

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall 8/10/99 8:00 P.M.

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

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

Supervisor Holbrook, on behalf of the Town Board, presented a Certificate of Award to Jonathan Beckman for achieving the rank of Eagle Scout.

Supervisor opened the public portion of the meeting.

Appearance: Marie Gregory
Samantha Way, West Nyack

She is opposed to lighting being installed at the South High School fields.

Appearance: Ed Graybow
New City

He submitted petitions in favor of stop signs along Woodglen Drive.

Appearance: Martin Bernstein
New City

Spoke regarding the Comprehensive Plan, Item 32. He suggested that the same group who are presently on the Ad Hoc Committed work on the Zoning Ordinance. He asked the Town Board to reconsider printing the brochure regarding North New City. He also spoke on Item 6 and is opposed to closing Mirror Road.

Appearance: Frank Fuchs
Nanuet

He is in favor of Item #6, the demapping of Mirror Lake Road, Nanuet

Appearance: James Komer
Forest Hills Homeowners Association

He is in favor of Item 6, demapping Mirror Lake Road, Nanuet.

Appearance: Everett Johns, Esq.

Spoke regarding Anthony Capasso and a stop work order that was issued.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Bernaschina, 10 Parliament Drive, New City was opened, time: 8:10 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Chapter 216 Proceeding: Bernaschina, 10 Parliament Drive, New City was closed, time: 8:16 P.M.

RESOLUTION NO. (596-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the conditions complained of in the Order and Notice dated July 20, 1999 regarding premises designated on the Tax Map of the Town of Clarkstown as Map 98, Block A, Lot 9.68 have been corrected as the Building Inspector hired a contractor to correct the violations at the property owner's direction and expense,

NOW THEREFORE be it

RESOLVED, that the Building Inspector is hereby authorized to continue to hire a contractor to maintain this property on an as-needed basis and charge the property owner for same, and if the property owner fails to pay for the contractor's services, a lien shall be assessed against the property for these costs, 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.

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. (597-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of July 13, 1999 and July 23, 1999 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (598-1999)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Rockland YM-YWHA has requested the use of the Town of Clarkstown Showmobile, at no charge, for "ROCKFEST '99" to be held at the Clarkstown South High School, West Nyack, New York, on October 10, 1999 (rain date October 11, 1999);

TBM 8/10/99

Page 3

RESOLUTION NO. (598-1999) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Rockland YM-YWHA to use the Town of Clarkstown Showmobile, for the "ROCKFEST '99," to be held at the Clarkstown South High School, West Nyack, New York, on October 10, 1999 (rain date October 11, 1999), at no charge, subject to the provision of the necessary insurance policies.

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. (599-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Ronald Kowalski has requested a refund of Building Permit fees he submitted to the Town regarding construction on his property, since he cannot build at the present time;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund of \$671.00, which covers a portion of Building Permit fees submitted by Ronald Kowalski.

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. (600-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that Resolution No. 280, adopted by the Town Board on August 13, 1999, is hereby amended to authorize Matthew Buteux, Computer Installation Assistant, to attend the A+ PC Certification School on August 16-18, 1999, and be it

FURTHER RESOLVED, that reasonable expenses shall be charged to Account No. A-1680-414.

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. (601-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that Resolution No. 568, adopted by the Town Board on July 13, 1999, is hereby amended by withdrawing the allocation of economic assistance for the year 1999 to Rockland Center for Holocaust Studies in the amount of \$1,500.00, since the organization's request is for the year 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. (602-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Resolution No. 583-1999 adopted on July 13, 1999 authorized the installation of STOP signs at various locations, one being on White Birch Drive at Red Hill Road, New City, and

WHEREAS, the name of this street was erroneously called White Birch Drive,

NOW THEREFORE, be it

RESOLVED, that Resolution No. 583 is corrected to read White Birch Court, New City, and be it

FURTHER RESOLVED, that this resolution be retroactive to July 22, 1999 and the Town Clerk shall forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways, to the Traffic and Traffic Fire Safety Advisory Board, and to the Chief of Police.

