

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

4/09/96

8:07 P.M.

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

Supervisor declared Town Board Meeting open.

Assemblage saluted the Flag.

Supervisor declared the public portion of the meeting open and invited anyone who wished to speak to come forward.

Appearance: Jerry O'Rourke
President, Congers Civic Association

Mr. O'Rourke spoke regarding Item 2, DePaulis property zone change. Mr. O'Rourke expressed concerns re the impact of development on the Lakewood School. He recommended a moratorium be established to gauge the impact.

Appearance: Vincent Reda
Rockland County Republican Chairman
12 Berry Court, Congers

Mr. Reda spoke about Item #22, authorizing agreement for consulting services to review health benefit plans. Objected to fee of \$12,500 a year to Ms. Halo for services.

Appearance: Clifford Feder
61 Kings Highway, Congers

Mr. Feder wished to echo Vincent Reda's remarks on Item #22 on the Agenda re Halo Associates. Taxpayers are not being served. The Department of Personnel provides these services to the Town and this is a duplication of services.

Appearance: Mary Loeffler
Personnel Assistant

Ms. Loeffler asked the Town Board to withdraw Item #22. Ms. Loeffler was told Ms. Halo would look at Workmen's Compensation. Her office has provided Edward Duer and Town Board Members the back up. This is an intrusion.

RESOLUTION NO. (335-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on March 12, 1996, on its own motion, provided for a public hearing on April 9, 1996 at 8:00 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 138, Block H, Lots 8, 10 and 11, from an MF-1 District to an R-80 District, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and

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RESOLUTION NO. (335-1996) Continued

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEORA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report dated April 2, 1996 from Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEORA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as Map 138, Block H, Lots 8, 10 and 11, situate in the Hamlet of Rockland Lake/Valley Cottage, New York, in said Town, from an MF-1 District to an R-80 District, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

On roll call the vote was as follows:

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

RESOLUTION NO. (336-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolutions duly adopted on March 12th and 26th, 1996, on its own motion, provided for a public hearing on April 9, 1996, at 8:05 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 108, Block B, Lots 14.02, 5.07 and 5.08, from an R-22 District to an R-15 District, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and

WHEREAS, the Town Board of the Town of Clarkstown has received a Short Environmental Assessment Form pursuant to SEORA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, dated March 25, 1996, the Town Board hereby determines that the

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RESOLUTION NO. (336-1996) Continued

change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEORA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as Map 108, Block B, Lots 14.02, 5.07 and 5.08, situate in the Hamlet of Valley Cottage, New York, in said Town, from an R-22 District to an R-15 District, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

On roll call the vote was as follows:

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

RESOLUTION NO. (337-1996)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of March 26, 1996 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (338-1996)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, DE PAULIS ENTERPRISES V LTD. 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 the petitioner, from an L10 District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 128, Block A, Lots 15.01, 16, 17 and 19;

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

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RESOLUTION NO. (338-1996) Continued

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.

Supervisor Holbrook stated that there will be no Public Hearing relative to this until the impact can be ascertained.

On roll call the vote was as follows:

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

RESOLUTION NO. (339-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board, on its own motion, shall consider amending the Zoning Ordinance of the Town by redistricting property known as Map 14, Block B, Lot 17 (part of) from an RS District to an CS District;

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, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on May 14, 1996 at 8:10 P.M., relative to the proposed amendment, and be it

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

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (340-1996)

Co. Maloney offered and Co. Profenna seconded

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

NOW, THEREFORE, be it

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

Sickletown Road, West Nyack

(Remove One (1) - 4000 lumen sodium vapor street lights on existing utility pole number 59944/39757)

(Install Two (2) - 5800 lumen sodium vapor street lights on existing utility pole numbers 59946/39665 and 59943/39648)

(Remove Four (4) - 4000 lumen mercury vapor street lights on existing utility pole numbers 59958/39760, 59961/39748, 59960/39712, and 59754/39688)

(Install Four (4) - 5800 lumen sodium vapor street lights on existing utility pole numbers 59958/39760, 59961/39748, 59960/39712, and 59754/39688)

(Remove Two (2) - 7900 lumen mercury vapor street lights on existing utility pole numbers 59952/39784 and 59963/39730)

(Install Two (2) - 9500 lumen sodium vapor street lights on existing utility pole numbers 59952/39784 and 59963/39730)

On roll call the vote was as follows:

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

RESOLUTION NO. (341-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a sight distance problem exists in the area of properties located at 513 and 515 Kings Highway, Valley Cottage, New York, more particularly designated on the Clarkstown Tax Map as Map 108, BLOCK A, Lots 43 and 44;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to trim hedges at the location of 513 and 515 Kings Highway, Valley Cottage, New York, to improve sight distance.

On roll call the vote was as follows:

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

RESOLUTION NO. (342-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Director of Environmental Control to request proposals for the construction of a T-turnaround at Scarlett Court, New City, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (343-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution #266-1996 - adopted at the March 12, 1996 Town Board Meeting (granting a Sick Leave of Absence to Michael Peterson - with 1/2 pay) is hereby amended to reflect a change - March 8, 1996 to March 22, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (344-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that JoAnne Bucalo, 40 Windmill Lane, New City, New York, is hereby appointed to the position of (temporary) Clerk Typist - Town Clerk's Office - at the current 1996 annual salary of \$20,533.00, effective and retroactive to April 2, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (345-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk Typist #94095 which contains the name of JoAnne Bucalo,

NOW, THEREFORE, be it

RESOLVED, that JoAnne Bucalo, 40 Windmill Lane, New City, New York, is hereby appointed to the position of Clerk Typist - Town Clerk's Office - at the current 1996 annual

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RESOLUTION NO. (345-1996) Continued

salary of \$20,533.00, effective April 15, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (346-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles R.C.N.C.P. #96069 Senior Payroll Clerk which contains the name of Penni Scaccio,

NOW, THEREFORE, be it

RESOLVED, that Penni Scaccio, 191 South Little Tor Road, New City, New York, is hereby appointed to the (permanent) position of Senior Payroll Clerk - Comptroller's Office - at the current 1996 annual salary of \$28,298.00, effective and retroactive to April 8, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (347-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Charles A. Jones, 5 Birchwood Terrace, Nanuet, New York, is hereby appointed to the position of Custodial Worker (Nights) - Maintenance Department - at the current 1996 annual salary of \$21,425.00, effective pending Rockland County Personnel Office approval.

On roll call the vote was as follows:

Councilman Malouney.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (348-1996)

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.E.A., James Voce, 33 Parkside Drive, Congers, New York - Motor Equipment Operator I - Town Highway Department - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to April 3, 1996 to May 3, 1996.

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RESOLUTION NO. (348-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (349-1996)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown received \$3,648.00 from Corporate Property Investors, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 (Gifts & Donations) and Appropriation Account No. A 3120 111 (Police-Overtime) by \$3,648.00

On roll call the vote was as follows:

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

RESOLUTION NO. (350-1996)

Co. Smith offered and Co. Profenna seconded

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

BID #24-1996
SWIMMING POOL & MISC. CHEMICALS

is hereby awarded to:

JONES CHEMICALS
30 MATTHEWS STREET
SUITE 303
GOSHEN, NY 10924
PRINCIPAL: JOHN WILEY JONES ESTATE

JERSEY CHEMICALS INC.
775 RIVER STREET
PATERSON, NJ 07524
PRINCIPAL: ALAN TAUB

LESLIE'S SWIMMING POOL SUPPLIES
2022 PLUMMER STREET
CHATSWORTH, CA 91311
PRINCIPAL: PUBLIC CORPORATION
PRINCIPAL STOCK HOLDER-
MICHAEL J. FOURTICQ

PRESTIGE LABS
100 OAK STREET
E. RUTHERFORD, NJ 07073
PRINCIPALS:
GERALD BIEBER
LEONARD HONIG

AQUATIC DYNAMICS, INC.
PO BOX 283
MT, SINAI, NY 11766
PRINCIPAL: RICHARD D. ADAMS III

TODD HARRIS CO., INC.
PO BOX 682
EDISON, NJ 08818-0682
PRINCIPAL: TODD HARRIS

ZEP MANUFACTURING CO.
PO BOX 299
SPRINGFIELD, NJ 07082
PRINCIPAL: PUBLIC CORPORATION

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

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RESOLUTION NO. (350-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (351-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install fire hydrants at the following location(s):

PIPERS GLEN, WEST NYACK

Investigation No: 10810

and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (352-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the waiving of building permit fees for minor alterations to the snack bar at the New City Little League Field off Strawtown Road, New City, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (353-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 297-1996 adopted by the Town Board on March 26, 1996, is hereby amended as follows:

RESOLVED, that the Town Board hereby authorizes the allocation of \$1,000.00 to the Rockland Youth Leadership Conference, to provide services and programs for residents of

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RESOLUTION NO. (353-1996) Continued

the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that this Resolution is retroactive to March 26, 1996, and be it

FURTHER RESOLVED, that these funds shall be charged to Account # A 8840-424.

On roll call the vote was as follows:

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

RESOLUTION NO. (354-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, CHEMICAL BANKING CORPORATION, as successor in interest to MANUFACTURERS HANOVER TRUST COMPANY, Index No(s). 6188/91, 4240/92, 5310/93, 4753/94 and 4228/95, affecting parcel(s) designated as Map 14, Block C, Lot 9, for the year(s) 1991/92, 1992/93, 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 14, Block C, Lot 9 be reduced for the year(s) 1991/92, 1992/93, 1993/94, 1994/95 and 1995/96 from \$297,800 to \$268,000;

2. That reimbursement for the year(s) 1991/92, 1992/93, 1993/94, 1994/95 and 1995/96 on the parcel described as Map 14, Block C, Lot 9 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

3. 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.

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 Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (355-1996)

Co. Maloney offered and Co. Smith seconded

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

ELWOOD PETIT
640 Route 306
Suffern, New York 10901

RESOLVED, that the following Certificate of Registration be issued:

No. 96-20 Elwood Petit

On roll call the vote was as follows:

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

RESOLUTION NO. (356-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a "Dead End" sign at the beginning of Babcock Avenue, and install a guard rail at the end of Babcock Avenue, Nanuet, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (357-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby opposes State Bill No. 5339 and Assembly Bill No 8133 which would limit the ability of local governments and school districts to invest their tax dollars in programs that are an alternative to banks.

On roll call the vote was as follows:

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

RESOLUTION NO. (358-1996)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Supervisor is hereby authorized

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RESOLUTION NO. (358-1996) Continued

to enter into agreement, in a form approved by the Town Attorney, with the following non-profit organizations 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 following sums in economic assistance for 1996 to:

ARC	\$ 5,000.00
Association for the Visually Impaired	1,000.00
Camp Venture, Inc.	5,000.00
Rockland Center for the Arts	10,000.00
Veterans Memorial Association	525.00

FURTHER RESOLVED, that the total amount of \$21,525.00 be transferred from Account #A 1990-505 to Account #A 884 424.

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1996 and are to be charged against Account #8840 424.

On roll call the vote was as follows:

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

RESOLUTION NO. (359-1996)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that

BID #28-1996

Sale of Surplus Data processing/Office Equipment is hereby partially awarded to:

Aldrich Publishing Company
 6 A East Main Street, Box 329
 Ramsey, NJ 07446
 PRINCIPAL: Arthur A. Aldrich

as per the following item/proposed offer schedule:

<u>DESCRIPTION</u>	<u>MODEL NO.</u>	<u>SERIAL NO.</u>	<u>PRICE</u>
Data Shield Bat. Pack	AT 1200	86120503	\$10.00
Data Shield	AT 1200	87120967A	10.00
Sound Proof Printer			50.00
Enclosure			50.00
IBM ProPrinter XL	4202	470051360	25.00
ProPrinter XL	4204	470051365	25.00
IBM Printer	4214	04151329	50.00
IBM Typewriter	Selectric II	263713315	100.00
IBM Typewriter	Selectric II	001884	100.00
Sound Proof Printer			25.00
Enclosure	F/M #4429		25.00
Sound Proof Printer			50.00
Enclosure	F/M #4430		50.00
Dictaphone	3990	088031	70.00
Wang Sound Proof			10.00
Printer Enclosure			10.00
IBM Typewriter	Selectric II	263875955	50.00
		TOTAL BID:	\$575.00

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RESOLUTION NO. (359-1996) Continued

and be it

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

BID #28A-1996
Sale of Surplus Data Processing and Miscellaneous
Office Equipment

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 a.m. on May 6, 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 Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (360-1996)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, it has come to the attention of the Town Attorney's Office that there are outstanding taxes which are due and owing the County of Rockland on tax lots designated as Map 112, Block A, Lots 8.48 and 8.49, for the years 1992 and 1993, and

WHEREAS, it appears that such taxes are due and owing by the Town of Clarkstown;

NOW, THEREFOR, be it

RESOLVED, that the Comptroller of the Town of Clarkstown is hereby authorized to pay the County of Rockland the sum of \$4,733.14 for the outstanding tax balance due on said properties, and be it

FURTHER RESOLVED, that the shall be charged to Account No. A 1950-503.

On roll call the vote was as follows:

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

RESOLUTION NO. (361-1996)

Co. Maloney offered and Co. Smith seconded

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

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RESOLUTION NO. (361-1996) Continued

BID #32-1996
WASHED SAND & GRAVEL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on May 10, 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 Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (362-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #33-1996
CAST IRON CURB INLETS, CATCH BASIN, FRAMES & GRATES, ET AL

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on May 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 Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (363-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a civil action has been brought against the Town of Clarkstown and certain of the Town's duly appointed police officers entitled, Daniel Phillip England v. Clarkstown Police Department, Town of Clarkstown, Police Officer Paul Bavaro, Police Officer Christopher Palacios, Police Officer Michael Valentino, Police Officer Christopher Rose and John Doe "1" through John Doe "3" (including Lt. Kevin Kilduff);

NOW, THEREFORE, be it

RESOLVED, in accordance with General Municipal Law

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RESOLUTION NO. (363-1996) Continued

Sec. 50-j (6) that, in addition to providing the legal defense for the police officer defendants, the Town of Clarkstown will indemnify and save harmless Police Officers Paul Bavaro, Christopher Palacios, Michael Valentino, Christopher Rose, Lt. Kevin Kilduff and John Doe "1" through John Doe "3", from any judgment for punitive or exemplary damages in said civil action.

On roll call the vote was as follows:

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

RESOLUTION NO. (364-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Halo Associates to provide consulting services to review the Town's health benefit plans and make recommendations to reduce costs and improve services, and be it

FURTHER RESOLVED, that said agreement will be in a form satisfactory to the Town Attorney with input from the Personnel Assistant and will run for a period of one year at a cost of \$10,000.00

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Profenna.....No
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: 8:55 PM

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/9/96

8:10 P.M.

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

Re: Zone Change, MF-1 to R-80 Route 9W/Rockland Lake (138-H-8, 10 & 11

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared open.

Supervisor Holbrook asked Mr. Yacyshyn to give a brief explanation.

Rudolph Yacyshyn, Chairman of the Planning Board, stated that as was indicated at the workshop meeting, these are three parcels that adjoin the parcels that had been rezoned recently for the MF designation. They currently hold an MF 1 designation but since they are solely in ownership of Palisades Interstate Park Commission, it is appropriate that the designation be changed to the R 80 which is the designation of the parklands, Rockland Lake portion, to make it compatible. Nothing can be built or sold off in any fashion and it would serve the Town's interest to be consistent.

Supervisor Holbrook asked if anyone wished to be heard for or against or have any questions about this.

Appearance: Kelly Bernard

My question is - who made the application for this zone change. Supervisor Holbrook responded that it was on the Town Board's motion. Mr. Bernard said he read that, in the opinion of Mr. Holbrook, the Town mistakenly zoned the land for multi family housing a few years ago in its master plan. Is the Town now in the process of going over the master plan to weed out all the mistakes or is this a one time spot idea for this one particular position? Mr. Yacyshyn responded that since the last review of the master plan itself, we've had an ongoing review in various hamlets of the town over various elements but it will be proposed to the Town Board that we do a long awaited review of the master plan. What triggered this was, in fact, a zone change review of the SEQRA requirements, etc., that was done by the zone change request of the JAKLA Corp. and the other properties thereabouts. So, in effect, once this was accomplished and in place and was ready to come before us for site plan review and development, it was determined to finally put everything to rest in that vicinity and to have these three parcels, which were left out because they are owned by the PIP, conform to the PIP itself. Mr. Bernard said he is asking these questions because he owns some property in Clarkstown which was zoned mistakenly on the master plan and he has requested the planning board for more than 10 years that this mistake be rectified. He knows they've been busy but doesn't know why this particular piece should be rectified by itself when other places in the town, which he naturally thinks more important, have not. He hopes the Planning Board will soon get to either the whole of the master plan or at least those parts for which they have been requested to rectify the mistakes of the past.

Appearance: Robert Patalano

Zoning laws are for keeping people from putting up things next to your property. That's what zoning laws are for. If you change zoning laws without talking to neighbors, what good are the zoning laws? Supervisor Holbrook said this particular change only affects the park

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PH - Re: Zone Change MF-1 to R-80 Route 9W/Rockland Lake (138-H-8, 10, & 11)

property and nothing will be built there. It will always be parkland. It's making it conform to what the rest of the park is, so that it's consistent. It's R 80 in the park; we're making this R 80. Mr. Patalano said there are condominiums and you increased the amount. Mr. Patalano wanted to know if any council members lived in the area saying it doesn't affect people on the council. Supervisor Holbrook said there had been a public hearing and this change does not affect the Bobbin Inn property; it affects property presently owned by the State of New York as parkland so that by changing it to R 80, we're taking it out of multi family and putting it into 2 acre which is an up zone. This is a map change. Mr. Patalano stated that Route 9W that goes past his property is dangerous; he had an accident and two friends had accidents. It's dangerous during the winter.

On motion of Councilwoman Smith, seconded by Councilman Maloney, and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:20 P.M.

On roll call, the vote was as follows:

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

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

(RESOLUTION NO. [335-1996] ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/9/96

8:20 P.M.

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

Re: Zone Change, Mayfield St. Valley Cottage, R-22 to R-15, Map 108,
Block B, Lots 14.02, 5.07 and 5.08

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared open.

Town Attorney, Murray Jacobsen, reported that County Planning Board stated property is not within 500 feet of County or State facility, therefore they haven't reviewed it. The Town Planning Board recommends a change. SEQRA no environmental impact.

Supervisor Holbrook asked Mr. Yacyshyn to comment relative to this particular zone change.

Rudolph Yacyshyn, Chairman, Planning Board, stated that in this case we are dealing actively with a subdivision known as MacKenzie Glen whose developers are here in the audience. It was determined that an older subdivision in existence for some time, roughly north of the subject subdivision, had a parcel between the two respective parcels that had a zone line R 15 and R 22 intersecting that portion. In order to properly develop it, and to have it done at the expense of the developer, (MacKenzie Glen), to acquire said parcel, subject of the zone change, and to have zone line so conform so that it would extrapolate property line and not intersect the parcel itself and thereby allow the construction, with the acquisition by Dr. Orlando, the opportunity to extend Mayfield Street into the subdivision that is currently before us for approval. This was determined to be feasible on his part. He has taken the appropriate action and we beg the Town Board to grant the zone change for purposes of correcting the zone line and, more particularly, to have the road extended through so it becomes a through street.

Appearance: Earnest Livingston, 715 Mannet, Valley Cottage

Mr. Livingston wants to know what the zone change means. I know it goes from one zoning identification to another. How does that impact the community? Supervisor Holbrook said R 22 is half acre zoning; R 15 is third acre zoning. Supervisor asked Mr. Yacyshyn if this implied any additional units. Mr. Yacyshyn replied that with the subdivision one additional lot is created out of necessity because the zone line has been changed. However, that would be the only practical impact. More importantly, we thereby receive gratuitously the ability to have a through street connecting Mayfield now with the proposed Mayfield in the subject subdivision. Mr. Livingston said this just means there would be more residential property developed.

Appearance: Kelly Bernard

I think such a zone change would permit more than one additional house - if you go from a half acre to a third acre, but the developer or owner will put in some money for the development and he'll want some return. Again, as you know I have about 5 acres in Clarkstown and I came before the Board to ask for a zone change. My wife and I came personally. There were a lot of people who objected to the change. I see from a newspaper article that Mr. Holbrook said he had not heard from anyone in the area yet, we'll see what happens at the meeting. This is a nice and quiet, well behaved meeting. I don't want to tell you how to do your job but I think rather than listening to the yells and screams of neighbors you should look at the appropriateness of the position before you and make your judgment on that basis and whether the zone change would be detrimental to the Town or beneficial to the Town. I've looked at the map of the area. I can see nothing detrimental.

Re: Zone Change, Mayfield St. Valley Cottage, R-22 to R-15, Map 108,
Block B, Lots 14.02, 5.07 and 5.08

I think its beneficial for the Town to have the street going through and the area developed. If there are two or three more houses permitted under zoning that wouldn't destroy the neighborhood and therefore I approve of this and would advise the board to approve of it and I would also ask that the board approve of other similar situations, especially my interest is the area that I own and for which I pay taxes and have for many years and it is my intention to come back to the board and ask it to do the same for me as is being done for Bobbin Inn and Dr. Orlando or whoever is developing this area. We pay our taxes.

Appearance: Dan Fallon, Rockland resident for 40 years.

I think changing the zone to a third acre is too small. Was this land recently purchased? Supervisor Holbrook responded this was on the Planning Board's recommendation. Mr. Yacyshyn said, Mr. Fallon, with your indulgence, so there is no misunderstanding from what the previous speaker said, there is only one additional lot being generated. He's correct, there will be three lots, but two can be by virtue of application to the Building Inspector's office and be automatically generated now. There was a mistake in the original drafting of the zone line - we were able to correct that. What generated this, and only what generated this, was the fact that the developer of the other parcel, subdividing property under the zoning code without any question before the planning board with our approval, but he would have deadended the street, whereas there is now on the current subdivision above it in question. You would have snowplows, among others, deadending on two ends with just a small portion of property in between. Clearly, in the best interests of the Town, and the community and neighborhood was to have a through street and that is the purpose of the change.

Mr. Fallon said his major concern was the density on King's Highway. It's already at its maximum and I implore the Town to be very diligent in any changes that are going to affect that density. Each one of these houses is going to have two to four cars and I feel over last 20 years, the traffic on King's Highway is about at maximum - there are no sidewalks and kids get on buses. It's a tough situation.

On motion of Councilwoman Smith, seconded by Councilman Maloney, and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:30 P.M.

On roll call, the vote was as follows:

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

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

(RESOLUTION NO. [336-1996] ADOPTED)