

TOWN BOARD MEETING

Town Hall

11/23/99

8:00 P.M.

Present: Supervisor Holbrook, Absent
Deputy Supervisor Penny Leonard
Council Members Maloney, Mandia, Profenna and Smith
Philip B. Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

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

On motion of Co. Maloney, seconded by Co. Mandia the Public Hearing Re: Application to Modify a Conservation Restriction: Russin (43-E-8.29) was opened, time: 8:03 P.M.

On motion of Co. Maloney, seconded by Co. Mandia the Public Hearing Re: Application to Modify a Conservation Restriction: Russin (43-E-8.29) was closed, RESOLUTION ADOPTED, time: 8:08 P.M.

On motion of Co. Mandia, seconded by Co. Maloney the Public Hearing Re: Construction of Sewer Improvements Including Replacement of Pump Stations (A-D),time: 8:09P.M.

On motion of Co. Mandia, seconded by Co. Maloney the Public Hearing Re: Construction of Sewer Improvements Including Replacement of Pump Stations was closed, RESOLUTIONS ADOPTED, time: 8:10 P.M.

On motion of Co. Maloney, seconded by Co. Mandia the Public Hearing Re: Continuation Chapter 216 Proceeding (Property Maintenance): Joy Builders, Inc. was opened, time: 8:11 P.M

On motion of Co. Maloney, seconded by Co. Mandia the Public Hearing Re: Continuation Chapter 216 Proceeding (Property Maintenance): Joy Builders, Inc. was adjourned, time: 8:16 P.M

On motion of Co. Mandia, seconded by Co. Maloney the Special Board Meeting Re: Middlewood Housing - Name Change was opened, time: 8:30 P.M.

On motion of Co. Mandia, seconded by Co. Maloney the Special Board Meeting Re: Middlewood Housing - Name Change was closed, SINE DIE, time: 8:34 P.M.

RESOLUTION NO. (928-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, BARRY RUSSIN and LINDA RUSSIN, owners of property located at 43 Roberts Road, New City, New York, described on the Clarkstown Tax Map as Map 43, Block E, Lot 8.29, have requested modification of a Conservation Restriction recorded in the Rockland County Clerk's office on October 7, 1980, in Liber 1049, at Page 151, which affects the rear of their premises as shown on a subdivision map known

RESOLUTION NO. (928-1999) Continued

as "South of the Mountain, Section 3" filed in the Rockland County Clerk's office on May 15, 1985 as Map No. 5748, and

WHEREAS, the Town of Clarkstown Planning Board has reviewed said request and has recommended consideration of same by the Town Board, and

WHEREAS, the Town Board of the Town of Clarkstown has received a letter from our consultant Robert Geneslaw, which the Board has discussed and considered with regard to SEQRA in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the letter of Robert Geneslaw dated November 23, 1999, Town Board hereby determines that modification of the Conservation Restriction shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that Town Board hereby finds and determines that good cause exists to authorize modification of the Conservation Restriction recorded in the Rockland County Clerk's office on October 7, 1980, in Liber 1049, at Page 151, in so far as it affects the rear of the premises as shown on Lot No. 1 on the subdivision map known as "South of the Mountain, Section 3" filed in the Rockland County Clerk's office on May 15, 1985 as Map No. 5748, as requested by the applicant, which property is described on the metes and bounds description and survey attached as Schedule "A" herein, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare any and all documents necessary to give effect to this Resolution to be signed by the Town Supervisor and any other necessary party, and thereafter to record same in the Rockland County Clerk's office, subject to the property owner paying for the cost of publication and for recording fees, and be it

FURTHER RESOLVED, that the applicant be directed to return to the Clarkstown Planning Board for any further necessary action requested by said agency.

On roll call the vote was as follows:

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

RESOLUTION NO. (929A-1999)

Co. Mandia 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 replacement of the Holland Drive and Forest Brook Avenue pump stations, the construction of upgrades and/or improvements to the Congers Road West pump station and the Foxwood Road, Klein Avenue, Little Brook Lane and Valley Terrace ejector stations, including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus 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 Resolution and Order After

RESOLUTION NO. (929A-1999) Continued

Public Hearing adopted on March 12, 1996 and in the Order Calling For A Further Public Hearing adopted by the Town Board on November 9, 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 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, after a public hearing duly called and held on March 12, 1996, the Town Board of the Town determined by the Resolution and Order After Public Hearing duly adopted on March 12, 1996, that it is in the public interest to construct the Sewer Improvement at the estimated cost of \$1,205,000; and

WHEREAS, due to increased costs of materials and labor, the estimated cost of construction of the Sewer Improvement is now estimated to be \$1,455,000, and it is necessary and desirable and in the best interest of said Town to increase the total appropriation therefor by \$250,000, from \$1,205,000 to \$1,455,000; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$1,455,000, 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 November 9, 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 November 23, 1999, at 8:10 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, 10 Maple Avenue, New City, New York, as the place where the Town Board would meet to consider the increase in the maximum amount to be expended for 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 23rd day of November, 1999, commencing at 8:10 o'clock P.M. (Prevailing Time) at the Town Hall, 10 Maple Avenue, New City, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the increase in the maximum amount to be expended for 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.

RESOLUTION NO. (929A-1999) Continued

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 increase the maximum amount to be expended for construction of the Sewer Improvement, within the Benefited Area, to \$1,455,000..

Section 2. The construction of the Sewer Improvement within the Benefited Area is hereby approved, at the revised estimated maximum cost of \$1,455,000, and such Sewer Improvement is 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 \$1,455,000, 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 \$1,455,000 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 the 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 Absent

RESOLUTION NO. (929B-1999)

Co. Mandia 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 replacement of the Holland Drive and Forest Brook Avenue pump stations, the construction of upgrades and/or improvements to the Congers Road West pump station and the Foxwood Road, Klein Avenue, Little Brook Lane and Valley Terrace ejector stations, including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus 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 Resolution and Order After Public Hearing adopted on March 12, 1996 and in the Order Calling For A Further Public Hearing adopted by the Town Board on November 23, 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 competent engineers duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, after a public hearing duly called and held on March 12, 1996, the Town Board of the Town determined by the Resolution and Order After Public Hearing duly adopted on March 12, 1996, that it is in the public interest to construct the Sewer Improvement at the estimated cost of \$1,205,000; and

WHEREAS, due to increased costs of materials and labor, the estimated cost of construction of the Sewer Improvement is now estimated to be \$1,455,000, and it is necessary and desirable and in the best interest of said Town to increase the total appropriation therfor by \$250,000, from \$1,205,000 to \$1,455,000; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$1,455,000, 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, after a further public hearing duly called and held on November 23, 1999, the Town Board of the Town determined that it is in the public interest to increase the maximum amount to be expended for construction of said Sewer Improvement to \$1,455,000; and

WHEREAS, permission of the New York State Comptroller is not required with respect hereto, the amount of \$1,455,000 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 \$250,000 for the proposed construction of the Sewer Improvement, as described in the Recitals hereto, within the Benefited Area, in addition to the \$1,205,000 heretofore appropriated for such purpose, 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 \$1,455,000.

RESOLUTION NO. (929B-1999) Continued

The plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$250,000 to finance said additional appropriation, in addition to the \$1,205,000 serial bonds heretofore authorized to be issued for such purpose, 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 \$250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said additional appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$250,000 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 obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

RESOLUTION NO. (929B-1999) Continued

(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 Absent

RESOLUTION NO. (929C-1999)

Co. Mandia 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 West Nyack, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Nanuet, 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 Absent

RESOLUTION NO. (929D -1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board, as lead agency, hereby determines that the improvements for the following areas have SEQRA approval, and are Type II actions or unlisted actions and shall not have any significant impact on the environment, and no

RESOLUTION NO. (929D-1999) Continued

further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

Foxwood Drive, West Nyack
Klein Avenue, West Nyack
Mayfield Street, Valley Cottage
Littlebrook Lane, New City

On roll call the vote was as follows:

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

RESOLUTION NO. (930 -1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of November 9, 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 Absent

RESOLUTION NO. (931 -1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based up on the recommendation of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Bedner Estates, Valley Cottage

On roll call the vote was as follows:

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

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RESOLUTION NO. (932 -1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that pursuant to the provisions of Local Law 9 of 1996, the Town Board of the Town of Clarkstown finds that Police Chief Kevin Kilduff, retired Police Chief William Collins, and Sgt. Steven Morgan were acting in the proper discharge of their duties and within the scope of their employment in the Federal matter entitled, TARA PURCELL v. KEVIN KILDUFF, individually, WILLIAM COLLINS, INDIVIDUALLY, STEVEN MORGAN, individually, and THE TOWN OF CLARKSTOWN, Docket No. 99 CIV 10812 (CLB);

NOW, THEREFORE, be it

RESOLVED, that the Town will indemnify and hold such officers harmless from an award of damages inclusive of punitive or exemplary damages, from any negligent act or other tort allegedly committed with respect to this case.

On roll call the vote was as follows:

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

RESOLUTION NO. (933 -1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that Arlette Phillips, Drafter, Department of Environmental Control, is hereby authorized to attend the Adobe Photoshop WOW! Workshop to be held Monday, January 10, 2000 at the Radisson Inn, Paramus, New Jersey, and be it

FURTHER RESOLVED, that all proper charges, including the registration fee of \$195.00 shall be charged against appropriation account #A1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (934-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, Cynthia Shaw, MA Clarkstown Counseling Center attend conference on Saturday, January 29, 2000 in New York City, Registration fee: \$65.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (935 -1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, to increase Appropriation Account #7141-329 (Rec. Supplies) by \$1,000.00 and decrease Appropriation Account #7310-329 (Rec. Sup.) by \$1,000.00 and.

FURTHER RESOLVED, to increase Appropriation Account #7210-114 (Pt. Sal.) by \$43.00 and decrease Appropriation Account #7210-219 (Misc. Equip.) by \$43.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (936 -1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to increase Account No. A 01 14 2999 0 (Unexpended Balance) by \$276,574.86 and increase the following Accounts:

- A 1220-203 (Supervisor-Motor Vehicle) by \$19,624.25
- A 1420-409 21 (Town Attorney-Fees for Svcs) by \$182,988.36
- A 1450-401 (Elections-Rental/Leased Prop) by \$4,142.46
- A 1470-114 (Ethics Bd-PT Salaries) by \$187.50
- A 1660-409 (Archival Storage-Fees for Svcs) by \$743.09
- A 1950-503 (Taxes & Assess.-Tax Costs) by \$11,903.08
- A 6410-405 (Town Advertising) by \$31,831.12
- A 8090-409 (Aquatic Pests-Fees for Svc) by \$20,675
- A 8511-409 (Community Beaut.-Fees for Svc) by 4,480

On roll call the vote was as follows:

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

RESOLUTION NO. (937-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease Budgetary Account No. DB 5110-312 (Highway-Auto Maint. Supplies) and increase DA 5130-312 (Highway-Auto Maint. Supplies) by \$10,000 and decrease Budgetary Accounts A 5630-424 (Minitrans-Cont. Expenses) by \$1,500, A 5630-438 (Minitrans-Maint.Agreements) by \$1,246, A 5630-408 (Minitrans-Bldg. Repairs) by \$1,100 and A 5630-406 (Minitrans-Repairs to Vehicles) by \$5,000 and increase Budgetary Account No. A 5630-312 (Minitrans-Auto Maint. Supplies) by \$8,846 and decrease Budgetary Account A 1450-319 (Elections-Misc Supplies) and increase A 1450-219 (Elections-Misc Equipment) by \$288.46 and decrease Budgetary Account A 1345-314 (Purchasing-Computer Supplies) by \$240.09 and increase Budgetary Account No.'s A 1345-313 (Purchasing-Office Supplies & Printing) by \$25.80 and A 1345-404 (Purchasing-Travel/Mileage) by \$214.29 and decrease Budgetary Account A 8730-201 (DEC-Furniture & Fixtures) by \$2,000 and increase A 8730-301 (DEC-Food) by \$800, A 8730-313 (DEC-Office Supplies & Printing) by \$500, A 8730-314 (DEC-Computer Supplies) by \$650 and A 8730-404 (DEC-Travel/Mileage) by \$50 and decrease Budgetary Account B 8020-313 (Planning-Office Supplies & Printing) and increase B 8020-462 (Planning-Water) by \$5.85 and decrease Budgetary Account A 1430-111 (Personnel-Overtime) and increase A 1430-414 (Personnel-Schools & Conferences) by \$291.53

On roll call the vote was as follows:

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

RESOLUTION NO. (938-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills, \$500 from Mid-Hudson Bankers Security, \$2,500 from Union State Bank, \$715 from Searching for Paradise Movies, \$8,192 from EklecCo (Palisades Center) and \$324,058.31 from NYS Thruway Authority

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills) and Budgetary Account No. H 1942-409 (Golf Course-Bids & Specs) by \$2,000 and increase Revenue Account No. A 01 9 2705 0 (Gifts & Donations) by \$3,715 and Budgetary Accounts No. A 3120-231 (Police-Photographic Equipment) by \$3,000 and A 3120-111 (Police-Overtime) by \$715 and increase Revenue Account No. A 01 3 2705 2 (Donations-Palisades Center) and Budgetary Account No. A 3120-113 (Police-Overtime/Palisades Center) by \$8,192 and increase Revenue Account No. H 15 10 3850 0 (Multi-Modal Program) and Budgetary Accounts No. H 5111-409 (South Main Street Project) by \$30,866.66 and H 8735-409 (Old Mill Road Project) by \$112,981.39 and H 8733-409 (West Nyack Road Drainage Project) by \$180,210.26.

RESOLUTION NO. (938-1999) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (939-1999)

Co. Maloney offered and Co. Profenna seconded

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

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 for the calendar year 1999.

New City Library

On roll call the vote was as follows:

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

RESOLUTION NO. (940-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, in response to a resident's request, the Supervisor of the Town of Clarkstown directed Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant to conduct a traffic study and investigation of the intersection of New Hempstead Road at Buena Vista Road, New City, and

WHEREAS, Mr. Lampert has concluded in his report dated 11/10/99, that this intersection has seen a 21% increase in traffic volume since 1989 due to the increase in new home construction near Buena Vista Road, particularly in the Town of Ramapo, and therefore recommends that a traffic signal be installed at this intersection,

NOW THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized to proceed with the installation of this traffic signal at the intersection of New Hempstead Road at Buena Vista Road, New City, said traffic signal to be:

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RESOLUTION NO. (940-1999) Continued

1. Directly interconnected with the existing traffic signal at the intersection of New Hempstead Road at the northbound entrance and exit to the Palisades Interstate Parkway (PIP) in the Town of Ramapo, and

2. Both of these two traffic signals (New Hempstead Road at northbound PIP entrance and exit and New Hempstead Road at Buena Vista Road) shall be operated by the existing single traffic signal controller at the PIP ramps, as it is new and has all the necessary features to allow for this new signal at Buena Vista Road to be connected to it.

and be it

FURTHER RESOLVED, that the Town of Ramapo has indicated that it would allow the Town of Clarkstown to connect to this traffic signal controller at the northbound PIP ramps if the Town of Clarkstown agrees to maintain the interconnection cable and the controller. Since this controller will be the controller for the Buena Vista Road intersection, this controller shall be maintained by Clarkstown under the existing Traffic Signal Maintenance Contract, and be it,

FURTHER RESOLVED, that the Supervisor is authorized to enter into an agreement with the Town of Ramapo, in a form satisfactory to the Town Attorney, to maintain the traffic signal at the PIP northbound entrance and exit ramps in the Town of Ramapo in order to eliminate the cost for a new controller at Buena Vista Road, 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, the Town Attorney, the Traffic and Traffic Fire Safety Advisory Board, Howard L. Lampert, Patricia Betz, Utility Services Coordinator, for implementation and to the Chief of Police 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 Absent

RESOLUTION NO. (941-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board, with respect to SEQRA review, for the Route 303 Trailway Project.

On roll call the vote was as follows:

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

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RESOLUTION NO. (942-1999)

Co. Maloney offered and Co. Mandia 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:

H#1 - s/e Corner of Haverstraw Road & Cypress Street

Investigation No. 99999, 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 Absent

RESOLUTION NO. (943-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Agenda Item No. 10 regarding Easements and Right-of-Way from Mountain Shadows Homeowners Condominiums is hereby tabled.

On roll call the vote was as follows:

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

RESOLUTION NO. (944-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Supervisor received an inquiry from a resident of the T turnaround portion of Tall Oaks Lane, a dead end street in New City, regarding the parking and dumping problems in this area, and

WHEREAS, the parking of vehicles on both sides of this turnaround portion of the street creates a condition that has impeded garbage pickup and mail delivery and would impede the access of a fire engine or other oversized emergency vehicle, and

WHEREAS, a dumping problem has also developed along the Town right-of-way of this turnaround portion of the street,

NOW THEREFORE BE IT

RESOLVED, that the Superintendent of Highways is hereby authorized to install the following signs along the T turnaround portion of the road on Tall Oaks Lane:

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RESOLUTION NO. (944-1999) Continued

"No Parking Anytime" signs, and
"No Dumping" sign on the Town right-of-way of the T Turnaround

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 Absent

RESOLUTION NO. (945-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the resignation (by retirement) of John T. Cunningham, 47 Arlene Court, Pearl River, New York, Bus Driver, Clarkstown Mini Trans Department is hereby accepted, effective and retroactive to November 1, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (946-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Mariann E. Kilduff, 26 Simkin Drive, New City, New York is hereby transferred from part-time to full-time Bus Driver, Clarkstown Mini Trans Department at the current annual salary of \$38,319.00, effective and retroactive to November 15, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (947 -1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Eleanor O'Brien, 9 Shannon Lane, West Nyack, New York is hereby appointed to the position of (temporary) Senior Clerk Typist, Town Justice Department at the current hourly rate of \$20.00 (to cover the sick leave of Dorothy Marshall) effective and retroactive to November 15, 1999, for a period not to exceed 3 months.

On roll call the vote was as follows:

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

RESOLUTION NO. (948-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Karen Dowling, 4 Summit Place, Nanuet, New York, is hereby appointed to the position of (Provisional), Clerk Typist, Town Justice Department at the current salary of \$22,333.00, effective November 29, 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. (949-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that Shivaun Fiumara, 54 Basswood Court, Bardonia, New York is hereby appointed to the position of (Provisional), Clerk Typist, Town Justice Department at the current salary of \$24,318.00, effective pending Rockland County Personnel Office approval.

On roll call the vote was as follows:

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

RESOLUTION NO. (950-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that June A. Gabrielli, 2 Hannah Lane, Valley Cottage, New York is hereby appointed to the position of (Provisional) Clerk Typist, Town Clerk's Office at the current salary of \$22,333.00, effective pending Rockland County Personnel Office approval.

On roll call the vote was as follows:

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

RESOLUTION NO. (951-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Brian Connington, 146 Lake Road, Valley Cottage, New York to the position of (Provisional) Senior Recreation Leader, Parks Board and Recreation Commission at the current salary of \$31,513.00, effective and retroactive to November 15, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (952-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Christopher Romanisin, 14 Tena Place, Valley Cottage, New York, granting a Second Provisional appointment to the position of Senior Recreation Leader, Parks Board and Recreation Commission at the current salary of \$35,093.00, effective and retroactive to November 15, 1999.

On roll call the vote was as follows:

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

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RESOLUTION NO. (953-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that the resignation of Donald Miele, 201 Gair Street, Piermont, New York 10968 - Motor Equipment Operator I - Clarkstown Highway Department - is hereby accepted - effective November 29, 1999 - at the close of the business day.

On roll call the vote was as follows:

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

RESOLUTION NO. (954-1999)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Frances Hunt, 10 Jolen Drive, New City, New York - Senior Clerk - Personnel Office - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to November 17, 1999 to November 24, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (955-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has certified on November 19, 1999 that the position of Assistant Maintenance Mechanic - Town Highway Department - can be created,

Now, therefore, be it

RESOLVED, that the position of Assistant Maintenance Mechanic - Town Highway Department - is hereby created - effective and retroactive to November 19, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (956-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the U.S. Department of Justice, under the Office of Justice Programs Bullet Proof Vest Partnership, has appropriated funds for the purpose of financing "Bullet Proof Vests" for members of the Clarkstown Police Department, in the sum not to exceed \$20,062.50;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with the U.S. Department of Justice, Office of Justice Programs Bullet Proof Vest Partnership, in a form approved by the Town Attorney, to accept the grant of \$20,062.50 to cover the cost of "Bullet Proof Vests" for the Clarkstown Police Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (957-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the U. S. Department of Justice has appropriated funds (Grant No. 95CCWX0058), COPS universal hiring supplemental award, for the purpose of financing the hiring of police officers for the Town of Clarkstown Police Department, and

WHEREAS, the Federal government State shall provide \$150,000 to the Town of Clarkstown Police Department for said hiring of police officers for the period covering May 1, 1999 through April 30, 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the U.S. Department of Justice, Office of Community Oriented Policing Services, to accept a grant award of \$150,000 to cover the financing of hiring police officers for the Town of Clarkstown Police Department, for the period to May 1, 1999 through April 30, 2002, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to August 2, 1999

On roll call the vote was as follows:

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

RESOLUTION NO. (958-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Governor's Traffic Safety Committee of the State of New York has approved a grant application by the Clarkstown Police Department for the "Buckle Up" New York campaign (Grant No. PT-4450051), effective October 1, 1999, in the sum of \$24,000;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with the State of New York, in a form approved by the Town Attorney, to accept the grant of \$24,000 to the Clarkstown Police Department for the "Buckle Up" New York campaign, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to November 19, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (959-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Governor Pataki has signed into law a measure establishing the Justice Court Assistance Program. This measure will enable towns to apply to the Chief Administrative Judge for a grant of State funds not to exceed \$20,000 to assist in the operation of the Justice Court, and

WHEREAS, the Town of Clarkstown wishes to avail itself of said State funds;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with the State of New York, Unified Court System, in a form approved by the Town Attorney, to accept the grant of not more than \$20,000 to assist in the operation of the Town of Clarkstown Justice Court.

On roll call the vote was as follows:

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

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RESOLUTION NO. (960-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists at the Ryan residence, 16 Mark Lane, New City; and

WHEREAS, the Department of Environmental Control and the Highway Department recommend that the driveway be true and leveled, then repaved to eliminate ponding; and

WHEREAS, the Highway Department has solicited cost estimates to have the driveway repaved in accordance with the drawing and specifications set forth by the Department of Environmental Control; and

NOW, THEREFORE BE IT RESOLVED that the Superintendent of Highways is hereby authorized to retain the services of

JS Katt
62 Basswood Court
Bardonia, New York 10954

to provide the equipment and personnel required to true and level and repave the driveway in accordance with their proposal of \$1,900.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (961-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #8-2000
SWIMMING POOL MODERNIZATIONS
(GERMONDS, CONGERS, LAKE NANUET)

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by (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, 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 Absent

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RESOLUTION NO. (962-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director that

BID #67-1999
SALE OF SURPLUS VEHICLES

is hereby awarded to:

BROOKFIELD TRUCK WRECKERS
100 LAMONT STREET
ELMSFORD, NY 10523
PRINCIPALS: THOMAS J. MALONE, CHARLES T. GRAAP
ELWARD M. MALONE, ROBERT V. BJORKLAND

GOVERNMENT CARS
PO BOX 15158
FT. LAUDERDALE, FL 33318
PRINCIPAL: UZI ARGAMAN

GRACE QUALITY USED CARS
945 LINCOLN HWY
MORRISVILLE, PA 19067
PRINCIPAL: MICHAEL MAKON

LIBERTY MOTORS
1705 JFK BLVD.
JERSEY CITY, NJ 07305
PRINCIPAL: JEFFREY D. MACK

NORTH WHITE AUTO INC.
33 VIRGINIA RD.
NORTH WHITE PLAINS, NY 10603
PRINCIPAL: FRANK ANNUNZIAT

POLICE CARS UNLIMITED
PO BOX 770893
WOODSIDE, NY 11377
PRINCIPAL: UZI ARGAMAN

On roll call the vote was as follows:

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

RESOLUTION NO. (963-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Supt of Recreation & Parks and the Director of Purchasing that

BID #2-2000
BUS TRANSPORTATION

RESOLUTION NO. (963-1999) Continued

is hereby awarded to:

PETER BREGA INC
PO BOX 152
VALLEY COTTAGE NY 10989
PRINCIPALS: RICHARD BREGA
PETER K BREGA
ROBERT BREGA
DAVID BREGA

AND

LEISURE LINE TOURS INC
4 LEISURE LANE
MAHWAH NJ 07430
PRINCIPAL: COACH USA, HOUSTON, TX

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

On roll call the vote was as follows:

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

RESOLUTION NO. (964-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, CHEMICAL BANKING CORPORATION v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, THE BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, THE TOWN OF CLARKSTOWN, and NANUET UNION FREE SCHOOL DISTRICT, Index No(s). 8490/95, 5311/93, 4751/94, 4228/95 and 3932/96 and CHASE MANHATTAN BANK, N.A. v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, THE BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, THE TOWN OF CLARKSTOWN, and NANUET UNION FREE SCHOOL DISTRICT, Index No(s). 4195/97, 4347/98 and 4264/99 affecting parcel(s) designated as Map 32, Block B, Lot 4.1, for the year(s) 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999, and

WHEREAS, the attorneys for the petitioner(s) have 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 32, Block B, Lot 4.1 be reduced for the year 1992/93 from \$315,000 to \$263,991; for the year 1993/94 from \$315,000 to \$293,020; for the year 1994/95 from \$315,000 to \$291,791; for the year 1995/96 from \$315,000 to \$287,105; for the year 1996/97 from \$315,000 to \$286,987 and for the year(s) 1997/98, 1998/99 and 1999/00 from \$315,000 to \$279,916 at a cost to the Town of \$3,097.08;

RESOLUTION NO. (964-1999) Continued

2. That reimbursement for the year(s) 1992/93, 1993/94, 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99 on the parcel described as Map 32, Block B, Lot 4.1 be made within (60) days through the Office of the Commissioner of Finance. If payment is made within (60) days, no interest will be charged;

3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown; and the attorneys for the Nanuet Union Free 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 Absent

RESOLUTION NO. (965-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is the owner of a certain road known as Hutton Avenue, Nanuet, New York, and is designated on the Clarkstown Tax Map as Map 163, and

WHEREAS, FB Nanuet LLC has offered \$200,000 to purchase approximately 11,867 sq. ft. of Hutton Avenue, which is situated approximately 615 feet from Route 59, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares that the Town property being approximately 11,867 sq. ft. of Hutton Avenue, Nanuet, New York, which is situated approximately 615 feet from Route 59, as surplus municipal property and be it

FURTHER RESOLVED, that the Town Attorney is hereby accepts the offer made by FB Nanuet LLC, for the sum of \$200,000 which equals the fair market value of said surplus property, ten (10%) on the signing of a contract and the balance of \$180,000 which is payable within forty-five days from the date of publication of a notice of this sale, which sale is subject to the following:

1. Easements, covenants, and restrictions of record, if any;
2. Zoning Ordinance of the Town of Clarkstown;

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RESOLUTION NO. (965-1999) Continued

3. Such state of facts as an accurate survey or personal inspection may reveal,
and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby directed to execute a contract of sale and a bargain and sale deed in a form satisfactory to the Town Attorney for deliver to the purchasers in accordance with the terms of this resolution, 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 Absent

RESOLUTION NO. (966-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, an application has been made by FB NANUET, LLC that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 207 of the Highway Law to declare a portion of the right-of-way known as Hutton Avenue, Nanuet, New York, as described in the metes and bounds description attached as Schedules "A," upon the grounds that same has never been used by the public and therefore may be deemed abandoned and discontinued, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and the petitioner wishes to have a portion of Hutton Avenue deleted from the Official Map, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 207 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of a portion of Hutton Avenue, Nanuet, New York, as described on attached Schedule "A";

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had 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 January 11, 2000, at 8:00 P.M., or soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, 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

RESOLUTION NO. (966-1999) Continued

FURTHER RESOLVED, that the applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and be it

RESOLVED, that a copy of this Resolution be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their report and recommendation, and be it

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 Absent

RESOLUTION NO. (967-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the figures for the Town of Clarkstown, the Town outside Village, and the Consolidated Light contained in the Resolution No. 575-1999 establishing the adjusted base proportions for certification to the State Board of Real Property Services have been changed;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 575, adopted by the Town Board on July 13, 1999 is hereby amended as follows:

RESOLVED, that the figures for the Town of Clarkstown, the Town outside Village, and the Consolidated Light contained in the Resolution No. 575-1999 establishing the adjusted base proportions for the levy of taxes on the 1999 Assessment Roll for the Town of Clarkstown have been changed, and be it

FURTHER RESOLVED, that the changed figures for such proportions are attached.

(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 Absent

RESOLUTION NO. (968-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 663-1999 adopted on September 14, 1999 is hereby amended to read:

RESOLVED, that based upon the recommendations of the Traffic and Traffic Fire Safety Advisory Board and Howard L. Lampert, PE, Traffic and Highway Engineering Consultant in his report dated 11-22-99, the Superintendent of Highways is hereby authorized to install the following traffic control signs:

- 1. "No Parking Anytime" on the south side of Elinor Place, New City, from 200 feet west of Main Street (the westerly property line of the retail stores) to Main Street
- 2. "No Parking 8 AM to 8 PM Except Sundays" on the south side of Elinor Place, from 200 feet west of Main Street to the westerly end of the office park property
- 3. "No Parking 8 AM to 8 PM Except Sundays" on the north side of Elinor Place from Main Street to the westerly end of 8 Elinor Place.

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, Howard L. Lampert, PE, 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 Absent

RESOLUTION NO. (969 -1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the New City Alliance Church has requested that the Town Board waive building permit fees for its building project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the building permit fees for the New City Alliance Church building project.

On roll call the vote was as follows:

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

RESOLUTION NO. (970-1999)

Co. Maloney offered and Co. Profenna 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 organization 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 the year 1999 to the following non-profit organization in the following amount:

Rockland Center for the Arts \$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 Absent

RESOLUTION NO. (971 -1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the Town of Clarkstown entitled, EDWARD WENGENROTH v. FORMULA EQUIPMENT LEASING, INC. AND MEGA CORP. - FORMULA EQUIPMENT LEASING, INC. v. THE TOWN OF CLARKSTOWN and CATERPILLAR, INC.;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (972-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 1999 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds, now be it therefore

RESOLVED, that the 1999 budget is hereby amended.

On roll call the vote was as follows:

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

RESOLUTION NO. (973-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an application has been made by MEHRAN MERNIA and MOHSEN TASKINDOUST that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of a right-of-way as described in the metes and bounds description attached as Schedule "A," for the unimproved portion of PLEASANT STREET, Congers, New York, upon the grounds that same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portion as described above;

NOW, THEREFORE, be it

RESOLVED, that a copy of this Resolution be referred to the Rockland County Commissioner of Planning, the Clarkstown Planning Board, and the Parks Board and Recreation Commission for their report and recommendation, and be it

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 Absent

RESOLUTION NO. (973-1999) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (974-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the existing scale house at the Town's solid waste facility has undergone several renovations in an attempt to extend its useful life, and

WHEREAS, the storm known as Tropical Storm Floyd has damaged said scale house, requiring extensive repairs, and

WHEREAS, the anticipated remaining life of the scale house makes repair an untenable alternative, and

WHEREAS, it is anticipated that the scale house will also require expansion in order to accommodate the volume of trucks utilizing the Solid Waste Facility, and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified Engineering Consultants to provide analysis and design services for the replacement of the scale house structure,

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Director of Environmental Control to retain the firm of M. G. McLaren, P.C. to provide engineering design services in accordance with their proposal, "Phase I-Design", in the amount of eight thousand (\$8,000.00) dollars,

AND BE IT FURTHER RESOLVED THAT the cost of such services shall be a proper charge to account H 8743 409 68-18.

On roll call the vote was as follows:

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

RESOLUTION NO. (975-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town Supervisor has directed the Department of Environmental Control to have addiitonal landscape screening work performed between Route 304 and Lake Nanuet Drive by tax lot #31-A-3.38 (Schoenberg); and

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RESOLUTION NO. (975-1999) Continued

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal to perform said additional landscaping work from Coral Acres Nursery, 189 Strawtown Road, New City, New York;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to hire Coral Acres Nursery, 189 Strawtown Road, New City, New York to perform the additional landscaping work in accordance with the requirements of the Department of Environmental Control; and;

BE IT FURTHER RESOLVED that the cost of the said additional work shall not exceed \$500.00 and shall be a proper charge of H 7182 409 055 44.

On roll call the vote was as follows:

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

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was closed.
time: 8:34 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/23/99

8: 03 P.M.

Present: Penny Leonard, Deputy Supervisor
Council Members Maloney, Mandia, Profenna and Smith
Philip Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

RE: Application to Modify a Conservation Restriction: Russin (43-E-8.29)

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.

Penny Leonard asked Mr. Geneslaw to speak on this matter.

Mr. Geneslaw stated that this is a single family property. It was originally part of the South of the Mountain subdivision on Roberts Road in North New City. Originally part of the old Roberts farm property. When the subdivision was approved, the Planning Board placed a conservation restriction on the map. When the property adjoining was developed, the conservation restriction ran generally parallel with the street. For some reason on the Russin property, it does not run parallel to the street and they have asked that it be adjusted to do that. It would mean removing about twelve thousand square feet of land that is in their backyard from the conservation restriction. It was reviewed carefully and the Planning Board made a determination of non significance under SEQRA. The Town Board Members should have a copy of the survey map which shows in a dashed line where the realigned conservation restriction line would be. The existing line is very close to the back of the house which means that there is very little usable area behind the house. We favor the adjustment. The Planning Board favors the adjustment.

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: 8:08 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (928-1999) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/23/99

8:09 P.M.

Present: Penny Leonard, Deputy Supervisor
Council Members Maloney, Mandia, Profenna and Smith
Philip Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Construction of Sewer Improvements Including Replacement of Pump Stations
(A-D)

On motion of Councilman Mandia, 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.

Penny Leonard asked if there was anyone wishing to heard. No one appeared.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTIONS ADOPTED, time: 8:10 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NOS. (929A, 929B, 929C, 929D-1999) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/23/99

8: 11 P.M.

Present: Penny Leonard, Deputy Supervisor
Council Members Maloney, Mandia, Profenna and Smith
Philip Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Chapter 216 Proceeding (Property Maintenance): Joy Builders, Inc. 125
West Clarkstown Road, new City (167-B-5) - Continued

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.

Penny Leonard asked Mr. Milich to give his report

Mr. Milich stated that George Burton the Code Enforcement Officer inspected the property today. There are overflowing garbage cans, loose bags of household garbage, glass pieces, full hefty bags, scrap lumber and a pallet were at or near the curbside. Three vehicles were parked on the grass and/or dirt including an unlicensed brown van. Debris around the building includes car seats, carpeting, furniture, household belongings, a stove, tires, window, a hand truck and other miscellaneous debris.

Penny Leonard asked the property owner to identify himself.

Appearance: Saul Strulovic
14 Ronald Drive, Monsey, NY

He stated that he was to the property today. He was out of town when the summons was issued. He told the people to move. Three cars were taken away. There is still one there. These people bought a house and accumulated some furniture from various garage sales. They want to move all that to their house and they assume they will be moving in a month to a month and a half.

Co. Maloney asked Mr. Melich if this condition still exists. Mr. Melich said, yes. Co. Maloney stated that this has been going on from October 18th. We had a public hearing on November 9th. It is now two week later and the conditions still exist. Mr. Strulovic stated that they had a crew to take away all kinds of debris. The Town does not take away any piece of wood that is there, only what is in the garbage pail.

Co. Smith asked Mr. Strulovic how much longer it would take for him to get it cleaned up. He asked the Board to tell him what he should do and he would have it done by the next Town Board Meeting. Co. Maloney asked if the three vehicles were still there. Mr. Strulovic said that there is only one that is unlicensed. The Town Board adjourned the meeting until December 14, 1999. Co. Mandia stated that on that date if the property is not cleaned, we will direct the appropriate Town agency to clean it up and Mr. Strulovic will get the bill for the clean up. It is unfortunate that when tenants mess up property, the landlord is responsible for it.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was ADJOURNED, time: 8:16 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

SPECIAL BOARD MEETING
MIDDLEWOOD HOUSING - NAME CHANGE

Town Hall

11/23/99

8:30 P.M.

Present: Penny Leonard, Deputy Supervisor
Council Members Maloney, Mandia, Profenna and Smith
Philip Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the special meeting re: Carpenters & joiners Local 964 Housing Development Fund Company, Inc. (Amending the name of the corporation to Middlewood Housing Development Fund Company, Inc.) was declared open.

Councilwoman Smith asked if this name was chosen by ARCO Management and is there any reason why the name of Clarkstown should not be in it? Co. Smith stated that she thinks that Clarkstown should be included. In case it is a legal problem with the corporation name, should we give them a chance to answer us? Co. Mandia suggested the resolution be altered unless it is part of a public hearing notice. Co. Smith suggested that it be made Clarkstown Middlewood Housing Development Fund. Phil Fogel, Deputy Town Attorney stated that without having a file, we are unable to give a reasonable response. It may very well be that this Middlewood Housing Development Fund Company, Inc. may presently be incorporated. Mr. Fogel recommended that this be tabled until the next public hearing. Co. Smith said that it is worth pursuing getting our name on it because there is such a hubbub all the time about the senior housing. They should know that it is our senior housing. Co. Maloney read from ARCO's letter, "for your information, DHCR must consent on all changes of any businesses as it applies to any 501C3 housing corporation". Mr. Fogel said this is not changed yet and without the consent of the corporate officers, the Secretary of State will not accept the filing. The resolution will have to be changed if you want the word Clarkstown inserted in front of Middlewood. Mr. Fogel suggested that this be postpone for two weeks. Co. Smith stated if necessary we will have a special meeting if there is a time problem.

On motion of Councilman Maloney, seconded by Councilman Mandia, the Special Meeting was closed, SINE DIE, time: 8:34 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk