

TOWN OF CLARKSTOWN
Town Board Meeting

Town Hall

2/25/97

8:00 P.M.

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

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

On motion of Co. Mandia, seconded by Co. Profenna and unanimously adopted, the public hearing re: Abandoning Portions of Smith Street, Charles Street, Park Avenue, Pacific Street, Upton Avenue, Randolph Street and Beacon Street, Congers, New York was opened, time: 8:05 p.m. and on motion of Co. Mandia, seconded by Co. Profenna and unanimously adopted the public hearing was closed, RES. #158 ADOPTED, time 8:06 pm.

Co. Maloney arrived at 8:06 p.m.

On motion of Co. Mandia, seconded by Co. Profenna and unanimously adopted, the public hearing re: Windham Development Corp. was declared open, time: 8:06 p.m. and on motion of Co. Mandia, seconded by Co. Profenna and unanimously adopted, the public hearing was adjourned to March 25, 1997, time: 8:45 p.m.

On motion of Co. Mandia, seconded by Co. Smith and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 262 (Taxation) was opened, time: 8:47 p.m. and on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RES. #159, ADOPTED, time: 8:47 p.m.

On motion of Co. Mandia, seconded by Co. Smith and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 109 (Building Construction Administration) was opened, time: 8:47 p.m. and on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RES. #160 ADOPTED, time: 8:47 p.m.

On motion of Co. Mandia, seconded by Co. Smith and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 246 (Site Plan Review) was opened, time: 8:47 p.m. and on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RES. # 161 ADOPTED, time: 8:47 p.m.

On motion of Co. Mandia, seconded by Co. Smith and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 254 (Subdivision of Land) was opened, time: 8:47 p.m. and on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RES. # 162 ADOPTED, time: 8:47 p.m.

RESOLUTION NO. (158-1997)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 14, 1997, provided for a public hearing on February 25, 1997, at 8:05 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of portions of SMITH STREET, CHARLES STREET, PARK AVENUE, PACIFIC STREET, UPTON AVENUE, RANDOLPH STREET AND BEACON STREET, Congers, New York, as described in Schedule "A" attached, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated January 28, 1997, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLVED, that portions of SMITH STREET, CHARLES STREET, PARK AVENUE, PACIFIC STREET, UPTON AVENUE, RANDOLPH STREET AND BEACON STREET, Congers, New York, as described in Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom portions of SMITH STREET, CHARLES STREET, PARK AVENUE, PACIFIC STREET, UPTON AVENUE, RANDOLPH STREET AND BEACON STREET, Congers, New York, as described in Schedule "A" attached, and be it

FURTHER RESOLVED, that the Recommendation of the Superintendent of Highways of the Town of Clarkstown that a Highway be Abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (159-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 262 (TAXATION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Smith, at a Town Board meeting held on January 28, 1997, and

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RESOLUTION NO. (159-1997) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 28, 1997, directed that a public hearing be held on February 25, 1997, at 8:15 p.m., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 12, 1997, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 21, 1997, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 25, 1997;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 1 - 1997, entitled:

"AMENDMENT TO CHAPTER 262 (TAXATION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

Charles E. Holbrook, Supervisor.....Yes
John R. Maloney, Councilman.....Yes
Ann Marie Smith, Councilwoman.....Yes
Ralph F. Mandia, Councilman.....Yes
Louis J. Profenna, Councilman.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (160-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 109 (BUILDING CONSTRUCTION
ADMINISTRATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Smith, at a Town Board meeting held on January 28, 1997, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 28, 1997, directed that a public hearing be held on February 25, 1997, at 8:17 p.m., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 12, 1997, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 21, 1997, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 25, 1997;

NOW, THEREFORE, be it

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RESOLUTION NO. (160-1997) Continued

RESOLVED, that Local Law No. 2 - 1997, entitled:

"AMENDMENT TO CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

Charles E. Holbrook, Supervisor.....Yes
John R. Maloney, Councilman.....Yes
Ann Marie Smith, Councilwoman.....Yes
Ralph F. Mandia, Councilman.....Yes
Louis J. Profenna, Councilman.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (161-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 246 (SITE PLAN REVIEW) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Smith, at a Town Board meeting held on January 28, 1997, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 28, 1997, directed that a public hearing be held on February 25, 1997, at 8:19 p.m., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 12, 1997, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 21, 1997, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 25, 1997;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3 - 1997, entitled:

"AMENDMENT TO CHAPTER 246 (SITE PLAN REVIEW) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

Charles E. Holbrook, Supervisor.....Yes
John R. Maloney, Councilman.....Yes
Ann Marie Smith, Councilwoman.....Yes
Ralph F. Mandia, Councilman.....Yes
Louis J. Profenna, Councilman.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (162-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled:

"AMENDMENT TO CHAPTER 254 (SUBDIVISION OF LAND)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilwoman Smith, at a Town Board meeting held on January 28, 1997, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 28, 1997, directed that a public hearing be held on February 25, 1997, at 8:21 p.m., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 12, 1997, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 21, 1997, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 25, 1997;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4 - 1997, entitled:

"AMENDMENT TO CHAPTER 254 (SUBDIVISION OF LAND)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

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

Charles E. Holbrook, Supervisor.....Yes
John R. Maloney, Councilman.....Yes
Ann Marie Smith, Councilwoman.....Yes
Ralph F. Mandia, Councilman.....Yes
Louis J. Profenna, Councilman.....Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (163-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of February 11, 1997 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. (164-1997)

On motion of Co. Maloney seconded by Co. Smith

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, ROY EIDMAN AND NORMA EIDMAN have agreed to gratuitously convey two sewer easements to the Town of Clarkstown, and

WHEREAS, the Town Attorney recommends acceptance of said conveyance:

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said easements on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED that said sewer easements are hereby ordered recorded in the Office of the Rockland County 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. (165-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the WEST NYACK LITTLE LEAGUE wishes to extend the lease agreement with the Town of Clarkstown for its use of portions of Germonds Park for little league purposes, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that said property be used by the West Nyack Little League, as it has been for the past five years;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an extension agreement with the West Nyack Little League, for use of portions of Germonds Park for little league purposes, and be it

FURTHER RESOLVED, that said agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that said agreement shall cover the period March 15, 1997 to March 14, 2002, and shall be automatically extended thereafter in five (5) year increments.

On roll call the vote was as follows:

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

RESOLUTION NO. (166-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

"S" Turn Warning signs (WI-8) in each direction North and South of the curve between house numbers 18 and 37 on Cranford Drive, New City, N.Y. and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (167-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, J.M.K. Building Corp., contract purchaser, has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by Antonio and Felissa Carrera, from an R-15 District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 5, Block B, Lot 2;

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 March 25, 1997, 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, 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.

RESOLUTION NO. (167-1997) 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. (168-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on March 25, 1997 at 8:10 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend General Use Regulations in an LO District,
Table 8, Column 3, Section A.1

From: "A. BOARD OF APPEALS
1. Public utility substations or pumping stations and telephone exchanges, housed in a structure that harmonizes with the character of the neighborhood and having adequate fences and other safety devices and adequate screening and landscaping, and subject to performance standards procedure of §290-13B, provided that they provide service to the surrounding area."

To: "A. BOARD OF APPEALS
1. Public utility substations or pumping stations and telephone exchanges, housed in a structure that harmonizes with the character of the neighborhood and having adequate fences and other safety devices and adequate screening and landscaping, and subject to performance standards procedure of §290-13B, provided that they provide service to the surrounding area, except that communication switching facilities within buildings including office facilities shall not be subject to a special permit."

and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown 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, and be it

FURTHER RESOLVED, that the proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report, and be it

FURTHER RESOLVED, for the purposes of the New York State

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RESOLUTION NO. (168-1997) Continued

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.

On roll call the vote was as follows:

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

RESOLUTION NO. (169-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that Edward J. Duer, Comptroller is hereby authorized to attend the New York State Government Finance Officers' Association, Inc. conference at Albany, NY from March 19-21, 1997 and be it

FURTHER RESOLVED, that all proper charges be charged to Appropriation Account A 1010-414 (Schools and Conferences).

On roll call the vote was as follows:

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

RESOLUTION NO. (170-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, Cynthia Shaw, MA, Clarkstown Counseling Center, attend NIP - 8th Annual Conference - Understanding and working with Erotic Transferences and Countertransferences - on Saturday, April 5th, 1997.

Registration fee: \$75.00 - Conference
 12.00 - Lunch
Total \$87.00

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. (171-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that Patricia Sheridan, Town Clerk, is hereby authorized to attend the 15th Annual New York State Town

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RESOLUTION NO. (171-1997) Continued

Clerks Association Conference 1997, to be held at the Hyatt Regency, Rochester, New York from April 20 -23, 1997.

RESOLVED, that all proper charges and registration fees be charged to Appropriation Account #1410 - 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. (172-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$5,000 from the State of New York for Parks & Recreation; \$7,752.00 from Corporate Property Investors and \$15,125.40 from Lancer Insurance Co., and be it

THEREFORE RESOLVED; to increase Estimated Revenue Account No. A 01 10 3815 0 (State of New York-Parks & Recreation) and A 7140 222 (Recreation-Playground Equipment) by \$5,000.00; increase A 01 5 2705 (Gifts & Donations) and A 3120 111 (Police -Overtime) by \$7,752.00 and increase A 01 8 2680 (Insurance Recoveries) and A 5630 406 (Mini-Trans-Repairs to Vehicles) by \$15,125.00.

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. (173-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$64,000.00 from Normandy Village for off-site road improvements and

WHEREAS, it is necessary to purchase equipment for traffic signalization, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account A 01 9 2705 (Gifts & Donations) and Appropriation Account No. A 3320 219 (Traffic Signals-Misc. Equipment) by \$11,546.00

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. (174-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$107,500.00 from Money in Lieu of Land to Parklands and Improvements account for various projects.

On roll call the vote was as follows:

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

RESOLUTION NO. (175-1997)

Co. Maloney offered and Co. Smith seconded

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

BID #14-1997
FIREWORKS DISPLAY

is hereby awarded to :

S. VITALE PYROTECHNIC INDUSTRIES, INC.
D/B/A PYROTECHNICO
P.O. Box 149
NEW CASTLE, PA 16103
PRINCIPALS: STEPHEN J. VITALE; MICHAEL J. FOX; E. BRUCE VOLENSKY

as per their low bid proposal of \$4,150.00, and be it

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

- 1 - Performance Bond - \$5,000.00
- 2 - Certificate of Insurance providing evidence of the following coverages
 - a - General, Automobile, and Fireworks Liability coverage - 1 million
 - b - Excess Liability - 1 million
 - c - Workers Compensation Insurance - Statutory Coverage
 - d - Workers Disability Insurance - Statutory Coverage

On roll call the vote was as follows:

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

RESOLUTION NO. (176-1997)

Co. Maloney offered and Co. Smith seconded

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

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RESOLUTION NO. (176-1997) Continued

BID #16-1997
CRUSHED STONE

is hereby awarded to:

TILCON NEW YORK
PO BOX 362
HAVERSTRAW, NY 10927
PRINCIPAL: PUBLIC CORPORATION

LONE STAR INDUSTRIES
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPAL: PUBLIC CORPORATION

PLAZA MATERIALS COMPANY
969 MIDLAND AVENUE
YONKERS, NY 10704
PRINCIPAL: CARL E. PETRILLO

(Price list 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. (177-1997)

Co. Maloney offered and Co. Smith seconded

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

BID #17-1997
BITUMINOUS CONCRETE

is hereby awarded to:

PLAZA MATERIALS COMPANY
969 MIDLAND AVENUE
YONKERS, NY 10704
PRINCIPAL: CARL E. PETRILLO

TILCON NEW YORK INC.
PO BOX 362
HAVERSTRAW, NY 10927
PRINCIPAL: PUBLIC CORPORATION

COUNTY ASPHALT
PO BOX 96, WEST MAIN STREET
TARRYTOWN, NY 10591
PRINCIPALS: WESTCHESTER INDUSTRIES, INC.
JOHN T. COONEY, SR.
FRANK D.COONEY, JR.

(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. (178-1997)

Co. Maloney offered and Co. Smith seconded

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RESOLUTION NO. (178-1997) Continued

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

BID #20-1997
REFUSE COLLECTION SERVICE FOR TOWN FACILITIES

is hereby awarded to:

PAT NAZZARO DISPOSAL
PO BOX 481
VALLEY COTTAGE, NY 10980
PRINCIPAL: PAT NAZZARO

(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. (179-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the
Supt. of Recreation & Parks and the project architect that

BID #12-1997
RENOVATION TO THE GERMONDS PARK BATHHOUSE

is hereby awarded to:

(A) General Construction:
Eastern States Construction, Inc.
21 Bubenko Lane
Garnerville, NY 10923
PRINCIPALS: Greg Blinn, Denis Blinn, Lawrence Blinn,
Kevin Blinn, Paul Mazzucca, Daniel
Mazzucca, Catherine Mazzucca

as per their low bid proposal

Base bid\$49,900
ALT. #1 Window Replacement .. 1,125
Total General \$51,025

(B) Plumbing

Hudson Valley Mechanical Contracting, LLC
21 Highview Avenue
Orangeburg, NY 10962
PRINCIPALS: Joseph T. Hauser, Laura Hauser

as per their low bid proposal

Base Bid.....\$24,154
Alt. A - Repl. Flush Valves..... 1,311
\$25,465

(C) Electrical

Livsey-Heady Construction, Corp.
27 Tavarone Street
Garnerville, NY 10923
PRINCIPALS: John Livsey, Larry Heady

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RESOLUTION NO. (179-1997) Continued

as per their low bid proposal

Base Bid\$11,300 and be it

FURTHER RESOLVED, that said award is subject to the receipt of the following by the Director of Purchasing prior to commencing work on the project:

- 1) Performance Bond - 100% of award
- 2) Labor & Material Payment Bond - 100% of award
- 3) Certificate of Contractor Liability Insurance
 - a) General Liability - \$500,000.00
 - b) Automobile Liability - \$100/300,000.00
- 4) Certificate of Workers Compensation coverage
- 5) Certificate of Workers Disability coverage

On roll call the vote was as follows:

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

RESOLUTION NO. (180-1997)

Co. Maloney offered and Co. Smith seconded

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

BID #27-1997
 BACKSTOP MODIFICATION AT ZUKOR PARK

is hereby awarded to:

YABOO FENCE COMPANY
 10 HIGH STREET
 WEST NYACK, NY 10994
 PRINCIPALS: ELAINE K. GEDEIKO; LYNETTE M. ARGENIO;
 MATTHEW A. GEDEIKO

as per their low bid proposal of \$28,500.00

FURTHER RESOLVED, that said award is subject to the receipt of the following by the Director of Purchasing prior to commencing work on the project;

- 1) Performance Bond - 100% of award
- 2) Labor and Material Payment Bond - 100% of award
- 3) Certificate of Contractor Liability Insurance
- 4) Certificate of Workers Compensation coverage
- 5) Certificate of Workers Disability coverage

On roll call the vote was as follows:

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

RESOLUTION NO. (181-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Supt. of Recreation and Parks and the project engineer that

BID #10-1997
HEMLOCK PARK

is hereby awarded as follows:

- 1) Contract 1A - SITE GENERAL
awarded to: WES-CON CONTRACTING CO
41 WILMUT ROAD
SCARSDALE, NY 10583
PRINCIPAL: JOHN GENTILE
as per their proposed cost of \$539,600.00
- 2) Contract 1B - SITE ELECTRICAL
awarded to: FANSHAW INC
D/B/A ROCKLAND ELECTRIC
6 WILL ROGERS LANE
NANUET, NY 10954
PRINCIPAL: BARBARA FANSHAW
as per their proposed cost of \$97,800.00
- 3) Contract 1C - BUILDING GENERAL
awarded to: FRED L. HOLT, INC.
50 E. WASHINGTON AVE.
PEARL RIVER, NY 10965
PRINCIPAL: JACK F. HOLT
as per their proposed cost of \$184,650.00
- 4) Contract 1D - BUILDING ELECTRICAL
awarded to: FANSHAW, INC.
D/B/A ROCKLAND ELECTRIC
6 WILL ROGERS LANE
NANUET, NY 10954
PRINCIPAL: BARBARA FANSHAW
as per their proposed cost of \$17,000.00
- 5) Contract 1E - BUILDING MECHANICAL
awarded to: HAUSER BROS INC.
17 OLD SCHOOLHOUSE LANE
ORANGEBURG, NY 10962
PRINCIPALS: JAMES P. HAUSER SR, JAMES P.
HAUSER, JR, TIMOTHY M. HAUSER
as per their proposed cost of \$27,897.00, and be it

FURTHER RESOLVED, that said award is subject to the receipt of the following by the Director of Purchasing prior to commencing work on the project:

- 1) Performance Bond - 100% of award
- 2) Labor & Material Payment Bond - 100% of award
- 3) Maintenance Bond - 100% of award
- 4) Certificate of Contractor Liability Insurance in compliance with Article 5 of the Standard General Conditions.
- 5) Certificate of Workers Compensation coverage
- 6) Certificate of Workers Disability coverage

On roll call the vote was as follows:

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

RESOLUTION NO. (182-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Joan A. Derella, 93 South Conger Avenue, Congers, New York - Member - Assessment and Review Board - is hereby accepted - effective March 13, 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. (183-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Karen B. McCombs, 30 Sierra Vista Lane, Valley Cottage, New York, is hereby appointed to the position of Member - Assessment and Review Board - (to cover the unexpired term of Joan A. Derella) - term effective March 14, 1997 and to expire on September 30, 1998 - at the per diem rate of \$100.00, per meeting, when the Board is in session.

On roll call the vote was as follows:

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

RESOLUTION NO. (184-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Thomas M. Doyle,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Thomas M. Doyle, 14 Reservoir Drive, New City, New York to the position of (Temporary) Police Officer - Police Department - at the current 1997 annual salary of \$35,915.00, effective and retroactive to February 3, 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. (185-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Kevin Dowling, 4 Summit Place, Nanuet, New York, is hereby appointed to the position of (Part-time) Bus Driver - Mini Trans Department - at the current 1997 hourly rate of \$11.92 - effective March 3, 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. (186-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on February 18, 1997 that the position of Police Lieutenant - Police Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Police Lieutenant - Police Department - is hereby created - effective February 26, 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. (187-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Ralph Contento, 47 Beechwood Drive, Congers, New York, is hereby reappointed to the position of Member - Traffic & Traffic Fire Safety Advisory Board - at the current 1997 annual salary of \$1,460.00, term effective March 2, 1997 and to expire on March 1, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (188-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that David Hobbs, 21 Fernwood Drive, New City, New York, is hereby reappointed to the position of Member

RESOLUTION NO. (188-1997) Continued

Traffic & Traffic Fire Safety Advisory Board - at the current 1997 annual salary of \$1,460.00, term effective March 2, 1997 and to expire on March 1, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (189-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute all documents necessary to comply with the occupancy permit application concerning the erection of a fence on the New York State Thruway 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. (190-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that based upon the recommendations of the Superintendent of Recreation and Parks and the Director of Environmental Control, the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Guterl & Greenwell, Engineers, 85 Lafayette Avenue, Suffern, NY in accordance with a written proposal dated February 12, 1997 to perform the following:

Preparation of Boundary and Topographic Survey
Preliminary Site, Grading and Erosion Control Plans

for the baseball fields located in Valley Cottage, which agreement shall be in a form satisfactory to the Town Attorney, and be it,

FURTHER RESOLVED, that the comptroller shall decrease contingency Account #A-1990-505 and increase Appropriation Account #7140-409 by \$12,300.

On roll call the vote was as follows:

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

RESOLUTION NO. (191-1997)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, CORPORATE PROPERTY INVESTORS v. THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, et al (Index No. 804/97);

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. (192-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has been sued by Avalon Properties, Inc., Index No. 6423/96, for the return of money in lieu of land fees paid to the Town, and

WHEREAS, attorneys for the Town of Clarkstown have effectuated a settlement;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$342,000.00 is to be retained by the Town of Clarkstown, and the remainder shall be returned to Avalon Properties, Inc.

On roll call the vote was as follows:

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

RESOLUTION NO. (193-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an action was commenced by Loeb House, Inc., et al, against the Town Board of the Town of Clarkstown, and

WHEREAS, both parties have agreed to settle this action;

NOW, THEREFORE, be it

SETTLED, (1) as per the terms contained in the letter of Murray N. Jacobson, Town Attorney, dated 2/25/97, attached hereto;

Continued on Next Page

RESOLUTION NO. (193-1997) Continued

- (2) that said action be settled upon receipt of a Stipulation of Discontinuance.

(Before voting, the following discussion occurred)

Co. Maloney questioned the fact that the letter of 2/25/97 referred to in this resolution mentioned a 30-bed certificate of occupancy. He pointed out that in the past, they had talked about only 24 beds.

Mr. Donnellan stated, Justice Miller authorized what had been done before was 38 or 39 residents. Co. Smith stated that there was no number stated in Justice Miller's response

Mr. Donnellan said that he would like to have the 30-bed certificate of occupancy as a possibility even though, realistically, DSS would allow only 24 residents the way the building is now. Should things change, however, he would like the cushion.

Co. Smith asked if they could get funding with 24.

Mr. Donnellan stated that they could get funding with 24, but asked if there could be a clause stating a maximum of 24 people, even though they had the 30 beds.

Co. Maloney stated that he did not want to vote on more than what was originally discussed in the beginning (24 beds).

Mr. Donnellan stated that in the beginning they had come down to 24 to get it through the Board. Originally, the population of that house was 38 but they had taken the number down and guaranteed the Board that it would be no more than 24 and the Board told them no.

Co. Smith clarified that the answer was not "no" to the residents, the group home or the number. It was "no" because they came before this Board and said one thing, then went before the Planning Board the next night and told a different story. She stated that the problem with this application has been the misrepresentation and fraudulent statements on the application. It has nothing to do with who the residents are.

Co. Mandia asked if additional beds would be required for the staff. Mr. Donnellan replied, no, the staff will be working three shifts.

Supervisor Holbrook recommended that the Board pass a resolution with a maximum of 24 beds.

Mr. Donnellan stated the maximum that was going to be allowed by DSS, regardless of how the rooms were situated, was 24.

Supervisor Holbrook suggested that we pass a resolution for a 24-bed certificate of occupancy with the statements made here by Mr. Donnellan as a rationale for the Town Board doing so. With the understanding that they were voting for a 24-bed rather than a 30-bed certificate of occupancy, the vote was as follows

On roll call the vote was as follows:

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

RESOLUTION NO. (194-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the existing bridge in the vicinity of 234 Phillips Hill Road is in a deteriorated condition and in need of replacement.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Director of Environmental Control to hire Soiltesting, Inc., 140 Oxford Road, Oxford, Connecticut to perform the necessary subsurface investigation in accordance with their proposal dated February 21, 1997, and be it

FURTHER RESOLVED, that the cost shall not exceed \$5,000.00 and shall be a proper charge to account number H 7182 409 0 55 24.

On roll call the vote was as follows:

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

RESOLUTION NO. (195-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the design for replacement of the existing bridge in the vicinity of 234 Philips Hill Road is being prepared by the Department of Environmental Control, and

WHEREAS, the Department of Environmental Control has been periodically monitoring said bridge for signs of additional deterioration while said design progresses, and

WHEREAS, the current condition of the bridge is such that a dangerous condition exists and immediate temporary repairs are required to maintain the integrity of the bridge, and

WHEREAS, the Department of Environmental Control has estimated the cost of such emergency repairs to be approximately \$31,000.00,

NOW THEREFORE be it

RESOLVED, that the Town Board does authorize the Director of the Department of Environmental Control to hire Contractor(s) as necessary to perform emergency repairs, and be it

FURTHER RESOLVED that the final actual costs of such repairs shall be a proper charge to Account #H 7182 409 0 55 24.

On roll call the vote was as follows:

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

RESOLUTION NO. (196-1997)

Co. Smith offered and Co. Maloney seconded

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

BID #28-1997
CONCRETE SIDEWALK & CURB REPLACEMENT

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 March 20, 1997, 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. (197-1997)

Co. Smith offered and Co. Maloney seconded

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

BID #29-1997
REPLACEMENT OF CEILING AT CENTRAL NYACK COMMUNITY CENTER

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 March 21, 1997, 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. (198-1997)

Co. Smith offered and Co. Maloney seconded

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

BID #30-1997
CUL-DE-SAC MAINTENENCE/IMPROVEMENTS

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 March

Continued on Next Page

RESOLUTION NO. (198-1997) Continued

25, 1997, 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. (199-1997)

Co. Smith offered and Co. Maloney seconded

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

BID #31-1997
MOSQUITO CONTROL PROGRAM

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 April 1, 1997, 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. (200-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to place advertisements in the Commerce and Industry section of the Rockland Journal News on March 16, 1997 and March 23, 1997, and be it

FURTHER RESOLVED, that the fee for such advertising shall not exceed the sum of \$2,929.36, which shall be charged to Account No. A-6410-405.

On roll call the vote was as follows:

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

RESOLUTION NO. (201-1997)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the sum of \$577.00 be paid to Marianne Antolino, Secretary to the Board of Appeals, for the preparation of the transcripts in the following matters:

- Mobil Oil Corporation (Appeal No.2726)
- Frank and Grace Laudiero (Appeal No. 2701)

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. (202-1997)

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:

- PAUL BITTS CO, INC.
- 9 Germonds Road
- New City, NY 10956

RESOLVED, that the following Certificate of Registration be issued:

- No. 97-19 Paul Bitts Co., Inc.

On roll call the vote was as follows:

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

RESOLUTION NO. (203-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Director of the Department of Environmental Control is hereby authorized to have removed: two willow trees located on the Town's drainage easement in the vicinity of Tax Map 57 C 36.3 and a tree stump, located on the Town's right-of-way in the vicinity of Tax Map 17 B 21.02;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of KJS Hauling & Home Improvements, 95 Maple Avenue, New City, New York to perform said work for an amount not to exceed \$1,300 and shall be a proper charge to Account #H 7182 409 0 55 25.

On roll call the vote was as follows:

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

RESOLUTION NO. (204-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown and the Rockland County Solid Waste Management Authority have engaged in discussions with respect to implementation of certain provisions of the Solid Waste Management Plan approved for Rockland County by the New York State Department of Environmental Conservation, with respect to the composting of leaves, brush and other yard waste sought to be diverted from the waste stream, and

WHEREAS, the Town of Clarkstown has established a Leaf and Yard Waste Compositng Facility which can be expanded to meet the needs of the entire County, and

WHEREAS, the Town of Clarkstown and the Rockland County Solid Waste Management Authority desire to enter into a contract whereby the Town will act as the Host Community for a Rockland County Leaf and Yard Waste Composting Facility;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract pursuant to §205-3(v) of the Public Authorities Law, with the Rockland County Solid Waste Management Authority for a term not to exceed twenty-five (25) years, to provide a Leaf and Yard Waste Composting Facility for all Rockland County residents, which contract shall be in a form approved by the Town Attorney, and shall provide for a one time Host Community fee of \$500,000 and continuing Host Community fee of \$2.00 per ton for each ton of materials delivered for processing at the facility during the first four years, and \$1.00 per ton for each ton of materials delivered to the facility for the balance of the contract term.

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. (205-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, surveying work is required to determine the limits of the proposed clearing on the east and west side of the Demarest Kill from Old Route 304 to the rear of lots 79-3.202 and 60-A-16.12 at the end of Cranford Drive and Termakay Drive.

WHEREAS, the Director of the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control be authorized to retain the services of

Atzl, Scatassa and Zigler
234 North Main Street
New City, New York 10956

Continued on Next Page

RESOLUTION NO. (205-1997) Continued

to perform said surveying work as per their proposal for an amount not to exceed \$2,750.00; and be it

FURTHER RESOLVED, that this amount be a proper charge to account #H 1994-409-0-14-22.

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. (206-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Michael Noonan is a resident of the Town of Clarkstown, residing at 11 E. Heritage Drive, New City, New York, and living on a fixed income, and

WHEREAS, Michael Noonan was unintentionally late paying his taxes, and

WHEREAS, Michael Noonan has requested that the interest and penalties be removed from his tax bill;

NOW, THEREFORE, be it

RESOLVED, that Michael Noonan is exempt from the penalties and interest imposed because of the late payment of his taxes.

On roll call the vote was as follows:

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

Appearance: John Lodico
New City

Mr. Lodico spoke re: Item 20; Rockland County Solid Waste Management Authority.

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 Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:00 P.M..

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

02/25/97

8:05 P.M.

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

Re: Abandoning Portions of Smith Street, Charles Street, Park Avenue, Pacific Street,
Upton Avenue, Randolph Street and Beacon Street, Congers, New York, and
Amending the Official Map of the Town of Clarkstown

On motion of Co. Mandia, seconded by Co. 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.

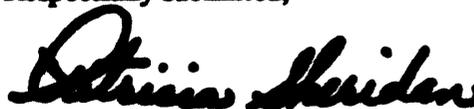
Town Attorney stated that the Town Planning Board approved, the County Planning Board approved and there was no environmental impact according to SECA.

Supervisor Holbrook stated that these roads do not exist but were filed on the Town Map probably somewhere around 1909. Basically, they have to be deleted from the map for the development of this particular piece of property.

Supervisor asked if there was anyone wishing to speak about the abandonment of these streets. No one appeared.

There being no one wishing to be heard on motion of Co. Mandia, seconded by Councilman Profenna and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (158-1997) ADOPTED, time: 8:06 P.M.

Respectfully submitted,



**PATRICIA SHERIDAN
Town Clerk**

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

02/25/97

8:06 P.M.

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

**Re: ZONE CHANGE APPLICATION - WINDHAM DEVELOPMENT
FROM R-40 DISTRICT TO AN R-22 DISTRICT**

On motion of Co. Mandia, seconded by Co. 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.

Town Attorney stated that we had received nothing from the Town Planning Board or SECRA as of this date. This is not within the County's jurisdiction. The 265 Petition is 20% therefore, you need a majority plus one vote.

Mr. Yacyshyn suggested that the board reserve decision tonight.

Supervisor Holbrook stated that the Town Board will reserve decision due to the fact that the SECRA report was not finished. He asked the applicant to make his presentation.

Appearance: Keith Cornell, Esquire
Attorney for Applicant

Introduced Mr. J. Greenwell, a surveyor who is familiar with the Zone Change and the project. As the board is aware the zone change is a purely legislative act on the part of the board. Said that this 4.9 parcel of land is currently in an R-40 zone which makes it an anomaly because it is surrounded by R-22 on virtually all sides except to the west. On the west it is bounded by a brook. It is only accessible through the R-22 zone. He stated that the majority of the site plan issues will be dealt with by the Planning Board. Tonight's meeting should be regarding the appropriateness of the existing R-40 zone. He stated that we are talking about a small parcel of land and, the difference between the development of an R-40 and an R-22 is probably only 2 or 3 lots.

Supervisor asked if the access would be in off of Maple Road and whether that would be a public or private road.

Mr. Cornell confirmed access would be off of Maple Road, but whether it is going to be a public or private road remains to be seen. There are some issues now as to whether they can put a public road in there because of the right of way that provides access to the parcel. They would prefer a public road. However, a public road may require the acquisition of a sliver of an adjacent piece of property.

Supervisor asked if the total number of lots on this site would be 7?

Mr. Cornell confirmed that this was correct.

Co. Profenna questioned whether the area where the road was going in was part of the parcel or an easement off another parcel.

Mr. Cornell stated that access is by a 33 ft wide right of way which already exists.

Supervisor Holbrook asked the public to speak at this time.

Appearance: Claus Jacob
 Valley Cottage, NY

He is a resident adjacent to the property and wanted to point out that the 265 Petition was signed by 100% of the residents surrounding the property. Handed in a copy of the Petition 265 for the record. Stated that there were omissions in the notifications to the neighbors within 500 feet of the property that need to be corrected so that these people can participate in further discussion. He prepared a written statement which he handed in for the record. Statement is on file in the Town Clerk's office.

He read the statement objecting to the proposed zone change and asked that the town attorneys pay special attention to the complicated easements involving the parkland and to consider the special environmental issues with respect to the property.

Appearance: Christian Hickey
 Valley Cottage, NY

He is a resident within 500 feet of property but was not notified. Stated that Mr. Feldi visited him some time ago with his plans. He was told to contact John Costa, Mr. Hickey's attorney. He stated that Mr. Feldi never contacted his lawyer but instead contacted Mr. Bloomenfeld, the previous owner's attorney, because he was inquiring about the driveway easement. He questions why he was not notified of the hearing considering the fact that his property borders 20% of the property in question. Wonders whether this "sloppy work" will persist when the heavy equipment moves in to do this project around his septic tank which is over a numbered stream and which is a tributary to the Hackensack River.

Appearance: Bill Downey
 Valley Cottage, NY

Owns property that can only be accessed by the right-of-way that they now have. They are concerned about the change in access to their home as well as the environmental impact of the project.

Appearance: Dan Lurkay
 308 Brookway Ave
 Valley Cottage, NY

Recently brought the house, closed on December 24, fell in love with this piece of property. He would never have brought this house if he had known about this project. Will lose the privacy that attracted him to the house in the first place.

Appearance: Isabella Jacob

Opposed to the rezoning and development of this property.

Appearance: Lee Walten
 379 Jeffrey Place

She and her husband are opposed to the rezoning. Feels the entire character of Old Mill Road will be changed by this.

Appearance: Notty Unich
 Maple Road
 Valley Cottage, NY

One house has already been put behind her house and already she is getting water seeping down on to her property. Approval has already been given for another house. If the property in question which is behind these new houses is going to be cleared she anticipates more problems.

Appearance: Robert Jansen
Maple Road
Valley Cottage, NY

Opposed to building there 5 years ago because the property is a swamp and he was afraid of water problems. The town engineer disagreed and allowed a house to be built next to his property anyway and now he has water problems. If construction is allowed, problem is only going to get worse. This is going to devalue his property. Asks where the sewer lines are going to go and what will happen to his property if they break.

Appearance: Virginia Leone
298 Brookview Ave
Valley Cottage, NY

Opposed to proposed zone change and questioned board reviewing request for zone change without formally reviewing the site plan. Troubled by the over development of this area.

Appearance: Art Bridgeman
Old Mill Road
Valley Cottage, NY

Opposed to the zone change. Feels that there are enough houses going up legally without the need to make any special changes at this point to offer more houses and more profit. Feels this is unfair to residents to the community. Read a statement from his 7 year old son.

Appearance: Karen Horgan
Maple Avenue
Valley Cottage, NY

Has lived in the area for 8 years. Mentions the property donated to Clarkstown by Mr. Heaton. Feels development is going to detract from the wildlife and environment. Opposed to rezoning.

Appearance: Jerome Paikin
Congers, NY

Former member of the Planning Board. Agrees with Mr. Cornell that this property is already surrounded by R-22 zoning and this request is not for an unduly congested development. The Planning Board will be addressing the other problems with respect to the environment.

Appearance: Jay Greenwell, Esq.

Requests a copy of the information that Mr. Jacobs supplied to the board so they can properly address them before the board at the next meeting. Apologized to Mr. Heggey for not placing his name on the notification list. It was his understanding that the applicant was going to purchase the Resnick property but it was subsequently purchased by Mr. Heggey instead. It was an error on his part and he assures the board that Mr. Heggey will be notified of all future hearings and meetings.

Says that the planning and environmental issues will be looked at. They are valid concerns. The property is going to be developed -- the question is how, where is the access, how are utilities going to be provided, etc.

They are trying to provide a public road but this will depend on the cooperation of a neighboring property owner. States that putting the property into an R-22 zone makes sense because it affords the applicant the opportunity to have a suitable access to proposed homes and to adjoining owners that now utilize the right-of-way

He reiterated that the property is already zoned R-40 and this allows 4 or 5 dwellings on this 4.9 acres.

Co. Mandia asked if property remained R-40, would there then be enough property to turn the right-of-way into a public road.

Mr. Greenwell said the answer to that question is no, that would not effect whether or not this would be a private or public road.

There being no one further wishing to be heard on motion of Co. Mandia, seconded by Councilman Profenna and unanimously adopted, the public hearing was ADJOURNED until March 25, 1997, time: 8:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

Application withdrawn 3/25/97

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

02/25/97

8:47 P.M.

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

Re: Proposed Local Law Amending Chapter 262 (Taxation)

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

There being no one wishing to be heard, on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (159-1997) ADOPTED, time: 8:47 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

02/25/97

8:47 P.M.

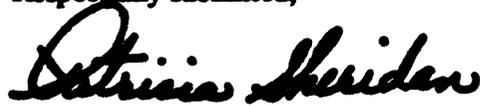
Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Re: Proposed Local Law Amending Chapter 109 (Building Construction Administration)

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

There being no one wishing to be heard, on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (160-1997) ADOPTED, time: 8:47 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

02/25/97

8:47 P.M.

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

Re: Proposed Local Law Amending Chapter 246 (Site Plan Review)

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

There being no one wishing to be heard, on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (161-1997) ADOPTED, time: 8:47 P.M.

Respectfully submitted,



**PATRICIA SHERIDAN
Town Clerk**

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

02/25/97

8:47 P.M.

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

Re: Proposed Local Law Amending Chapter 254 (Subdivision of Land)

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

There being no one wishing to be heard, on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (162-1997) ADOPTED, time: 8:47 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk