

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/31/97

12:00 P.M.

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

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

Supervisor asked Co. Smith to present a Certificate of Appreciation to Joseph Consoli for his part in asking the state for a traffic light on Gilcrest Road. The award was presented to Mr. Consoli and the members of the Town Board thanked him for his efforts.

Mr. Consoli accepted the award on behalf of the senior citizens and all the residents of Clarkstown who signed the petitions as well as everyone else who helped make this possible.

Supervisor introduced Rockland County Democratic Chairman, Paul Adler who presented a clock to John Mauro in recognition of his service as the Superintendent of Highway from 1989 to 1997.

Legislator Ken Zebrowski presented a proclamation proclaiming December 31, 1997 as John Mauro Day.

Mr. Mauro thanked everyone. Members of the Town Board wished Mr. Mauro the best and thanked him for his efforts over the years.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Amending the Official Map by deleting Virginia Avenue, Besso St. and a portion of Rte 59 was declared open, time: 12:07 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Amending the Official Map by deleting Virginia Avenue, Besso St. and a portion of Rte 59 was declared closed, RESOLUTION NO. 940-1997 ADOPTED, time: 12:15 P.M.

Supervisor opened the public portion of the meeting.

Appearance: John Lodico
New City

Opposed to the Town of Clarkstown operating the ice rink at Eklecco's property and presented a first draft resolution for the Board's consideration. Feels government should not get involved in business where free enterprise can handle it.

RESOLUTION NO. (940-1997)

Co. Maloney offered and Co. Mandia seconded\

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 25, 1997 and amended on December 9, 1997, provided for a public hearing on December 31, 1997, at 12:05 P.M., or as soon thereafter as possible, to consider deleting Virginia Avenue, Besso Street, and a portion of Route 59 service road, West Nyack New York, from the Official Map of the Town of Clarkstown, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA, from Dennis M. Letson, Deputy Director of Environmental Control, which the Board has discussed and considered in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Dennis M. Letson, Deputy Director of Environmental Control, dated December 30, 1997, acting as staff to the Town Board as lead agency, the Town hereby determines that the Amendment to the Official Map shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting only the roads known as Virginia Avenue and Besso Street, West Nyack, 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. (941-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of December 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 Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (942-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown is planning to have performed certain improvements to the Hub Shopping Center/Route 59 Intersection, West Nyack, New York, and

WHEREAS, the Department of Environmental Control has prepared the plans for the roadway and signalization improvements, and

WHEREAS, it has been determined that this project is an Unlisted action under the provisions of the State Environmental Quality Review Act;

NOW, THEREFORE, BE IT RESOLVED, for purposed of the New York State Environmental Quality Review Act (SEQR), the Town Board determines that it shall act as lead agency and the Director of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQR review.

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. (943-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an agreement has been approved for the exchange of portions of Charles Street, Nanuet, New York between the Town of Clarkstown and Norman and Jean Lazev (Map 5, Block A, Lot 32.06), together with the payment of \$10,000.00, which sum is being donated by Briarwoods Farms, Inc., and

WHEREAS, an agreement has been approved for the exchange of portions of Charles Street, Nanuet, New York between the Town of Clarkstown and Joan McGee (Map 5, Block A, Lot 32.07), together with the payment of \$10,000.00, which sum is being donated by Briarwoods Farms, Inc., and

WHEREAS, the change in a portion of Charles Street, Nanuet, New York is being recommended by the Town Superintendent of Highways and will be consented to by the County Superintendent of Highways;

NOW, THEREFORE, be it

RESOLVED, that (1) the Supervisor of the Town of Clarkstown is hereby directed to execute a contract with Norman and Jean Lazev and a contract with Joan McGee providing for the exchange of property on Charles Street and for the sum of \$10,000.00 to be paid to each, which sum is being donated by Briarwoods Farms, Inc., and (2) the recommendation by the Town Superintendent of Highways, which has been received, and the consent by the County Superintendent of Highways, which is hereby designated as a condition hereof, pursuant to § 212-a of the Highway Law.

RESOLUTION NO. (943-1997) 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. (944-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the health and beauty of the Hudson River is critical to the economic vitality of our community and the Hudson River is a treasured asset; and

WHEREAS, nearly 200 miles of the Hudson River - from Hudson Falls to New York City are a federal Superfund site due to polychlorinated biphenyl (PCB) contamination and;

WHEREAS, PCBs are the most significant contaminant limiting full use and enjoyment of the Hudson River; and

WHEREAS, PCBs were banned in 1976 because of a variety of known and suspected impacts on humans and wildlife; and

WHEREAS, an estimated \$40 million annually has been lost over the last twenty years because of the closure of Hudson River commercial fisheries and restrictions on recreationally caught fish. As a result, the Hudson Valley has lost an important cultural heritage and way of life and the economic vitality of the Hudson River region continues to be hampered by the limitations on recreational use of the River and the stigma of PCB contamination; and

WHEREAS, U.S. Environmental Protection Agency (EPA) Superfund officials determined in February 1997 that PCB "hot spots" in the sediment of the upper Hudson are the "dominant source" of PCB contamination to the River, and that microbial breakdown will not rid the River of PCBs; and

WHEREAS, the EPA's Hudson River Reassessment has determined that without remediation, present lives of contamination will continue indefinitely, and

THEREFORE, be it resolved that the Town of Clarkstown hereby expresses it's support for the Hudson River Reassessment being conducted by the U.S. EPA under the Superfund, including evaluation of the feasibility of potential remedial action that can most effectively restore the Hudson River, including the evaluation of traditional disposal methods as well as innovative technologies that can be used to destroy PCBs. Further, the Town of Clarkstown urges that the U.S. EPA complete the Hudson River Reassessment as expeditiously as possible.

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. (945-1997)

Co. Profenna offered and Co. Mandia seconded

WHEREAS, the Rockland County Drug Treatment Court will be commencing on January 1, 1998, and

WHEREAS, they have requested permission from the Town of Clarkstown to use a portion of the former police building at no fee for the first six months of operation, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to aid this worthwhile endeavor;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Rockland County Drug Treatment Court to occupy a portion of the former police building at no charge for the first six months of operation, and be it

FURTHER RESOLVED, that in the event some funds are available through Federal grants, that same be dispensed to the Town of Clarkstown.

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. (946-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, in accordance with Town Board Resolution #659-1996, the Town Board authorized Kozma Associates to perform engineering services on the Demarest Mill Creek Flood Reduction and Dam Rehabilitation project, West Nyack; and

WHEREAS, it has been determined that subsoil field investigations and permits from the New York State Department of Environmental Conservation (NYSDEC) are required; and

WHEREAS, KOZMA Associates has submitted a proposal for said project to execute subsoil field investigations, including supervision and analysis of the laboratory test for suitability in structural design and obtain permits from NYSDEC as required to perform boring work and,

WHEREAS, the director of Environmental Control has recommended the Town Board to accept the proposal from Kozma Associates.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an agreement with Kozma Associates in a form satisfactory with the Town attorney, to execute subsoil investigations and analysis work for the Demarest Mill Creek Flood Reduction and Dam Rehabilitation project and;

BE IT FURTHER RESOLVED that the fee for such services shall not exceed \$20,000 and be charged to account #H 8739-409-60-1

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RESOLUTION NO. (946-1997) 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. (947-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from: Joy Builders, Inc. to the Town of Clarkstown, dated March 19, 1996, conveying the following road(s):

Margaret Court 562 L.F.,

together with a road widening strip along Lake Road, Valley Cottage, and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Cottage Court, is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that upon receipt of a Maintenance Bond in the amount of \$15,075.00 or a cash deposit in the amount of \$7,540.00, Letter of Credit No. 96-0528-3, dated May 30, 1996, in the amount of \$6,000.00 and Letter of Credit No. 96-0528-4, dated May 30, 1996, in the amount of \$22,000, may be released.

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. (948-1997)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated October 15, 1997 from Country Corners, Inc. to the Town of Clarkstown, gratuitously conveying a strip of land along Blauvelt Road, Nanuet, New York, is hereby accepted and ordered recorded in the Rockland County 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. (949-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Toys-R-Us has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 32, Block B, Lots 96.1 and 96.2, for the year(s) 1993/94, 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

RESOLUTION NO. (950-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, New Plan Realty Trust and Newton Associates have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58, Block G, Lot 37, for the year(s) 1993/94, 1994/95, 1995/96 and 1996/97, 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. (951-1997)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (951-1997) Continued

WHEREAS, Hook Mountain, Inc. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 134, Block A, Lots 50, 47.2, 51 and 48.1, for the year(s) 1993/94, 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

RESOLUTION NO. (952-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$50.00 from Clarkstown Sunrise Rotary Club 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 \$50.00.

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. (953-1997)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$50.00 from Rotary Club of Nanuet,

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 \$50.00.

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RESOLUTION NO. (953-1997) 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. (954-1997)

Co. Profenna offered and Co. Maloney. seconded

RESOLVED, that the Town Board of the Town of Clarkstown reallocate Community Development Fund 1990-4073-188 "Playground" for \$5,000 and 1992-4084-726 "Help Me, Inc." for \$1,000 to new "Playground Improvement" fund for a total of \$6,000.

AND BE IT FURTHER RESOLVED, that Community Development Fund 1996-4148-309 "Public Works" for \$70,000 be reallocated to "Community Center Improvements".

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. (955-1997)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

The following Curve Signs with advisory speed Panels beneath:

On Brookhill Dr. North of Rte 59, a W-1-3 sign with a panel "15 MPH".

Going East on Brookhill Dr. in the vicinity of Map 51, Block A, lot 2.47 a W-1-4 sign with a panel "15 MPH."

On the northside of Brookhill Dr., westbound a W-1-4 sign in the vicinity of Map 51, Block A, Lot 2.37 and a panel "20 MPH".

On the westside of Spruce Lane, southbound, a W-1-3 sign in the vicinity of Map 51, Block A, Lot 3.13 and a panel "20 MPH".

On the eastside of Spruce Lane going northbound, a W-1-3 sign in the vicinity of Map 51, Block A, Lot 20 and a panel "15 MPH"

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RESOLUTION NO. (955-1997) Continued

On the southside of Spruce Lane, a W-1-4 sign in the vicinity of Map 51, Block A, Lot 19.05 and a panel "15 MPH".

These roads are in West Nyack, NY, and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

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. (956-1997)

Co. Profenna offered and Co. Maloney. seconded

RESOLVED, that based upon the concerns and recommendations of neighborhood residents, as stated in a petition submitted to the Supervisor, the Superintendent of Highways is hereby authorized to remove the double yellow lines that were recently painted on Parkway Drive, Spruce Lane and Brookhill Drive, West Nyack and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to the Superintendent of Highways for implementation, and to Howard L. Lampert, PE, Traffic Engineering Consultant, and Norman Peachey, Chairman, Traffic and Traffic Fire Safety Advisory Board, for their information.

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. (957-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Clarkstown and the Bargaining Team for the Rockland County Patrolmen's Benevolent Association (the PBA) for a successor to the 1994-1997 Agreement between the parties, and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated December 19, 1997, and

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RESOLUTION NO. (957-1997) Continued

WHEREAS, the membership of the PBA has ratified the terms of the Memorandum of Agreement, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Town Supervisor to execute a Collective Bargaining Agreement consistent with the terms thereof.

On roll call the vote was as follows:

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

RESOLUTION NO. (958-1997)

Co. Smith offered and Co. Profenna seconded

WHEREAS, escrow monies were deposited by Berk Development to guarantee completion of work incomplete at time of issuance of Certificate of Occupancy for premises at 7 Walnut Court, Tax Map Lot 60 A 16.74; and

WHEREAS, certain work consisting of grading and seeding is still incomplete; and

WHEREAS, the builder, Berk Development, has failed to complete said work after several notices by the Dept. of Environmental Control;

NOW THEREFORE BE IT RESOLVED that the Town Board does declare Berk Development to be in default in the amount of \$2,000.00; and

BE IT FURTHER RESOLVED that the Director of Environmental Control is authorized to hire a qualified contractor to complete said work at the earliest possible time.

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. (959-1997)

Co. Smith offered and Co. Profenna seconded

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

**BID #11-1998
MARCUS ROAD DRAINAGE IMPROVEMENTS**

bids to be returned to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 a.m. on: **TO BE DETERMINED AT A LATER DATE**, 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. (960-1997)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board Resolution #775-1997 is hereby corrected to read:

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 returned to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 a.m. on: **January 29, 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. (961-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, there is a matter presently before the Federal Energy Regulatory Commission (FERC) concerning the construction of a fuel gas transmission line and operation by Columbia Gas Transmission, and

WHEREAS, as part of this project, a major portion of the gas transmission line is to be established in the Town of Clarkstown leading to the Hudson River, and

WHEREAS, the Town Board of the Town of Clarkstown is opposed to the location of said gas line in those portions of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby goes on record to establish its opposition to the gas transmission line and orders that the Town Clerk forward this resolution to the Federal Energy Regulatory Commission, Office of External Affairs, 888 First Street N.E., Washington, D.C. 20426 for filing.

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. (962-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, THE BOARD OF MANAGERS OF THE ESQUIRE VILLAGE OFFICE CONDOMINIUM v. THE ASSESSOR(S) OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, Index No(s). 4255/94, 4001/95, 4250/96 and 4277/97, affecting parcel(s) designated as Map 56, Block C, Lots 1 through 19, for the year(s) 1994/95, 1995/96, 1996/97 and 1997/98, and

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

1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 56, Block C, Lots 1 through 19 be reduced for the year(s) 1994/95, 1995/96, 1996/97 and 1997/98 as shown on the attached Schedule "A";

2. That reimbursement for the year(s) 1994/95, 1995/96, 1996/97 and 1997/98 on the parcels described as Map 56, Block C, Lots 1 through 19 be made within (90) days through the Office of the Commissioner of Finance. If payment is made within (90) days, no interest will be charged; and

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RESOLUTION NO. (962-1997) Continued

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

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (963-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, STAR ENTERPRISE has petitioned the Town Board of the Town of Clarkstown for a Special Permit in order to expand and modify the existing gasoline filling station pursuant to Section 290-11(A), General Use Regulations for an RS District, Table 12, Column 3, Item B(3) of the Zoning Ordinance, for property located at the east side of Route 303 and the south side of the New York State Thruway, West Nyack, New York, designated on the Clarkstown Tax Map as Map 32, Block A, Lot 2.01;

NOW THEREFORE, be it

RESOLVED, that the application for a Special Permit of Star Enterprise is hereby referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their review and recommendation, and be it

FURTHER RESOLVED, that a public hearing pursuant to said Zoning Ordinance shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on February 10, 1998 at 8:05 P.M. to consider the application of STAR ENTERPRISE, relative to said Special Permit, 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 Journal News, the official newspaper of the Town of Clarkstown as aforesaid, and file proof thereof in the Office, and be it

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RESOLUTION NO. (963-1997) Continued

FURTHER RESOLVED, that 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 the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

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

RESOLUTION NO. (964-1997)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, "REPEALING CHAPTER 250, SUBDIVISION 6 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN (TRAFFIC HAZARDS AT STREET CORNERS), AND CREATING A NEW CHAPTER 250, SUBDIVISION 6 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN (TRAFFIC HAZARDS AT STREET CORNERS)";

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on January 27, 1998 at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the newspaper of general circulation and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

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. (965-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

VICTOR P. ZUGIBE, INC.
66 Railroad Avenue
Garnerville, New York 10923

PHOENIX EXCAVATORS CORP.
62 Rose Road
West Nyack, New York 10994

H & R PLUMBING & HEATING, INC.
53 Massachusetts Avenue
Congers, New York 10920

KEVIN STOKES EXCAVATING,
INC.
P. O. Box 812
Pearl River, New York 10965

RESOLVED, that the following Certificates of Registration be issued:

- No. 98-3 VICTOR P. ZUGIBE, INC.
- No. 98-4 PHOENIX EXCAVATORS CORP.
- No. 98-5 H & R PLUMBING & HEATING, INC.
- No. 98-8 KEVIN STOKES EXCAVATING, INC.

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. (966-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board has been requested by several persons located off Old Haverstraw Road, Congers, New York, including Alberto and Lisa Sanchez, to change the name of their private street to Victoria Lane;

NOW, THEREFORE, be it

RESOLVED, that the name of the right-of-way along Map 114, Block A, Lot 11.3 be changed to Victoria Lane and that the Town Clerk give notice of the fact to Dispatcher Karl Muller, CPD E-911 Coordinator.

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. (967-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on December 29, 1997 that the position of Clerk #500059 - Assessor's Office - can be reclassified to the position of Data Entry Operator I,

Now, therefore, be it

RESOLVED, that the position of Clerk #500059 is hereby reclassified to the position of Data Entry Operator I - effective and retroactive to December 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. (968-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Data Entry Operator I #97076 (Prom) - which contains the name of Ann Daino, now therefore be it

RESOLVED, that Ann Daino, 155 New York Avenue, Congers, New York, is hereby appointed to the position of Data Entry Operator I - Assessor's Office - at the current 1997 annual salary of \$24,279., effective December 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. (969-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on December 29, 1997 that the position of Clerk #500060 - Assessor's Office - can be reclassified to the position of Data Entry Operator I,

Now, therefore, be it

RESOLVED, that the position of Clerk #500060 is hereby reclassified to the position of Data Entry Operator I - effective and retroactive to December 29, 1997.

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RESOLUTION NO. (969-1997) 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. (970-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Data Entry Operator I #97076 (Prom) - which contains the name of Elsie J. Coyne, now therefore be it

RESOLVED, that Elsie J. Coyne, 17 Woodridge Drive, Garnerville, New York, is hereby appointed to the position of Data Entry Operator I - Assessor's Office - at the current 1997 annual salary of \$30,929., effective December 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. (971-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on December 29, 1997 that the position of Clerk Typist #500081 - Town Justice Department - can be reclassified to the position of Data Entry Operator I,

Now, therefore, be it

RESOLVED, that the position of Clerk Typist #500081 is hereby reclassified to the position of Data Entry Operator I - effective and retroactive to December 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

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RESOLUTION NO. (972-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Data Entry Operator I #97076 (Prom) - which contains the name of Lucille A. Kelly, now therefore be it

RESOLVED, that Lucille A. Kelly, 5 Birchwood Terrace, Nanuet, New York, is hereby appointed to the position of Data Entry Operator I - Town Justice Department- at the current 1997 annual salary of \$34,047., effective December 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. (973-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on August 27, 1997 that the position of Clerk Typist #500082 - Purchasing Department - can be reclassified to the position of Data Entry Operator I,

Now, therefore, be it

RESOLVED, that the position of Clerk Typist #500082 is hereby reclassified to the position of Data Entry Operator I - effective and retroactive to December 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. (974-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Data Entry Operator I #97076 (Prom) - which contains the name of Anne M. Ashmore, now therefore be it

RESOLVED, that Anne M. Ashmore, 273 Mirth Drive, Valley Cottage, New York, is hereby appointed to the position of Data Entry Operator I - Purchasing Department- at the current 1997 annual salary of \$25,348., effective December 29, 1997.

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RESOLUTION NO. (974-1997) 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. (975-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on December 29, 1997 that the position of Data Entry Operator I - Assessor's Office - can be created,

Now, therefore, be it

RESOLVED, that the position of Data Entry Operator I - Assessor's Office - is hereby created - effective January 2, 1998.

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. (976-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Susan B. Paradiso, 18 Little Brook Lane, New City, New York, is hereby appointed to the position of (temporary) Clerk Typist - Town Justice Department - at the current 1997 annual salary of \$20,944., effective and retroactive to December 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. (977-1997)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (977-1997) Continued

WHEREAS, the Rockland County Personnel Office has certified on November 10, 1997 that the position of Computer Network Specialist - Data Processing Department - can be created,

Now, therefore, be it

RESOLVED, that the position of Computer Network Specialist - Data Processing Department - is hereby created - effective January 6, 1998 and be it

FURTHER RESOLVED, that the grade for the position of Computer Network Specialist is hereby created at a grade 28

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. (978-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Deborah M. Golemba, 3 Muller Drive, New City, New York - Clerk (part-time) - Consolidated Lighting District - is hereby accepted - effective and retroactive to December 12, 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. (979-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Director of Automated Systems #97089 which contains the name of Robert D. Stritmater,

Now, therefore, be it

RESOLVED, that Robert D. Stritmater, 11 Liberty Rock Road, Sloatsburg, New York is hereby appointed to the position of Director of Automated Systems - Data Processing Department - at the current 1997 annual salary of \$73,485., effective and retroactive to December 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. (980-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Rodney P. Williams, 18 Waldron Avenue, #7C, Central Nyack, New York, is hereby appointed to the position of (Part-time) Bus Driver - Mini Trans Department - at the current 1997 hourly rate of \$11.92 - effective and retroactive to December 24, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (981-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #97096 Environmental Resource Specialist which contains the name of Ronald E. Haelen,

Now, therefore, be it

RESOLVED, that Ronald E. Haelen, 1215 Route 211 West, Middletown, New York is hereby appointed to the position of Environmental Resource Specialist - Department of Environmental Control - at the current 1997 annual salary of \$44,853., effective and retroactive to December 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. (982-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Robert Geneslaw Co. to continue to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 1998 to December 31, 1998, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. for such services shall be \$8,493.33 per month, and that the total compensation shall be \$101,920.00, which shall be charged to Account No. B-8020-409.

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RESOLUTION NO. (982-1997) 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. (983-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has directed that the Town of Clarkstown install monitoring wells at Town locations where previous oil storage tanks were located, and removal of waste oil tanks at the Clarkstown Highway Department, Nanuet, New York, and

WHEREAS, the proposals by Castlton Environmental Contractors meets the requirements set forth by NYSDEC;

NOW, THEREFORE, be it

RESOLVED, as follows:

(1) That the proposals of November 25, 1997 and November 29, 1997, made by Castlton Environmental Contractors, are hereby accepted, and

(2) That the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Castlton Environmental Contractors, in a form satisfactory to the Town Attorney, with regard to same, and

(3) That the sum of \$6,218.00 and \$26,617.50 shall be charged to Capital #2 Fund.

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. (984-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with PHOENIX SYSTEMS & ANALYSIS, INC., in a form approved by the Town Attorney, for computer consulting and technical services on an hourly basis, and be it

Continued on Next Page

RESOLUTION NO. (984-1997) Continued

FURTHER RESOLVED, that said agreement shall commence on January 1, 1998 and shall expire on December 31, 1998.

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. (985-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to renew the property and liability insurance policies and the claims-administration agreement with Arthur J. Gallagher & Co. of New York, Inc. for a period of one year, commencing on January 1, 1998 and expiring December 31, 1998, and be it further

RESOLVED, that the total cost of said policies and agreement shall not exceed \$407,287. and shall be charged to account No. CS-1910-420.

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. (986-1997)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement to continue workers' compensation insurance with the Public Employer Risk Management Association, Inc. (PERMA) for a period of one year, commencing on January 1, 1998 and expiring December 31, 1998, at a cost not to exceed \$252,891. and charged to Account CS 1910 421.

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. (987-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, MICHAEL A. and DONNA K. CEFOLA have petitioned the Town Board of the Town of Clarkstown for a Special Permit for the construction of an auto laundry pursuant to the provisions of Section 290-11A, Table of General Use Regulations, Table 14, LIO District, Column 3, Section B, Paragraph 4 of the Zoning Ordinance of the Town of Clarkstown for property located on the West side of Route 303, Valley Cottage, New York, more particularly described on the Clarkstown Tax Map as: Map 123, Block D, Lot 3.01, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on December 9, 1997, at 8:05 P.M., to consider such application;

WHEREAS, the Town Board has reviewed the subject application in accordance with the requirements of 6NYCRR Part 617, including the plan, long EAF and supporting narrative, and

WHEREAS the information provided and the disposition of water waste indicates that the project will not have an adverse environmental impact, and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to construct an auto laundry on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-11C of the Zoning Ordinance of the Town of Clarkstown annexed hereto;
2. Petitioner shall secure site plan approval from the Planning Board;
3. Approval shall be secured from either Rockland County Sewer District No. 1 or the Rockland County Health Department for waste water disposal;
4. The auto laundry shall be limited to "hand washing of vehicles."

and be it

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RESOLUTION NO. (987-1997) Continued

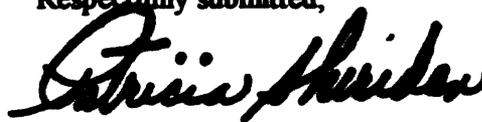
FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

On roll call the vote was as follows:

Councilman Maloney	Yes
Councilman Mandia	Yes
Councilman Profenna	No
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 Co. Maloney, seconded by Co. Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 12:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/31/97

12:07 P.M.

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

Re: Amending the Official Map by deleting Virginia Avenue, Besso Street

On motion of Co. Maloney, seconded by Co. 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.

There being no one wishing to be heard on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. 940-1997 ADOPTED, TIME 12:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk