAN HERALD ROAD DRAINAGE IMPROVEMENTS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 27, 1996 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:

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

RESOLUTION NO. (186-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to commence litigation on behalf of the Town of Clarkstown against J. HERBERT DAHM, JR., SCHETTINO SERVICE CORP., NATALE SCHETTINO, JOHN DOF AND JANE DOE, for violation of the Fire Prevention Standards and the Zoning Ordinance of the Town of Clarkstown and the New York State Fire Prevention Code.

On roll call the vote was as follows:

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

RESOLUTION NO. (187-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Maurice C. Heaton entered into an agreement with the Town of Clarkstown on December 31, 1973, providing in Paragraph 5, that upon Mr. Heaton's death, the executor of his estate would sell the remaining lands giving the first offer for sale to the Town of Clarkstown, and

WHEREAS, the Town has decided not to purchase any portion of the Heaton property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board the Town of Clarkstown has no interest in the Heaton property, and hereby releases the right of first refusal as stipulated in the agreement.

RESOLUTION NO. (187-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (188-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse condition exists at the outlet of drainage structures in the vicinity of lot 98-B-4.20, Rainbow Ct., New City, New York; and,

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have a contractor perform work to ameliorate said adverse condition; and

WHEREAS, the Department of Environmental Control has obtained a proposal from Danny Clapp, Inc. of New City, New York, to perform the corrective work;

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Danny Clapp, Inc. of New City, New York, to perform the corrective work in accordance with the recommendation of the Department of Environmental Control; and

BE IT FURTHER RESOLVED, that the cost for said improvements shall not exceed \$1,600 and shall be a proper charge to Account # H-1994-409-14-25.

On roll call the vote was as follows:

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

RESOLUTION No. (189-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the residents of 39, 43 and 47 Lyncrest Avenue, New City, New York, claim the danger to their properties due to the dead trees within the Town's sanitary sewer easement; and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have a contractor to perform work to remove the dead trees; and

WHEREAS, the Department of Environmental Control has obtained a proposal from Felter's Tree Service, Stony Point, New York, to perform the work; and

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

Continued on Next Page

RESOLUTION NO. (189-1996) Continued

to hire Felter's Tree Service, Stony Point, New York, to perform the work as required by the Department of Environmental Control; and

BE IT FURTHER RESOLVED, that the cost for said work shall not exceed \$1,450 and shall be a proper charge to Account # H-1994-409-14-26.

On roll call the vote was as follows:

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

RESOLUTION No. (190-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes K. Luke Kalarickal, Director of Department of Environmental Control, to engage professional engineering services for the drainage improvements along Mill Creek from Bardonia Road to Hackensack River in West Nyack, New York.

On roll call the vote was as follows:

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

RESOLUTION No. (191-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Alfred Sappah and Mary Sappah, 29-31 Old Middletown Road, Nanuet, New York, in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 13, Block D, Lot 22, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 12th day of March, 1996, at 8:10 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 26th day of February, 1996.

On roll call the vote was as follows:

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

RESOLUTION No. (192-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by JODI-LYNN WASHOMATIC, INC. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 78, Block A, Lots 41, 42, 43 and 44, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 12th day of March, 1996, at 8:05 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 26th day of February, 1996.

On roll call the vote was as follows:

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

RESOLUTION No. (193-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Jakla Construction Corp./Pepperidge Realty Corp. has furnished to the Town of Clarkstown a Maintenance Bond, No. 020907 in the amount of \$46,800.00, issued by International Fidelity Insurance Company, to secure the public improvements in subdivision known as 586 Brewery Road, and

WHEREAS, said Maintenance Bond is intended to replace a certain Performance Bond, No. 835010 in the amount of \$106,000.00;

NOW, THEREFORE, be it

RESOLVED, that Maintenance Bond No. 020907, in the amount of \$46,800.00, is hereby accepted, and Performance Bond No 835010, in the amount of \$106,000.00 is hereby released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (194-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Henry Horowitz, P.E., has provided professional services to the Town of Clarkstown with respect to a project known as Zukor Park Development Project pursuant to an agreement dated January 31, 1986 as amended on May 10, 1988 and on May 30, 1990, and

