

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/15/98

8:00 P.M.

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

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

Rev. Randall Rottman, Chairman of the Ethics Board presented the annual report of the Ethics Committee. He stated that there was total compliance in the filing of financial disclosure statements for the year 1997.

The Town Board presented a certificate to Matthew Kane, Troop 46 for attaining the rank of Eagle Scout.

On motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law Prohibiting the Processing of Zone Change Applications for a Period of Twelve Months was opened, time: 8:14 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law Prohibiting the Processing of Zone Change Applications for a Period of Twelve Months was closed, RESOLUTION NO. 668-1998 ADOPTED, time: 8:40 P.M.

Supervisor opened the public portion of the meeting for comments on the agenda items.

Appearance: Martin Bernstein
New City

Had questions about Item #2, Bardonia substation; Item #5, Lake Lucille and Item #12, authorizing Town Attorney by Eugene Albert to defend a proceeding. He also asked for an explanation of Item #28a, amendment to allow for taller houses in R-10 District. Questioned item 28D, Local Law prohibiting textual changes.

Appearance: John Clifford
Congers Civic Association

Thanked the Board for their help with Swartout Lake.

Appearance: Arlene Whittaker
Bardonia Citizens Association

Spoke regarding Item #2 on the agenda. Asked the Board to reconsider their decision to allow the Nanuet Fire Co. to build substation in Bardonia. Stated that they are building a 2 bay substation. (Statement on file in Town Clerk's Office.)

434
TBM 9/15/98

PAGE 2

Appearance: Rosalie Corman
Bardonia

Spoke regarding the substation; asked the Board to reconsider their position on allowing this to be built.

Appearance: Richard Sidi

Opposed to substation; asked the board to rescind decision.

Appearance: Gayle Galitzine
Bardonia

Opposed to substation, feels it is not a good site. She has lost faith in due process.

Appearance: Don Slessenger
Bardonia

Opposed to substation, questioned the Board regarding Item #2.

Appearance: Kal Lockwood
Bardonia

Opposed to substation, feels fire company lied and the substation will expand.

RESOLUTION NO. (668-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, 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" was introduced by Councilman Maloney at a Town Board meeting held on August 11, 1998, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on August 11, 1998, directed that a public hearing be held on September 15, 1998, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 3, 1998, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 13, 1998, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 15, 1998;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2 - 1998, 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

Continued on next page

TBM 9/15/98
PAGE 3

RESOLUTION NO. (668-1998) CONTINUED

COMPREHENSIVE PLAN" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

RESOLUTION NO. (669-1998)

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 ANY TEXTUAL CHANGES AND THE ISSUANCE OF A SPECIAL PERMIT TO THE ZONING ORDINANCE FOR A PERIOD OF TWELVE MONTHS TO GIVE THE PLANING BOARD AMPLE TIME TO REVIEW AND AMEND THE COMPREHENSIVE PLAN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on September 28, 1998 at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

On roll call the vote was as follows:

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

TBM 9/15/98
PAGE 4

RESOLUTION NO. (670-1998)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"A LOCAL LAW PROHIBITING THE ISSUANCE OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF TWELVE MONTHS TO GIVE THE PLANNING BOARD AMPLE TIME TO STUDY THE MATTER"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on September 28, 1998 at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (671-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of August 11, 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

TBM 9/15/98
PAGE 5

RESOLUTION NO. (672-1998) (FAILED)

Supervisor Holbrook offered and Co. Mandia seconded

WHEREAS, on August 3, 1998, certain findings of fact and conclusions of law were issued regarding the Nanuet Fire Engine Company No. 1, Inc., and

WHEREAS, the Town Board wishes to amend these findings of fact and conclusions of law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby amends Resolution No. 609-1998, adopted by the Town Board on August 3, 1998, to add the following conclusions of law:

1. Construction of the facade must comply with the renderings presented to the Planning Board at its meeting of September 2, 1998, except:
 - a) The peak of the roof shall be no higher than 20 feet, and
 - b) Two of the bay doors, specifically those on the easterly end of the building (at the north and south sides) shall be eliminated, as no more than one vehicle can be kept on site.
2. No exterior lighting shall be mounted on the building with the exception of low wattage fixtures mounted at 8 feet to 8 feet 6 inches over man-door entries. General site lighting shall be installed at the perimeter of parking areas and utilize coverage patterns to eliminate lighting onto adjacent properties. General site lighting should be kept off except when activated when the sub-station is in use for emergency fire calls.
3. Modify site parking and paving as follow:
 - a) Eliminate parking spaces 1 to 5, 18 to 21.
 - b) Reduce easterly travelway to 30 feet.
 - c) Utilize 17'-6" paved with 2 ft. overhang for easterly parking spaces.
4. Supplement screen plantings at the northeast corner and south end of the site. Install screen plantings at the Gallagher parcel on the west side of Renee Lane. Revised plan to be reviewed by Town staff.
5. Obtain road widening dedication along Bardonia Road in accordance with the Town Official Map.
6. Extend proposed sidewalk to meet existing sidewalk at Bardonia Road, and install sidewalk ramps where necessary.
7. The sub-station site will not be used for meetings or social activities. The sub-station will not be used for sleeping, except in emergency situations. No loud music or alcoholic beverages shall be permitted on site.
8. No fuel storage or maintenance of equipment shall be permitted on site.
9. No sirens, horns, or other signal devices shall be installed at the site, except those that are vehicle mounted. Discretion shall be exercised in using horns and sirens in the immediate area to minimal extend required to provide an adequate level of safety.

Continued on next page

RESOLUTION NO. (672-1998) CONTINUED

10. Fire company to contact appropriate Town agencies to review plans which would modify or revise site plan requirements or conditions; any changes to the structure, site, or use must be approved by the Town Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (673-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, on August 3, 1998, certain Findings of Fact and Conclusions of Law were issued regarding the Nanuet Fire Engine Company No. 1, Inc., and

WHEREAS, the Town Board wishes to amend these Findings of Fact and Conclusion of Law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 609-1998 adopted by the Town Board on August 3, 1998, to include the Planning Board resolution of September 9, 1998 as follows:

1. Construction of the facade must comply with the renderings presented to the Planning Board at its meeting of September 2, 1998.
2. Building construction consisting of two bays, with four overhead doors, as shown on plans is acceptable.
3. No exterior lighting shall be mounted on the building with the exception of low wattage fixtures mounted at 8 feet to 8 feet 6 inches over man-door entries. General site lighting shall be installed at the perimeter of parking areas and utilize coverage patterns to eliminate lighting onto adjacent properties.
4. "No Parking Anytime" restrictions should be implemented on both sides of Renee Lane from its intersection with Bardonia Road to the south property line of this site.
5. Modify site parking and paving as follows:
 - a. Eliminate parking spaces 1 to 5, 18 to 21.
 - b. Reduce easterly travelway to 30 feet.
 - c. Utilize 17'-6" paved with 2 ft. overhang for easterly parking spaces.
6. On-site parking shall be for fire Department use only. The Men's Club should acquire parking for their functions at another location in this area in conformance with the provisions of Town Code for off- site parking.

Continued on next page

TBM 9/15/98

PAGE 7

RESOLUTION NO. (673-1998) CONTINUED

7. Supplement screen plantings at the northeast corner and south end of the site. Install screen plantings at the Gallagher parcel on the west side of Renee Lane. Revised plan to be reviewed by Town staff.

8. Obtain road widening dedication along Bardonia Road in accordance with the Town Official Map.

9. Extend proposed sidewalk to meet existing sidewalk at Bardonia Road, and install sidewalk ramps where necessary.

10. The sub-station site will not be used for social activities.

11. Any fuel storage on-site shall conform to all requirements of R.C.H.D. and N.Y.S.D.E.C.

12. No sirens, horns, or other signal devices shall be installed at the site, except those that are vehicle mounted. Discretion shall be exercised in using horns and sirens in the immediate area to the minimal extent required to provide an adequate level of safety.

13. Fire Company to contact appropriate Town Agencies to review plans which would modify or revise site plan requirements or conditions.

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Abstained
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	No

RESOLUTION NO. (674-1998)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that "Section 1." of Resolution No. 235-1998 is hereby amended to read: "That the Assessor of the Town of Clarkstown is hereby authorized to undertake and implement a Revaluation of the 2001 assessment roll."

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. (675-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the correction of the caption in the Order Extending the Water District for the Sisters of Charity with respect to property known as Map 4, Block A, Lot 8, which was incorrectly listed as Map 8, Block A, Lot 4, and be it

FURTHER RESOLVED, that the corrected Order Extending the Water District be filed in the Rockland County Clerk's Office pursuant to this Resolution.

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. (676-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town Board of the Town of Clarkstown has heretofore proposed the establishment of the Lake Lucille Aquatic Plant Growth Control District in the unincorporated area of the Town of Clarkstown, and

WHEREAS, by Final Order dated June 28, 1994, the aforesaid district was established by the Clarkstown Town Board, a copy of which is herewith annexed, and

WHEREAS, an application to the State Comptroller for the establishment of the Lake Lucille Aquatic Plant Growth Control District was approved by the Department of Audit and Control on June 13, 1994, and

WHEREAS, Corddry, Carpenter, Dietz and Zack, consulting engineers, made an on-site inspection of the Lake Lucille Dam on or about June 24, 1997 and determined that the dam was in need of repair and remediation, as more fully set forth in their Dam Inspection Report, dated July, 1997, and

WHEREAS, by memorandum dated June 9, 1998, the Director of the Department of Environmental Control of the Town of Clarkstown filed with the Town Clerk of the Town of Clarkstown an amended construction cost estimate for the Lake Lucille Dam, and

WHEREAS, on June 9, 1998, the Town Board determined that it shall act as lead agency for the purposes of SEQRA, and authorized and directed Luke Kalarickal, Director of Environment Control, to act as agent for the Town Board with respect to SEQRA review, and

WHEREAS, based upon the report dated June 26, 1998, from Luke Kalarickal, the Town Board, acting as lead agency, determined on August 11, 1998 that the proposed action shall not have any significant impact on the environment, and no further processing pursuant to the requirements of Part 617, NYCRR is required, and

TBM 9/15/98
PAGE 9

RESOLUTION NO. (676-1998) CONTINUED

WHEREAS, the estimated cost for such repairs is in the sum of \$250,000, and

WHEREAS, pursuant to the provisions of 2 NYCRR, Part 85, Chapter III, § 85.4, an application for permission to increase the amount of money to be expended in remediating the dam for the Lake Lucille Aquatic Plant Growth Control District is required, 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

RESOLUTION NO. (676-1998) CONTINUED

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

NOW, THEREFORE, be it

RESOLVED, that an application for permission to increase the amount of indebtedness for the Lake Lucille Aquatic Plant Growth Control District be submitted to the State Comptroller of the State of New York:

(a) The Order approving the establishment of the aforesaid district by the Department of Audit and Control of the State of New York, dated June 13, 1994, and the Order of the Town Board of the Town of Clarkstown establishing the Lake Lucille Aquatic Plant Growth Control District, dated June 28, 1994, is herewith annexed.

(b) The proposed improvements consist of:

1. Concrete Repairs - Spalls in the vicinity of the main spillway weir and the sluice gate should be repaired by removing the unsound concrete and applying a polymer modified repair concrete to the prepared surface until the repair is flush with the surrounding concrete. Deteriorated concrete at the downstream edge of the weir should be removed and replaced.

2. Sluice Gate Replacement - Because the sluice cannot be operated over its entire range and because the gate is operated frequently during storm events, it is

Continued on next page

RESOLUTION NO. (676-1998) CONTINUED

recommended that the gate assembly be replaced entirely. The operator for the replacement gate should be motor-driven with manual override.

3. Reinstallation of Auxiliary Spillway - In order to improve the operation of the dam, the Auxiliary Spillway conduit segment from the entrance to the first junction box would have to be reinstalled at its design invert elevation and the wall supporting it would have to be replaced at an estimated cost of \$6,200. This work should be scheduled after a complete evaluation of the dam's structural stability and spillway capacity is performed, because the evaluation may reveal that the Auxiliary Spillway contributes little to the dam's ability to withstand the required design storm and could, therefore, be abandoned at some cost savings relative to reinstallation of the conduit.

4. Bridge Deck Repairs - Rust should be removed from the exposed portions of the steel flanges of the beams supporting the bridge deck and the flanges should be repainted with a cementitious corrosion control coating, such as Sika's Armatec 110. Because no coatings (except rust) were observed on the exposed flanges, lead abatement measures are not anticipated to be required for this work.

5. Hazard Reclassification - Because failure of the dam could cause loss of life to persons living downstream of the dam, the dam's hazard classification should be changed from "substantial" to "high" (NYSDEC Class C). No construction would be required because of hazard reclassification exclusively, but NYSDEC regulations require an Emergency Action Plan to be prepared for high hazard dams.

6. Improve Spillway Capacity and/or Dam Stability- It is recommended that the services of a professional engineer be engaged to perform a conceptual study to determine the most cost-effective method to modify the dam to withstand the design storm as required by NYSDEC. The study should include a complete hydrologic and hydraulic analysis related to spillway capacity, conceptual design and cost estimates for spillway capacity improvements, an analysis of the dam's structural stability under design storm conditions and other conditions as required by NYSDEC regulations, and conceptual design and cost estimates for improvements required to provide structural ability in accordance with NYSDEC criteria. If it is decided to perform the recommended study, the repairs described in "1", "2", "3" and "4" above should be delayed pending conclusions and recommendations of the conceptual study.

(c) The maximum cost of the proposed improvements is \$250,000. The original application for approval was in the sum of \$1,500,000. The amount of the increase and the circumstances which have made the increase necessary are as a result of an on-site inspection conducted by the consulting engineers who found the deterioration of the dam, as more fully set forth in Item "(b)" above and the memorandum of the Director of Environmental Control dated June 9, 1998. The anticipated cost of the increase is the sum of \$250,000.

(d) The Town Board's determination that the proposed improvements are in the public interest is contained in the report of Corrdry, Carpenter, Dietz and Zack in which it is stated "the dam is currently classified by the State of New York as a substantial hazardous small-size structure." Accordingly, it is believed that the public health, safety and welfare mandates repairs to the dam in that the dam when classified as a substantial hazardous structure could result in the failure of the dam; and further, based on a preliminary hydraulic analysis, it appears that the spillway capacity of the dam is insufficient when compared to NYSDEC dam safety standards. [See report of Corrdry, Carpenter, Dietz and Zack attached herewith]. The cost of the proposed improvements is

Continued on next page

TBM 9/15/98
PAGE 11

RESOLUTION NO. (676-1998) CONTINUED

to be assessed in whole against the benefited properties. No benefited property has been excluded, and all properties upon which the assessments are to be imposed will be benefited by the improvements.

(e) The proposed manner of financing the improvements will be with a serial bond. The anticipated amount of the serial bond is \$250,000 for a term of 20 years; interest at the rate of 5% per annum. It is not known at the present time whether State or Federal aid is available for the proposed project.

(f) Once constructed, it is not estimated that there will be any significant cost of operating and maintaining the improvements.

(g) The proposed manner in which to raise the cost of debt service is by assessment upon the benefited properties. The real property owners of the Lake Lucille Aquatic Plant Growth Control District shall be assessed by the Town of Clarkstown in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom. The formula is based upon a 60% benefit to real property owners situated on lake fronts (primary beneficiaries) and 40% benefit to all other real property owners within the district (secondary beneficiaries).

(h) The aggregate assessed valuation of the taxable real property for the proposed extension, as shown on the latest completed assessment roll, is \$12,353,500.

(i) This is not an application for permission to provide an improvement as set forth in Town Law §§ 54 or 209 (q) or to increase the amount to be expended for such improvement.

(j) The application is not made pursuant to §§ 258, 268, 269, 280-i, 280-t, 299-o or 299-r of the County Law.

(k) The average full valuation of the real property of the Town making the application is \$5,860,743,864.

(l) The total outstanding indebtedness of the Town of Clarkstown is \$48,173,712 as of March 10, 1998, arrived at as follows:

Inclusions:

Outstanding Bonds:	
General Purposes	\$34,045,100
Excluded Sewer	<u>8,279,900</u>
Sub-Total	42,325,000
Bond Anticipation Notes ("BANs")	<u>14,770,412</u>
Total Inclusions	<u>57,095,412</u>

Exclusions:

Excluded Sewer Debt	8,279,900
Appropriations	<u>4,171,800</u>
Total Exclusions	12,451,700

Continued on next page

RESOLUTION NO. (676-1998) CONTINUED

Total Net Indebtedness Before	
Issuing the Bonds	<u>44,643,712</u>
The Bonds	4,950,000
Less: BANs to be Paid from Proceeds	<u>1,450,000</u>
Net Effect of Issuing the Bonds	3,500,000
Total Net Indebtedness After Issuing the Bonds	<u>48,143,712</u>

(m) All appropriations for the fiscal year 1998 is \$5,255,000. No Federal or State aid is available for the reduction of debt for the year 1998.

(n) See "l" and "m" above.

(o) Tax Rates - Lake Lucille Aquatic District:

1997 Clarkstown School and Library	26.424570
1998 County	4.054420
Town	10.130282
New City Ambulance	0.121142
New City Fire	0.795541
Consolidated Light	0.189127
Rockland County Sewer	1.187965
Clarkstown Master Benefited Sewer #2	0.226367
Sanitation and Leaf	0.002192
Solid Waste	0.260551

(p) The assessed value of a typical property is \$110,000.

(q) The maximum amount that a typical one-family home will be required to pay in the first year following approval of the application is \$355 for a primarily benefited residence and \$147 for a secondarily benefited property. The anticipated debt service is \$20,061, and it is allocated on a proportional basis to the total assessed values of the primarily benefited properties and the secondarily benefited properties at a ratio of 60% to the primarily benefited properties and 40% to the secondarily benefited properties. It is arrived at by determining the number of primarily benefited properties, to wit, 37 and the number of secondarily benefited properties, to wit, 70. The primarily benefited properties have an assessed valuation of \$5,756,900, and the secondarily benefited properties have an assessed valuation of \$6,596,600, not including some miscellaneous vacant lots. There are five vacant lots.

(r) The maximum amount any real property owner will be required to pay in the first year following approval of this application for debt service and other charges related to the proposed improvements is \$689 for a primarily benefited property and \$257 for a secondarily benefited property, and it is allocated on a proportional basis to the total assessed values of the primarily benefited properties and the secondarily benefited properties at a ratio of 60% to the primarily benefited properties and 40% to the secondarily benefited properties.

Continued on next page

RESOLUTION NO. (676-1998) CONTINUED

(s) No State lands are included in the proposed benefited area.

(t) The proposed improvements are not located in an agricultural district.

(u) The entire benefited area consists primarily of one-family homes. Upon information and belief, there are no non-residential areas. The assessed valuation of a typical one-family home is \$110,000.

(v) The proposed extension of the district will not benefit any vacant land, except for miscellaneous unimproved single-family building lots scattered within the proposed district.

(w) It is not contemplated that the service will be sold to outside users.

(x) Not applicable.

(y) Charles E. Holbrook, Supervisor of the Town of Clarkstown, has held a hearing with members of the Board of Directors of the Lake Lucille Homeowners' Association on May 12, 1998 at 7:00 P.M. The Homeowners' Association was represented by Mr. Wren, its President, and several additional members of its Board of Directors. No minutes of the meeting were taken. No objections were made to the proposed Order increasing the maximum amount to be expended for the Lake Lucille Aquatic Plant Growth Control District. The Town Board of the Town of Clarkstown held a public hearing on notice duly published as required by the applicable provisions of law.

(z) Two written objections have been received from the owners of real property who will bear the cost of the improvements. Copies of same are herewith annexed.

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. (677-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board awarded Bid Number 26A-1996 to Emes Plumbing and Heating by Resolution # 878-1996 dated September 24, 1996; and

WHEREAS, additional work was required under the provisions of the Contract for rock excavation and also due to field conditions;

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the additional expenditure of \$9,270.00 under Bid Number 26A-1996; and

BE IT FURTHER RESOLVED that the additional amount shall be a proper charge to Account H 5130-409-5-1.

Continued on next page

RESOLUTION NO. (677-1998) 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. (678-1998)

Co. Maloney offered and Co. Profenna seconded

Whereas, the Town Board of the Town Of Clarkstown has previously authorized corrective work to be performed on a stream located within an existing drainage easement at 11 Foxwood Road in West Nyack; and

Whereas, a contract has been awarded to Environmental Construction, Inc. of Stony Point, New York to perform said corrective work; and

Whereas, the Department of Environmental Control determined that additional work was required to restore the project site to an acceptable condition; and

Whereas, this additional work was not included in the original scope of this project; and

Whereas, said additional work has been completed to the satisfaction of the Department of Environmental Control;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to make payment to Environmental Construction, Inc. for said additional work; and

Be It Further Resolved that the budget for this project be increased by an amount not to exceed \$375.00 to cover the cost of said additional work; and

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

On roll call the vote was as follows:

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

TBM 9/15/98
PAGE 15

RESOLUTION NO. (679-1998)

Co. Mandia offered and Co. Smith seconded

WHEREAS, Federal and State regulations require employers to maintain material safety data sheets (MSDS) for each hazardous chemical on site and that they be readily accessible to employees;

WHEREAS, a proposal has been received from 3E Company Environmental, Ecological and Engineering at 4920 Carroll Canyon Road, San Diego, California 92121 to provide material safety data sheets to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form satisfactory to the Town Attorney, with 3E Company Environmental, Ecological and Engineering to provide material safety data sheets for the two (2) years, and be it

FURTHER RESOLVED, that the fees for such services shall be \$1,600 for each of the two years and shall be charged to Account No. A-1620-409.

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. (680-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HOOK MOUNTAIN INC. v. THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 4148/93, 3903/94, 3739/95, 3986/96, 4343/97 and 4060/98, affecting parcel(s) designated as Map 134, Block A, Lots 50, 47.2 and 48.1, for the year(s) 1993/94, 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99, 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 134, Block A, Lots 50, 47.2 and 48.1 be reduced for the year(s) 1993/94 and 1994/95 from \$945,000 to \$803,250 at a cost to the Town of \$3,055.57;

2. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 134, Block A, Lots 50, 47.2 and 48.1 be reduced for the year(s) 1995/96 from \$945,000 to \$850,500 at a cost to the Town of \$1,119.47;

Continued on next page

RESOLUTION NO. (680-1998) CONTINUED

3. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 134, Block A, Lots 50, 47.2 and 48.1 be reduced for the year(s) 1996/97 from \$945,000 to \$897,750 at a cost to the Town of \$569.20;

4. That the proceedings commenced by the petitioner(s) described on the assessment roll as Map 134, Block A, Lots 50, 47.2 and 48.1 be discontinued for the year(s) 1997/98 and 1998/99;

5. That reimbursement for the year(s) 1993/94, 1994/95, 1995/96 and 1996/97 on the parcel described as Map 134, Block A, Lots 50, 47.2 and 48.1 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

6. 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. (681-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, JAY GROSSMAN, RICHARD A. GROSSMAN RONALD S. FRIEDMAN v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN AND THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, Index No(s). 3794/96, 4028/97 and 4118/98, affecting parcel(s) designated as Map 71, Block B, Lots 13.1, 13.2 and 13.3, for the year(s) 1996/97, 1997/98 and 1998/99, and

Continued on next page

TBM 9/15/98

PAGE 17

RESOLUTION NO. (681-1998) CONTINUED

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 71, Block B, Lot 13.1 be reduced for the year(s) 1996/97, 1997/98 and 1998/99 from \$2,597,300 to \$2,155,800 at a cost to the Town of \$13,433.73;

2. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 71, Block B, Lot 13.2 be reduced for the year(s) 1996/97, 1997/98 and 1998/99 from \$4,311,600 to \$3,449,300 at a cost to the Town of \$26,237.60;

3. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 71, Block B, Lot 13.3 shall remain unchanged for the years 1996/97, 1997/98 and 1998/99;

4. That reimbursement for the year(s) 1996/97 and 1997/98 on the parcels described as Map 71, Block B, Lots 13.1 and 13.2 be made within (90) days through the Office of the Commissioner of Finance. If payment is made within (90) days, no interest will be charged; and

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

RESOLUTION NO. (682-1998)

Co. Smith offered and Co. Mandia. seconded

WHEREAS, the organization of the Big Brothers/Big Sisters of Rockland County, Inc. is producing a journal to raise funds for its organization, and

Continued on next page

RESOLUTION NO. (682-1998) CONTINUED

WHEREAS, the Town Board of the Town of Clarkstown wishes to support this endeavor by placing an advertisement in the journal;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the expenditure of \$150.00 to cover the cost of a full page advertisement in the Big Brothers/Big Sisters "Cruise Journal," and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$150.00 which shall be charged to Account No. A-6410-405.

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. (683-1998)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that a Special Town Board meeting shall be held on October 5, 1998, at 8:30 P.M., in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, for the presentation of the Tentative Budget for the year 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. (684-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown purchased property from the New York State Department of Transportation, located south of Eckerson Road and west of West Clarkstown Road, for the purpose of using it for affordable housing, and

WHEREAS, it is desirous to have an appraisal of said property;

NOW, THEREFORE, be it

Continued on next page

RESOLUTION NO. (684-1998) CONTINUED

RESOLVED, that Karl Kirchner is hereby retained for the purpose of preparing such appraisal at a fee not to exceed \$4,000.00.

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. (685-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, EKLECCO (Formerly known as PYRAMID COMPANY OF ROCKLAND) V. NICHOLAS LONGO, as Assessor for the TOWN OF CLARKSTOWN, NEW YORK, CHARLES HOLBROOK, as Supervisor for the TOWN OF CLARKSTOWN, NEW YORK, THE TOWN BOARD FOR THE TOWN OF CLARKSTOWN, NEW YORK and THE BOARD OF EDUCATION FOR THE CLARKSTOWN CENTRAL SCHOOL DISTRICT;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney, by Eugene Albert, Esq., is hereby authorized to take all necessary steps to defend said proceeding on behalf of the Town, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to August 28, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (686-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, BOARD OF TRUSTEES of the VILLAGE OF SPRING VALLEY, NEW YORK v. THE TOWN OF CLARKSTOWN; THE TOWN BOARD OF THE TOWN OF

Continued on next page

RESOLUTION NO. (686-1998) CONTINUED

CLARKSTOWN; CHARLES E. HOLBROOK, Supervisor, and JOHN R. MALONEY, Councilman, ANN MARIE SMITH, Councilwoman, RALPH, Councilman, and LOUIS J. PROFENNA, Councilman;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that this Resolution is hereby made retroactive to August 27, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (687-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Performance Bond No. 023001679 issued by Amwest Surety Insurance Company in the amount of \$56,680 and Maintenance Guaranty in the amount of \$2,820, furnished in connection with the dedication of the road(s) and improvements on November 28, 1995 in a subdivision known as McGaw's Hill, is hereby terminated; and Performance Bond No. 023001679 and Maintenance Guaranty in the amount of \$2,820 may be released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (688-1998)

Co. Smith offered and Co. Profenna seconded

Continued on next page

TBM 9/15/98
PAGE 21

RESOLUTION NO. (688-1998) CONTINUED

WHEREAS, the New York State Department of Transportation (NYSDOT) has notified the Town of Clarkstown that the State has completed the small park located at the northeast corner of Route 59 and Middletown Road, Nanuet, New York, which was a part of the State's Route 59 project. This park consists of a water fountain, trees, shrubs and landscaping lights, and

WHEREAS, the NYSDOT has formally requested that the Town of Clarkstown take over the maintenance responsibility of said park;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the takeover of the maintenance responsibility of the small park located at the northeast corner of Route 59 and Middletown Road, Nanuet, New York, which was a part of the State's Route 59 project.

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. (689-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, as a condition to the approval of the final map with regard to a site plan known as Quirk Moving & Storage, the Planning Board of the Town of Clarkstown requested deeds for road widening purposes along Second Avenue, Spring Valley, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deeds dated February 27, 1998 from Helen B. Quirk to the Town of Clarkstown, gratuitously conveying strips of land along Second Avenue, Spring Valley, New York, are hereby accepted and ordered recorded in the Rockland County 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

TBM 9/15/98
PAGE 23

RESOLUTION NO. (692-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$12,288.00 from EklecCo/Palisades Center; \$5,000.00 from Lancer Insurance Co. and \$337.00 from Teplitz, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 2705 2 and A 3120 113 (Police-Overtime) by \$12,288.00; increase A 01 8 2680 0 (General-Insurance Recoveries) and A 5630 406 (Mini-Trans-Repairs to Vehicles) by \$5,000.00 and SR 16 8 2650 0 (Sanitation Dists.-Sale of Scrap)and SR 8160 217 (Maintenance Equipment) by \$337.00 and

WHEREAS, various appropriation accounts require additional funding and be it

THEREFORE RESOLVED, to decrease A 5630 292 (Mini-Trans-Auto Repair Equip.) and increase A 5630 312 (Auto Maintenance Supplies) by \$2,300.00; decrease A 5630 209 (Other Equipment) and increase A 5630 313 (Office Supplies & Printing) by \$2,000.00; decrease A 1620 217 (Maintenance Equipment) and increase A 1620 307 (Uniforms) by \$600.00 and increase Estimated Revenue Account No. A 01 14 2999 0 (General-Unexpended Balance) and A 1620 462 (Maintenance-Water) by \$1,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (693-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$3,072.00 from Palisades/EklecCo and \$3,648.00 from Corporate Property Investors, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 2705 3 and A 3120 111 (Police-Overtime) by \$3,648.00 and A 01 3 2705 2 (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 increase Estimated Revenue Account No A 01 14 2999 0 (Unexpended Balance) by \$9,750.00 and the following Appropriation Accounts:

A 3020 230 (Central Communications-Comm. Equip.).....\$ 250.00
A 7520 114 (Historical Review-Part-time)..... 500.00
A 8090 409 (Aquatic Pests-Fees/Services)..... 2,000.00
A 9710 409 (Debt Service-Fees/Services)..... 7,000.00

Continued on next page

RESOLUTION NO. (693-1998) CONTINUED

AND, decrease Appropriation Account No. A 4210 110 (Counseling-Salaries) and increase A 4210 438 (Maintenance Agreements) by \$600.00

On roll call the vote was as follows:

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

RESOLUTION NO. (694-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, various Appropriation Accounts require additional funding, BE IT THEREFORE

RESOLVED, to decrease A 5630 110 (Mini-Trans-salaries) and increase A 5630 312 (Auto Maintenance Supplies) by \$18,000 and increase Estimated Revenue Account

No. A 01 3 1520 3 (General-Burglar Alarm Violations) by \$150 and increase the Appropriation Accounts listed below:

A 3120 404 (Police-Travel, Mileage, Meals \$ 75
A 3120 414 (Conference & Schools) \$ 75

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. (695-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the New York State Government Finance Officers Association Downstate Council is holding their regional seminar on October 2, 1998 at West Point, New York, and be it

THEREFORE RESOLVED, that the following personnel are authorized to attend:

Continued on next page

TBM 9/15/98
PAGE 25

RESOLUTION NO. (695-1998) CONTINUED

Ann Marie Smith, Councilwoman
Edward J. Duer, Comptroller
Penny Leonard, Deputy Supervisor
Dolores Lodico, Deputy Comptroller
Doris Fogel, Administrative Assistant
Mary Maloney, Principal Account Clerk, and be it

FURTHER RESOLVED, that all proper charges be charged to A 1010-414 (Schools & Conferences).

On roll call the vote was as follows:

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

RESOLUTION NO. (696-1998)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes Greg Tobin, Emergency Management Coordinator, to attend the New York State Disaster Preparedness Conference being held from September 22-24, 1998, at Albany, New York, and be it

FURTHER RESOLVED, that the appropriate fees shall be charged to Account No. A-3989-414, and be it

FURTHER RESOLVED, that this Resolution is retroactive to September 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. (697-1998)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Adolph Milich Jr., David McLeod and Charles Maneri Building Officials, are hereby granted permission to attend the New York State Building Officials Conference from September 23-25, 1998 in Corning, New York.

Continued on next page

RESOLUTION NO. (697-1998) CONTINUED

FURTHER RESOLVED, that reimbursement for tolls, gasoline, and hotel expense for two (2) nights lodging should be charged to Account A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (698-1998)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend a government technology conference to be held in Albany, New York, on September 16-18, 1998, and be it

FURTHER RESOLVED, that all fees shall be charged against 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. (699-1998)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Laurence Kohler, Director of Purchasing is hereby authorized to attend two purchasing management seminars on October 14 & 16, 1998 in Saddle Brook, NJ and be it

FURTHER RESOLVED, that all related costs thereto shall be charged to account A 1345-414.

On roll call the vote was as follows:

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

TBM 9/15/98
PAGE 27

RESOLUTION NO. (700-1998)

Co. Maloney offered and Co. Profenna seconded

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

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

New City Library

West Nyack Free Library

On roll call the vote was as follows:

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

RESOLUTION NO. (701-1998)

Co. Maloney offered and Co. Mandia seconded

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

BID #56-1998
CONCRETE CULVERT PIPE
CONCRETE CATCH BASIN BLOCK & BRICKS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: September 28, 1998 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (702-1998)

Co. Maloney offered and Co. Mandia seconded

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

BID #57-1998
UTILITY VEHICLE FOR
PARKS & RECREATION DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: October 2, 1998 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (703-1998)

Co. Maloney offered and Co. Mandia seconded

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

BID #58-1998
MULLER COURT, NEW CITY
DRAINAGE IMPROVEMENTS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York 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:

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

TBM 9/15/98
PAGE 29

RESOLUTION NO. (704-1998)

Co. Maloney offered and Co. Mandia seconded

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

BID # 59-1998
OLD MILL ROAD, WEST NYACK
ROADWAY IMPROVEMENTS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: OCTOBER 19, 1998 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (705-1998)

Co. Maloney offered and Co. Mandia seconded

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

BID # 60-1998
RENTAL OF TRUCKS FOR HIGHWAY DEPARTMENT
(LEAF PICKUP/SNOW REMOVAL)

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: OCTOBER 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 Purchasing.

On roll call the vote was as follows:

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

TBM 9/15/98

PAGE 30

RESOLUTION NO. (706-1998)

Co. Maloney offered and Co. Mandia seconded

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

“Town Speed 30 MPH” signs on both sides of Ludvigh Road, Nanuet, at the appropriate distances from Rte 304 and Middletown Road, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (707-1998)

Co. Maloney offered and Co. Mandia seconded

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

A Stop sign on Byron Street at West Clarkstown Road, New City, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (708-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the resignation (by retirement) of Joyce K. Barone, 1 Gerken Drive, New City, New York - Account Clerk (part-time) - Building Department - is hereby accepted - with regret - effective and retroactive to September 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

TBM 9/15/98

PAGE 31

RESOLUTION NO. (709-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the resignation (by retirement) of Lorian Macaylo, 7 Huffman Road, Valley Cottage, New York Senior Clerk Typist - Personnel Office - is hereby accepted - with regret - effective and retroactive to September 12, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (710-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has certified on August 27, 1998 that the position of Senior Clerk Typist #0807 can be reclassified to the position of Senior Clerk, Personnel Office.

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Clerk Typist, Personnel Office is hereby reclassified to the position of Senior Clerk, effective and retroactive to August 28, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (711-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has furnished certification of Eligibles #97106 Senior Clerk which contains the name of Frances E. Hunt,

NOW, THEREFORE, be it

RESOLVED, that Frances E. Hunt, 10 Jolen Drive, New City, New York is hereby appointed to the position of Senior Clerk, Personnel Office, at the current salary of \$22,625.00, effective and retroactive to August 28, 1998.

On roll call the vote was as follows:

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

TBM 9/15/98

PAGE 32

RESOLUTION NO. (712-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has certified on June 30, 1998 that the position of Clerk #0789, Planning Department can be reclassified to the position of Senior Clerk, Planning Department.

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk #0789, Planning Department, is hereby reclassified to the position of Senior Clerk, effective and retroactive to August 26, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (713-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has furnished certification of Eligibles #97106 Senior Clerk which contains the name of Diane K. Papenmeyer.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Planning Board of Diane K. Papenmeyer, 221 Strawtown Road, West Nyack, New York, to the position of Senior Clerk, Planning Department at the current salary of \$28,614.00, effective and retroactive to August 26, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (714-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Planning Board of Lucy DiDomenico-Gelman, 59 Green Road, West Nyack, New York to the position of (temporary) Clerk, Planning Department, at the current hourly rate of \$11.50, effective and retroactive to September 11, 1998 to September 28, 1998.

Continued on next page

RESOLUTION NO. (714-1998) 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. (715-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a grade reallocation request has been made for the following title:

Administrative Aide-Planning
from Grade 24 to Grade 26, and

WHEREAS, the Town Board has reviewed this request;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves the above request pursuant to the Collective Bargaining Agreement of the Clarkstown Unit of the C.S.E.A.

On roll call the vote was as follows:

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

RESOLUTION NO. (716-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Lisa Florio has absented herself from work without written notice or authorized leave for a period of ten (10) working days;

NOW, THEREFORE, be it

RESOLVED, that Lisa Florio's resignation is accepted in accordance with Article XXIII Paragraph 2a of the "Agreement By and Between the Town of Clarkstown and the Civil Service Employees Association, Inc., said resignation to be effective August 31, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (717-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, nutrient loading and sedimentation has resulted in aquatic plant growth engulfing Swartout Lake in Congers; and

WHEREAS, the Supervisor of the Town of Clarkstown is desirous of having said aquatic vegetation removed from Swartwout Lake; and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to solicit proposals for the removal and/or thinning of the weed growth by means of mechanical harvesting to improve water quality and the flow of water through the lake; and

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

WHEREAS, the Department of Environmental Control has reviewed said proposals;

NOW, THEREFORE, BE IT RESOLVED that, based on said review, the Director of the Department of Environmental Control recommends that the Supervisor of the Town of Clarkstown retain the services of

AQUATIC ANALYSTS
P.O. Box 66
Middleville, New Jersey 07855
Phone: (973) 383-6264
FAX: (973) 948-4926

to perform the harvesting of aquatic vegetation from Swartout Lake under the direction of the Department of Environmental Control as per their proposal; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed **\$8,000.00** and shall be a proper charge to account # **H 5111 409 0 4 0 20**.

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. (718-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Supervisor of the Town of Clarkstown is desirous of having aquatic vegetation harvested from Swartout Lake in Congers; and

Continued on next page

TBM 9/15/98
PAGE 35

RESOLUTION NO. (718-1998) CONTINUED

WHEREAS, the Town Board of the Town of Clarkstown has authorized by resolution the harvesting of said vegetation; and

WHEREAS, no facilities currently exist sufficient enough to provide access for an aquatic harvester to perform this work; and

WHEREAS, the Department of Environmental Control has recommended the use of a crane to place and remove the harvester from Swartout Lake; and

WHEREAS, the Department of Environmental Control has obtained a proposal to perform said work; and

WHEREAS, the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control recommends that the Supervisor of the Town of Clarkstown retain the services of

OLORI CRANE SERVICE, INC.
11 Seeger Drive
Nanuet, New York 10954
Telephone: (914) 623-1267
FAX: (914) 623-1587

to set and remove the aquatic harvester under the direction of the Department of Environmental Control as per their proposal; and

BE IT FURTHER RESOLVED that the cost of said work shall not exceed **\$1,800.00** and shall be a proper charge to account # **H 5111 409 0 4 0 20**.

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. (719-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, Kakiak Court, which is located in the South of the Mountain Subdivision, Section IV, has been partially installed and improved by various developers who have built houses at said location, and

WHEREAS, said street has been irrevocably offered for dedication to the Town of Clarkstown since May 15, 1985 but has not yet been dedicated because certain required improvements are not yet completed, and

Continued on next page

RESOLUTION NO. (719-1998) CONTINUED

WHEREAS, the Director of Environmental Control and the Town Attorney have recommended that the Town Board declare the developers to be in default of their obligation to complete said street and to forfeit security funds that are posted;

NOW, THEREFORE, be it

RESOLVED, that Certificate of Deposit No. 6871119080, currently containing the sum of \$8,763.22, furnished to the Town by Lillian Adler, President of South of the Mountain Village, Ltd., and escrow deposits of \$10,500.00 furnished to the Town by Neuman Industries, Inc. are hereby declared forfeited; and the Director of Environmental Control is hereby authorized and directed to secure proposals for the completion of all necessary improvements to Kakiak Court using the funds forfeited to the Town for the completion of same, and be it

FURTHER RESOLVED, that in lieu of the forfeiture provided for herein, the Town will agree to accept a voluntary release of the funds from either developer in exchange for confirmation from the Town that no additional funds will be claimed by the Town for said improvements, and be it

FURTHER RESOLVED, that if any funds remain after completion of all improvements, said funds shall be returned to those persons posting same in the inverse order as received.

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. (720-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town Board has enacted 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, amend and update the Comprehensive Plan; and

WHEREAS, the Town Board is desirous of initiating the necessary studies and background work related to the preparation of said update to the Comprehensive Plan; and

WHEREAS, a work program for said Comprehensive Plan is in preparation;

NOW, THEREFORE, the Town Board authorizes Robert Geneslaw Co. to work with the Planning Board in initiating the necessary studies and background work for the Comprehensive Plan, which may include such elements as future land use, transportation, historic and cultural resources, sensitive environmental areas, demographic, socio-economic, housing, utilities, recreation and parkland, coordination with other agencies, examination of the proposed Rockland County Comprehensive Plan; and the cost for such services in 1998 shall be charged to the appropriate 1998 budget line 409.10.

RESOLUTION NO. (720-1998) 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. (721-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board recommends the use of Town Law Section 278, the average density layout, in connection with the J L Heritage Homes Subdivision, which is located on the West side of Pascack Road and the North side of Birchwood Avenue, Nanuet, New York, more particularly described on the Clarkstown Tax Map as Map 5, Block B, Lot 2;

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 J L Heritage Homes, 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 the proposed subdivision map.

On roll call the vote was as follows:

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

RESOLUTION NO. (722-1998)

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on September 28, 1998, at 8:00 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Continued on next page

RESOLUTION NO. (722-1998) CONTINUED

Amend Section 290—II B of the Zoning Ordinance, Table 16, General Bulk Regulations, R-10 District, as follows:

Column II, Group M, from 5" to 11";

Column II, Group N, from 5" to 10";

Column II, Group O, from 5" to 8,"

and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the same manner provided by law and file proof thereof in the Office of the Town Clerk.

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. (723-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Co. Mandia, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

**"AMENDMENT TO CHAPTER 278-6 (VEHICLES AND TRAFFIC)
OF THE CODE OF THE TOWN OF CLARKSTOWN"**

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 the 28th day of September 1998 at 8:10 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

TBM 9/15/98
PAGE 39

RESOLUTION NO. (724-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highway that

Request for Proposal #138-1998 for Installation of an Impermeable Liner and Top Coat of Asphalt in the Salt Dome at the Highway Department

is hereby awarded to:

R & S Roofing and Sheet Metal Co., Inc.
39 Prospect Street West
Nanuet, NY 10954

As per the low quote proposal of \$16,470.00 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 Insurance and Property Damage Coverage
- 2) Certificate of Worker's Compensation and Worker's Disability Insurance Coverages

On roll call the vote was as follows:

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

RESOLUTION NO. (725-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

Conklin Park Condo's
Klint Court
Nanuet, NY 10954 (6-B-1-30)

by the installation of fire lane designations, and

WHEREAS, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations:

Continued on next page

RESOLUTION NO. (725-1998) CONTINUED

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (726-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS an existing gabion retaining wall has collapsed along the Demarest Kill adjacent to the Cavalry Drive culvert, and

WHEREAS the structural integrity of an existing sanitary sewer line and manhole have been compromised as a result of the collapse, and

WHEREAS immediate repairs to the gabion wall are necessary in order to protect the health, safety, and welfare of the general public, and

WHEREAS the New York State Department of Environmental Conservation has granted an emergency permit for the work to be completed, and

WHEREAS the Director of the Department of Environmental Control is obtaining proposals from competent contractors to perform the emergency repairs.

NOW THEREFORE, be it

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to hire a competent contractor to perform the emergency work based upon the proposals received, and be it

FURTHER RESOLVED that the cost for the emergency work shall be a proper charge to account H 8736 409 0 67 8

On roll call the vote was as follows:

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

TBM 9/15/98
PAGE 41

RESOLUTION NO. (727-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the vegetative corridor between Route 304 and the adjoining properties Tax lots 57-A-12, 4.0101, 4.6, & 4 and 56-A-29, 29.01 & 27 has become unsightly with overgrown weed growth, and;

WHEREAS, the Department of Environmental Control has recommended a solution for spraying the vegetation with herbicide and installing mulch along the embankment as necessary, and;

WHEREAS, the Department of Environmental Control has solicited three proposals to perform said herbicide application and mulch installation work;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, 59 Schriever Lane, New City New York, to perform the necessary work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$7,750.00 and shall be a proper charge to account # H 8742 409 0 24 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. (728-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Planning Board of the Town of Clarkstown is requesting a refund in the amount of \$400.00 for a site plan review to be made to the St. Anthony's Cemetery, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund in the amount of \$400.00 to Father William Reynolds with regard to St. Anthony's Cemetery site plan review.

On roll call the vote was as follows:

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

RESOLUTION NO. (729-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 605-1998, a committee was established for the purpose of making recommendations relating to the possible purchase of property designated on the Clarkstown Tax Map as Map 57, Block M, Lot 13.1, owned by John DeBevoise and occupied by Epic Pools, and

WHEREAS, it is desirous to obtain a preliminary appraisal of said property;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner is hereby retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$4,000.00.

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. (730-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Thomas and Angela Riordan in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 110, Block A, Lot 19.4, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 27th day of October, 1998, at 8:00 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 12th day of October, 1998.

On roll call the vote was as follows:

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

TBM 9/15/98
PAGE 43

RESOLUTION NO. (731-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Margaret Bernaschina in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 98, Block A, Lot 9.68, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 27th day of October, 1998, at 8:05 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 12th day of October, 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. (732-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways, the Town Board hereby awards the contract for engineering consultant services to Lawler, Matusky and Skelley, 1 Blue Hill Plaza, Pearl River, New York in accordance with their proposal and

BE IT FURTHER RESOLVED that the total cost shall not exceed \$29,500.00.

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. (733-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, Superintendent of Highways, has recommended the addition of the following six roads to the 1998 Roadway Resurfacing Program under Bid No. 47-1998:

Continued on next page

RESOLUTION NO. (733-1998) CONTINUED

Fanley Avenue, New City
Freedman Avenue, Nanuet
(Old Nyack Turnpike to Alan Drive)
Hereford Lane, New City
Meadow Lane, New City
Roberts Road, New City
Van Nostrand Place, Nanuet

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the addition of the following six roads to the 1998 Roadway Resurfacing Program under Bid No. 47-1998:

Fanley Avenue, New City
Freedman Avenue, Nanuet
(Old Nyack Turnpike to Alan Drive)
Hereford Lane, New City
Meadow Lane, New City
Roberts Road, New City
Van Nostrand Place, Nanuet

and be it

FURTHER RESOLVED, that the increase in expenditure for this project shall not exceed the sum of \$85,000.00.

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. (734-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, Superintendent of Highways, has advised that additional work needs to be performed for the 1998 Curb and Sidewalk Replacement Program under Bid No. 48-1998;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an increase in the cost of Bid No. 48-1998 with respect to the 1998 Curb and Sidewalk Replacement Program, which shall not exceed the sum of \$40,000.00.

On roll call the vote was as follows:

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

TBM 9/15/98
PAGE 45

RESOLUTION NO. (735-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, Superintendent of Highways, recommends the hiring of Tetric Engineering Consultants, P.C., to provide construction inspection and material testing services for the 1998 Roadway Resurfacing Program for the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring of Tetric Engineering Consultants, P.C., to provide construction inspection and material testing services for the 1998 Roadway Resurfacing Program in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$9,000.00

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 10:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/15/98

8:14 P.M.

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

Re: Proposed Local Law Prohibiting the Processing of Zone Change Applications for a
Period of Twelve Months

On motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Rudy Yacyschyn, Chairman of the Planning Board, reported that the Planning Board enthusiastically supports the motion to offer a moratorium on zone changes for a period of 12 months. Feels this will give them ample time to review, amend and update the comprehensive plan. This is an opportunity to review the land use and all of the other elements such as housing, recreation and public transportation demographics that would be involved. There has been a master plan in the Town of Clarkstown since 1966. It was adopted by the Planning Board at that time and has been subsequently updated with various other materials. Specifically, the zoning ordinance which we are currently operating with was adopted in 1967. It is obvious that this is something that needs review now, not because there is only approximately 20% of undeveloped land, but because it is an effort to really view for the future what we think will be a major element, redevelopment of currently developed properties which through age or other use is a candidate for such improvements. The Planning Board wholly supports a moratorium in a effort to do the very necessary update of the comprehensive plan.

Appearance: Peggy Nadel
Sec'y Valley Cottage Civic Assoc.

Spoke about results of a written survey done by the Civic Association membership which shows more than 90% of the people shared concerns about overdevelopment, the need for planning and open space, and the problems of congestion on the roads. From this she concludes that most of the residents of Valley Cottage would be in favor of this proposal.

Appearance: Joseph A. Meola
Congers

He is in favor of moratorium because there are too many houses and townhouses. Feels there is too much traffic.

Appearance: Jim Cropsey
New City

Thinks the proposal is a fine idea but questioned why the matter of special permits is not addressed. Is that a part of this proposal.

Supervisor responded that it is not a part of this proposal. There is another proposal to deal with amendments to the text of the zoning ordinance which wouldn't specifically deal with special permits but in discussions with the Planning Board Chairman, they are still mulling that one over.

PH: PROPOSED LOCAL LAW PROHIBITING PROCESSING OF ZONE CHANGE
APPLICATIONS FOR 12 MONTHS

PAGE 2

9/15/98

Mr. Cropsey stated that the public should be aware that if Special Permits are not included in this, it is an exercise in futility because, for example, his next door neighbor is proposing a development that will be almost a 10 time increase in the density for the Davies Lake Property. Feels that this proposal is only partly closing the door.

Supervisor stated that they can add that to the proposed setting of a public hearing on the text for the next Town Board meeting.

Co. Mandia stated that they had to study this properly so they don't stop permits for doctors to put up shingles, handicap access from being built and those kinds of things. There are a lot of things encompassed in Special Permits.

Appearance: Martin Bernstein
New City

Stated that the Special Permit question should be included in this resolution because voting for a Special Permit could be a major change of zoning while the Planning Board is working on the comprehensive plan, you could be changing a major part of the Town. Stated that an advisory board comprised of people in the community who have an interest in the Town should be working with the Planning Board on the comprehensive plan.

Appearance: Martus Granier
West Branch Conservation Association

Happy to see that in addition to considering the resolution they are also talking about funding the comprehensive plan in Item 26 tonight. In 1980 we were faced with the same issue when a zone change freeze was adopted. It was needed then and it is needed now. There is no question that the Planning Board will need time to compile its thoughts to advise you, but the real responsibility for a comprehensive plan is the Town Board's.

Appearance: Pat Loftus, Esquire
Freeman, Loftus & Manley

Represents 2 petitioners who recently filed a petition asking that the zoning code be amended to allow for child daycare centers. Respectively suggests that the proposed law in this instance specify that it only applies to zone changes and not to textual amendments of the zoning code. He also suggested that the Board clarify their intent as to whether the moratorium applies to all pending applications or applications filed after the date that the law is officially past.

Appearance: Bob Jackson
Nanuet Civic Association

The Civic Association is in favor of the moratorium. He questioned whether it is only the Planning Board working on it or will there be input from the citizens.

Supervisor replied that citizens will be involved. They would like to adopt the moratorium first and then will talk about the mechanics of it. At the very minimum they are talking about committees within the hamlets to make recommendations. Then they would have specific hearings dealing with one hamlet at a time to consider implementation.

Co. Maloney stated that the last time this was done, the Planning Board went into every hamlet and met with people for as long as was needed to hear every citizen. They will meet as long as need be in a particular hamlet so that every citizen and every citizen group will have a chance to be heard.

PH: PROPOSED LOCAL LAW PROHIBITING PROCESSING OF ZONE CHANGE
APPLICATIONS FOR 12 MONTHS

PAGE 3

9/15/98

Appearance: Gerry O'Rourke
President, Congers Civic Association

Supports this resolution. It is the right thing to do and it is what the Town residents want done. He also thinks renaming of the master plan as a comprehensive plan is appropriate since these zone updates have many dimensions and certainly comprehensive is a better word for it. Stated that at their last meeting the question of the deteriorating lakes in town were discussed. One of the factors in that situation is the sediment load from new construction. He is not saying never allow construction but he does feel it is time to take a breather and look at the future. There is not that much land left and what we do with it is very critical.

Supervisor stated that the other aspect of the master plan is redevelopment. With land as valuable as it is in Clarkstown, redevelopment will be as much a concern for the Town's next generation as new development on more difficult sites.

Appearance: Oscar Terry
New City

Asked if the Master Plan goes through, is the Board going to abide by the plan or continue business as usual.

Supervisor replied that the comprehensive plan is a set of principles that should govern whether land uses change when it's up for consideration for change. If the Town Board adopts the principles of the comprehensive plan as adopted by the Planning Board, it then becomes very difficult for the Town Board subsequently to justify changes to that type of land use. This is more than just a perfunctory action, holding a public hearing and adopting a master plan because if it is done properly, we will then have a much tighter grip on future development and when people come in to ask for specific changes we can then rely upon our comprehensive plan that we hopefully will have adopted to justify why a certain land use should not be adopted.

Mr. Terry stated that even with the master plan they had before, anytime a builder wanted to build something and the land was available all he did was come in and ask for a zone change and he got it and he built it and that is what we are trying to prevent now.

Supervisor responded that in the absence of a Town Board adopting the principles of a comprehensive plan, it gives the Town Board far more legal latitude in their legislative function to change zones. With adopting the principles of the comprehensive plan it becomes more constrained. The proclivity of Town Boards in the past not to do that, they didn't want to constrain their own actions but a lot of communities have done it and that is what we are aiming to do with this. If done properly this is a much greater step than people really think.

Appearance: Shirley Lasker
President, Rockland Civic Association

Congratulated the Board on this proposal. Thinks that it is very important to adopt the plan. Stated that the County did a comprehensive plan and that they called in representatives from all parts of the County to work on committees in doing this plan. Hopes that that is what the Board will do, not bring in people after the fact, but bring in people from different parts of Clarkstown to really work on the plan and to come up with an idea that is good for everybody. Also feels that we should look into preserving some of the land. She supports the resolution.

Appearance: Scott Romer
West Nyack

Congratulated the Planning Board and the Town Board on promoting this and hopes they go through with it.

PH: PROPOSED LOCAL LAW PROHIBITING PROCESSING OF ZONE CHANGE
APPLICATIONS FOR 12 MONTHS

PAGE 4

9/15/98

Appearance: Marsha Johnson
West Nyack

Agrees with the notion of an open space referendum in addition to this proposal.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by
Co. Mandia and unanimously adopted the Public Hearing was declared closed, RESOLUTION
NO. 668-1998 ADOPTED, 8:40 P.M.

Respectfully submitted,



Patricia Sheridan
TOWN CLERK