

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/10/98

8:00 P.M.

Present: Supervisor Charles E. Holbrook
Council Members Maloney, Mandia Profenna and Smith
Murray N. Jacobson, Town Attorney
Anne Houlihan, Deputy, Town Clerk

Supervisor declared the Town Board meeting open. Assemblage saluted the Flag.
Supervisor Holbrook opened the public portion of the meeting.

Appearance: John Lodico
New City
Re: Item 26, he asked if video cameras were in police cars.

Appearance: Russell Trojan
Clarkstown
Re: Item #13, he asked where the Church Street, Nanuet drainage was from and to.

RESOLUTION NO. (851-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

**“AMENDMENT TO CHAPTER 262 (TAXATION) OF
THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

was introduced by Councilman Mandia at a Town Board meeting held on October 27, 1998, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 27, 1998, directed that a public hearing be held on November 10, 1998, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on October 31, 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 October 22, 1998, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 10, 1998;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6 - 1998, entitled:

**“AMENDMENT TO CHAPTER 262 (TAXATION) OF
THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown.

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

Continued on Next Page

RESOLUTION NO. (851-1998) 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. (852-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Associates of Rockland has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 124, Block C, Lots 41, 41.1, 45 and 46, for the year(s) 1994, 1995, 1996 and 1997, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000 per appraisal.

On roll call the vote was as follows:

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

RESOLUTION NO. (853-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, B. G. Schefa Development Corporation has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 6, Block B, Lot 4.1, for the year(s) 1994/95 and 1995/96, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000 per appraisal.

On roll call the vote was as follows:

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

RESOLUTION NO. (854-1998)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Maintenance Bond in the amount of \$56,000.00, in connection with the dedication of the road(s) and improvements on January 25, 1994, in a subdivision known as Cropsey Estates is hereby terminated; and the sum of \$56,000.00 may be released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (855-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, Avalon Properties, Inc. furnished to the Town of Clarkstown a Performance Bond secured by Letter of Credit No. CS1066922 in the amount of \$1,000,000, to cover the improvements and other facilities as shown on the final plat of Avalon Gardens, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$60,000, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that upon receipt of a replacement Letter of Credit in the amount of \$60,000, Letter of Credit No. CS1066922 in the amount of \$1,000,000 may be released.

On roll call the vote was as follows:

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

RESOLUTION NO. (856-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that pursuant to the settlement of the Article 78 Proceeding between the Town of Clarkstown and Ralph Widmaier under Index No. 6224/98, it is recommended that deed(s) from: Ralph Widmaier and Patricia Ann Widmaier, dated April 15, 1987, conveying the following road(s):

Continued on Next Page

RESOLUTION NO. (856-1998) Continued

Endicott Street

372 L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Hensey Subdivision is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County 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. (857-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from: Helen C. Trachtenberg, dated June 8, 1995, conveying the following road(s):

Trachtenberg Court

790 L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Trachtenberg Estates is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that upon receipt of a Maintenance Guaranty in the amount of \$19,335 in the form of a bond or \$9,668 in the form of cash or a Letter of Credit, Performance Bond dated October 13, 1995 secured by Letter of Credit No. 1463 in the amount of \$37,000 may be released to the guarantor.

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. (858-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, The People of the State of New York, acting by and through Joseph H Boardman, the Commissioner of Transportation of the State of New York, have agreed to gratuitously convey to the Town of Clarkstown an Easement over New York State Route 59, and

WHEREAS, the Town Attorney recommends acceptance of said conveyance;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (858-1998) Continued

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said Easement on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said Easement is hereby ordered recorded in the Office of the Rockland County Clerk.

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. (859-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the return of \$204.17 paid as penalty interest on taxes for property owned by Edward and Elaine Cahill, 7 Hess Road, Valley Cottage, New York, as they did not receive a school tax bill in the mail, and be it

FURTHER RESOLVED, that this resolution be retroactive to October 29, 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. (860-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, Manuel R. Vicera has requested a refund of the Building Permit fee of \$161.00 since he cancelled construction of a swimming pool on his property,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund of a portion of the Building Permit fee to Manuel R. Vicera in the amount of \$100.00.