Continued on Next Page

RESOLUTION NO. (194-1996) Continued

WHEREAS, a dispute has arisen with respect to the scope of services required and payment for same in accordance with said contract, as modified, which has resulted in a claim for payment for additional services by the consultant for himself and other professionals who have worked on the project in the amount of \$28,654.37, and

WHEREAS, some additional payment may be due the claimant although the actual amount cannot be readily ascertained without resorting to litigation which the Town and claimant wish to avoid, and, now, therefore be it

RESOLVED, upon the recommendations of the Superintendent of Parks and Recreation, Clerk of the Works and Town Attorney, the Town Comptroller is hereby authorized to pay the sum of \$20,000.00 to Henry Horowitz, P.E., in full satisfaction of any and all claims he may make on behalf of himself and others who provided professional services with respect to the Zukor Park Project herein described upon the condition that general release(s) in a form approved by the Town Attorney shall be provided upon said payment by all professionals who may have any claim for additional compensation, and be it

FURTHER RESOLVED, that the sum authorized herein shall be charged to Account # H 7141-409, Project No. 40-400.

On roll call the vote was as follows:

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

RESOLUTION No. (195-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange and Rockland Utilities, Inc., for street lighting at the following locations:
Scotland Hill Subdivision
Nanuet, New York

On roll call the vote was as follows:

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

RESOLUTION No. (196-1996)

Co. Maloney offered and Co. Smith seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED FEBRUARY 13, 1996, AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO TOWN PARK FACILITIES, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,340,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,340,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

RESOLUTION NO. (196-1996) Continued

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to construct various improvements to Town park facilities. The estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,340,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,340,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,340,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the

RESOLUTION NO. (196-1996) Continued

issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum.

On roll call the vote was as follows:

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

RESOLUTION No. (197-1996)

Co. Maloney offered and Co. Smith seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "JOURNAL-NEWS," a newspaper published in Nyack, New York, and in "THE CLARKSTOWN COURIER," a newspaper published in Pearl River, New York, each having a general circulation within said Town and hereby designated the official newspapers of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 13, 1996, the Town Board of the Town of Clarkstown, in the County of

Continued on Next Page

RESOLUTION NO. (197-1996) Continued

Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted February 13, 1996, authorizing the construction of various improvements to Town park facilities, stating the estimated total cost thereof is \$1,340,000, appropriating said amount therefor, and authorizing the issuance of \$1,340,000 serial bonds of said Town to finance said appropriation,"

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST; AUTHORIZING said Town to construct various improvements to Town park facilities; STATING the estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,340,000; APPROPRIATING said amount therefor; and STATING the plan of the Town to finance said appropriating, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,340,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,340,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Section 2. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in full, in the newspapers referred to in Section 1 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

Continued on Next Page

RESOLUTION NO. (197-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (198-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town Board" and "Town" respectively), in the County of Rockland, New York, has caused Roy F. Weston of New York, Inc., competent engineers duly licensed by the State of New York, to prepare a general map, plan and report for the proposed construction of sewer improvements consisting of the replacement of the Holland Drive and Forest Brook Avenue pump stations, the construction of upgrades and/or improvements to the Congers Road West pump station and the Foxwood Road, Klein Avenue, Little Brook Lane and Valley Terrace ejector stations, including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required in connection therewith (all of the foregoing being referred to herein collectively as the "Sewer Improvement"), all within an unincorporated area of the Town outside of any village, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, and which map, plan and report has been heretofore duly filed in the office of the Town Clerk for public inspection; and

WHEREAS, such Sewer Improvement will benefit the entire Benefited Area, said area having been designated as the benefited area pursuant to the Town Law; and

WHEREAS, the Benefited Area within the Town, situate wholly outside of any village or city, is more particularly bounded and described as follows:

(Description on file in Town Clerk's Office)

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$1,205,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the Town Board has given due consideration to the impact that the Sewer Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review

Continued on Next Page

RESOLUTION NO. (198-1996) Continued

Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, if applicable, a duly executed Short Environmental Assessment Form has been filed with the Town Clerk;

NOW, THEREFORE, be it

ORDERED, that the Town Board of the Town, meet and hold a public hearing at the Town Hall, 10 Maple Avenue, New City, New York, on the 12th day of March, 1996 at 8:15 o'clock P.M. (Prevailing Time) to consider the construction of such Sewer Improvement within the Benefited Area, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "JOURNAL NEWS", a newspaper published in Nyack, New York, and in the "CLARKSTOWN COURIER", a newspaper published in Pearl River, New York, each having a general circulation in the Town, and hereby designated as the official newspapers of the Town for such publication, and post conspicuously on the bulletin board in the office of the Town Clerk, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

On roll call the vote was as follows:

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

RESOLUTION NO. (199-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town Board" and "Town" respectively), in the County of Rockland, New York, has caused Roy F. Weston of New York, Inc., competent engineers duly licensed by the State of New York, to prepare a general map, plan and report for the proposed construction of sewer improvements consisting of the installation of approximately 700 feet of 8-inch sewer line for the Pipetown Hill Road Sewer, the installation of approximately 800 feet of 8-inch sewer line for the Mill Creek Road Sewer and the installation of approximately 1,900 feet of 8-inch sewer line for the Route 9W Sewer Extension, including buildings land or rights in land, original furnishings, equipment, machinery, and apparatus required in connection therewith (all of the foregoing being referred to herein collectively as the "Sewer Improvement"), all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area") pursuant to Article 12-C of the Town Law, and which map, plan and report has been heretofore duly filed in the office of the Town Clerk for public inspection; and

WHEREAS, such Sewer Improvement will benefit the entire Benefited Area, said area having been designated as the benefited area pursuant to the Town Law; and

Continued on Next Page

RESOLUTION NO. (199-1996) Continued

WHEREAS, the Benefited Area within the Town, situate wholly outside of any village or city, is more particularly bounded and described as follows:

(Description on file in Town Clerk's Office)

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$245,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the Town Board has given due consideration to the impact that the Sewer Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, if applicable, a duly executed Short Environmental Assessment Form has been filed with the Town Clerk;

NOW, THEREFORE, be it

ORDERED, that the Town Board of the Town, meet and hold a public hearing at the Town Hall, 10 Maple Avenue, New City, New York, on the 12th day of March, 1996 at 8:20 o'clock P.M. (Prevailing Time) to consider the construction of such Sewer Improvement within the Benefited Area, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "JOURNAL NEWS", a newspaper published in Nyack, New York, and in the "CLARKSTOWN COURIER", a newspaper published in Pearl River, New York, each having a general circulation in the Town, and hereby designated as the official newspapers of the Town for such publication, and post conspicuously on the bulletin board in the office of the Town Clerk, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

On roll call the vote was as follows:

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

RESOLUTION NO. (200-1996)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Cordry, Carpenter, Dietz & Zack, Engineers and Planners, have submitted a proposal dated February 12, 1996 revising the scope of services in connection with the Lake Lucille Restoration Project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Cordry, Carpenter, Dietz & Zack, Engineers and Planners, modifying the agreement dated February 13, 1995 for the purpose of performing additional work with respect to the restoration of Lake Lucille and compliance with SEQRA, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the fee for additional services shall be \$51,300.00. This figure brings the total amount for services to \$83,800.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (201-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proposed local law entitled:
"AMENDMENT TO CHAPTER 249 (SPECIAL PERMITS)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting held on December 29, 1995, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on December 29, 1995, directed that a public hearing be held on February 13, 1996, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 1, 1996, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on December 22, 1995, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 13, 1996;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 7 - 1996, entitled:
"AMENDMENT TO CHAPTER 249 (SPECIAL PERMITS)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

RESOLUTION NO. (201-1996) Continued

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 8:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

TOWN HALL

2/13/96

8:30 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

RE: LOCAL LAW CHAPTER 249 (SPECIAL PERMITS)

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

Supervisor Holbrook asked if anyone present wished to comment or ask a question. No one appeared.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:33 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (201-1996) ADOPTED