

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/09/98

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.

Police Promotion Ceremony was held promoting Lieutenant Vincent White to Captain. Police Honor Guard presented the colors. Chief Kevin Kilduff led the assembly in saluting the flag. Oath of office was administered to Capt. White. by Police Commissioner John Maloney. The Town Board congratulated Capt. White and his family.

The Town Board presented a Certificate of Award to Pushkar Durve of Boy Scout Troop 97 for Achieving the Rank of Eagle Scout. The Town Board congratulated him and his family on this achievement.

Det. Eileen Malloy, the new Director of the Clarkstown Youth Court, announced the graduation of the 25th class of incoming members. The graduation proceeded and the Town Board congratulated all of the graduates and their parents.

Supervisor declared the public portion of the meeting open.

Appearance: George Remault
New City

Questioned why kitchen space was not part of GLA of the Pyramid Mall.

Appearance: Donald Tracy, Esq
New City

Questioned former speaker on his understanding of GLA.

Appearance: Martin Bernstein
New City

Spoke regarding GLA and stated that he had been misinformed when he had asked about an appeal. He was told it had been overridden by the Court; however, he has since found out that there never was an appeal.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition for extension of a Clarkstown Consolidated Water Supply District #1: Sisters of Charity (8-A-4) was declared open, time: 8:45 P.M.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition for extension of a Clarkstown Consolidated Water Supply District #1: Sisters of Charity (8-A-4) was declared closed, RESOLUTION NO. (482-1998) ADOPTED, time, 8:49 P.M.

RESOLUTION NO. (482-1998)

Co. Smith offered and Co. Maloney seconded

ORDER EXTENDING CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 TO INCLUDE SISTERS OF CHARITY (8-A-4) adopted and signed (Complete Order on file in Town Clerk's Office).

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. (483-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants:

H#1 - w/s of Duryea Lane approx . 300' s/o Convent Rd. between Lot #'s 14 & 13

H#2 - w/s of Duryea Lane approx. 780' s/o Convent Rd. Lot #11

H#3 - w/s of Proposed Rd. between Lot #'s 16 & 17

H#4 - w/s of Proposed Rd. between Lot #'s 20 & 21

H#5 - w/s of Proposed Rd. s/o/ Loeser Dr. at Lot #1

H#6 - s/s of Proposed Rd. w/o Convent Rd. at Lot #4

Investigation No: 11434, and be it

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

Continued on next page

RESOLUTION NO. (483-1998) 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. (484-1998)

Co. Smith offered and Co. Maloney seconded

Resolved, that the Town Board Minutes of May 26, 1998 and June 1, 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. (485-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an amended petition pursuant to Article 17 of the General Municipal Law was presented to the Town Board of the Town of Clarkstown on April 15, 1998, for the annexation of certain territory in the Town of Clarkstown to the Village of Spring Valley, said territory being designated on the Clarkstown Tax Map as Map 8, Block A, Lots 7, 8, 9, 10, 11, 15, 16 and 17, and

WHEREAS, a Joint Hearing of the Town Board of the Town of Clarkstown and the Village Board of Trustees of the Village of Spring Valley, was duly held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on June 1, 1998, at 9:00 P.M., at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to SEQRA from our consultant Robert Geneslaw, which the Board has discussed and considered in making their decision herein, and

WHEREAS, THE Town Board of the Town of Clarkstown has duly considered said petition and the evidence presented at said hearing;

NOW, THEREFORE, be it

Continued on next page

RESOLUTION NO. (485-1998) CONTINUED

RESOLVED, that the Town Board of the Town of Clarkstown finds as follows:

(l) That the proposed annexation of certain territory in the Town of Clarkstown to the Village of Spring Valley as described in the aforesaid petition is not in the over-all public interest in that:

(a) The proposed annexation does not conform to the Town of Clarkstown Master Plan which speaks of medium density for the property;

(b) The proposed annexation and plan for 60 housing units on 5 acres of land is excessive;

(c) The proposed annexation will exacerbate the drainage problems and development in the downhill area should the property be developed by the owner under different zoning laws than the Town of Clarkstown;

(d) The proposed annexation does not take into account the servicing of the property by the existing Nanuet Ambulance Corps which would be a strain on the Corps. and be it

FURTHER RESOLVED, that a copy of this Resolution containing the findings of fact and determination of the Town Board of the Town of Clarkstown be forwarded by the Clarkstown Town Clerk to the Village Clerk of the Village of Spring Valley, and be it

FURTHER RESOLVED, that the determination be made part of the record of this proceeding on file in the Office of the Town Clerk of the Town of Clarkstown upon its adoption;

NOW, THEREFORE, it is ORDERED that the Town Board of the Town of Clarkstown hereby DENIES the request to annex the territory now situated in the Town of Clarkstown and designated on the Clarkstown Tax Map as Map 8, Block A, Lots 7, 8, 9, 10, 11, 15, 16 and 17, to the Village of Spring Valley.

TOWN BOARD
TOWN OF CLARKSTOWN

Dated: New City, New York
June 9, 1998

/s/

Charles E. Holbrook, Supervisor

/s/

John R. Maloney, Councilman

/s/

Ann Marie Smith, Councilwoman

/s/

Ralph F. Mandia, Councilman

/s/

Louis J. Profenna, Councilman

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. (486-1998)

Co. Mandia offered and Co. Maloney seconded

I, Patricia Sheridan, the duly qualified and acting Town Clerk of the Town of Clarkstown, New City, New York, do hereby certify that the following resolution was adopted at a regular meeting of the Town Board held on June 9, 1998, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, ended or revoked and is in full force and effect.

“RESOLVED, that Charles E. Holbrook, Supervisor of the Town of Clarkstown, is hereby authorized and directed to file an application for funds with the New York State Office of Parks, Recreation and Historic Preservation in accordance with the Subdivisions of Title 9 of the Environmental Protection Act of 1993 and/or Title 3 Clean Water/Clean Air Bond Act in an amount not to exceed \$300,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Clarkstown in order to purchase property at Heaton’s Pond, Valley Cottage, New York.”

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. (487-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to have “No Trespassing” signs erected at Louise Drive and Sayer Drive, West Nyack, New York.

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. (488-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, SAB-J REALTY, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 59, Block A, Lot 15.1, for the year(s) 1994/95, 1996/97 and 1997/98, and

Continued on next page

RESOLUTION NO. (488-1998) CONTINUED

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 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. (489-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Gertrude (Trudy) Baslow, 6 Woodland Road, New City, New York - Principal Clerk Stenographer - Parks Board and Recreation Commission - is hereby accepted - with regret - effective and retroactive to May 29, 1998, at the close of the business day.

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. (490-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognized the appointment by the Parks Board and Recreation Commission of Eileen C. Gray, 42 Capral Lane, New City, New York - to the position of (Provisional) Principal Clerk Stenographer - Parks Board and Recreation Commission - at the current 1998 salary of \$40,103., effective and retroactive to June 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. (491-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Emily Feiner, has requested an extension of her leave of absence, without pay, and

WHEREAS, Article XIX, Section I of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., provides for an extension of a leave of absence, without pay,

Now, therefore, be it

RESOLVED, that Emily Feiner, 74 Sickles Avenue, Nyack, New York - Director of Municipal Counseling Services - is hereby granted an extension of her leave of absence, without pay - effective July 1, 1998 to January 1, 1999.

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. (492-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 337-1998, adopted at the April 14, 1998 Town Board meeting, granting Cynthia Shaw - Counselor (Municipal Counseling Services) a leave of absence, without pay, from April 22, 1998 to August 3, 1998, is hereby amended to reflect a date change "from April 24, 1998 to August 3, 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. (493-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of William J. Collins, 27 Frederic Street, Nanuet, New York - Police Chief - Town of Clarkstown Police Department - is hereby accepted - with regret - effective and retroactive to June 2, 1998 (12:01 a.m.)

Continued on next page

RESOLUTION NO. (493-1998) 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. (494-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Kevin Kilduff, 15 Corners Road, Congers, New York - to the position of (Provisional) Police Chief - Town of Clarkstown Police Department - at the current salary of \$145,175., effective and retroactive to June 2, 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. (495-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #97075 Data Entry Operator I which contains the name of Carol Collura.

Now, therefore, be it

RESOLVED, that Carol Collura, 16 Southward Avenue, Congers, New York, is hereby appointed to the (Permanent) position of Less Than Full-Time Data Entry Operator I - Town Justice Department - at the current 1998 hourly rate of \$12.48 - effective and retroactive to June 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. (496-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Ann Daino, 15 Fersch Lane, Congers, New York is hereby reassigned from the position of Data Entry Operator I - Assesessor's Office to the position of Data Entry Operator I - Receiver of Taxes Office - effective date pending receipt of the Data Entry Operator I Certification of Eligibles.

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. (497-1998)

Co. Maloney offered and Co. Mandia 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 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 July 14, 1998, at 8:05 P.M. to consider the application of SUNRISE ASSISTED LIVING DEVELOPMENT, INC. to construct a 76 unit elder care facility, 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.

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. (498-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, STEPHEN CANALE and FRANK CANALE v. The TOWN OF CLARKSTOWN, Its ASSESSOR and BOARD OF ASSESSMENT REVIEW , Index No(s). 3982/95, 4929/96 and 5524/97, affecting parcel(s) designated as Map 6, Block A, Lot 10.3, for the year(s) 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 6, Block A, Lot 10.3 be reduced for the year(s) 1995/96 from \$492,700 to \$410,200 at a cost to the Town of \$280;

2. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 6, Block A, Lot 10.3 be reduced for the year(s) 1996/97 from \$492,700 to \$425,500 at a cost to the Town of \$250;

3. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 6, Block A, Lot 10.3 be reduced for the year(s) 1997/98 from \$492,700 to \$446,000 at a cost to the Town of \$192;

4. That reimbursement for the year(s) 1995/96, 1996/97 and 1997/98 on the parcel described as Map 6, Block A, Lot 10.3 be made within (60) days through the Office of the Commissioner of Finance. If payment is made within (60) days, no interest will be charged; and

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

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (499-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, PRENTICE-HALL, INC. v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, NICHOLAS LONGO, AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 5004/93, 4096/94, 4161/95, 4233/96 and 4070/97, affecting parcel(s) designated as Map 51, Block A, Lot 23, for the year(s) 1993/94, 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 51, Block A, Lot 23 be reduced for the year(s) 1993/94 and 1994/95 from \$12,000,000 to \$8,520,000 at a cost to the Town of \$96,082;

2. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 51, Block A, Lot 23 be reduced for the year(s) 1995/96 from \$12,000,000 to \$8,640,000 at a cost to the Town of \$49,825;

3. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 51, Block A, Lot 23 be reduced for the year(s) 1996/97 and 1997/98 from \$12,000,000 to \$8,760,000 at a cost to the Town of \$98,585;

4. That reimbursement for the year(s) 1993/94, 1994/95, 1995/96, 1996/97 and 1997/98 on the parcel described as Map 51, Block A, Lot 23 be made within (60) days through the Office of the Commissioner of Finance. If payment is made within (60) days, no interest will be charged; and

5. 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:

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

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RESOLUTION NO. (500-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Atzl, Scatassa & Zigler, surveyors and land planners, to prepare a survey on property designated on the Clarkstown Tax Map as Map 57, Block M, Lot 13.1, New City, New York, and be it

FURTHER RESOLVED, that the fee for such survey shall not exceed \$6,875.00 and shall be charged to A-1420-409.

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. (501-1998)

Co. Maloney offered and Co. Profenna 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 the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board for their recommendation and report:

AMEND the R-160 zoning district to include cemeteries.

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. (502-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the existing drainage pipes were recently removed and replaced along the side and rear of the said property and ponding areas and weed growth has occurred as a result of this construction and;

WHEREAS, the Department of Environmental Control has recommended a solution for installing topsoil, seed and mulch as necessary and spraying for weed growth and;

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RESOLUTION NO. (502-1998) CONTINUED

WHEREAS, the Department of Environmental Control has solicited proposals to perform said landscape restoration work;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire KJS HAULING AND HOME IMPROVEMENTS to perform the necessary landscape restoration work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$525.00 and shall be a proper charge to account # H-7182-409-0-55-11

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. (503-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes Lawrence Berkowitz, Computer Network Specialist, to attend the PC Exposition at the Jacob Javits Center in New York on June 18 and 19, 1998, and be it

FURTHER RESOLVED, that all the proper costs shall be charged to Account No. A 1680-414.

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. (504-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following nonprofit organizations 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:

Clarkstown Summer Theatre	\$ 800.00
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RESOLUTION NO. (506-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with A&R Alarm Corp., in a form approved by the Town Attorney, to provide monitoring alarm services at the Police garage and impound yard, and be it

FURTHER RESOLVED, that the agreement shall be for a period of two years commencing June 1, 1998, and the fee shall be \$216.00 annually, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to June 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. (507-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, certain work consisting of grading and seeding on Lot 5 (TML 41A6.05), construction of berm and drainage swale on Lots 4 (TML 41A6.04), 5 (TML 41A6.05), and 6 (TML 41A6.06) in a subdivision known as Britali Estates has not been completed, and

WHEREAS, the Builder of said lots has failed to complete the work in a timely manner in accordance with Section 5-4D of the Town Code, and

WHEREAS, the Town of Clarkstown is holding escrow from Woodhills Circle, Inc. in the amount of \$6,000.00 for the completion of the grading and seeding on Lot 5 (TML 41A6.05), construction of berm and drainage swale on Lots 4 (TML 41A6.04), 5 (TML 41A6.05), and 6 (TML 41A6.06),

NOW THEREFORE BE IT RESOLVED that the Town of Clarkstown hereby declares the sum of \$6,000.00 deposited by Woodhills Circle, Inc. to be in default.

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. (508-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, certain work consisting of driveway top course paving on Lot 2 (TML 41A6.02), in a subdivision known as Britali Estates has not been completed, and

WHEREAS, the Builder of said lots has failed to complete the work in a timely manner , and

WHEREAS, the Town of Clarkstown is holding escrow from Monsey Lumber in the amount of \$2,000.00 for the completion of the driveway top course paving on Lot 2 (TML 41A6.02),

NOW THEREFORE BE IT RESOLVED that the Town of Clarkstown hereby declares the sum of \$2,000.00 deposited by Monsey Lumber to be in default.

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. (509-1998)

Co. Mandia offered and Co. Maloney seconded

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

BID #41-1998
DRAINAGE IMPROVEMENTS - STREAM NJ-12-6
CRIEF LANE, NEW CITY

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: JULY 7, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Environmental Control upon payment of a \$15.00 non-refundable fee.

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. (510-1998)

Co. Mandia offered and Co. Maloney seconded

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

BID #42-1998
ROAD & DRAINAGE IMPROVEMENTS
PARK TERRACE/BLUEBIRD DRIVE, CONGERS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: JULY 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 Environmental Control upon payment of a \$15.00 non-refundable fee.

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. (511-1998)

Co. Mandia offered and Co. Maloney seconded

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

BID #43-1998
HUB SHOPPING CENTER/ROUTE 59
INTERSECTION IMPROVEMENTS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 p.m. on: JULY 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 Environmental upon payment of a non-refundable fee of \$15.00

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. (512-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown by Agreement dated November 6, 1978 entered into a contract with the Village of Upper Nyack for the use of the Upper Nyack sewer system, which connects to the Town of Orangetown sewers, to service various properties in the Town of Clarkstown known as 136-C-3.2, 136-C-3.3, 136-C-5, 136-C-8, and 136-C-10.1, and

WHEREAS, the Village of Upper Nyack seeks reimbursement from the Town of Clarkstown for sewer service provided to the affected properties during the year 1996-1997, and

WHEREAS, it is just and proper that the Village of Upper Nyack be compensated for the sewer service provided the Clarkstown properties during 1996-1997;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$23,968.58 shall be paid to the Village of Upper Nyack for reimbursement from the Town of Clarkstown for sewer service provided to the affected properties during the year 1996-1997.

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. (513-1998)

Co. Maloney offered and Co. Smith seconded

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 K. Luke Kalarickal, P.E., Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review of the Lake Lucille Aquatic Plant Growth Control District.

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. (514-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown, on its own motion, has proposed increasing the maximum amount to be expended for the AQUATIC PLANT GROWTH CONTROL DISTRICT for LAKE LUCILLE, in the unincorporated area of the Town of Clarkstown, and

WHEREAS, Cordry, Carpenter, Dietz & Zack, consulting engineers, conducted an on-site inspection of the Lake Lucille Dam on or about June 24, 1997, and

WHEREAS, it was determined that the dam was in need of repair and remediation, as more fully set forth in their detailed inspection report of July, 1997, and

WHEREAS, said report was filed in the office of the Town Clerk on April 24, 1998, and

WHEREAS, a supplemental letter dated June 9, 1998 amending the Cordry, Carpenter, Dietz and Zack's report of July, 1997, was prepared and filed by the Department of Environmental Control in the office of the Town Clerk of the Town of Clarkstown on June 9, 1998, and

WHEREAS, the boundaries of the proposed Aquatic Plant Growth Control District for Lake Lucille are as follows:

Lake Lucille - Clarkstown Tax Map 43

BLOCK A: LOT # 1, 2, 3, 4, 5.01, 6.01, 6.02, 7, 8, 9

BLOCK B: LOT # 1, 2, 3, 3.01, 3.02, 4, 5, 6, 7, 8, 9, 10,
13.01, 14, 15.01, 17, 18, 19, 20, 21, 22

BLOCK C: LOT # 1, 2.01, 4, 5, 6, 7, 7.01, 8, 9, 10, 11,
11.01, 12, 13, 13.01, 14, 15, 16

BLOCK D: LOT # 2, 2.01, 3, 4, 4.01, 4.02, 5, 6, 7, 10
11, 13, 14

BLOCK E: LOT # 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 8.04,
8.05, 8.08, 8.09, 8.10, 8.16, 8.17, 8.18, 8.19

BLOCK F: LOT # 1.01, 4, 5, 7, 8, 10, 12, 13, 14, 15, 16.01,
18, 19, 20, 21, 22, 23, 25, 26, 30

BLOCK G: LOT # 1, 2, 2.01, 3.01, 7, 8, 9, 10, 11, 12

and

WHEREAS, the improvements proposed are shown in the report of Cordry, Carpenter, Dietz and Zack, and

WHEREAS, the proposed increase in the maximum amount to be expended for the improvement is \$250,000.00, and

Continued on next page

RESOLUTION NO. (514-1998) CONTINUED

WHEREAS, the expense of the cost of constructing the improvements in the Aquatic Plant Growth Control District for Lake Lucille, herein described, shall be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom, and

WHEREAS, the proposed method to be employed for financing such improvement is by sale of bonds, and

WHEREAS, a map, plan and report describing such improvement are on file in the office of the Town Clerk of the Town of Clarkstown for public inspection, it is

ORDERED, that the Town Board of the Town of Clarkstown, shall meet at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, on June 23, 1998, at 8:10 P.M., for the purpose of conducting a public hearing on the proposal to increase the maximum amount to be expended in said Aquatic Plant Growth Control District for Lake Lucille with the improvements specified in the report of Cordry, Carpenter, Dietz & Zack, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is

FURTHER ORDERED, that the Town Attorney of the Town of Clarkstown, is hereby authorized and directed to publish a copy of this Order in the official newspaper and, the Town Clerk is hereby authorized and directed to post a copy of the same on the signboard of the Town of Clarkstown, in the time and manner required by law.

TOWN BOARD, TOWN OF CLARKSTOWN

/s/
Charles E. Holbrook, Supervisor

/s/
John R. Maloney, Councilman

/s/
Ann Marie Smith, Councilwoman

/s/
Ralph F. Mandia, Councilman

/s/
Louis J. Profenna, Councilman

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. (515-1998)

Co. Mandia 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 for property located on the east side of Pascack Road and the north side of Will Rogers Lane, Nanuet, New York, more particularly described on the Clarkstown Tax Map as: Map 5, Block A, Lot 27, and

Continued on next page

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RESOLUTION NO. (515-1998) CONTINUED

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board of the Town of Clarkstown on April 28, 1998 at 8:10 P.M., to consider such application, and

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form pursuant to SEQRA, from the Director of Environmental Control, which the Board has discussed and considered such report in making their decision herein;

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 based upon Resolution No. 227-1998, adopted by the Town Board of February 24, 1998, the Town Board, as lead agency, hereby determines that the special permit 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 a Special Permit to conduct a landfill on the above described property is hereby GRANTED to the petitioner subject to the following conditions:

1. Petitioner must comply with Section 290-17L of the Zoning Ordinance of the Town of Clarkstown annexed hereto;
2. The fill material shall be clean fill which shall be the only material disposed of by the applicant under this permit and such material shall not be placed in the landfill until examined by the Department of Environmental Control, and found to consist of solely the materials represented by the applicant. Applicant shall keep a daily written log as to the contents and the source of the fill material, which log shall be open for inspection at all times to personnel of the Town of Clarkstown Department of Environmental Control;

Continued on next page

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RESOLUTION NO. (516-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, one additional excavator is required for the continued concrete recycling and wood mulching operation at the Route 59 Compost Site;

NOW, THEREFORE, be it

RESOLVED, that K. Luke Kalarickal, Director, Department of Environmental Control, is authorized to lease one new caterpillar 325 Hydraulic Excavator for five (5) years at a cost of \$5,077.67 per month, 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. (517-1998)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, to increase Appropriation Account A-7610-301 (Program for the Aging - Food) by \$357 and to increase Revenue Account 01-002001 (Park and Recreation Charges) by \$357.

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. (518-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against Police Officer William Fritz as follows: JOHN LOWE v. CITY OF NEW YORK, JAMES T. O'BRIEN, individually, WILLIAM FRITZ, individually, MICHAEL RAMOS, individually, ROBERT OCCHIOGROSSO, individually, ROBERT DEMARCO, individually, BRAD ROSKEN, individually, HEBER DUNKLE, individually, and WILLIAM J. BRATTON, individually;

NOW, THEREFORE, be it

Continued on next page

RESOLUTION NO. (518-1998) CONTINUED

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding on behalf of Police Officer William Fritz.

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. (519-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 472, adopted by the Town Board of the Town of Clarkstown on May 26, 1998 is hereby amended as follows:

“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 if applicable, for financial assistance in an amount of \$10,000 for each project, for a total not to exceed \$30,000 and be it

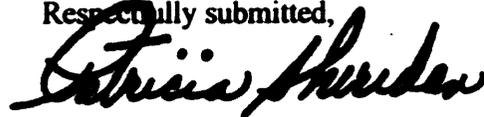
FURTHER RESOLVED, that upon approval of the request, Charles E. Holbrook, Supervisor of the Town of Clarkstown, is hereby authorized to enter into and execute a project agreement with the New York State Thruway Authority, if applicable, for such financial assistance from the Town of Clarkstown for the construction of noise barriers.

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. Profenna, seconded by Co. Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

06/09/98

8:45 P.M.

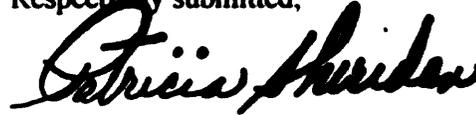
Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Re: Petition for Extension of Clarkstown Consolidated Water Supply District #1:
Sisters of Charity (8-A-4)

On motion of Co. Smith, seconded by Co. Maloney 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. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (482-1998) ADOPTED, TIME 8:49 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk