

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/11/98

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. Assemblage saluted the Flag.

Supervisor opened the public portion of the meeting.

Appearance: Russell Trojan
Nanuet

He spoke regarding Item No. 2. He asked if that resolution should also include Special Permits. He is in support of the resolution.

Appearance: Martin Berstein
New City

He spoke regarding Item No. 2. He asked if this was the same thing as the new law called Comprehensive Plan.

Appearance: Catherine Nowicki
Nanuet

She is in favor of Item No. 2, the moratorium for the freeze on new zone changes.

Appearance: Ed Day
President of Little Tor Neighborhood Association

On behalf of the Little Tor Neighborhood Association, he expressed full support for a six month freeze on new zone changes.

Appearance: Michael Zac
West Nyack

Regarding input from the Hamlets on the master plan, what is the process to be followed.

Appearance: Martin Bernstein
New City

Regarding the redevelopment of the center of New City.

Appearance: Linda Pasture
Bardonia

Spoke re: Nanuet Fire Substation.. The Fire Department should not have blanket approval.

Appearance: Richard Siddi
Bardonia

He asked why there would be a two bay garage at the Nanuet Fire Substation when there was only one fire truck.

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Appearance: Rudolph Yacyshyn
Chairman, Clarkstown Planning Department

He explained the process to be followed if the Planning Board acted in an advisory capacity as opposed to a formal referral regarding the Nanuet Fire Substation.

Appearance: Greg Tobin
President, Nanuet Fire Company

He responded to the residents questions regarding the Nanuet Fire Substation. He said that he would meet with the Planning Board and the citizens.

Appearance: Linda Fixler
Bardonia

Regarding the Nanuet Fire Substation, she feels there is a conflict of interest with two of the Councilmembers.

Appearance: Irene Furintino
Bardonia

Regarding the Nanuet Fire Substation, she asked the Board to go back and change their decision granting approval.

Appearance: Irene Widman
Bardonia

Questioned how the Nanuet Fire Substation was allowed to be built.

Appearance: Mr. Tortani
Bardonia

He is opposed to the Nanuet Fire Substation.

Appearance: Indian
Bardonia

She is opposed to the Nanuet Fire Substation and feels that two members of the Board should not vote.

Appearance: Joel Epstein
Bardonia

He asked if the Building Permit would be held in abeyance until discussion was held with the Planning Board and the citizens.

Appearance: Adolph Milich
Building Inspector

He explained the difference between holding up a building permit and a stop work order.

Appearance: Arlene Wittacker
Bardonia

Asked the Board to reconsider their decision re: the Nanuet Fire Substation.

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Appearance: Carole Manse
Bardonia

Regarding the Nanuet Fire Substation, she questioned how the trucks would get across Route 304.

Appearance: Kathy Siddi
Bardonia

She would like the Building Permit to be held in abeyance.

RESOLUTION NO. (610-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of July 14, July 21 and August 3, 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 HolbrookYes

RESOLUTION NO. (611-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

“A LOCAL LAW PROHIBITING THE PROCESSING OF ZONE CHANGE APPLICATIONS FOR A PERIOD OF TWELVE MONTHS TO GIVE THE PLANNING BOARD AMPLE TIME TO REVIEW AND AMEND THE COMPREHENSIVE PLAN

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to § 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on September 15, 1998 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (612-1998)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the legislature of Rockland County has approved, by Resolution No. 432 of 1998, the transfer and conveyance to the Town of Clarkstown, by Quit Claim Deed, of approximately .55 acres of County property along Route 59 in West Nyack, New York, designated on the Clarkstown Tax Map as Map 120, Block A, Lots 33.4 and 33.5, and

WHEREAS, the legislature of Rockland Count has approved such conveyance for no consideration, and

WHEREAS, the Town Board wishes to accept the conveyance of County property on behalf of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to take all steps necessary including preparing a Quit Claim Deed and other associated documents to convey parcels designated on the Clarkstown Tax Map as Map 120, Block A, Lots 33.4 and 33.5.

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. (613-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Superintendent of Recreation and Parks and the Parks Board and Recreation Commission have proposed that a renovation be done to the Congers Lake No. 1 baseball field, and

WHEREAS, the cost shall not exceed \$100,000.00 plus 10% contingency fee;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown shall proceed to renovate the Congers No. 1 baseball field.

