

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

07/13/99

8:00 P.M.

Present: Supervisor Holbrook  
Councilmembers Maloney, Mandia, Profenna & Smith  
Harold MacCartney, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

Supervisor presented a Certificate of Award to Gabriel DeMaggio for achieving the rank of Eagle Scout

Supervisor Holbrook presented the following Proclamation

RECREATION AND PARKS MONTH  
JULY - 1999

WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and

WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and

WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and

WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

NOW THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim the MONTH OF JULY, 1999 "RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for July.

IN WITNESS WHEREOF I HEREUNTO SET MY  
HAND AND CAUSE THE SEAL OF THE TOWN  
OF CLARKSTOWN TO BE AFFIXED THIS 10<sup>TH</sup>  
DAY OF JUNE, 1999

/s/

Supervisor opened the public portion of the meeting.

Appearance: John Lodico  
New City

Spoke regarding the list and management for Middlewood Senior Citizen Housing.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Tham - 28 Flitt Street, West Nyack (49-B-5.17) was opened, time: 8:01 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Tham - 28 Flitt Street, West Nyack (49-B-5.17) was closed, time: 8:02 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Sewer Improvements - MBSIA No. 1 was opened, time: 8:03 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Sewer Improvements - MBSIA No. 1 was closed, time: 8:06 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Sewer Improvements - MBSIA No. 2 was opened, time: 8:07 P.M.

On motion of Councilman Maloney, seconded by Councilman Profenna and unanimously adopted, the public hearing re: Sewer Improvements - MBSIA No. 2 was closed, time: 8:10 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Tornoe - 66 Lakewood Drive, Congers (141-B-36.2) was opened, time: 8:11 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Tornoe - 66 Lakewood Drive, Congers (141-B-36.2) was closed: 8:15 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Neuman/519 57<sup>th</sup> St. Associates - 3 Kakiat Ct., New City (43-E-8.05) was opened, time: 8:16 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Neuman/519 57<sup>th</sup> St. Associates - 3 Kakiat Ct., New City (43-E-8.05) was closed, time: 8:20 P.M.

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**RESOLUTION NO. (561-1999)**

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that the conditions complained of in the Order and Notice dated June 9, 1999 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 49, Block B, Lot 5.17 have been corrected, and be it

**FURTHER RESOLVED**, that the Town Attorney is hereby authorized and directed to discontinue all further proceedings, and be it

**FURTHER RESOLVED**, that the Town Attorney is hereby directed to calculate the total costs incurred by the Town for this proceeding and public hearing, and a bill shall be sent to the property owner, and be it

**FURTHER RESOLVED**, that in the event the property owner fails to reimburse the Town, a lien shall be assessed against the property to cover the costs of such proceeding.

RESOLUTION NO. (561-1999) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (562A-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board" and "Town" respectively), proposes to construct sewer improvements, consisting of the design and reconstruction of certain pump stations, construction and reconstruction of the sewer line, including original furnishings, equipment, machinery, apparatus and appurtenances required in connection therewith (the "Sewer Improvement"), all within the area within the Town as MBSIA No. 1, and affecting the properties referred to in the Order Calling For A Public Hearing adopted by the Town Board on June 22, 1999, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by Department of Environmental Control of the Town, competent engineers duly licensed by the State of New York, which report has been heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$1,615,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of an interest on said bonds as the same shall become due and payable; and

WHEREAS, the Town Board determined to proceed with the construction of such Sewer Improvement and adopted an Order on June 22, 1999, reciting a description of the improvements proposed, a description of the proposed benefited area, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying July 13, 1999, at 8:10 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall Auditorium, in the Town, as the place where, the Town Board would meet to consider the construction of such Sewer Improvement and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such Order where duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a public hearing in the matter of the construction of the proposed Sewer Improvement was duly held by the Town Board on this 13<sup>th</sup> day of July, 1999, commencing at 8:10 o'clock P.M.(Prevailing Time) at the Town Hall Auditorium, in the Town, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the construction of said Sewer Improvement; and

WHEREAS, the Town Board has given due consideration to the impact that the construction of the Sewer Improvement may have on the environment and on the basis of

RESOLUTION NO. (562A-1999) Continued

such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form or other applicable documentation has been filed in the office of the Town Clerk.

Now, therefore, upon the evidence adduced at such public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

- (a) the notice of public hearing was published and posted as required by law, and is otherwise sufficient;
- (b) all the property in the proposed Benefited Area is benefited by the Sewer Improvement and all the property benefited by the Sewer Improvement is included in the proposed Benefited Area; and
- (c) it is in the public interest to construct the Sewer Improvement, within the Benefited Area, at cost the estimated maximum cost of \$1,615,000.

Section 2. The construction of the Sewer Improvement within the Benefited Area is hereby approved, and such facilities are hereby authorized to be constructed, as set forth in the Recitals hereto, within the Benefited Area in the Town, and said Benefited Area is more particularly described as follows:

(On file in Town Clerk's Office)

Section 3. The maximum amount proposed to be expended for said improvement is \$1,615,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by the Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Sewer Improvement, shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. Permission of the New York State Comptroller is not required with respect hereto, the amount of \$1,615,000 being less than one-tenth of one per centum of the full valuation of taxable real property in the Town, outside of any villages.

Section 5. The Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution, within ten (10) days after adoption, in the office of the County Clerk of Rockland County.

Section 6. This resolution shall take effect immediately.

On roll call the vote was as follows:

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

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RESOLUTION NO. (562B-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board" and "Town" respectively), proposes to construct sewer improvements, consisting of the design and reconstruction of certain pump stations, construction and reconstruction of the sewer line, including original furnishings, equipment, machinery, apparatus and appurtenances required in connection therewith (the "Sewer Improvement"), all within the area within the Town known as MBSIA No. 1, and affecting the properties referred to in the Order Calling For A Public Hearing adopted by the Town Board on June 22, 1999, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by Department of Environmental Control of the Town, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$1,615,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of an interest on said bonds as the same shall become due and payable; and

WHEREAS, after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct said Sewer Improvement within the Benefited Area, and ordered that such Sewer Improvement be constructed at the estimated maximum cost of \$1,615,000; and

WHEREAS, permission of the New York State Comptroller is not required with respect hereto, the amount of \$1,615,000 being less than one-tenth of one per centum of the full valuation of taxable real property in the Town, outside of any villages.

NOW, THEREFORE, BE IT,

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

Section 1. The Town hereby appropriates the amount of \$1,615,000 for the proposed construction of the Sewer Improvement, as described in the Recitals hereto, within the Benefited Area, in accordance with the map, plan, and report referred to in the Recitals hereof, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,615,000. The plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$1,615,000 to finance said appropriation and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area, which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,615,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

RESOLUTION NO. (562B-1999) Continued

(a) The period of probable usefulness of the specific object or purpose for which said \$1,615,000 serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 4. Of the Law, is forty (40) years.

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

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

On roll call the vote was as follows:

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

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RESOLUTION NO. (562C-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN,  
IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS;

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, is hereby directed to publish the foregoing bond resolution, in summary, in the "JOURNAL NEWS", a newspaper published in Nyack, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Pearl River, New York, each having a general circulation within the Town and hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk's statutory notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

On roll call the vote was as follows:

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

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RESOLUTION NO. (563-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board" and "Town" respectively), proposes to construct sewer improvements consisting of the design and reconstruction of certain sewer lines and appurtenances thereto (the "Sewer Improvement"), all within the area within the Town known as MBSIA No. 2, and affecting the properties referred to in the Order Calling For A Public Hearing adopted by the Town Board on June 22, 1999, which area has been determined to be the benefited area (herein designated and referred to as the "Benefited Area"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by Department of Environmental Control of the Town, competent engineers duly licensed by the State of New York, which report has been heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$915,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the Town Board determined to proceed with the construction of such Sewer Improvement and adopted an Order on June 22, 1999, reciting a description of the improvements proposed, a description of the proposed benefited area, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying July 13, 1999, at 8:15 o'clock P.M.(Prevailing Time) as the time when, and the Town Hall

RESOLUTION NO. (563-1999) Continued

Auditorium, in the Town, as the place where, the Town Board would meet to consider the construction of such sewer Improvement and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a public hearing in the matter of the construction of the proposed Sewer Improvement was duly held by the Town Board on this 13<sup>th</sup> day of July, 1999, commencing at 8:15 o'clock P.M. (Prevailing Time) at the Town Hall Auditorium, in the Town, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the construction of said Sewer Improvement; and

WHEREAS, the Town Board has given due consideration to the impact that the construction of the Sewer Improvement may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form or other applicable documentation has been filed in the office of the Town Clerk.

Now, therefore, upon the evidence adduced at such public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN,  
IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

- (a) the notice of public hearing was published and posted as required by law, and is otherwise sufficient;
- (b) all the property in the proposed Benefited Area is benefited by the Sewer Improvement and all the property benefited by the Sewer Improvement is included in the proposed Benefited Area; and
- (c) it is in the public interest to construct the Sewer Improvement, within the Benefited Area, at the estimated maximum cost of \$915,000.

Section 2. The construction of the Sewer Improvement within the Benefited Area is hereby approved, and such facilities are hereby authorized to be constructed, as set forth in the Recitals hereto, within the Benefited Area in the Town, and said Benefited Area is more particularly described as follows:

(On file in Town Clerk's Office)

Section 3. The maximum amount proposed to be expended for said improvement is \$915,000, which is planned to be financed by the issuance of serial bonds of the town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by the Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Sewer Improvement shall confer upon the same, to pay the principal of and interest as said bonds as the same shall become due and payable.

TBM 7/13/99  
Page 9

RESOLUTION NO. (563-1999) Continued

Section 4. The Town clerk of the Town is hereby authorized and directed within ten(10) days after the adoption of this resolution, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application by said Town Board, in duplicate, for permission to provide such Sewer Improvement, in the Town, as herein described, pursuant to the provisions of said Town Law, and such application shall be executed and verified by and on behalf of said Town Board by the Supervisor of the Town.

Section 5. The Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution, within ten (10) days after adoption, in the office of the County Clerk of Rockland County.

Section 6. This resolution shall take effect immediately.

On roll call the vote was as follows:

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

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RESOLUTION NO. (564-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 531, dated June 22, 1999, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 141, Block B, Lot 36.2, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 13<sup>th</sup> day of July, 1999, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated June 23, 1999, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector and/or Highway Superintendent of the Town of Clarkstown is/are hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such conditions continue to be uncorrected on or after the 20<sup>th</sup> day of July, 1999, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and/or Highway Superintendent and the Town Attorney with respect to such corrective measure, including the removal of debris and the costs of this proceeding and all other necessary action, be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

RESOLUTION NO. (564-1999) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (565-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 530, dated June 22, 1999, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 43, Block E, Lot 8.05, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 13<sup>th</sup> day of July, 1999, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated June 28, 1999, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector and/or Highway Superintendent of the Town of Clarkstown is/are hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and/or Highway Superintendent and the Town Attorney with respect to such corrective measure, including the removal of debris and the costs of this proceeding and all other necessary action, be assessed as a lien against the property, and be it FURTHER

RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

On roll call the vote was as follows:

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

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RESOLUTION NO. (566-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of July 1, 1999 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (566-1999) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (567-1999)

Co. Maloney 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,

“AMENDMENT TO CHAPTER 290 (ZONING)  
OF THE TOWN OF CLARKSTOWN”

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 the 14th day of September, 1999, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law dealing with the definition of “Special Care Home,” 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:

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

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RESOLUTION NO. (568-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 1999 to the following non-profit organizations in the following amount:

RESOLUTION NO. (568-1999) Continued

|                                       |          |
|---------------------------------------|----------|
| Rockland Center for Holocaust Studies | \$ 1,500 |
| Meals on Wheels of Rockland, Inc.     | \$12,500 |

and be it

FURTHER RESOLVED, that the total amount of \$14,000.00 be transferred from Account No. A 1990-505 to Account No. A 8840-424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1999, and are to be charged against Account No. A 8840-424.

On roll call the vote was as follows:

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

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RESOLUTION NO. (569-1999)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the stream located at lot 77-A-19.05 (n/f Isaia) on the north end of Anton Court in New City lies within an existing drainage easement; and

WHEREAS, a portion of the stream is overgrown with vegetation and the embankments have begun to erode to the point where remedial action is called for; and

WHEREAS, the Town Board of the Town of Clarkstown is desirous of having this situation rectified; and

WHEREAS, the Department of Environmental Control has formulated a plan to clean, re-section and stabilize this portion of the stream; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to perform this work in accordance with said plan; and

WHEREAS, the Department of Environmental Control has received and reviewed proposals to perform this work from two (2) of these qualified contractors and found them to be acceptable;

NOW THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Hudson Canyon Construction, Inc.  
 16 Schuman Road  
 Millwood, New York 10546

to perform said work in accordance with their proposal for an amount not to exceed \$18,000.00; and be it

FURTHER RESOLVED, that this shall be a proper charge to account #H 8743 409 68-10.

RESOLUTION NO. (569-1999) 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. (570-1999)

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 10<sup>th</sup> day of August, 1999, at 8:05 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 26<sup>th</sup> day of July, 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. (571-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, to increase Revenue Account #01-002001 Park and Recreation charges by \$20,250.00 and Appropriation Account #7310-409 (Fees for Services) by \$12,000 and Appropriation Account #7141-424 (Cont. exp.) by \$8,250.00

On roll call the vote was as follows:

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

\*\*\*\*\*

TBM 7/13/99

Page 14

RESOLUTION NO. (572-1999)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills Stable, and \$4,196 from EklecCo (Palisades Center)

THEREFORE be it,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills) and Budgetary Account No. H 1942 409 58 2 (Golf Course-Plans, Specs) by \$2,000 and increase Revenue Account No. A 01 3 2705 2 (Donations-Palisades Center Mall) and Budgetary Account A 3120 113 (Police-Overtime) by \$4,196 and

WHEREAS, various Budgetary accounts need additional funding,

THEREFORE be it

RESOLVED, to decrease A 1680 409(Data Processing-Fees for Services) and increase A 1680 313 (Data Processing-Office Supplies/Printing) by \$1,380.94 and decrease A 5650 409 (Commuter Parking-Fees for Services) and increase A 5650 319 (Commuter Parking-Misc Supplies) by \$2,800 and decrease A 7140 323 (Parks & Playgrounds-Chemicals) and increase A 7141 307 (Community Recreation Centers-Uniforms) by \$1,000 and decrease SR 8160 409 3 (Sanitation-Fees for Services/Bulk Pickup) by \$41,670 and SR 8160 409 1 (Sanitation-Fees for Services/Solid Waste) by \$8,424 and increase SR 8164 409 ( SR Intergovernmental Charges-Fees for Services) by \$50,094.

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. (573-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Running Brook Estates, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Phillips Hill Road, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated March 25, 1999 from Sawmill Construction Corp. to the Town of Clarkstown, gratuitously conveying a strip of land along Phillips Hill Road, New City, New York, is hereby accepted 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 Holbrook. . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (574-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the base percentages, current percentages and current base proportions for the levy of taxes on the 1999 Assessment Roll for the Town of Clarkstown, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (575-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby establishes the adjusted base proportions for the levy of taxes on the 1999 Assessment Roll for the Town of Clarkstown, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (576-1999)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel office has furnished Certification of Eligibles #97130 Senior Account Clerk Typist, which contains the name of Margaret Skrapits,

NOW, THEREFORE, be it

RESOLVED, that Margaret Skrapits, 89 North Serven Street, Pearl River, New York, is hereby appointed to the (Permanent) position of Senior Account Clerk Typist, Comptroller's Office at the current 1999 salary of \$27,030.00, effective and retroactive to July 6, 1999.

RESOLUTION NO. (576-1999) 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. (577-1999)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Aurea Juarbe, 167 Schweitzer Lane, Bardonia, New York to the position of (temporary) Senior clerk Stenographer, Parks Board and Recreation Commission, at the current 1999 salary of \$25,386.00, effective and retroactive to June 14, 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. (578-1999)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that Nicole M. Rocanello, 37 Kings Highway, New City, New York is hereby appointed to the position of Special Studies Intern (Univ. of Buffalo) Office Worker, Comptroller's Office at the current hourly rate of \$10.00, effective and retroactive to July 6, 1999 to September 3, 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. (579-1999)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that Nicholas DeSantis, 75 Burda Avenue, New City, New York is hereby reappointed to the position of Member, Zoning Board of Appeals, term effective and retroactive to June 19, 1999 and to expire on June 18, 2004, at the current 1999 annual salary of \$3,000.00.

RESOLUTION NO. (579-1999) 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. (580-1999)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that Mauro E. Loperfido, 30 North Troop Road, P.O. Box 1, Blauvelt, New York is hereby appointed to the position of Custodial Worker (Part-time), Maintenance Department at the current 1999 hourly rate of \$11.00, effective July 14, 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. (581-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary steps, including commencing litigation on behalf of the Town of Clarkstown by enjoining and restraining M.R.O. Pump & Tank, Inc., Michael Oliva, et al. from excavating, removing trees and stumps and storing school buses and a trailer on premises commonly known as 15 and 31 Fisher Avenue, Nanuet, New York and 22 N. Fremont Avenue, Nanuet, New York, more particularly described on the Clarkstown Tax Map as Map 162, Block A, Lot1.01, Map 162, Block A, Lot 1.02 and Map 162, Block A, Lot 2.

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. (582-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Department of Environmental Control, the Superintendent of Highways is hereby authorized to install:

RESOLUTION NO. (582-1999)

"NO DUMPING" signs, one on the south side of Murdock Road, New City where the stream passes beneath the street and one on the north side of New Hempstead Road in the vicinity of the catch basin which outlets into this stream., and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Department of Environmental Control and the Chief of Police for their information and for enforcement purposes.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (583-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, the Superintendent of Highways is hereby authorized to install STOP signs at the following locations:

- 1) On White Birch Drive at Red Hill Road, opposite Tillie Court, New City
- 2) On Link Court at Red Hill Road, New City
- 3) On westbound Andover Road at Waters Edge, Valley Cottage and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (584-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #61-1999  
CONSTRUCTION OF A WALKWAY AT CONGERS LAKE PARK

RESOLUTION NO. (584-1999) Continued

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: TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (585-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #62-1999  
POLICE DRESS UNIFORM ACCESSORIES

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: AUGUST 3, 1999 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (586-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #63-1999  
DOWNTOWN NEW CITY BUSINESS DISTRICT SHARED PARKING PROJECT

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: TO BE DETERMINED at which time bids will be opened and read, and be it

RESOLUTION NO. (586-1999) Continued

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

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. (587-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board is considering entering into agreements with the Nanuet Union Free School District, the Nyack Union Free School District, and the Clarkstown Central School District with regard to funding and installation of field lights on the ball fields of several schools located in the Town of Clarkstown, and

WHEREAS, it is necessary for said projects to go through the SEQRA process;

NOW, THEREFORE, be it

RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and K. Luke Kalarickal, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (588A-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown herein called the "Borrower", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as: Sewer Improvements (MBSIA No. 1) and identified as CWSRF Project Number 5355-07-00, 5355-06-00 herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

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

RESOLUTION NO. (588A-1999) Continued

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

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

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

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, be it

RESOLVED by the Town Board as follows:

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

|                            |                   |
|----------------------------|-------------------|
| Edward J. Duer             | Comptroller       |
| <u>Charles E. Holbrook</u> | <u>Supervisor</u> |
| Print Name                 | Print Title       |

- 3 The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 50 Wolf Road Room 508, Albany, New York 12205-2603.
5. This Resolution shall take effect immediately.

On roll call the vote was as follows:

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

## RESOLUTION NO. (588B-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown herein called the "Borrower", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as: Sewer Improvements (MBSIA No. 2) and identified as CWSRF Project Number 5355-08-00, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

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

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

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

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

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, be it

RESOLVED by the Town Board as follows:

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

Edward J. Duer  
Charles E. Holbrook  
Print Name

Comptroller  
Supervisor  
Print Title

RESOLUTION NO. (588B-1999) Continued

- 3 The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
- 4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 50 Wolf Road Room 508, Albany, New York 12205-2603.
- 5. This Resolution shall take effect immediately.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (589-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Downtown New City Business District Revitalization/Shared Parking project is under way, and

WHEREAS, it may be necessary to obtain easements from certain property owners located in the Downtown New City Business District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring of Karl Kirchner, to appraise the properties mentioned below that are located in the Downtown New City Business District:

Map 57, Block F, Lots 1, 2, 9 and 10

Map 57, Block H, Lot 1, 2, 3, 4, 5, 5.01, 6, 7, 8, 9, 10, 11., 12, 13 and 14.

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. (590-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, on July 7, 1981, the Town Board of the Town of Clarkstown adopted Resolution No. 665-1981 amending the Zoning Ordinance of the Town on property known as Map 129, Block A, Lots 5.01, 9.01 and 9.02, which tax lots were merged to Map 129, Block A, Lots 5.01, 9.02 and 9.03, owned by Guiseppe DePaulis, subject to Declaration of Covenants by the owner, and

RESOLUTION NO. (590-1999) Continued

WHEREAS, Guiseppa DePaulis has requested that the Town Board amend Resolution No. 665-1981 by amending the conditions of the zone change which were recorded in the Rockland County Clerk's office on February 17, 1988, in Liber 279 at Page 606:

FROM:

"1. The premises shall be restricted to the following uses:

- a. Professional offices
- b. Retail sale of
  - (1) building materials
  - (2) hardware
  - (3) home appliances
  - (4) energy saving and solar energy devices
  - (5) firewood and bagged coal

2. All accessory uses and open storage shall be no closer than 25 feet to any property line. Said 25 foot buffer area shall be provided with evergreen screening."

TO:

"1. The premises shall be restricted to the following uses:

- a. Professional offices
- b. Retail sale of
  - (1) building materials
  - (2) hardware
  - (3) home appliances
  - (4) energy saving and solar energy devices
  - (5) firewood and bagged coal

c. For automotive repair and automotive body shop for Lot 5.01 only.

2. All accessory uses and open storage shall be no closer than 25 feet to any property line. Said 25 foot buffer area shall be provided with evergreen screening."

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 28, 1999, at 8:00 P.M., relative to the proposed amendment to the restrictive covenants, and be it

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

FURTHER RESOLVED, that this resolution is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33(A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

RESOLUTION NO. (590-1999) Continued

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

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. (591-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Director of Purchasing that

BID #52-1999  
1999 ROADWAY RESURFACING PROGRAM

is hereby awarded to:

WESTCHESTER FINE GRADE INC  
83 PARKWAY EAST  
MT VERNON NY 10552  
PRINCIPAL: STEPHEN NIGRO

as per their proposed project cost - Parts I, II and III of \$1,143,114. and be it

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

- a) Signed Contract Documents - 2 sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Worker's Compensation insurance coverage
- f) Certificate of Worker's Disability Insurance coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

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. (592-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Director of Purchasing that

BID #53-1999  
1999 CONCRETE CURB & SIDEWALK REPLACEMENT PROGRAM

is hereby awarded to:

LUONGO ENTERPRISES INC  
8 HIGH RIDGE ROAD  
WEST HARRISON NY 10604  
PRINCIPAL: VITO LUONGO

as per their proposed total project cost of \$105,030 (parts I and II) and be it

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

- a) Signed Contract Documents - 2 sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Worker's Compensation insurance coverage
- f) Certificate of Worker's Disability Insurance coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

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. (593-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Arco Management has solicited bids to replace the vinyl siding and windows, along with the attic and wall insulation at the Middlewood Senior Citizen Housing Project owned by the Carpenters & Joiners Local 964 Housing Development Fund Co., Inc., and

WHEREAS, PJA Consulting has submitted a low bid of \$367,000 to do the aforementioned work, and

WHEREAS, Arco has recommended that the Board accept this bid;

NOW, THEREFORE, be it

RESOLVED, subject to review and approval of the contract by Murray N. Jacobson, Esq. or Paul K. Schofield, Esq., that Charles E. Holbrook, President of the

RESOLUTION NO. (593-1999) Continued

Carpenters & Joiners Local 964 Housing Development Fund Co., Inc., is hereby authorized to execute the contract with PJA Consulting for the aforementioned work.

On roll call the vote was as follows:

Councilman Maloney..... Yes  
Councilman Mandia..... Yes  
Councilman Profenna..... Yes  
Councilwoman 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 Councilman Mandia, seconded by Councilman Profenna and unanimously adopted the Town Board Meeting was declared closed, time: 8:32 P. M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/13/99

8: 01 P.M.

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

RE: Chapter 216 Proceeding: Tham - 28 Flitt Street, West Nyack (45-B-5.07)

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open

Supervisor Holbrook asked Irene Saccende to make her report.

Irene Saccende, Code Enforcement Officer, stated she was there and did the inspection this afternoon. The problem has been relieved. It has been cleaned up. There is no high grass.

Supervisor said that we should discontinue the proceedings and send them a bill for the cost incurred by the Building Department and for legal services.

On motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:02 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (561-1999) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/13/99

8: 03 P.M.

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

RE: Sewer Improvements - MBSIA No. 1

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

Supervisor said that basically this is to construct sewer improvements consisting of the design and reconstruction of certain pump stations. Construction and reconstruction of the sewer line including original furnishings, equipment, machinery, apparatus and appurtenances in connection with the sewer improvement within the area known as MBSIA No. 1. The total amount is \$1,615,000.00. This is for Ridge Road in New City, Alpine Court Pump Station in Congers, Christian Herald Road, Quaspeck Pump Station and Mountainview Avenue.

Supervisor asked if there was anyone wishing to make a comment or ask a question.

Appearance: Dennis Coyle  
Mountain View Avenue, Valley Cottage

He has been over this with Jerry Brickwood. About the extension being brought up from the north to the south, there currently exists a man hole at the entrance and exit of Sierra Vista Lane which flows south. If you were to take that man hole and bring it 800 feet north without a pumping station, you would be able to pick up all the property owners on both sides of Mountain View Avenue just before it goes down into the dip which is going to be eliminated. Without a great expenditure, you could run that north 800 feet.

On motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted the public hearing was declared closed, RESOLUTIONS ADOPTED, time: 8:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (562A, 562B, & 562C-1999) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/13/99

8: 06 P.M.

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

RE: Sewer Improvements - MBSIA No. 2

On motion of Councilman Maloney, seconded by Councilman 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.

Supervisor asked if there was anyone wishing to make a comment or ask a question.

No one appeared.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Profenna and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (563-1999) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/13/99

8: 11 P.M.

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

RE: Chapter 216 Proceeding: Tornoe - 66 Lakewood Drive, Congers (141-B-36.2)

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open.

Irene Saccende, Code Enforcement Officer, stated that there was some progress made, but it is nowhere near finished. There is a problem with the porches. Mark Papenmyer has information.

Supervisor asked if there was anyone wishing to make a comment or ask a question.<sup>12</sup>

Appearance: Paul Tornoe  
Congers

He stated that he cleaned up a lot. He took two and a half tons to the dump. He is having a problem with his wife. She is threatening to call the police. Supervisor asked if he and his wife live at this place. Mr. Tornoe replied, yes. Supervisor asked what's the prospect of this being cleaned up in the near future. Mr. Tornoe said that his wife claims that she needs a couple of weeks of good weather on the week-ends so she can have a garage sale to get rid of it all. Councilman Mandia asked what kind of material is there. Mr. Tornoe replied that it is mostly furniture and clothing. He got the approval from the Board of Health and the Fire Inspector for the house. It is just the yard maintenance right now.

Irene Saccende asked about the side and front porch. Mr. Tornoe stated that most of that is done. There is still stuff there. Ms. Saccende stated that it is a fire hazard and it is directly by the house. Mr. Tornoe said that the Fire Inspector said it was okay.

Supervisor stated that they would give him this week-end to have the garage sale. Otherwise we will approve Wayne Ballard with the jaws of life to come over and remove the rest of it on Monday morning. Mr. Tornoe stated that the fire wood would go into the woods. He has two wood racks on the side of the garage. One side is half full and one side is completely empty.

Appearance: Mrs. Tornoe

She requested that an inspector come to her home on July 14, 1999.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (564-1999) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/13/99

8: 16 P.M.

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

RE: Chapter 216 Proceeding: Neuman/519 57<sup>th</sup> St. Associates - 3 Kakiat Ct., New City

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open.

Supervisor stated that is rather unusual. The man has a rock pike there. Irene Saccende, Code Enforcement Officer, said that it was about fifty feet wide and twelve feet high. There are a lot of big boulders. Supervisor stated that this goes back quite a few months. The people on this road have been calling about this. Supervisor authorize our Highway Superintendent to either use his forces or the forces of Tilcon to have the rocks removed. We will put a lien on the property.

On motion of Councilman Maloney, seconded by Councilman Mandia, and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:20 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (565-1999) ADOPTED