On roll call the vote was as follows:

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

TBM 11/10/98

Page 6

RESOLUTION NO. (861-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has in its possession escrow funds to secure certain improvements in a subdivision known as "586 Brewery Road Subdivision;"

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby defaults to the Town of Clarkstown, the sum of \$2,500 (\$2,000 which is being held for landscaping and \$500 which is being held for shade trees), and be it

FURTHER RESOLVED, that the \$2,500 being defaulted to the Town of Clarkstown shall in turn be dispensed to Mr. & Mrs. Klores, Westerly Drive, New City, New York, for work they had performed on their property, and be it

FURTHER RESOLVED, that the balance of escrows being held by the Town of Clarkstown in the amount of \$2,900.00 shall be released to Art Price, developer of the subdivision.

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. (862-1998)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Atzl, Scatassa & Zigler, land surveyors, to prepare a survey of 3.2 acres of property owned by St. Anthony's, Nanuet, New York, and be it

FURTHER RESOLVED, that the fee for said services shall be \$3,750.00 and shall be charged to Account No. A-1420-409.

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. (863-1998)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Karl F. Kirchner, appraiser, to prepare an appraisal of 3.2 acres of property owned by St. Anthony's, Nanuet, New York, and be it

Continued on Next Page

RESOLUTION NO. (863-1998) Continued

FURTHER RESOLVED, that the fee for said services shall be charged to Account No. A-1420-409.

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. (864-1998)

Co. Smith offered and Co. Profenna seconded

RESOLUTION, that the Supervisor is hereby authorized to enter into an agreement extending the contract between the Town of Clarkstown and Arthur Conklin, whereby Arthur Conklin agrees to provide services to the Building Department on an advisory and consultative basis, consistent with the terms of said contract, for the period from November 14, 1998 to May 13, 1999.

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. (865-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the New York State Division of Criminal Justice Services (DCJS #LG98988418) has appropriated funds for the purpose of financing the purchase of supplies for the D.A.R.E. program by the Town of Clarkstown Police Department, and

WHEREAS, the State shall provide \$4,000 to the Town of Clarkstown Police Department for said supplies for the period covering April 1, 1998 through March 31, 2000;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York Division of Criminal Justice Services to accept a grant award of \$4,000 to cover the purchase of supplies for the Dare Program by the Clarkstown Police Department, for the period to April 1, 1998 through March 31, 2000.

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. (866-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the New York State Division of Criminal Justice Services (DCJS #LG98988283) has appropriated funds for the purpose of financing computer training for members of the Town of Clarkstown Police Department, and

WHEREAS, the State shall provide \$8,000 to the Town of Clarkstown Police Department for said computer training for the period covering April 1, 1998 through March 31, 2000:

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York Division of Criminal Justice Services to accept a grant award of \$8,000 to cover the financing of computer training for members of the Town of Clarkstown Police Department, for the period to April 1, 1998 through March 31, 2000.

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. (867-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes attendance at an advanced training course on brake systems being held on November 12, 1998, at the Town and Country Inn, Route 9W Congers, New York, by Town mechanics: William Carton, Charles Clark, Greg Barra and Gary Marina, and be it

FURTHER RESOLVED, that the fee for such course shall be \$50.00 per person for a total of \$200.00, which shall be charged to Account No. 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. (868-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the following persons are hereby appointed to the position of Member of the Deferred Compensation Committee, to serve without compensation for the following purposes:

Continued on Next Page

RESOLUTION NO. (868-1998) Continued

1. To designate a trustee to hold the assets of the "457 Plan" for the exclusive benefit of the participants and their beneficiaries and

2. To evaluate and adopt any changes to the Model Deferred Compensation Plan for employees of the Town of Clarkstown

- Nancy Davidson, Employee Benefit Clerk
- Thomas Sheehy, Police Officer
- Edward Duer, Comptroller, who is to serve as Chairman of the Committee
- Penny Leonard, Finance Director
- Dolores Lodico, Computer Operator, Account Supervisor
- Paul Schofield, Deputy Town Attorney

This resolution shall be retroactive to November 9, 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. (869-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Green Mountain Landscaping, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310 329 (Parks & Recreation - Supplies) by \$100.00.

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. (870-1998)

Co. Maloney offered and Co. Profenna seconded

BE IT RESOLVED, that the Clarkstown Parks Board and Recreation Commission and Town Board approves the application with the Clarkstown Board of Education under the 1998 Statewide Shared Services Program for Municipalities and School Districts.

Continued on Next Page

RESOLUTION NO. (870-1998) 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. (871-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, to decrease Appropriation Accounts A-7180-323 (Chemicals) and increase Accounts A-7180-219 (Misc. Equipment) to \$220.00; decrease Appropriation Accounts A-7610-307 (Uniforms) and increase Account A7610-201 (Furn./Fixtures) to \$101.00; and decrease Appropriation Accounts A-7141-306 (Maint. Sup.) and increase Account A-7141-222 (Park/Rec.E) to \$2,500.00.

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. (872-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS the Town of Clarkstown has received \$2,203.70 from Kemper Insurance for repairs to five (5) damaged voting machines and \$736.59 from Lancer Insurance Co. for damage to Bus No. 8, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 8 2680 (Insurance Recoveries) and the following appropriation account numbers:

A 1450 407 (Elections-Equip. Repairs).. \$ 2,203.70
 A 5630 406 (Mini-Trans-Repairs to Vehicles). 736.59, and be it

FURTHER RESOLVED, to transfer \$867.75 from Guaranty Deposit to Revenue Account No. A 01 3 2001 (Parks & Recreation) and

WHEREAS, various funds require additional funding, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 (Unexpended Balances) by \$61,350 and the following appropriation account numbers:

A 3120 230 (Police-Communications Equipment)..\$ 5,500
 A 3120 307 (Police-Uniforms).. 16,000
 A 1330 114 (Receiver of Taxes-Part-time).. 3,200

Continued on Next Page

TBM 11/10/98

Page 11

RESOLUTION NO. (872-1998) Continued

A 1420 409 21 (Town Attorney-Eugene Albert).	13,500
A 1670 313 (Mail & Copy-Office Supplies & Prtg)	600
A 1670 319 (Mail & Copy-Misc. Supplies)..	50
A 1680 110 (Data Processing-Salaries)..	11,000
A 1680 219 (Data Processing-Misc. Equipment).	7,500
A 8090 409 (Aquatic Pests-Fees for Services)..	4,000

AND BE IT FURTHER RESOLVED, to increase Estimated Revenue Account No. A 01 5 2412 (Rental Old Police Bldg.) by \$7,900 and the following appropriation account numbers:

A 1630 408 (Police Bldg.-Bldg. Repairs)..	\$ 1,100
A 1630 409 (Police-Fees for Services)..	6,800

AND BE IT FURTHER RESOLVED, to decrease A 7180 407 (Swimming Facilities-Equipment Repairs) and increase A 7180 319 (Misc. Supplies) by \$35; decrease A 1450 219 (Elections-Misc. Equip) and increase A 1450 407 (Equip. Repairs) by \$850; decrease A 3020 407 (Central Communications-Equip. Repairs) and increase A 3020 230 (Communications Equip.) by \$330; decrease A 3410 204 (Fire Bd. Of Appeals-Office Machines) and increase A 3410 114 (Part-time) by \$100; and increase A 7520 419 (Historical Review Bd.-Misc. Services) and increase A 7520 114 (Part-time) by \$385.

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. (873-1998)

Co. Smith offered and Co. Maloney seconded

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

BID #63-1998
 CHURCH STREET, NANUET DRAINAGE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: DECEMBER 1, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Environmental Control upon payment of the prescribed non-refundable fee per set.

On roll call the vote was as follows:

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

TBM 11/10/98

Page 12

RESOLUTION NO. (874-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, PETER GISONDI v. THE TOWN OF CLARKSTOWN, a Municipal Corporation, Its Assessor and Board of Review, Index No(s). 4876/94, 4143/95, 4607/96, 4488/97 and 4334/98, affecting parcel(s) designated as Map 59, Block A, Lot 20.34, for the year(s) 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 59, Block A, Lot 20.34 be reduced for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99 from \$543,300 to \$448,800 at a cost to the Town of \$5,698.18;
- 2. That reimbursement for the year(s) 1994/95, 1995/96, 1996/97 and 1997/98 on the parcel described as Map 59, Block A, Lot 20.34 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
- 3. 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. (875-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Michael J. Byrne, 182 South Main Street, Pearl River, New York, is hereby appointed to the position of (Part-time) Bus Driver, Mini Trans Department, at the current hourly rate of \$12.34 effective pending completion of physical examination.

On roll call the vote was as follows:

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

TBM 11/10/98
Page 13

RESOLUTION NO. (876-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Donna Boemio, 584 Babbling Brook Lane, Valley Cottage, New York is hereby appointed to the position of Clerk Typist (temporary), Building Department (Fire Inspector Office) at the current hourly rate of \$12.50 effective November 30, 1998 for a period not to exceed 3 months.

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. (877-1998)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Josephine A. Walsh, 209 Radcliff Drive, Upper Nyack, New York, Senior Stenographer, Highway Department is hereby granted a leave of absence, without pay, (17 hours per week), effective and retroactive to June 1, 1998 to November 1, 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. (878-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS the Town of Clarkstown has expanded its existing compost facilities as part of the overall Rockland County Recycling Program, and

WHEREAS in order to properly operate the expanded facility, additional manpower is required, and

WHEREAS the Director of the Department of Environmental Control has evaluated the need for additional manpower and recommends that one (1) (Temporary) Laborer position, Solid Waste Facility, be created.

NOW THEREFORE, be it

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to fill one (1) additional Temporary Laborer position at the Solid Waste Facility, in accordance with the Agreement by and between the Town of Clarkstown and the Civil Service Employees Association, Inc., dated January 1, 1996 - December 31, 1999.

Continued on Next Page

RESOLUTION NO. (878-1998) 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. (879-1998)

Co. Maloney offered and Co. Smith seconded

PETITION, for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include CLARKSTOWN ACRES ESTATES, INC. in the Town of Clarkstown, Rockland County, New York

WHEREAS, a written Petition dated October 12, 1998, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York in said Town of Clarkstown, on the 8th day of December, 1998 at 8:00 P.M. EST to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other actions as may be required by law or proper in the premises.

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. (880-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a petition has been made to the Town Board of the Town of Clarkstown for development of the premises known and designated on the Clarkstown Tax Map as Map 141, Block B, Lot 3, to permit the construction of twenty-three (23) fee owned townhouses with common areas under the control of a Homeowners' Association on approximately 7 acres of land;

NOW, THEREFORE, be it

RESOLUTION NO. (880-1998) Continued

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, and pursuant to the recommendations of the Town of Clarkstown Planning Board, the Town Board hereby establishes an "Open Development Area" for property situate on the west side of Route 9W and the north side of Old Lake Road, Congers, New York, which is intended to be developed with twenty-three (23) townhouses, which property is more specifically designated on the Clarkstown Tax Map as Map 141, Block B, Lot 3, consisting of approximately 7 acres, which property may be developed as a result of a petition of Theodore F. Atzl, P.L.S., engineer for the applicant Dimick (Millers Landing Site), presently pending before the Clarkstown Planning Board, provided however, prior to the issuance of any building permit the following conditions shall be met by the owner:

1. "The Open Development Area" shall consist of the right-of-way and common areas as shown on a proposed subdivision map entitled, "Millers Landing, Town of Clarkstown, Rockland County, New York, Subdivision Plat" dated October 19, 1998, drawn by Atzl Scatassa & Zigler, P.C., New City, New York, for which Building Permit or Certificates of Occupancy may be issued for no more than twenty-three (23) townhouses subject to obtaining final subdivision and site plan approval of the Clarkstown Planning Board, for which access to said dwellings is given by the private right-of-way or easement as shown on said proposed subdivision and site plans.

2. Prior to final approval, applicant shall secure in writing a statement from the Congers-Valley Cottage Ambulance Corps and the Fire District servicing the area that the proposed right-of-way will provide sufficient emergency access.

3. Applicant shall obtain the review and approval of the proposed access, any required drainage improvements and the necessary sewer systems from the Department of Environmental Control, prior to final site plan approval.

4. Prior to final approval, applicant shall provide a Declaration of Restrictive Covenant which shall run with the land in a form acceptable to the Town Attorney and which shall be recorded in the Rockland County Clerk's Office, which Declaration shall contain the following declaration and covenants:

A. That the property owners acknowledge that access to the nearest public road has been obtained by private easement or right-of-way and that the property owner shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services which are provided to residents of the Town of Clarkstown whose properties front on a public road.

B. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein.

C. That the fee ownership of the common areas and right-of-way be in a Homeowners' Association duly formed with responsibility for property maintenance and landscaping of which all dwelling unit owners shall be required to participate.

D. That the Declaration shall contain provisions for regular maintenance, repair, snow plowing and other necessary services on the right-of-way and other common element areas by the Homeowner' Association, with a sharing of the cost of same on an equitable basis.

E. That the Certificate of Occupancy issued for any fee units within the site plan or subdivision boundaries shall be conditioned upon observance and subject to the Declaration of Covenants herein required.

F. That in the event the property owner at any time in the future shall request establishment of a road improvement district or otherwise seek to dedicate the private right-of-way or easement as a public street, such owner or Board of Directors of the Homeowners' Association shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner in this easement or right-of-way and any property adjacent

Continued on Next Page

(RESOLUTION NO. (880-1998) Continued

thereto, and said owner shall covenant in said Declaration of Covenants to participate in any such road improvement district at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such road improvement district being assessed against the Homeowners' Association interest of fee units in accordance with the provisions of Town Law.

G. That any site plan or subdivision map approved by the Planning Board shall contain a note referring to the resolution establishing the "Open Development Area" by date and number, which site plan or map note shall also state that the issuance of Building Permits and Certificates are subject to compliance with the Declaration of Covenants herein required.

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. (881-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Theodore F. Atzl, land surveyor, on behalf of the developer Theise, has made application to the Town Board of the Town of Clarkstown for use of Town Law 280-a(4) for development of the premises known and designated on the Clarkstown Tax Map as Map 21, Block B, Lot 2;

NOW, THEREFORE, be it

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, and pursuant to the recommendations of the Town of Clarkstown Planning Board, the Town Board hereby establishes an "Open Development Area" for property situate on the west side of Phillips Hill Road, New City, New York, which property is more specifically designated on the Clarkstown Tax Map as Map 21, Block B, Lot 2, and consists of approximately 7.576 acres. The Running Brook Estates Subdivision may be developed as a result of the application presently pending before the Clarkstown Planning Board, provided however, prior to the issuance of any building permit the following conditions shall be met by the owner:

1. "The Open Development Area" shall consist of the area as shown on a proposed subdivision map entitled, "Running Brook Estates, Town of Clarkstown, Rockland County, New York, Subdivision Plat" dated June 1, 1998, drawn by Atzl Scatassa & Zigler, P.C., New City, New York, for which Building Permit or Certificates of Occupancy may be issued for no more than five lots subject to obtaining final subdivision and site plan approval of the Clarkstown Planning Board, for which access to said dwellings is given by the private right-of-way or easement as shown on said proposed subdivision and site plans.
2. Prior to final approval, applicant shall secure in writing a statement from the New City Ambulance Corps and the Fire District servicing the area that the proposed right-of-way will provide sufficient emergency access.
3. Applicant shall obtain the review and approval of the proposed access, any required drainage improvements and the necessary sewer systems from the Department of Environmental Control, prior to final site plan approval.
4. Prior to final approval, applicant shall provide a Declaration of Restrictive Covenant which shall run with the land in a form acceptable to the Town Attorney and which shall be recorded in the Rockland County Clerk's Office, which Declaration shall contain the following declaration and covenants:

Continued on Next Page

RESOLUTION NO. (881-1998) Continued

A. That the property owners acknowledge that access to the nearest public road has been obtained by private easement or right-of-way and that the property owner shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services which are provided to residents of the Town of Clarkstown whose properties front on a public road.

B. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenants required herein.

C. That the fee ownership of the right-of-way or easement shall be vested in the abutting lot owners

D. That the Declaration shall contain provisions for reciprocal easement and maintenance agreement to provide for regular maintenance, repair, snow plowing and other necessary services on the right-of-way or easement by the property owners, and the sharing of the cost of same on an equitable basis.

E. That the Certificate of Occupancy issued for any premises within the site plan or subdivision boundaries shall be conditioned upon observance and subject to the Declaration of Covenants herein required.

F. That in the event the property owner at any time in the future shall request establishment of a road improvement district or otherwise seek to dedicate the private right-of-way or easement as a public street, such owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner in this easement or right-of-way and any property adjacent thereto, and said owner shall covenant in said Declaration of Covenants to participate in any such road improvement district at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such road improvement district being assessed against the property owners in accordance with the provisions of Town Law.

G. That the applicant shall return to the Planning Board for subdivision review and approval, and that any site plan or subdivision map approved by the Planning Board shall contain a note referring to the resolution establishing the "Open Development Area" by date and number, which site plan or map note shall also state that the issuance of Building Permits and Certificates are subject to compliance with the Declaration of Covenants herein required.

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. (882-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the naming of roads surrounding the Palisades Center Mall as follows:

1. The road referred to as the "ring road" shall become "Palisades Center Drive."
2. The widened section of Snake Hill Road from Route 303 over the new Thruway bridge to Palisades Center Drive shall become "Palisades Center Drive North."
3. The section of road from Route 303 to the new Thruway bridge is officially known as "Snake Hill Road."
4. The entrance to the Palisades Center Mall across from the Nyack Motor Lodge shall become "Palisades Center Drive East," and be it

Continued on Next Page

RESOLUTION NO. (882-1998) Continued

FURTHER RESOLVED, that the Highway Superintendent take notice of this resolution and make appropriate changes in the street signs as may be necessary and that the Town Clerk, pursuant to Town Law 64(9), shall within ten days from the date hereof cause a copy of this resolution to be forwarded to the owner of the Palisades Center Mall, the Clarkstown Central School District, West Nyack Post Office, West Nyack Fire Department, West Nyack Ambulance Corps and the Clarkstown Police Department, and that a certified copy of this resolution be filed with the Rockland County Clerk and the Rockland County Engineer, and be it

FURTHER RESOLVED, that 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. (883-1998)

Co. Smith offered and Co.Mandia seconded

WHEREAS, Robert E. Sorace, land surveyor for the owner of the Rosemary Jourdan Subdivision, has made application for use of Town Law Section 278 in connection with said subdivision, which property is located on the west side of North Greenbush Road, West Nyack, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the average density layout provides for an improved layout, and

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 a subdivision plat, which shows the average density layout, entitled, "Subdivision Plat for Rose Mary Jourdan, West Nyack, Town of Clarkstown, Rockland County, New York," dated May 1, 1997 and last revised October 29, 1998, prepared by Robert E. Sorace, PLS;

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 Rosemary Jourdan, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board, and not inconsistent with the plan depicted on aforesaid proposed subdivision map.

On roll call the vote was as follows:

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

RESOLUTION NO. (884-1998)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Karl F. Kirchner, appraiser, to prepare an appraisal of a portion of Mirror Lake Road, Nanuet, New York, and be it

FURTHER RESOLVED, that the fee for said services shall be charged to Account No. A-1420-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (885-1998)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of October 27, 1998 and November 2, 1998 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (886-1998)

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 #59-1998
Old Mill Road, West Nyack - Roadway Improvements

is hereby awarded to:

Hudson Canyon Construction, Inc.
16 Schuman Road
Millwood, NY 10546
PRINCIPALS: Theodore J. Muldoon

as per their lowest proposal cost of \$439,355 and be it

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

Continued on Next Page

RESOLUTION NO. (886-1998) Continued

Purchasing of the following:

- a) Signed Contract Documents - two copies
- b) Performance Bond - 100%
- c) Labor and Materials Payment Bond - 100%
- d) Certificate of Contractor's Liability and Property Damage Coverage -
The Town must be named as co-insured party
- e) Certificate of Worker's Compensation and Worker's Disability Coverage

On roll call the vote was as follows:

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

RESOLUTION NO. (887-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Supt. of Highways that

**BID #60-1998
 RENTAL OF TRUCKS FOR HIGHWAY DEPARTMENT
 FOR LEAF PICK-UP AND SNOW REMOVAL**

is hereby awarded to:

W. Harris & Son, Inc.
 37 W. Washington Avenue
 Pearl River, NY 10965
 PRINCIPALS: William V. Harris Jr.
 Antonette Harris

Joseph F. Mutinsky, Inc.
 66 North Grant Avenue
 Congers, N.Y. 10920
 PRINCIPAL: James A. Mutinsky

Environmental Construction Inc.
 73 Route 210
 Stony Point, NY 10980
 PRINCIPAL: Susan Oelkers-Ramos

Hertz Equipment Rental Corp.
 49 Wesley Street
 South Hackensack, NJ 07606
 PRINCIPAL: A Public Corporation

as per the schedule of costs on file in the Purchasing Department

On roll call the vote was as follows:

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

TBM 11/10/98

Page 21

RESOLUTION NO. (888-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, existing plantings located in various Town maintained cul-de-sac planting islands have died; and

WHEREAS, replacement of these plantings was not included in this year's cul-de-sac maintenance budget; and

WHEREAS, the Department of Environmental Control has received numerous requests from residents to replace these plantings during calendar year 1998, and

WHEREAS, the Department of Environmental Control has obtained competitive price quotations from qualified landscapers to install replacement plantings and do related work:

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain the services of Helmke Industries, Inc. 513 Route 303 Orangeburg, New York 10962-1303 to perform work at the following locations:

- 1. Town Park at intersection of North Middletown Road and Rte. 59 in Nanuet
- 2. Inverness Drive in New City
- 3. Nob Hill Road in West Nyack
- 4. South Little Tor Road Oval in New City

in accordance with their proposal and for a cost not to exceed \$1,668.50; and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control be authorized to retain the services of Mr. Landscape Incorporated 3 Burrows Court New City, New York 10956 to perform work at Redwood Drive in Nanuet in accordance with their proposal and for a cost not to exceed \$2,800.00; and be it

FURTHER RESOLVED, that these costs shall be a proper charge to account #A 8730 384.

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. (889-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown desires to remove as counsel Eugene Albert from those proceedings entitled:

"Eklecco (formerly known as Pyramid Company of Rockland) v. Nicholas Longo, as Assessor for the Town of Clarkstown, New York, et al." Index No. 5651/98, and "Pyramid Company of Rockland and Eklecco v. The Board of Assessors and/or the Assessor of the Town of Clarkstown and the Board of Assessment Review," Index No. 4348/98, and

RESOLUTION NO. (889-1998) Continued

WHEREAS, the Town of Clarkstown desires to provide as substitute counsel Kaye, Scholer, Fierman, Hays and Handler, LLP;

NOW, THEREFORE, be it

RESOLVED, that Eugene Albert is hereby removed as counsel in:

“Eklecco (formerly known as Pyramid Company of Rockland) v. Nicholas Longo, as Assessor for the Town of Clarkstown, New York, et al.” Index no. 5651/98, and “Pyramid Company of Rockland and Eklecco v. The Board of Assessors and/or the Assessor of the Town of Clarkstown and the Board of Assessment Review.” Index No. 4348/98, and be it

FURTHER RESOLVED, that Kaye, Scholer, Fierman, Hays and Handler, LLP are hereby substituted as counsel for the Town of Clarkstown, as well as the Clarkstown Central School District, and be it

FURTHER RESOLVED, that a Memorandum of Understanding shall be entered into with said School District providing for having the cost of said counsel on a 50% (Town of Clarkstown) and 50% (School District) basis.

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. (890-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 296-48 of the Town Code of the Town of Clarkstown:

ULTIMATE LAND DEVELOPERS, INC.
2306 Y St. Stewart Airport
New Windsor, New York 12553

RESOLVED, that the following Certificate of Registration be issued: No. 98-26
ULTIMATE LAND DEVELOPERS, INC.

On roll call the vote was as follows:

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

TBM 11/10/98
Page 23

RESOLUTION NO. (891-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 296-48 of the Town Code of the Town of Clarkstown:

RONALD J. TARIGO
5 Crosscreek Lane
Stony Point, New York 10980

RESOLVED, that the following Certificate of Registration be issued:

No. 99-1 RONALD J. TARIGO

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. (892-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has a primary concern as to the safety of children who are transported via school bus, and

WHEREAS, it is reported that there is high volume of non-compliance with current laws regarding failure to come to a complete stop for school buses which are engaged in receiving or discharging passengers, and

WHEREAS, the legislature of New York State has previously enacted law allowing for infractions of the Vehicle and Traffic Law (specifically violations of passing steady red traffic signals), and

WHEREAS, a proposal has been made to install video cameras on school buses within the Town of Clarkstown for the purpose of recording the license plate number of vehicles which violate current law regarding overtaking said stopped school buses, and

WHEREAS, current law does not allow for video enforcement of such violations of the vehicle and traffic law,

NOW, THEREFORE, be it

RESOLVED, that the Town Board will ask the local representatives of the New York State Assembly and Senate to introduce and pass legislation authorizing the Town of Clarkstown (alone or in conjunction with other municipalities) to utilize a program of video enforcement for violations of the Vehicle and Traffic Law concerning overtaking stopped school buses when same are engaged in receiving and/or discharging passengers, and be it

FURTHER RESOLVED, that any such proposed law shall increase the fines for

Continued on Next Page

Continued on Next Page

RESOLUTION NO. (892-1998) Continued

violations of passing stopped school buses, with a provision that a portion of said fine be refunded to the local municipality for use in future enforcement efforts, and

FURTHER RESOLVED, that copies of this resolution shall be sent to Senator Joseph Holland and Assemblyman Alex Gromack by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (893-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a severe erosion condition exists in a Town Drainage Easement which carries Stream NJ 1-10-3 through Tax Map Lot 53-A-31.01; and

WHEREAS, said erosion may affect the structural stability of an existing adjacent building structure if not immediately remedied; and

WHEREAS, the Department of Environmental Control has prepared a repair design and solicited price proposals from qualified contractors to perform said repairs;

NOW, THEREFORE, BE IT RESOLVED that the Director of Environmental Control is authorized to hire a qualified contractor, from a minimum of three contractors who submit price proposals at an estimated cost not to exceed \$10,000.00; and be it;

FURTHER RESOLVED that the cost shall be a proper charge to Account Number H 8736 409 0 67 12.

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. (894-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Supervisor of the Town of Clarkstown is desirous of having all debris and litter picked up on a weekly basis within the right-of-way limits for New York State Route 59 in Nanuet from Grandview Avenue to New York State Route 304; and

WHEREAS, the Supervisor has directed the Department of Environmental Control to

RESOLUTION NO. (894-1998) Continued

obtain competitive proposals from qualified landscape contractors to perform this work for the time period beginning on November 16, 1998 and ending on April 5, 1999; and

WHEREAS, the Department of Environmental Control has received four (4) responses to their request for proposals from qualified landscape contractors; and

WHEREAS, the Department of Environmental Control has reviewed these proposals with the Supervisor of the Town of Clarkstown and found them to be acceptable:

NOW, THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Clarkstown is hereby authorized to retain the services of Helmke Industries, Inc., 513 Route 303, Orangeburg, New York 10962-1303 to perform this work, in accordance with the scope of work prepared by the Department of Environmental Control, as per their proposal for an amount not to exceed \$9,950.00; and be it

FURTHER RESOLVED that this shall be a proper charge to account #A 8511 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. (895-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Wayne T. Ballard, Superintendent of Highways has recommended the addition of two roads to the 1998 Roadway Resurfacing Program under Bid #47-1998:

- Christie Drive, New City
- Cranford Drive, New City

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the addition of these two roads to the 1998 Roadway Resurfacing Program under Bid #47-1998, and be it

FURTHER RESOLVED, that the increase in expenditure for this project shall not exceed the sum of \$35,000.00.

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. (896-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, Resolution No. 777-1998 adopted on October 27, 1998 set a public hearing date to consider excepting certain categories of Special permits from Local Law No. 5 which prohibited textual changes and issuance of a Special Permit to the Zoning Ordinance for a period of 12 months:

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 777-1998 is hereby amended to add the following category of Special Permits:

j) Extension across district boundaries 290-32 C 3 (a)

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 8:30 P.M.

Respectfully submitted,



ANNE HOULIHAN
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/10/98

8:00 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Murray N. Jacobson, Town Attorney
Anne Houlihan, Deputy Town Clerk

Re: Proposed Local Law "Amendment to Chapter 262 (Taxation) of the Code of the
Town of Clarkstown

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

Supervisor asked Cathy Conklin from the Assessor's Office to explain the purpose of this proposed law.

Cathy Conklin explained that the State Legislature raised the maximum income ceiling this year from \$16,500.00 to \$17,500.00 to receive the full 50% exemption on the regular senior citizens and that has the effect of increasing the sliding scale by \$1,000.00 for each interval. So that would raise the maximum gross income to \$27,899.00 from the \$26,899.00 that we are currently at. It would keep the Town of Clarkstown at the maximum levels that the State law provides for.

Appearance: Martin Bernstein
New City

Town should be very proud that the New City Civic Association was the first one in the State to propose this law to give special property tax benefit for senior citizens.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Profenna and unanimously adopted the Public Hearing was declared closed, RESOLUTION NO. (851-1998) ADOPTED, time: 8:07 P.M.

Respectfully submitted,



Anne Houlihan
DEPUTY TOWN CLERK

RESOLUTION NO. (851-1998) ADOPTED