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. (614-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Superintendent of Recreation and Parks and the Parks Board and Recreation Commission have proposed that the Town install lights at four high school baseball fields, to wit: Clarkstown North High School; Clarkstown South High School; Nanuet High School, and Nyack High School, and

WHEREAS, the total cost of such lighting is \$750,000.00 plus a 10% contingency fee, and

WHEREAS, the school districts shall maintain the fields, the Town of Clarkstown will charge fees for their use, and the Town shall supervise the use of the fields;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into three agreements, pursuant to Article 5-G of the General Municipal Law, with the Clarkstown Central School District; the Nanuet School District, and the Nyack School District providing for the installation of lighting at these four baseball fields

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. (615-1998)

Co. Profenna offered and Co. Smith seconded

WHEREAS, a certain veterans' organization has requested monetary assistance from the Town to defray rent costs, provide funds for parades, memorial services and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750.00 (\$500 for leasing or rental and maintenance of meeting facility and \$250 for patriotic observance) to the following veterans' organization for the year 1998:

American Legion Naurashank	Post 794
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FURTHER RESOLVED, that claims for such sum shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 1998 account No. A-6510-401.

RESOLUTION NO. (615-1998) 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. (616-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, an action was commenced entitled, "Universal Outdoor, Inc. v. Town of Clarkstown," Index No. 6970/97, one of which allegation was the destruction of a billboard, and

WHEREAS, it has been proposed to settle this action by the giving of a 10-year lease to Eller Media Company, and

WHEREAS, it appears to be in the best interest of the Town to settle such action;

NOW, THEREFORE, be it

RESOLVED, that the action entitled, "Universal Outdoor, Inc. v. Town of Clarkstown" is hereby settled by the giving of a 10-year lease; and the Supervisor of the Town of Clarkstown is hereby authorized to execute any and all documents necessary to effectuate this 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. (617-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, on July 11, 1997, a culvert located at Brookside Avenuc, Valley Cottage, New York, was damaged as a result of an accident which occurred involving a vehicle owned and/or operated by JAMESCO TRANSPORTATION COMPANY, and

WHEREAS, as a result of the said accident, damages incurred amounted to \$5,835.00 plus costs and disbursements, and

WHEREAS, an offer was made by the responsible parties to resolve this matter for \$6,290.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Town Attorney to settle this matter for the amount of \$6,290.00.

RESOLUTION NO. (617-1998) 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. (618-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Patricia McCoy-Coleman proposes a new program, wherein she will accept for referral, defendants charged with violations of barking dogs, and dog related violations, except for a dangerous dog charge, and educate the defendants on how to deal with these problems, and

WHEREAS, the defendant will be charged a fee of \$25.00 for attending the program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Patricia McCoy-Coleman to establish an educational program, wherein she will accept for referral, defendants charged with violations of barking dogs, and dog related violations, except for a dangerous dog charge, and educate the defendants on how to deal with these problems, for a fee of \$25.00.

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. (619-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the operation of the Clarkstown Police Juvenile Aid Bureau, and

WHEREAS, the State and County have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 % matching funds basis;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Juvenile Aid Bureau grant application for 50/50 % Division for Youth funding for 1999, and be it

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RESOLUTION NO. (619-1998) Continued

FURTHER RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

On roll call the vote was as follows:

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

RESOLUTION NO. (620-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown Youth Court program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 % matching funds basis;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Youth Court grant application for 50/50 % Division for Youth funding for 1999, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

On roll call the vote was as follows:

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

RESOLUTION NO. (621-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Performance Guaranty in the amount of \$10,000 held in connection with the Ceil Haber Subdivision is hereby terminated; and the sum of \$10,000 may be released to the guarantor.

RESOLUTION NO. (621-1998) 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. (622-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, AOR Developers, Inc. furnished to the Town of Clarkstown a Performance Bond secured by Letter of Credit No. 1629 in the amount of \$215,600.00, to cover the improvements and other facilities as shown on the final plat of Rockridge Estates, which was filed in the Rockland County Clerk's Office on September 18, 1997, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$140,350.00, as much of the work has been completed to Town specifications:

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 1629 in the amount of \$215,600.00 be reduced to \$140,350.00.

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. (623-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that K.Luke Kalarickal, Director, Department of Environmental Control, is hereby authorized to attend the American Public Works Satellite Teleconference on the Selection and Use of Consultants to be held Wednesday, August 19, 1998 at the Rockland County Fire Training Center, Pomona, 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:

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

RESOLUTION NO. (624-1998)

Co. Smith offered and Co. Profenna seconded

Rudolph J. Yacyshyn, Chairman of the Clarkstown Planning Board is hereby authorized to attend the New York Planning Federation Conference to be held in Rochester, New York, September 13 - 16, 1998. All fees shall be charged against Department of Planning account B-8020, Lines 404 & 414.

On roll call the vote was as follows:

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

RESOLUTION NO. (625-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, is hereby authorized to attend the 1998 International Public Works Congress & Exposition, sponsored by the American Public Works Association, to be held in Las Vegas, Nevada September 13-17, 1998, and be it,

FURTHER RESOLVED, that all necessary expenses be allocated against Account No. DB-5110-414.

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. (626-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$13,384.26 from EklccCo. as a donation which includes the substation, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 2705 2 by \$13,384.26 and the following Appropriation accounts:

A 3120 113 (Police Overtime).....\$ 3,072.00
A 3120 225 (Computer Equipment)..... 3,680.72
A 3120 230 (Communications Equipment)..... 5,305.00
A 3120 303 (Hospital & Medical Supplies)..... 619.99
A 3120 326 (Law Enforcement Supplies)..... 706.55

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RESOLUTION NO. (626-1998) Continued

WHEREAS, various funds require additional funding, and be it

THEREFORE RESOLVED, to decrease Appropriation Account No. A 1330 110 (Receiver of Taxes-Salaries) and increase A 1330 225 (Computer Equipment) by \$7,925.00; decrease A 1330 226 (Computer Software) and increase A 1330 438 (Maintenance Agreements) by \$300.00 and increase Estimated Revenue Account No. A 01 10 3006 0 (STAR Program) by \$17,726.94 and the following Appropriation Accounts:

A 1680 225 (Data Processing-Computer Equipment).....	\$ 8,000.00
A 1670 411 (Mail & Copy- Postage).....	9,726.94

On roll call the vote was as follows:

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

RESOLUTION NO. (627-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$3,072.00 from EklecCo./Palisades as a donation, and be it

THEREFORE RESOLVED, to increase A 01 3 2705 2 (General Fund-Donations) and A 3120 113 (Police-Overtime) by \$3,072.00 and

WHEREAS, various appropriation accounts require additional funding, and be it

THEREFORE RESOLVED, to transfer \$15,936.00 from the Reserve for Seized & forfeited Property (A 890) to A 3120 225 (Police-Computer Hardware); transfer \$10,000.00 from the DARE Reserve Account (A 885) to A 3230 319 (DARE-Misc. Supplies); increase Estimated Revenue Account No. A 01 3 1520 3 (Burglar Alarm Violations) and A 3120 404 (Police-Travel, mileage, meals) by \$5,000.00; increase Estimated Revenue Account No. A 01 14 2999 0 (General-Unexpended Balance) by \$21,550.00 and the following Appropriation Accounts:

A 1680 225 (Data Processing-Computer Hardware).....	\$ 1,000.00
A 3410 114 (Fire Board Appeals-Part-time).....	500.00
A 5650 461 (Commuter Parking-Elec/Gas).....	2,000.00
A 8090 409 (Aquatic Pests-Fees for Services).....	15,000.00
A 9000 409 (Employee Benefits-Fees for Services).....	50.00
A 9710 409 (Debt Services-Fees for Services).....	3,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (628-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, various funds require additional funding, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 8 2680 0 (General-Insurance Recoveries) and A 3120 110 (Police-Salaries) by \$23,760.00

On roll call the vote was as follows:

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

RESOLUTION NO. (629-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Data Processing Department is hereby allocated a Petty Cash Fund in the amount of \$100.00 to be charged to A 210 (Petty Cash).

On roll call the vote was as follows:

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

RESOLUTION NO. (630-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that Cynthia Shaw, 62 Sixth Avenue, Nyack, New York, Counselor Clarkstown Counseling Center is hereby granted a half time leave of absence for the period commencing August 3, 1998 to February 3, 1999.

On roll call the vote was as follows:

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

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RESOLUTION NO. (631-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Captain of the Police Department and the Director of Purchasing that

BID #46-1998
CARGO VAN FOR CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to

SCHULTZ FORD INC
80 ROUTE 304
NANUET NY 10954
PRINCIPAL: THEODORE L. SCHULTZ

as per their proposed vehicle cost of \$23,800.00 for a 1999 Ford E35 Super Van

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. (632-1998)

Co. Maloney offered and Co. Mandia seconded

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

BID #44-1998
COMPUTER AND WORD PROCESSING SUPPLIES

is hereby awarded to:

O.P.G. INDUSTRIES INC
140 58TH STREET
BROOKLYN ARMY TERMINAL
BLDG 5-B 5TH FLOOR
BROOKLYN NY 11220
PRINCIPALS: DON THOMPSON
DAN SCHWEEKE

CAMBRIDGE DATA GRAPHICS INC
1 HOLLYWOOD AVE BLDG 24
HO-HO-KUS NJ 07423
PRINCIPALS: JACK CONNOLLY
ANN CONNOLLY

SOURCE OFFICE SUPPLY INC
CLARKSTOWN PLAZA
170 SO MAIN STREET
NEW CITY NY 10956
PRINCIPALS: JOHN GAVIGAN
LAWRENCE STEVENSON

BOUTONS BUSINESS MACHINES
95 ROUTE 304
NANUET NY 10954
PRINCIPAL: PATRICK DESPIRITO

(Price schedule on file in Town Clerk's Office)

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RESOLUTION NO. (632-1998) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (633-1998)

Co. Maloney offered and Co. Mandia seconded

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

BID #51-1998
 SALE OF SURPLUS VEHICLES

is hereby awarded to:

BOB TALL
 263 ALBANY POST RD.
 MONTROSE, NY
 PRINCIPAL: BOB TALL

LIBERTY MOTORS, INC.
 1705 KENNEDY BLVD.
 JERSEY CITY, NJ 07305
 PRINCIPAL: JEFFREY DROUTMAN

LU-ANNE L. LIVSEY
 15 ORFEO RD.
 WALLKILL, NY 12589
 PRINCIPAL: LU-ANNE L. LIVSEY

TEPLITZ AUTO PARTS
 PO BOX 280
 NANUET, NY 10954
 PRINCIPAL: ANTHONY TEPLITZ
 ADEL K. TEPLITZ

WINNERS MOTOR CORP.
 PO BOX 770893
 WOODSIDE, NY 11377
 PRINCIPAL: UZI ARGAMAN

(Price schedule on file in Town Clerk's Office)

On roll call the vote was as follows:

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

RESOLUTION NO. (634-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Town Traffic Engineering Consultant that

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RESOLUTION NO. (634-1998) Continued

BID #47-1998
1998 ROADWAY RESURFACING PROGRAM

is hereby awarded to:

YONKERS CONTRACTING COMPANY, INC.
969 MIDLAND AVENUE
YONKERS, NY 10704
PRINCIPAL: CARL E. PETRILLO

as per their low bid proposal of \$1,295,922 and be it

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

- a) Signed Contract Documents - two copies
- b) Performance Bond - 100%
- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractor's Liability, Automobile Liability, and Property Damage Insurance Coverage
- e) Certificate of Worker's Compensation and Worker's Disability Coverage

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. (635-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Town Traffic Engineering Consultant that

BID #48-1998
1998 CURB AND SIDEWALK REPLACEMENT PROGRAM

is hereby awarded to:

BELLAVISTA CONSTRUCTION CORP.
P.O. BOX 753, ARDSLEY, NY 10502
PRINCIPAL: YOLANDA DE SANTIS
JOSEPH DE SANTIS

as per their low bid proposal of \$132,092 and be it

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

- a) Signed Contract Documents - two copies
- b) Performance Bond - 100%

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RESOLUTION NO. (635-1998) Continued

- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractor's Liability, Automobile Liability, and Property Damage Insurance Coverage
- e) Certificate of Worker's Compensation and Worker's Disability Coverage

On roll call the vote was as follows:

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

RESOLUTION NO. (636-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received and opened bid proposals for the subject project; and

WHEREAS, said proposals have been reviewed by the Department of Environmental Control; and

WHEREAS, Tilcon New Jersey, Inc., the apparent low bidder, has notified the Town that due to major errors in their proposal they have requested, and been granted, permission to withdraw said proposal; and

WHEREAS, this withdrawal results in County Asphalt, Inc. being the lowest responsible bidder; and

WHEREAS, County Asphalt, Inc.'s proposal has been found to be acceptable;

NOW, THEREFORE, be it

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

BID NO. 42-1998
 ROAD & DRAINAGE IMPROVEMENTS -PARK TERRACE/BLUEBIRD DRIVE

is hereby awarded to

County Asphalt, Inc.
 P.O. Box 96, West Main Street
 Tarrytown, New York 10591

PRINCIPALS: John T. Cooney Jr., President
 John T. Cooney Sr., Vice-president
 Frank D. Cooney III, Vice-president
 Frank D. Cooney Jr., Treasurer
 Michael S. Cestone, Secretary

as per their base bid proposal of \$194,000.00; and be it

FURTHER RESOLVED, that successful low bidder shall, as a condition of this award, provide the Director of Purchasing with the following in accordance with the contract specifications:

RESOLUTION NO. (636-1998) Continued

- 1) Certificate of Contractor's Liability Insurance including a Save Harmless clause.
- 2) Certificate of Worker's Compensation Insurance.
- 3) Certificate of Worker's Disability Insurance coverage.
- 4) 100% Labor and Material Bond
- 5) 100% Performance Bond

On roll call the vote was as follows:

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

RESOLUTION NO. (637-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Town Board resolution #602-1998 is hereby amended to read

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

BID # 45A-1998

AIR CONDITIONING UNIT REPLACEMENT CONGERS COMMUNITY CENTER

is hereby awarded to:

A&J Installation, Inc.
 45 Wayne Avenue
 Suffern, NY 10901
 PRINCIPAL: Joseph Calandra

As per their base bid proposal of \$11,885.00, and be it,

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

- 1) Certificate of Contractors Liability and Property Damage Insurance
- 2) Certificate of Automobile Liability Insurance
- 3) Certificate of Worker's Compensation Insurance
- 4) Certificate of Worker's Disability Insurance

On roll call the vote was as follows:

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

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RESOLUTION NO. (638-1998)

Co. Mandia offered and Co. Maloney seconded

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, 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 density layout map entitled, "Sachill Realty Corp., Town of Clarkstown, Rockland County, New York, Density Layout Subdivision Plat," dated March 19, 1998, last revised June 10, 1998, prepared by Atzl, Scatassa & Zigler, P.C., Surveyors-Planners, New City, 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 Sachill Realty Corp., described above, 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:

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

RESOLUTION NO. (639-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown herein called the "Municipal Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as:

"Mandated Fuel Tank Removals and Remediation
at the Highway Department Site"

and identified as No. 5355,04,0 herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

"WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the State before the State may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, the State Water Pollution Control Revolving Fund Act (the SRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund "the Fund") to be used for purposes of the Water Quality Act; and

RESOLUTION NO. (639-1998) Continued

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the fund; and

WHEREAS, the Corporation has the responsibility to administer the fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the SRF Act; and

WHEREAS, the Act authorizes the establishment of a program for short-term financial assistance for the planning of eligible projects in addition to its program for long-term financial assistance for planning, development and construction of eligible projects;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown as follows:

1. The filing of an application for SRF assistance in the form required by the Corporation in conformity with the SRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application for SRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

Supervisor Charles E. Holbrook
and
Edward J. Duer, Comptroller

3. The official(s) designated above are authorized to make application for financial assistance under the SRF Program for either short-term or long-term financing of the project.
4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 50 Wolf Road, Albany, New York 12205-02603.
5. This Resolution shall take effect immediately.

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. (640-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown wishes to study the accounting and internal control systems of the Clarkstown Highway Department, and

WHEREAS, Korn, Rosenbaum Phillips & Jauntig LLP has submitted a proposal to provide such services to the Town, and be it

THEREFORE RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement in a form satisfactory to the Town Attorney, to provide the study at an hourly rate with the total fee not to exceed \$6,000.00, and be it

FURTHER RESOLVED, that such study be charged to Appropriation Account DB 5110 409 (Fees for Services).

On roll call the vote was as follows:

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

RESOLUTION NO. (641-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, SEQRA AND SITE PLAN review of the FB Nanuet property, more particularly known as Map 163, Block A, Lot 3+, is beyond the scope of Robert Geneslaw's contract as Planning Consultant with the Town of Clarkstown, and

WHEREAS, the Town Board wishes to hire the Robert Geneslaw Co. to perform SEQRA and SITE PLAN review of the FB Nanuet property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Robert Geneslaw Co. to provide SEQRA and SITE PLAN review of the FB Nanuet property, more particularly known as Map 163, Block A, Lot 3+, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that said services shall be on a per diem basis in accordance with the fee schedule attached, and be it

FURTHER RESOLVED, that fees for such services shall be paid through an escrow account in the amount of \$10,000 which shall be funded by the property owner prior to this contract going into effect.

On roll call the vote was as follows:

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

RESOLUTION NO. (642-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 1998 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached.

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. (643-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 1998 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for such proportions are attached.

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. (644-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 23, 1998, provided for a public hearing on July 14, 1998, at 8:10 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of the road known as GRANT AVENUE, Congers, New York, as described in Schedule "A" attached, and which is situated adjacent to property known on the Clarkstown Tax Map as Map 111, Block A, Lot 12.03 and

RESOLUTION NO. (644-1998) Continued

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated July 13, 1998, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment 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 portion of GRANT AVENUE, Congers, New York, as described in the attached Schedule "A" and which is situated adjacent to property known on the Clarkstown Tax Map as Map 111, Block A, Lot 12.03, is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of the road known as GRANT AVENUE, Congers, New York, as described in the Schedule "A" attached, and be it

FURTHER RESOLVED, that the recommendation of the Superintendent of Highways of the Town of Clarkstown that a highway be abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor HolbrookYes
- *****

RESOLUTION NO. (645-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown Central School District has offered to gratuitously convey to the Town of Clarkstown a strip of land approximately fifty feet wide and six hundred and twenty feet long (50'x620'), which presently serves as a secondary access road, running south from Demarest Mill Road to the Clarkstown South High School, in West Nyack, New York, and as shown on Tax Map 72 annexed hereto, and

WHEREAS, the Superintendent of Highways for the Town of Clarkstown recommends acceptance of the strip of land into the Town highways system subject to the School District repaving by a bituminous cap of at least one and one-half inches in depth (1½"), and submission of legal documents to the satisfaction of the Town Attorney, and

WHEREAS, the Town Board wishes to accept said strip of land;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes acceptance of the strip of land approximately fifty feet wide and six hundred and twenty

RESOLUTION NO. (645-1998) Continued

feet long (50'x620'), which presently serves as a secondary access road, running south from Demarest Mill Road into the Town highway system subject to the School District repaving by a bituminous cap of at least one and one-half inches in depth (1½"), and submission of legal documents to the satisfaction of the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (646-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Director of Environmental Control is hereby authorized to have the parts of the pond at Rainbow Court, New City that are located within the Town drainage easement, cleaned out.

On roll call the vote was as follows:

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

RESOLUTION NO. (647-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a Short Environmental Assessment Form (EAF) was prepared by the Department of Environmental Control and distributed to interested and involved agencies on June 26,1998, and

WHEREAS, no interested or involved agencies objected to the Town Board being the Lead Agency under the provisions of 6 NYCRR PART 617 where by the Town Board is therefore Lead Agency,

NOW THEREFORE, be it

RESOLVED, that based upon review of the proposed action, the project will not have an adverse environmental impact.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Abstained
Councilman Profenna.....Yes
Councilwoman Smith.....Abstained
Supervisor HolbrookYes

RESOLUTION NO. (650-1998) Continued

established an account for Miscellaneous Minor Town Improvement Projects; and

WHEREAS, work performed under this program is in response to complaints registered by the citizens of the Town of Clarkstown following investigation and recommendations by the Department of Environmental Control; and

WHEREAS, said work is executed by the Clarkstown Highway Department using materials acquired by the Department of Environmental Control; and

WHEREAS, in calendar year 1997 twenty-four different projects were satisfactorily completed under this program; and

WHEREAS, to date an additional fifteen projects are scheduled for execution this year with more work anticipated in the remainder of the calendar year; and

WHEREAS, the Town Board of the Town of Clarkstown is, based on the success of this projects, desirous of continuing this program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the allocation of an additional \$50,000.00 to the "Miscellaneous Minor Improvements" account (H 8740-409-0-641) as established under Town Board Resolution #478-1997 for the purchase of materials needed for the execution of work under this program.

On roll call the vote was as follows:

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

RESOLUTION NO. (651-1998)

Co. Maloney offered and Co. Mandia 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 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 for the sediment removal on the project known as Fishbein.

On roll call the vote was as follows:

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

RESOLUTION NO. (652-1998)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town Board, Town of Clarkstown, was desirous to install sidewalks along the south side of Collyer Avenue from Gloria Court to South Main Street, New City, New York, and

WHEREAS, the Town Board, Town of Clarkstown, by resolution No. 306-1998, authorized Bellavista Construction Corp., to perform the necessary improvements for a total cost of \$24,375.00 and

WHEREAS, during construction, additional drainage repairs were necessary to complete the project, for an additional cost of \$4,831.30.

NOW, THEREFORE, be it

RESOLVED, that Town Board resolution No. 306-1998 is hereby amended to reflect the additional cost of \$4,831.30 and be it

FURTHER RESOLVED, that the total cost of the project shall not exceed \$29,206.30 and shall be a proper charge to account H 7182 409 47 1.

On roll call the vote was as follows:

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

RESOLUTION NO. (653-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists within a Town Right-of-Way in the vicinity of 29 Windgate Drive, New City, New York, and

WHEREAS, the Director of the Department of Environmental Control has recommended a solution to ameliorate the adverse condition.

NOW THEREFORE, be it

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to hire Pinebrook Landscaping and Paving Co. Inc., 49 Rolling Ridge Road, New City, New York to perform the corrective work, and be it

FURTHER RESOLVED that all materials necessary to complete the work will be provided by the Department of Environmental Control, and be it

FURTHER RESOLVED that the total cost for the corrective work shall not exceed \$19,900.00 and shall be a proper charge to account H 8730 409 55 57

RESOLUTION NO. (653-1998) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (654-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board, Town of Clarkstown, is desirous to resurface Brewery Road from Strawtown Road to New City / Congers Road, excluding the section from Hereford Lane to Laurel Road, and

WHEREAS, the scope of the proposed work was included under the Highway Departments 1998 Roadway Resurfacing Program, Bid # 47-1998, and

WHEREAS, the estimated cost for the Brewery Road resurfacing \$111,535.00.

NOW THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to resurface Brewery Road under the 1998 Roadway Resurfacing Program, Bid # 47-1998, and be it

FURTHER RESOLVED, that the cost for the resurfacing shall not exceed \$111,535.00 and shall be a proper charge to account H 1989 409 3 28

On roll call the vote was as follows:

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

RESOLUTION NO. (655-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board, Town of Clarkstown, is desirous to resurface Brewery Road from Strawtown Road to New City / Congers Road, excluding the section from Hereford Lane to Laurel Road, and

WHEREAS, an adverse drainage condition exists within the northbound lane of Brewery Road at the intersection with Harness Road, and the

WHEREAS, Director of the Department of Environmental Control has recommended a solution to ameliorate the adverse condition.

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RESOLUTION NO. (655-1998) Continued

NOW THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Environmental Construction Inc., P.O. Box 563, Stony Point, New York to perform the corrective work, and be it

FURTHER RESOLVED, that the cost for the corrective work shall not exceed \$8,000.00 and shall be a proper charge to account H 1989 409 3 28

On roll call the vote was as follows:

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

RESOLUTION NO. (656-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board, Town of Clarkstown, has authorized the reconstruction of a section of Brewery Road, New City, New York, and

WHEREAS, the Director of the Department of Environmental Control was authorized to retain Atzl, Scatassa, and Zigler, P.C., 234 North Main Street, New City, New York 10956 to perform the required services for a maximum cost of \$12,750.00, and

WHEREAS, the authorized survey services were not necessary during construction.

NOW THEREFORE, be it

RESOLVED, that resolution 234-1998 is hereby rescinded.

On roll call the vote was as follows:

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

RESOLUTION NO. (657-1998)

Co. Maloney offered and Co. Profenna seconded

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

BID #52-1998
SUBURBAN VAN FOR POLICE DEPARTMENT

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RESOLUTION NO. (657-1998) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on September 9, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (658-1998)

Co. Maloney offered and Co. Profenna seconded

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

BID #53-1998
DEMAREST AVENUE, WEST NYACK SIDEWALKS

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

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (659-1998)

Co. Maloney offered and Co. Profenna seconded

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

BID #54-1998
MAPLE AVE, NEW CITY RESURFACING PROJECT

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

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RESOLUTION NO. (659-1998) Continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (660-1998)

Co. Maloney offered and Co. Profenna seconded

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

BID #55-1998
THIRD STREET NEW CITY RECONSTRUCTION PROJECT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM_on: TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (661-1998)

Co. Maloney offered and Co. Mandia seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to expend additional funds in connection with the closure of the Town landfill. The revised estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$30,000,000, and \$5,000,000 is hereby appropriated therefor in addition to the \$25,000,000 heretofore appropriated for such purpose pursuant to the Bond Resolution heretofore adopted on June 11, 1996. The plan of financing includes the issuance of \$5,000,000 bonds to finance said additional appropriation, in addition to the \$25,000,000

RESOLUTION NO. (661-1998) Continued

bonds heretofore authorized for such purpose, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any funds to be received from the State of New York in connection with such project are authorized to be expended towards the cost thereof, or to be applied to the redemption of the bonds issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on any bonds or bond anticipation notes issued therefor.

Section 2. Serial bonds of the Town in the principal amount of \$5,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said additional appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 6-b of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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RESOLUTION NO. (661-1998) Continued

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a 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

RESOLUTION NO. (662-1998)

Co. Maloney offered and Co. Mandia seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL-NEWS," a newspaper published in Nyack, New York, and in "THE CLARKSTOWN COURIER," a newspaper published in Pearl River, New York, each having a general circulation within said Town and hereby designated the official newspapers of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on August 11, 1998, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 11, 1998, authorizing expenditure of additional funds in connection with the closure of the Town landfill; stating the revised estimated maximum cost thereof is \$30,000,000; appropriating \$5,000,000 therefor in addition to the \$25,000,000 heretofore appropriated for such purpose: authorizing the issuance of \$5,000,000 serial bonds of said Town to finance said additional appropriation; and authorizing any funds to be received from the State of New York to be expended towards the cost of said object or purpose or redemption of said bonds issued therefore or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds,"

RESOLUTION NO. (662-1998) Continued

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to expend additional funds in connection with the closure of the Town landfill; STATING the revised estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$30,000,000; APPROPRIATING \$5,000,000 therefor in addition to the \$25,000,000 heretofore appropriated for such purpose: STATING the plan of financing includes the issuance of \$5,000,000 bonds to finance said additional appropriation, in addition to the \$25,000,000 heretofore authorized pursuant to the Bond Resolution heretofore adopted on June 11, 1996, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon; and STATING that any funds to be received from the State of New York in connection with such project are authorized to be expended towards the cost thereof, or to be applied to the redemption of the bonds issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on any bonds or bond anticipation notes issued therefor;

SECOND: AUTHORIZING the issuance of \$5,000,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said additional appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said serial bonds will exceed five (5) years:

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town:

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Section 2. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 1 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall 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

RESOLUTION NO. (663-1998)

Co. Mandia offered and Co. Maloney seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), hereby authorizes the removal of fuel tanks and related environmental remediation at the Highway Department site, in the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof is \$1,750,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,750,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,750,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the purpose for which said \$1,750,000 serial bonds are authorized to be issued, within the limitations of section 11.00 a. 88 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to

RESOLUTION NO. (663-1998) Continued

authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a 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
- *****

RESOLUTION NO. (664-1998)

Co. Mandia offered and Co. Maloney seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE JOURNAL-NEWS," a newspaper published in Nyack, New York, and in "THE CLARKSTOWN COURIER," a newspaper published in Pearl River, New York, each having a general circulation within said Town and hereby designated the official newspapers of the Town for such publication, and posted in at least six (6) public places and in each polling place in the Town, a Notice in substantially the following form:

THE TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on August 11, 1998, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York adopted August 11, 1998, authorizing the removal of fuel tanks and related environmental remediation at the Highway Department site, stating the estimated maximum cost thereof is \$1,750,000, appropriating said amount therefor, and authorizing the issuance of \$1,750,000 serial bonds of said Town to finance said appropriation,"

RESOLUTION NO. (664-1998) Continued

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the removal of fuel tanks and related environmental remediation at the Highway Department site, in the Town; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,750,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$1,750,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,750,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation:

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which the bonds are authorized is ten (10) years; the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,750,000 serial bonds will exceed five (5) years:

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town: and PLEDGING to their payment the faith and credit of the Town:

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Section 2. The Town Clerk is hereby directed to cause said bond resolution to be published, in full or in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall 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

RESOLUTION NO. (665-1998)

Co. Mandia 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, DREAM CONSTRUCTION CORP. and DePAULIS ENTERPRISES IV, LTD. have submitted a petition to the Town Board for their consideration in further amending said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the petition of DREAM CONSTRUCTION CORP. and DePAULIS ENTERPRISES IV, LTD., annexed hereto, proposing an amendment to the Zoning Ordinance of the Town of Clarkstown be referred to the Clarkstown Planning Board 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 HolbrookYes

RESOLUTION NO. (666-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown Highway Department is currently bringing its facility into compliance with the "Clean Water Act." As part of this effort, the Town of Clarkstown is seeking services of a contractor to install an impermeable liner with a 2" top coat of asphalt within the existing Salt Dome located at the Highway Department, to prevent the leeching of salt into the environment;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways; Edward J. Lettre, Clerk of the Works; and Laurence R. Kohler, Director of Purchasing to solicit for proposals with respect to the installation of an impermeable liner with a 2" top coat of asphalt within the existing Salt Dome located at the Highway Department, to prevent the leeching of salt into the environment, and be it

FURTHER RESOLVED, that said proposals shall be submitted to Laurence R. Kohler, Director of Purchasing, Town of Clarkstown, 10 Maple Avenue, New City, New York, by August 17, 1998 at 11:00 A.M.

On roll call the vote was as follows:

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

RESOLUTION NO. (667-1998)

Co. Mandia offered and Supvr. Holbrook seconded

RESOLVED, that the Nanuet Fire Engine Company #1, Inc. resolution is hereby made subject to an Advisory Planning Board review on a site plan submitted by the Nanuet Fire Engine Company #1, Inc., and be it

FURTHER RESOLVED, that the advisory findings of the Planning Board will be presented to the Town Board to be included as amended conditions of the original resolution.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on Motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk