

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/4/97

8:30 P.M.

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

Absent: Councilmembers Mandia & Smith

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

RESOLUTION NO. (623-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Dellwood Country Club, Inc. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 42, Block A, Lot 1 and Map 61, Block A, Lot 1, for the year(s) 1994/95, 1995/96, 1996/97 and 1997/98, and

WHEREAS, it is desirable to have a trial 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 trial appraisal at a fee not to exceed \$5,000.00 per appraisal.

On roll call the vote was as follows:

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

RESOLUTION NO. (624-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Robert Levitan and Janice Levitan have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 57, Block F, Lot 6 for the year(s) 1995/96, 1996/97 and 1997/98, 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.

Continued on Next Page

RESOLUTION NO. (624-1997) CONTINUED

On roll call the vote was as follows:

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

RESOLUTION NO. (625-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, MICHAEL J. DOLAN & ASSOCIATES have submitted a proposal dated July 24, 1997, to provide television cable consultant services to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with **MICHAEL J. DOLAN & ASSOCIATES**, in a form satisfactory to the Town Attorney, to provide television cable consultant services to the Town of Clarkstown. The agreement shall run for a period of one year commencing August 21, 1997, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed the sum of \$5,500.00, which fee shall be charged to Account No. A-1315-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (626-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED that the Supervisor enter into an agreement, satisfactory to the Town Attorney, with Waste Management of New York, for the disposal of commingled recycling material.

On roll call the vote was as follows:

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

TBM 8/4/97
PAGE 3
RESOLUTION NO. (627-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, various appropriation accounts require additional funding, BE IT THEREFORE

RESOLVED, to increase Estimated Revenue Accounts A 01 14 2999 0 (General Fund - Unexpended Balance) by \$19,700 and B 02 14 2999 0 (Town Outside Village - Unexpended Balance) by \$15,895 and increase the following Appropriation Accounts:

| | |
|--|----------|
| A 7140 409 (Parks & Playgrounds - Fees for Services) | \$19,700 |
| B 8010 110 (Zoning Board - Full Time Employees) | 11,500 |
| B 8010 225 (" " - Computer Hardware) | 3,395 |
| B 8010 230 (" " - Communications). | 1,000 |

On roll call the vote was as follows:

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

RESOLUTION NO. (628-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, the Superintendent of Highways is hereby authorized to repave Fieldstone Court and Rise Road, New City and Lake Nanuet Drive, Nanuet.

On roll call the vote was as follows:

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

RESOLUTION NO. (629-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Joseph P. Laico Trust Agreement v. Town of Clarkstown, its Assessor and Board of Assessment Review, Index No(s). 4926/94, 3976/95, 4926/96 and 5528/97, affecting parcel(s) designated as Map 55, Block A, Lot 27.2, for the year(s) 1994/95, 1995/96, 1996/97 and 1997/98, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the following terms and conditions:

1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 55, Block A, Lot 27.2 be reduced for the year(s) 1994/95, 1995/96, 1996/97 and 1997/98 from \$600,000 to \$468,000;
2. That reimbursement for the year(s) 1994/95, 1995/96 and 1996/97 on the parcel described as Map 55, Block A, Lot 27.2 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and

Continued on Next Page

RESOLUTION NO. (629-1997) CONTINUED

3 That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown, and the attorney for the Clarkstown Central School District has consented to such settlement.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (630-1997)

Co. Profenna 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(s):

- Ext. No. X10023H - East Side of Leif Boulevard, 85 feet south of the center line of Leif Boulevard.
- Ext. No. X10024H - East side of Leif Boulevard, 535 feet south of the center line of Leif Boulevard.
- Ext. No. X10025H - Northeast corner of Leif Boulevard at the southern end.
- Ext. No. X10026H - West side of Leif Boulevard, 515 feet north of the center line of Leif Boulevard.
- Ext. No. X10027H - West side of Route 303 in easement, approximately 140 feet south of the Access Road.

Investigation No.: 11243, 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 Absent
Councilman Profenna Yes
Councilwoman Smith Absent
Supervisor Holbrook Yes

TBM 8/4/97
 PAGE 5
 RESOLUTION NO. (631-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, U-HAUL COMPANY OF NEW YORK has petitioned the Town Board of the Town of Clarkstown for a Special Permit to construct and operate a mini-warehouse facility pursuant to the provisions of the Zoning Ordinance of the Town of Clarkstown §290-11A, RS District, Table 12, Column 3, Item 7 and §290-17S, for property located on the south side of First Street and Route 59, and on the east side of Pierce Street, Nanuet, New York, which property is designated on the Clarkstown Tax Map as Map 32, Block B, Lot 19, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on July 29, 1997, at 8:05 P.M., to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form pursuant to SEQRA, from our consultant K. Luke Kalarickal, Director of Environmental Control, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of K. Luke Kalarickal, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Special Permit shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board makes the following Special Findings pursuant to Section 290-15B of the Zoning Ordinance of the Town of Clarkstown:

That, the proposed use as described and represented by the applicant:

1. Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses permitted as of right in the same district;
4. Will not adversely affect the character of/or property values in the area;
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;
6. Will comply with all other regulations applicable to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to construct and operate a Mini-Warehouse facility on the above described property is hereby GRANTED to the petitioner, subject to the following conditions:

1. Petitioner must comply with Section 290-17(S) of the Zoning Ordinance of the Town of Clarkstown.
2. Petitioner shall secure preliminary and final site plan approval from the Clarkstown Planning Board.

Continued on Next Page

RESOLUTION NO. (631-1997) CONTINUED

3. Pierce Street shall be dead-ended at the U-Haul Company of New York's property line, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

BY:

Charles E. Holbrook, Supervisor

On roll call the vote was as follows:

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

RESOLUTION NO. (632-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, County of Rockland Local Law No. 14 of 1997 permits towns to determine that the payment of taxes may be made in four equal installments;

NOW, THEREFORE, be it

RESOLVED, that the Town Board, Town of Clarkstown, pursuant to and in accordance with County Local Law No. 14 of 1997, determines that payment of taxes may be made in four equal installments, the first of which shall be due and payable not later than the 15th of the month in which the respective taxes may be paid without interest to the local receiver or collector of taxes.

On roll call the vote was as follows:

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

RESOLUTION NO. (633-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown is the owner of a certain parcel of land being the former bed of Stonewall Lane, Congers, New York, and lying adjacent to property owned by Frank and Dorinda Mittiga which is designated on the Clarkstown Tax Map as Map 113, Block A, Lot 30, and

RESOLUTION NO. (633-1997) CONTINUED

WHEREAS, Frank and Dorinda Mittiga have offered the sum of \$100.00 to purchase said property, and

WHEREAS, the Town of Clarkstown is considering disposing of said property as surplus property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares that the Town property being the former bed of Stonewall Lane, Congers, New York, which is described on the attached Schedule "A," and which lies adjacent to property owned by Frank and Dorinda Mittiga, whose property is designated on the Clarkstown Tax Map as Map ll3, Block A, Lot 30, to be surplus municipal property, and be it

FURTHER RESOLVED, that the Town Board hereby accepts the offer made by Frank and Dorinda Mittiga, to purchase property situate adjacent to property designated on the Clarkstown Tax Map as Map ll3, Block A, Lot 30, Congers, New York, as described on the attached Schedule 'A' for the sum of \$100.00, which is payable upon signing of the contract, subject to the following:

- 1. Recommendations of the Rockland County Superintendent of Highways and the Town of Clarkstown Superintendent of Highways, pursuant to Highway Law §212-a.
- 2.. Easements, covenants and restrictions of record, if any:
- 3. Zoning Ordinance of the Town of Clarkstown;
- 4. Such state of facts as an accurate survey or personal inspection may reveal, and be

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a contract of sale and a bargain and sale deed, in a form satisfactory to the Town Attorney, for delivery to the purchaser in accordance with the terms of this Resolution.

On roll call the vote was as follows:

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

RESOLUTION NO. (634-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that Rosemary DeSalvo, 5 Lamborn Avenue, Congers, New York is hereby reappointed to the position of Member - Parks Board and Recreation Commission - to serve without compensation - term effective August 16, 1997 and to expire on August 15, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (635-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that Resolution No. 583-1997 which authorized advertising for Bid #54-1997 is hereby amended to reflect the change of bid opening date from August 18 to August 25, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (636-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, the Superintendent of Highways is hereby authorized to transport the debris that was removed from the Pascack Brook by the Rockland County Drainage Agency and now curbside at 18 Norwood Place, Nanuet to the Clarkstown Transfer Station.

BE IT FURTHER RESOLVED, that this task be completed at the earliest possible date.

On roll call the vote was as follows:

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

RESOLUTION NO. (637-1997)

Co. Profenna offered and Co. Maloney seconded

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

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

is hereby awarded to:

MELROSE CONSTRUCTION OF NEW YORK, INC.
78 POST PLACE
HARRISION, NEW YORK 10528

as per their proposed project cost of \$89,674.30

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

Continued on Next Page

RESOLUTION NO. (637-1997) CONTINUED

- 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 Absent
 Councilman Profenna Yes
 Councilwoman Smith Absent
 Supervisor Holbrook Yes

RESOLUTION NO. (638-1997)

Co. Profenna offered and Co. Maloney seconded

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

BID #49-1997
 BROOKHAVEN COURT DRAINAGE PROJECT

is hereby awarded to:

UFHEIL CONSTRUCTION, INC.
 447 NEW MILFORD AVENUE
 ORADEL, NEW JERSEY 07649

as per their proposed project cost of \$134,900.00

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 Absent
 Councilman Profenna Yes
 Councilwoman Smith Absent
 Supervisor Holbrook Yes

RESOLUTION NO. (639-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, low maintenance landscape screening is required in the vicinity of the new retaining wall along Red Hill Road and at the intersection of Red Hill Road and Lindberg Lane.

WHEREAS, the Director of the Department of Environmental Control has obtained three competitive proposals to perform said landscaping work and , of these, the proposal from Coral Acres Nursery, 189 Strawtown Road, New City, New York is for the lowest amount;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to hire Coral Acres Nursery, 189 Strawtown Road, New City, New York to perform the necessary work in accordance with the requirements of the Department of Environmental Control; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$7,150.00 and shall be a proper charge of Capital Budget H Fund.

On roll call the vote was as follows:

| | |
|-------------------------------|--------|
| Councilman Maloney | Yes |
| Councilman Mandia | Absent |
| Councilman Profenna | Yes |
| Councilwoman Smith | Absent |
| Supervisor Holbrook | Yes |

RESOLUTION NO. (640-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the stream channel of the Demarest Kill from Old Route 304 to the confluence with the Hackensack River has debris and brush blocking the flow of the stream, creating adverse conditions on several adjacent properties, and

WHEREAS, the Director of the Department of Environmental Control has estimated the removal of brush and debris from approximately 1500 feet of the Demarest Kill will cost approximately \$15,000.

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby directed to obtain proposals from responsible contractors for debris removal, and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$15,000 and shall be a proper charge of Capital Budget H Fund.

On roll call the vote was as follows:

| | |
|-------------------------------|--------|
| Councilman Maloney | Yes |
| Councilman Mandia | Absent |
| Councilman Profenna | Yes |
| Councilwoman Smith | Absent |
| Supervisor Holbrook | Yes |

RESOLUTION NO. (641-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves the terms and conditions contained in the Memorandum of Agreement between the Town and the Special Bargaining Unit, CSEA, dated July 28, 1997 and hereby authorizes the Supervisor to execute a Collective Bargaining Agreement consistent with the terms thereof.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Profenna and unanimously adopted, the Town Board Meeting was declared closed, time: 8:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk