

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

3/24/98

8:00 P.M.

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

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

Supervisor opened the public portion of the meeting; no one appeared.

Agenda Item #18 regarding the construction of a fire substation was moved to the beginning of the meeting. Supervisor explained that the purpose of the resolution was to halt construction of the substation until a Zoning Board hearing could be held and a decision made.

RESOLUTION NO. (269-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Building Inspector of the Town of Clarkstown has issued Building Permit No. 97-1444 authorizing the construction by the Nanuet Fire Engine Company, Inc., of a fire substation on property designated as Map 53, Block A, Lot 26, and

WHEREAS, Appeal No. 2801 has been filed with the Board of Appeals of the Town of Clarkstown, seeking an appeal from the decision of the Building Inspector's issuance of such Building Permit, and

WHEREAS, the land preparation and building continues for the construction of the fire substation, and

WHEREAS, the Town Board believes the maintenance of the status quo, pending a determination of the Board of Appeals, is in the best interest of all involved parties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Attorney to commence an action, which among other things, seeks to temporarily restrain further construction of the fire substation by the Nanuet Fire Engine Company, Inc. by directing the Building Inspector, pending determination of the Appeal, to issue a Stop Work Order.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (270-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of March 10, 1998, are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (271-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a request has been made by Filomena Romeo that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action, pursuant to § 205 of the Highway Law, to declare that a certain portion of Terrace Avenue, Congers, New York, as described on the metes and bounds description attached as Schedule "A", upon the grounds that the same has never been used by the public and, therefore, may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown, and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment, pursuant to § 205 of the Highway Law, and deletion from the Official Map of the Town of Clarkstown, pursuant to § 273 of the Town Law, of said portion as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be held at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 28, 1998, at 8:00 P.M., pursuant to § 273 of the Town Law, to consider said certification of abandonment of Terrace Avenue, Congers, New York, pursuant to § 205 of the Highway Law, and deletion of same from the Official Map, and be it FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing 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 said notice of public 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, and be it

FURTHER RESOLVED, that the applicant shall fulfill the additional requirements of § 290-33(C) of the Zoning Ordinance of the Town of Clarkstown

Continued on next page

RESOLUTION NO. (271-1998) CONTINUED

regarding the posting of additional notice of said public hearing and mailing of notices to property owners of record within five hundred (500) feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the Rockland County Commissioner of Planning and to the Clarkstown Planning Board for their reports and recommendations, 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.

On roll call the vote was as follows:

- Co. Maloney Yes
- Co. Mandia Yes
- Co. Profenna Yes
- Co. Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (272-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board, on its own motion, will consider amending the Zoning Ordinance of the Town of Clarkstown by redistricting property owned by Materials Research Corp., from an LIO District to an M District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 129, Block A, Lot 5.13;

NOW, THEREFORE, be it

RESOLVED, that this Resolution is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 A) 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 239-1 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 May 26, 1998 at 8:05 P.M., relative to the proposed amendment, 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 newspaper of general circulation and posted in the manner provided by law an file proof thereof in the Office of the Town Clerk, and be it

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RESOLUTION NO. (272-1998) CONTINUED

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 the Director of the Department 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:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (273-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, ANTHONY CAPASSO has petitioned the Town Board of the Town of Clarkstown for a Special Permit to conduct a landfill operation pursuant to the provisions of Section 290-IIA, Table of General Use Regulations for an R-15 District, Column 3, Section B, Paragraph 4 of the Zoning Ordinance of the Town of Clarkstown, and Section 290-17L, 290-15 of the Zoning Ordinance of the Town of Clarkstown, for property located on the east side Pascack Road and north of Will Rogers Lane, Nanuet, New York, and designated on the Clarkstown Tax Map as Map 5, Block A, Lot 27;

NOW, THEREFORE, be it

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 April 28, 1998, at 8:10 P.M., to consider the application of ANTHONY CAPASSO, 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 newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk.

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, and be it

FURTHER RESOLVED, that the petition 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 pursuant to Sections 239-1 and 239-m of the General Municipal Law for report, and the following agencies for comment or study and report on or before April 22, 1998:

Continued on next page

RESOLUTION NO. (273-1998) CONTINUED

- 1. Clarkstown Department of Environmental Control
- 2. Clarkstown Building Inspector
- 3. Clarkstown Architecture and Landscape Commission
- 4. NYS Department of Environmental Conservation
- 5. Rockland County Soil Conservation
- 6. Rockland County Health Department
- 7. Rockland County Drainage Agency

On roll call the vote was as follows:

Co. Maloney Yes
 Co. Mandia Yes
 Co. Profenna Yes
 Co. Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (274-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a resident of the Town of Clarkstown has requested that a street light be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for a street light at the following location:

Foxwood Road

West Nyack

Pole number 59650/39720 - Install one (1) 5800 lumen sodium vapor street light on 8 foot bracket between house numbers 151 and 208 Foxwood Road, West Nyack.

On roll call the vote was as follows:

Co. Maloney Yes
 Co. Mandia Yes
 Co. Profenna Yes
 Co. Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (275-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland for the Substance Abuse Services Program, through the Department of Mental Health, for the period January 1, 1998 through December 31, 1998, for a total consideration of \$112,265.00, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to March 11, 1998.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (276-1998)

Co. Smith offered and Co. Maloney seconded

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

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to Section 256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 1998.

VALLEY COTTAGE LIBRARY

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (277-1998)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (277-1998) CONTINUED

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 1998 and terminating on December 31, 1998, and be it

FURTHER RESOLVED, that all other terms and conditions of the present agreement remain the same, including the per diem rate of \$8.50 for each dog delivered by the Town's Animal Control Officer or Police Department to the Hi-Tor Animal Care Center and \$10.00 per day charged to owners for release of their dogs, upon the recommendations of the Town Clerk and the Animal Control Officer.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (278-1998)

Co. Smith offered and Co.Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the following nonprofit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sum in economic assistance for 1998 to:

Foster Grandparent Program \$ 700.00

FURTHER RESOLVED that the total amount of \$ 700.00 be transferred from Account # A 1990-505 to Account # A 8840 424.

FURTHER RESOLVED that these funds are to assist in providing such services for the calendar year 1998 and are to be charged against Account # 8840 424.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (279-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, NEW YORK STATE THRUWAY AUTHORITY v. ROCKLAND COUNTY, VILLAGE OF SOUTH NYACK, NYACK FIRE DEPARTMENT, TOWN OF ORANGETOWN FIRE DEPARTMENT, VILLAGE OF PIERMONT, VILLAGE OF PIERMONT FIRE DEPARTMENT, NYACK JOINT FIRE DISTRICT, TOWN OF CLARKSTOWN, VILLAGE OF NYACK, VILLAGE OF UPPER NYACK, and GRANDVIEW FIRE DISTRICT;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

- Co. Maloney Yes
- Co. Mandia Yes
- Co. Profenna Yes
- Co. Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (280-1998)

Co. Smith offered and Co. seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, THE ROCKLAND COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION v. THE COMMISSIONER OF PERSONNEL OF ROCKLAND COUNTY, THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL, THE TOWN OF CLARKSTOWN and THE POLICE COMMISSION OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (281-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, ROBERT G. LINGUANTI AS TRUSTEE IN LIQUIDATION FOR THE BENEFIT OF N.C. 104 MAIN ST. CONSTRUCTION, INC. V. THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (282-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is a participant in the Rockland County Solid Waste Management Plan, and

WHEREAS, the Town is responsible for the collection of recyclables, as defined by the Rockland County Solid Waste Authority; and said definition includes additional items such as corrugated cardboard, chipboard boxes, mixed paper, milk and juice cartons;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Town shall pay Pat Nazarro Disposal, d/b/a Cono Recycling, an additional \$.25 per month per unit for the collection of additional materials as defined by the Rockland County Solid Waste Authority. These materials are an addition to the residential recyclables being collected by Cono, as per Bid No. 65-1993 and Contract dated February 11, 1994, and be it

FURTHER RESOLVED, that (a) said increase shall be subject to review and adjustment; (b) said increase is subject to a formal agreement being executed between the Town and Cono, in a form satisfactory to the Town Attorney; and (c) this resolution shall be retroactive to March 1, 1998.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (283-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that Joan Derella is hereby authorized to attend a one day seminar on "Hotel/Motel Valuation" on April 7, 1998 in Mt. Kisco, NY

FURTHER RESOLVED, that all proper charges be charged against line 1010-414.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (284-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that K. Luke Kalarickal, Director, Department of Environmental Control, is hereby authorized to attend the Annual Solid Waste Conference to be held April 27-28, 1998 at the Gideon Putnam Hotel & Conference Center, Saratoga Springs, New York , and be it

FURTHER RESOLVED, that all proper charges be charged against appropriation account #A 1010-414.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (285-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a Traffic Study Report dated December 1996, updated March 1998, has been prepared by New York State Department of Transportation for Route 303 from Route 59 to Route 9W, and

WHEREAS, Route 303 is an important north south link in Rockland County, providing access to the regional transportation system as well as local and commuter traffic, and

RESOLUTION NO. (285-1998) CONTINUED

WHEREAS, said study indicates there is a definite need for improving operational deficiencies in the study area, and

WHEREAS, continued development in the area will generate increased traffic and turning movements, and

WHEREAS, to improve traffic circulation, turning movements, traffic safety deficiencies in the area

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Clarkstown requests that New York State Department of Transportation consider the installation of a traffic signal at Route 303/Storms Road.

On roll call the vote was as follows:

Co. Maloney	.....	Yes
Co. Mandia	.....	Yes
Co. Profenna	.....	Yes
Co. Smith	.....	Yes
Supervisor Holbrook	.....	Yes

RESOLUTION NO. (286-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Clarkstown Traffic and Traffic Fire Safety Advisory Board at meeting held March 2, 1998 authorized the installation of Reduced School Speed Limit Flashing Beacon Sign Assemblies on Lake Road at the approaches to the Valley Cottage Elementary School, and

WHEREAS, in a recommendation dated March 17, 1998 from Howard L. Lampert, PE, Highway and Traffic Engineering Consultant, Part III of the Town's Traffic Signal maintenance contract provides for unit pricing for the installation of such flashing beacon sign assemblies at a total cost of \$13,660.00,

NOW, THEREFORE, be it

RESOLVED, that Patricia A. Betz, Utility services Coordinator is hereby authorized to notify Warde Electric Contracting, Inc. to install such flashing beacon sign assemblies by May 1, 1998 in order that the required 120 day completion requirements of the Town's Traffic Signal Maintenance Contract will be met, and such installation shall be completed no later than the re-opening of school in September, 1998.

On roll call the vote was as follows:

Co. Maloney	.....	Yes
Co. Mandia	.....	Yes
Co. Profenna	.....	Yes
Co. Smith	.....	Yes
Supervisor Holbrook	.....	Yes

RESOLUTION NO. (287-1998)

Co. Smith 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:

“No Standing Anytime” signs (P1-5 per the New York State Department of Transportation’s Manual of Uniform Traffic Control Devices) with directional arrows on both sides of Brookhill Drive, West Nyack form Rte 59 North to the first curve, and be it

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

On roll call the vote was as follows:

- Co. Maloney Yes
- Co. Mandia Yes
- Co. Profenna Yes
- Co. Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (288-1998)

Co. Smith 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:

A “No Turn on Red” sign on the driveway of Andrea Electric exiting onto Old Nyack Turnpike, Nanuet, NY, and be it

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

On roll call the vote was as follows:

- Co. Maloney Yes
- Co. Mandia Yes
- Co. Profenna Yes
- Co. Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (289-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, EklecCo has donated \$9,728 to the Town of Clarkstown , be it therefore

RESOLVED, to increase Estimated Revenue account No. A 01 3 2705 2 (Gifts & Donations) and Appropriation Account No. A 3120 111 (Police-Overtime) by \$9,728.

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RESOLUTION NO. (289-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (290-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$1,044.48 from EkleoCo and \$4,030 from Rounders, Inc. as donations, be it therefore

RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 0 (General Fund -Gifts & Donations) and A 3120 111 (Police-Overtime) by \$4,030; increase Estimated Revenue Account No. DB 041 9 2705 0 (Highway DB-Gifts & Donations) by \$1,044.48 and DB 5110 111 (Highway-Overtime) by \$867.36 and DB 5110 404 (Mileage) by \$177.12 and be it therefore

RESOLVED, to decrease Contingency Account No. A 1990 505 and increase A 3020 460 3 (Central Communications-Upgrading Data Communications) by \$12,000.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (291-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has collected \$86.50 from Activity Night at Street Community Center and \$159.65 from "The Cafe at Central Nyack Community Center",

BE IT THEREFORE,

RESOLVED, to increase Revenue Account #01-002001 (Park and Recreation charges) and Appropriation account #7141-329 (Recreation Supplies) by \$246.15.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (292-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Eileen Ahle, 11 Flitt Street, West Nyack, New York, is hereby reappointed to the position of Member - Traffic and Traffic Fire Safety Advisory Board - at the current 1998 annual salary of \$1,710., term effective April 1, 1998 and to expire on March 31, 2003.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (293-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Herman Bergman, 7 Parkway Drive, New City, New York, is hereby reappointed to the position of Member - Traffic and Traffic Fire Safety Advisory Board at the current 1998 annual salary of \$1,710., term effective April 1, 1998 and to expire on March 31, 2003.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (294-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Frank R. Cohen, 31 Morris Drive, New City, New York - Recreation Leader - Parks Board and Recreation Commission - is hereby accepted - effective and retroactive to February 27, 1998.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

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RESOLUTION NO. (295-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Dennis J. Malone, 15 Pine Avenue, Congers, New York, is hereby appointed to the position of (temporary) Automotive Mechanic I - Mini Trans Department - pending completion of a physical examination - at the current salary of \$31,491., effective March 25, 1998 - for a period not to exceed 90 days.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (296-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Gregory Barra had requested and was granted a leave of absence, without pay, from the position of Automotive Mechanic I - Town Garage (from February 2, to August 2, 1998) and

WHEREAS, Gregory Barra requested on March 22, 1998 that his leave of absence be terminated, and

WHEREAS, this request is hereby granted by the Town Board,

Now, therefore, be it

RESOLVED, that Gregory Barra, 14 Chauncy Street, Congers, New York, is hereby reinstated to the position of Automotive Mechanic I - Town Garage - effective March 30, 1998.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (297-1998)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (297-1998) CONTINUED

WHEREAS, J. Martin Cornell, attorney for the owners of the Montana Contracting Corp. Subdivision, has made application for use of Town Law Section 278 in connection with said subdivision, which property is located on the south side of Green Road, West Nyack, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the average density layout provides for an improved layout and keeps development away from environmentally sensitive lands, and provides for the land to be placed in a conservation easement, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property shown on such proposed average density layout map entitled, "Montana Contracting Corp., Town of Clarkstown, Rockland County, New York," dated January 14, 1998, prepared by Guterl and Greenwell, engineers, land planners and surveyors, Suffern, New York;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

- Co. Maloney Yes
- Co. Mandia Yes
- Co. Profenna Yes
- Co. Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (298-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Section 243(4) of the General Municipal Law of the State of New York requires that members of a Parks Board and Recreation Commission shall serve without compensation, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to compensate members of the Clarkstown Parks Board and Recreation Commission for their services to the Town;

NOW, THEREFORE, be it

Continued on next page

RESOLUTION NO. (298-1998) CONTINUED

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests the State Legislature and the Governor to amend Section 243(4) of the General Municipal Law to allow for compensation to members of a Parks Board and Recreation Commission, and be it

FURTHER RESOLVED, that the Town Clerk shall forward copies of this resolution to Governor George Pataki, State Senator Joseph Holland, State Assemblyman Alexander Gromack.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (299-1998)

Co. Smith 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 trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$3,000.00 per appraisal.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (300-1998)

Co. Maloney offered and Co. Smith seconded

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RESOLUTION NO. (300-1998) CONTINUED

WHEREAS the Department of Environmental Control has demonstrated the need for a screening unit for production of recycled concrete aggregate, wood mulch and compost; NOW, THEREFORE, BE IT

RESOLVED that the Director of the Department of Environmental Control, is authorized to lease one Extec 5000S Turbo Screening Plant for five years at a cost of \$3,171.41 per month, subject to the Town Attorney's review of proposal; and

BE IT FURTHER RESOLVED that all proper charges be charged against account SR-8160-443.

On roll call the vote was as follows:

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (301-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Town Resolution #250-1998 is hereby corrected to read:

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

BID #32-1998
CUSTODIAL SERVICES FOR THE HIGHWAY DEPARTMENT

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

Co. Maloney Yes
Co. Mandia Yes
Co. Profenna Yes
Co. Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (302-1998)

Co. Smith offered and Co. Maloney seconded

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

BID #33-1998
PAPER & PLASTIC SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on April 16, 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:

- Co. Maloney Yes
- Co. Mandia Yes
- Co. Profenna Yes
- Co. Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (303-1998)

Co. Smith offered and Co. Maloney seconded

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

BID #34-1998
PRECAST CONCRETE STRUCTURE
FOR LAKE NANUET PARK

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

- Co. Maloney Yes
- Co. Mandia Yes
- Co. Profenna Yes
- Co. Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (304-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks that

BID #20-1998
ASPHALT RESURFACING AT CONGERS LAKE MEMORIAL PARK

is hereby awarded to:

EMERSON PAVING CO., INC.
448 DEMAREST AVENUE
CLOSTER, NJ 07624
PRINCIPALS: JOHN GULINO, CARMEN GULINO
JOSEPH GULINO

as per their proposed project cost of \$24,000 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following:

- a) Standard Form of Agreement - two signed copies
- b) Performance Bond - 100%
- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractor's Liability, and Property Damage Insurance Coverage with the Town named as co-insured
- e) Certificate of Worker's Compensation and Worker's Disability Coverages

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (305-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of Howard Lampert, Project Engineer, and the Superintendent of Highways that

BID #23-1998
TRAFFIC SIGNAL INSTALLATION - MIDDLETOWN ROAD
& LUDVIGH ROAD, NANUET

is hereby awarded to:

Continued on next page

RESOLUTION NO. (305-1998) CONTINUED

VERDE ELECTRIC CORP.
271 WEST LINCOLN AVENUE
MT. VERNON, NY 10550
PRINCIPALS: GIULIO MONACO, JR.

as per their proposed project cost of \$29,000 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following:

- a) Standard Form of Agreement - two signed copies
- b) Performance Bond - 100%
- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractor's Liability, and Property
Damage Insurance Coverage with the Town named as co-insured
- e) Certificate of Worker's Compensation and Worker's
Disability Coverages

On roll call the vote was as follows:

Co. Maloney Yes
 Co. Mandia Yes
 Co. Profenna Yes
 Co. Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (306-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of Environmental Control that

BID #27-1998
COLLYER AVE SIDEWALK PROJECT

is hereby awarded to:

BELLAVISTA CONSTRUCTION CORP
PO BOX 753
ARDSLEY, NY 10502
PRINCIPALS: JOSPEH DE SANTIS
YOLANDA DE SANTIS

as per their proposed project cost of \$24,375 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following:

Continued on next page

RESOLUTION NO. (306-1998) CONTINUED

- a) Standard Form of Agreement - two signed copies
- b) Performance Bond - 100%
- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractor's Liability, and Property Damage Insurance Coverage with the Town named as co-insured
- e) Certificate of Worker's Compensation and Worker's Disability Coverages

On roll call the vote was as follows:

Co. Maloney Yes
 Co. Mandia Yes
 Co. Profenna Yes
 Co. Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (307-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS the Town Board, Town of Clarkstown, has solicited proposals for the 1998 Cul-de-Sac Maintenance Project, Bid No. 28-1998, and

WHEREAS the apparent low bidder has requested in writing that their bid be withdrawn due to a significant error in its bid proposal, and

WHEREAS the Director of the Department of Environmental Control has reviewed the apparent low bid and determined that it is not a responsible bid and recommends awarding the project to the second lowest bidder.

NOW THEREFORE, be it

RESOLVED that based upon the recommendation of the Director of the Department of Environmental Control, Bid No. 28-1998 is hereby awarded to Helmke Industries, Inc., 513 Route 303, Orangeburg, New York 10962-1303, Principal John Helmke, as per their bid of \$74,950.00 and be it

FURTHER RESOLVED that said award is subject to the receipt by the Director of Purchasing of the following:

- a) Certificate of Contractor's Liability and Property Damage Insurance Coverage (The Town of Clarkstown must be named as a co-insured on Liability and Property Damage Coverage)
- b) Certificate of Workman's Compensation and Workers Disability Insurance
- c) Save Harmless Clause in favor of the Town of Clarkstown

On roll call the vote was as follows:

Co. Maloney Yes
 Co. Mandia Yes
 Co. Profenna Yes
 Co. Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (308-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreations & Parks that

BID #59A-1997
PLUMBING & HVAC FOR NEW STORAGE
BUILDING AT CONGERS LAKE MEMORIAL PARK

is hereby awarded to:

HUDSON VALLEY MECHANICAL CONTRACTING, LLC
3 HAUSER TERRACE
TAPPAN, NY 10983
PRINCIPALS: LAURA HAUSER, JOSEPH HAUSER

as per their proposed base project cost of \$15,690 and alts B1, B2, B3 and be it

FURTHER RESOLVED that said award is subject to the receipt by the Director of Purchasing of the following:

- a) Standard Form of Agreement - two signed copies
- b) Performance Bond - 100%
- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractor's Liability, and Property Damage Insurance Coverage with the Town named as co-insured
- e) Certificate of Worker's Compensation and Worker's Disability Coverages

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	Yes

RESOLUTION NO. (309-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Town Clerk and the Director of Purchasing that

BID #24-1998
STORAGE & DELIVERY OF VOTING MACHINES

is hereby awarded to:

Continued on next page

RESOLUTION NO. (309-1998) CONTINUED

SANTIAGO MOVING & STORAGE CO., INC.
614 CORPORATE WAY
VALLEY COTTAGE, NY 10989
PRINCIPALS: ADUA ZANGRILLI

as per their proposed project cost of as follows:

Proposed total annual cost of storage, delivery and pick-up of voting machines - twice yearly: \$27,250.00 per year

Proposed cost of additional delivery and pick per machine - in excess of twice yearly at \$95.00 per machine (round trip) per occasion

Proposed additional cost of emergency replacement of defective voting machine during use at \$95.00 per machine (round trip)

Proposed cost to transfer each voting machine from current to a new storage facility: \$6.00 per machine (only applicable if a new contractor is awarded this bid)

Proposed % cost increase or possible contract extension period (1 year): 0%, and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following:

- a) Performance Bond - 100% of annual project cost
- b) Certificate of Contractor's Liability, and Property Damage Insurance Coverage in accordance with bid specifications with the Town named a co-insured
- c) Certificate of Worker's Compensation and Worker's Disability Coverages

On roll call the vote was as follows:

Co. Maloney Yes
 Co. Mandia Yes
 Co. Profenna Yes
 Co. Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (310-1998)

Co.Maloney offered and Co. Mandia seconded

RESOLVED, that Town Board resolution #222-1998 is hereby amended to read:

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

BID #15-1998
RESTORATION AND RAISING OF BARN AT
CONGERS LAKE MEMORIAL PARK

is hereby awarded to:

Continued on next page

RESOLUTION NO. (310-1998) CONTINUED

GEORGE TURRELL
dba ACHTERCOL
213 PIERMONT AVE
PIERMONT, NY 10968
PRINCIPALS: GEORGE TURRELL

as per his proposed project cost of \$84,000 and be it,

FURTHER RESOLVED, that said award is subject to the receipt of the following items by the Director of Purchasing

- a) Certificate of Contrators Liability and Property Damage Insurance. The Town of Clarkstown shall be named a so-insured on liability and property damage policy as it relates to this project.
- b) Certificate of Workers Compensation and Workers Disability Insurance Coverage

On roll call the vote was as follows:

Co. Maloney Yes
 Co. Mandia Yes
 Co. Profenna Yes
 Co. Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (311-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, SUNRISE ASSISTED LIVING DEVELOPMENT, INC., contract purchaser, has petitioned the Town Board of the Town of Clarkstown for a Special Permit in order to construct an elder care facility pursuant to the provisions of Section 290-11A, General Use Regulations for an R-15 District, Table 4, Column 3, Item B(2) of the Zoning Ordinance of the Town of Clarkstown for property located at the west side of North Main Street and Heritage Drive, New City, New York, designated on the Clarkstown Tax Map as: Map 59, Block A, Lot 17.14;

NOW, THEREFORE, be it

RESOLVED, that a copy of this petition be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their reports and recommendations, 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 the Town's Planning Consultant is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

Continued on next page

RESOLUTION NO. (311-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. 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. Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 8:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk