

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

7/29/97

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.

John Mauro, Superintendent of Highways recognized the winners of the Clarkstown Highway Department Open House Celebration Contest. They were Gloria Dwyer, Douglas Wooley, Chris Cichorek, Mary Olson and Christina Muggeo

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing re: Petition for special permit - U-Haul Co. of New York was opened, time: 8:05 PM. On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the Public Hearing was closed, time: 8:16 PM. DECISION RESERVED

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Petition for Abandonment: Atchison and Smith Streets, Rockland Lake was opened, time: 8:17 PM. On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing was closed, time: 8:28 PM. DECISION RESERVED

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Petition for Zone Change (R-40 to R-15) J. Montana Contracting Co. was opened, time: 8:29 PM. On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was closed, time: 8:45 PM. DECISION RESERVED

Supervisor opened the public portion of the meeting.

Appearance: John Lodico
New City

Spoke about relocating the bus shelter on Main Street in New City.

Appearance: Shirley Lasker
West Nyack

She agrees with the residents of Green Road. The area should not be down zoned. She also spoke about Pyramid exceeding the 1.85 million square foot floor space.

Appearance: Russell Trojan
Nanuet

He spoke regarding the youth in Nanuet flipping over a car, the cleaning up the former railroad property and Pyramid building 2.7 million square feet.

Appearance: Tom Tierney
New City

He spoke regarding the Pyramid mall.

TBM 7/29/97
PAGE 2

Appearance: Tom Tierney
New City

He spoke regarding the Pyramid mall.

Appearance: Dwight Kearns
Congers

Spoke regarding the geese.

RESOLUTION NO. (560 -1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of June 26, 1997 and July 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 HolbrookYes

RESOLUTION NO. (561-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Resolution No. 365-1997 is hereby rescinded as it duplicated Resolution No. 328-1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (562-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Cathy Conklin, Supervising Real Proptery Appraiser; Robert W. Davies & Philip Platz, Real Property Appraisers are hereby authorized to attend the seminar on "Valuation of Contaminated Properties" sponsored by the New York State Assessor's Association and held at the Holiday Inn in Mt. Kisco on August 21, 1997.

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

RESOLUTION NO. (562-1997) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (563-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Robert Stritmater, Director of Automated Systems, is hereby authorized to attend the New York State Intranet Presentation being held in Bolton Landing, New York, on July 30, 1997, and be it

FURTHER RESOLVED, that Mr. Stritmater shall be reimbursed for the necessary expenses, which shall be charged to Account No. A 1680-404.

On roll call the vote was as follows:

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

RESOLUTION NO. (564 -1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Dutchess County Soil and Water Conservation District is holding a seminar on "TR-55, Urban Hydrology for Small Watersheds", at a cost of \$25.00 per person, and

WHEREAS, such training will be beneficial to the staff of the Department of Environmental Control, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the attendance at said seminar by two staff members of the Department of Environmental Control, and be it

FURTHER RESOLVED, that the cost of said seminar shall be a proper charge to account #A 1010 414.

On roll call the vote was as follows:

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

RESOLUTION NO. (565-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes MIELE SANITATION CO. to remove trash from seven (7) passenger shelters at the following locations in the Town of Clarkstown:

Route 304/Ludvigh Road, Bardonia

Route 304/Pineview Avenue, Bardonia

Route 304/Eastlyn Drive, Bardonia

Route 304/Germonds Road, Bardonia

Route 304/Kings Highway, New City

Route 303/N/B (North of Lake Road)

Route 304/S/B (South of Lake Road)

and be it

FURTHER RESOLVED, that the fee for such removal shall be \$1,800.00 and shall be charged to Account No. A 5650-419.

On roll call the vote was as follows:

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

RESOLUTION NO. (566-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board authorizes waiver of the attorney-client privilege between itself and Ronald A. Longo, Esq., Assistant Town Attorney, Town Attorney's Office, Town of Clarkstown, for the purpose of providing testimony in the Federal Court action entitled, Grosso, et al v. The Town of Clarkstown, et al in connection with legal advice rendered to the Town Board, Town of Clarkstown, regarding the facts and circumstances giving rise to the Article 78 proceeding entitled, In the Matter of the Application of Rockland County Patrolmen's Benevolent Association, Inc., et al against William J. Collins, and the Police Commission of the Town of Clarkstown, and the Town of Clarkstown, and his subsequent handling thereof, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to July 21, 1997.

Continued on Next Page

RESOLUTION NO. (566-1997) 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. (567-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes payment to the Hudson Valley Abstract Company, upon presentation of bills, for providing title services and recording documents with respect to permanent easements on properties designated on the Clarkstown Tax Map as Map 138, Block H, Lots 6.1 and 30, located in Valley Cottage, New York, with respect to the Barmore Hill Sanitary Sewer Project - MBSIA #2, and be it

FURTHER RESOLVED, that the fee of \$804.00 for such services shall be charged to Account No. H 7140-409-6-100.

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. (568-1997)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown Parks Board and Recreation Commission wishes to enter into a lease agreement with the Grace Baptist Church to conduct a preschool program in Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town of Clarkstown Parks Board and Recreation Commission to execute a lease agreement with the Grace Baptist Church to conduct a preschool program, and

Continued on Next Page

RESOLUTION NO. (568-1997) Continued

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 from July 1, 1997 to June 30, 1998, and the rental fee shall be \$175.00 per week and be charged against Appropriation Account No. 7141-424, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to July 1, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (569-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, SEQRA review of the Smith Farm property, more particularly known as Map 23, Block A, Lot 4, et al, is beyond the scope of Robert Geneslaw's contract with the Town of Clarkstown, and

WHEREAS, the Town Board wishes to hire Robert Geneslaw Co. to perform SEQRA review of the Smith Farm property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Robert Geneslaw Co. to provide SEQRA review of the Smith Farm property, more particularly known as Map 23, Block A, Lot 4, et al, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that said services shall be on a per diem basis in accordance with the fee schedule attached, and be it

FURTHER RESOLVED, that the fees for such services shall be paid through an escrow account provided by the owners of the property, which account shall be funded prior to this contract going into effect.

On roll call the vote was as follows:

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

RESOLUTION NO. (570-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, In the Matter of the Application of MICHAEL BURNS V. THE TOWN OF CLARKSTOWN AND THE POLICE COMMISSION OF THE TOWN OF CLARKSTOWN, Index No. 3784/97;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding, and be it

FURTHER RESOLVED, that this resolution is hereby retroactive to June 27, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (571-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, *In the Matter of the Application of THE ROCKLAND COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION AND CHRISTOPHER ROSE V. WILLIAM COLLINS, Chief of Police of the Clarkstown Police Department, POLICE COMMISSION OF THE TOWN OF CLARKSTOWN* (Index No. 4103/97);

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding, and be it

RESOLVED, that this resolution is hereby retroactive to July 15, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (572-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, *In the Matter of the Application of THE ROCKLAND COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION AND CHRISTOPHER ROSE V. WILLIAM COLLINS, Chief of Police of the Clarkstown Police Department, POLICE COMMISSION OF THE TOWN OF CLARKSTOWN and the NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM* (Index No. 3995/97);

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding, and be it

RESOLVED, that this resolution is hereby retroactive to July 10, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (573-1997)

Co. Smith offered and Co. Maloney seconded

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

A P CONTRACTING
Arthur Parker
Post Office Box 641
Pomona, New York 10970

RESOLVED, that the following Certificate of Registration be issued:

No. 97-23 A P Contracting

On roll call the vote was as follows:

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

RESOLUTION NO. (574-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Maintenance Bond No. 40450 in the amount of \$9,000.00, issued by New York Surety Company, and furnished to the Town in connection with the dedication of the road(s) and improvements on January 25, 1994 in a subdivision known as Naurashaun Brook, is terminated; and the Maintenance Bond 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 HolbrookYes

RESOLUTION NO. (575-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Letter of Credit, No. 96-0814, in the amount of \$10,000.00, furnished to the Town in connection with the dedication of the road(s) and improvements on December 31, 1992 in a subdivision known as Camelot Sections I and II, is terminated; and the Letter 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 HolbrookYes

RESOLUTION NO. (576-1997)

Co. Profenna offered and Co. Mandia seconded

RESOLVED, to decrease Account #A-7620-329 (Rec. Supplies)by \$180.00 and to increase Account #A-7141-222 (Prk. & Rec.) BY \$180.00, and

FURTHER RESOLVED, to decrease Account #A-7620-329 (Rec. Supplies) by \$125.00 and to increase Account #A-7141-201 (Furn. & Eqpt.) by \$125.00

On roll call the vote was as follows:

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

RESOLUTION NO. (577-1997)

Co. Profenna offered and Co. Mandia seconded

RESOLVED, to increase Appropriation Account A-7140-407 (Equipt. Repairs) by \$400.00 and to increase Revenue Account 2001 (Parks/Rec.) by \$400.00

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. (578-1997)

Co. Profenna offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$3,648.00 from Corporate Property Investors for security at the Nanuet Mall, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account NoA01 9 2705 (General-Gifts & Donations) and A 3120 111 (Police Overtime) by \$3,648.00 and

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

FURTHER RESOLVED, to decrease A 3260 328 (Spec. Investigation-Books/ Publications) and increase A 3260 423 (Association Dues) by \$300.00 and decrease A 4210 114 (Counseling-Part Time) and increase A 4210 201 (Furniture & Furnishings) by \$760.00

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. (579-1997)

Co. Profenna offered and Co. Mandia seconded

WHEREAS, various funds require additional funding , and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account A 01 14 2999 0 (General Fund-Unexpended Balance) by \$11,639.00; A 01 3 1520 2 (Alarm Permits) by \$4,030.00 and A 01 3 1520 3 (Alarm Violations) by \$11,450.00 and increase the following Appropriation Account Numbers:

Continued on Next Page

RESOLUTION NO. (579-1997) Continued

| | | |
|--------------|---|-----------|
| A 3120 417 2 | (Police Training)..... | \$ 15,480 |
| A 3120 307 | (Police Uniforms)..... | 2,734 |
| A 3130 438 | (Receiver of Taxes-Maint. Agmnts)..... | 1,270 |
| A 1420 114 | (Town Attorney-Part Time)..... | 735 |
| A 1660 409 | (Archival Storage-Fees for Services)..... | 750 |
| A 6510 401 | (Veterans Services)..... | 750 |
| A 7520 114 | (Historical Review-Part Time)..... | 200 |
| A 7520 419 | (" " -Misc. Serv.)..... | 5,200 |

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. (580-1997)

Co. Maloney offered and Co. Mandia seconded

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

BID #51-1997
CONCRETE CULVERT PIPE
CONCRETE CATCH BASIN BLOCK & BRICK

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 28, 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. (581-1997)

Co. Maloney offered and Co. Mandia seconded

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

Continued on Next Page

RESOLUTION NO. (581-1997) Continued

BID #52-1997
BREWERY ROAD RECONSTRUCTION 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 date to be determined 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 prescribed non-refundable fee.

On roll call the vote was as follows:

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

RESOLUTION NO. (582-1997)

Co. Maloney offered and Co. Mandia seconded

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

BID #53-1997
VENDING MACHINE SERVICES

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 29, 1997 at which time bids will be opened and read, and be

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 HolbrookYes

RESOLUTION NO. (583-1997)

Co. Maloney offered and Co. Mandia seconded

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

RESOLUTION NO. (583-1997) Continued

BID #54-1997

1997 ROADWAY AND SCHOOL DRIVEWAY RESURFACING 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 August 29, 1997 at which time bids will be opened and read, and be

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 HolbrookYes

RESOLUTION NO. (584-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Town Board Resolution #499-1997 is hereby corrected to read:

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

BID #40-1997

HELICALLY CORRUGATED STEEL CULVERT PIPE ROUND & OBLATE

is hereby awarded to:

EXPANDED SUPPLY PRODUCTS, INC.
 RD 1, BOX 93, ROUTE 9
 COLD SPRINGS, NY 10516
 PRINCIPALS: BRUCE KEHR
 DONNA J. KEHR

(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 HolbrookYes

RESOLUTION NO. (585-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendations of the Chief of Police and the Director of Purchasing that

BID #45-1997
EMERGENCY OPERATIONS COMMAND CONSOLE FOR THE
CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to

GOOSETOWN COMMUNICATIONS
58 N HARRISON AVE.
CONGERS, NY 10920
PRINCIPAL: JOSEPH GOTTLIEB

as per their total low bid proposal of \$14,332.15

On roll call the vote was as follows:

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

RESOLUTION NO. (586-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Chief of Police that

BID #42-1997
POLICE UNIFORMS

is hereby awarded to:

SOME'S UNIFORMS, INC.
65 Route 17 South
Paramus, NJ 07652
PRINCIPALS: Jerome Some
Al Alterman
Marvin Some

D & E UNIFORMS
213 Closter Dock Road
Closter, NJ 07624
PRINCIPAL: Charles Amorusso

(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 HolbrookYes

RESOLUTION NO. (587-1997)

Co. Smith offered and Co. Maloney seconded

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

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

NOW, THEREFORE, be it

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

Lansdale Road, New City
(Install one (1) 5800 lumen sodium vapor street light -
existing utility pole number 59192/42330)

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. (588-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the New City Fire Engine Co. wishes to dispose of demolition debris at the Clarkstown Transfer Station, and is requesting the Town Board waive the usual fee;

THEREFORE, be it

RESOLVED, that the Town Board thereby waives the disposal fee at the Clarkstown Transfer Station for the New City Fire Engine Co.

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. (589-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Josine Fekete of Andez Abstract requested a Certificate of

RESOLUTION NO. (589-1997) Continued

Occupancy search of her property from the Building Department and submitted the required fee of \$100.00, and

WHEREAS, it was determined that the property is not located in the Town of Clarkstown's jurisdiction and, therefore, Ms. Fekete wishes to have the fee refunded to her;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the refund of \$100.00 to Ms. Fekete of Andez Abstract.

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. (590-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Supervisor is hereby authorized to enter into agreements, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sums in economic assistance for 1997 to:

| | |
|---------------------------|-------------|
| CANDLE | \$35,000.00 |
| MARTIN LUTHER KING CENTER | 7,000.00 |

FURTHER RESOLVED, that the total amount of \$42,000.00 be transferred from Account #A1990-505 to #A 8840-424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1997 and are to be charged against Account #8840-424.

On roll call the vote was as follows:

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

TBM 7/29/97
PAGE 17

RESOLUTION NO. (591-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, unforeseen field conditions have resulted in the necessity to have additional work performed as part of the Debra Lee Court Drainage Improvements project; and

WHEREAS, this work was not included in the original contract for this project, and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have this work done;

NOW, THEREFORE, be it

RESOLVED, that the cost for said additional work shall not exceed \$7,500.00; and be it

FURTHER RESOLVED, that this amount be a proper charge to Account # H-8735-409-12-16.

On roll call the vote was as follows:

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

RESOLUTION NO. (592-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, on July 11, 1997, the Brookside Avenue culvert sustained structural damage as result of a vehicular accident; and

WHEREAS, in order to pursue reimbursement from the persons responsible for the accident, a certified structural inspection by a licensed professional engineer is required and

WHEREAS, said inspection will recommend the appropriate corrective work to be performed on the culvert.

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to obtain the services of McLaren Engineering, 100 Snake Hill Road, West Nyack, New York to perform the certified structural inspection in accordance with their proposal dated July 23, 1997; and be it

FURTHER RESOLVED, that the costs for said inspection shall not exceed \$1,100.00 and shall be a proper charge to account A 8730 384.

Continued on Next Page

RESOLUTION NO. (592-1997)

On roll call the vote was as follows:

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

RESOLUTION NO. (593-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, it has been determined that Planning Board approval is not required for a minor two-lot subdivision;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 1246-1987 is hereby amended to delete the requirement that the applicant for a building permit obtain subdivision approval from the Town of Clarkstown Planning Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (594-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Joan Hansen, 6 Tor View Avenue, New City, New York - Police Radio Dispatcher (Computer Aided Dispatch) is hereby accepted effective and retroactive to July 18, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (595-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Joseph W. Kubran, 36 Oak Road, New City, New York - Bingo Inspector is hereby accepted, effective and retroactive to June 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

RESOLUTION NO. (596-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Carl E. Goepper, 22 Pomona Lane, Suffern, New York - Principal Engineering Technician, Department of Environmental Control is hereby accepted, effective and retroactive to July 5, 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. (597-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of James R. Thurston, 48 Allison Avenue, Stony Point, New York, Police Sergeant, Police Department is hereby accepted effective and retroactive to June 24, 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. (598-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on July 24, 1997 that the position of clerk, Town Justice Department can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk, Town Justice Department is hereby created effective and retroactive to July 28, 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. (599-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Madeline S. Weinberg, 1 Dore Court, New City, is hereby appointed to the position of (Provisional) Clerk, Town Justice Department at the current 1997 annual salary of \$28,438.00, effective and retroactive to July 28, 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. (600-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Alfred Carlini, 27 Lake Nanuet Drive, Nanuet, New York is hereby appointed to the position of (Provisional) Storekeeper (Automotive), Town Garage at the current 1997 annual salary of \$38, 484.00, effective and retroactive to July 28, 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. (601-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation of Marianne Antolino, 33 Amarillo Drive, Nanuet, New York, Secretary (Part-time), Zoning Board of Appeals is hereby accepted, effective and retroactive to July 25, 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. (602-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on April 8, 1997 that the position of Senior Clerk Typist, Zoning Board of Appeals can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Clerk Typist, Zoning Board of Appeals is hereby created, effective and retroactive to July 21, 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. (603-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Jacqueline M. Bambauer, 1 South Park Lane, Nanuet, New York is hereby appointed to the position of (Provisional) Senior Clerk Typist, (Zoning Board of Appeals), at the current 1997 annual salary of \$25,348.00 effective and retroactive to July 22, 1997.

On roll call the vote was as follows:

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

TBM 7/29/97
PAGE 22

RESOLUTION NO. (604-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on July 24, 1997 that two (2) positions of Police Matron (P.T.), Police Department can be created.

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of (P.T.) Police Matron, Police Department are hereby created effective July 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

RESOLUTION NO. (605-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on July 24, 1997 that the position of Senior clerk #500782 can be reclassified to the position of Senior Clerk Typist, Personnel Office

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Clerk is hereby reclassified to the position of Senior Clerk Typist, Personnel Office effective and retroactive to July 28, 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. (606-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Lorian Macaylo, 7 Huffman Road, Valley Cottage, New York is hereby appointed to the position of (Provisional) Senior Clerk Typist, Personnel Office at the current 1997 annual salary of \$36,359.00 effective and retroactive to July 28, 1997.

On roll call the vote was as follows:

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

TBM 7/29/97
PAGE 23

RESOLUTION NO. (607-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Dawn Massa, 148 Germonds Road, New City, New York is hereby appointed to the position of (temporary) Clerk Typist, Town Clerk's Office at the current 1997 hourly rate of \$11.00, effective and retroactive to July 28, 1997 to September 28, 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. (608-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished certification of Eligibles Highway Maintenance Supervisor I (Prom) #95050A which contains the name of Charles J. Caselli.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Charles J. Caselli, 67 Highway Avenue, Congers, New York to the (Perm) position of Highway Maintenance Supervisor I at the current 1997 annual salary of \$44,552.00, effective and retroactive to July 21, 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. (609-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Michael J. Carroll, 322 Old Route 304, New City, New York, Recreation Leader, Parks Board and Recreation Commission is hereby granted an extension of his Sick Leave of Absence at one-half pay, effective and retroactive to July 12, 1997 to August 8, 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. (610-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article X, Section 3 (G) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Special Bargaining Unit, Adolph Milich, Jr., 29 New Valley Road, New City, New York, Building Department is hereby granted a Sick Leave of Absence at one-half pay, effective and retroactive to July 24, 1997 to August 24, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (611-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Edward Mistretta, 318 North Middletown Road, Nanuet, New York is hereby reappointed to the position of Member - Zoning Board of Appeals at the current 1997 annual salary of \$2,500.00, term effective and retroactive to June 19, 1997 and to expire on June 18, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (612-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the resignation of John Sullivan, 3 Benton Court, New City, New York, Member - Zoning Board of Appeals is hereby accepted with regret, effective and retroactive to August 1, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (613-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Marybeth Baisley, 90 South Conger Avenue, Congers, New York is hereby appointed to the position of Member - Zoning Board of Appeals (to fill the unexpired term of John Sullivan) at the current 197 annual salary of \$2,500.00, term effective and retroactive to August 1, 1997 and to expire on June 18, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (614-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the resignation of Marybeth Baisley, 90 South Conger Avenue, Congers, New York, Chairman and Member - Architecture and Landscape Commission is hereby accepted, effective and retroactive to August 1, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (615-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Francis Finochio, 70 Lyncrest Avenue, New City, New York is hereby appointed to the position of Chairman - Architectural & Landscape Commission at the current 1997 annual salary of \$500.00 (to fill the unexpired term of Marybeth Baisley) term effective and retroactive to August 1, 1997 and to expire at 12:01 a.m. on January 1, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (616-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that John D. Cuff, 5 Pheasant Drive, West Nyack, New York is hereby appointed to the position of Member - Architectural & Landscape Commission (to fill the unexpired term of Marybeth Baisley) at the current 1997 annual salary of \$1,250.00, term effective and retroactive of August 1, 1997 and to expire October 13, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (617 -1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Chief of Police that

BID #43-1996
UNIFORMS FOR CLARKSTOWN AUXILIARY POLICE

Previously awarded to:

LOU TEMCO UNIFORMS, INC.
29 Samsondale Avenue
West Haverstraw, N.Y. 10993

is hereby canceled due to non-delivery.

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. (618-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby adds the concrete curb listed below to the list of concrete curb locations to be constructed under Bid No. 28-1997:

6 MANOR COURT, NEW CITY, NEW YORK

Continued on Next Page

TBM 7/29/97
PAGE 27

RESOLUTION NO. (618-1997) Continued

and be it

FURTHER RESOLVED, that the necessary funds for the additional concrete curb shall be taken from Capital Projects Account No. H 7182-409-0-55-10.

On roll call the vote was as follows:

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

RESOLUTION NO. (619-1997)

Co. Maloney offered and Co. Mandia 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 Town Board meeting of August 12, 1997 be rescheduled for August 4, 1997 at 8:30 PM in room 311, prior to the Workshop meeting.”

On roll call the vote was as follows:

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

RESOLUTION NO. (620-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an adverse drainage condition exists along the rear yards of #34, #36, #38 and #40 Lake Nanuet Drive in Nanuet, and

WHEREAS, this adverse drainage condition is caused, in part, by the existence of nine (9) willow trees located within the right-of-way for New York State Route 304, and

WHEREAS, an agreement has been reached with the New York State Department of Transportation to perform corrective drainage work following the removal of said willow trees; and

Continued on Next page

RESOLUTION NO. (620) Continued

WHEREAS, the Department of Environmental Control has obtained proposals from the contractors to perform said tree removal; and

WHEREAS, the Department of Environmental Control has reviewed said proposals and found them to be acceptable,

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to retain the service of:

EXCLUSIVE/OASIS TREE EXPERTS
29 SUMMIT PARK ROAD
SPRING VALLEY, NEW YORK 10977

to perform said tree removal in accordance with their proposal, and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$7,500.00; and be it

FURTHER RESOLVED, that all material removed by the contractor shall be brought to the Town's composting facility located on Route 59 in West Nyack; and be it

FURTHER RESOLVED, that this shall be a proper charge to account #H-7182-409-0-55-34.

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. (621-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, recent severe storms have eroded gabion walls installed on the Nauraushan Brook in a Town drainage easement on tax lot 31A18.11, and

WHEREAS, portions of said wall have collapsed and other portions have been undermined by high velocity water flows, and

WHEREAS, the County Drainage Agency is currently undertaking a study of the Nauraushan Brook, which study is scheduled for completion within the next six to eight months, and

WHEREAS, further deterioration can be expected from storms in the future, prior to the County undertaking general stream improvements plans,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (621-1997) Continued

RESOLVED, that the Town Board hereby authorizes the Director of Environmental Control to prepare designs for repair work to be performed to provide for the integrity of the Town's easement, and be it

FURTHER RESOLVED, that the Directors of Environmental Control and Purchasing are hereby authorized to solicit proposals and/or bids for the execution of such repair work.

On roll call the vote was as follows:

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

RESOLUTION NO. (622-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the slaughter of the Canada geese has ended for this year. The population must still be controlled, and be it

THEREFORE RESOLVED, that the Clarkstown Superintendent of Recreation is directed to aggressively pursue non-lethal means of controlling the geese population with a pilot project at Twin Ponds to consist of the spraying of the chemical ReJex-iT and the fencing of the pond with the type of plastic and wood stakes found at construction sites and other non-lethal methods that would deter the geese, and be it

FURTHER RESOLVED, that the Superintendent of Recreation explore the possibility of purchasing a vacuum or other such device to remove the droppings from our parks.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 8:55 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN

PUBLIC HEARING

Town Hall

7/29/97

8:05 P.M.

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

RE: PETITION FOR SPECIAL PERMIT: U-HAUL CO. OF NEW YORK (32-B-19)

On motion of Councilman Mandia, seconded by Councilman Maloney 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, Murray Jacobson stated that a 265 Petition was presented. There is more than twenty percent protesting. Four votes are needed here. Supervisor asked if the SEQRA was complied with. Mr. Jacobson said that the Town Planning Board approves subject to contingents and the County Planning approves. Supervisor explained that a 265 Petition means that the Town Board needs a super majority to approve the Special Permit. Supervisor asked the applicant to make a presentation.

Appearance: Henry Horowitz, Esq.
Caruso & Horowitz
Nanuet

Mr. Horowitz stated that the subject site is approximately 1.6 acres. It is located at the westerly end of the Korvet shopping center. The use that we are seeking is that of a small mini warehouse as well as a place for the rental of U-Haul vans. This is permitted in the RS zone and this is zoned as RS by Special Permit of the Town Board. It is probably the least obtrusive use that is not only permitted by Special Permit, but also permitted by right. By right in this particular zone, you could have automotive functions going on, retail stores and the like. The amount of activity in a mini warehouse is quite minimal compared to the activities that would be conducted in uses not only permitted by right, but those that are permitted by Special Permit of this Board as well as series of uses permitted by Special Permit of the Board of Appeals. One of the requirements of the Special Permit is that you have a seventy-five foot buffer. The peculiar geometric shape of this site is such that if you had a seventy-five foot buffer, nothing could be located at the site. Fortunately the RS table does give the Town Board the right to reduce that buffer to twenty-five feet and that is what we have done. The buffer that we have put in is along that portion of the site which abuts a residential district. The majority of this site is abutted by other commercial uses. There is a portion that is abutted by a residential district. Pierce Street stops right at this site. There has been no provision for vehicles to use any of the residential streets. Ingress and egress from the site will be solely by Route 59 or a right off First Street in that particular area. Mr. Horowitz had a number of brochures indicating the type of structure that U-Haul puts up and particularly the type that will go in here. This matter has been reviewed by the Planning Board a number of times and they have recommended the particular plan that has been before the Board. They also recommended that the law grant the Special Permit. Assuming the Board takes positive action this evening, nothing would happen. It is from this point that we then have to go into the Board of Appeals because of the shape of the site there are some variances that would have to be granted by that Board. One of them is Pierce Street which while it terminates on our side, is not used. Technically, it is considered as a street for front yard purposes. After the Board of Appeals, we would have to go back again to the Planning Board for a site plan review which would also be a number of meetings. Also prior to the final approval there would have to be a public meeting at the

Petition for Special Permit: U-Haul Co. of New York (32-B-19)

Page 2

7/29/97

Architectural and Landscape Committee since we are proposing a series of landscaping which is required throughout the site. No matter what action is taken here, we will have to go through a series of almost all of the other Town agencies and all of those meetings are held at public hearing after notice. In the current instance, we have sent out some forty notices to the adjoining property owners because of the way the site is shaped. A notice has been sent to everyone within five hundred feet of the site.

Supervisor asked if anyone present wished to make a comment or ask a question.

Appearance: Steve McChesney
15 Pierce Street, Nanuet

Mr. McChesney had a list of signatures of the residents of Pierce Street. He wants the reassurance for himself and the other residents of Pierce Street that there will be no continuation of Pierce Street. Pierce Street will not be used to service this facility in any manner for vehicular or pedestrian traffic. This has been a dead-end street. It is an established residential neighborhood as well as the fact that Pierce Street is extremely thin and it would not be suitable for commercial traffic. He heard a comment about a front yard variance to do with the odd shape of the property that he did not understand.

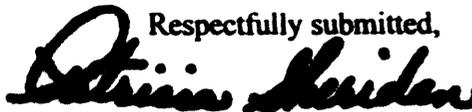
Mr. Horowitz stated that under no possibility is Pierce Street to be used for ingress, for egress, emergency vehicles or for any other reason. The entire site has to be fenced. In addition to landscaping, there will be a fence at the end of Pierce Street which will surround the entire site. The comment that he made in regard to front yard, as the Board knows, every structure has to be located a certain minimum distance off the road upon which it fronts. Between the end of Pierce Street there will be a landscaped area, a twenty-five foot buffer before we get on to the building itself.

Supervisor asked, in essence, if the applicant would not contest a condition which would prevent any access to Pierce Street. Mr. Horowitz responded, absolutely not. Along an entire side of the building where Pierce Street is, no service entrances are on that side of the building. All activity takes place on the opposite side facing the shopping center itself.

Mr. McChesney asked Mr. Horowitz what the proposed height of the building was. Some residents were concerned about the visual effect. Mr. Horowitz stated that the proposed height is twenty-four feet. The site itself is lower than the residence next door. It will be a two story building. This will also be an item at the Architectural and Landscaping Committee.

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time 8:16 P. M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Board

7/29/97

8:17 P.M.

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

RE: PETITION OF ABANDONMENT: ATCHISON AND SMITH STREETS,
ROCKLAND LAKE

On motion of Councilman Maloney, seconded by Councilman Mandia 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, Murray Jacobson, stated that the Rockland County Planning Board says this is for a local determination. The Town Planning Board disapproves. SEQRA reports no environmental impact. Supervisor invited the applicant to speak.

Appearance: Alan M. Simon, Esq.
222 Rte 59, Suffern

Mr. Simon represents the applicant, Leatherstocking Antiques, Inc. The streets involved are paper streets. They have not been used in any way, matter or form nor is there any concept to finalize them as streets and we are seeking to have them abandoned so that we can consider that as part of the development.

Mr. Yacyshyn stated that this matter has been before the Planning Board. We are attempting to make sure that there is an orderly development there. The consideration is that the Planning Board cannot recommend in favor of the request for the abandonment of the streets as requested. It is not known how the Jekar development will ultimately be designed to allow for an orderly street layout. Therefore, it is suggested that the abandonment of the streets, as requested, not be done at this time. The applicant is modifying the site plan due to the fact that the applicant has been unable to obtain certain parcels which may in fact affect this abandonment. At the present time, it is important to make sure that the ultimate site plan development in the area is properly utilized.

Appearance: Kevin Myers
27 Smith Street

Smith Street leads to Mr. Myers house. It is a private road that goes to his place. It get used every day. In the past, he asked the Planning Board to protect his interest which they have done so far. He has been maintaining that road for the eighteen years that he has lived there.

Appearance: Robert Cozzi
Owner of property at Rockland Lake

Mr. Cozzi's main concern about the abandonment of the streets is not the streets themselves, but a brook that runs through the property, south of his property. That brook ends up in Rockland Lake. That brook is piped and appears on no maps. Mr. Cozzi stated that we don't know where it is, what it does or what it services. A few years ago that brook probably was the cause of putting sewers in at Rockland Lake. Unless that brook is identified, where it is and what it does, we may have a major problem in the future. He does not know if these streets border the brook or go over the brook and that should be considered.

Petition for Abandonment: Atchison and Smith Streets, Rockland Lake

Page 2

7/29/97

Mr. Simon stated that it was agreed with the Planning Board that they would maintain an easement. There is an application in reference to this by Jekar who is a related corporation before the Planning Board. They are dealing with the final design. Mr. Simon stated that whatever streets would be eliminated should be set by the Planning Board in terms of their final plans of the area. We are stuck with a chicken or egg situation. We have been told that until they deal with this problem, we cannot get anything done.

There being no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 8:28 P.M.

Respectfully submitted



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Board 7/29/97 8:29 P.M.
Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

RE: PETITION FOR ZONE CHANGE: (R-40 TO R-15) J. MONTANA
CONTRACTING CO. (88-B-9.01 & 10)

On motion of Councilman Maloney, seconded by Councilman Mandia 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, Murray Jacobson stated that the County Planning Board and the Town Planning Board disapproves.

Appearance: Martin Cornell, Esq.
Attorney for Joe Montana, the Applicant

This is an application for a change of zone from an R-40 to R-15. The property is located on the south side of Green Road in West Nyack which is approximately ten and a half acres. It is surrounded on the east by the Deerhead Inn which is at the corner of Western Highway and Green Road. On the subject property there is no development except a ball field which is located next to the Deerhead Inn on the easterly portion of the property. All of the property to the north is zoned R-15. The property on the east is R-15. There is also some M zone property in that area as well. The property on the west and on the south is currently zoned R-40 and except for one small piece is all Water Company property which will remain in that condition and is not intended to be developed. The application seeks the R-15 zone which as proposed would create fifteen lots. If it were an R-40 zone, there would be a total of nine lots. There has been some question as to why the Water Company is disposing of this property. Back in 1980, the Water Company was required by an order of the New Jersey Public Utilities to divest itself of any excess property. The reason for that was that the rate that is fixed by the Public Utility Commission in New Jersey has a rate of return which is based upon the capital assets of the Water Company. It was determined that if there was excess property which would increase the capital base, the return would be higher and thus the cost to the consumers of water would be higher as well. As a result of that determination, a substantial environmental study was made to determine whether or not there was any excess property that the Water Company owned and if there was, the property was to be disposed of. This is one of the parcels that was determined to be excess property. There were a number of other parcels in the Town of Orangetown which are under the same or similar set of circumstances. This is one of the few, if only, parcel in the Town of Clarkstown.. The property is under a Contract of Sale to Joseph Montana. The actual benefit from the disposition of this property will accrue the rate payers ultimately pay in reduced rates and also a specific provision is contained in the order that they share in certain valuation of this property. The Water Company is not wholesale selling off property or developing property, but was required to do this for the benefit of the consumers of water by this state agency. The Planning Board has approved the division of this parcel from the other Water Company property. There has been a subdivision of this ten and a half acre parcel. It was determined that there are no wet lands, no environmental problems, there is no significant environmental impact. The issue before you is one that came before the Planning Board and that is whether the ball field should be saved. The ball field has been there for over fifty years. They play approximately two hundred games a season. It has been a very active ball field and used by the community and others over a long period of time. The original thought was that the ball field could be preserved not as a Town ball field and not at the Town expense, but to be preserved

PETITION FOR ZONE CHANGE: (R-40 TO R-15) J. MONTANA CONTRACTING
CO. (88-B-9.01 & 10)

Page 2

7/29/97

and the additional property next to it would be developed single family residences in R-15 district with fifteen residential units. The ball field would be donated to a not-for-profit corporation, the Rockland County Autistic Children Organization, which would receive the property and they would derive the revenue from the use of the property as a ball field with the clear understanding that they would operate the field, and have an overseer to be sure that the field was maintained properly. That there were no lights, that the signs are taken down at the end of the season, the parking is appropriate and all the other features that are necessary to make an organized operation of the ball field. Hopefully this would improve the situation and make the ball field compatible with the neighborhood. There is also a letter presented to the Planning Board which indicated clearly that for any reason, at any time in the future the ball field ceases to operate in any form whatsoever, that the property would not be developed. It would remain in its natural state and it would revert back to the Water Company and become part of the water shed property for the protection of the purity of the water. At the Planning Board meeting, there were a number of people in the neighborhood who were concerned about the maintenance of the ball field. The applicant has indicated that he is willing to consider either maintaining the ball field or if this Board determines that the ball field really is not suitable in the area, the applicant would eliminate the ball field and maintain that area in its natural state or a buffer area so that it would not be developed and then develop the property with single family residences. The Planning Board indicated at their meetings that they could not make that decision. This is a decision that this Board has to make. The applicant is flexible and willing to either provide for the ball field or eliminate the ball field and develop the property for single families residences. This property is not in the flood plain. It is above the flood plain and it is outside the area that has been determined environmentally to be necessary to preserve the Hackensack River and the Water Company would not dispose of the property if that was a problem. The development of this property will be an up-grade of the area. It will provide new residences. It will improve the area and it is consistent and compatible with the existing development of R-15 in the area on lots that are 15,000 square feet. Some are even less than 15,000 square feet. The applicant, Joe Montana, is here to answer any question. The engineer of the firm of Guterl and Greenwell is also here to answer any questions.

Co. Profenna asked how often the ball field was used and by whom. Mr. Cornell replied that there were about 200 games a season. It is used by various leagues. Some of the players are from the Town of Clarkstown and some are out of the area. Some players come from New Jersey. It is used heavily, but he does not have statistics as to how many ballplayers are actually from the Town of Clarkstown.

Supervisor Holbrook asked Mr. Cornell if the ball field was not there, are you saying that the applicant would be willing to develop the property in the zoning it is as is. Mr. Cornell said that he would be willing to develop the property if you grant the application R-15, but limit the number of lots to fifteen. He would not ask for any more lots than would be permitted under the R-15. Supervisor then asked if you were to develop the entire site including the ball field, how many lots would that yield. Mr. Cornell stated that under R-40 there would be nine including the ball field. It is really a request from nine to fifteen. If it was R-15 and the ball field were developed, you could have a total of seventeen.

Appearance: Mary Ann Brankatelli
West Nyack

The ball field is used by men's leagues from local businesses, the Deerhead and the Grasshopper from Pearl River. She would like it to stay a ball field and opened up

PETITION FOR ZONE CHANGE: (R-40 TO R-15) J. MONTANA CONTRACTING
CO. (88-B-9.01 & 10)

Page 3

7/29/97

to the children in the area since they have to deal with the heavy traffic and there is really no place for the kids to play.

Appearance: John Lodico
New City

Mr. Lodico talked about a past drainage project and an athletic field on Bluebird Drive. It became one of the great drainage projects in the Town and one of the great athletic fields for our Recreation Department. Prior to that they developed a soccer field at the landfill. It was sponsored by the German American Soccer Club. When Bluebird Drive Park was put it, it became an asset. The only difference of opinion he has with the petitioner's attorney is that he does not believe it should be turned over to a not-for-profit organization. It should be incorporated in the Town's park system. At the last meeting he spoke with Co. Mandia about who owns the property where they want to develop it for a park.. Here is an opportunity to get a park in West Nyack that has been in use for over forty years. Here is a situation where in the past, the Town used averaging in cases that are in the best interest of the Town. You would not have to spend a dime for them to donate this to the Town. You did not give me the answer to who owned the property or who was the broker. Here is a situation where the taxpayers in Clarkstown can benefit by an already going program by keeping it under a Recreation program and let them donate an extra acre. Give them a little averaging so that they get ten or twelve units instead of nine. Stay away from a new park that the taxpayers have to spend money for.

Appearance: Lucy Gilman
Green Road, West Nyack

She received a notice from some concerned residents. One of the things was that if the zone is changed to an R-15, they will widen Green Road. Supervisor Holbrook replied that if they develop these homes along Green Road, without a zone change, the only widening that would be done would probably be right in front of the new development. As for the rest of Green Road which happens to be a County Road, I do not envision that road being widened. Ms. Gilman asked if that was a guarantee. Supervisor stated that the County could always widen it at some point in time, but there is no pressing need for Green Road to be widened. The only part regardless of a zone change, would be a strip adjacent to that property. There would be no purpose to widening Green Road. Ms. Gilman said, as far as the ball field goes, their children can't play in that ball field. It is not fair. If they put a house on the ball field, that will keep the land at one acre each, then they would vote for it.

Appearance: Arthur Conklin
Green Road, West Nyack

Mr. Conklin saved an article from the newspaper about how the highlands increased the zoning to four acre. It would be a good idea so they would not have to look at any more houses. He has lived here all his life. There is still a lot of wild life there. That is where the geese use to stay. If the Town leaves the zoning just the way it is, it is not going to be that easy to sell the lots. However, he showed on his maps how all the area south of Green Road was R-40 and that runs all the way across the swamps and all the way up Sickletown Road. The ball field we lived with over the years and it was not quite the way it was the last few years. A ball field next to a tavern is not the best. He thinks that the Town would not want to consider taking it over. It does draw people from out of our Town. He has picked up dirty diapers along Green Road It is not nice to have people going to the bathroom along side of your house. The ball field does not have any

PETITION FOR ZONE CHANGE: (R-40 TO R-15) J. MONTANA CONTRACTING
CO. (88-B-9.01 & 10)

Page 4

7/29/97

toilet facilities. The Deerhead Inn said they could use theirs. The Deerhead Inn is a non-conforming use, but gradually it has been increasing. With the ball field, it increases more. Now they will have two lots. They have done some things that they should have violations on.

Appearance: Marsha Johnson
Green Road, West Nyack

They just moved into the house across the street from the ball field. They attended the last three Planning Board Meetings. It came to light during the meetings that the rationale of the R-15 conforming with the rest of the neighborhood is somewhat shaky. There is R-10 zoning on two of side of the area.. In addition, a number of the residents who live along Green Road, are not living on one-third lots. They are living on larger lots. Her lot is a two-thirds acre lot. Her neighbors lot is a half acre. That needs to be taken into account when you are looking at the neighborhood. The offering up of the ball field was one way of negotiating to get this zone change. It became apparent that the neighbors were not in favor of maintaining the ball field. It was suggested that it be donated to the Town and we were told that the Town had no interest in maintaining the ball field. This is a shame because this is something that we all would have liked. She had pictures of the ball field in the condition it was left this winter. There was trash on the side of the road. This condition has not changed. We have a lot of concerns as residents why we would not want an additional six houses if the R-15 zoning goes through. It will increase the traffic in the neighborhood. Green Road has a blind curve in the middle of it and it is dangerous. There is a dangerous intersection where it meets up with Western Highway. Apparently according to the Montana Corporation reports, the increase in traffic would be about one car every three minutes. There would be some potential damage to the ground water if that kind of building goes on. She is on a well. They do not want to lower the quality of the neighborhood by lowing the zoning. There is no clear reason to do that. They would like to see the neighborhood improved rather than having it taken away from them.

Appearance: Ted Galloway
24 Green Road, West Nyack

Green Road is definitely a thoroughfare. The intersection with Western Highway is dangerous. There would be no way of putting in a new street with fifteen new families without somehow doing work to Green Road. Green Road does lie in a flood plain by Sickletown Road. It is already crying out for some type of traffic light at the intersection of Western Highway. This is going to have a severe impact should any change be made.

Appearance: Lawrence Warpol
55 Green Road, West Nyack

He has two small children and a large front yard. He likes the way things are. If he needs a park, he takes his children to Birchwood where there are swings and other things for them to play on. As far as the Deerhead, it is just a spot where motorcycles come running by in the middle of the night. Right now, Green Road has become a short-cut for the Palisades construction site. They get dump trucks all day long.

Appearance: Philip Bosco
2 Short Street, West Nyack

Mr. Bosco stated that the majority of water in Clarkstown runs from New City to West Nyack. Everything we are doing these days in West Nyack are obviously having an impact on water run off and water retention. This property at one time was part of what

PETITION FOR ZONE CHANGE: (R-40 TO R-15) J. MONTANA CONTRACTING
CO. (88-B-9.01 & 10)

Page 5

7/29/97

was classified as water shed property. It was zoned R-40 because of the wisdom of our Town Fathers in their planning of the future of the area. Every time we do something else that changes a zone, we create another problem somewhere else. For example, a clover-leaf was filled in by the Greenbush Garage, St. Thomas Episcopal Church which acted as a retention pond. It was over two acres in size and it had two 40 inch pipes running into it. On a number of occasions, in the last couple of years, the water ran off and flooded Route 303. We keep fooling around with Mother Nature. Mother Nature has a way of fighting back and causing problems in other places. To take this area and change it does not seem to be a good move in the overall picture. We don't know yet where we are on the retention ponds on the Palisades Center property and how they are going to work out. He believes that Palisades Center has been kind enough to contribute two million dollars towards flood retention work on the Hackensack River. You might give some thought to buying or condemning the land across from the West Nyack Post Office which should not be developed for anything because it is in flood plain A. That area should be used to help to do some retention in West Nyack. Shoprite wants to come to West Nyack. In that area, they want to fill more land. This is going to have an effect on people on Green Road and other parts of West Nyack. The water table is going to get changed. The water was always two to three feet underneath the building we had in West Nyack. That area is being filled and we will have to see how these ponds work out. Please do not play around much more with these problems in West Nyack. We have got to get these things to settle down and give it a chance to fall into place.

Appearance: Audrey Conklin
38 Green Road, West Nyack

She is not for the zone change. She would like to see it kept as an R-40 because of the sensitive nature of the area. It like ripping out the heart of Rockland County to take that beautiful piece of land which is part of the great West Nyack swamps. However, we can't stop it. We value the high ground in Rockland County. We should value the low ground also. In one of her poems she wrote, "I appreciate my husband allowing us to share his love of the West Nyack swamps, however, it might be too late to stop this. She is not for the ball field being turned over to the friends of autistic children even though she is in deep sympathy with the group. She feels that it should be a part of the recreation area of the Town. All of the Town's people should be able to enjoy this piece of property.

Appearance: Ed Smith
64 Green Road, West Nyack

His concern is that if you down zone this property and the Water Company decided to sell other parcels, he does not see how you could resist giving them their down zoning. It could start a domino effect because there is no guarantee that the United Water Company won't sell their property at a later date. There were some things that Mr. Smith did not understand in Mr. Cornell's presentation. First he told us that United Water had to get rid of this property. Then he said that if it didn't work out with the autistic group then you can give it back to the Water Company. The Water Company already gave up on it because they cannot do it by law. Secondly, Mr. Cornell said that Clarkstown couldn't do this ball park because it would cost money and it would be an expense. Now we find out the autistic group can run this park and make money or break even. He suggested that instead of giving them the ball field to give them the Town government and let them run it because they obviously know how to make a profit

Mr. Cornell stated that the Planning Board has determined that there is no environmental impact. If the Board determines that the ball field should remain and it is

PETITION FOR ZONE CHANGE: (R-40 TO R-15) J. MONTANA CONTRACTING
CO. (88-B-9.01 & 10)

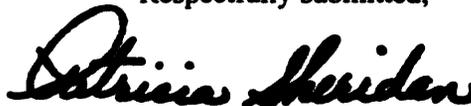
Page 6

7/29/97

going to be controlled by the autistic children, he assures the Board that they can work on appropriate arrangement so that there would be time reserved for children and people in the community. If the Town Board determines for some reason that they may want to consider this a Town park, the applicant is more than willing to provide for the property to be donated to the Town of Clarkstown. The reason we provided this plan was their initial thoughts were that the Town was not interested in acquiring this property. Certainly, that is something that can be provided for.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 8:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk