

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/23/97

8:00 P.M.

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

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

Supervisor stated that the first order of business this evening was the awarding of a proclamation.

“CLARKSTOWN BABE RUTH BOB FELLER” DAY
September 23, 1997

WHEREAS, The CLARKSTOWN BABE RUTH BOB FELLER TEAM, in defeating Westchester teams from Chappaqua, Yonkers, Harrison, Mamaroneck and Pelham qualified for the BOB FELLER NEW YORK STATE TOURNAMENT, and

WHEREAS, after this achievement, CLARKSTOWN, coming out of the loser’s bracket, swept the Southshore Heat by scores of 6-3 and 8-7, thereby winning the BOB FELLER NEW YORK STATE CHAMPIONSHIP, and

WHEREAS, this championship qualified CLARKSTOWN for the UNITED STATES EASTERN REGIONAL TOURNAMENT where they defeated the Pennsylvania State Champions, before being eliminated in the third round,

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board and all our residents, proudly commend these fine young athletes, their manager, Peter Palko and their coaches, Jono Kant, Bob Risholm, Ralph Miele, Paul Josephart and John Spadaccini for their outstanding achievement and hereby declare this day, September 23, 1997 as CLARKSTOWN BABE RUTH BOB FELLER DAY in the Town of Clarkstown.

IN WITNESS WHEREOF, I HEREUNTO SET
MY HAND AND CAUSE THE SEAL OF THE
TOWN OF CLARKSTOWN TO BE AFFIXED
THIS 23RD DAY OF SEPTEMBER, 1997

CHARLES E. HOLBROOK, Supervisor

Certificates of Award were presented to Peter Palko, Manager of the Clarkstown Stars, the players and coaches for winning the Bob Feller New York State Championship. Supervisor Holbrook congratulated everyone.

Supervisor introduced Mr. James Comer of the Forest Brook Homeowners Association who gave a special presentation to members of the Clarkstown Community Policing Unit; Lieutenant William Sherwood, Sergeant Timothy O’Niell, Officers Robert Shine, Anthony Ovchinnikoff, Patrick Kivlehan and David Trois.

Supervisor opened the Public Portion of the meeting.

Appearance: Shirley Lasker
West Nyack

Ms. Lasker spoke re: ZBA resolution on Pyramid and inquired about rescinding the Building Permit.

Appearance: Marie Bouchard
Congers

Spoke regarding the criticism of Pyramid for breaking pipes, etc. and wondered why there was no criticism of the mini mall in Congers.

Appearance: Ingrid Ilkiw
West Nyack

She spoke regarding problems with wild life and stated the needed for a rescue center.

Appearance: Rubin Sterngass
Valley Cottage

He spoke regarding road abandonment and the Bobbin Inn

RESOLUTION NO. (701A-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of August 4, 1997 are hereby accepted as submitted by the Town Clerk

On roll call the vote was as follows:

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

RESOLUTION NO. (701B-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of August 21, 1997 are hereby accepted as submitted by the Town Clerk

On roll call the vote was as follows:

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

RESOLUTION NO. (701C-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of September 9, 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.....Abstained
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (702)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to Sec. 256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 1997.

WEST NYACK LIBRARY

On roll call the vote was as follows:

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

RESOLUTION NO. (703-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, under Title I of the Housing and Community Development Act of 1974, and its amendments, the Secretary of Housing and Urban Development is authorized to make grants to State and units of general local government to help finance Community Development Programs, and

WHEREAS, it is desirable and in the public interest that the County make application for Community Development Block Grant funds as an Urban County;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the Cooperative Agreement between the Town of

RESOLUTION NO. (703-1997) Continued

Clarkstown and the County of Rockland, the Supervisor of the Town of Clarkstown is hereby authorized and directed to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, providing for the allocation of 1997 Community Development Program funds to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Cooperation Agreement shall cover both the Community Development Block Grant Entitlement program, and the HOME Investment partnership program.

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. (704-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Allan Rotto Consultants, Inc. has submitted a proposal to reduce the Town of Clarkstown's telephone monthly service and/or equipment charges, related tax charges, and any private equipment charges that are billed to the Town each month, and obtain refunds or credits for past overcharges, and

WHEREAS, the Town Board wishes to avail the Town of such service;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Allan Rotto Consultants, Inc., in a form satisfactory to the Town Attorney, to provide services to reduce the Town of Clarkstown's telephone monthly service and/or equipment charges, related tax charges, and any private equipment charges that are billed to the Town each month, and obtain refunds or credits for past overcharges.

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. (705-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Parks Board and Recreation Commission wishes to enter into a lease agreement with Grace Baptist Church to conduct

RESOLUTION NO. (705-1997) Continued

Kindergarten Enrichment Program in Nanuet, New York

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with the Grace Baptist Church to conduct a Kindergarten Enrichment Program and 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 September 3, 1997 through June 24, 1998 at a fee of \$200.00 per week and to be charged against Account #7141-401.

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. (706-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with NYACK HOSPITAL for the Employee Assistance Program, for the twelve (12) month period commencing October 1, 1997 and terminating on September 30, 1998, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the appropriation of \$12,254 to pay for services to be provided, shall be charged to Account No. A 8840-424.

On roll call the vote was as follows:

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

RESOLUTION NO. (707-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13 BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

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RESOLUTION NO. (707-1997) Continued

WHEREAS, New York Trap Rock Corporation (NYTRC) wishes to adopt a portion of CRUSHER ROAD and an additional portion of SNAKE HILL ROAD, West Nyack, New York, as shown on the attached map, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that New York Trap Rock Corporation will perform a public service in removing trash from said roadway which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement with New York Trap Rock Corporation, in a form approved by the Town Attorney, to adopt a portion of CRUSHER ROAD and an additional portion of SNAKE HILL ROAD, West Nyack, New York, as shown on the attached map, and to provide and coordinate services to remove trash from the roadway and install signs identifying the volunteer adopting portions of CRUSHER ROAD and SNAKE HILL ROAD, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to July 11, 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. (708-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, FRANK GIACOBBE v. THE ZONING BOARD OF APPEALS OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (709-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Kathleen Carleo, Town Clerk's Office, is hereby authorized to attend a Bookkeeping/Accounting Workshop for non-profit organizations sponsored by Cornell Cooperative Extension on Thursday, October 16, 1997 at the IBM Palisades Conference Center, Palisades, New York.

RESOLVED, that the fee of \$40.00 be charged to Appropriation Account #1410-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (710-1997)

Co. Smith offered and Co. Maloney seconded

Rudolph J. Yacyshyn, Chairman of the Clarkstown Planning Board is hereby authorized to attend the New York Planning Federation Conference to be held in Saratoga Springs, New York, October 26 - 29, 1997. All fees shall be charged against Department of Planning Account B8020, Lines 404 & 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. (711-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Emily Feiner, CSW, Director Clarkstown Counseling Center attend the fourth annual forum - "Drug Court Forum" on Thursday, October 9, 1997 to be held at the New City Library.

Registration fee: \$10.00

On roll call the vote was as follows:

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

RESOLUTION NO. (712-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Emily Feiner, Brian Connolly, Cynthia Shaw, Glen Leeds, Carla Tessel, Shefalika Gandhi attend OASIS - Prevention for the Professional - conference on Thursday, October 23, 1997 at the Holiday Inn, Fishkill, New York. Registration fee \$30.00 per person.

On roll call the vote was as follows:

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

RESOLUTION NO. (713-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Director of the Department of Environmental Control and Engineer II have requested to attend the Technical Workshop for Wetland and Water Quality Stormwater management Strategies on October 16, 1997 in Westchester County, New York, at a cost of \$25.00 per person, and

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

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control and Engineer II are hereby authorized to attend the Technical workshop for Wetland and Water Quality Stormwater management Strategies on October 16, 1997, and be it

FURTHER RESOLVED, that the cost for attendance at the workshop 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. (714-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that a Special Town Board meeting shall be held on September 30, 1997, at 4:00 P.M., in the Andrew Jackson Room (Room 306) of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, for the presentation of the Tentative Budget for the year 1998.

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RESOLUTION NO. (714-1997) 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. (715-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, to decrease Election Account #A-1450-407 (Equipment Repair) by \$800.00 and to increase Account #A-1450-319 (Miscellaneous Supplies) by \$800.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (716-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, to decrease Account #A-7140-110 (Salaries) by \$9,000.00 and to increase Account #A-7180-424 (Cont. Exp.) by \$9,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (717-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$1,118.00 for hosting "Wildlife Capture" School, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 1520 4 (General-Training Registration Fees) and A 3120 414 (Police-conferences and Schools) by \$1,118.00 and

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RESOLUTION NO. (717-1997) Continued

WHEREAS, various Appropriation Accounts require additional funding, be it

THEREFORE, RESOLVED, to decrease B 8020 201 (Planning-Furniture & Furnishings) and increase B 8020 423 (Association Dues) by \$25.00; decrease A 4210 328 (Counseling-Books & Publications) and increase A4210 438 (Maintenance Agreements) by \$61.00; decrease A 1640 311 (Town Garage-Gasoline) by \$4,300.00 and increase A 1640 209 (Other Equipment) by \$2,800.00 and A 1640 409 (Fees for Services) by \$1,500.00; decrease A 1110 201 (Justice Court-Furniture and Furnishings) by \$1,000.00, A 1110 204 (Office Machines) by \$1,000.00, A 1110 211 (Law Books) by \$500.00 and A 1110 327 (Court Room Supplies) by \$500.00 and increase A 1110 114 (part-time) by \$3,000.00; and increase Estimated Revenue Account No. A 01 3 1520 2 (Alarm Permits) by \$65,000.00 and A 01 3 1520 3 (Alarm Violations) by \$15,000.00 and A 3120 417 2 (Police-Police Training) by \$21,500.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (718-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, to increase Appropriation Account A-7141-329 (Rec. Supplies) by \$300.00 and to increase Revenue Account 2001 (Parks/Rec.) by \$300.00

On roll call the vote was as follows:

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

RESOLUTION NO. (719-1997)

Co. Profenna offered and Co. Maloney seconded

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

BID #1-1998
OFFICE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on October 16, 1997 at which time bids will be opened and read, and be it

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RESOLUTION NO. (719-1997) Continued

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. (720-1997)

Co. Profenna offered and Co. Maloney seconded

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

BID #2-1998
PHOTOCOPIER/FAX SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on October 20, 1997 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (721-1997)

Co. Profenna offered and Co. Maloney seconded

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

BID #3-1998
PRINTING OF TOWN ENVELOPES AND STATIONERY

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on October 24, 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.

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RESOLUTION NO. (721-1997) 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. (722-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Carolyn Baumann, 6 Park Terrace, New City, New York - Crossing guard - Police Department - is hereby accepted - effective and retroactive to August 29, 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. (723-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Thomas F. Cunningham, 121 North Harrison Avenue, Congers, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to August 29, 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. (724-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Joan Dillon, 39 Lyncrest Avenue, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to August 29, 1997.

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RESOLUTION NO. (724-1997) 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. (725-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Anne Mazzulla, 3 Poplar Street, Nanuet, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to August 29, 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. (726-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Carol A. Murphy, 15 Hereford Lane, New City, New York - Crossing Guard - Police Department - is hereby accepted - effective and retroactive to August 29, 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. (727-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Jennifer S. McNicholas, 20 Kevin Court, Nanuet, New York - from Substitute Crossing Guard to Permanent Crossing Guard - Police Department - at

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RESOLUTION NO. (727-1997) Continued

the current 1997 salary of \$11.16 per crossing covered - effective and retroactive to September 2, 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. (728-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Anthony J. Pisello, 11 Parliament Drive, New City, New York from substitute Crossing Guard to Permanent Crossing Guard, Police Department at the current 1997 salary of \$11.16 per crossing , effective and retroactive to September 2, 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. (729-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of August E. Fuchs, 40 Barry Lane, Bardonia, New York from Substitute Crossing Guard to Permanent Crossing Guard, Police Department at the current 1997 salary of \$11.16 per crossing covered - effective and retroactive to September 2, 1997.

On roll call the vote was as follows:

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

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RESOLUTION NO. (730-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Pamela J. Lothrop, 120 Hillside Avenue, P.O. Box 90, South Nyack, New York to the position of (Permanent) Crossing Guard, Police Department at the current 1997 salary of \$11.16 per crossing covered - effective and retroactive to September 2, 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. (731-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on September 9, 1997 that the position of Receptionist #0765 can be reclassified to the position of Senior Clerk Typist, Supervisor's Office.

NOW, THEREFORE, be it

RESOLVED, that the position of Receptionist #0765 Supervisor's Office is hereby reclassified to the position of Senior Clerk Typist effective and retroactive to September 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

RESOLUTION NO. (732-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Patricia E. Parke, 73 Third Street, New City, New York is hereby appointed to the position of (Provisional) Senior Clerk Typist, Supervisor's Office at the current annual salary of \$25,348.00, effective and retroactive to September 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

RESOLUTION NO. (733-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on September 10, 1997 that four (4) temporary positions of Laborer, Highway Department, can be created.

NOW, THEREFORE, be it

RESOLVED, that four (4) positions of (temporary) Laborer, Highway Department are hereby created at the 1997 hourly rate of \$10.00, effective September 24, 1997 for a period not to exceed 3 months.

On roll call the vote was as follows:

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

RESOLUTION NO. (734-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Alfred Carlini, has requested a leave of absence, without pay, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, by the Parks Board and Recreation Commission, for Alfred Carlini, 27 Lake Nanuet Drive, Nanuet, New York, Groundswoker, Parks board and Recreation Commission, effective and retroactive to July 28, 1997 to January 23, 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. (735-1997)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, Theodore F. Atzl, engineer for the owners of Davies Farm L.L.C. Subdivision, has made application for use of Town Law Section 278 in connection with

RESOLUTION NO. (735-1997) Continued

said subdivision, which property is located on the East side of Lake DeForest, Congers, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the average density layout provides for an improved lot configuration and design, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property shown on such proposed average density layout map entitled, "Davies Farm L.L.C., Town of Clarkstown, Rockland County, New York, Subdivision Plat Average Density Layout," dated November 26, 1996, last revised September 23, 1997, prepared by Atzl, Scatassa & Zigler, P.C., Surveyors-Planners, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed subdivision of Davies Farm L.L.C. described above, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board, and not inconsistent with the plan depicted on aforesaid proposed subdivision map.

On roll call the vote was as follows:

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

RESOLUTION NO. (736-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a petition has been made to the Town Board of the Town of Clarkstown for development of the premises known and designated on the Clarkstown Tax Map as Map 129, Block A, Lot 2, to permit the construction of 56 fee owned townhouses with common areas under the control of a Homeowners' Association of 6.43 acres of land;

NOW, THEREFORE, be it

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, and pursuant to the recommendations of the Town of Clarkstown Planning Board, the Town Board hereby establishes an "Open Development Area" for property situate on the East side of Route 9W, Congers, New York, which is intended to be developed with 56 townhouses, which property is more specifically designated on the Clarkstown Tax Map as Map 129, Block A, Lot 2, consisting of 6.43 acres, which property may be developed as a result of a petition of Theodore F. Atzl, P.L.S., engineer for applicant Long Clove, L.L.C. (K. Bergstol), Long Clove Mews Subdivision presently pending before the

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RESOLUTION NO. (736-1997) Continued

Clarkstown Planning Board, provided however, prior to the issuance of any building permit the following conditions shall be met by the owner:

1. "The Open Development Area" shall consist of the right-of-way and common areas as shown on a proposed subdivision map entitled, "Long Clove Mews, Town of Clarkstown, Rockland County, New York," dated May 30, 1997, drawn by Atzl Scatassa & Zigler, P.C., New City, New York, for which Building Permit or Certificates of Occupancy may be issued for no more than 56 townhouses subject to obtaining final subdivision and site plan approval of the Clarkstown Planning Board, for which access to said dwellings is given by the private right-of-way or easement as shown on said proposed subdivision and site plans.

2. Prior to final approval, applicant shall secure in writing a statement from the Congers-Valley Cottage Ambulance Corps and the Fire District servicing the area that the proposed right-of-way will provide sufficient emergency access.

3. Prior to final approval, applicant shall provide a Declaration of Restrictive Covenants which shall run with the land in a form acceptable to the Town Attorney and which shall be recorded in the Rockland County Clerk's Office, which Declaration shall contain the following declaration and covenants:

A. That the property owners acknowledge that access to the nearest public road has been obtained by private easement or right-of-way and that the property owner shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services which are provided to residents of the Town of Clarkstown whose properties front on a public road.

B. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein.

C. That the fee ownership of the common areas and right-of-way shall be in a Homeowners' Association, duly formed with responsibility for property maintenance and landscaping of which all dwelling unit owners shall be required to participate.

D. That the Declaration shall contain provisions for regular maintenance, repair, snow plowing and other necessary services on the right-of-way and other common element areas by the Homeowners' Association, with a sharing of the cost of same on an equitable basis.

E. That the Certificate of Occupancy issued for any fee units within the site plan or subdivision boundaries shall be conditioned upon observance and subject to the Declaration of Covenants herein required.

F. That in the event the property owner at any time in the future shall request establishment of a road improvement district or otherwise seek to dedicate the private right-of-way or easement as a public street, such owner or Board of Directors of the Homeowners' Association shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner in this easement or right-of-way and any property adjacent thereto sufficient to provide a right-of-way meeting Town specifications, and said owner shall covenant in said Declaration of Covenants to participate in any such road improvement district at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such road improvement district being assessed against the Homeowners' Association interest of fee units in accordance with the provisions of Town Law.

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RESOLUTION NO. (736-1997) Continued

G. That any site plan or subdivision map approved by the Planning Board shall contain a note referring to the resolution establishing the "Open Development Area" by date and number, which site plan or map note shall also state that the issuance of Building Permits and Certificates are subject to compliance with the Declaration of Covenants herein required.

On roll call the vote was as follows:

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

RESOLUTION NO. (737-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the cost of printing the Clarkstown Zoning Code Book has increased;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an increase in the cost to purchase the Clarkstown Zoning Code Book to \$40.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (738-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to negotiate with owners of properties known as Map 89, Block C, Lot 45.02 and Lot 45.04, for the possible purchase of same for a passive park.

On roll call the vote was as follows:

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

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RESOLUTION NO. (739-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project, and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract herewith;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown:

1. That, the Director, Department of Environmental Control, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State Assistance;
2. That the Municipality agrees that it will fund its portion of the cost of Project and that funds will be available to initiate the project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance payments;
4. That this Resolution take effect immediately.

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. (740-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has established a program for recycling concrete and asphalt, and

WHEREAS, a market exists for Recycled Concrete Aggregate,

NOW, THEREFORE, be it

RESOLUTION NO. (740-1997) Continued

RESOLVED, that Recycled Concrete Aggregate shall be offer for sale at \$5.00 per cubic yard F.O.B. Rte. 59 Compost Site for all products.

On roll call the vote was as follows:

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

RESOLUTION NO. (741-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a dead, leaning tree has created a dangerous condition within an existing drainage easement at 5 Briarcliff Road, New City (tax map 165-A-18); and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have the necessary tree removal work performed; and

WHEREAS, the Department of Environmental Control has obtained proposals to perform said tree removal work.

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire EXCLUSIVE/OASIS TREE EXPERTS INC. to perform the necessary tree removal work; and be it

FURTHER RESOLVED, that the cost of the said work shall not exceed \$425.00 and shall be a proper charge to account #H 7182 409 0 55 39.

On roll call the vote was as follows:

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

RESOLUTION NO. (742-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an adverse drainage condition exists in the vicinity of Old Mill Road and Strawtown Road in West Nyack, New York; and

WHEREAS, the Department of Environmental Control has prepared a plan to correct said adverse drainage condition; and

WHEREAS, the Director of the Department of Environmental Control has obtained proposals from contractors to perform said corrective drainage work;

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RESOLUTION NO. (742-1997) Continued

WHEREAS, the Director of the Department of Environmental Control has obtained proposals from contractors to perform said corrective drainage work;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire ENVIRONMENTAL CONSTRUCTION, INC., P.O. Box 563 Stony Point, New York 10980 as the contractor with the lowest responsible proposal to perform said corrective drainage work; and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$13,812.00 and shall be a proper charge of account #H 8735 409 0 12 11.

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. (743-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a potential hazard of a collapsing retaining wall along a stream bank within a drainage easement at 618 Gateway Drive (tax map 110-A-57); and

WHEREAS, the Department of Environmental Control has recommended a solution for the removal of this collapsing retaining wall, stabilizing stream banks with rock retaining walls and removal of silt.

WHEREAS, the Department of Environmental Control has obtained proposals to perform said stream bank repair work.

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire KJS HAULING AND HOME IMPROVEMENTS to perform the necessary retaining wall repairs; and be it

FURTHER RESOLVED, that the cost of the said work shall not exceed \$7,000.00 and shall be a proper charge to account #H 7182 409 55 17.

On roll call the vote was as follows:

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

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RESOLUTION NO. (744-1997

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of Howard Lampert, P.E., Highway & Traffic Engineering consultant, Resolution No. 673-1997, dated September 9, 1997, authorizing the removal of "No Parking" signs from both sides of Old Route 59, West Nyack Road, Nanuet, is hereby rescinded.

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. (745-1997) FAILED

Co. Maloney offered and Co. Smith seconded

WHEREAS, a resolution was passed by the Town Board on July 29, 1997, to address non-lethal methods of solving the Canadian geese problem and to explore the site of a pilot project for the use of non-lethal means;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the forming of a committee consisting of two Town Board members or their representatives, three members of the Coalition, and two members of the Recreation Commission. The purpose of the committee will be to establish a comprehensive program of non-lethal geese control and assume responsibility for integrating or eliminating past actions.

The committee will oversee the entire scope of the project, including choosing vendors, products, contractors and experts/consultants. The choices will be based on getting the best results in the most cost effective manner.

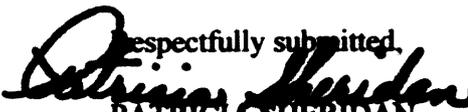
The committee will be granted a reasonable time, at least two years, to bring the emerging program up to speed. Lethal actions should be discontinued during this period.

The committee will make recommendations to the Town Board who will have the ultimate decision power.

On roll call the vote was as follows:

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

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 Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:15 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk