

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/12/2000

8:00 P.M.

Present: Supervisor Holbrook
 Council Members Lasker, Maloney, Mandia & Smith
 John Costa, Town Attorney
 Patricia Sheridan, Town Clerk

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

On motion of Co. Mandia , seconded by Co. Maloney and unanimously adopted the public hearing RE: Proposed local law amending Chapter 290 (Zoning) of the Clarkstown Town Code regarding Assisted Care Living was continued, time: 8:05 PM.

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the public hearing RE: Proposed local law amending Chapter 290 (Zoning) of the Clarkstown Town Code regarding Assisted Care Living was continued to January 9, 2001, time: 8:20 PM.

On motion of Co. Maloney , seconded by Co. Mandia and unanimously adopted the public hearing RE: Proposed local law amending Chapter 290 (Zoning) of the Clarkstown Town Code to restrict Use of Flag Lot Development was opened, time: 8:21 PM.

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the public hearing RE: Proposed local law amending Chapter 290 (Zoning) of the Clarkstown Town Code to restrict Use of Flag Lot Development was continued to January 9, 2001, time: 8:45 PM.

Supervisor opened the public portion of the meeting.

Appearance: Mitchell Kaufman
 New City

Said that he felt the item appointing the building inspector was not on agenda and should be tabled. Doesn't want to see items railroaded through the building department.

Appearance: Rocco Marino
 New City

Said the applicant for building inspector has passed many tests, was number one on the last test and should be appointed.

Appearance: Steven Levine
 New City

Wants to see the building department go in another direction. He has had many bad experiences in the past and has had to file an Article 78 against the building inspector and Zoning Board.

Appearance: Barry Louis
 New City

Cited buying his house without bathroom being installed and there being 6 used cars parked across the street from his home. He received no satisfaction after complaining to the building department.

Supervisor Holbrook stated that Building Inspector is an important position and Clarkstown deserves the best person for the job. He feels we have an opportunity to move the Building Department in a different direction and to professionalize the office by hiring an engineer or architect to this position.

RESOLUTION NO. (977-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of November 28, 2000 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

RESOLUTION NO. (978-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Lee Pound, election inspector at the Clarkstown Middlewood Senior Citizen Complex, and Patricia Sheridan, Town Clerk, have suggested that signs be posted at this site to denote where residents can vote;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to create and install a sign at both entrances to the Clarkstown Middlewood Senior Citizen Complex, Nanuet, New York, to denote where residents can vote, and said signs be installed so that they can be removed and replaced at election time, and be it

FURTHER RESOLVED, that the fee for such sign shall be charged to Account No. A 1450-319.

On roll call the vote was as follows:

- Councilwoman LaskerYes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor HolbrookYes

RESOLUTION NO. (979-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Nyack High School Football Team has won the Year 2000 New York State Class A Championship, and

WHEREAS, the Town of Clarkstown wishes to honor and congratulate the Nyack Indians Football Team on this victory,

Now therefore be it

RESOLVED, that the Superintendent of Highways is hereby authorized to fabricate and install a commemorative victory sign to be located with the permission of the Nyack School District, on school property, in the vicinity of Christian Herald Road and Route 9W in Valley Cottage, NY, 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.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (980-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd, and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting these repairs, and

WHEREAS, the Town Board Resolution No. 544-2000 authorized Director of the Department of Environmental Control to lease equipment with operators from Cal Mart Construction, 357A Rt.59, West Nyack, New York to perform the repairs for a fixed rental cost not to exceed \$24,242.00, and

WHEREAS, unforeseen difficulties with the Town of Clarkstown providing the necessary materials for the repairs resulted in delays to the project, and

WHEREAS, the extra costs associated with the delays totaled \$1,497.79.

NOW, THEREFORE, BE IT,

RESOLVED, that Town Board Resolution No. 544-2000 is hereby amended to reflect the additional cost \$1,497.79, and

BE IT FURTHER RESOLVED that the total amended cost shall not exceed \$25,739.79 and shall be a proper charge to account # H 8748 409 0 72 1

RESOLUTION NO. (980-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (981-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Arlette Phillips, Drafter, Department of Environmental Control, is hereby authorized to attend a Computer Assisted Design (CAD) Course at Rockland Community College during the 2001 Spring Semester, and be it

FURTHER RESOLVED, that the cost for said course shall not exceed \$500. and shall be a proper charge to Appropriation Account No. A 1010-414, and be it

FURTHER RESOLVED, that this resolution be retroactive to December 7, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (982-2000)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Melinda Parziale, MS, Ed., Clarkstown Counseling Center, is hereby authorized to attend a conference entitled "Understanding Depression" on Wednesday, November 8, 2000, in Tarrytown, New York, and be it

FURTHER RESOLVED, that the registration fee of \$75.00 and all reasonable expenses including travel, tolls, and meals shall be charged to Appropriation Account A 4210-414, and be it

FURTHER RESOLVED, that this resolution be retroactive to November 8, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (983 -2000)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Martus Granirer, Esq. was retained by the Town Board to provide special counsel services in connection with the Town of Clarkstown Open Space Initiative and proposed bonding for Open Space acquisition funds which was the subject of referendum before the voters on November 7, 2000, and

WHEREAS, by Resolution No. 366-2000, the sum of \$15,000 was appropriated for such special counsel services for the period April 26, 2000 to August 26, 2000, and

WHEREAS, special counsel continued to provide services from August 28, 2000 through November 11, 2000, and has rendered an invoice pro-rating such services in accordance with the previously established rate of compensation;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment to Martus Granirer, Esq. in the amount of \$9,428.57 for special counsel services provided for the period stated above, and be it

FURTHER RESOLVED, that such payment shall be charged to Account No. A 1420-409, and be it

FURTHER RESOLVED, that Mr. Granirer is hereby authorized to complete his work with negotiations with Southern Energy regarding the Davenport Preserve.

On roll call the vote was as follows:

Councilwoman Lasker	Yes
Councilman Maloney	Yes
Councilman Mandia	Yes
Councilwoman Smith	No
Supervisor Holbrook	Yes

RESOLUTION NO. (984-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Clarkstown Carting Association has the contract to collect residential refuse in the Town of Clarkstown, which contract expires on December 31, 2000, and

WHEREAS, the Town of Clarkstown has pending an invitation to bid for a successor contractor, and

WHEREAS, it may be necessary to obtain interim services;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain an extension of the current contract for a term of not less than sixty days, or in the alternative make arrangements with another contractor for interim residential refuse collection services, until such time the Town Board may award the pending bid to a successful low bidder.

RESOLUTION NO. (984-2000) continued

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (985-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendations of the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks, the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Ward Associates, P.C., 1500 Lakeland Avenue, Bohemia, New York, in accordance with a written proposal dated January 19, 2000 to:

Complete design work, prepare bid documents and provide project inspection services for Pascack Community Center, for compensation not to exceed \$251,000.00, payable in accordance with the owner and architect agreement,

which agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the Comptroller shall charge the necessary amount to account No. H 8749 4090 73 6.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (986-2000)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the ROBERT GENESLAW CO., in a form satisfactory to the Town Attorney, to continue to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 2001 to December 31, 2001, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. for such services shall be \$9,000 per month, and that the total compensation shall be \$108,000 which amount shall be charged to Account No. B-8020-409.

RESOLUTION NO. (986-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (987-2000) (FAILED)

Co. Lasker offered and Supervisor Holbrook seconded

RESOLVED, that agenda item 8E, for the position of Building Inspector II, is hereby tabled.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney No
 Councilman Mandia No
 Councilwoman Smith No
 Supervisor Holbrook Yes

RESOLUTION NO. (988-2000)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the resignation of Philip M. Platz, 4 Venter Lane, Nanuet, New York, Real Property Appraiser, Assessor's Office is hereby accepted effective and retroactive to November 21, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (989-2000)

Co. Mandia offered and Co. Smith seconded

WHEREAS, David Gerlach, has requested a leave of absence, without pay, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay.

NOW, THEREFORE, be it

RESOLUTION NO. (989-2000) continued

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, without pay, by the Supt. of Highways of David Gerlach, 27 Germonds Road, New City, New York, Laborer, Highway Department effective and retroactive to November 22, 2000 to March 22, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (990-2000)

Co. Mandia offered and Co. Smith 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., Mariann Kilduff, 915 Route 9W, P.O. Box 113, Fort Montgomery, New York 10922, Bus Driver, Mini Trans Department is hereby granted a Sick Leave of Absence, at one half pay effective and retroactive to December 7, 2000 to January 7, 2001.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (991-2000)

Co. Mandia offered and Co. Smith seconded

WHEREAS, there exists a vacancy in the position of Receiver of Taxes, created by the death of the Honorable Marie Geronimo, and

WHEREAS, the Town Board of the Town of Clarkstown is empowered by town Law, Section 64 (5) to fill such vacancy,

Now, therefore, be it

RESOLVED, that Loretta Raimone, 661 Normandy Village, Nanuet, New York is hereby appointed to fill the position of Receiver of Taxes – said appointment effective on December 13, 2000 thru December 31, 2001 – at the annual salary of \$68,000.

On roll call the vote was as follows:

Councilwoman Lasker No
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (992-2000)

Co. Mandia offered and Co. Smith seconded

WHEREAS, there exists a vacancy in the position of Building Inspector II, created by the death of Adolph Milich, Jr. and

WHEREAS, the Rockland County job specifications for Building Inspector II includes direct line promotional qualifications a follows:

For Promotion: One (1) year of experience as a Deputy Building Inspector, and

WHEREAS, Mr. Peter J. Beary has been Deputy Building Inspector since May 20, 1990 and thereby meets promotional qualifications to fill the position of Building Inspector II, as well as being ranked #1 on the previous Asst. Building Inspector exam, the Deputy Building Inspector exam, and the Building Inspector II exam.

NOW THEREFORE BE IT

RESOLVED, that Peter J. Beary, 68 Ridge Road, Valley Cottage, N.Y. 10989 is hereby appointed to the position of Building Inspector II - provisional - effective December 12, 2000 as approved by Rockland County Personnel in accordance with NYS Civil Service Law - at the annual salary of \$85,000.

On roll call the vote was as follows:

- Councilwoman LaskerNo
- Councilman MaloneyYes
- Councilman MandiaYes
- Councilwoman SmithYes
- Supervisor HolbrookNo

RESOLUTION NO. (993-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, voters of the Town of Clarkstown have approved the issuance of Town of Clarkstown municipal bonds up to the sum of \$22,000,000.00, for the purpose of acquiring interests in land so as to preserve and protect remaining open space as parklands and provide for drainage improvements in the Town of Clarkstown, and

WHEREAS, various properties may be considered for acquisition either in fee or lesser interest in the coming months, and the Town Board desires to have the input and recommendations from citizens of the Town of Clarkstown to assist in its deliberations;

NOW, THEREFORE, be it

RESOLVED, that a Citizens Advisory Committee is hereby created for the purpose of reviewing and advising the Town Board on all aspects of the Town of Clarkstown initiative for the protection of open space, and be it

FURTHER RESOLVED, that Joseph Holland, former State Senator, and Catherine Nowicki, former Rockland County Legislator, Grace Murray, 71 Hall Avenue, New City, Mary Loeffler, 15 Oak Road, New City, Karl Muller, 4 Old Mill Road, West Nyack, Karen Tarapata, 127 Castle Heights Avenue, Nyack, and the following designees of the following organizations are hereby appointed to serve at the pleasure of the Town Board on such Citizens Advisory Committee:

RESOLUTION NO. (993-2000) continued

- 1. Arleen Whittaker, Bardonia Civic Association
- 2. Gerard O'Rourke, Congers Civic Association
- 3. James Comer, Forest Brook Homeowners' Association
- 4. Edwin Day, Little Tor Neighborhood Association
- 5. Robert Jackson, Nanuet Civic Association
- 6. Martin Bernstein, New City Civic Association
- 7. Nicole Doliner, Rockland County Civic Association
- 8. Cora Bodkin, South Little Tor Civic Association
- 9. George Nugent, Valley Cottage Civic Association
- 10. Bruce Broadley, Southern Clarkstown Civic Association
- 11. Johanna Galdone, West Branch Conservation Association
- 12. Mark Brescher, 229 Van Houten Fields, West Nyack, NY
- 13. Harold Lindland, 35 Old Hempstead Rd, New City, NY
- 14. John Scurti, 26 Concord Dr, New City, NY
- 15. John A. Maraia, 59 Village Green, Bardonia, NY
- 16. Dale Robinson, So. Mountain Rd, New City
- 17. Karen Bryant, 1 Main St., 1301, Nyack
(property owner on So. Mountain Road)

and be it

FURTHER RESOLVED, that the organizational meeting of said committee is hereby scheduled for January 4, 2001, at 8:00 p.m., in the Andrew Jackson Room, Town Hall, 10 Maple Avenue, New City, New York 10956, and

FURTHER RESOLVED, that Robert Geneslaw, the Town's Planning Consultant, shall serve as Chairman Pro Tem and member of the Open Space Acquisition Committee.

On roll call the vote was as follows:

- Councilwoman Lasker No
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (994-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown was duly instituted against premises known and described on the Tax Map of the Town of Clarkstown as Map 98, Block A, Lot 9.68, and

WHEREAS, by Order of the Town Board (Resolution No. 578-2000), the Building Inspector and the Superintendent of Highways were authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the total cost for the proceeding and corrective measures taken is the sum of \$1,023.60, pursuant to the attached statement, and

WHEREAS, notice was given to the property owner that unless reimbursement in the amount of \$1,023.60 was received by December 1, 2000, said sum would be assessed as a lien against the property, and payment has not been made;

NOW, THEREFORE, be it

RESOLUTION NO. (994-2000) continued

RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown the sum of \$1,023.60 by levying said amount on the next Town tax bill.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (995-2000)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown was duly instituted against premises known and described on the Tax Map of the Town of Clarkstown as Map 21, Block B, Lot 8.02, and

WHEREAS, after inspection of the site by personnel from the Department of Environmental Control, it was determined that immediate steps needed to be taken to protect life and property, and as a result thereof, funds were expended by the Town of Clarkstown for Department of Environmental Control personnel to protect the public welfare, and

WHEREAS, by Order of the Town Board (Resolution No. 577-2000), the Building Inspector and the Superintendent of Highways were authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the total cost for the proceeding and corrective measures taken is the sum of \$3,999.13;

NOW, THEREFORE, be it

RESOLVED, that if reimbursement in the amount of \$3,999.13 is not received by December 15, 2000, said sum shall be assessed as a lien against the property to reimburse the Town for the cost of the proceeding pursuant to the attached statement, and be it

FURTHER RESOLVED, that upon the payment of \$3,999.13, the Town Attorney is authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on September 27, 2000.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (996-2000)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that Charles E. Holbrook is hereby designated as delegate to the Association of Towns Convention, and be it

RESOLUTION NO. (996-2000) continued

FURTHER RESOLVED, that Penny Leonard, Deputy supervisor is hereby designated as alternate delegate to the Association of Towns Convention, and be it

FURTHER RESOLVED, that the following:

- | | |
|-----------------------------------|--|
| Supervisor | Confidential Assistant to the Supervisor |
| Councilmen | Town Assessor |
| Town Attorney | Director of Automated Systems |
| Building Inspector | Town Clerk |
| Clerk of the Works I | Town Comptroller |
| Director of Environmental Control | Director of Finance |
| Superintendent of Highways | Confidential Assistant to Highway Supt. |
| Personnel Assistant | Director of Purchasing |
| Safety Manager | Superintendent of Recreation Parks |
| Receiver of Taxes | |

are hereby authorized to attend the Association of Towns Convention to be held in New York City on February 18, 2001 through February 21, 2001, and reasonable expenses incurred by the aforementioned be made proper Town charges, and be it

FURTHER RESOLVED, that the following:

- Deputy Town Attorneys, Paralegal Specialists, and Code Inspector I,
- As designated by the Town Attorney
- Town Comptroller's designees
- Building Inspector or his designee
- Employee Benefits Clerk, Personnel
- Director Environmental Control's designees
- Town Justices
- Justice Court Clerk
- Assistant Justice Court Clerk, and Sr. Clerks in the Justice Court,
- As designated by the Court Clerk
- Members of the Planning Board
- Planning Assistant
- Members of the Zoning Board of Appeals

are hereby authorized to attend the Association of Towns Convention to be held in New York City, on February 18, 2001 through February 21, 2001, for trips during their regular work hours, and the daily expenses incurred by the aforementioned during these work hours be made proper Town charges, and be it

FURTHER RESOLVED, that these officials are encouraged to car pool to reduce mileage expenses, and the respective vouchers submitted for this purpose shall not only reflect miles traveled, but also passengers within the vehicles, and be it

FURTHER RESOLVED, that employees who are eligible for overtime pay will be paid or shall receive compensatory time off for their time spent attending the Association of Towns convention on President's Day, however, the maximum amount of time shall be that of their regular work hours, either seven or eight hours per day.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (997-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

Bid #4 – 2001 – Athletic and Recreation Supplies

Anaconda Sports, 1221 Ulster Avenue, Kingston, NY 12401, for items #12 and 17 as per specifications at a net bid price of \$306.90.

ARC Sports, Rte. 121, North Salem, NY 10560, for items #3, 5, 6, 7, 18, 30, 74, 75, 76, 77, 80 and 83 as per specifications at a net bid price of \$2,500.80.

Flaghouse, 601 Flaghouse Dr., Hasbrouck Heights, NJ 07604-3116, for items #13, 19, 20, 21, 29, 35, 36, 50, 56, 58, 61, 67, 68, 69, 70, 71, 84 and 88 as per specifications at a net bid price of \$1,561.43.

Kenmar Shirts, 1578 White Plains Road, Bronx, NY 10462, for items #91, 96, 100 and 113 as per specifications at a net bid price of \$9,062.52.

Morley Athletic Supply, P.O. Box 557, Amsterdam, NY 12010, for items #2, 15, 16, 26, 34, 64, 79, 86, 89, 106, 107, 108, and 109 as per specifications at a net bid price of \$6,059.13.

Passon's Sports, P.O. Box 49, Jenkintown, PA 19046, for items #1, 4, 9, 14, 22, 23, 24, 27, 31, 32, 33, 37, 38, 39, 46, 49, 52, 53, 55, 57, 59, 60, and 95 as per specifications at a net bid price of \$2,488.26.

Poptops Sportswear, Easton Industrial Park, 10 Plymouth Drive, South Easton, MA 02375, for items #90, 92, 93, 94, 101, 102, 103, 105, 114, 115, 116, 119, 120, and 121 as per specifications at a net bid price of \$16,765.32.

S & S Worldwide, P.O. Box 513, Colchester, CT 06415-9513, for items #8, 10, 25, 42, 43, 44, 51, 72, 72A, 73, 78, 81, 82, 87, and 98 as per specifications at a net bid price of \$1,501.60.

Sportime, 1 Sportime Way, Atlanta, GA 30340, for items #11, 28, 40, 41, 45, 47, 48, 54, 62, 63, 65, 66 and 85 as per specifications at a net bid price of \$1,214.68.

T-Shirt Printing Inc., 25 Saw Mill River Road, Yonkers, NY 10701, for items #97, 99, 104, 110, 111, 112, 117, and 118 as per specifications at a net bid price of \$3,478.78.

Gross Total for all items: \$44,939.42

FURTHER RESOLVED, that this amount \$44,939.42 be charged against accounts:

7140-222	\$1,029.46
7140-307	1,515.00
7141-222	1,890.20
7141-307	592.90
7141-329	3,688.42
7180-307	7,992.66
7180-329	362.61
7210-307	298.80
7310-307	\$20,232.96
7310-329	\$6,013.06
7610-307	691.20
7620-307	600.00
7620-329	32.15

RESOLUTION NO. (997-2000) continued

Total	----- \$44,939.42
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On roll call the vote was as follows:

Councilwoman Lasker Yes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (998-2000)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Project Engineer and the Superintendent of Recreation and Parks that

BID #56-2000 - CONSTRUCTION OF IN-LINE SKATING RINK, SKATE PARK AND PARKING LOT EXPANSION AT CONGERS LAKE MEMORIAL PARK

is hereby awarded as follows:

A) Site General Construction

Base Bid	\$425,000
Add Alt #1	41,800
Add Alt #2	<u>9,800</u>
 Total	 \$476,600

Awarded to: DE ROSA TENNIS CONTRACTORS, INC.
 P.O. BOX 430
 MAMARONECK, NY 10543
 PRINCIPALS: THOMAS DE ROSA
 ANGELO PUGLIESE

B) Electrical Construction

Base Bid	\$154,000
Add Alt #1	<u>12,000</u>
 Total	 \$166,000

Awarded to: FANSHAWE, INC.
 d/b/a ROCKLAND ELECTRIC
 58 EAST ROUTE 59
 NANUET, NY 10954
 PRINCIPALS: BARBARA FANSHAWE
 GEORGE FANSHAWE

and be it

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

RESOLUTION NO. (998-2000) continued

- a)Signed Contract Documents-2 sets
- b)Performance Bond-100% of proposed project cost
- c)Labor and Materials payment Bond-100% of proposed project cost
- d)Certificate of Contractors Liability and Property Damage Coverage, including a Save Harmless Clause
- e)Certificate of Workers Compensation
- f)Certificate of Workers Disability 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (999-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Superintendent of Highways has recommended the purchase of six (6) Model 2001 Stainless Steel Salt Spreader Bodies, from Tarrant Manufacturing, the contractor, awarded the bid pursuant to the New York State Award No. PC 56281;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the purchase of six (6) Model 2001 Stainless Steel Salt Spreader Bodies referred to herein for the contract price of \$19,503 each, plus the customary delivery charge, as per New York State Contract Award No. PC 56281, and be it

FURTHER RESOLVED, that the amount of \$49,656.00, plus the customary delivery charge, shall be charged to Account No. H 8749-409, Project #73-28.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (1000-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Superintendent of Highways has recommended the purchase of three (3) Model 2001 Ford Pickup Trucks, four-wheel drive, from Rochester Auto Collection, the contractor, awarded the bid pursuant to the New York State Award No. PC57130;

RESOLUTION NO. (1002-2000) continued

WHEREAS, Clarkstown Police Chief Kevin Kilduff has recommended that the Town request reallocation of its grant award to the Rockland County Department of Probation for the purposes of being used by the County Wide Community Service Program;

NOW, THERFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to notify the New York State Division of Criminal Justice Services that the Town of Clarkstown requests reallocation of its grant in the amount of \$15,497 to the Rockland County Department of Probation for use in the County Wide Community Service Program.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (1003-2000)

Co. Smith offered and Co. Maloney seconded

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

BID #12-2001
RECREATION BROCHURES
SPRING/SUMMER AND FALL/WINTER

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on: JANUARY 10, 2001 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (1004-2000)

Co. Smith offered and Co. Maloney seconded

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

RESOLUTION NO. (1004-2000) continued

BID #13-2001
GROUNDSKEEPING AND
LANDSCAPE SUPPLIES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on: JANUARY 8, 2001 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:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (1005-2000)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Bruce Hoehn, Vehicle Maintenance Supervisor, Town Garage, has requested permission for the seasonal use for commuting purposes of the Town's 4-wheel drive vehicle during the period November 15, 2000 through April 15, 2001 so as to facilitate his commute to and from work on occasions when inclement weather requires his presence at other than normal working hours, and

WHEREAS, the use of a Town-owned vehicle will facilitate efficiency of operations at the Town facility during such periods of inclement weather;

NOW, THEREFORE, be it

RESOLVED, that Bruce Hoehn, Vehicle Maintenance Supervisor, is hereby authorized to use a Town-owned 4-wheel drive vehicle for commuting purposes to and from his home in the Village of Nyack to the Town of Clarkstown Vehicle Maintenance Garage for the period November 15, 2000 through April 15, 2001, and be it

FURTHER RESOLVED, that permission hereby granted is subject to compliance with Resolution No. 16-2000 which establishes the policy regarding personal use of Town-owned vehicles.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (1006-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, grade reallocation requests have been made for the following titles:
(With no specific grade requests listed on the October 17, 2000 letter addressed to the Town)

- Maintenance Supervisor (Grounds)
- Asst. Maintenance Supervisor (Grounds)
- Groundskeeper II
- Groundskeeper
- Senior Groundswoker
- Groundswoker

AND WHEREAS, the Town Board has reviewed these requests,

NOW, therefore, be it

RESOLVED, that the Town Board of the Town of Clarkstown denies each of the above requests pursuant to the Collective Bargaining Agreement of Clarkstown Unit of the C.S.E.A.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (1007-2000)

Co. Maloney offered and Co. Mandia seconded

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

Director of Municipal Counseling Services – Clarkstown Counseling Center –
from a Grade 27 to a grade 32, and

WHEREAS, the Town Board has reviewed this request,

NOW, THEREFORE, BE IT

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

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (1008-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendations of the Deputy Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from: Mallory Construction Corp., dated March 16, 1999, and Paul A. Govia and Nannette Govia and Frances Martin Michalopoulos and Damon Michalopoulos conveying the following road(s):

Surim Court 195 x 110 L.F.

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

FURTHER RESOLVED, that upon receipt of a Maintenance Guaranty in the amount of \$23,363.00, if in the form of a surety bond issued by a licensed surety company, or \$11,682.00, if in the form of cash or an Irrevocable Letter of Credit, in a form approved by the Town Attorney, the Performance Bond secured by Letter of Credit No. 1769 previously filed with the Town, in the amount of \$24,684.00, may be released, and be it

FURTHER RESOLVED, that Letter of Credit No. 1776 in the amount of \$48,000.00, which was furnished to the Town as security for a Developer's Escrow Agreement relating to the completion of certain items after the issuance of Certificates of Occupancy for various homes in the Clarkwest Subdivision, shall continue to be held until such time as the Director or Deputy Director of the Department of Environmental Control certifies that all of the required work has been completed, at which time said Letter of Credit may be released without further action of the Town Board.

On roll call the vote was as follows:

- Councilwoman Lasker Yes
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (1009-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendations of the Deputy Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from: J. L. Heritage Homes, Inc., dated November 9, 1998 conveying the following road(s):

Morgan Court 157 + 100 Diameter Cul-de-sac L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of J. L. Heritage Homes is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, subject to the following conditions: (1) receipt of a Maintenance Guaranty in the amount of \$1,120.00, if in the form of a surety bond issued by a licensed surety company, or \$560.00, if in the form of cash or an Irrevocable Letter of Credit, in a form approved by the Town Attorney, and (2) reimbursement in the amount of \$1,779.10 for core testing and other related expenses incurred by the Highway Department, and be it

RESOLUTION NO. (1009-2000) continued

FURTHER RESOLVED, that Letter of Credit No. 1764 in the amount of \$14,800.00, which was furnished to the Town as security for shade trees and wearing course in the J. L. Heritage Homes Subdivision, shall continue to be held until such time as the Director or Deputy Director of the Department of Environmental Control certifies that all of the required work has been completed, at which time said Letter of Credit may be released without further action of the Town Board.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (1010-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown was duly instituted against premises known and described on the Tax Map of the Town of Clarkstown as Map 43, Block E, Lot 8.05, and

WHEREAS, by Order of the Town Board (Resolution No. 565-1999), the Building Inspector and/or the Superintendent of Highways was/were authorized and directed to take certain corrective measures regarding said premises, and

WHEREAS, the total cost for the proceeding and corrective measures is the sum of \$5,650.02;

NOW, THEREFORE, be it

RESOLVED, that if reimbursement in the amount of \$5,650.02 is not received by December 15, 2000, said sum shall be assessed as a lien against the property to reimburse the Town for the cost of the proceeding pursuant to the attached statement, and be it

FURTHER RESOLVED, that upon the payment of \$5,650.02, the Town Attorney is authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on July 15, 1999.

On roll call the vote was as follows:

Councilwoman Lasker Yes
Councilman Maloney Yes
Councilman Mandia 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 Co. Mandia seconded by Co. Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 9:35 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING CONTINUATION**

Town Hall

12/12/00

8:05 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: Proposed Local Law amending Chapter 290 (Zoning) of the Clarkstown Town Code regarding Assisted Care Living

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

Supervisor Holbrook asked if there was anyone present wishing to speak on this.

Appearance: Cora Bodkin
President of South Little Tor Civic Association

Spoke extensively regarding her concerns about the proposal under consideration. She spoke regarding occupancy rates and the additional projects under construction in Rockland County. She further stated that one can conclude that the demographics would support the future continuing need for assisted living but a prolonged period of reduced demographic need for independent senior living until the year 2015. She reiterated her position that senior housing which is structured as multifamily housing should be placed in a multifamily zone to which it conforms, or to professional office or commercial zone which would be more in character with those zones and might offer another choice in rehabilitation or renewal of such properties. Limiting this type of housing to such zones would solve any future problems should the projects fail economically. (Statement on file in Town Clerk's Office)

Appearance: Martin Bernstein
New City

Discussed difference between independent and assisted living and stated that the applicant must meet the criteria in order to receive a special permit. The applicant does not need a change of zone and can put multifamily in any neighborhood. This is counter to what the public wants. Said the Town Board would be remiss if it approves it.

Appearance: Tim Farrell
New Valley Road

Does not want to see multifamily housing across the street from him without a zone change.

Town Attorney said that there was no report from the Rockland County Planning Board and no SECA report, therefore, the Town Board could not vote on this tonight.

Co. Smith stated that Judge Bergerman ruled our actions invalid where we have these definitions according to our previous resolutions and, therefore, we should not take any action on this until we find out exactly what is correct with these court cases.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the Public Hearing was continued to January 9, time: 8:20 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

12/12/00

8:21 PM

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: Proposed Local Law amending Chapter 290 (Zoning) of the Clarkstown Town Code to restrict Flag Lot Development in the Town of Clarkstown

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

Town Attorney said that there was no report from the Rockland County Planning Board.

Appearance: Rocco Valardi
New City

Bought an acre parcel that was zoned R-15 which meant he could add two homes to it. He was saving it as his nest egg and now he wants to build a home for his parents there. There are nine pieces bordering his property that have flag lots. Spent \$2,100 cleaning up his property which has been used as a garbage dump. Said he is presently before the ZBA and there is no one except him before them with a petition for a flag lot. Feels that he is being discriminated against by being denied being able to build a house for his parents.

Supervisor explained that this was town wide and not directed at any one individual.

Appearance: Phyllis Edward
New City

Lives on Burda Avenue and said that there are developers looking to build in her neighborhood and she opposed this because she does not want overcrowding. Supports this resolution.

Appearance: Bob Jackson
Nanuet

Said he moved here from the city because he wanted open space as do all the citizens of Clarkstown and he has fought flag lots in the past and said the people can still build if they meet the criteria required.

Appearance: Maria Jansen
Congers

Said there is only one reference to flag lots in our building code and we should delete it. Permission to build should not be granted by the building department but should not stay with Planning Department because they have public hearings. Flag lots should always face the street.

Supervisor Holbrook said all subdivisions go before the Planning Board.

Robert Geneslaw explained the procedure by which requests come from the zoning Board to the Planning Board.

Appearance: Steven Levine
Congers

Urged the board to delete # 11 from the code and do away with flag lots. And he believed that his legislation encourages flag lots.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the Public Hearing was continued to January 9, 2001, time: 8:45 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk