

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

5/26/1998

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.

Capt William Sherwood opened the Promotional Ceremony of Captain Kevin Kilduff to Chief of Police. Clarkstown Police Honor Guard presented the colors and Chief Collins led the Pledge of Allegiance. Father Reynolds led the invocation. Capt. Sherwood gave a brief history of Capt. Kilduff's life, career and achievements. The oath of office was delivered by Police Commissioner, John Maloney. Chief Collins congratulated Chief Kilduff and his family. He expressed thanks and appreciation to the Town Board and the Police Commission for their continued support over the past 10-1/2 years and commended them on their foresight in selecting Chief Kilduff to lead the Clarkstown Police Department into the 21st century. The Town Board congratulated Chief Kilduff and his family and thanked Chief Collins for all of his years of service. Thomas Sheehy, President of the Clarkstown PBA congratulated Chief Kilduff and his family and he also thanked Chief Collins and his family. Chief Kilduff thanked everyone for their kind words and best wishes. He expressed how grateful and proud he was to serve as Chief of the Clarkstown Police Department. Thanked the Town Board and the Police Commission for the support they have given the police department over the years. He promised to provide the leadership they are used to and he is committed to keeping service as a top priority. He thanked Chief Collins for his vision, leadership and friendship. He introduced his family and thanked them for their support.

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The Town Board presented certificates of recognition for exemplary volunteer service to the local volunteers who responded to the call for mutual aid in Clinton County, NY during the severe ice storm this past January. Members from the following organizations were recognized: the Central Nyack, Congers, Nanuet, New City and Valley Cottage Fire Departments; the Congers-Valley Cottage, Nanuet, New City and Spring Hill Volunteer Ambulance Corps; staff of the Hudson Valley Ambulance and the Rockland Paramedic Services.

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The Supervisor opened the public portion of the meeting.

Appearance: Greg Tobin  
Nanuet

Spoke regarding Item #2, Nanuet Fire Engine Co. and Town legal action.

Appearance: Bob Jackson  
Nanuet

Spoke regarding Item #3a, Avalon Properties and thanked the Board for Item #5, Stop sign on South Park Ave.

Appearance: Martin Bernstein  
New City

Asked for an explanation of resolutions.

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Appearance: Peggy Nadel  
Valley Cottage

Asked for an explanation of Item #2 , EklecCo v Town of Clarkstown.

Appearance: Rocco Lapenta  
Nanuet

Regarding the Pyramid Mall, questioned why the building and planning departments excluded kitchen facilities and the ice skating rink from the G.L.A.

Appearance: Shirley Lasker  
West Nyack

Questioned why kitchen space at the mall was not considered part of the G.L.A.

Appearance: Martin Bernstein  
New City.

Questioned what is considered rentable space when determining G.L.A. Said we should appeal judge's decision on Pyramid.

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RESOLUTION NO. (436-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of May 12,1998 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

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RESOLUTION NO. (437-1998)

Co. Mandia offered and Co Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, NANUET FIRE ENGINE CO. #1, INC. v. ARNOLD AMSTER, et al, Index No. 2847/98;

NOW, THEREFORE, be it

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

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RESOLUTION NO. (437-1998) CONTINUED

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. (438-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, EKLECCO (Formerly known as PYRAMID COMPANY OF ROCKLAND) v. TOWN OF CLARKSTOWN, PATRICIA SHERIDAN as Clerk for the TOWN OF CLARKSTOWN, NICHOLAS LONGO as Assessor for the TOWN OF CLARKSTOWN, THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN and MURRAY JACOBSON as the Town Attorney for 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

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RESOLUTION NO. (439-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, AVALON PROPERTIES, INC., contract purchaser, has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by Parker Nanuet Associates, from a PED District to an MF-3 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 164, Block A, Lots 1.01 and 1.04;

NOW, THEREFORE, be it

Continued on next page

RESOLUTION NO. (439-1998) CONTINUED

RESOLVED, that the petition 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 July 14, 1998, at 8:05 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 newspaper of general circulation and posted in the manner provided by law an 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

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RESOLUTION NO. (440-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

WHEREAS, the Town Board of the Town of Clarkstown is considering to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on June 23, 1998, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

AMEND Section A295-24. Board headquarters.

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RESOLUTION NO. (440-1998) CONTINUED

from:

The Building Inspector's office, Town Hall, 10 Maple Avenue, New City, Town of Clarkstown, County of Rockland, State of New York 10956, is hereby designated as the office of the Board of Appeals. Further, that office shall serve as a depository of all its records unless some other place is designated by the Board. All public hearings shall be held in such areas as may be required and available at 10 Maple Avenue.

to:

The Office of the Board of Appeals is located at 10 Maple Avenue, New City, Town of Clarkstown, County of Rockland, State of New York 10956. Further, that office shall serve as a depository of all its records unless some other place is designated by the Board. All public hearings shall be held in such areas as may be required and available at 10 Maple Avenue,

and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown 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 same manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that the proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report.

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. (441-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the following non-profit organization to provide services and programs for the residents of Clarkstown consisting of activities and special events that will provide positive alternatives to the youth of the Town of Clarkstown, and be it

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

Clarkstown Community Task Force	\$2,000.00
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FURTHER RESOLVED, that the total amount of \$2,000.00 be transferred from Account # A 1990-505 to Account # A 8840 424.

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RESOLUTION NO. (445-1998)

Co. Maloney offered and Co. Mandia 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 Parking Anytime” signs with directional arrows on both sides of Barry Lane, Bardonia 150 ft. from Bardonia Road

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:

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

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RESOLUTION NO. (446-1998)

Co. Maloney offered and Co. Mandia 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 “Stop” sign on South Park Avenue at Caravella Avenue, Nanuet

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:

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

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RESOLUTION NO. (447-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 419-1998 is hereby rescinded and be it

Continued on next page

RESOLUTION NO. (447-1998) CONTINUED

FURTHER RESOLVED, that Resolution No. 236-1998 (authorizing the installation of "No Parking" signs on both sides of Jay Street, Bardonia) is hereby amended by authorizing Wayne T. Ballard, PE, CSP, Superintendent of Highways to remove the "No Parking Anytime" signs between 49 and 43 Jay Street, Bardonia, and be it

FURTHER RESOLVED, that the Town Clerk is directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information and for enforcement purposes.

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. (448-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, to decrease Account #7180-313 (Office Supplies) by \$120.00 and to increase Account #7140-313 (Office Supplies) by \$120.00; and to decrease Account #7141-313 (Office Supplies) by \$120.00 and to increase Account #7140-313 (Office Supplies) by \$120.00; and to decrease Account #1621-313 (Office Supplies) by \$120.00 and to increase Account #7140-313 (Office Supplies) by \$120.00; and to decrease Account #7020-313 (Office Supplies) by \$123.74 and to increase Account #7140-313 (Office Supplies) by \$123.74.

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. (449-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, to decrease Account #7310-414 (Conference/Schools) by \$985.00 and to increase Account #7140-414 (Conference/Schools) by \$985.00.

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RESOLUTION NO. (451-1998) CONTINUED

RESOLVED, to decrease Contingency Account No. A 1990 505 and increase A 1620 408 (Maintenance-Building Repairs) by \$5,000.

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. (452-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, Brian Connolly, CSW, Clarkstown Counseling Center attend conference on July 8, 1998 on Alternative Medicine, Poughkeepsie, New York. Registration fee \$57 per person.

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. (453-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to attend the Cornell Local Roads Program, which is being sponsored by the Town and County Officers Training School and the Association of Towns of the State of New York, on June 8, 1998, and be it

FURTHER RESOLVED, that the fee for such training, and any related fees, shall be charged to Account No. 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

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RESOLUTION NO. (454-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Parks Board and Recreation Commission wishes to extend the lease agreement with the Grace Baptist Church to conduct a preschool and kindergarten enrichment program in Nanuet, New York,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an extension agreement with the Grace Baptist Church to conduct a preschool and kindergarten enrichment program, and that said agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that said agreement shall cover the period from July 1, 1998 to June 30, 1999, and the fee shall remain the same as the 1997/1998 agreement and be charged against Appropriation Account No. 7141-424.

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. (455-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with Partners in Safety, Inc., 561 North Street, Middletown, New York, for a period of one year, in a form satisfactory to the Town Attorney, to provide alcohol and drug testing of safety-sensitive employees including transportation employees and those holding commercial driver's licenses, and be it

FURTHER RESOLVED, that the fee for such services shall be according to the proposal dated January 1, 1998 attached, and shall be charged to Account No. A 9000-409, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to January 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

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RESOLUTION NO. (456-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Town Traffic Engineering consultant that

BID #35-1998  
WIDENING OF MIDDLETOWN ROAD AT SMITH ROAD

is hereby awarded to:

R.O. Excavating Co., Inc.  
3 COFFEY ROAD  
Monroe, NY 10950  
Principals: Lorenzo Oliveri  
Rocco Romeo

as per the low bid proposal of \$37,325.00

and be it

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

- a) Signed Contract Documents
- b) Performance Bond - 100%
- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractors Liability and Property  
Damage Coverage
- e) Certificate of Workers Compensation and Workers  
Disability Coverage.

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. (457-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Supt. Of Highway and the Director of Purchasing that

BID #32-1998  
CUSTODIAL SERVICES FOR THE HIGHWAY DEPARTMENT

is hereby awarded to

Continued on next page

RESOLUTION NO. (457-1998) CONTINUED

B&M CLEANING SERVICES  
21 STANLEY ROAD  
GARNERVILLE NY 10923  
PRINCIPALS: MAIPPY MELENDEZ  
BLANCHE MELENDEZ

as per their low bid of \$700.00 per month, and be it

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

.Certificate of Contractors Liability Insurance in the face amount of \$1 million dollars. The Town of Clarkstown shall be named as a co-insured on this policy.

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. (458-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the resignation of Ernest Schlaugies, 162 Rose Road, West Nyack, New York - Automotive Mechanic I - Clarkstown Mini Trans Department - is hereby accepted - effective and retroactive to May 12, 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. (459-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has certified on May 11, 1998 that the position of Account Clerk Typist - Town Justice Department - can be created,

Now, therefore, be it

RESOLVED, that the position of Account Clerk Typist - Town Justice Department - is hereby created - effective May 26, 1998.

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RESOLUTION NO. (459-1998) CONTINUED

On roll call the vote was as follows:

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

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RESOLUTION NO. (460-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95071 Account Clerk Typist which contains the name of Susan B. Paradiso,

Now, therefore, be it

RESOLVED, that Susan B. Paradiso, 18 Little Brook Lane, New City, New York, is hereby appointed to the (Permanent) position of Account Clerk Typist - Town Justice Department - at the current 1998 salary of \$22,291., effective May 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. (461-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that Matthew C. Buteux, 96 Wilder Road, Suffern, New York, is hereby appointed to the position of Computer Installation Assistant - Data Processing Department - at the current salary of \$27,636., effective May 28, 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. (462-1998)

Co. Maloney offered and Co. Profenna seconded

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

BID #39-1998  
CHAIN LINK FENCING  
N.Y. STATE THRUWAY RAMP NEAR ARBOR LANE, BARDONIA

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

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RESOLUTION NO. (463-1998)

Co. Maloney offered and Co. Profenna seconded

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

BID #40-1998  
WORK CLOTHING

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on JUNE 17, 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

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RESOLUTION NO. (464-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a potential hazard of a collapsing retaining wall along a stream bank within a drainage easement at tax maps 12-A-14.21 and 14.22 (120 & 124 East Allison Avenue); and

WHEREAS, the Department of Environmental Control has recommended the removal of this collapsing retaining wall and stabilizing stream banks with rock retaining walls, removal of silt and make restoration to the disturbed areas; and

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

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire M.J.B., Inc. 383 Route 59, West Nyack New York to perform the work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$ 15,215.00 and shall be a proper charge to account # H-7182-409-0-55-54

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. (465-1998)

Co. Smith offered and Co. Maloney seconded

Whereas, a stream runs through an existing Town drainage easement at #11 Foxwood Road (n/f Wong) in West Nyack; and

Whereas, the stream bed is partially occluded with debris and silt deposits; and

Whereas, the stream banks have eroded to the point where there is a potential hazard to the surrounding property and an existing culvert; and

Whereas, the Department of Environmental Control has devised a plan to clean the stream and stabilize its embankments using native materials and materials currently stockpiled at the Town Composting Facility in West Nyack; and

Whereas, the Department of Environmental Control has obtained competitive proposals from three contractors to perform corrective work on said stream in accordance with this plan; and

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

Continued on next page

RESOLUTION NO. (465-1998) CONTINUED

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

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

to perform said corrective work in accordance with their proposal for an amount not to exceed \$17,000.00; and

Be It Further Resolved that this shall be a proper charge to account # H 7182 409 0 55 53.

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. (466-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a potential hazard of a collapsing retaining wall along a stream bank within a drainage easement at tax maps 12-A-14.49 (4 April Lane); and

WHEREAS, the Department of Environmental Control has recommended the repair of this collapsing retaining wall, stabilizing stream banks with rock retaining walls, removal of silt; make necessary repairs to the disturbed areas; and

WHEREAS, the Department of Environmental Control has obtained proposals to perform said stream bank repair work; and, of these, the proposal from CAL MART ENTERPRISES, INC , 357A Route 59, West Nyack, NY is the lowest amount;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire CAL MART ENTERPRISES, INC. to perform the necessary work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$12,200.00 and shall be a proper charge to account #H-7182-409-0-55-55

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. (467-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Maintenance Bond in the amount of \$1,750.00, in connection with the dedication of the road(s) and improvements on March 11, 1997 in a subdivision known as Brookwood Rise, is hereby terminated; and the sum of \$1,750.00 may be released to the guarantor.

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. (468-1998)

Co. Profenna offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Letter of Credit No. 1642, dated December 15, 1997, in the amount of \$12,000.00, furnished to the Town to secure the wearing course and landscaping in connection with the Carsalon Site Plan, is hereby terminated; and Letter of Credit No. 1642 may be released.

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. (469-1998)

Co. Profenna offered and Co. Smith seconded

1996 Clean Water/Clean Air Bond Act--Title 3 Section 56-0303  
 Water Quality Improvement Projects and  
 Environmental Protection Fund Article 17-14 Environmental Conservation Law  
 Nonagricultural Nonpoint Source Projects  
 Municipal Resolution

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

Continued on next page

RESOLUTION NO. (469-1998) CONTINUED

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

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Clarkstown

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (470-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is the owner of certain roads known as Kemmer Avenue and Hutton Avenue, which are situated off Route 59, Nanuet, New York, and are designated on the Clarkstown Tax Map 163, and

WHEREAS, F B Nanuet Associates, LLC, has offered \$975,000 to purchase 673.17± ft. of Kemmer Avenue (25,544± sq. ft.) and 555.74± ft. of Hutton Avenue (26,654± sq. ft.) from the New York State Thruway forward;

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby declares that the Town property being 673.17± ft. of Kemmer Avenue (25,544± sq. ft.) and 555.74± ft. of Hutton Avenue (28,654± sq. ft.) from the New York State Thruway forward, situated off Route 59, Nanuet, New York, as surplus municipal property, and be it

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RESOLUTION NO. (470-1998) CONTINUED

FURTHER RESOLVED, that the Town Board hereby accepts the offer made by F B Nanuet Associates, LLC, to purchase 673.17± ft. of Kemmer Avenue (25,544± sq. ft.) and 555.74± ft. of Hutton Avenue (28,654± sq. ft.) from the New York State Thruway forward, for the sum of \$975,000 which equals the fair market value of said surplus property, ten (10%) on the signing of a contract and the balance of \$877,500 which is payable within forty-five days from the date of publication of a notice of this sale, which sale is subject to the following:

- 1. Easements, covenants and restrictions of record, if any;
- 2. Zoning Ordinance of the Town of Clarkstown;
- 3. Such state of facts as an accurate survey or personal inspection may reveal.

and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a contract of sale and a bargain and sale deed, in a form satisfactory to the Town Attorney, for delivery to the purchaser in accordance with the terms of this Resolution, and be it

FURTHER RESOLVED, that this Resolution is subject to Permissive Referendum.

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. (471-1998)

Co. Holbrook offered and Co. Maloney seconded

WHEREAS, soil erosion from drawdowns of Lake Lucille has been deposited in the pond located at 374 South Mountain Road, New City, NY the Lake, and;

WHEREAS, the Department of Environmental Control has recommended to excavate the sediment from the pond, place the sediment material on said property and make necessary restorations to the disturbed areas as part of the contract for Lake Lucille, and;

WHEREAS, the Department of Environmental Control recommends to provide a Change Order and extend to the Lake Lucille Sediment Removal/Restoration Project Bid # 26-1997 awarded to B. Anthony Construction Corp., 3170 Bordentown Avenue, Old Bridge, NJ, and;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire B. Anthony Construction Corp., to perform the sediment removal and restoration; and

Continued on next page

RESOLUTION NO. (471-1998) CONTINUED

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$ 24,395.00 and shall be a proper charge to account # H-5111 400 409 0 44

Resolution No. 313-1997

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. (472-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Thruway Authority has instituted a six year noise mitigation program;

NOW, THEREFORE, be it

RESOLVED, that Rudolph Yacyshyn, Chairman of the Clarkstown Planning Board, is hereby authorized and directed to file an application with the New York State Thruway Authority, for selection of a preferred treatment, and be it

FURTHER RESOLVED, that upon approval of the request, Charles E. Holbrook, Supervisor of the Town of Clarkstown, is hereby authorized to enter into and execute a project agreement with the New York State Thruway Authority.

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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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 9:30 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN  
Town Clerk