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. (603-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town Board awarded bid number 42-1999 by resolution 402-1999 dated May 11, 1999, and

WHEREAS, during the course of the work, several conditions were encountered which required changes to the original design for the project, and

WHEREAS the changes to the work have been reviewed and approved by the Department of Environmental Control as necessary to the proper completion of the work,

TBM 8/10/99

Page 5

RESOLUTION NO. (603-1999) continued

NOW THEREFORE be it

RESOLVED the contract amount for bid number 42-1999 is increased by the amount of \$37,773.32, and be it

FURTHER RESOLVED that the additional amount shall be a proper charge to account number H-8743-409-0-68-2

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. (604-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized the extension of the limits for road and drainage improvements in the Waters Edge area of Congers; and

WHEREAS, the Town Board of the Town of Clarkstown has previously increased the amount of this contract, via resolution 480-1999, by the amount of \$250,000.00 to cover the cost of this additional work; and

WHEREAS, County Asphalt, Inc., the company to whom a contract was awarded to perform this work, has completed the project to the satisfaction of the Department of Environmental Control; and

WHEREAS, final quantities and pay amounts have been computed by the Department of Environmental Control for the work performed under this extension;

NOW, THEREFORE, be it

RESOLVED, that the amount authorized in resolution 480-1999 be amended to \$273,632.45 to reflect the final cost of this project; and be it

FURTHER RESOLVED that this shall be a proper charge to account # H 8730 409 0 673.

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. (605-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is the owner of premises known as the cul-de-sac at the end of Demarest Mill Road, Bardonia, New York, and designated on the

RESOLUTION NO. (605-1999) continued

Clarkstown Tax Map as Map 33, Block A, situate near Lots 5.01 and 6, which consists of approximately 15,300 sq. ft. of land, and

WHEREAS, the Town Board is considering declaring this property as surplus municipal property and selling same;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares the cul-de-sac at the end of Demarest Mill Road, Bardonia, New York, designated on the Clarkstown Tax Map as Map 33, Block A, situate near Lots 5.01 and 6 which consists of approximately 15,300 sq. ft. of land, as surplus municipal property since same is no longer required for any municipal purposes, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a licensed land surveyor to survey said surplus property, and be it

FURTHER RESOLVED, that the Town Attorney is hereby requested to notify property owners located adjacent to said surplus municipal property.

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. (606-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 11, 1999, provided for a public hearing on June 8, 1999 at 8:05 P.M., or as soon thereafter as possible, to consider Amending the Official Map of the Town of Clarkstown by demapping Mirror Lake Road, Nanuet, New York, from Lariat Court to the Town of Ramapo boundary, (14,088 sq. ft.) which is shown on the Clarkstown Tax Map No. 166, and more particularly described on the attached Schedule "A," and

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

NOW, THEREFORE, be it

RESOLVED, that the Amendment to the Official Map is a Type 2 action and is not subject to SEQRA requirements, and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this Amendment to the Official Map by a majority plus one vote of the Board in contravention of the recommendation of the Commission of Planning for Rockland County because it believes that the road located in the Town of Clarkstown does not have to link up to the Town of Ramapo, and that the impact of this change shall not be significant, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by demapping Mirror Lake Road, Nanuet, New York, from Lariat Court

TBM 8/10/99
Page 7

RESOLUTION NO. (606-1999) continued

to the Town of Ramapo boundary (14,088 sq. ft.), which is shown on the Clarkstown Tax Map No. 166, and more particularly described on the attached Schedule "A."

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. (607-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board adopted Resolution No. 995-1998 on December 22, 1998 declaring Mirror Lake Road, Nanuet, New York from Lariat Court to the Town of Ramapo boundary, as surplus property, and

WHEREAS, an appraisal has determined that the property has a value of no less than \$25,000.00;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 995-1998 is hereby amended to read:

RESOLVED, that Mirror Lake Road, Nanuet, New York, from Lariat Court to the Town of Ramapo boundary line is hereby found to be surplus, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the sale of Town surplus property, Mirror Lake Road, Nanuet, New York, from Lariat Court to the Town of Ramapo boundary, to Joy Builder's Inc. for the price of \$30,000.00, subject to the following conditions:

- 1. Easements, covenant, and restrictions of record, if any;
- 2. Zoning Ordinance of the Town of Clarkstown;
- 3. Such statement of facts as an accurate survey or personal inspection may reveal,
- 4. Parcel will be included in currently approved subdivision known as Clarkwest Homes which must be re-reviewed and reapproved by the Clarkstown Planning Board.

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. (608-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the following nonprofit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

RESOLUTION NO. (608-1999) continued

FURTHER RESOLVED, that the Town Board shall allocate the following sum in economic assistance to:

Martin Luther King Center - \$10,000

and be it

FURTHER RESOLVED, that the total amount of \$10,000 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

RESOLUTION NO. (609-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated July 19, 1999, the Superintendent of Highways is hereby authorized to:

Change the existing "YIELD" sign on northbound South Rockland Avenue at Lake Road, Congers to a "STOP" sign

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. (610-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated July 12, 1999, the Superintendent of Highways is hereby authorized to improve the posting of "TOWN SPEED LIMIT 30 MPH" (R2-6C) signs for the following reasons given:

RESOLUTION NO. (610-1999) continued

- WB Depew Avenue W/O Nyack Village Line - sign missing
- WB Dickenson Avenue W/O Nyack Village Line - sign needs replacement
- SB Waldron Avenue S/O Nyack Village Line - sign missing
- NB Mountainview Avenue N/O Thruway Entrance - sign hidden by branches
- NB Schuyler Road N/O Orangetown Line - sign missing
- NB Greenbush Road N/O Orangetown Line - sign hidden by branches

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. (611-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated July 12, 1999, the Superintendent of Highways is hereby authorized to:

Replace the "STOP" sign on WB Old Nyack Turnpike at the new connecting road to Route 59, opposite the Hub Shopping Center, Central Nyack, 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. (612-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated July 12, 1999, the Superintendent of Highways is hereby authorized to install:

RESOLUTION NO. (612-1999) continued

“WEIGHT LIMIT 3 TONS” (R5-1C) signs and “EXCEPT LOCAL DELIVERY” (R7-3W) signs on both ends of Upper Depew Avenue, Central Nyack within the Town of Clarkstown

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. (613-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendations of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, and Wayne T. Ballard, PE, CSP, Superintendent of Highways, the Highway Department is hereby authorized to install STOP signs and STOP lines at the following locations:

- 1. On Mary Ann Lane at Phillips Hill Road, New City and
- 2. On Wayne Avenue at Laurel Road, New City, 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. (614-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the following has applied for Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

J & T INGALLS SEWER & DRAIN SERVICE
JOHN P. INGALLS DBA
P.O. Box 224
Blauvelt, New York 10913

RESOLUTION NO. (614-1999) continued

RESOLVED, that the following Certificate of Registration be issued:

No. 99-27 J & T INGALLS SEWER & DRAIN SERVICE
JOHN P. INGALLS DBA

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. (615-1999)

Co. Maloney offered and Co. Profenna seconded

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

- H#1 - w/s of Cavalry Drive approx. 50' s/o Route 304.
- H#2 - w/s of Cavalry Drive approx. 500' s/o Route 304 between Lot#'s 7 & 8.
- H#3 - w/s of Cavalry Drive approx. 520' s/o King Arthur Ct. between Lot #'s 2 & 3.

Investigation No.:11593, and be it

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

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. (616-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a resident of the Town of Clarkstown has requested that a street light be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Service Coordinator, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. dated July 16, 1999 for street lighting at the following location:

Buena Vista Road, New City

RESOLUTION NO. (616-1999) continued

(Install one (1) 5800 lumen sodium vapor street light
existing utility pole number 58591/42001

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. (617-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend a Government Technology Conference on September 15-17, 1999, and Lawrence Berkowitz to attend this conference on September 16, 1999, which is to be held in Albany, New York, and be it

FURTHER RESOLVED, that reasonable expenses for both attendees, approximately \$700.00, shall be charged to Account No. A 1680-414.

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. (618-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes Ronald A. Longo, Assistant Town Attorney, to attend a Labor Law and Labor Arbitration Conference on November 5, 1999, in New York, New York, and be it

FURTHER RESOLVED, that the fees for the conference will be approximately \$300.00, which fees shall be charged to Account No. A-1420-414.

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. (619-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, field conditions made necessary the performance of work not included in the original scope for this project, to wit, the reconstruction of an existing storm drain catch basin; and

WHEREAS, requests from residents residing on Muller Court concerning the hardware installed on portions of the new storm drain system resulted in the substitution of alternate grates on that portion of the new storm drain system; and

WHEREAS, the costs associated with these additional work items were not included in the original amount bid for this project; and

WHEREAS, the Department of Environmental Control obtained prices for this work from Hudson Canyon Construction, Inc., the company to whom a contract was awarded for this project, and

WHEREAS, the Department of Environmental Control reviewed these prices and found them to be acceptable; and

WHEREAS, the Department of Environmental Control directed Hudson Canyon Construction, Inc. to perform these operations;

NOW , THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to make payment to Hudson Canyon Construction, Inc. for said additional work; and be it

FURTHER RESOLVED, that the amount for Bid No. 26-1999 be increased by the sum of \$2,100.00 to a total of \$53,472.00; and be it

FURTHER RESOLVED, that this shall be a proper charge to account #H 7182 409 0 55-58.

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. (620-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, representatives from Rockland County have explored various options to address the need for a new area code in the 914 region, and

WHEREAS, the three options presented by the Public Service Commission (PSC) are (1) an overlay, which would introduce a new area code into the entire region, (2) Geographic Split "A," which would divide the current 914 region into two regions, Westchester County and all other areas, and (3) Geographic Split "B," which would divide the region into two pieces, southern Westchester and all other areas, and

RESOLUTION NO. (620-1999) continued

WHEREAS, the representatives, along with others who have been involved in the dialogue, have reservations about an Overlay, because of its potential to cause a perpetual nuisance and inconvenience, both personally and financially, for residents and businesses in Rockland County, and

WHEREAS, Geographic Split "B," with all regions except southern Westchester keeping the 914 area code, best addresses the needs of the entire region, causing far fewer residents and businesses to alter their area codes than split "A" (split "B" would alter the area code of about 400,000 numbers; roughly 700,000 or 800,000 numbers would be altered under split "A,"), and

WHEREAS, Geographic Split "B" allows Rockland County, five other counties and northern Westchester to keep the 914 area code, which would not be likely under Geographic Split "A,"

THEREFORE BE IT RESOLVED, that the Public Service Commission adopt Geographic Split "B" and introduce a new area code into the 914 region, under which southern Westchester would receive a new area code and all other areas and counties would retain its 914 code, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the NYS Public Service Commission at One Penn Plaza NY, NY 10119 and to Supervisor Thom Kleiner, Town of Orangetown, Town Hall, 26 Orangeburg Road Orangeburg, NY 10962

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. (621-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, SBW ASSOCIATES v. The Assessor of the Town of Clarkstown, County, New York and the Board of Assessment Review For the Town of Clarkstown, Index No(s). 4938/98, affecting parcel(s) designated as Map 57, Block C, Lot 12, for the year(s) 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 57, Block C, Lot 12 be reduced for the year(s) 1998/99 from \$339,100 to \$300,000 at a cost to the Town of \$566.27;
2. That reimbursement for the year(s) 1998/99 on the parcel described as Map 57, Block C, Lot 12 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;
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.

RESOLUTION NO. (621-1999) continued

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:

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

RESOLUTION NO. (622-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, TRI-MURTI ASSOCIATES v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, Index No(s). 3661/95, 3803/96, 4038/97 and 4128/98, affecting parcel(s) designated as Map 163, Block A, Lot 21.2; Map 163, Block A, Lot 20 and Map 163, Block A, Lot 2, for the year(s) 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 163, Block A, Lot 21.2 be reduced for the year(s) 1995/96 from \$671,200 to \$446,200 at a cost to the Town of \$3,397.16;
2. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block A, Lot 21.2 be reduced for the year(s) 1996/97 from \$671,200 to \$536,200 at a cost to the Town of \$2,055.92;
3. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block A, Lot 20 be reduced for the year(s) 1995/96 from \$458,800 to \$383,800 at a cost to the Town of \$1,132.39;
4. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block A, Lot 20 be reduced for the year(s) 1996/97 from \$458,800 to \$413,800 at a cost to the Town of \$685.31;
5. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block A, Lot 2 shall remain unchanged for the years 1995/96 and 1996/97;
6. That reimbursement for the year(s) 1995/96 and 1996/97 on the parcels described as Map 163, Block A, Lots 21.2 and 20 be made within (90) days through the Office of the Commissioner of Finance. If payment is made within (90) days, no interest will be charged;
7. That the proceedings commenced by the petitioner respecting Map 163, Block A, Lots 21.2, 20 and 2 be discontinued for the year(s) 1997/98 and 1998/99;
8. 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.

TBM 8/10/99

Page 16

RESOLUTION NO. (622-1999) continued

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (623-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, to decrease the following accounts:

Appropriation Account A-7020-201 (Furn. Fix) by \$700.00
Account A-7020-204 (Office Mac.) by \$500.00
Account A-7020-230 (Comm.Equip.) by \$300.00 and
Account A-7180-219 (Misc.Equip.) by \$1,000.00

and to increase Account 7210-219 (Misc. Equip.) by \$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. (624-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, to decrease Account A-7141-307 (Uniforms) by \$990.00 and to increase Account A-7140-307 (uniforms) by \$990.00.

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. (625-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, to decrease Account A-7141-301 (Food) by \$510.00 and to increase Account A-7141-222 (P & R Equip.) by \$510.00.

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. (626-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$2,048 from EklecCo, (Palisades Center) \$30,402.66 from NYS Thruway Authority (Multi-Modal Program), \$37,500 from County of Rockland, \$4,940 from Johnson-Burnett Productions, Inc. and \$5,850 from Stop and Shop Companies, Inc.

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. A 01 3 2705 2 (Gifts/Donations) and Budgetary Account No. A 3120 111 (Police-Overtime) by \$2,048 and increase Revenue Account No. H 15 10 3850 0 (Multi-Modal Program) by \$30,402.66 and Budgetary Accounts No. H 5111 409 4-16 (South Main St.-Resurfacing) by \$26,352.66 and H 8735 409 12-11 (Old Mill Road-Resurfacing) by \$4,050 and increase Revenue Account No. H 15 9 3613 0 (R.C. Mobile Data Computers) and Budgetary Account H 8736 409 67-17 (Mobile Data Computers) and increase A 01 9 2705 0(Gifts & Donations) and Budgetary Account A 3120 111 (Police-Overtime) by \$10,791 and

WHEREAS, various Budgetary accounts need additional funding,

THEREFORE be it,

RESOLVED, to decrease B 8020 313 (Planning-Office Supplies/Printing) and increase B 8020 462 (Planning-Water) by \$90.00

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. (627-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Supt. of Recreation & Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York

RESOLUTION NO. (627-1999) continued

State Division for Youth, in the amount of \$25,577.00 for the period commencing January 1, 2000 through December 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. (628-1999)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown is the owner of a strip of land which is described on the attached Schedule "A," and which is designated on the Clarkstown Tax Map as Map 164, Block A, situate near Lot 20, Smith Road, Nanuet, New York, and

WHEREAS, the Town Board is considering declaring this property as surplus municipal property and selling same;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares a strip of land described on Schedule "A" attached as surplus property since same is no longer required for any municipal purposes. Said property is designated on the Clarkstown Tax Map as Map 164, Block A, situate near lot 20, Smith Road, Nanuet, New York, and be it

FURTHER RESOLVED, that the Town Board hereby conveys said strip of land to the County of Rockland, and be it

FURTHER RESOLVED, that this Resolution is subject to Permissive Referendum.

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. (629-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, Robert Bertolacci and Karyn Bertolacci; Berjouhy Barsoumian; Daniel Hanken and Linda Hanken; Vincent Zito and Jolaine Zito; Richard M. Blum and Stephanie E. Blum; Nicholas Scarcella and Rita Scarcella; Paul C. Ceresnak and Debra J. Ceresnak and Mukund P. Mogar and Nandini Mogar have agreed to gratuitously convey a Sanitary Sewer Easement to the Town of Clarkstown, and

WHEREAS, the Town Attorney recommends acceptance of said conveyance;

RESOLUTION NO. (629-1999) continued

NOW, THEREFORE, be it

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 Sanitary Sewer Easement is hereby ordered recorded in the Office of the Rockland County Clerk, and be it

FURTHER RESOLVED, that upon receipt of a Maintenance Guaranty in the amount of \$2,500 in the form of a bond or \$1,250 in cash, Letter of Credit No. 96-0214 in the amount of \$31,000 submitted to the Town as a Performance Bond may be released.

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. (630-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #64-1999
CONCRETE CULVERT PIPE CONCRETE CATCH BASIN BLOCK & BRICK

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 31, 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. (631-1999)

Co. Mandia offered and Co. Profenna seconded

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

BID #54-1999
COMPUTER AND WORD PROCESSING SUPPLIES

RESOLUTION NO. (631-1999) continued

is hereby awarded to:

INOSERVE TECHNOLOGIES CORP
79-37 COOPER AVE
GLENDALE NY 11385
PRINCIPAL: PUBLIC CORP

B.T. OFFICE PRODUCTS
66 BROCKWAY PLACE
WHITE PLAINS NY 10601
PRINCIPAL: PUBLIC CORP

OFFICE COMMUNICATIONS
80 RED SCHOOLHOUSE RD
CHESTNUT RIDGE NY 10977
PRINCIPALS: CLINTON HART
THOMAS MURRAY

R&D COMPUTER SUPPLIES
5 WINDWARD CT
DIX HILLS NY 11746
PRINCIPAL: DONNA GLOVER

O.P.G. INDUSTRIES INC
LARRY STERN
PO BOX 140
BROOKLYN NY 11232
PRINCIPALS: DON THOMPSON

OFFICE SUPPLY SUPPLEMENT
10 CRAIG ROAD
MONTVALE NJ 078645
PRINCIPAL: GLENN MILLER

ROCKLAND OFFICE SUPPLY
PO BOX 602
SUFFERN NY 10901
PRINCIPALS: DEBBIE TORTORA
PAUL TORTORA

COMPUTER EXPO
11312 WESTHEIMER
HOUSTON TX 77077
PRINCIPAL: PRIVATELY OWNED

MULTIWAVE TECHNOLOGY
17901 E AJAX CIRCLE
CITY OF INDUSTRY CA 91748
PRINCIPALS: DAVID LEE
JON TSAD

(price list on file in Town Clerk's Office)

On roll call the vote was as follows:

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

RESOLUTION NO. (632-1999)

Co. Mandia offered and Co. Profenna seconded

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

BID #48-1999
TRUCK WASHING BAY AND SALT HANDLING IMPROVEMENTS

is hereby awarded to:

MERLEX CONTRACTING INC
44 WALNUT ST
MONTGOMERY NY 12549
PRINCIPAL: CHRISTOPHER SONGER

RESOLUTION NO. (632-1999) continued

as per their proposed project cost of \$539,000.00 (base and alternate) 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. (633-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Town Traffic Engineer and the Utility Services Coordinator that

BID #60-1999

TRAFFIC SIGNAL INSTALLATION CHURCH & HIGHVIEW AVE, NANUET

is hereby awarded to:

PHOENIX SIGNAL & ELECTRIC CORP
 7-11 SUFFERN PLACE
 SUFFERN NY 10901
 PRINCIPALS: ROBERT E CRAIG

as per their proposed project cost - of \$49,492 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.

RESOLUTION NO. (633-1999) 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. (634-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Michael J. Byrne, 9 Weir Street, Sidney, New York 13838, (part-time) Bus Driver, Clarkstown Mini Trans Department is hereby accepted effective and retroactive to May 26, 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. (635-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95050A Highway Maintenance Supervisor I (Prom.) which contains the name of Joseph Profenna,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Joseph Profenna, 7 North Birch Drive, Nanuet, New York to the position of Highway Maintenance Supervisor I, Town Highway Department at the current 1999 annual salary of \$48,298.00, effective and retroactive to June 14, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (636-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Brian J. Connolly, 220 Parkside Drive, Suffern, New York is hereby appointed to the position of (Provisional) (Promotional), Director Municipal

RESOLUTION NO. (636-1999) continued

Counseling Services, Clarkstown Counseling Center at the current 1999 annual salary of \$53,096.00, effective August 16, 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. (637-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Matthew M. Bowler, 13 Pigeon Hill Road, Nanuet, New York, Laborer, Town Highway Department is hereby accepted effective and retroactive to July 7, 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. (638-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Columbus Bowden, 6 Duane Avenue, New City, New York, Transfer Station Monitor, Solid Waste Facility is hereby accepted effective and retroactive to July 24, 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. (639-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Mary Ann Maggio, 28 Adams Court, Pearl River, New York, Recreation Information Clerk, Parks Board and Recreation Commission is hereby accepted effective and retroactive to August 7, 1999.

RESOLUTION NO. (639-1999) 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. (640-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Edward B. Lundgren, Sr., 926 South Route 9W, Congers, New York, Road Inspector, Town Highway Department is hereby accepted effective and retroactive to August 1, 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. (641-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on June 25, 1999 that the position of Senior Clerk Typist, Town Justice Department can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Clerk Typist, Town Justice Department is hereby created, effective and retroactive to August 6, 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. (642-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Rudy Damonti, 911 Stockton Road, Valley Cottage, New York is hereby reappointed to the position of Member, Parks Board and Recreation Commission to serve without compensation, term effective August 16, 1999 and to expire on August 15, 2004.

RESOLUTION NO. (642-1999) 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. (643-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Brian Tesseyman, 6 Kelvin Court, Nanuet, New York is hereby reappointed to the position of Member, Parks Board and Recreation Commission to serve without compensation, term effective August 16, 1999 and to expire on August 15, 2004.

On roll call the vote was as follows:

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

RESOLUTION NO. (644-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that upon receipt of an executed Maintenance Guaranty secured by a Letter of Credit in the amount of \$9,350, Performance Bond dated May 8, 1990, secured by Letter of Credit No. 1126 in the amount of \$50,000, may be released.

On roll call the vote was as follows:

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

RESOLUTION NO. (645-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town wishes to expand their concrete recycling and wood chip processing operation by filling the existing wetlands adjacent to the site and as required by the Army Corps of Engineers, construct new wetlands for mitigation purposes, and;

WHEREAS, the Town Board of the Town of Clarkstown is desirous of having the Department of Environmental Control complete a SEQRA form, secure right-of-entry agreements from the owners and apply for the necessary permits to perform the necessary expansion,

RESOLUTION NO. (645-1999) continued

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 that the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board, with respect to SEQRA review, for the Recycling Facility Expansion and Wetland Mitigation; and be it

FURTHER RESOLVED, that the Department of Environmental Control shall complete and submit the necessary permit applications to the appropriate agencies and/or parties as required and secure right-of-entry agreements from the respective property owners.

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. (646-1999)

Co. Mandia offered and Co. Profenna seconded

1996 Clean Water/Clean Air Bond Act--Title 3 Section 56-0303
Water Quality Improvement Projects and
Environmental Protection Fund Article 17-14 Environmental Conservation Law
Nonagricultural Nonpoint Source Projects
Municipal Resolution

WHEREAS, the Town of Clarkstown, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, be it

RESOLVED by the Town Board of the Town of Clarkstown

1. That, K. Luke Kalarickal PE, Director, Department of Environmental Control, or such person's successor, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

RESOLUTION NO. (646-1999) continued

- 3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance Payments;
- 4. That this Resolution 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. (647-1999)

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, on premises reputedly owned by Lawrence Monteith and Barbara Monteith in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 77, Block A, Lot 4.5, 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 September 14, 1999, at 8:20 P.M., providing that service of Notice, pursuant to Town Code Chapter 216 is made on of before August 23, 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. (648-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, an adverse condition exists along the south side the subject lot due to the severe change in grade; and

WHEREAS, the Department of Environmental Control has determined that the erection of a retaining wall is required to remediate this adverse condition; and

WHEREAS, repeated efforts by the Department of Environmental Control to have Berk Development, the builder of this lot, perform the necessary construction have been in vain;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby declare Berk Development to be in default in the amount of **\$4,000.00**; and be it

RESOLUTION NO. (648-1999) continued

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire a qualified contractor to perform the aforementioned construction at the earliest possible time.

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. (649-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an adverse condition exists along the south side of the subject lot in the Long Meadow West Subdivision; and

WHEREAS, the Town Board of the Town of Clarkstown has authorized the Director of the Department of Environmental Control to retain the services of a contractor to remediate said adverse condition by erecting a retaining wall; and

WHEREAS, the Department of Environmental Control has solicited prices from four qualified contractors to perform this work; and

WHEREAS, the Department of Environmental Control has received responses from three of the qualified contractors; and

WHEREAS, the Department of Environmental Control has reviewed these prices 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

Danny Clapp Landscaping
59 Schreiver Lane
New City, New York 10956

to perform said construction in accordance with their proposal for an amount not to exceed \$4,000.00; and be it

FURTHER RESOLVED that said work is to be paid for with funds defaulted by the Town Board of the Town of Clarkstown via resolution from Berk Development, the builder of record.

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. (650-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the payment to Edward and Kathryn Glisson, of half the cost of erecting a fence on their property at 305 Old Haverstraw Road, Congers, New York, in the amount of \$825.00, in settlement of a dispute.

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. (651-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, pursuant to Resolution No. 265-1999 adopted by the Town Board on April 13, 1999, the Town Board authorized the Supervisor to enter into an agreement with Pryor PR, Inc., to provide the Town with services for a publication detailing the proposed New City Downtown Business District Revitalization Plan, and

WHEREAS, pursuant to the agreement dated May 11., 1999, the Town Board agreed to pay \$825.00 for each additional page to the brochure, and other fees for alterations to the brochure;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment to Pryor PR, Inc. for additional pages and alterations with respect to the publication detailing the proposed New City Downtown Business District Revitalization Plan, in the amount not to exceed \$12,650.00, which fee shall be charged to Account No. H 5111-409-16.

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. (652-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Theodore F. Atzl, has made application for the owner Charles Bocca, for use of Town Law Section 278 in connection with Bedner Estates Subdivision, which is located on the north side of Flower Lane, the east side of Kings Highway and the west side of the New York Central Railroad, Valley Cottage, New York, and is designated on the Clarkstown Tax Map as Map 110, Block A, Lot 14, and

RESOLUTION NO. (652-1999) continued

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 it would provide for a greater flexibility of design, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property shown on such proposed average density layout map entitled, "Bedner Estates, Town of Clarkstown, Rockland County," dated November 24, 1998, last revised July 29, 1999, prepared by Atzl, Scatassa & Zigler;

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 site of the Bedner Estates Subdivision, which is designated on the Clarkstown Tax Map as Map 110, Block A, Lot 14, 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, and further subject to the applicant complying with the following:

1. Limit the total development (new and existing) to no more than six (6) dwelling units.
2. Install a stockade fence along the easterly lot lines adjacent to the railroad tracks.

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. (653-1999)

Co. Mandia 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 VOTING MACHINE SERVICE CENTER, INC., for the preventative maintenance of twenty-five (25) voting machines per year, and be it

FURTHER RESOLVED, that the fee for said services shall be \$75.00 per machine, plus parts and labor, and shall be charged to Account No. A 1450-438.

On roll call the vote was as follows:

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

TBM 8/10/99
Page 31

RESOLUTION NO. (654-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a contract for professional services concerning the zoning aspects of the Town of Clarkstown Comprehensive Plan has been proposed by Robert Geneslaw Co.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Robert Geneslaw Co., in a form approved by the Town Attorney, for professional services concerning the zoning aspects of the Town of Clarkstown Comprehensive Plan, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed \$10,000.00, and shall be charged to Account No. B 8020-400-409-15, and be it

FURTHER RESOLVED, that additional services shall be billed based on the consultants fee schedule attached hereto and made a part hereof.

On roll call the vote was as follows:

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

RESOLUTION NO. (654-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a contract for professional services concerning the environmental aspects of the Town of Clarkstown Comprehensive Plan has been proposed by Robert Geneslaw Co.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Robert Geneslaw Co., in a form approved by the Town Attorney, for professional services concerning the environmental aspects of the Town of Clarkstown Comprehensive Plan, and be it

FURTHER RESOLVED, that the fee for such services shall not exceed \$12,000.00, and shall be charged to Account No. B 8020-400-409-15, and be it

FURTHER RESOLVED, that additional services shall be billed based on the consultants fee schedule attached hereto and made a part hereof.

On roll call the vote was as follows:

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

RESOLUTION NO. (656-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the petition requesting Stop signs along Woodglen Drive, New City, submitted by Edward Graybow at the Town Board Meeting of August 10, 1999 is hereby referred to the Clarkstown Traffic and Traffic Fire Safety Advisory Board for their review and recommendations, to be submitted to the Town Board, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution, together with a copy of said petition to Norman Peachey, Chairman of the Traffic and Traffic Fire Safety Advisory Board.

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 Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 8:59 P.M.

Respectfully submitted,

 PATRICIA SHERIDAN,
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/10/99

8:10 P.M.

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

RE: Chapter 216 Proceeding: Bernaschina - 10 Parliament Drive, New City (98-A-9.68)

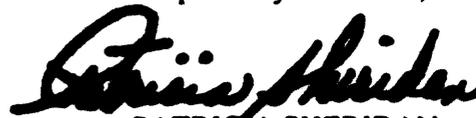
On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared open.

Adolph Milich, Building Inspector stated he stopped there this afternoon and the grass was cut and the building was secure. He does not know if there is any reason to continue with this public hearing at this point. Supervisor asked who cut the grass. Mr. Milich said that he hired a contractor to cut it and he was paid by the Bernaschinas. Supervisor asked what he meant by the building being secure. Mr. Milich explained that plywood is over the windows, the doors are double locked and the garage door is secure. Supervisor asked what the owners intentions were. Mr. Milich said that a couple of months ago, she was waiting for a possible buyer. Supervisor Holbrook asked if the grass will be cut on a regular basis. Mr. Milich suggested that the Town Board should authorize maintenance on a weekly basis or whenever it is needed with a contractor. Supervisor stated if we authorize that to be done it should be charged against the property.

Supervisor asked if there was anyone wishing to make a comment or ask a question. No one appeared.

There being no one wishing to be heard, on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:16 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (596-1999) ADOPTED