

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/9/97

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.

Councilwoman Smith presented a Certificate of Award to Jason Rubenstein, Boy Scout Troop 97, for achieving the rank of Eagle Scout. He was congratulated by the Town Board.

Supervisor opened the public portion of the meeting.

Appearance: Steve Hoffman  
Clarkstown

He is a certified fire arms instructor and spoke on behalf of license gun owners in Rockland County. There are currently over 22,000 licenses issued in the County of Rockland. The County is issuing 600 plus per year in Clarkstown. He spoke regarding the opening of one of two ranges that are owned by the Town of Clarkstown for public use. He requested a meeting with the Town Board to discuss this matter.

Appearance: John Lodico  
New City

Mr. Lodico just came back from Wisconsin where they have a geese and deer problem. We have the same problem with the deer in Long Island and portions of Connecticut. He read an article about geese. He wants the shooting range opened to the public and one or two nights a week se aside. He wants the Town Board to think about the fiscal responsibility of having a skating rink. Mr. Lodico is opposed and will petition the Town Board in opposition.

Appearance: Ted Dusanenko  
New City

Mr. Dusanenko asked about Item #6. He inquired about televising the Town Board Meetings and the County, State and School taxes paid on the golf course.

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted, the public hearing re: Petition for Special Permit - Cefola (123-D-3.01) - for Auto Laundry was opened, time 8:05 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney, and unanimously adopted, the public hearing re: Petition for Special Permit - Cefola (123-D-3.01) - for Auto Laundry was closed, DECISION RESERVED, time 8:12 P.M.

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted, the public hearing re: Adopting Local Law No. 7-1997 - Partial Real Property Tax Exemption for Qualified Homeowners with Disabilities was opened, time 8:12 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted, the public hearing re: Adopting Local Law No. 7-1997 - Partial Real Property Tax Exemption for Qualified Homeowners with Disabilities was closed, RESOLUTION ADOPTED, time 8:15 P.M.

\*\*\*\*\*

On motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted, the public hearing re: Adopting Local Law No. 8 -1997 - Amendment to Chapter 262 (Taxation) of the Town Code was opened, time 8:15 P.M.

On motion of Councilwoman Smith, seconded by Councilman Maloney, and unanimously adopted, the public hearing re: Adopting Local Law No. 8 -1997 - Amendment to Chapter 262 (Taxation) of the Town Code was closed, RESOLUTION ADOPTED, time 8:20 P.M.

\*\*\*\*\*

RESOLUTION NO. (909-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled, "PARTIAL REAL PROPERTY TAX EXEMPTION FOR QUALIFIED HOMEOWNERS WITH DISABILITIES" was introduced by Councilman Maloney at a Town Board meeting held on November 18, 1997, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 18, 1997, directed that a public hearing be held on December 9, 1997, at 8:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 27, 1997, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 18, 1997, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 9, 1997;

NOW, THEREFORE, be it

RESOLVED, that Local Law No.7 - 1997, entitled:

"PARTIAL REAL PROPERTY TAX EXEMPTION FOR QUALIFIED HOMEOWNERS WITH DISABILITIES" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Continued on Next Page

RESOLUTION NO. (909-1997) Continued

Charles E. Holbrook, Supervisor . . . .Yes  
John R. Maloney, Councilman . . . . .Yes  
Ralph F. Mandia, Councilman . . . . .Yes  
Ann Marie Smith, Councilwoman . . . Yes  
Louis J. Profenna, Councilman . . . . .Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (910-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled, "AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN" was introduced by Councilman Maloney at a Town Board meeting held on November 18, 1997, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 18, 1997, directed that a public hearing be held on December 9, 1997, at 8:15 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 27, 1997, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 18, 1997, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 9, 1997;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 8 - 1997, entitled:

"AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Charles E. Holbrook, Supervisor . . . . Yes  
John R. Maloney, Councilman . . . . .Yes  
Ralph F. Mandia, Councilman . . . . .Yes  
Ann Marie Smith, Councilwoman . . . Yes  
Louis J. Profenna, Councilman . . . . .Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (911-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of November 25 and December 4, 1997 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (911-1997) 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. (912 -1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby amends Resolution No. 907-1997 by changing the date of the public hearing from December 9, 1997 to December 31, 1997, at 12:05 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider Amending the Official Map of the Town of Clarkstown by deleting Virginia Avenue, Besso Street, and a portion of Route 59, West Nyack, New York. Said meeting shall be held at the Clarkstown Town Hall Auditorium, 10 Maple Avenue, New City, New York.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (913-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, Peter Gisondi has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 59, Block A, Lot 20.34 for the year(s) 1994/95, 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.

On roll call the vote was as follows:

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

\*\*\*\*\*

TBM 12/9/97

Page 5

RESOLUTION NO. (914-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, Jay Grossman, Richard A. Grossman and Ronald S. Friedman have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 71, Block B, Lots 13.1, 13.2 and 13.3, for the year(s) 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.

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. (915-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, Stephen Canale and Frank Canale have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 6, Block A, Lot 10.3, 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.

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. (916-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Shefalika Gandhi, MSW, CSW, Clarkstown Counseling Center attend a conference on "Psychopharmacology in Clinical Social Work Practice" on Sunday, December 7th, 1997, at Roosevelt Hospital, New York City.

TBM 12/9/97

Page 6

RESOLUTION NO. (916-1997) Continued

Registration fee: \$65.00

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (917-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, Glenn Leeds, Shefalika Gandhi, Carla Tessel, Clarkstown Counseling Center attend conference on "Overview of Substance Abuse" on December 29th and 30th, 1997 at Middletown Alcoholism Treatment Center. This training is free of charge. Mileage will be determined.

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. (918-1997)

Co. Maloney offered and Co. Profenna seconded

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

BID #9-1998  
PRINTING OF RECREATION DEPARTMENT BROCHURES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM, on JANUARY 9, 1998 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

\*\*\*\*\*

TBM 12/9/97

Page 7

RESOLUTION NO. (919-1997)

Co. Maloney offered and Co. Profenna seconded

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

BID #10-1998  
GROUNDSKEEPING & LANDSCAPING SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on JANUARY 7, 1998 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. (920-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received a donation of \$240.00 from Congers-Valley Cottage Rotary, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01-3-2001 (General Fund-Park & Recreation) and Appropriation Account No. A 7610-201 (Furniture/Fixtures) by \$240.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (921-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$914.65 from EklecCo and \$11,425.00 from Step Mom Productions as a donation, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account A 01 9 2705 (General-Gifts & Donations) and A 3120 111 (Police-Overtime) by \$11,425.00 and A 01 3 2705 2 (General-Gifts & Donations) and A 3120 113 (Police-Overtime) by \$914.00.

Continued on Next Page

TBM 12/9/97

Page 8

## RESOLUTION NO. (921-1997) 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. (922-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby memorializes its representatives in Congress as follows:

To stop the FCC from becoming a Federal Zoning Commission for cellular and broadcast towers. This agency has decided to preempt local zoning as to the radio and TV towers including:

1. Municipalities must act on zoning requests for broadcast towers within 21 to 45 days. Failure to act would result in the request automatically being deemed granted even though it did not comply with local zoning ordinances.
2. Zoning decisions could, at most, be based on safety considerations. Property values, aesthetics and environmental effects could not be considered!
3. All appeals of denials or partial denials go to the FCC, not the local courts.
4. Cellular Towers - Radiation: Congress expressly preserved local zoning authority over cellular towers in the 1996 Telecommunications Act with the sole exception that municipalities cannot regulate the radiation from cellular antennas if it is within limits set by the FCC. The FCC is attempting to have this "exception swallow the rule" by contending that it can review all local zoning decisions to see if they have been impermissibly "tainted" by concerns over radiation from the towers. The FCC indicates that it may overturn local zoning decisions—even though they are otherwise completely acceptable—if it believes they were tainted by radiation concerns.
5. To implement this, the FCC has indicated that (1) claims of "radiation taint" must be appealed to it, not the courts, and (2) the FCC need not rely on the reasons a municipality gives for its decisions, but instead may substitute its judgment as to what the "true reasons" were for municipal action. The rule also prohibits municipalities from requiring cellular phone companies to measure the radiation from their towers for compliance with FCC rules.
6. Cellular Towers/Moratoria: In a public notice issued earlier this summer, the FCC is attempting to preempt local moratoria on the siting of new cellular towers.
7. In general, however, in this rulemaking, the FCC is attempting to ban any moratoria that are more than 3 months in duration and to invalidate moratoria that it concludes were tainted by radiation concerns, similar to the above. The FCC disregarded the fact that Congress took away any jurisdiction it would

Continued on Next Page

RESOLUTION NO. (922-1997) Continued

to allow municipalities to temporarily suspend certain classes of zoning approvals while needed zoning amendments are made; and be it have over such zoning matters and that moratoria are often useful zoning tools

FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward certified copies of this resolution to all parties on the attached list.

(List 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. (923-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that Resolution No. (852-1997) adopted at the Town Board Meeting of November 18, 1997, accepting the resignation (by retirement) of Margaret Bernaschina 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. (924-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the resignation of Margaret J. Coyne, 6 Brookside Avenue, New City, New York, Grants Assistant, Police Department is hereby accepted with regret, effective and retroactive to December 1, 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. (925-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the resignation (by retirement) of Dolores L. Piper, 21 Floral Court, Nanuet, New York, Clerk Typist, Town Justice Department is hereby accepted with regret effective and retroactive to November 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. (926-1997)

Co. Smith offered and Co. Profenna seconded

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

CAL MART CONSTRUCTION CORP.  
Cal Mart Enterprises Inc.  
357A Route 59  
West Nyack, New York 10994

RESOLVED, that the following Certificate of Registration be issued:

No. 98-2 CAL MART CONSTRUCTION CORP.

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. (927-1997)

Co. Smith offered and Co. Profenna seconded

WHEREAS, a proposal has been received from Korn, Rosenbaum, Phillips & Jauntig LLP, certified public accountants, to continue providing audit services to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into

RESOLUTION NO. (927-1997) Continued

an agreement, in a form satisfactory to the Town Attorney, with Korn, Rosenbaum, Phillips & Jauntig LLP, for audit services for the years 1998 and 1999, and be it

FURTHER RESOLVED, that the fees for such services shall be \$31,500 for the years ending December 1998 and December 1999, and shall be charged to Account No. A-1320-409.

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. (928-1997)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Trojan Mechanical, Pearl River, New York, to provide preventative and on-call maintenance for the Liebert HVAC unit located in the computer room, and be it

FURTHER RESOLVED, that the annual fee for such services shall be \$1,200 to be billed quarterly for preventative maintenance, plus \$52 per hour for emergency services authorized by the Director of Automated Systems, and shall be charged to Account No. A-1680-438.

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. (929-1997)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with Jeanne Ruland, Mattituck, New York, to provide Software Maintenance and Development for the Office of the Receiver of Taxes, and be it

FURTHER RESOLVED, that the annual fee for such services shall be \$3,000.00 to be paid semi-annually for existing software, plus \$65.00 per hour for on site custom programming authorized by the Director of Automated Systems, and shall be charged to Account No. A-1330-409.



RESOLUTION NO. (931-1997) 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. (932-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, unforeseen subsurface field conditions and design modifications have resulted in the necessity to have additional work performed as part of the Hillcrest Road/Tupper Lane Road Improvement Project; and

WHEREAS, the Department of Environmental Control has obtained proposals to have said work performed; and

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

NOW, THEREFORE, be it

RESOLVED that the Town Board of the Town of Clarkstown authorizes the Department of Environmental Control to have said work performed; and be it

FURTHER RESOLVED that the cost for said additional work shall not exceed \$8000.00; and *be it*

FURTHER RESOLVED, that this amount be a proper charge to Account # H-5111-409-0-4-19.

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. (933-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, design modifications by Kozma Associates Consulting Engineers, P.C. have resulted in the necessity to have additional trees removed as part of this project; and

WHEREAS, the cost of said tree removal is not covered by the original amount bid for this project; and

Continued on Next Page

RESOLUTION NO. (933-1997) Continued

WHEREAS, the Department of Environmental Control has negotiated a price with Hudson Canyon Construction, Inc., the contractor for this project, to remove said trees; and

WHEREAS, the Department of Environmental Control has directed Hudson Canyon Construction, Inc. to remove said trees;

NOW, THEREFORE, be it

RESOLVED, that the cost of said tree removal shall not exceed \$6,500.00; and  
be it

FURTHER RESOLVED that this amount shall be a proper charge to Account # H-1994-409-0-14-33.

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. (934-1997)

Co. Maloney offered and Co. Profenna seconded

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

BID #62-1997  
ELKS DRIVE EASEMENT REPAIRS

is hereby awarded to:

Environmental Construction, Inc.  
P.O. Box 563  
Stony Point, New York 10980  
PRINCIPAL: Susan A. Ramos

as per their proposed cost of \$24,993.00 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
- 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.

Continued on Next Page

RESOLUTION NO. (934-1997) 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. (935-1997)

Co. Maloney offered and Co. seconded

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

BID #4-1998  
ATHLETIC AND RECREATION SUPPLIES

Anaconda Sports, 1221 Ulster Avenue, Kingston, NY 12401, for items #2, 13, 16, 47, 121, 133, 134, 147, 148 as per specifications at a net bid price of \$6,004.10.

ARC Sports, Rte. 121 North Salem, NY 10560 for items #1, 3, 5, 6, 12, 19, 29, 32, 33, 34, 35, 50, 91 as per specifications at a net bid price of \$4,107.20.

Bag of Shirt, 45 Lafayette Ave., Suffern, NY 10901 for items #131, 135, as per specifications at a net bid price of \$992.76.

Beckley-Cardy, 100 Paragon Parkway, Mansfield, Ohio 44903-8101, for items #64, 66, 74, 94, 95, 97, 98, 99, 100, 101, 102, 103, 105, 114, as per specifications at a net bid price of \$1,190.76.

Flaghouse, 601 Flaghouse Dr., Hasbrouck Heights, NJ 07604-3116 for items #10B, 21, 22, 24, 31, 37, 63, 70, 76, 80, 81, 92, 104, 106, 117, as per specifications at a net bid price of \$ 1,259.71.

Kenmar Shirts, 1578 White Plains Road, Bronx, NY 10462, for items 119, 120, 122, 123, 125, 126, 127, 128, 129, 130A, 132, 141A, 141C, 142, 144, 145, 146, as per specifications at a net bid price of \$20,049.64.

Passon's Sports, P.O. Box 49, Jenkintown, PA 19046 for items #4, 7, 8, 9, 10A, 11, 14, 15, 17, 18, 20, 23, 25, 26, 27, 28, 30, 36, 38, 39, 42, 43, 44, 45, 46, 49, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 65, 68, 69B, 19C, 71, 72, 73, 75, 78, 79, 79A, 107, 115, 124, as per specifications at a net bid price of \$4,690.20.

Recreonics, Inc. 4200 Schmitt Ave., Louisville, KY 40213, for items #82, 109 as per specifications at a net bid price of \$1,158.71.

S & S Worldwide, 75 Mill St., Colchester, Ctg. 06415 for items #52, 67, 85, 93, 108, 110, 111, 112, 113, 116, 118 as per specifications at a net bid price of \$785.22.

Sporttime, 1 Sport Time Way, Atlanta GA 30340-1402, for items #40, 41 as per specifications at a net bid price of \$249.44.

Continued on Next Page

TBM 12/9/97

Page 16

## RESOLUTION NO. (935-1997) Continued

Unique Impressions, 58 Sherwood Dr., Nanuet, NY 10954 for items #136, 141B 141D, as per specifications at a net bid price of \$2,517.00.

GROSS TOTAL FOR ALL ITEMS: \$42,004.74

FURTHER RESOLVED, that this amount \$42,004.74 be charged against accounts:

7140-222.....	\$ 866.12
7140-307.....	450.00
7141-307.....	227.16
7141-329.....	6,506.84
7180-307.....	2,790.04
7180-329.....	1,689.26
7210-307.....	374.76
7310-307.....	17,655.00
7310-329.....	9,293.40
7610-307.....	1,350.84
7610-329.....	137.28
7620-307.....	450.00
7620-329.....	214.04

TOTALS: \$42,004.74

FURTHER RESOLVED, that no bid is awarded for items #77, 96, 137, 138, 139, 140, 143.

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. (936-1997)

Co. Maloney offered and Co. Profenna seconded

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

BID #6-1998  
JANITORIAL SUPPLIES

is hereby awarded to:

- |  |   |
|--|---|
| 1) E. A. Morse & Co., Inc.<br>11-25 Harding Street<br>Middletown, NY 10940<br>Principals: Winifred V. Morse<br>Emerson A. Morse II<br>Johanne N. Cortright | 2) Edmar Cleaning Corp.<br>50-05 47 <sup>th</sup> Avenue<br>Woodside, NY 11377<br>Principal David Simon |
|--|---|

Continued on Next Page

TBM 12/9/97

Page 17

RESOLUTION NO. (936-1997) Continued

- 3) Cleaning Systems  
44A Secor Lane  
Pelham Manor, NY 10803  
Principals: Barbara Trister,  
Edward Cullen
- 4) Mt. Ellis Paper Co.  
Wembly Road  
New Windsor, NY 12553  
Principals: Clifford Kaplan  
Seymour Kaplowitz
- 5) Aetna Janitorial  
137 North Main Street  
Spring Valley, NY 10977  
Principals: Harry Friedman  
Fay Friedman
- 6) Wipe-Tex Int'l Corp.  
1200 Zerega Avenue  
Bronx, NY 10462  
Pincipal: Alex Futter
- 7) Zep Manufacturing  
P.O. Box 299  
Springfield, NJ 07082  
A Public Corporation
- 8) Pure Corp  
P.O. Box 501070  
Indianapolis, IN 46250  
Principal: Ted Schenberg

.as per the item/price schedule on file in the Purchasing Department.

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. (937-1997)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Supt. of Recreation and Parks and the Director of Purchasing that

BID #8-1998  
BUS TRANSPORTATION

is hereby awarded as follows:

Part A - Summer Youth Busing Program (School Bus)

Item 1 - Summer Camp Swim Routes - PETER BREGA, INC.

PO BOX 152  
KINGS HIGHWAY  
VALLEY COTTAGE, NY 10989

and

Item 2 - Summer Day Camp Trips

PRINCIPALS: RICHARD BREGA  
PETER BREGA  
ROBERT BREGA  
DAVID BREGA

Part B Senior Citizen Busing Program

Item 1 - Senior Citizen One Day Trips (local)

PETER BREGA, INC.

Continued on Next Page

TBM 12/9/97

Page 18

RESOLUTION NO. (937-1997) Continued

Item 2 - Senior Citizen One Day Trips Long Distance - Coach  
 LEISURE LINE  
 4 LEISURE LANE  
 MAHWAH, NJ 07430  
 PRINCIPALS: COACH USA  
 HOUSTON, TX  
 100% OWNERSHIP

as per their low bid proposals on file in the Purchasing Dept.

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. (938-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the sum of \$17,000 was paid to the Town of Clarkstown in connection with the site plan approval for a project known as "Theatre-Go-Round," as a condition of said approval to guarantee the installation of a traffic light at Route 59, Nanuet, New York, adjacent to premises undergoing development, and

WHEREAS, said sum was deposited by assignment of a savings account passbook for said amount, including all accrued interest, and said funds are presently on deposit with the Pawling Savings Bank, Account Number 2307003168, and

WHEREAS, certain traffic improvements have been made in the vicinity of said premises, including the installation of a traffic signal light and other traffic control devices, and

WHEREAS, the Town of Clarkstown, in order to facilitate the public improvements and installation of said signalization has, over the years from the receipt of said funds, expended public funds to provide various traffic control services, planning studies, and undertaken other activities at substantial cost in furtherance of said public improvements;

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized and directed to withdraw the funds on deposit in said account and to apply same equally to budget lines A-3120-449 and B-8020-449.

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. (939-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board, on its own motion, recommends that the Zoning Ordinance of the Town be amended by redistricting of property designated herein on Schedule "A" from an R-10 district to an RS district;

NOW, THEREFORE, be it

RESOLVED, that this Resolution is hereby referred to the Clarkstown Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on January 13, 1998, at 8:10 p.m., relative to the proposed amendment, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk.

On roll call the vote was as follows:

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

\*\*\*\*\*

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

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/9/97

8:05 PM

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

RE: Petition for Special Permit - Cefola (123-D-3.01) - For Auto Laundry

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Town Attorney stated that the County Planning Board asked that the meeting be held off until they have made a decision.

Supervisor asked petitioner to make his presentation.

Appearance: David Wagner, Esq.  
Attorney for the applicant

Mr. Wagner introduced Chris Cefola, the son of the applicant who is actually the operator of the existing lubrication facility now. Mr. Wagner stated that Mr. Cefola is asking for permission to add a third bay which would be used for a car wash. It is denominated in our code as an auto laundry, but car wash is the term it is commonly known as. Basically, it seems to me like a very good accessory use to the existing auto lubrication and if any of you are familiar, this is the way the Cefolas run their business. I use the oil change. It is a very professional operation, very clean, very neat and causes no traffic problems. We think it is an appropriate use. Mr. Cefola and I are here to answer any questions you may have.

Supervisor Holbrook asked if this was the typical type of car wash. Mr. Cefola said it was going to be hand car wash. Councilman Maloney asked if there would be any problems with cars backing up. Mr. Wagner said that he did not think so and Mr. Cefola has a map which shows space for twenty-seven vehicles which is far more than you would get in there at a given time. Councilman Maloney asked if those twenty-seven would be in on the property and not on Route 303. Mr. Wagner replied yes, they would be in on the property

Councilman Mandia asked if there were any definitions of how much parking area there should be in the Zoning Ordinance. Mr. Wagner stated that the law requires fifteen spaces for a car wash. Mr. Cefola has twenty-seven which is in excess even assuming two lube bays. It is all you need plus additional for the lube.

Councilman Maloney stated that there are two bays there now for oil changes. This will be the third bay which would be used just for car wash which will be hand done.

Town Attorney stated that the County reviewed this parcel on June 10th for a site plan which they recommended modifications. However, the County stated, it is unclear from the new application if the building addition shown on the previous site plan submission is still proposed. If indeed the site plan has changed, we would like the opportunity to review it for the precise location of the car wash particularly, since this proposed use may change internal circulation and require a re-positioning of the driveways as they relate to Route 303.

Mr. Wagner explained that the surveyor inadvertently submitted the wrong map. It did not show the proposed location of the car wash which is actually right adjacent to

Page 2

PH: Special Permit - Cefola (123-D-3.01) - For Auto Laundry  
Page 2

12/9/97

the two existent oil change bays. Mr. Cefola has corrected that and we have gotten the maps to all the proper parties.

Supervisor said that we could probably make a decision on this on the 31st. Councilman Maloney stated that it is obvious that we cannot make a decision tonight.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 8:12 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/9/97

8:12 P.M.

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

RE: Adopting Local Law No. 7-1997 - Partial Real Property Tax Exemption for  
Qualified Homeowners with Disabilities

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor Holbrook asked Cathy Conklin, Assessor's Office, to explain the ramifications of the law paying particular attention to the qualifications and the safe guards so that if the Town Board does adopt, it won't be abused.

Cathy Conklin explained that all the owners except for spouses or siblings must be disabled. They have to provide proof of their disability. Within the law, it is required to be certified under the Social Security Disability Insurance or Supplementary Security Income Benefits under the Federal Social Security Act, or they must be certified to receive railroad retirement disability benefits under the Federal Railroad Requirement Act, or they must have a certificate of legal blindness from the State Commission for the Blind and Visually handicapped.

Supervisor stated that for example, they have to be receiving benefits from the Federal Government under Social Security to qualify. Ms. Conklin responded, either from Social Security or Railroad. Supervisor asked if it was a Federal Law. Ms. Conklin said, yes.

Councilman Mandia stated if a person was certified disabled in some way by a physician or a group of physicians that would not be enough. They actually have to be receiving some kind of benefit as a result of that disability. Ms. Conklin replied, yes or they have to have a certificate from the State as to blindness. Co. Mandia said that in many cases couples own homes in both their names and one is disabled and the other is not. Ms. Conklin stated that in the case of husband and wife, only one needs to be disabled. There is also income limitations and it would be income from both spouses. If one is not disabled and they are making \$50,000.00 a year, they would not qualify.

Supervisor asked what the qualifications were. Ms. Conklin said the maximum gross income would be \$26,899.99. That is the same as it is for the senior citizens exemption. That would give a 5% exemption. They cannot exceed \$18,500.00 for the maximum benefit under this program which is a 50% exemption. It also must be their residence. They have to prove residence, disability and income. Those would be all the requirements that we have in place for the senior citizens. Ms. Conklin would not anticipate under the structure of this law that we would have a great number of people who would qualify.

Supervisor asked if there was anyone wishing to make a comment or ask a question: No one appeared.

PH: Adopting Local Law No. 7-1997 - Partial Real Property Tax Exemption for  
Qualified Homeowners with Disabilities

Page 2

12/9/97

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (909-1997 ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/9/97

8:15 P.M.

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

RE: Adopting Local Law No. 8 - Amendment to Chapter 262 (Taxation) of the Town Code

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor Holbrook asked Cathy Conklin to explain the ramifications of this law and the safe guards so if the Town Board does adopt, it won't be abused. Cathy Conklin stated that this one is a little bit more difficult. The senior citizens' exemption was originally based upon gross income. The gross income could not exceed \$26,900.00. Last year the State Law permitted and the Town adopted a Local Law which allowed the exclusion of unreimbursed medical and prescription drugs costs to the senior citizens. That is already in place and it is a bit difficult to prove because if it is unreimbursed, it would be difficult to prove a negative. This year the State came along and said that they would allow you to exclude Veteran's Disability Compensation from the calculation of gross income. We have a couple of people who have Veteran's Disability Compensation. We have had a couple of calls inquiring as to whether the Town is adopting it or not. Supervisor said that this is different from a Veteran's Exemption. Ms. Conklin said that this has nothing to do with the Veteran's Exemption. This would require that they are actually receiving Veteran's Disability Compensation from the Federal Government. Supervisor asked what the anticipated number of eligible people would be. Ms. Conklin does not think that this would be a lot of people. She does know that there are a couple of people out there on the basis of the phone calls that they have received.

Councilman Mandia stated that you would have to get some proof that they are getting disability benefit from the Government. Ms. Conklin said that actually all it means is that portion of their income no longer counts when we are coming to the \$26,900.00 ceiling that they can have. Obviously, it is to their benefit to prove income from Veteran's Disability Compensation and if so, it gets crossed off the calculation. Councilman Mandia asked if they would have to bring in medical receipts to prove their medical expenses. Ms. Conklin said, yes, they have to bring in receipts. You realize, as well as the State Legislature realizes, that for some of our senior citizens, the medical and prescription drugs can be a rather costly burden on a fixed income. It was a wonderful intention, but a terribly difficult one to try to administer. This one is obviously much easier to administer because they have a document that shows what they are getting.

Supervisor asked if there was anyone wishing to make a comment or ask a question? No one appeared.

There being no one wishing to be heard, on motion of Councilman Smith, seconded by Councilman Maloney and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:20 P.M.

*Patricia Sheridan*  
Respectfully submitted,  
PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (910-1997) ADOPTED