

**TOWN OF CLARKSTOWN  
TOWN BOARD MEETING**

Town Hall

6/26/97

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.

Presentation of Colors: Clarkstown Police Honor Guard

Salute to the Flag: Chief of Police, William J. Collins

Invocation: Police Commissioner, Hon. John R. Maloney

**Police Department Promotional Ceremony  
Presentation of Shields**

Det. Lt. Charles Delo  
Lt. Thomas Prendergast  
Lt. Robert Donaldson  
P.O. Thomas Doyle

Sgt. Brian Marley  
Sgt. James Quinn  
Det. Eileen Malloy

Oath of Office administered by the Clarkstown Police Commissioners, Hon. John R. Maloney and Hon. Ralph F. Mandia.

Chief William J. Collins offered congratulations to the new Police Officer, Sergeants, Lieutenants and Detectives, their families and friends. Chief Collins thanked the Town Board and the Police Commission for their continued support of the Police Department.

Supervisor Holbrook and the Town Board extended their congratulations to the new officer and to those who have been promoted.

Sgt. Timothy O'Neill thanked the Town Board, Chief Collins, the Police Commissioners, Det. Gary McDonnald, the Clarkstown Honor Guard, the families and their friends. He asked everyone to stand for the Dismissal of Colors

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Supervisor opened the public portion of the meeting.

Appearance: Bernie Rosenseig  
Bluebird Drive, Congers

Mr. Rosenseig wants a more sensible approach to the geese problem. He had the geese droppings tested and feels there is no health problem.

Appearance: Bob Jackson  
Nanuet

Mr. Jackson was surprised at Ellen Mihovics resignation. He was outraged at the protest which took place at the Supervisor's home.

TBM - 6/26/97

Page 2

Appearance: Dwight Kearns  
Congers

He stated that he was at the Supervisor home and apologized for upsetting the Supervisor daughter.

Appearance: Greg Feigelson  
Pearl River

Mr. Fegelstein gave the Town Board a Legal Notice of Dangerous Condition or Action. He spoke re: Canada geese.

Appearance: Elizabeth Arnold  
Nyack

She asked how many geese were collected.

Appearance: John Lodico  
New City

Mr. Lodico asked about property for a park in West Nyack. He supports the removal of the geese.

Appearance: Maureen Hayes  
Collyer Avenue, New City

She is against killing the geese.

Appearance: Marilyn Lieber  
Pomona

Ms. Lieber is against killing the geese.

Appearance: Donna Held  
Clarkstown

Ms. Held spoke re: Freedom of Information requests.

Appearance: Ingrid Ilkiw  
Strawtown Rd., New City

Ms. Ilkiw spoke about geese protest.

Appearance: Bill Ryan  
Nanuet

He is concerned with the tactics of terror and insults that have been used regarding the geese issue.

Appearance: Dina Napolitano  
Collyer Ave., New City

Dina Napolitano read a poem.

Appearance: Russell Trojan  
Nanuet

He spoke about a legal notice in the newspaper from United Water regarding a raise of 4% for fire hydrants. He also spoke about flooding from the June 13th rain storm.

Appearance: Bill Rosenzweig  
Congers

Mr. Rosenzweig spoke about the politics concerning the geese.

Appearance: Kevin Nolan  
Congers

He spoke about kids being arrested for skateboarding. It is a disgrace to see geese feces in our parks.

Appearance: Jason Hirsch  
New City

He stated that the geese are not a public health problem and people should be brought together.

Appearance: Jerry Walton  
New City

Mr. Walton is in favor of getting rid of the geese. He feels that Town problems should only be addressed by people who live in the Town.

Appearance: Jill McKay  
Stony Point

Ms. McKay is against the killing of geese.

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**RESOLUTION NO. (511-1997)**

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that the Town Board Minutes of June 10, 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

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**RESOLUTION NO. (512-1997)**

Co. Smith offered and Co. Profenna seconded

**RESOLVED**, that the Town Board hereby authorizes the Superintendent of Highways to remove "No Parking" signs from the east side of Jay Street, Bardonia, New York.

RESOLUTION NO. (512-1997) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (513-1997)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the County of Rockland Planning Office has installed a passenger shelter on the west of Main Street, New City in front of the Rockland County Courthouse

NOW, THEREFORE, be it

RESOLVED, that John F. Mauro, Superintendent of Highways is hereby authorized to install the following parking regulations:

SIGNS

<u>Location</u>	<u>Legend</u>	<u>NYS Sign #</u>
Main Street, New City (Remove existing "One (1) Hour Parking" sign from the west side of Main Street at southerly lot line of Rockland County Courthouse.) (Reinstall same "One (1) Hour Parking" sign two (2) car lengths north, on the west side of Main Street in front of the Rockland County Courthouse.)	"One (1) Hour Parking"	P2-2

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. (514-1997)

Co. Smith offered and Co. Profenna 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:

"Town Speed 30 MPH" signs on Old Rte. 304 on the North and South sides at the appropriate distance from the intersection of North Main Street to South Mountain Rd., New City, 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.

Continued on Next Page

RESOLUTION NO. (514-1997) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (515-1997)

Co. Smith offered and Co. Profenna 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:

Two (2) STOP signs:  
The first on Oriole Rd. at Kings Arthur Court  
The second on Ethel Dr. at King Arthur Court, New City, 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

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RESOLUTION NO. (516-1997)

Co. Smith offered and Co. Profenna seconded

RESOLVED, the Superintendent of Highways is hereby authorized to remove the "No Parking" signs and replace with "No Standing" signs along the north and south sides of Parkside Drive, Congers from the intersection of Kings Highway, 502 feet west to the lot line of the Town Parkland.

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. (517-1997)

Co. Profenna and Co. Mandia seconded

RESOLVED, that John F. Mauro, Superintendent of Highways is hereby authorized to attend the 68th Annual Conference, sponsored by New York State Association of Town Superintendents of Highways, Inc. to be held at Kutsher's Country Club, Monticello, New York, September 23-26, 1997, 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

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RESOLUTION NO. (518-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 1105-1996 adopted by the Town Board on December 10, 1996, scheduling meetings of the Town Board for the year 1997 is hereby amended as follows:

“RESOLVED, that the Town Board hereby authorizes the cancellation of the Town Board Workshop meeting of July 7, 1997 and the Town Board meeting of July 15, 1997.

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. (519-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board has previously adopted resolution #371-1997 at its meeting of May 13, 1997; and

WHEREAS, resolution #371-1997 authorized certain work to be a proper charge to account #H-8735-409-0-12-14, and

WHEREAS, the Town Comptroller's Office has determined that this is not the

Continued on Next Page

RESOLUTION NO. (519-1997) Continued

correct account for this work to be charged to;

NOW, THEREFORE, be it

RESOLVED, that resolution #371-1997 be amended to show that the correct account shall be #A-5650-409.

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. (520-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution NO. 457-1997, adopted by the Town Board on May 27, 1997, is hereby amended as follows:

“RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on July 29, 1997, at 8:10 P.M., pursuant to Section 273 of the Town Law, to consider the certification of abandonment of Atchison and Smith Street, pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the official newspaper of the Town and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare said notice of public 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

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RESOLUTION NO. (521-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 459-1997, adopted by the Town Board on may 27, 1997, is hereby amended as follows:

‘RESOLVED, that a public hearing pursuant to the Zoning Ordinance of the

Continued on Next Page

RESOLUTION NO. (521-1997) Continued

Town of Clarkstown shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on July 29, 1997, at 8:05 P.M. to consider the application of U-HAUL COMPANY OF NEW YORK, relative to said Special Permit, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (522-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution No. 500-1997, which authorized advertising for

BID #47-1997  
RECYCLABLE LEAF BAGS

is hereby rescinded as the Town will be joining the Rockland County Solid Waste Management Authority as part of a county-wide bid for this product.

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. (523-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Parks Board and Recreation Commission, the Town Attorney and the Citizens Committee to discuss the possibilities of creating a park in West Nyack, New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (524-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, B & B REALTY COMPANY has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 32, Block A, Lots 32.1, 33.2, 34.1, 40, 42 and 41 for the year(s) 1991/92, 1992/93, 1993/94, 1994/95, 1995/96 and 1996/97, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000.00 per appraisal.

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. (525-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, ACKERMAN REALTY, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 57, Block D, Lot 12, for the year(s) 1995/96 and 1996/97, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter.

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000.00 per appraisal.

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. (526-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, 7 REALTY COMPANY has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 33, Block B, Lot 13, for the year(s) 1991/92, 1992/93, 1993/94, 1994/95, 1995, 96 and 1996/97, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter.

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000.00 per appraisal.

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. (527-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on May 23, 1997 that the position of Senior Clerk #0210 - Assessor's Office can be reclassified to the position of Assessing Clerk I,

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Clerk #0210 is hereby reclassified to the position of Assessing Clerk I - effective and retroactive to June 2, 1997, and be it

FURTHER RESOLVED, that the grade for the position of Assessing Clerk I is hereby established at a grade 19.

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. (528-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Frances Koppel, 41 Lakewood Drive, Congers, New York is hereby appointed to the position of (Provisional) Assessing Clerk I - Assessor's Office - at the current 1997 annual salary of \$35,459.00, effective and retroactive to June 2, 1997.

RESOLUTION NO. (528-1997) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (529-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Lisa M. Kloenne has requested a leave of absence, without pay, and

WHEREAS, Article XIX, Section I of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A. provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, That Lisa M. Kloenne, 1 Cavalry Drive East, New City, New York, Counselor (part-time) - Clarkstown Counseling Center is hereby granted a leave of absence without pay effective July 7, 1997 to November 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

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RESOLUTION NO. (530-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Carla Joy Tessel, 6A Blue Hill Commons, Orangeburg, New York, is hereby appointed to the position of Counselor (part-time) - Clarkstown Counseling Center to cover the leave of absence of Lisa M. Kloenne at the current 1997 hourly rate of \$18.50 effective July 7, 1997 to November 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

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RESOLUTION NO. (531-1997)

Co. Smith offered and Co. Maloney

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Michael J. Carroll, 322 Old Route 304, New City, New York - Recreation Leader - Parks Board and Recreation Commission is hereby granted a Sick Leave of Absence at one-half pay effective and retroactive to June 12, 1997 to July 12, 1997.

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. (532-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Ellen Mihovics, 36 Poplar Street, Nanuet, New York - Member, Planning Board is hereby accepted effective and retroactive to May 30, 1997.

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. (533-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Richard Davidson, Assistant Maintenance Mechanic, has requested an extended leave at half pay pursuant to the Collective Bargaining Agreement between the Town and the CSEA, and

WHEREAS, the granting of such leave is at the discretion of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the employee's request for extended leave at half pay be granted for a period of thirty (30) calendar days upon condition that if the employee's accrued unused sick time at the completion of the 1998 calendar year does not reflect at least half the sick leave which is accrued under the contract from July 1, 1997 to

TBM - 6/26/97

Page 13

RESOLUTION NO. (533-1997) Continued

December 31, 1998, then the employee shall repay, in full, the leave granted pursuant to this resolution; and be it

FURTHER RESOLVED, that if this condition is unacceptable to the employee, the leave is denied.

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. (534-1997)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that Town Board resolution #804-1996 is hereby updated to read:

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

BID #48-1997  
HILLCREST ROAD/TUPPER LANE ROAD IMPROVEMENTS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on July 29, 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 Environmental Control upon payment of the prescribed non-refundable fee for each set.

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. (535-1997)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that Town Board resolution #650-1994 is hereby updated to read:

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

Continued on Next Page

RESOLUTION NO. (535-1997) Continued

BID # 49-1997

BROOKHAVEN COURT NANUET DRAINAGE PROJECT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on July 30, 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 Environmental Control upon payment of the prescribed non-refundable fee for each set.

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. (536-1997)

Co. Smith offered and Co. Profenna seconded

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

BID #50-1997

COMPUTER AND WORD PROCESSING SUPPLIES

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

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RESOLUTION NO. (537-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to increase Appropriation Account A-7140-306 (Maint. Supplies) by \$319.80 and to increase Revenue Account 2001 (Parks/Rec.) by \$319.80.

Continued on Next Page

RESOLUTION NO. (537-1997) Continued

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....Yes  
Councilman Profenna.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes  
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RESOLUTION NO. (538-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$16,834.75 from Jill Doherty, Auctioneer, from the auction of surplus equipment, and be it

THEREFORE RESOLVED, to increase Estimated Revenue No. DA 042 9 2665 (Sale of Equipment) by \$16,834.00 and DA 5139 219 (Highway-Misc. Equipment) by \$13,619.00 and A 1640 406 (Town Garage-Equipment Repairs) by \$3,215.00 and

WHEREAS, the Town has received \$525.62 from All State for the repair of Highway vehicle #204 and \$814.00 from Liberty Mutual for repair of Highway Truck #211, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. DB 041 8 2680 0 (Highway-Insurance Recoveries) and Appropriation Account No. DB 5110 406 by \$1,339.00, and

WHEREAS, various Appropriation Account Nos. require additional funding, and be it

THEREFORE RESOLVED, to decrease Contingency Account No. A1990 505 by \$24,050.00 and increase the following Appropriation Accounts:

A 1450 219.....Elections-Misc.....\$ 3,000.00  
A 3020 230....Communications-Communication Equipment..... 20,000.00  
A 6510 401.....Veterans Services-Rental/Property..... 750.00  
A 7520 114 .....Historical Review Board-Part time..... 300.00

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. (539 -1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$1,350.00 from various donations for a memorial to Robert Looney (DARE Donations), and

Continued on Next Page

RESOLUTION NO. (539-1997) Continued

WHEREAS, the Town has presented a DARE Program award to Loren DeLuca in honor of Robert Looney, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 (Gifts & Donations) and A 8840 424 (Economic Assistance) by \$500.00.

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. (540 -1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, various Appropriation Accounts require additional funding, and be it

THEREFORE RESOLVED, to decrease A 3120 203 (Police-Motor Vehicles) and increase A 3120 409 (Fees for Services) by \$20,000.00 and increase Estimated Revenue Account No. DB 041 14 2999 0 and Appropriation Account No. DB 5110 409 (Highway-Fees for Services) by \$20,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (541-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town of Clarkstown has received \$8,208.00 from Pembroke Management, Inc. for additional police coverage for the months of May and June, 1997, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 0 (General-Gifts & Donations) and Appropriation Account No. A 3120 111 (Police-Overtime) by \$8,208.00 and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. A 01 7 2770 (Misc. Rev.) and A 1420 409 (Town Attorney-Fees for Services) by \$28.00.

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. (542-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrant:

X4415-S/E Corner of Blauvelt Road and Lake Nanuet Drive, Nanuet

Investigation No.: 11360, and be it

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

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. (543-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Louis Deutsch and Sheila Deutsch received Lot B-20 on Map of Highview Estates, filed in Book 75 of Maps at page 34 as Map No. 3719 by deed from Highview Acres, Inc. on December 11, 1968, which deed was recorded in the Office of the Rockland County Clerk in Liber 852, page 938, and

WHEREAS, the deck erected by the builder projected slightly into a 15 foot sanitary sewer easement but does not affect the sewer line therein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby agrees that said encroachment within the sanitary sewer easement on Lot B-20 may remain where it presently exists, and the Town Board will not in the future take any proceeding to have said encroachment removed.

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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TBM - 6/26/97  
Page 18

RESOLUTION NO. (544-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Savings Certificate No. 13169 in the amount of \$40,000.00, furnished to the Town to secure the completion of the wearing course in a subdivision known as Joy Acres North Section I, is terminated and the Savings Certificate may be released to the guarantor.

On roll call the vote was as follows:

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

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RESOLUTION NO. (545-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Kozma Associates has submitted a proposal dated June 18, 1997 at the request of Supervisor Holbrook to relocate the horizontal alignment of the proposed improvements of the Demerast Kill in the Vicinity of lots 80-B-36.8, 80-B-36.9 and 80-B-36.10 situated on Cypress Street.

WHEREAS, the Town does not have an easement along the properties in the above listed lots and the owners of the lots objected to extensive grading proposed along their properties.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Kozma Associates to provide additional engineering services for the realignment of the proposed improvements of the Demerast Kill and be it

FURTHER RESOLVED, the fee for work shall not exceed \$27,500.00 and shall be charged to Account No. 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

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RESOLUTION NO. (546 -1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board

RESOLUTION NO. (546-1997) Continued

meeting for July 10, 1997 at 9:00 A.M. , to be held in the Andrew Jackson Room of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that this meeting shall be held to establish the adjusted base proportions for the levy of taxes on the 1997 Assessment Roll 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

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RESOLUTION NO. (547 -1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, J. MONTANA CONTRACTING CORP., contract vendee for property owned by United Properties Group, Inc., has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property designated on the Clarkstown Tax Map as map 88, Block B, Part of Lots 9.01 and 10, from an R-40 District to an R-15 District.

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 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 July 29, 1997 at 8:15 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.

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. (548-1997)

Co. Smith offered and Co. Profenna seconded

WHEREAS, Edward Gold, Director of the Rockland Summer Institute of Orchestral and Chamber Music Studies has proposed that RSI, a non-profit organization,

Continued on Next Page

RESOLUTION NO. (548-1997) Continued

perform a concert for the Town of Clarkstown, and

WHEREAS, the Town Board wishes to avail the Town of Clarkstown of such services;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring of the Rockland Summer Institute of Orchestral and Chamber Music Studies to perform a concert at Germonds Park, West Nyack, New York, on July 17, 1997 at 8:00 P.M., for a fee of \$1,000.00, and be it

FURTHER RESOLVED, that said fee shall be charged to Account No. A-7620-409.

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. (549-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Highway and Traffic Engineering Consultant that

BID #36-1997  
COLLEGE AVE, NANUET IMPROVEMENTS

is hereby awarded to:

COUNTY ASPHALT, INC.  
P.O. Box 96  
West Main Street  
Tarrytown, NY 10591  
PRINCIPALS: Frank D. Cooney, Jr.; John D. Cooney, Sr.

as per their proposed project cost of \$260,000.00, and be it

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

- a) Signed contract document - 2 copies
- b) Performance Bond - 100%
- c) Labor and Material Payment Bond - 100 %
- d) Certificate of Contractor's Liability and Property Damage Coverage
- e) Certificate of Worker's Compensation and Worker's Disability Coverage

The Town shall be named a co-insured on liability policies.

RESOLUTION NO. (549-1997) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (550-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control that

BID #43-1997  
 ADELE ROAD DRAINAGE IMPROVEMENTS

is hereby awarded to:

HUDSON CANYON CONSTRUCTION, INC.  
 115 DeVries Avenue  
 Sleepy Hollow, NY 10591  
 PRINCIPALS: Theodore J. Muldoon; Mark Landow; Mitchell B. Berkey

as per their proposed project cost of \$286,902.00, and be it

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

- a) Signed contract document - 2 copies
- b) Performance Bond - 100%
- c) Labor and Material Payment Bond - 100 %
- d) Certificate of Contractor's Liability and Property Damage Coverage
- e) Certificate of Worker's Compensation and Worker's Disability Coverage

The Town shall be named a co-insured on liability policies.

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. (551-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Highway and Traffic Engineering Consultant that

Continued on Next Page

RESOLUTION NO. (551-1997) Continued

BID #37-1997  
TRAFFIC SIGNAL UPGRADE, LITTLE TOR ROAD,  
GERMONDS ROAD, BURDA LANE, MIDDLETOWN ROAD

is hereby awarded to:

WARDE ELECTRIC CONTRACTING INC.  
100 Wells Ave.  
Congers, NY 10920  
PRINCIPAL: McCoy Glover

as per their proposed project cost of \$23,465.00, and be it

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

- a) Signed contract document - 2 copies
- b) Performance Bond - 100%
- c) Labor and Material Payment Bond - 100 %
- d) Certificate of Contractor's Liability and Property Damage Coverage
- e) Certificate of Worker's Compensation and Worker's Disability Coverage

The Town shall be named a co-insured on liability policies.

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. (552-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Letters of Credit Nos. 1338 in the amount of \$10,000; 1260 in the amount of \$10,000 and 1414 in the amount of \$24,000, furnished to the Town to secure unfinished items in a site plan known as Kingsgate Lot B (Eagle Ridge Condominiums), are terminated; and the Letters of Credit may be released to the guarantor.

On roll call the vote was as follows:

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

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RESOLUTION NO. (553-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with SUBURBAN MARKETING ASSOCIATES, INC. , to provide advertising space for the Town of Clarkstown in the Rockland County magazine, which is produced in collaboration with the Rockland Economic Development Corporation, and be it

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

FURTHER RESOLVED, that the fee for such advertising shall not exceed the sum of \$2,677.50, 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

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RESOLUTION NO. (554-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown commenced condemnation proceedings in the Supreme Court of Rockland County, New York, known as Town of Clarkstown v. Congers Realty, Inc. Index No. 5341/94, which case concerns the condemnation for Congers Lake Dam, and

WHEREAS, it has been proposed to settle the matter for payment by the Town of Clarkstown of \$55,000.00 (which \$28,000.00 has been previously paid), and the Town would resurface Stern Place, Congers, New York, by December 1, 1997, and

WHEREAS, such settlement seems both fair and reasonable;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves said settlement and gives Murray N. Jacobson, Town Attorney, the authority to sign the settlement papers, and be it

FURTHER RESOLVED, that the amount of such settlement shall be taken from Account No. H 1994 409 0 14 16.

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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TBM - 6/26/97  
Page 24

RESOLUTION NO. (555-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, In the Matter of the Application of LYSAGHT, LYSAGHT & KRAMER, P.C. v. THE POLICE COMMISSION OF THE TOWN AND THE TOWN OF CLARKSTOWN, Index No. 3690/97;

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

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RESOLUTION NO. (556-1997)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Rockland County Ancient Order of Hibernians has requested use of the Town of Clarkstown showmobile on July 20, 1997 for the Feis to be held at Anthony Wayne Park, New York

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Rockland County Ancient Order of Hiberniana to use the Town of Clarkstown showmobile on July 20, 1997 for the above purpose and subject to the provision of the necessary insurance policies.

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. (557-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Debbie and William McKinney submitted a claim for damage which occurred on their property due to the overflow of water from a culvert during a rainstorm on June 13, 1997;

Continued on Next Page

RESOLUTION NO. (557-1997) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment of \$2,750.00 to Debbie and William McKinney, 5 Alicia Court, West Nyack, New York, for damage to their property which occurred on June 13, 1997, and be it

FURTHER RESOLVED, that such payment shall be made subject to receipt and acceptance of a release from Debbie and William McKinney by the Town Attorney 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

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RESOLUTION NO. (558-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Norma G. Tullo, 30 Will Rogers Lane, Nanuet, New York, is hereby appointed to the position of Member - Planning Board - to fill the unexpired term of Ellen Mihovics at the 1997 annual salary of \$4,750.00, term effective June 27, 1997 and to expire on January 2, 2003.

On roll call the vote was as follows:

Councilman Maloney.....Yes  
Councilman Mandia.....No  
Councilman Profenna.....No  
Councilwoman Smith.....Yes  
Supervisor Holbrook .....Yes

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The Town Board adourned the meeting in honor of Harriet Dusanenko who was an outstanding leader in the Town of Clarkstown. She was a long time resident and very active in civic affairs. There was a moment of silence in honor of Harriet Dusanenko.

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 9:27 P.M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk