

TOWN OF CLARKSTOWN
Town Board Meeting
9/24/96

Town Hall

8:00 PM

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.

Board of Ethics Report
September 13, 1996

The following report was submitted by Rabbi David E. Fass: As Chairperson of the Clarkstown Board of Ethics, I hasten to present this report of our year's activities prior to the required date for filing the annual disclosure forms on September 15. I was prepared to make the report at last Tuesday's Town Board meeting, but unfortunately the agenda precluded that.

Our Board is charged with ensuring compliance with the state disclosure laws. To that end, we sent requests for such forms to approximately one hundred individuals. As of this moment, we have had 99% compliance. By the close of business today, we expect to have one hundred per cent compliance, with all the forms turned in and notarized as required by law.

I would like to thank the other members of the committee for all their time and effort: Sister Vincent Cirelli of the Sisters of St. Dominic; Rev. Richard W. Bower of the Elim Church; Pastor Randall Rottman of the Saint Paul Lutheran Church; and Rabbi David Berkman of the New City Jewish Center.

Deputy Town Attorney Vic Vitale was especially helpful with his advice and counsel, and Town Clerk Pat Sheridan was always eager to assist us in any way possible. Both of these people serve our community with integrity and distinction.

On motion of Councilman Maloney, seconded by Councilman Profenna and unanimously adopted, the public hearing re: Abandonment of a Portion of Lawrence Street, Congers, NY, was opened, time: 8:10 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney, and unanimously adopted, the public hearing re: Abandonment of a Portion of Lawrence Street, Congers, NY, was closed, ADJOURNED to October 22, 1996, time: 8:11 P.M.

On motion of Councilman Mandia, seconded by Councilman Profenna, and unanimously adopted, the public hearing re: Mountainbrook Estates Corp. Zone Change, was opened, time: 8:12 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney, and unanimously adopted, the public hearing re: Mountainbrook Estates Corp. Zone Change, was declared closed, RESERVED DECISION, time: 8:30 P.M.

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Supervisor Holbrook opened the public portion of the meeting and made the following statement:

Supervisor Holbrook spoke regarding the sale of the roads. He stated that there was a resolution put on the agenda, but it is the feeling of the Board Members that there should be more legal input from our Town Attorney prior to taking a vote on this specific issue. Supervisor stated that putting a resolution up that would be tabled would be fruitless. The commitment is from the Board to have this matter on the agenda for a vote in two weeks. The fact that people are here, they will be heard and recognized.

Appearance: William Chase
New City

Mr. Chase stated that the applicant has shown that if he has the roads, he has the right to build up to 3 million square feet or more of a mall. They cannot do this without the proper findings. Until you do that, you cannot sell them the roads.

Appearance: Richard Burman
West Nyack

Mr. Burman stated that we are fighting for our home town. He is against the expansion of the mall.

Appearance: Shirley Lasker
West Nyack

Ms. Lasker spoke re: the expansion of the Palisades Mall. She handed in petitions with 6,000 signatures of people who are against the mall expansion. She requested that the Town Board not sell our Town roads.

Appearance: Bruce Broadley
West Nyack

Mr. Boardley recommended that people read an article in Newsweek called "My Turn". He suggested that the Town Board not worry about any law suit. It appears that part of Pyramid's operating procedure is to probably sue the Towns.

Appearance: Martin Bernstein
New City

Mr. Bernstein spoke regarding the selling of the roads (Virginia Avenue, Besso Street and Route 59A).

Appearance: Thomas Valenti
Sponsor Partner for Palisades Mall

Mr. Valenti spoke regarding the site plans and the selling of the roads (Virginia Avenue, Besso Street and Route 59A).

Appearance: Karl Copeland, Esq.
West Nyack - West Branch Conservation Assoc.

Mr. Copeland spoke about the legal intimidations. He cited cases of Towns selling real property.

Appearance: Paula Berkowitz
Clarkstown

Ms. Berkowitz asked Mr. Valenti where he lived. She asked about the original plans for the mall and the selling of the roads.

Appearance: Jack Cuff
West Nyack

Mr. Cuff spoke regarding Abandonment of a portion of Lawrence Street.

Appearance: Marie Bouchard
Congers

Ms. Bouchard asked about the Zone Change for 303 and Lake Road Mini Mall.

Appearance: Michael Zac
West Nyack

Mr. Zac said that the mall would destroy our town, the quality of our lives and increase crime. He also noted the multible mailings done by Pyramid.

Appearance: John Lacy
New City

Mr. Lacy spoke in favor of free enterprise and has no objection to Pyramaid being the largest mall in the USA.

Appearance: George Rummell
New City

Mr. Rummell spoke about the possible failure of the Palisades mall.

Appearance: Steve Fetner
Upper Nyack

Mr. Fetner stated that the Pyramid Mall has been given special consideration. They did not follow the normal procedure

Appearance: Steve Hitman
West Nyack

Mr. Hitman said that if the Town Board protected the people, the people would protect the Town Board. He questioned Pyramid working on the access road.

Appearance: John O'Neill
Chestnut Ridge

Mr. O'Neill said that if Pyramid had stated that it would be the second largest mall in the USA, it would not have gotten original approval.

Appearance: Lisa Lockwood
Upper Nyack

Ms. Lockwood questioned how easy it was to get a Zone Change in the Town of Clarkstown.

Appearance: Annette Dema
Congers

Ms. Dema questioned the DEIS study on traffic. She stated that the Town Board should be responsive to the people of Clarkstown.

Appearance: Irene Fisher
West Nyack

Ms. Fisher stated that the people of Clarkstown are angry and they do not want the roads sold.

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Appearance: Mary Ann Brancetelli
West Nyack

Ms. Brancetelli said: do not sell, lease or give the roads to Pyramid.

Appearance: Frank Christie
West Nyack

Mr. Christie spoke in favor of Pyramid Mall.

Appearance: Carol Russell
Valley Cottage

Ms. Russell stated that it was ironic that Mr. Valenti used the word fair since he was not fair in asking for the expansion.

RESOLUTION NO. (840-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as CONGERS LAKE PLAZA, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Lenox Avenue, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated August 21, 1996 from Terminello Enterprises, Inc. to the Town of Clarkstown, gratuitously conveying a strip of land along Lenox Avenue, Congers, New York, is hereby accepted and ordered recorded in the Rockland County 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. (841-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as WINDHAM PARK II, the Planning Board of the Town of Clarkstown requested a Conservation Easement and deed for road widening purposes along Ridge Road, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, Conservation Easement dated August 27, 1996 between Raymond R. Schupner and Jo-Ann E. Schupner and the Town of Clarkstown and deed dated August 27, 1996 from Raymond R. Schupner and Jo-Ann E. Schupner to the Town of Clarkstown, gratuitously conveying a strip of land along Ridge Road, Valley Cottage, New York, are

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RESOLUTION NO. (841-1996) Continued

hereby accepted and ordered recorded in the Rockland County 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. (842-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, AVALON PROPERTIES, INC. v. RUDOLPH J. YACYSHYN, et al;

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. (843-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, MARTIN FELDI and JOSEPH DELUCA v. ARNOLD AMSTER, ET AL;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized 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. (844-1996)

Co. Mandia offered and Co. Maloney seconded

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RESOLUTION NO. (844-1996) Continued

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, In the Matter of the Application of CORPORATE PROPERTY INVESTORS, ET AL v. CHARLES E. HOLBROOK, et al;

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. (845-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain easements on property known as Map 125, Block B, Lots 11 and 11.1, which is located adjacent to the Congers Lake Dam, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment to Thomas G. Martin, for appraising property designated on the Clarkstown Tax Map as Map 125, Block B, Lots 11 and 11.1, in the amount of \$1,000.00, and be it

FURTHER RESOLVED, that this fee shall be charged to Account No. H 1994-400-409-0-1416.

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. (846-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes payment to the Hudson Valley Abstract Company, upon presentation of bills, for providing title services and recording documents with respect to permanent easements on properties designated on the Clarkstown Tax Map as Map 138, Block H, Lots 13, 14 and 17, located in Valley Cottage, New York, with respect to the Barmore Hill Sanitary Sewer Project - MBSIA #2, and be it

FURTHER RESOLVED, that the fee of \$1,237.50 for such services shall be charged to Account No. H 7140-409-6-100.

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RESOLUTION NO. (846-1996) 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. (847-1996)

Co. Mandia offered and Co. Maloney seconded

REQUESTING authorization for reimbursement to
Cynthia Shaw, MA, Clarkstown Counseling Center for attendance
at conference on September 19, 1996 - Mind Matters Seminars -
Self Esteem - Registration fee: \$57.00

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. (848-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized
and directed to enter into an agreement, in a form approved by
the Town Attorney, with the Board of Fire Commissioners, New
City Fire District, to receive economic assistance in the sum
of \$15,000 for the installation of Traffic Preemption Systems,
for the calendar year 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. (849-1996)

Co. Mandia offered and Supv. Holbrook seconded

WHEREAS, the Town of Clarkstown operates a
mini-transit system, and

WHEREAS, it has been recommended that the fares be
increased except for senior citizens or handicapped riders;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the
increase in fares for the Clarkstown Mini-Trans as of October 1,
1996, as follows:

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RESOLUTION NO. (849-1996) Continued

	<u>From</u>	<u>To</u>
Bus Fare	60¢	90¢
Transfer	5¢	10¢

Senior Citizens and Handicapped Persons shall continue to pay a 30¢ fare.

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. (850-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby directs the Clarkstown Planning Board to make recommendations on the feasibility of allowing day care centers in a retail and/or commercial zone.

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. (851-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to repair and extend the berm and shoulder along Sheridan Avenue, Congers, New York, which abuts the Congers VMA Little League, Inc. property.

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. (852-1996)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Howard Lampert, Traffic Engineering Consultant, to prepare specifications for the construction of a sidewalk on the North side of Demarest Avenue, West Nyack, New York.

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RESOLUTION NO. (852-1996) 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. (853-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Emily Feiner, Brian Connolly, Glenn Leeds, Cynthia Shaw, Pamela Peck, Lisa Kloenne, Kathleen Costello attend OASAS Prevention Conference on Tuesday, October 29, 1996, Holiday Inn, Fishkill, New York. Registration fee: \$25 per person, including lunch.

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. (854-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the NYS Government Finance Officers Association Downstate Council is holding their regional seminar on Friday, October 4, 1996 at West Point, NY, be it

THEREFORE RESOLVED, that the following persons attend:

Anne Marie Smith, Councilwoman
 Edward J. Duer, Comptroller
 Penny Leonard, Director of Finance
 Dolores F. Lodico, Deputy Comptroller
 Doris Fogel, Administrative Assistant I
 Mary DeForest, Principal Account Clerk

and be it

FURTHER RESOLVED, that all proper charges be charged to A 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. (855-1996)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (855-1996) Continued

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend a Real Property Systems Users Meeting on September 27, 1996, which is being held in Albany, 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. (856-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that John F. Mauro, Superintendent of Highways, is hereby authorized to attend the Third Statewide Conference on Local Bridges, sponsored by the Cornell Local Roads Program, to be held in Syracuse, New York on October 30-31, 1996, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against appropriation Account No. A-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. (857-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, COURTNEY-LYNN PROPERTIES, INC. and FRED J. CUFINI have 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 petitioners, from an R-15 District and an R-40 District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 141, Block B, Lots 1 and 2;

NOW, THEREFORE, be it

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 October 22, 1996, at 8:05 P.M., relative to the proposed amendment, 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.

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RESOLUTION NO. (857-1996) 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. (858-1996)

Co. Mandia offered and Co. Maloney seconded

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

"AMENDMENT TO CHAPTER 91 (BURGLAR ALARM DEVICE CONTROL) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on October 22, 1996, at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the newspaper of general circulation and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (859-1996)

Co. Mandia offered and Co. Maloney seconded

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

"AMENDMENT TO CHAPTER 18 (ETHICS, CODE OF) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on October 22, 1996, at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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RESOLUTION NO. (859-1996) Continued

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the newspaper of general circulation and posted in the manner provided by law and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (860-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various appropriation accounts require additional funding, be it

THEREFORE RESOLVED, to increase Unexpended Balance A 1014 2999 0 Account by \$28,920.00 and increase the following appropriation accounts:

A 1620 408 (Maintenance-Bldg. Repairs) \$16,260
A 1010 414 (Councilmen-Conferences/Schools) \$ 600
A 3320 219 (Install. Traffic Signals/Misc Equip) .\$. 550
A 8090 409 (Aquatic Pests-Fees/Serv) \$ 6,000
A 9785 640 (Install. Purchases-Princ.) \$ 4,600
A 9785 740 (" " -Int.) \$ 910

and be it

FURTHER RESOLVED, to decrease A 1220 438 (Supervisor-Maintenance Agreements) and increase A 1220 313 (Office Supplies & Prtg.) by \$100.00; decrease A 1670 438 (Mail & Copy-Maintenance Agreements) and increase A 1670 313 (Office Supplies & Prtg.) by \$1,770.00; and decrease A 1430 204 (Personnel-Office Machines) and increase A 1430 424 (Contractual Expense) by \$100.00, and

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

THEREFORE RESOLVED, to increase A 01 9 2705 0 and A 3120 111 (Police-Overtime) by \$3,648.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (861-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various appropriation accounts require additional funding, be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 (Unexpended Balances) and Appropriation Account No. A 1620 209 (Misc. Equipment) by \$19,290.) and

WHEREAS, the Town of Clarkstown has received \$382.50 from the County of Rockland for the Summer Youth Program, be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 10 3839 0 (Summer Youth Program) and A 7141 114 (Recreation-Part-time) by \$382.00

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. (862-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various appropriation accounts require additional funding, be it

THEREFORE RESOLVED, to decrease Appropriation Account No. B 8020 409 10 (Planning-Master Plan) and increase B 8020 199 (Vacation Buybacks) by \$173.00

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. (863-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Account #A-7141-306 (Maintenance Supplies) by \$2,000.00 and to increase Account #A-7141-408 (Building Repairs) by \$2,000.00, and be it

FURTHER RESOLVED, to decrease Account #A-7310-427 (Publicity) by \$2,000.00 and to increase Account #A-7141-408 (Building Repairs) by \$2,000.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (864-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 93 dated 1/9/96 authorizes payment for the installation of a fence in the vicinity of Allegheny Drive, West Nyack at a cost of \$1,600.00, be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. DB 041 14 2999 (Unexpended Balance) and Appropriation Account No. DB 5110 379 (Highway-Signs/Posts) by \$1,600.00

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. (865-1996)

Co. Maloney offered and Co. Mandia seconded

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

THEREFORE RESOLVED, to increase Estimated Revenue A 01 9 2705 (General-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 Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (866-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various appropriation accounts require additional funding, be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 (General-Unexpended Balance) and Appropriation Account No. A 1990 505 (Contingency-Fund) by \$2,397.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (867-1996)

Co. Maloney offered and Co. Mandia seconded

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

BID #66-1996
TRAFFIC SIGNAL INSTALLATION
SMITH ROAD AT PASCACK ROAD

bids to be returned to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on October 24, 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. (868-1996)

Co. Maloney offered and Co. Mandia seconded

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

BID #1-1997
STATIONERY AND OFFICE SUPPLIES

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 October 23, 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. (869-1996)

Co. Maloney offered and Co. Mandia seconded

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

BID #67-1996
RECONSTRUCT BASEBALL BACKSTOP AT ZUKOR PARK

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RESOLUTION NO. (869-1996) Continued

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 October 28, 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. (870-1996)

Co. Maloney offered and Co. Mandia seconded

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

BID #68-1996
RENTAL OF TRUCKS

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 October 7, 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. (871-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #56-1996
SANITARY SEWER CONSTRUCTION ROUTE 9W WEST

is hereby awarded to

P&H CONSTRUCTION CORP.
255 Margaret King Ave., PO Box 305
Ringwood, NJ 07456
Principal: Robert W. Hamilton

as per their proposed project cost of \$108,590.45 and be it

Continued on Next Page

RESOLUTION NO. (871-1996) Continued

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

- a) Signed contract documents
- b) Performance Bond - 100%
- c) Labor and Material Payment Bond - 100%
- d) Certificate of Contractors Liability and Property Damage Coverage
- e) Certificates of Workers' Compensation and Disability Coverages

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. (872-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #58-1996
MILLCREEK & PIPETOWN HILL ROAD
SANITARY SEWER CONSTRUCTION

is hereby awarded to

COLONELLI BROS. INC.
409 South River St.
Hackensack, NJ 07601
Principals: Angelo Colonelli; Nino Colonelli
Umberto Colonelli; Frank Colonelli

as per their proposed project cost of \$142,810.00 and be it

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

- a) Signed contract documents
- b) Performance Bond - 100%
- c) Labor and Material Payment Bond - 100%
- d) Certificate of Contractors Liability and Property Damage Coverage
- e) Certificates of Workers' Compensation and Disability Coverages

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. (873-1996)

Co. Maloney offered and Co. Smith seconded

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RESOLUTION NO. (873-1996) Continued

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

BID #60-1996
COMPRESSED GASES AND WELDING SUPPLIES

is hereby awarded to

ALL WELD PRODUCTS
119 Nepperham Avenue
Elmsford, NY 10523
Principal: Nicholas Mattiace

(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. (874-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Project Architect and the Supt. of Recreation and Parks that

BID #52-1996
WATER SLIDE FOR GERMONDS PARK

is hereby awarded to

RECREATIONAL CONCEPTS AND CONSTRUCTION, INC.
215 Newbury St., Suite 204B
Peabody, MA 01960
Principals: Winthrop Knox, Brian McLaughlin

as per their lowest cost proposal of \$223,897.00 for a Proslide Park Twister mode water slide, and be it

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

- a) Signed contract documents - 3 copies
- b) Performance Bond - 100%
- c) Labor and Material Payment Bond - 100%
- d) Certificate of Contractors Liability and Property Damage Coverage
- e) Certificates of Workers' Compensation and Disability Coverages

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. (875-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Town Traffic & Highway Engineering Consultant that

BID #54-1996
SIDEWALKS - OLD HAVERSTRAW ROAD, CONGERS, NY

is hereby awarded to:

N. PICCO & SONS CONTRACTING CO., INC.
154 East Boston Post Road
Mamaroneck, NY 10543
Principal: Nat Pico

as per their adjusted low bid proposal of \$84,800.00, and be it

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

- a) Signed contract documents - 3 copies
- b) Performance Bond - 100%
- c) Labor and Material Payment Bond - 100%
- d) Certificate of Contractors Liability and Property Damage Coverage
- e) Certificates of Workers' Compensation and Disability Coverages

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. (877-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of September 10, 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. (878-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Town Board resolution #731-1996 is hereby corrected to read:

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR BID #26A-1996, CHRISTIAN HERALD ROAD DRAINAGE IMPROVEMENTS

Continued on Next Page

RESOLUTION NO. (878-1996) Continued

WHEREAS, the Town Board authorized the solicitation of proposals for the referenced bid by resolution dated July 2, 1996, and

WHEREAS, three (3) firms submitted proposals in response to the solicitation, and

WHEREAS, the Department of Environmental Control, the Town Attorney's Office and the Director of Purchasing have reviewed the proposals received, and

WHEREAS, the review indicates that the Contract can be awarded to the low bidder,

NOW, THEREFORE, be it

RESOLVED, as follows:

1. The Town Board accepts the proposal submitted by EMES Heating & Plumbing Cont., Inc., and further
2. Authorizes the Supervisor to enter into contract with EMES Heating & Plumbing Cont., Inc. for the bid amount of one hundred twenty three thousand (\$123,000.00) dollars to perform the work, and further
3. Directs the Director of Purchasing to notify said Contractor of the acceptance of the proposal by the fastest possible means, and further
4. Designated the Director and/or the Deputy Director, Design of the Department of Environmental Control to act as "Engineer" as defined in the bid documents.

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. (879-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that a Special Town Board meeting shall be held on September 30, 1996, at 5:00 P.M., in the Andrew Jackson Room (Room 306) of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, for the presentation of the Tentative Budget for the year 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. (880-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, that the Town of Clarkstown wishes to become a member of the Real Property System AS/400 Users Group;

Continued on Next Page

RESOLUTION NO. (880-1996) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town to become a member of the Real Property System AS/400 Users Group, at an annual cost of \$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. (881-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the New York State Office of General Services (OGS) entered into an agreement under which NYNEX shall provide certain usage services under the terms and conditions of NYNEX's PSC No. 900 Tariff to its customer, Town of Clarkstown, and

WHEREAS, the Town of Clarkstown wishes to take advantage of the local usage discount plan;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with NYNEX, in a form satisfactory to the Town Attorney, to provide certain usage services to the Town at a discounted 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. (882-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Nyack Hospital for the Employee Assistance Program, for the twelve (12) month period commencing October 1, 1996 and terminating on September 30, 1997, and be it

FURTHER RESOLVED, that the appropriation of \$12,100.00 to pay for services to be provided, shall be charged to 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. (883-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the New York State Thruway Authority wishes to enter into an agreement with the Town of Clarkstown for use of the Transfer Station for the period beginning January 1, 1997 and terminating on December 31, 1997, and

WHEREAS, the Town Board is willing to enter into an agreement with the provision that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Transfer Station at the rate required by the Town;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town of Clarkstown, to enter into an agreement with the New York State Thruway Authority, in a form approved by the Town Attorney, to provide for the use of the Transfer Station for the period beginning January 1, 1997 and terminating on December 31, 1997, for disposal of garbage and refuse at a cost of \$73.00 per ton, and be it

FURTHER RESOLVED, that the New York State Thruway Authority pays an additional fee for the disposal of its tires at the Transfer Station at the rate required by the Town.

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. (884-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland for the Substance Abuse Services Program through the Department of Mental Health for the period January 1, 1996 through December 31, 1996, for a total consideration of \$112,265.00.

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. (885-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Phoenix Systems & Analysis, Inc., in a form satisfactory to the Town Attorney, to pay for August Strimeter to attend a Real Property Systems

Continued on Next Page

RESOLUTION NO. (885-1996) Continued

Users Meeting on September 27, 1996, which is being held in Albany, New York, at a rate of \$65.00 per hour, with no additional compensation for any other expenses.

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. (886-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96025 Police Radio Dispatcher (Computer-Aided Disp.) which contains the name of David A. DeCicco,

NOW, THEREFORE be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of David A. DeCicco, 6 Roland Court, Nanuet, New York to the (permanent) position of Police Radio Dispatcher (Computer-Aided Disp.) - Police Department - at the current 1996 annual salary of \$33,039.00, effective and retroactive to September 12, 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. (887-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96025 Police Radio Dispatcher (Computer-Aided Disp.) which contains the name of Richard Cummings,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Richard Cummings, 40 Stratford Place, New City, New York, to the (Contingent-Permanent) position of Police Radio Dispatcher (Computer-Aided Disp.) - Police Department - at the current 1996 annual salary of \$33,039.00, effective and retroactive to September 12, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (888-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96025 Police Radio Dispatcher (Computer-Aided Disp.) which contains the name of Kathleen E. Lussen,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Kathleen E. Lussen, 104-25 College Avenue, Nanuet, New York, to the (Contingent-Permanent) position of Police Radio Dispatcher (Computer-Aided Disp.) - Police Department - at the current 1996 annual salary of \$33,039.00, effective and retroactive to September 26, 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. (889-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the (verbal) resignation of Peggy Carlucci, 13 Muller Drive, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 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. (890-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the (verbal) resignation of Joan Cusack, 16 Homestead Lane, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 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

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RESOLUTION NO. (891-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the (verbal) resignation of Maureen T. Moriarity, 38 Twin Elms Lane, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 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. (892-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the (verbal) resignation of Eileen M. Wasserman, 140 West Clarkstown Road, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to September 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. (893-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Jack A. Antonaccio, 78 Eberling Drive, New City, New York, to the position of Crossing Guard - Police Department - at the current 1996 salary of \$10.94 - per crossing - effective and retroactive to September 4, 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. (894-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Michele R. Heim, 19 Glenside Drive, New City, New York, to the position of Crossing Guard - Police Department - at the current 1996 salary of \$10.94 - per crossing - effective and retroactive to September 4, 1996.

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RESOLUTION NO. (894-1996) 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. (895-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Joseph T. Vail, 37 Whitewood Drive, New City, New York, to the position of Crossing Guard - Police Department - at the current 1996 salary of \$10.94 - per crossing - effective and retroactive to September 4, 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. (896-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Jennifer S. McNicholas, 20 Kevin Court, Nanuet, New York, to the position of (Substitute) Crossing Guard - Police Department - at the current 1996 salary of \$10.94 - per crossing - effective and retroactive to September 4, 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. (897-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Jo Anne Click, 136 Ridge Road, Valley Cottage, New York, is hereby appointed to the position of Clerk (Temporary) - Town Justice Department - at the current 1996 hourly rate of \$10.00 - effective and retroactive to September 12, 1996, for a period not to exceed two (2) months.

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. (898-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Anna L. Newhouse, 286 Hungry Hollow Road, Spring Valley, New York is hereby appointed to the position of Clerk (Temporary) - Town Justice Department - at the current 1996 hourly rate of \$10.00 - effective and retroactive to September 12, 1996, for a period not to exceed two (2) months.

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. (899-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96049 Highway Maintenance Supervisor II (Prom) (Contingent Permanent) which contains the name of Thomas M. Westervelt,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Thomas M. Westervelt, 4 Pine Drive, Thiells, New York, to the Contingent Permanent position of Highway Maintenance Supervisor II - Highway Department - at the current 1996 annual salary of \$55,433.00, effective and retroactive to September 16, 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. (900-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of Howard Lampert, Traffic Engineering Consultant, the Superintendent of Highways is hereby authorized to install signs restricting parking on the entire length of Spring Brook Road, as follows:

NO PARKING on the east and north sides of Spring Brook Road on odd numbered days.

NO PARKING on the west and south sides of Spring Brook Road on even numbered days.

This resolution shall become effective as soon as the necessary signs are installed.

Continued on Next Page

RESOLUTION NO. (900-1996) 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. (901-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the preparation of a transcript with respect to Foley v. The Zoning Board of Appeals of the Town of Clarkstown.

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. (902-1996)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town Board has committed to the improvement of streets known as Hillcrest Road and Tupper Lane, and

WHEREAS, design of said improvements requires field survey to establish existing conditions, and

WHEREAS, the firm of Atzl, Scatassa and Zigler, P.C. has provided a proposal to perform said survey work,

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is authorized to hire the firm of Atzl, Scatassa and Zigler, P.C. to perform survey work for a cost not to exceed \$4,350.00, such cost to be a proper charge to account H 5111 409 419.

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. (903-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the existing channel embankment retaining wall is seriously deteriorated and nearing the end of its design life, and

Continued on Next Page

RESOLUTION NO. (903-1996) Continued

WHEREAS, field inspection by the Department of Environmental Control indicates that the existing wall requires immediate stabilization repairs to prevent the collapse of the wall and resultant blockage of the stream until such time as replacement can be effectuated, and

WHEREAS, the necessary hydraulic analysis and preparation of construction documents will require the complete replacement of the wall to be undertaken as a project in the fiscal year 1998, and

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is authorized to hire Environmental Construction Inc. to perform immediate stabilization work for a cost not to exceed \$8,500.00, such cost to be a proper charge to account H 7182 409 55 17, and be it

FURTHER RESOLVED, that the Town Board does authorize the Director of the Department of Environmental Control to prepare construction documents and specifications as required for the replacement of the wall.

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. (904-1996)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, adverse drainage conditions exist on and adjacent to the properties of 858 and 863 Lily Lane, 856 and 862 Mulberry Road, and 860 Belleville Drive, Valley Cottage, New York, and

WHEREAS, these properties have a long history of drainage problems, and

WHEREAS, the Department of Environmental Control investigated these sites and found that remedial action is necessary on drainage systems constructed by the Town of Clarkstown 30 years (approximately) ago;

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the Director of the Department of Environmental Control to define the scope of work required and seek proposals or bids, as appropriate, to perform corrective work as required to restore these drainage systems to their original intended purposes, including replacement of underdrains, regrading, cleaning and reconstruction of drainage structures and lines.

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. (905-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town has signed a contract (the Contract) for remedial construction (capping) of its landfill which requires structural fill as part of the cap, and

WHEREAS, the Contract requires that such fill be "natural," and meeting certain technical requirements outlined in the Contract, and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has requested the Town of Clarkstown to consider allowing the contractor at the Clarkstown Landfill to use approximately 70,000 cy of construction and demolition material, currently stored at the Age Carting site at Hastings-on-Hudson, New York, (the Hastings material) that material to be processed to meet the technical requirements of the Contract, and tested to assure the State and Town that it is not hazardous and is safe, and

WHEREAS, the NYSDEC has stated that they will issue a "Beneficial Use Determination (BUD)" for this material, certifying that this material is no longer a waste under New York State regulations, and

WHEREAS, the use of the Hastings material at the landfill will significantly reduce the Town's share of the project cost;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to negotiate with the NYSDEC and the Contractor at the Town Landfill for a change order (to the landfill Contract) for the use of the Hastings material, provided that such a change order does not result in the use of hazardous or noxious materials, does not compromise the integrity of the construction, and results in a significant cost savings to the Town.

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 Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 11:00 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/24/96

8:10 P.M.

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

Re: Abandonment of a Portion of Lawrence Street, Congers, NY

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

On motion of Councilwoman Smith, seconded by Councilman Maloney, and unanimously adopted, the public hearing was declared adjourned to October 22, 1996, time: 8:11 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/24/96

8:12 P.M.

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

Re: Mountainbrook Estates Corp. -- Change of the Zoning Ordinance
of the Town of Clarkstown

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

The Town Clerk read the following letter to the Town Board:

As a resident living on Mountainview Ave., I URGE THE BOARD TO REJECT APPLICATION FOR A ZONING CHANGE by Mountainbrook Estates Corp. for the following reasons:

The proposal does not include accomodations for addressing inevitable traffic, sewage, and fertilizer runoff problems on Mountainview Ave.

Given the large number of families that Mountainbrook Estates Corp. proposes to accomodate in the relatively small land area, one can only surmise that the architectural aesthetics of their proposal will leave a lot to be desired. Most certainly, the design of the housing complex will be remarkable in only the fact that it will be blatantly profit-motivated and will make no effort to compliment the Nyack area's rich landmarks. On the contrary, I expect a slap in the face in the form of cardboard bedrooms.

The forest that will certainly be leveled to build the complex has been known to produce a bounty of wild mushrooms, including the relatively rare chanterelle. It would be a shame to destroy its habitat.

Signed, Serge Ossorguine

The Town Attorney stated that the County Planning Board approved with modifications; the Town Planning Board recommends MF1, no environmental impact. County recommends the following modifications:

1. The lands contained within the shaded area of the accompanying Mountainbrook Estates site development plan dated 8/21/96 will be gratuitously dedicated to the County of Rockland for park use.

2. The applicant's proposal to build 47 clustered townhouse units should not be exceeded.

3. At the time of site plan review, issues raised by the County Park Commission and the NY/NJ Trail Conference concerning the specific location of the Long Path within the areas proposed for dedication, the need for trail buffers, and required monumentation of the Trail will be addressed.

4. We concur with the May 3, 1996 letter from the Rockland County Parks Commission. It appears that what the applicant has offered with respect to the dedication of lands will satisfy the concerns raised.

5. We concur with point number one in the May 10, 1996 letter from the Rockland County Environmental Management Council. The applicant's offer to dedicate the eastern portion of the site to the County seems to satisfy this concern.

The Supervisor said the Long Path is a concern as well as gratuitous dedication of park land to the County. The Supervisor asked the applicant to proceed.

Appearance: Jeff Weinberger
Attorney at Law, New City, NY

Mountainbrook Estates has acquired approximately 30 acres of property in the hamlet of Valley Cottage. This property formerly comprised two different parcels; the first parcel,

formerly known as the Gold-Ell Height subdivision, consisting of 14 acres, had been previously subdivided into single family houses. Subsequent to that time, the applicant acquired approximately 16 acres east of this parcel which generally abuts portions of the Mountainview Condominiums; part of it lies in the Village of Nyack, part touches Oakhill Cemetery and part shares a common boundary line with the Gold-Ell Heights subdivision. (Mr. Weisberger presented a map showing the parcel to the Town Board.) The applicant proposes to construct 47 luxury townhouses in the lower part of the property. The remainder of the parcel will be left in its natural and wild state. The applicant is requesting a zone change application but under the existing zoning could support up to 47 single family homes. The Gold-Ell Heights subdivision was formerly approved for 18 of those homes. The balance of the units would lie on a ridge line overlooking the Hudson River and a portion of 2 acres which lies in the Village of Nyack. The applicant proposes to dedicate a section (shaded in blue on exhibited map) to the County as parkland, as an extension to the Mountainview Nature Park. The County Parks Department has agreed to recommend that the County Legislature accept this area as parkland. This provides a new location and expanded right-of-way for the Long Path easement. The current easement is a small 15 foot strip of land that runs along the boundary line. Should the Board grant the zone change and the County Legislature accept the land as parkland, there would be a new 35 foot wide Long Path easement. The applicant does not intend to increase the density of what currently exists now. The applicant requests the Board grant this zone change on the basis that 47 Townhouses will use less Town services, will require no roadway maintenance, will produce less school age children and will generally be a benefit for the Town.

Supervisor Holbrook asked if this was located in the Nyack School District and if the Trails Conference supports the protection of the Long Path on this route.

Mr. Weinberger said yes they met with the Trails Conference, together with the County Planning Board and The County Parks Department. They are satisfied with our efforts to protect the Long Paths. There are some site plan issues but generally they are satisfied.

Mr. Mandia asked if they were willing to stipulate to all of the conditions that the County Planning Board made.

Mr. Weinberger said yes and the zone change petition specifically states that we would like the zone changed but limited to no more than 47 units. We do agree with all conditions.

Appearance: Rudolph Yacyshyn
Chairman, Town Planning Board

The Town Planning Board did agree with density of MF1 but there were a number of conditions attached to it: 47 units - no greater, dedication of land a condition of the zone change, appropriate documentation be filed as condition of zone change, the proposed road in the development would be private, the public water supply would be provided, upper portion of land in Nyack to be deeded to Rockland County Parks Commission and the Long Path shown in the zone map. Some of those have not yet been demonstrated on the exhibit by applicant but we assume all of that would be taken care of in the site plan, should it come to us. In addition, although we have considered the number of units, it would include the portion in the Village of Nyack. Obviously, that is outside our jurisdiction. We must work that out so it will be forever undeveloped, as a condition of our approval here.

Appearance: Bill Bosley
Owner of property across from subdivision

The property I own was granted average density last year by the Town Board. We had 7 lots in R22 and 4 lots in R160. We have lots between one and four acres in our subdivision. Part of the condition of my average density approval was the creation of a conservation easement abutting the Mountainview Nature Park. Mountainview Avenue is a treed, rural road and it's important to keep the trees along Mountainview Avenue to create a conservation easement in front of this property. All the other projects are well

screened. Mountainbrook has never proved how they got their lot count of 47 units. They should provide that to the Town Board before you say 47 units. I'd like to see 35 or 40, whatever they are legally allowed to have.

Appearance: Marion Maher
Valley Cottage

My understanding is that the resolution was going to read no more than 47 units. It should not read 47 units. I have no objection as long as the Long Path, the ridge line, the property down in Nyack is included. It's important that the property be protected and become part of the resolution passed.

Mr. Weinberger said there will be little, if any, disturbance of trees along Mountainview Avenue. (Mr. Weinberger again exhibited a map). The applicant requested the Board grant the zone changes limited to not more than 47 and, as a condition of approval, the rest of the property remain in its natural and undisturbed state. We feel the application is sound and preserves the ridge line and Hudson River views.

Appearance: Robert Geneslaw
Planning & Development Consultant

We favor the plan in principle but we ask the Board if it is agreeable to the zone change, not to act until a minor matter can be worked out with the sewer district. There's a recent comment from the sewer district we'd like to make sure is reflected in the Town Board's resolution.

There being on one else wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney, and unanimously adopted, the public hearing was declared closed, reserved decision, time: 8:30 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk