

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

05/22/2001

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. Supervisor recognized the Korean War Veterans. The colors were presented by the Color Guard. Assemblage saluted the Flag.

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On motion of Co Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Proposed Local Law entitled "Historic Road Preservation" was continued, time 8:10 PM

On motion of Co Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Proposed Local Law entitled "Historic Road Preservation" was recessed to next Town Board Meeting, time 8:11 PM

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On motion of Co Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Proposed Local Law entitled "Regulation of the operation of taxicabs within the Town of Clarkstown" was opened, time 8:14 PM

On motion of Co Maloney, seconded by Co. Smith and unanimously adopted the public hearing RE: Proposed Local Law entitled "Regulation of the operation of taxicabs within the Town of Clarkstown" was closed, time 8:27 PM

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On motion of Co Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Petition of Snake Hill Corporation for a special permit to operate a recycling center at property know as 9.13-1-31 was opened, time 8:27 PM

On motion of Co Maloney, seconded by Co. Mandia and unanimously adopted the public hearing RE: Petition of Snake Hill Corporation for a special permit to operate a recycling center at property know as 9.13-1-31 was closed, time 8:55 PM

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RESOLUTION NO. (422-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of May 8, 2001 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (423-2001) (FAILED)

Co. Lasker offered and Supervisor Holbrook seconded

WHEREAS, by Resolution dated November 14, 2000, the Town Attorney was directed to seek special counsel for the purpose of review and advice concerning the options available to the Town Board with respect to the purchase of property in the Town of Ramapo, and

WHEREAS, the Town Attorney has recommended the firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, White Plains, New York, as potential special counsel, and

WHEREAS, said firm has provided its proposal to investigate the facts and circumstances, and to provide an advisory legal opinion to the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, White Plains, New York, to proceed with its legal analysis of the facts and circumstances with respect to the purchase of property in the Town of Ramapo, and to render its advisory opinion regarding same, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to expend a sum not to exceed \$10,000 for such special counsel, which fee shall be charged to Account No. A 1420-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (424-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Donald Feerick, Esq. has submitted a proposal to provide legal and support investigative services with respect to the purchase of property in the Town of Ramapo for the purpose of providing an advisory legal opinion to the Town Board regarding any possible legal recourse which may be available to the Town Board, and

WHEREAS, the Town Board wishes to seek such advisory legal opinion;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Donald Feerick, Esq., New City, New York, to proceed in accordance with his proposal to analyze the facts and circumstances with respect to the purchase of property in the Town of Ramapo by the Town of Clarkstown and to render his advisory legal opinion regarding same, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to expend a sum not to exceed \$10,000 for such special counsel fees and reasonable disbursements which shall be charged to Account No. A-1420-409.

RESOLUTION NO. (424-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (425-2001)

Co.Mandia offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition existed within a Town easement in the vicinity of parcel 162-A-33.10, Nanuet, New York, and

WHEREAS, the Town Board authorized the Freund Drive Drainage Improvements Project to correct the adverse drainage condition, and

WHEREAS, an adverse ground water condition developed after completion of the improvements which could compromise the integrity of the new drainage system and an existing sanitary sewer, and

WHEREAS, the Department of Environmental Control performed additional work to ameliorate the adverse condition, and

WHEREAS, severe settlement and sink holes are now developing within the easement, and

WHEREAS, the Department of Environmental Control has determined that subsurface investigations are required before any additional work is performed.

NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to hire

Soiltesting, Inc.  
 140 Oxford Road  
 Oxford, Conn. 06478-1943

to perform the required subsurface investigations in accordance with their proposal dated 5-4-01, and

BE IT FURTHER RESOLVED, that the cost of the additional work shall not exceed \$2,772.50 and shall be a proper charge to account H 8743 409 0 68 2.

On roll call the vote was as follows:

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

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RESOLUTION NO. (426-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, certain veteran organizations have requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veteran organizations for the year 2001:

Veterans of Foreign Wars, Nanuet	Post 3773
American Legion, Nanuet	Post 794
Jewish War Veterans, New City	Post 756
Jewish War Veterans of the U.S.A., Congers	Post 720
Willis Polhemus V.F.W., Upper Nyack	Post 9215
Clarkstown Memorial Post, New City	Post 851
New City Memorial - VFW	Post 8749
Wm. E. DeBevoise Jr., Ameican Legion, New City	Post 1682
West Nyack Memorial - VFW	Post 126
Korean War Veteran Assoc.	Eagle Chapter
VFW Lt. Raymond B. Jauss	Post 2607

and be it

FURTHER RESOLVED, that claims for such sums shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2001 Account No. A 6510-401.

On roll call the vote was as follows:

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

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RESOLUTION NO. (427-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, the Town of Clarkstown has requested the conveyance of a drainage easement for restoration of stream banks located at 2A Mary Ann Lane, New City, New York for premises owned by Mary Ellyn Devery and Marjorie Devery (tax description 43.13-1-1 F/K/A Map 21, Block A, Lot 11.3), and

WHEREAS, the Town Attorney has approved the form of said conveyance;

NOW, THEREFORE, be it

RESOLUTION NO. (427-2001) continued

RESOLVED, that the Town Board hereby accepts the conveyance of said permanent easement on behalf of the Town of Clarkstown, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (428-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, and Lawrence Berkowitz, Computer Network Specialist, have requested permission to attend the Annual Government Technology Conference in Albany, New York on September 12-14, 2001 and the PC Expo Conference at the New York Jacob K. Javits Convention Center on June 26-28, 2001;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems and Lawrence Berkowitz, Computer Network Specialist, to attend the Annual Government Technology Conference in Albany, New York on September 12-14, 2001 and the PC Expo Conference at the New York Jacob K. Javits Convention Center on June 26-28, 2001, and be it

FURTHER RESOLVED, that the cost of both conferences, including lodging, meals, travel and parking shall not exceed \$2000.00, and shall be charged to Account No. A-680-414

On roll call the vote was as follows:

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

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RESOLUTION NO. (429-2001)

Co. Lasker offered and Co. Maloney seconded

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

H & R PLUMBING & HEATING, INC.  
 53 Massachusetts Avenue  
 Congers, NY 10920  
 Humberto Ruperto, President

RESOLUTION NO. (429-2001) continued

LIFESTYLE ENTERPRISE, INC.  
P.O. Box 398  
New City, NY 10956  
Menahem Shulman, President

PIPELINE, INC.  
15 Conklin Drive  
Stony Point, NY 10980  
Jeffrey Conklin, President

RESOLVED, that the following Certificates of Registration be issued:

- No. 01-5 H & R PLUMBING & HEATING, INC.
- No. 01-24 LIFESTYLE ENTERPRISE, INC.
- No. 01-25 PIPELINE, INC.

On roll call the vote was as follows:

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

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RESOLUTION NO. (430-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, COLETT ENTERPRISES OF ROCKLAND, LTD. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an LIO District to a CS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as 44.16-1-45 (formerly 127-C-6);

NOW, THEREFORE, be it

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

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:

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

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RESOLUTION NO. (431-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, that Town of Clarkstown has collected \$493.00 as donations from the Annual Senior Citizen show,

BE IT THEREFORE,

RESOLVED, to increase Revenue Account #01-002001 (Park and Recreation charges) and Appropriation Account #7610-329 (Recreation Supplies) by \$493.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (432-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "TOWN SPEED 30 MPH" sign on the southside of Walnut Court at the North Main Street intersection, New City.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, 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

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RESOLUTION NO. (433-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, residents have reported problems with neighbors violating Section 125-4-F of the Clarkstown Town Code along the Town easement/emergency road at Inwood Drive, Bardonia,

NOW, THEREFORE, BE IT

RESOLVED, that the Superintendent of Highways is hereby authorized to install the following sign on the Town easement/emergency road at Inwood Drive, Bardonia:

RESOLUTION NO. (433-2001) continued

“Dog Waste Prohibited - Pursuant to Section 125-4-F of the Town Code of the Town of Clarkstown”

and be it

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

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
  - Councilman Maloney . . . . . Yes
  - Councilman Mandia . . . . . Yes
  - Councilwoman Smith . . . . . Yes
  - Supervisor Holbrook . . . . . Yes
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RESOLUTION NO. (434-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 560-2000, dated July 11, 2000, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown, affecting property known as 10 Parliament Drive, New City, New York and designated as 35.9-2-31 (formerly known as 98-A-9.68), to remove or rectify violations which were unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, by Resolution No. 578-2000, dated August 8, 2000, the Building Inspector and the Superintendent of Highways were authorized to take certain corrective measures regarding said premises, and to continue to take such corrective steps as were necessary for a period of 4 months, and

WHEREAS, it has come to the attention of the Town Board that the premises is again in violation of Town Code Chapter 216 in that the yard has once again been allowed to become overgrown with vegetation in violation of Town Code Chapter 216;

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector is hereby authorized to take whatever corrective measures are necessary to maintain said premises and to bring it into compliance with the Town Code, so as not to pose a threat to the health, safety and welfare of the community, and to continue to take such corrective measures, as necessary, for a period of 6 months, and be it

FURTHER RESOLVED, that a statement for the costs incurred shall be sent to the property owner; and in the event the property owner does not reimburse the Town for said corrective measures, the sum expended shall be levied against the premises 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
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RESOLUTION NO. (435-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Resolution No. 390-2001 adopted on May 8, 2001 is hereby amended to read:

RESOLVED, that Doris Fogel and Marialaine Notaro of the Comptroller's Office are hereby authorized to attend the NYS Government Finance Officers' Association Conference on May 18, 2001, at the Westchester Hills Golf Club, at White Plains, New York and be it

FURTHER RESOLVED, that all necessary charges, including the registration fee of \$100 (\$50 per person), shall be charged to Appropriation Account A 1010-414 (Schools and Conferences), and be it

FURTHER RESOLVED, that this resolution shall be retroactive to May 17, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (436-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Deborah Sussman has requested a refund of Building Permit fees paid for premises located at 6 Washington Circle, New City, New York, since the proposed project has been cancelled;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund to Deborah Sussman of \$208.00 of the Building Permit fee paid in the amount of \$308.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (437-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown is desirous of having a fence repaired at 112 Pineview Avenue, Bardonia - TM 58.6-2-6 (35-B-2.20); and

RESOLUTION NO. (437-2001) continued

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified fencing firms to perform the necessary repairs to the Town's chain link fence; and

WHEREAS, the Department of Environmental Control has received one (1) response to their solicitation; and

WHEREAS, the Department of Environmental Control has reviewed the proposal and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of:

Anchor Fence of Rockland  
449 Old Nyack Turnpike  
Nanuet, New York 10954  
Phone (845) 352-2525  
Fax (845) 352-2580

to perform the repairs at the site in accordance with their proposal for the sum of \$395.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to Account # A-8730-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (438-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown wishes to consider converting its traffic signal bulbs to low power consumption long life light emitting diode illumination (LED), that shall greatly reduce the cost of electricity, as recommended by Howard L. Lampert, P.E., Highway and Traffic Engineering Consultant;

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 Howard L. Lampert, P.E., to provide an analysis for each traffic signal located in the Town, and to prepare plans, specifications, and cost estimates to convert the Town of Clarkstown's traffic signals from standard electric bulbs to LED's, and be it

FURTHER RESOLVED, that upon the award of a public works contract for the conversion of the Town of Clarkstown's traffic signal bulbs to LED's, Mr. Lampert shall be entitled to a fee of \$4,000.00, and said fee shall be charged to Account No. A 3220-409, and be it

RESOLUTION NO. (438-2001) continued

FURTHER RESOLVED, that the agreement referred to herein shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, evidence that the consultant has professional liability insurance, and any required Workers Compensation and disability insurance compliance, and also provide that the Town of Clarkstown shall be named as an additional insured on the general liability insurance policy obtained by Mr. Lampert.

On roll call the vote was as follows:

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

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RESOLUTION NO. (439-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board intends to purchase and install an Automatic Community Alert and Message Notification System for use by the Police Department which will greatly enhance the ability of public safety personnel to provide vital information to residents and businesses in Clarkstown on occasion when, due to natural disaster, accidents, inclement weather, police or other emergency situations, direct notification to residents and businesses, by telephone, may protect life and property otherwise at risk during such occasions, and

WHEREAS, the Town Board intends, by this Resolution, to establish a procedure for the orderly use of the Automatic Community Alert and Message Notification System;

NOW, THEREFORE, be it

RESOLVED, that the primary responsibility for authorizing the use of the Automatic Community Alert and Message Notification System shall be the joint determination of the Police Chief, or in his absence the on-duty Supervisor of the Police Department, and the Town Supervisor, or in his absence the Deputy Supervisor, and be it

FURTHER RESOLVED, that it is the intent of the Town Board that the System be used only on occasion when direct notification to residents and businesses by telephone is necessary to rapidly communicate information to persons who are at risk to personal injury, or property damage as a result of a natural disaster, accidental discharge of dangerous substances, or other environmental hazards, impending inclement weather which poses a direct risk to life or property, police emergency matters requiring notification to persons at risk or any other emergency situation which presents imminent risk of loss of life or serious property damage, and be it

FURTHER RESOLVED, in the event of the absence of, or inability of the on-duty Police Supervisor to contact the Police Chief and the Supervisor or Deputy Supervisor, coupled with the circumstance that any delay in issuing an Automatic Community Alert Message could result in loss of life or serious property damage, the Police Chief or Commanding Police Officer is hereby authorized to employ the System without further authorization provided that such exigent circumstances exist, and be it

FURTHER RESOLVED, that a copy of this policy shall be kept on file in the Town Clerk's Office, and a copy provided to the Clarktown Police Chief for dissemination to all concerned emergency personnel.

RESOLUTION NO. (439-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (440-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Chief of Police that

BID #20-2001 - AUTOMATIC COMMUNITY ALERT & MESSAGE NOTIFICATION SYSTEM FOR THE POLICE DEPT.

is hereby awarded to:

AVETEX, INCORPORATED  
 6565 EDINA INDUSTRIAL BLVD.  
 EDINA, MN 55439  
 PRINCIPALS: ROBERT DENMAN

as per their lowest bid which meets specifications of \$33,540, and be it

FURTHER RESOLVED, that said award is subject to the receipt of a Certificate of Insurance indicating the following coverages:

1. - General Liability Insurance - TheTown of Clarkstown must be named as an additional insured on this policy.
- 2 - Worker's Compensation Insurance
- 3 - Worker's Disability Insurance
- 4 - Worker's Unemployment Insurance

On roll call the vote was as follows:

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

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RESOLUTION NO. (441-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective May 14, 2001:

Year Round High School Students (Office Worker Students)  
 .....Salary Range: \$0.50 to \$1.25 hr.

Year Round College Students (Office Worker Students) and Laborer Students  
 ..... Salary Range: \$1.00 to \$2.00 hr.

RESOLUTION NO. (441-2001) continued

Returning Seasonal College Students:

Office Worker Students . . . . . \$1.00 hr.  
Laborer Students . . . . . \$1.00 hr.

Special Studies Interns . . . . . \$8.00 to \$ 10.00 hr.

Office Worker Students Starting Salary (High School) . . . . . \$6.00

Office Worker Students Starting Salary (College) . . . . . \$7.00 to \$8.50 hr.

Laborer Students (Over 18 years of age) . . . . . \$7.50 to \$8.50 hr..

On roll call the vote was as follows:

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

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RESOLUTION NO. (442-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Kathleen Kiernan, 13 North Rockland, #2, Congers, New York – Clerk – Assessor’s Office – is hereby accepted – effective May 30, 2001 – at the close of the business day.

On roll call the vote was as follows:

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

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RESOLUTION NO. (443-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on May 21, 2001 that the position of Clerk Typist – Assessor’s Office – can be created

Now, therefore, be it

RESOLVED, that the position of Clerk Typist – Assessor’s Office – is hereby created – effective May 31, 2001, and

BE IT FURTHER RESOLVED, that the position of Clerk #0903 – Assessor’s Office – is hereby withdrawn – effective May 31, 2001.

RESOLUTION NO. (443-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (444-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Cynthia Archuik, 9 Yorkshire Court, Nanuet, New York, is hereby appointed to the position of (Provisional) Clerk Typist – Assessor’s Office – at the current annual salary of \$23,984, effective June 11, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (445-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the resignation of Shefalika Gandhi, 18 Brookside Avenue, South Nyack, New York – Part-time Counselor – Clarkstown Counseling Center – is hereby accepted – effective May 18, 2001 – at the close of the business day.

On roll call the vote was as follows:

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

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RESOLUTION NO. (446-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Jennifer Stebbins, 5 Marisa Drive, Spring Valley, New York, is hereby appointed to the position of (Temporary) Assistant Director of Municipal Counseling Services – Clarkstown Counseling Center – at the current annual salary of \$36,919, effective May 29, 2001 – for a period not to exceed 30 days.

RESOLUTION NO. (446-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (447-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on May 9, 2001 that the position of Senior Clerk – Personnel Office – can be created,

Now, therefore, be it

RESOLVED, that the position of Senior Clerk – Personnel Office - is hereby created – effective June 4, 2001, and

Be It Further Resolved, that the position of Senior Clerk Typist #0678 will be withdrawn upon the retirement of Alice DeForest.

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. (448-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that June A. Gabrielli, 2 Hannah Lane, Valley Cottage, New York is hereby appointed to the position of (Provisional) Senior Clerk, Personnel Office, at the current annual salary of \$27,805.00, effective June 4, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (449-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Frances H. Hunt has requested an extension of her leave of absence, without pay, and

RESOLUTION NO. (449-2001) continued

WHEREAS, Frances H. Hunt has supplied a satisfactory reason for her request, 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

RESOLVED, that Frances H. Hunt, 10 Jolene Drive, New City, New York – Senior Clerk – Personnel Office – is hereby granted an extension of her leave of absence, without pay, effective June 4, 2001 to August 6, 2001, and

BE IT FURTHER RESOLVED, that consistent with prior and pending decisions of the Town Board, should Frances H. Hunt hold any other remunerated employment during the leave period, this resolution shall be automatically deemed rescinded 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. (450-2001)

Co. Mandia offered and Co. Smith seconded

WHEREAS, OMNI PARC CONDOMINIUM has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 57.14, Block 3, Lots 3./10 through 3./800 (formerly known as 6-E-1 through 6-E-80), for the year(s) 1997/98, 1998/99, 1999/00 and 2000/01, and

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

NOW, THEREFORE, be it

RESOLVED, that Lawrence & Shedler Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

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. (451-2001)

Supervisor Holbrook offered and Co. Mandia seconded

WHEREAS, various not-for-profit and general association organizations which provide services to individuals and groups in the Town of Clarkstown have submitted requests for economic assistance for the year 2001, and

WHEREAS, all applications have been reviewed by the Town Attorney, who has determined that the services provided by the organizations set forth herein are in the public interest and qualify for expenditure of public funds;

NOW, THEREFORE, be it

RESOLVED, that the organizations listed on the attached schedule shall receive economic assistance in the amounts set forth therein, provided an agreement in a form approved by the Town Attorney is duly executed by the respective officers of said organizations, and be it

FURTHER RESOLVED, that all expenditures pursuant to this resolution shall be charged to Account No. A-8840-424.

(Schedule on File in Town Clerk's Office)

On roll call the vote was as follows:

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

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RESOLUTION NO. (452-2001)

Co. Lasker offered and Co. Maloney seconded

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

BID # 44-2001 - CAST IRON CURB INLETS, CATCH BASINS, FRAMES & GRATES

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by DATE & TIME TO BE DETERMINED at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (453-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the consulting project engineer, Howard Lampert, PE that

BID #34-2001 - CONCRETE CURB & SIDEWALK REPLACEMENT

is hereby awarded to: BELLA VISTA CONSTRUCTION  
P.O. BOX 753  
ARDSLEY, NY 10502  
PRINCIPALS: YOLANDA DE SANTIS  
JOSEPH DE SANTIS

as per their low bid proposal of \$155,577.50, and be it

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

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

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (454-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the consulting project engineer, Howard Lampert, PE that

BID #35-2001  
TOWN ASPHALT ROADWAY RESURFACING PROGRAM

is hereby awarded to: TILCON, NEW YORK, INC.  
STONEHOUSE ROAD  
MILLINGTON, NJ 07946

as per their proposed project cost for part 1 only of \$1,153,430 and be it

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

RESOLUTION NO. (454-2001) continued

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

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (455-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Department of Environmental Control that

BID #43-2001  
 2001 COMMUTER PARKING LOT MAINTENANCE

is hereby awarded to:        ASCAPE LANDSCAPE AND CONSTRUCTION  
    1047 ROUTE 45  
    POMONA, NY 10970  
    PRINCIPAL: STUART CHAITIN

as per their proposed project cost of \$33,500 and be it

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

- a) Performance Security - Irrevocable Letter of Credit
- b) Certificate of Contractor's Liability combined single limit of minimum of \$500,000 and Property Damage Coverage, not less than \$50,000
- c) Certificate of Worker's Compensation insurance coverage
- d) Certificate of Worker's Disability Insurance coverage

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. (456-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Building Inspector has notified the last owner of record of premises known as 52.8-3-53.1 (formerly known as 139-A-22.5) and 52.8-3-53.2 (formerly known as 139-A-22.6), commonly known as 139 Massachusetts Avenue, Congers, New York, that a violation of Town Code Chapter 216 exists at said location in that construction material has been dumped on the easterly section of the above lots, and

WHEREAS, the Violation Notice of the Building Inspector dated May 15, 2001 has not been complied with;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Attorney is hereby authorized to institute proceedings as provided in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify the unsafe conditions on premises described as Map 53.8, Block 3, Lot 53.1, reputedly owned by Barry Goldberg and Linda Goldberg, and on premises described as Map 53.8, Block 3, Lot 53.2, reputedly owned by Barry Goldberg, and also known as 139 Massachusetts Avenue, Congers, New York, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 12<sup>th</sup> day of June, 2001, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 28<sup>th</sup> day of May, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (457-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized the Department of Environmental Control to retain the services of General Sewer Service of Hackensack, New Jersey to perform video inspection of certain municipal storm drain lines in the Town of Clarkstown; and

WHEREAS, the Department of Environmental Control has increased the number of storm drain lines to be inspected from that originally anticipated; and

WHEREAS, the increase in the scope of work will result in the need for additional time to perform said services;

NOW, THEREFORE, BE IT RESOLVED that Town Board Resolution 342-2001 be amended to allow the Department of Environmental Control to retain General Sewer Service for eight (8) working days at the rate of \$900.00 per day in accordance with their proposal; and

RESOLUTION NO. (457-2001) continued

BE IT FURTHER RESOLVED that the amended cost for this work shall not exceed \$7,200.00 and that this amount shall continue to be a proper charge to account # H 8751 409 0 75 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. (458-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, data provided by the State indicate that traffic congestion in the I-287 corridor is not caused by the Tappan Zee Bridge; and

WHEREAS, reconstruction of Interchange 8 (the I-287/87 split) will improve traffic flow east of the Tappan Zee Bridge upon its completion in 2003; and

WHEREAS, air quality in the NY metropolitan region is among the worst in the nation, and a recent EPA study found that, car and truck emissions are responsible for serious health risks in Rockland and Westchester County; and

WHEREAS, the new wider Tappan Zee Bridge being proposed could spur the widening of I-287 across Rockland and Westchester counties, resulting in concomitant increases in traffic and toxic air pollutants; and

WHEREAS, the MTA has already committed to other costly transit projects and in 1994, found that Trans-Hudson rail service would not meet necessary ridership requirements to justify the high cost; and

WHEREAS, the State has neither demonstrated the economic feasibility of, nor identified likely funding sources for, passenger rail service across a new Tappan Zee Bridge, and has not determined whether such a plan will effectively reduce car dependence; and

WHEREAS, inexpensive, near-term measures including vanpool and carpool incentives, employer-based programs, improved bus service and other traffic management programs could reduce peak period traffic congestion on the Tappan Zee Bridge and should be implemented before considering large scale construction projects; and

WHEREAS, the available evidence indicates that the present Tappan Zee Bridge can be maintained in good condition for the foreseeable future; and

WHEREAS, the monetary and environmental costs to the residents of Rockland and Westchester counties of a new Tappan Zee Bridge are likely to far exceed the potential benefits; and

WHEREAS, there are legitimate concerns regarding the Thruway Authority's effort to streamline the review process by combining the Environmental Review process (which was initiated in December of 2000) with the Major Investment Study; and

RESOLUTION NO. (458-2001) continued

WHEREAS, there are legitimate concerns regarding the impartiality and objectivity of the Thruway Authority's analyses of the issues raised with respect to the Tappan Zee Bridge and the I-287 corridor; and

WHEREAS, a coalition of governments is more powerful than individual governments; and

THEREFORE BE IT RESOLVED that the Town of Clarkstown is in opposition to construction of a replacement Tappan Zee Bridge unless and until the Thruway Authority demonstrates conclusively that the existing bridge is not structurally sound and cannot be safely maintained, that Trans-Hudson rail service is feasible and that funding for it has been secured, and that other traffic reduction programs have been implemented; and

BE IT FURTHER RESOLVED that the Town of Clarkstown joins the intergovernmental relations council, G.U.A.R.D., to protect the interests of our communities and the region with respect to the I-287 corridor and to hire our own consultants for the Environmental Review on the impact of a wider, new Tappan Zee Bridge in some of the following areas: public health, transportation, land use and environment.

BE IT FURTHER RESOLVED that the Town of Clarkstown will agree to contribute funding to G.U.A.R.D. for the purpose of hiring consultants and/or a public relations consultant chosen by the council.

On roll call the vote was as follows:

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

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RESOLUTION NO. (459-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby schedules a Special Town Board Meeting for June 5, 2001, at 7:30 p.m., to be held at the Clarkstown Town Hall, in Room 3ll, 10 Maple Avenue, New City, New York..

On roll call the vote was as follows:

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

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RESOLUTION NO. (460-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

RESOLUTION NO. (460-2001) continued

“AMENDMENT TO CHAPTER 117 (CIRCUSES AND CARNIVALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN, TO AUTHORIZE THE BUILDING INSPECTOR TO ISSUE AN EXTENDED PERMIT TO THE BIG APPLE CIRCUS”

and

WHEREAS, the proposed local law is intended to provide authorization to the Building Inspector to issue an extended permit to the BIG APPLE CIRCUS for premises shown on the approved site plan of the Palisades Center Mall, commuter lot (Lot J), West Nyack, New York, for the period June 9, 2001 through July 2, 2001.

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had in Room 311 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York on June 5, 2001, at 7:30 p.m., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (461-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Clarkstown and the Bargaining Team for the Rockland County PBA for a successor to the 1997 – 2000 Agreement between the parties; and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated May 7, 2001; and

WHEREAS, the membership of the PBA has ratified the terms of the Memorandum of Agreement; and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town of Clarkstown;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Town Supervisor to execute a Collective Bargaining Agreement consistent with the terms thereof.

RESOLUTION NO. (461-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (462-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Mid Rockland Medical Group, P.C., (Best Care-Nanuet), in a form approved by the Town Attorney, to provide employee health services to the Clarkstown Police Department for a period of two (2) years, to begin April 23, 2001 to June 1, 2003, 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 fee shall be \$215.00 per employee evaluation for services provided under this agreement, which shall be charged to Account No. A 3120-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (463-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following groups wish to continue to adopt segments of various town roads as noted:

New City Volunteer Ambulance Corps – Cairnsmuir Lane, New City from Congers Road to Strawtown Road

Sid Cohen Lawn Service – Phillips Hill Road, New City from North Main Street to North Little Tor Road

New City Chamber of Commerce – Main Street, New City from Route 304 to New Hempstead Road.

RESOLUTION NO. (463-2001) continued

Central Nyack Fire Department – Mountainview Ave, Central Nyack from Route 59 to Sierra Vista Lane

Hudson Valley Grille, Inc. – Bardonia Road, Bardonia/West Nyack from Route 304 to Germonds Road

Arthur J. Donohue – West Nyack Road, West Nyack from Strawtown Road to Western Highway and from Route 59 to West Nyack Road, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that said groups will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into renewal agreements, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt said segments, and to provide and coordinate services by the above named groups, to remove trash from the roadways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (464-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLUTION OF THE TOWN BOARD  
ADOPTING LOCAL LAW NO. 4 – 2001

WHEREAS, a proposed local law entitled,

“A LOCAL LAW REGULATING THE OPERATION OF  
TAXICABS WITHIN THE TOWN OF CLARKSTOWN”

was introduced by Councilman Maloney, at a Town Board meeting held on March 27, 2001, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 27, 2001, directed that a public hearing be held on May 22, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on May 10, 2001, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 2, 2001, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 22, 2001;

RESOLUTION NO. (464-2001) continued

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4 - 2001 entitled:

"A LOCAL LAW REGULATING THE OPERATION OF TAXICABS WITHIN THE TOWN OF CLARKSTOWN"

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

On roll call the vote was as follows:

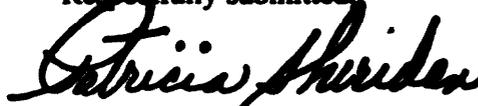
- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . Yes

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

There being no further business to come before the Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted the Town Board Meeting was closed in memory of Marilyn Kelso of Valley Cottage who was an active community resident, time 8:55 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/22/2001

8:10 P.M.

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

RE: Proposed Local Law Entitled "Historic Road Preservation" (Continued)

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

Supervisor stated that this should be continued until the next Town Board Meeting based upon Ms Coopersmith, Deputy Town Attorney, recommendation.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing is to be continued to the next Town Board Meeting, time: 8:11P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall 5/22/2001 8:14 P.M.

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

RE: Proposed Local Law Entitled "Regulation of the Operation of Taxicabs Within the Town of Clarkstown"

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.

Sgt. Franchino of the Clarkstown Police Department, stated that we are looking to regulate the problems we are having at the malls, especially the Palisades Center. We have cabs coming in from different areas. The condition of some of them is outright deplorable. We do not know who is operating these cabs. It is running into problems between people that are using the cabs and the cab operators. We are looking to find out who is operating them. We are going to do a background check. They are going to be printed, photographed and we are also going to regulate the conditions of the cabs and what they can and cannot do in the Town.

Supervisor asked what the mechanism would be for doing this and how that would work. Sgt. Franchino stated that right now we are going to have applications. We are going to try to model our applications after White Plains or Spring Valley. We will come up with one that is suitable for the Town of Clarkstown. They will then be issued a permit yearly.

Co. Mandia asked, if an individual or a group of people take a cab from Westchester, would they be operating within the law? They could not pick them up here unless they were licensed by the Town. Sgt. Franchino said that was correct. This does not pertain to limousines.

Co. Smith stated, if it does not pertain to limos, when a limo is used as taxi to take somebody into Westchester Airport, will they get a fine. We don't have any reciprocity and we can't have it as a Town. We can only have it as a County and it would be hard to get. It took a long time for New York City and Westchester to have reciprocity. When we do use limos as a cab or car for hire, we are excluding them. Sgt. Franchino stated that he would have to see the exact wording that Mr. Fogel put in for the definition of a limo. According to the Traffic and Vehicle Law, there is a very slight difference between a livery and a taxicab. You will see some of the cabs that are running within the Town do have livery plates on them. They are picking up at the malls and acting as taxicabs. We are looking for those types of vehicles to be classified as taxicabs rather than the limos.

Supervisor Holbrook stated that a taxicab would be defined by the law as any motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand, a garage or otherwise operated for hire except vehicles commonly known as jitneys, buses or liveries as that word is defined in Vehicle & Traffic Law, Section 121-e, or subject to the provisions for the Transportation Corporation Law or used by undertakers in carrying on their business. Taxicabs shall be considered commercial vehicles.

Co. Smith said, she did not see a nondiscrimination clause that says you cannot refuse to pick-up anybody or more importantly you cannot refuse to go to certain areas. Mr. Costa replied that we do not have that in this law. Mr. Fogel drafted this in accordance with concerns raised with respect to the activities that Sgt. Franchino talked about. That was not a concern that was raised at any of the workshops. There could be

PH: Proposed Local Law Entitled "Regulation of the Operation of Taxicabs Within the Town of Clarkstown"

Page 2

5/22/2001

some thought to either adding additional sections to this law or a separate statute. Sgt. Franchino said that it could be put on the application.

Co. Smith stated that we do not want to get into the practice of setting rates, but cab A is going to charge me five dollars to go from Nanuet to Congers and the next time I take cab B, I am charged seven dollars. What kind of protection does the consumer have? Sgt Franchino replied that we were looking at basically the regulations and not so much the fares. Maybe that should go with consumer protection.

Co. Smith asked about the inspections. Sgt. Franchino stated that they were only going to be doing one inspection and that is when they come for the license. Co. Smith asked about checking their licenses. Sgt. Franchino said that we could put a stipulation there that we be notified if any violations come up. Co. Smith inquired about the cab driver being able to making change. Mr. Costa said that there is a section in this local law that authorizes the Clarkstown Police Department to establish such additional rules and regulations as are necessary to ensure the condition of fitness for operation and uses of taxicabs. Some of what we talked about could be implemented by administrative regulation. We do have a severability clause in this statute. Should we stray over the edge, and the Court determines that we went too far, that section would fail, but the rest of the law could survive. As far as the pricing of the services, we have not attempted to reach into that area in terms of regulating rates. A middle ground might be considered with respect to having the proper change. That might come under Section 9D. Co. Smith asked if the rates would be posted in the cab. Mr. Costa said that there is nothing in this local law that would require that. We would need to study this much more than we have. Co. Mandia stated that without metering it is very difficult to regulate rates. Mr. Costa said at one point Rockland County had considered adopting a County-wide law which was going to get into that area. Co. Smith asked, if that happened would that supercede our law. Mr. Costa said, it could.

Co. Lasker noticed that you are going to fingerprint applicants and you are going to check to see if they have any kind of convictions. Based on that, you could deny them a permit. Would that hold up in a Court of law if it was challenged. Mr. Costa said if the Court found fault with the requirement to submit to fingerprinting and negated that portion of this local law, the rest of it should stand

Co. Mandia asked, if an individual owns a cab and chooses to operate that cab during the day and goes through the process of being fingerprinted, licensed, and get the cab inspected, then they hire another individual to run that cab at night or on the weekends, does that person have to go through the same process? Mr. Costa said, yes.

Supervisor asked if there was anyone else wishing to make comments relative to this Local Law? No one appeared.

On motion of Council Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:27 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (464-2001) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

5/22/2001

8:27 P.M.

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

RE: Petition of Snake Hill Corporation for a Special Permit to Operate a Recycling Center at Property Known as 9.13-1-31 (formerly 90-A-7.1)

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

Supervisor Holbrook stated he believed the SEQRA was not completed on this. Mr. Costa, Town Attorney, replied that was his understanding. Mr. Kalarickal, Director of Environmental Control stated that you could make an uncoordinated review and make a negative declaration. The Planning Board is doing a coordinated review. Mr. Costa said that we won't be receiving a Planning Board recommendation until after June 6<sup>th</sup>.

Supervisor stated that we will keep the hearing open at this point. We will start it and hear testimony.

Appearance: Martin Cornell, Esq.  
Representing the Hiep Family

This family has been in the carting business in Rockland County since about 1973. At this particular site since 1983 on Snake Hill Road, they have had a facility for their trucks and other facilities which have been approved in the past by the Planning Board of the Town of Clarkstown. The property is located on the west side of Snake Hill Road. It is bordered by Snake Hill Road on one side and by the railroad on the other side. Across Snake Hill Road is the quarry. On the south side there is a facility which has been approved by this Town Board and the Planning Board for a recycling and transfer facility which has not become operational, but has been approved. On the north side is a maintenance building and garage for waste disposal trucks. The zone is for manufacturing which does permit the recycling and transfer station subject to the granting of a special permit by the Town Board. The Planning Board has reviewed this in quite a bit of detail. As a result of the moratorium, there was a delay in bringing it before the Town Board. The Planning Board reviewed it a number of years ago and made changes and suggestions which have all been incorporated in the latest proposals. The site itself consists of about 2.8 acres, frontage of about 270 feet on Snake Hill Road and a depth of 380 to 400 feet which runs back to the existing railroad tracks. There is a significant large O & R easement that runs through the property which is about 200 feet in width. We have been in touch with O & R and they have approved the proposed plan and have agreed that this will be consistent with their facilities and will have no difficulty in coordinating with Orange & Rockland. The proposed use is very simple. The trucks that would come into the facility would unload the waste within a building. A 7,000 square foot steel building with a concrete floor which would be at the southerly side of the property is proposed. The sorting takes place on the concrete floor inside the building. With equipment once it is sorted out, the waste is loaded onto trucks and then taken off to an appropriate and licensed facility. There will not be any chemical, hazardous waste or any other type of inappropriate facilities brought to the site. There has been an application filed with New York State DEC which is very lengthy. That application will be approved by the DEC and they will actually issue the license. One of the conditions for their issuance of licenses is that there has to be the appropriate municipal approvals which include the granting of a special permit. The number of trucks that may be using this facility will depend upon the amount of waste that is going to be brought to the site. The site is designed to permit a maximum of fifty trucks to come into the facility. The facility is designed for approximately 400 tons of waste on a daily basis. We specifically

RE: Petition of Snake Hill Corporation for a Special Permit to Operate a Recycling Center at Property Known as 9.13-1-31 (formerly 90-A-7.1)

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Agree that no trucks would travel in any direction other than out to Route 303 or to the Thruway. There would be no trucks traveling on the residential streets. We have complied with the Planning Board's suggestions and changes. He gave the Town Board members material that would probably answer almost any question that they would have. With regard to the code itself in Section 290-17R, there are special findings that the Board must make with regard to granting this special permit. There must be compliance with all other laws that are applicable. Of course, that will be the case and there will be compliance. The key law that has to be complied with is the State Law and Regulations with regard to solid waste and a permit will be obtained from the Department of Environmental Control of the State of New York. The application for that permit and the engineering report are part of the material he gave to the Town Board Members. The second condition that is contained in the code says that the Planning Board may require screening around the sorting. Whatever screening is determined to be appropriate either by this Board or the Planning Board, we would comply with. That screening actually includes fencing as well as natural growth. The property to the north is also a facility which provides for the maintenance of waste and carting trucks. Carlo Minuto who is the owner of 20 Snake Hill Road Corp has written a letter dated May 22, 2001 in which he indicates he is the neighboring property and he has no objection to the request for this application. He also has no objection to any request that the applicant may make for a reduction in buffers. The regulations in the code further state with regard to the special permit that any waste would have to go the sanitary landfill. Since the landfill has closed, that will not be an issue. We would accept any reasonable conditions that the Board may require. There are special findings that are required for a special permit. The first one is that the facility be located appropriately with regard to police, fire protection, water, waste and other public facilities. Those things are available at the site except there are no sewers on Snake Hill Road. The waste that would be generated by this facility is going to be handled in an appropriate way which will be approved by the Health Department. It will also be approved by the State DEC and obviously the Planning Board in connection with approving the final site plan. We will have their input including your Department of Environmental Control. There is a concern that leachate may in some way pollute the area. Mr. Gamelsky can answer more detail questions about that. A one thousand gallon tank is provided which will accept all the run off on the site. It is the type of tank that is insulated with various facilities to protect against leakage. Periodically, the tank is removed by licensed individuals who take away the waste to a site that is approved. That type of utilization will be carefully provided for and monitored during the operation. With regard to transportation, the traffic will be going out toward the Thruway and 303 and not in any other direction. The second condition for special finding is that there be no adverse traffic impact. We have submitted a traffic report which is part of the material which demonstrates that there will not be an adverse impact on traffic. That report analyzes the numerous reports that were made in connection with Pyramid because it involves some of the same intersections. The Engineers have concluded that there will not be a traffic problem. The third condition is that there will be no dangerous or objectionable elements coming from the facility as described in the Clarkstown code. The operation will be inside a building and there will be no dust or other objectionable elements. The fourth condition in the ordinance says that the proposed use will not in any way adversely affect the character of the area. We submit the character of the area now which includes garages, quarry, very active railroad site and a recycling and transfer station. This would not indicate in any way that the proposed use is out of character with the area. Part of that condition is also that the proposed use will not adversely affect the value of the surrounding properties. We submit that this proposed use will obviously not do that. The last item which is a general provision says that it will not impair the public health, safety or welfare of the community. We submit that this will be an asset to the community and will provide for a disposal of waste. With regard to the source of waste, the waste that is coming to the site that is indicated to you, is not in any way hazardous. It is not chemicals. It is not sludge. It is residential and commercial waste, and to some extent construction waste. The primary bulk of their operation currently is from properties in Orangetown and Clarkstown. They have one route, a very small route, in Westchester County which they are in the process of eliminating so that by the time you

approve this, hopefully that group will not be one that they are servicing. The residential waste that they are carting in Clarkstown contractually will go to the Clarkstown facility and that will not change. Competition in this area is a very important significant factor and it is something that will maintain appropriate pricing. With regard to competitive aspects of this business, it will ultimately be a benefit to the consumers. The ordinance permits the reduction in the buffer areas. This site is a relatively narrow site. It is about 275 feet in width. There is a very large O & R easement across the center. We are asking that the Board permit the waiver of the buffer which the ordinance allows so that the buffer is forty-five feet on the south and twenty-five feet on the north. That buffer area will be an area that is not utilized, not occupied, not used for parking or any other facility and can be screened and provide for appropriate vegetation. On the south, we are suggesting a buffer of forty-five feet which again, because of the nature of the properties on both the north and the south, will be more than an adequate buffer. There is approximately 140 odd feet between the property line of this property and the actual facilities that may be constructed on the south. If you add that together with forty-five feet there is a very significant and substantial buffer. We are requesting that be approved. There was a letter written by Dr. Yarmus, Rockland County Commissioner of Planning, which states the Rockland County Department of Health has been contacted with regards to this review. DOH has restated its previous concern that the proposed facility will undermine the Solid Waste Management Plan for Rockland County. The Town should consider the impact of this recycling and solid waste transfer facility on the functioning of the Materials Recovery Facility of the Rockland County Solid Waste Authority. There is a letter written by the Health Department which says something similar. I did some research on this and I read very carefully the Waste Management Plan for Rockland County which is a series of volumes which are about three or four inches thick. I could not find one word in there which said that there should not be other transfer or recycling facilities in Rockland County. There was discussion in that report about the need for cooperation between municipalities and for partnerships and other types of collaborative arrangements, but there is nothing there that indicated that the County of Rockland was going to develop a monopoly for the purposes of disposing of solid waste. The Executive Director of the Solid Waste Authority, Mr. Dello, has indicated to our engineer that there is no such County-wide policy.

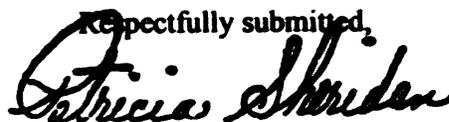
Appearance: Steven M. Gamelsky  
GEA Engineering, P.C.

Co. Mandia asked if the holding tank was regulated in any way. Mr. Gamelsky said that it is regulated by the DEC. That is for washed down water that is generated from within the building. There will be trench drains in the facility that will collect any washed down water and it will drain directly to that tank. The tank will be a double lined tank. It will have electrical controls that will indicate an alarm when it reaches 90% to 95% of capacity. The tank will be pumped out periodically by licensed haulers and transporters.. That is all regulated by the State.

Supervisor stated that we are going to continue this hearing because the Planning Board has not made any recommendations.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing is to be continued to the next Town Board Meeting, time: 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk