

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/14/97

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 Holbrook read the following statement:

“Reportedly, there is not enough support to pass a resolution tonight to hold Pyramid to its promises, but I am moving one because I believe it is my obligation to do so.

When the Town Board approved the sale of the roads to Pyramid in October of 1996, the sale was contingent upon “withdrawal of the Palisades Center expansion application.”

Pyramid representatives were eager to take ownership of the roads so they quickly withdrew the expansion application and they filed covenants showing that Pyramid was “precluded from any increase in the size of the project in excess of the 1.854 million square feet of Gross Leasable Area shown on the Final Site Plan Approval.” (In the resolution, that Final Site Plan was clearly identified as the one dated April, 1996.)

I want to reiterate that the covenant did not refer to just any 1.854 million square feet, it referred specifically to the 1.854 million square feet that had already been approved. Anyone saying otherwise now, is simply trying to mislead the public.

Pyramid has since violated that covenant. Once arrangements for the sale of the roads were safely approved, Pyramid officials went to the Building Inspector to authorize what amounted to most of their expansion plans. He did so and his determination has since been overturned by the Zoning Board of Appeals.

Everyone knows that Pyramid has added substantially to the size of the mall. It is no longer consistent with the resolution this Board passed a year ago; nor is it consistent with a covenant that Pyramid filed. But Pyramid officials don't care, and apparently most of the Town Board members don't care. They just keep talking about 1.854 million square feet ignoring the actual requirements. They just keep talking in an effort to confuse the public.

But I don't think the public is confused at all. Pyramid (and some members of the Board) may call this added space “void” or “parking areas” or “just switched around area”, but people know that this mall has been expanded in violation of the resolution and in violation of the covenants.

I want to remind you that Pyramid came to Clarkstown with a proposal to build an 875,000 square foot mall. Now they clearly don't want to stop until their mall reached 3,050,000 square feet of shopping area.

Pyramid has had many approvals over the years. First to build the 875,000 square feet, then the 1.2 million square feet and so on. Each time they received approvals, they refused to build. Instead, each time they submitted new and enlarged plans and then they protested whenever those plans were scrutinized.

I never wanted this mall. I voted against Pyramid's zone change in 1986 and again in 1988. But I was out voted. That is democracy. I can accept being out voted.

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But I cannot accept Pyramid flagrantly breaking its covenants. I cannot accept their propaganda and pretend that it is the truth. I cannot watch the mall being expanded and pretend that it has not been expanded.

I also cannot pretend that this mall will be a benefit to the environment when there is so much evidence that it will pollute our environment. In fact, I have a report that was just delivered to Town Hall today that gets into a lot of those aspects. I cannot pretend that Pyramid will benefit taxpayers in the years to come when State and County lawmakers are rushing to eliminate the sales tax and while Pyramid is already challenging its property assessments.

I will continue to do my best to hold Pyramid to the promises they made to the Town of Clarkstown. Unfortunately, there seems to be no one else on this Board who is willing to do so."

Supervisor Holbrook asked if anyone wished to make a comment?

Appearance: Shirley Lasker
President, Rockland Civic Association

Ms. Lasker spoke regarding the Planning Board Meeting of October 8th and the covenants limiting size of the Palisades Mall.

Appearance: Paul Romeo
New City

He asked about the gross leasable area of the mall.

Appearance: Frank Fallon
26 Concord Drive, New City

Spoke about an ad in the Journal News that was paid for by Pyramid.

Appearance: John Miele
26 Tamarack Ave., New City

He spoke about Shirley Lasker's stand on the Pyramid Mall and the size of the mall.

Appearance: Scott Goldman
Suffern, NY

Spoke in favor of Pyramid and gross leasable area.

Appearance: John Simon
Blauvelt

Mr. Simon read a poem about developers eating the world.

Appearance: Tom Basile
West Nyack

Mr. Basile urged the Council Members to vote no on the Supervisor's Resolution..

Appearance: Scott Roma
West Nyack

Mr. Roma is against the mall expansion. He also spoke about taxes.

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Appearance: Michael Zack
West Nyack

Mr. Zack wants Pyramid held to the original agreement and requested Council Members to support Supervisor Holbrook's resolution.

Appearance: Karl Coplan, Esq.
Pace University School of Law

Mr. Coplan spoke about the expansion of the Pyramid mall and the agreement with EklecCo.

Appearance: Martus Granier
Pres. of West Branch Conservation Association

He spoke against the mall expansion.

Appearance: Donald Tracy, Esq.
Attorney for Pyramid

Mr. Tracy made comments on what previous speakers had said with regard to the Palisades Mall expansion.

Appearance: Barbara Zwyneburg
West Nyack

Spoke about taxes and Pyramid.

Appearance: John Lacy
New City

Spoke regarding taxes and jobs that the mall would provide.

Appearance: Dwight Kearns
Congers

He asked if the people understood the resolution on the Covenant and requested that it be read.

Appearance: Linda Rauer
Valley Cottage

She spoke against the expansion of the Pyramid mall.

Appearance: Oren Goetz

Spoke regarding lighting for Exit 12 Commuter Parking Lot and hauling garbage.

Supervisor offered the following resolution. There being no second, the resolution failed.

WHEREAS, on October 8, 1996, the Town Board adopted Resolution No. 909-1996 granting certain approvals required by EklecCo for development of the Palisades Center Mall, and conditioned these approvals on EklecCo's agreement to limit its development to the

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previously approved site plan for a 1.85 million square foot gross leasable area Palisades Center mall development ("Palisades Center"); and

WHEREAS, the sponsor of Resolution 909-1996, Councilman John Maloney, stated in support of the resolution that it was his understanding that EklecCo would "drop anything else and go back to what already has been approved," and that "the Planning Board will not entertain anything except what they have already entertained," and

WHEREAS, in a mailing to Town residents, EklecCo's sponsoring partner, Thomas Valenti, confirmed that EklecCo was "bound by that resolution and will build only what has already been approve," and

WHEREAS, pursuant to Resolution No 909-1996, on December 9, 1996, EklecCo entered into a Restrictive Covenant and Negative Easement (the "Restrictive Covenant") in favor of the Town of Clarkstown, which Restrictive Covenant has been duly recorded against the lands underlying the Palisades Center site; and

WHEREAS, by the Restrictive Covenant, EklecCo specifically covenanted and agreed "that EklecCo is precluded from any increase in the size of the project in excess of the 1.854 million square feet of Gross Leasable Area shown on the Final Site Plan Approval" and specifically defined as the "Final Site Plan Approval" to mean the final site plan approval by the Clarkstown Planning Board on April 24, 1996 (the "April 24, 1996 Site Plan"); and

WHEREAS, the Restrictive Covenant thereby specifically limits EklecCo to construction of the Palisades Center Mall as shown on the April 24, 1996 site Plan; and

WHEREAS, in February and March of 1997, EklecCo submitted revised plans for the Palisades Center Mall, which revised plans significantly altered the location and height of floor areas and structures of the Palisades Center Mall development (the "Altered Plans"), and obtained the approval of the Building Inspector for said plans (the Amended Building Permit"); and

WHEREAS, on September 22, 1997, the Clarkstown Zoning Board of Appeals adopted a resolution determining (1) that "the gross building area authorized by the amended Building Permit exceeds 3,387,337 square feet despite the fact that the site plan as approved limited same to 2,767,792 square feet," and (2) that "the number of floors approved for portions of the building 'shell' by the amended Building Permit is inconsistent with the number of floors set forth in the site plan," and further concluding that the Building Inspector exceeded his authority and acted arbitrarily and contrary to law in approving the Altered Plans; and

WHEREAS, EklecCo has continued construction of the additional floors and additional floor areas despite this determination by the Zoning Board of Appeals that the Altered Plans are inconsistent with and increase the size of the Palisades Center mall from the April 24, 1996 Site Plan; and

WHEREAS, the additional floors are designed to expand the amount of leased area within the Palisades Center beyond the 1,854 million square feet previously approved, and are serviced by stairways and elevators; and

WHEREAS, EklecCo has excluded the skating rink area from its calculation of leasable area within the Palisades Center despite the fact that the skating rink will be licensed to a for-profit vendor who will charge the public for use of that facility, and that proper inclusion of the skating rink in the gross leasable area calculation causes the amount of leasable area within the Palisades Center mall to exceed 1.854 million square feet; and

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WHEREAS, EklecCo has sought the approval of the Clarkstown Planning Board for modification of its site plan to authorize the construction of the additional floors and floor area found by the Zoning Board of Appeals to be inconsistent with the April 24, 1996 Site Plan; and

WHEREAS, EklecCo actions in constructing said additional floors and floor area and in seeking approval of the Planning Board for the same is in direct violation of the provision in the Covenant restricting EklecCo to construction of the Palisades Center Mall as shown on the April 24, 1996 Site Plan;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney be authorized to commence an action in the name of the Town of Clarkstown against EklecCo to enforce the Covenant, to require EklecCo to cease all construction in violation of the Covenant, and to remove all construction that is inconsistent with the April 24, 1996 Site Plan and therefore in violation of the Covenant, and to take such further measures as the Town Attorney deems appropriate to protect the interests of the Town of Clarkstown in this matter.

RESOLUTION NO. (747-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of September 23 and September 30, 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. (748-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, PHILIPS HILL PROFESSIONAL CENTER, ASSOC., Index No(s). 4656/96, affecting parcel(s) designated as Map 41, Block A, Lot 1.1, for the year(s) 1996/97, 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 41, Block A, Lot 1.1 be reduced for the year(s) 1996/97 from \$472,700 to \$400,000;

RESOLUTION NO. (748-1997) Continued

2. That reimbursement for the year(s) 1996/97 on the parcel described as Map 41, Block A, Lot 1.1 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

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.

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

RESOLUTION NO. (749-1997)

Co. Smith offered and Co. Mandia 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.

NEW CITY FREE LIBRARY

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. (750-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, as a condition to the approval of the final map with regard to a Subdivision known as "Resubdivision of Lot 3 (Section 71, Block B, Lot 13.03), as shown on the Subdivision Map, Filed January 5, 1987, as Map Number 5997 (Book 107, Page 4) in the Rockland County Clerk's Office," and Site Plans known as "Rockland Communications Switching Office Facility" and "Rockland Corporate Center Lot 3", the Planning Board of the Town of Clarkstown requested that New York SMSA Limited Partnership and GBR Three Crosfield Limited Liability Company execute an Agreement with the Town of Clarkstown with respect to certain downstream drainage improvements, whereby each of the aforesaid entities would contribute \$40,000.00 for their share of the cost of said downstream drainage improvements to be performed by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an Agreement with New York SMSA Limited Partnership and GBR Three Crosfield Limited Liability Company with respect to said downstream drainage improvements, in a form acceptable to the Town Attorney, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to September 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. (751-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, SEQRA review of the Oster property, more particularly known as Map 89, Block A, Lot 16, 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 Oster 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 Oster property, more particularly known as Map 89, Block A, Lot 16, 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

RESOLUTION NO. (751-1997) Continued

FURTHER RESOLVED, that the fees for such services shall be paid through an escrow account which 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 Holbrook Yes

RESOLUTION NO. (752-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with ROCKLAND YM-YWHA, a non-profit organization providing services and programs to residents of the Town of Clarkstown that are deemed beneficial to Town residents, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the Town Board shall allocate the sum of \$1,500 in economic assistance for 1997 to ROCKLAND YM-YWHA, which sum shall be charged to account No. A-8840-424, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to September 9, 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. (753-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary steps, including commencing litigation on behalf of the Town of Clarkstown to enjoin and restrain the Defendants from continued illegal occupancy in violation of the Housing Standards, Building and Zoning Codes of the Town of Clarkstown and the New York State Fire Prevention Code, and why the Defendants should not be enjoined permanently from operating a boarding house or other illegal multiple dwelling at the premises commonly known and described as 63 North Second Avenue, Nanuet, New York, more particularly described on the Clarkstown Tax Map as Map 7, Block E, Lot 3, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to October 2, 1997.

RESOLUTION NO. (755-1997) Continued

WHEREAS the Department of Environmental Control has solicited proposals from three (3) private contractors to implement said plan; and

WHEREAS the Department of Environmental Control has received and reviewed said proposals and found them to be satisfactory;

NOW, THEREFORE, be it

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Environmental Construction, Inc.
P.O. Box 563
Stony Point, New York 10980

to perform said corrective drainage work in accordance with their proposal; and be it

FURTHER RESOLVED that the cost of said corrective drainage work shall not exceed \$5,100.00; and be it

FURTHER RESOLVED that this shall be a proper charge to account # H 7182 409 0 55 41.

On roll call the vote was as follows:

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

RESOLUTION NO. (756-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a potential hazard of a collapsing retaining wall along a stream bank within a drainage easement at (tax maps) 12-A-11.04, 12-A-11.05, 12-A-14.51 & 12-A-14.50 (8 May Place); 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, removal of silt; make necessary repairs to the driveway and repair disturbed areas as necessary; and

WHEREAS, the Department of Environmental Control has obtained proposals to perform said stream bank repair work; and, of these, the proposal from DANNY CLAPP LANDSCAPING, 59 Schriever Lane, New City is for the lowest amount;

NOW THEREFORE, be it

RESOLVED that the Director of Environmental Control is hereby authorized to hire DANNY CLAPP LANDSCAPING to perform the necessary retaining wall repairs; and be it

FURTHER RESOLVED that the cost of the said work shall not exceed \$6500.00 and shall be a proper charge to account # H 7182 409 055 42.

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. (757-1997)

Co. Smith offered and Co. Profenna seconded

WHEREAS, low maintenance landscape screening is required in the vicinity of an existing drainage easement where nine willow trees were removed to alleviate drainage between Route 304 and Lake Nanuet Drive by tax lot # 31-A-3.38 (Schoenberg); and

WHEREAS, the Town Supervisor has directed the Department of Environmental Control to have landscape screening work performed; and

WHEREAS, the Director of the Department of Environmental Control has obtained 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 \$2,000.00 and shall be a proper charge of H 7182 409 055 44

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. (758-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as stated in the STIPULATION OF SETTLEMENT between Dominico and Silvana Selvaggi of 79A Ridge Road against the Town of Clarkstown, Index No 6527/93: the

RESOLUTION NO. (758-1997) Continued

Town will purchase and erect a four foot high chain link fence along easterly boundary as determined by the Town and Selvaggi in the field.

WHEREAS, the Director of the Department of Environmental Control has obtained competitive proposals to perform said fencing work and, of these, the proposal from CRESTWOOD FENCE CO.,INC., 261 West Nyack Road, West Nyack, 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 CRESTWOOD FENCE CO.,INC 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 \$1,305.00 and shall be a proper charge of H 7182 409 055 43.

On roll call the vote was as follows:

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

RESOLUTION NO. (759-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, pursuant to the policy of the Town of Clarkstown, Site Plan Regulations §246-9,G(4-a-35), Subdivision Regulations §254-21(H), and NYCRR, Title 16, Part 101, it is required that new and upgraded construction to have utilities installed underground;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requires Orange and Rockland to have the utilities that would necessarily be relocated in the course of the North Main Street Redevelopment Project, between New Hempstead Road and Phillips Hill Road, New City, be installed underground in accordance with the Town of Clarkstown policy, Site Plan Regulations §246-9,G(4-a-35), Subdivision Regulations §254-21(H), and NYCRR, Title 16, Part 101.

On roll call the vote was as follows:

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

RESOLUTION NO. (760-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Superintendent of Recreation & Parks, that the supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Program" with the New York State Division for Youth, in the amount of \$24,717.00 for the period commencing January 1, 1998 through December 31, 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. (761-1997)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$10,000.00 from Money in Lieu of Land to Parklands and Improvements account for various projects.

On roll call the vote was as follows:

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

RESOLUTION NO. (762-1997)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$3,548.00 from Corporate Property Investors for police coverage for the month of September, 1997, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 (General-Gifts & Donations) and Appropriation Account No. A 3120 111 0 (Police-Overtime) by \$3,548.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (763-1997)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, various Appropriation Accounts require additional funding, be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 0 (Gen. Unexpended Bal.) \$47,325.00; DB 041 14 2999 0 (Highway-DB) by \$28,000.00 and increase the following Appropriation Account Numbers:

A 1010 414 0 (Councilmen-Conferences & Schools).....	\$ 3,700.00
A 1660 409 0 (Archival Storage-Fees for Services).....	1,500.00
A 1670 110 0 (Mail & Copy-Salaries).....	1,500.00
A 1670 414 0 (" -Part Time).....	300.00
A 1670 402 0 (" -Rental of Equipment.....	3,000.00
A 3310 114 0 (Traffic Advisory-Part Time).....	3,300.00
A 3410 114 0 (Fire Bd. of Appeals-Part Time.....	450.00
A 6410 405 0 (Advertising).....	2,000.00
A 6510 401 0 (Veterans Services-Rental Leased Premises).....	750.00
A 7520 114 0 (Historical Review-Part Time).....	800.00
A 8090 409 0 (Aquatic Pests-Fees for Services).....	7,025.00
A 8840 424 0 (Economic Assistance).....	23,000.00
DB 5110 409 0 (Highway-Fees for Services).....	28,000.00

AND BE IT FURTHER RESOLVED, to decrease A 1640 311 0 (Town Garage-Gasoline) and increase A 1640 421 0 (Car Washes) by \$625.00; decrease A 5630 406 (Mini-Trans-Repairs to Vehicles) and increase A 5630 414 0 (Conferences and Schools) by \$108.00; decrease A 5630 406 and increase A 5630 312 (Auto Maint. Supplies) by \$8,000.00; and decrease DB 5110 459 0 (Highway-EBT's) by \$1,000.00, DB 5110 448 0 (Traffic Line Marking) by \$6,800.00 and DB 5110 413 0 (Trees & Shrubbery) by \$1,790.00 and increase DB 5110 377 0 (Road Preserving) by \$9,590.00

On roll call the vote was as follows:

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

RESOLUTION NO. (764-1997)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received a donation of \$250.00 from United Water and \$100.00 from Global Golf, Inc., and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 2001 (General Fund-Park & Recreation) and Appropriation Account No. A 7310 329 (Parks & Recreation - Supplies) by \$350.00

RESOLUTION NO. (763-1997) 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. (765-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Eleanor O'Brien, 9 Shannon Lane, West Nyack, New York, Senior Clerk Typist, Town Justice Department is hereby accepted with regret - effective and retroactive to September 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. (766-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Robert Terico, 219 South Harrison Avenue, Congers, New York, Motor Equipment Operator I, Town Highway Department is hereby accepted with regret - effective and retroactive to September 14, 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. (767-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Donald R. Miele 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,

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RESOLUTION NO. (767-1997) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, by the Superintendent of Highway, for Donald R. Miele, 460 Christian Herald Road, Valley Cottage, New York, Motor Equipment Operator I, Highway Department, effective and retroactive to September 15, 1997 to January 15, 1998 (WITHOUT PAY).

On roll call the vote was as follows:

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

RESOLUTION NO. (768-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Donald R.. Miele, 460 Christian Herald Road, Valley Cottage, New York, is hereby appointed to the position of (temporary) Court Attendant, Town Justice Department, at the current 1997 annual salary of \$20,079.00, effective and retroactive to September 15, 1997 for a period not to exceed 90 days.

On roll call the vote was as follows:

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

RESOLUTION NO. (769-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Keith Hudak, 20 Kreuz Drive, West Nyack, New York to the position of (Temporary) Laborer, Town Highway Department, at the current 1997 hourly rate of \$10.00, effective and retroactive to September 24, 1997 for a period not to exceed 90 days.

On roll call the vote was as follows:

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

RESOLUTION NO. (770-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Thomas J. O'Connor, 74 Demarest Mill Road, West Nyack, New York to the position of (Temporary) Laborer, Town Highway Department, at the current 1997 hourly rate of \$10.00, effective and retroactive to September 24, 1997, for a period not to exceed 90 days.

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. (771-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Thomas J. Rickli, 51 Basswood Court, Bardonia, New York to the position of (Temporary) Laborer, Town Highway Department, at the current 1997 hourly rate of \$10.00, effective and retroactive to September 24, 1997 for a period not to exceed 90 days.

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. (772-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Kathleen Costello 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 Kathleen Costello, 41 Spring Hill Terrace, Chestnut Ridge, New York, Counselor P/T (Municipal Counseling Services) is hereby granted a leave of absence without pay, effective and retroactive to September 8, 1997 to January 9, 1998.

RESOLUTION NO. (772-1997) 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. (773-1997)

Co. Smith offered and Co. Mandia seconded

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

BID #57-1997
ELECTRICAL WORK AT LK. NANUET PARK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 10, 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. (774-1997)

Co. Smith offered and Co. Mandia seconded

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

BID #58-1997
BLACKTOP WORK AT CONGERS PARK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 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 Purchasing.

RESOLUTION NO. (774-1997) 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. (775-1997)

Co. Smith offered and Co. Mandia seconded

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

BID #59-1997
MAINTENANCE BUILDING AT CONGERS PARK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York on 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 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. (776-1997)

Co. Smith offered and Co. Mandia seconded

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

BID #4-1997
ATHLETIC & RECREATION EQUIPMENT/SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 12, 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. (776-1997) 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. (777-1997)

Co. Smith offered and Co. Mandia seconded

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

BID #5-1998
PAPER & PLASTIC SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 3, 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. (778-1997)

Co. Smith offered and Co. Mandia seconded

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

BID #6-1998
JANITORIAL SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 6, 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.

RESOLUTION NO. (778-1997) 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. (779-1997)

Co. Smith offered and Co. Mandia seconded

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

BID #7-1998
SECURITY GUARD SERVICES FOR SOLID WASTE FACILITY

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 19, 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. (780-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

BID #55-1997
RENTAL OF TRUCKS FOR LEAF PICK-UP PROGRAM

is awarded to:

JOSEPH F. MUTINSKY
GENERAL CONTRACTORS INC.
66 North Grant Ave.
Congers, NY 10920
PRINCIPAL: Joseph F. Mutinsky

PAT NAZZARO DISPOSAL
2 Wells Ave.
Congers, NY 10920
PRINCIPAL: Pat Nazzaro

RESOLUTION NO. (780-1997) Continued

W. HARRIS & SON INC.
37 W. Washington Ave.
Pearl River, NY 10965
PRINCIPAL: William Harris, Jr.
Antoinette Harris

COVE EXCAVATING CO., INC.
155 Smith Road
Nanuet, NY 10954
PRINCIPAL: Alex Manglass

HERTZ EQUIPMENT RENTAL CORP.
41-85 Duremus Ave.
Newark, NJ 07105
A PUBLICLY TRADED COMPANY ON NYSE

as per their proposals submitted (schedule on file in Town Clerk's Office).

On roll call the vote was as follows:

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

RESOLUTION NO. (781-1997)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that Doris S. Fogel, Administrative Asst. I, is hereby authorized to attend the New York State OASAS Training Session on Consolidated Fiscal Reporting to be held at Poughkeepsie, New York, on November 12, 1997 and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (782-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Clarkstown Police Department has requested use of 5½ acres of land in the former Clarkstown Sanitary Landfill, in the area of the old ballfield, as specified on Map No. 2016 prepared by Weston, as a tactical police range, and

WHEREAS, the Town Board believes this request is in the best interest of the Town;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (782-1997) Continued

RESOLVED, that the Town Board hereby authorizes the Clarkstown Police Department the use of 5½ acres of the former Clarkstown Sanitary Landfill, in the area of the old ballfield, as specified on Map No. 2016 prepared by Weston, for use as a tactical police range.

On roll call the vote was as follows:

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

RESOLUTION NO. (783-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board declared escrow to be in default for work to be completed at 43 Cragmere Oval; and

WHEREAS, several contractors were solicited to provide proposals to complete said work, and

WHEREAS, one such proposal was received from Danny Clapp Landscaping in the amount of \$3,850.00

NOW, BE IT RESOLVED, that the Town Board does direct the Director of the Department of Environmental Control to hire Danny Clapp to perform work per their proposal at a cost not to exceed \$3,850.00 and be it

FURTHER RESOLVED, that the cost thereof is a proper charge to Account # H 7182 409 0 55 45.

On roll call the vote was as follows:

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

RESOLUTION NO. (784-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown entered into an agreement with the State of New York Department of Transportation for the maintenance and operation of commuter parking facilities located at the south side Route 59 opposite Exit 14 New York State Thruway, Spring Valley.

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (784-1997) Continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal dated September 26, 1997 from Orange and Rockland Utilities, Inc. for Commuter Parking Lot Lighting at the following location:

Park & Ride Commuter Parking Lot
Route 59 opposite Exit 14 New York State Thruway, Spring Valley
Replace existing parking lot lighting with Orange & Rockland fixtures as follows:

- (Install thirty (30) 27,500 lumen sodium vapor interstate lighting fixtures)
- (Install seven (7) 27,500 lumen sodium vapor cobra head (fixtures)
- (Install seven (7) 9500 lumen sodium vapor cobra head (fixtures)

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. (785-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown entered into an agreement with the State of New York Department of Transportation for the maintenance and operation of commuter parking facilities located at the northeast corner of Route 59 and Smith Street, Nanuet.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal dated July 29, 1997 from Orange and Rockland Utilities, Inc. for Commuter Parking Lot Lighting at the following location:

Park & Ride Commuter Parking Lot
Route 59 at Smith Street, Nanuet

(Install fourteen (14) 46000 lumen sodium vapor floodlights.

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. (786-1997)

Co. Profenna 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 Service 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 locations:

Branchville Road, Valley Cottage
(Install one (1) 5800 lumen sodium vapor street light - existing utility pole number 60280/40696)

Carriage Lane, New City
(Install one (1) 5800 lumen sodium vapor street light - existing utility pole number 58892/41454)

Willow Avenue, Central Nyack
(Install one (1) 5800 lumen sodium vapor street light - existing utility pole number 60884/39729)

South Conger Avenue, Congers
(Remove one (1) 4000 lumen mercury vapor street light - existing utility pole number 60702/41648)
(Upgrade - Install one (1) 5800 lumen sodium vapor street light - existing utility pole number 60702/41648)

On roll call the vote was as follows:

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

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 Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:31 P.M.

Respectfully submitted,



ANNE HOULIHAN,
Deputy Town Clerk