

**TOWN OF CLARKSTOWN
TOWN BOARD MEETING**

Town Hall

8/14/2001

8:00 P.M.

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

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

An informational meeting re: Strathmore Creek Remediation Project was opened, time: 8:05 P.M., closed 8:30 P.M.

An award was presented to David Katcher of Boy Scout Troop 33 for achieving the rank of Eagle Scout. The Board congratulated David and his family.

Supervisor opened the public portion of the meeting.

Appearance: George Nugent
Valley Cottage

Commended the Board for seeking a grant to preserve open space on West Hook Mountain. Also stated that residents should not be allowed to occupy a home when a new home is being built on the same lot.

Appearance: Patrick Rocco
Congers

Read a letter from Steve Levine in opposition to residents occupying a home while there is a new one being built on the same lot.

Appearance: Nicole Doliner
New City

Asked if more lawyers would be needed to file lawsuit regarding the Town's investigation of a 1996 purchase of land for a golf course. Asked about a public report on open space. Spoke about drainage problems being caused by over development.

Appearance: John Lodico
New City

Said there was no law preventing someone from living in a house while a new one was being built on same lot. In favor of a recycling facility on Snake Hill Road. Commended the Board for permitting St. Agatha's to build an agency group home.

Appearance: Frank Hackett
Valley Cottage

Opposed to recycling facility because of truck traffic and waste it would bring to area. Would harm property values.

Appearance: Robert Bernstein
New City

In favor of plan to rehabilitate creek near Strathmore Drive. Said Town employees who needed to come on to his property to restore creek are welcome to do so.

Appearance: Cora Bodkin
New City

In favor of Town supporting the creation of the Rockland County Hudson River Communities Council. Also in favor of Town supporting Community Leadership Alliance Program of Pace University Law School.

Appearance: Martin Bernstein
New City

Inquired about work being done at home on Roberts Road, asked about agenda item 13a, asked about adopt a road resolutions. Spoke about housing subdivisions and asked if Town has ever held engineer responsible for errors on building project.

Appearance: Russell Trojan
Nanuet

Asked about property at St. Agatha's where gas pumps have been removed. Thanked Supervisor for concern about safe passage of pedestrians over railroad crossings.

Appearance: Peter Nardone, builder

Requirements that he modify a development of homes he has constructed would place a hardship on him

Appearance: Edmund Gabriel
New City

Spoke about his wish to build homes on 22 acre parcel he owns.

RESOLUTION NO. (609-2001)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of July 24, 2001 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. (610-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, JOSEPH MUSORRAFITI, reputed owner of premises described on the Clarkstown Tax Map as 52.8-2-56 (formerly known as 139-B-30.1), commonly known as 12 Wisconsin Avenue, Congers, New York, has petitioned the Town Board of the Town of Clarkstown for permission to utilize a portion of a mapped but unopened street known as Wisconsin Avenue/Ohio Avenue to obtain ingress and egress access, pursuant to Town Law § 280-a (2), for a proposed one-family dwelling to be built on a portion of the to be subdivided premises referred to herein, and

WHEREAS, the Town Board has referred said petition to the Town of Clarkstown Planning Board for its recommendation, and scheduled a public hearing, which was held on July 24, 2001, at which time the petitioner, and all other persons in interest, were heard, and

RESOLUTION NO. (610-2001) continued

WHEREAS, the Town Board members have duly considered the comments of all persons in interest, all correspondence and recommendations placed in the Record so that a determination may now be made;

NOW, THEREFORE, be it

RESOLVED, that under the provisions of § 280-a (2) of the Town Law, the Town Board hereby determines, subject to the conditions and other requirements set forth herein, that an additional residence (a proposed one family dwelling) may utilize that portion of mapped but unopened Wisconsin Avenue as and for ingress and egress from the adjacent premises known as 52.8-2-56 (formerly known as 139-B-30.1), to obtain access to the nearest public street consisting of Jolliffe Lane (Street), and provided further that all applicable regulations regarding subdivision of the premises and Zoning Law provisions are complied with, and said determination is based on the following Findings of Fact by the Town Board:

FINDINGS OF FACT

1. The proposed ingress and egress right-of-way will have a length of approximately 320± feet from the planned access point to the nearest public street, Jolliffe Lane (Street).
2. Jolliffe Lane (Street) is the nearest public street maintained by the Town of Clarkstown.
3. Although said portions of Wisconsin Avenue are utilized for access by several existing premises, the access has not been constructed to Town standards and may not, in the event of emergency, provide adequate, safe or reasonable access to the premises proposed to use same.
4. The Planning Board was requested to make a recommendation regarding applicant's request for permission to access the proposed dwelling, pursuant to Town Law § 280-a (2); and at its meeting of June 21, 2001, after discussion and consideration of the issues, merely referred the applicant to the Town Board without positive or negative recommendation.
5. That the existing pavement within Wisconsin Avenue is approximately 18 feet in width and generally maintained by the adjacent residents to the existing edge of pavement. The exception to this is the frontage of the proposed Lot 2 in the current subdivision. The roadway is good condition, with a small area of deteriorated pavement in the area of the driveway to parcel designated as 52.08-2-61 on the east side of Wisconsin Avenue.
6. The existing unimproved Wisconsin Avenue provides access to five existing residential properties, extending approximately 320 feet south from Jolliffe Lane (Street). The driveways at the south end of the existing roadway provide adequate area to turn an average vehicle or delivery van. Some larger vehicles, such as moving vans or fire trucks may obtain access, but would not be able to egress without difficulty.
7. The owners of the properties using the subject proposed access have not entered into any road maintenance or other shared maintenance agreement, thereby leaving the responsibility for maintenance of this access way in doubt.
8. There is presently no petition pending with respect to any proposed road improvement district for the subject mapped but unopened street.
9. The Board of Fire Commissioners of the Congers Fire District has made no recommendation regarding this matter. The Town Board, on the basis of the Record

RESOLUTION NO. (610-2001) continued

before it, cannot determine that the existing travel way is sufficient to provide safe and reasonable access for fire department or other emergency apparatus.

10. The Director of the Department of Environmental Control for the Town of Clarkstown has examined the existing travel way and recommended the following for the improvement of the subject mapped but unopened portion of Wisconsin Avenue/Ohio Avenue:

- a. The frontage along the proposed Lot 2 should be cleared when the lot is constructed and grass established to the edge of the pavement.
- b. The existing manhole frame and grate should be raised to meet roadway elevation, since it is slightly depressed.
- c. The deteriorated pavement at the east side of Wisconsin Avenue opposite the proposed Lot 2 should be repaired.
- d. Any damage to the existing roadway caused by the construction of the proposed Lot 2 should be repaired.

11. The Director of the Department of Environmental Control stated at the public hearing that the recommendations regarding improvement of the access way did not address the issue of maintenance of this right-of-way with respect to snow removal and repairs as same may become necessary, and it was recommended that maintenance should be the responsibility of the persons who would use the private right-of-way for access to their homes.

12. That the access under consideration shall continue to be a private access which does not meet the standards for public roads unless and until a petition for a road improvement district shall be made and accepted by the Town Board;

13. That the Town Board has no authority to compel the present users of the subject proposed access route to join with the petitioner in a road maintenance agreement;

14. That the Town Board has the responsibility to assure that access to the subject proposed residence shall be safe and reasonable.

NOW, THEREFORE, be it

FURTHER RESOLVED, that in accordance with the provisions of § 280-a (2) of the Town Law, pursuant to the recommendations of the Director of the Department of Environmental Control, and the Record and proceedings had herein, a Building Permit for the erection of a single family residence may be issued to JOSEPH MUSORRAFTI, subject to obtaining final subdivision approval and compliance with all applicable provisions of the Zoning Local Law of the Town of Clarkstown, for premises designated on the Tax Map as 52.8-2-56 (formerly known as 139-B-30.1), provided further that the owner shall, prior to the issuance of said building permit, execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land, and which shall provide the following:

1. That the property owner shall acknowledge that no Town services consisting of maintenance, paving or snow removal shall be provided along the undedicated portions of Wisconsin Avenue;
2. That the declarant owner irrevocably agrees to participate in a road improvement district for any frontage of said premises on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown;
3. That the declarant owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown, or its designee, any interest of the declarant owner in the premises or in any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to fifty feet (50') in width;
4. That the declarant shall obligate the premises upon which the proposed one family residence shall be constructed to maintain the right-of-way so as to be free and clear of ice and snow during the inclement weather and to otherwise be repaired and kept

RESOLUTION NO. (610-2001) continued

free of potholes and other defects at all times for its entire length from the driveway access to the nearest public street, provided, however, that nothing herein is intended to prevent the declarant from entering into a shared maintenance agreement, in recordable form, with any others using the right-of-way, so as to obligate all such users to pay their fair share of required maintenance and repair costs, but in lieu thereof, the applicant, or his successors in interest, shall be obliged to perform such services;

5. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein, and shall be subject to same whether or not such recitation is included in the deed; 6. That any Certificate of Occupancy issued for said premises shall be conditioned upon observance and shall recite that it is subject to the Declaration of Covenant provided for herein, and be it

FURTHER RESOLVED, that prior to the issuance of a Building Permit, the petitioner shall provide the Director of the Department of Environmental Control with the recommendations of the Board of Fire Commissioners of the Congers Fire District with respect to any improvement that may be requested to provide safe and reasonable access for emergency fire apparatus and to otherwise prepare a plan acceptable to the Director of the Department of Environmental Control for the improvement of Wisconsin Avenue, so as to meet all of the requirements and the recommendations made by memo dated July 24, 2001 of the Deputy Director of the Department of Environmental Control and other Findings of Fact which are contained herein, and be it

FURTHER RESOLVED, that prior to issuance of any Certificate of Occupancy, the petitioner shall install the improvements to Wisconsin Avenue in accordance with the approved plan and shall obtain the written approval of the Board of Fire Commissioners of the Congers Fire District stating that its emergency equipment may safely utilize said improved travel way should any emergency need arise, and be it

FURTHER RESOLVED, that the petitioner shall comply with all other requirements of the Planning Board, Building Department and the Department of Environmental Control with respect to the construction of the proposed one family residence and the improvement of its environs.

On roll call the vote was as follows:

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

RESOLUTION NO. (611-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, by petition dated March 27, 2001, St. Agatha Home of the New York Foundling Hospital petitioned the Town Board of the Town of Clarkstown for a special permit pursuant to §§ 290-15 and 290-11A, Table 3, Column 3, Item B (5) to construct an agency group home on a portion of premises designated on the Clarkstown Tax Map as 63.15-1-42 (formerly known as 4-A-7) for property located on the south side of Convent Road and the east side of Duryea Lane, Nanuet, New York, and

WHEREAS, by resolution dated June 12, 2001, the Town Board scheduled a public hearing to be held on July 24, 2001, and in addition, made the required referrals to the Town of Clarkstown Planning Board, the Rockland County Commissioner of

RESOLUTION NO. (611-2001) continued

Planning, other municipalities and appointed Robert Geneslaw, Planning Consultant, as its agent for purpose of compliance with the New York State Environmental Quality Review Law, and

WHEREAS, by resolution adopted by the Town Board on July 24, 2001 (Resolution No. 559-2001), the Town Board has determined, based on a review of the proposed action and the advice and recommendation of Robert Geneslaw as Planning Consultant, that the proposed action would not result in an adverse environmental impact, and

WHEREAS, the Town Board, after due consideration of all the facts and circumstances presented in the petition and the information and testimony at the public hearing, determined to grant the applicant a special permit upon the following special findings and conditions set forth herein, made pursuant to §§ 290-15 and 290-11A, Table 3, Column 3, Item B (5) of the Zoning Local Law of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board makes the following SPECIAL FINDINGS: that the proposed use, as described in the petition and represented by the applicant and its professionals before the Town Board and before the Planning Board of the Town of Clarkstown shall:

1. Be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities.
2. Not cause undue traffic congestion or create a traffic hazard.
3. Not create, at any point of determination set forth in § 290-13 (F) (G) and (H), any more dangerous and objectionable elements referred to in § 290-13A than is characteristic of the uses expressly permitted of right in the same district.
4. Not adversely affect the character of or property values in the area.
5. Not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town.
6. Comply with all other regulations applicable to such use,

and the Town Board hereby FURTHER FINDS: that the application for a special permit for the construction of an agency group home as described and represented by the applicant is capable of complying with all of the requirements of § 290-11A, Table 3, Column 3, Item B (5) and applicable bulk and other requirements of the Zoning Local Law of the Town of Clarkstown, provided that the following conditions shall be observed:

1. The applicant shall provide proof, in a form satisfactory to the Town of Clarkstown, that the facility shall be operated by a public social service agency or non-profit child care agency authorized by the New York State Board of Social Welfare with occupancy limited to twelve (12) persons under the age of twenty one (21) years and over the age of five (5) years.
2. That the special permit granted herein shall be conditioned upon the applicant retaining its status as an authorized operator of an agency group home and that said special permit shall not run with the land and that any transfer of title or change of management shall be subject to the issuance of a new special permit or other required approval of the Town Board.

RESOLUTION NO. (611-2001) continued

3. All construction pursuant to the special permit granted herein shall be in accordance with the New York State Building and Fire Codes and conform to any New York State or other requirements established for construction of agency group homes.

4. Adequate on-site parking shall be provided for the proposed special permit use to the satisfaction of the Clarkstown Planning Board.

5. All required permits shall be obtained from the Rockland County Highway Department and the Rockland County Drainage Agency.

6. That the proposed agency boarding home shall not exceed 2,500 square feet in size.

7. That the special permit is for a replacement facility for the group home presently located on the north side of Convent road.

8. That the applicant shall comply with all requirements of the Town of Clarkstown Planning Board with respect to site plan approval,

and be it

FURTHER RESOLVED, that the within SPECIAL FINDINGS and RESOLUTION setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk, and be it

FURTHER RESOLVED, that this resolution shall constitute the Special Permit granted to petitioner pursuant to §§ 290-15 and 290-11A, Table 3, Column 3, Item B (5).

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. (612-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 2001 to March 31, 2002, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown, and be it
FURTHER RESOLVED, that this resolution is retroactive to April 1, 2001.

RESOLUTION NO. (612-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (613-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, FRIENDS OF THE NYACKS, a not-for-profit and general association organization that provides services to individuals and groups in the Town of Clarkstown, has submitted a request for economic assistance for the year 2001, and

WHEREAS, the application has been reviewed by the Town Attorney, who has determined that the services provided by the organization, as set forth in its proposal, are qualified for expenditure of public funds;

NOW, THEREFORE, be it

RESOLVED, that Friends of the Nyacks shall receive economic assistance in the amount of \$1,000.00, provided an agreement in a form approved by the Town Attorney is duly executed by the officers of said organization, and be it

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

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. (614-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the County of Rockland, through its Department of Highways, is desirous of entering into an agreement with the Town of Clarkstown for shared highway services, e.g. the renting, exchanging or lending of highway machinery, tools and equipment, with or without operators, the borrowing or lending of supplies between municipalities on a temporary basis, or by providing a specific service for another municipality which is to be reimbursed equitably on an in-kind basis, and

WHEREAS, by Resolution No. 363 of 2001, the Legislature of the County of Rockland authorized the execution of Municipal Cooperation Agreements between the County of Rockland and other municipalities located within Rockland County for such shared highway services, and

RESOLUTION NO. (614-2001) continued

WHEREAS, the Superintendent of Highways of the Town of Clarkstown has no objection to the Town of Clarkstown entering into such Agreement with the County of Rockland for such shared highway services;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into an Agreement with the County of Rockland for shared highway services, to be reimbursed equitably on an in-kind basis, in a form approved by the Town Attorney.

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. (615-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of Patricia A. Betz, Utility Services Coordinator, the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. dated August 1, 2001 (schedule attached), for the corrective upgrade of thirty-four existing streetlights and the installation of two additional street lights on North Main Street, New City as necessitated by the sidewalk installation/ road widening improvement project,

and be it

FURTHER RESOLVED, that this shall be an additional cost of \$507.84 per year, which shall be charged to Account No. SL 5182 461.

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. (616-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Tony Nizzardini has requested a refund of Building Permit fees paid for premises located at 7 Irion Drive, New City, New York, since the proposed construction on the property has been abandoned;

RESOLUTION NO. (616-2001) continued

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Building Inspector, the Town Board hereby authorizes a refund of Building Permit fee paid, less the cost for processing, in the amount of \$123.00 to Mr. Tony Nizzardini.

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. (617-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Martus Granirer, Esq. has proposed to prepare and submit to New York State a FY 2001 acquisition grant application for Environmental Protection Act of 1993 – Clean Water/Clean Air Bond Act of 1996 funding, and

WHEREAS, the grant, if approved, would be applied to the Town’s effort to protect open space on West Hook Mountain, and

WHEREAS, Mr. Granirer has once before prepared and submitted a grant application for the same purpose, and

WHEREAS, because of his experience with this project, he can most readily prepare a new application on behalf of the Town;

NOW, THEREFORE, be it

RESOLVED, that Martus Granirer, Esq. is hereby authorized, in accordance with his August 1, 2001 proposal, to prepare and submit the required number of copies of a new application for acquisition grant funding for the West Hook Mountain Open Space Protection Plan and to provide the Town Clerk with two copies, at a fee of \$5,500.00, plus incurred production costs not to exceed \$500.00, and be it

FURTHER RESOLVED, that said fee shall be charged to Account No. H 8750-409-0-74-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (618-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (618-2001) continued

RESOLVED, that based upon the Recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated April 30, 2001, the Superintendent of Highways is hereby authorized to install "Stop" signs with stop line pavement markings at:

Terrace Avenue at Ludvigh Road, Nanuet, and Hall Avenue (West) at South Little Tor Road, New City

and be it

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

RESOLUTION NO. (619-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of Joel Epstein, Code Enforcement Officer, the Superintendent of Highways is hereby authorized to install:

A "Stop" sign with a stop line pavement marking on Prides Crossing at Congers Road, New City,

and be it

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

RESOLUTION NO. (620-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (620-2001) continued

WHEREAS, the Tax Assessor has recommended that the Town of Clarkstown file a complaint with the New York State Office of Real Property Services objecting to the tentative equalization rate established by the Office of Real Property Services for the year 2001, as being unfavorable to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to sign a complaint objecting to the tentative 2001 equalization rate, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 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. (621-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Barry Russin and Linda Russin, owners of property designated as 34.10-1-3, formerly known as 43-E-8.29, and commonly known as 43 Roberts Road, New City, New York, have requested modification of a Conservation Easement recorded in the Rockland County Clerk's Office on October 7, 1980 in Liber 1049 at Page 151, which affects the rear of their premises, as shown on a subdivision map known as South of the Mountain, Section 3, which was filed in the Rockland County Clerk's Office on May 15, 1985 as Map No. 5748, and

WHEREAS, on July 25, 2001, the Planning Board of the Town of Clarkstown, after due consideration, recommended approval of the Modification of Conservation Restriction, subject to form approved by the Town Attorney;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an Agreement for the Modification of Conservation Restriction with Barry Russin and Linda Russin affecting the aforesaid property, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that said Agreement shall be recorded in the Rockland County Clerk's Office.

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. (622-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills Stable, and \$4,264.02 from the State Of NY Government Safety Committee,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills Stable) and Budgetary Account H 1942-409-0-58-2 (Golf Course-Bid & Specs) by \$2,000 and increase Revenue Account A 01 10 3960 12 (Police-Buckle-Up Program) and Budgetary Account A 3120-111 (Police-Overtime) by \$4,264.02 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease Budgetary Account A 1010-110 (Councilmen-Salaries) and increase Account A 1010-414 (Councilmen-Conferences & Schools) by \$2,799.97 and decrease Budgetary Account A 3020-407 (Communications-Equipment Repairs) and increase A 3020-319 (Communications-Misc Supplies) by \$355 and decrease Budgetary Account A 5650-319 (Commuter Parking-Misc. Supplies) and increase A 5650-409 (Commuter Parking-Fees for Services) by \$1,349.99 and decrease Budgetary Account A 1990-505 (Contingency) by \$12,456.26 and increase A 8511-409 (Community Beautification) by \$775 and A 8840-424 (Economic Assistance) by \$11,681.26.

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. (623-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED to decrease Appropriation Account A-7310-427 (Publicity) by \$600.000 and to increase A-7020-411 (Postage) by \$600.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (624-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that James Molinaro Jr., Data Collector, Assessor's Office is hereby authorized to attend a 15 hour evening course on Fair Housing Fair Lending and Environmental Issues held at Rockland Community College beginning on 9/4/01. Registration Fee to be \$200.

RESOLUTION NO. (624-2001) continued

FURTHER RESOLVED, that the registration fee and all reasonable expenses shall be proper charges against Account No. 1010-414.

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. (625-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes John A. Costa, Town Attorney, to attend a seminar concerning Environmental Law which is being given on September 21, 2001, at the Southgate Tower Hotel, 371 Seventh Avenue at 31st Street, New York City, New York, and be it

FURTHER RESOLVED, that the seminar cost of \$130.00, and any reasonable expenses for travel and food, will be charged to Account No. A 1010-414.

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. (626-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by resolution dated April 13, 1999 (Resolution No. 267-1999), Mayo Lynch & Associates, Inc., 333 Meadowland Parkway, Secaucus, New Jersey 07094, was authorized to provide engineering services for a project known as ROUTE 303 TRAILWAY, Bid No. 58-2000, and

WHEREAS, the scope of the project has been increased so that the authorized fee of \$28,500 is insufficient for the completion of the project;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 267-1999 is hereby amended to authorize an additional sum of \$25,000, for a total project fee not to exceed \$53,500 for design and other professional services with respect to the project known as ROUTE 303 TRAILWAY, and be it

FURTHER RESOLVED, that the fees for such services shall be charged to Account No. H 8736 400 409 67-19.

RESOLUTION NO. (626-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (627-2001)

Co. Mandia offered and Co. Lasker 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., Ann Devery, 17 Parkway Drive, West Nyack, New York, Senior Account Clerk, Town Justice Department is hereby granted a Sick Leave of Absence at one-half pay. Effective August 14, 2001 to September 2, 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. (628-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation of David B. Hobbs, 21 Fernwood Drive, New City, New York, Member Traffic and Traffic Fire Safety Advisory Board is hereby accepted effective and retroactive to July 31, 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. (629-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Jennifer Stebbins, 5 Marisa Drive, Spring Valley, New York is hereby reappointed to the position of (temporary) Assistant Director of Municipal Counseling Services, Clarkstown Counseling Center, at the current annual salary of \$41,154.00. Effective August 27, 2001, for a period not to exceed 60 days.

RESOLUTION NO. (629-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (630-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Stacey L. Hawver, 83 Snedeker Avenue, Congers, New York is hereby appointed to the position of (Provisional) Senior Clerk Typist, Supervisor's Office, at the current annual salary of \$29,029.00. Effective and retroactive to August 6, 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. (631-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Gerald F. Brickwood, 26 Cocoa Lane, Apt. 1, Newburgh, New York, Environmental Control Supervisor (Operations), Department of Environmental Control is hereby accepted effective August 26, 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. (632-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on July 23, 2001 that the position of Sewer Inspector, Department of Environmental Control (Sewer Maintenance) can be created.

NOW, THEREFORE, be it

RESOLUTION NO. (632-2001) continued

RESOLVED, that the position of Sewer Inspector is hereby created, effective August 27, 2001 and be it

FURTHER RESOLVED, that the grade for the position of Sewer Inspector is hereby established as a grade 22.

On roll call the vote was as follows:

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

RESOLUTION NO. (633-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Joseph Clohosey, 42 Vanzandt Drive, Pearl River, New York is hereby appointed to the position of (Part-time) Bus Driver, Clarkstown Mini Trans Department at the current hourly rate of \$13.65. Effective August 20, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (634-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Custodian I #00227 which contains the name of George F. Hernandez.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of George F. Hernandez, 3 Timothy Court, West Nyack, New York to the position of (Contingent-Perm.), Custodian I, Parks Board and Recreation Commission at the current annual salary of \$27,264.00, effective and retroactive to August 13, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (635-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, The ten communities in Rockland adjacent to the Hudson River are interested in establishing a solid foundation for collaborating to protect, enhance, and utilize the unique assets of the River;

WHEREAS, The Hudson River provides each community with opportunities for economic development, natural and cultural resource enjoyment, public access, heritage and environmental education, and inter-municipal cooperation;

WHEREAS, The County of Rockland, through the New York State Quality Community Program, has made \$60,000 available to these ten communities to begin a collaborative process of planning projects that serve the interests of each individual community and the riverfront as a whole;

WHEREAS, this program, as well as many others administered by the State, places a high priority on inter-municipal cooperation in awarding grants to local governments for conservation, development, and other land use and water-related activities;

WHEREAS, there are a number of regional non-governmental organizations that make funds and resources available, on a priority basis, to communities that are cooperating across municipal lines;

WHEREAS, the County has invited each of the four towns and six villages bordering on the River to send representatives to several meetings to discuss how to use the available \$60,000 in Quality Community grant funds to leverage additional resources and opportunities,

WHEREAS these representatives have identified several types of projects and programs as potentially beneficial to the towns and villages, including an inventory of sites, a watershed protection ordinance, heritage signs, docking or maritime projects, small-scale transportation projects such as public fishing barges or floating museums, habitat protection, or other activities that further village and town interests in the Hudson River, and

WHEREAS, this resolution has grown out of discussions among these representatives and has been reviewed favorably by them;

NOW, THEREFORE, BE IT

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN:

That the Quality Community grant funds provide an opportunity to work together for the benefit of all communities in Rockland County that border on the Hudson River;

That the Town of Clarkstown supports the use of funding from the Quality Community Program administered by Rockland County to create a one-year long pilot project of cooperation among Rockland's Hudson River Communities;

That the Town of Clarkstown agrees to cooperate in establishing a representative council of local officials to begin a process of planning activities designed to take advantage of the Quality Community grant funds and other grant programs, recognizing that the Hudson River is a unifying feature in our common futures;

That the Town of Clarkstown agrees to designate a representative and an alternate representative to serve as a member of this Council and to participate in the Council for a trial period of one year;

RESOLUTION NO. (635-2001) continued

That this representative and alternate are charged with the responsibility of communicating to the Council, the programs and projects relating to the Hudson River that are of interest to, and serve the policies of, the Town of Clarkstown;

That the Town of Clarkstown agrees that the Council is authorized to recommend to Rockland County, projects to receive Quality Community funding that serve the common interests of the cooperating towns and villages and to help them secure additional funding under other grant programs of the State agencies or non-governmental organizations.

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. (636-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, comprehensive planning, land use regulation and the review and approval of land development proposals are among the most important functions of local governments in the State of New York;

WHEREAS, members of local administrative boards such as the planning board, zoning board of appeals, and conservation advisory boards consider and dispose of many important applications for permits, variances and interpretations of local land use regulations;

WHEREAS, local legislative bodies are authorized to use their delegated authority under state law to adopt a wide variety of land use regulations controls and incentives to provide for the balanced and harmonious development of the community;

WHEREAS, land owners, developers and leaders of local civic organizations are regularly involved in testifying regarding matters pending before these legislative and administrative bodies;

WHEREAS, knowledge of the authority of local governments regarding land use control and responsible decision making regarding these matters is important to the quality of life and future successes of the communities; and

WHEREAS, Pace University School of Law in partnership with the Glynwvood Center, with the assistance of the Natural Resource Conservation Service, the Hudson River Greenway, and the Soil and Water District Conservation Boards of Westchester, Putman, and Dutchess Counties, have established an exemplary program of training and supporting local officials, private sector representatives and civic leaders in land use decision making known as the Community Leadership Alliance Program;

NOW, THEREFORE, BE IT

RESOLVED, BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN:

RESOLUTION NO. (636-2001) continued

That it supports the continuation of the Community Leadership Alliance Program, and wishes to be an official sponsor of the training sessions conducted under the Community Leadership Alliance Program, such sponsorship to be a cost of \$1,000.00 to the Town, and be it

FURTHER RESOLVED, that other cities, towns and villages in the Rockland, Westchester, Putnam, and Dutchess County areas are encouraged to offer their support and sponsorship of the Program and to nominate local leaders for participation in the 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. (637-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Brian and Victoria Crosby are the owners of property described on the Clarkstown Tax Map as Map 51.14, Block 3, Lot 61 (formerly known as 36-J-8) and commonly known as 134 Kings Highway, New City, New York and have applied for a building permit to erect a replacement residence on their property while continuing to reside in the existing dwelling until their new residence is complete, and

WHEREAS, there is no provision in the Town of Clarkstown Zoning Law to permit or prohibit such occupancy during construction of adjacent new premises on the same site, and

WHEREAS, the Town Board believes that such occupancy as proposed would not be in conflict with the intent of the Clarkstown Zoning Law in light of the fact that it appears to comply with all Bulk Requirements, and provided that reasonable safety measures are imposed to assure safe occupancy;

NOW, THEREFORE, be it

RESOLVED, that the Town Board has no objection to issuance by the Building Inspector of a building permit for the new house with temporary occupancy for the existing house no more than one year from the date of the issuance of the building permit for the new house, during construction, provided that reasonable safety measures are imposed to safeguard life and property of the individuals occupying such premises, and that the new proposed house complies with zoning in all respects, and be it

FURTHER RESOLVED, that prior to the issuance of the building permit and temporary certificate of occupancy, the owners shall post a letter of credit or bond in a sum calculated by the Building Department as being sufficient to cover the cost of demolition of the existing house by the Town in the event that the new house is not completed within one year of the issuance of the building permit and temporary certificate of occupancy and the property owner signs an agreement that they will hold the Town harmless for trespass or any other claim in the event that the Town engages in the removal and demolition of the existing house, said agreement to be in a form approved by the Town Attorney, and be it

RESOLUTION NO. (637-2001) continued

FURTHER RESOLVED, that the Town Board refers this matter to the Zoning Board of Appeals for immediate review and advice as to whether the Town Board should consider amending the Zoning Code to clarify this situation.

On roll call the vote was as follows:

Councilwoman LaskerNo
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor HolbrookNo

RESOLUTION NO. (638-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the banks of stream NJ1-12-6 were significantly eroded as a result of Tropical Storm Floyd, and

WHEREAS, the degradation of the stream banks is affecting normal stream flow and could potentially cause obstructions to the stream, and

WHEREAS, the Department of Environmental Control has recommended the restoration of the banks to ameliorate the adverse condition by facilitating runoff, and

WHEREAS, the supports for an existing pedestrian structure required removal in order to facilitate proper channel flow, and

WHEREAS, structural modifications were required to maintain the safety and integrity of the pedestrian structure.

NOW, THEREFORE, BE IT

RESOLVED, that Town Board hereby authorizes Change Order No. 1 for modifications to the existing pedestrian structure, and

BE IT FURTHER RESOLVED, that the cost for Change Order No. 1 shall not exceed \$1,800.00, and

BE IT FURTHER RESOLVED that the total cost for the corrective work shall not exceed \$17,246.00 and shall be a proper charge to account H 8749 409 0 73 24.

On roll call the vote was as follows:

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

RESOLUTION NO. (639-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists along a portion of Lawrence Street adjacent to the New Jersey Transit Railroad Line, Spring Valley Section, and

WHEREAS, the construction of a new culvert under the railroad tracks is required to ameliorate the condition, and

WHEREAS, the Department of Environmental Control has obtained a proposal from a qualified engineering firm specializing in this type of construction.

NOW, THEREFORE, BE IT

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

M.G. McLaren, P.C.
Consulting Engineers
100 Snake Hill Road
West Nyack, New York 10994

to prepare the required plans and specifications in accordance with their proposal dated August 6, 2001, and

BE IT FURTHER RESOLVED, that the cost shall not exceed \$37,000.00 and shall be a proper charge to account H 8751 409 0 75 14.

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. (640-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Spyridon Ventouris and Eleni Ventouris are the owners of property designated as 64.6-2-17.4 (formerly known as 51-A-11.4), and commonly known as 2 Penny Lane, West Nyack, New York, and

WHEREAS, the property is improved with a one-family residence with a fence that has been partially constructed within the confines of a Town of Clarkstown drainage easement, and

WHEREAS, in consideration for the Town of Clarkstown to allow the fence to remain on the Town of Clarkstown drainage easement, the property owners have agreed to execute a Declaration of Covenant to run with land, with conditions, as recommended by the Deputy Director of the Department of Environmental Control, which Declaration is in recordable form, approved by the Town Attorney;

NOW, THEREFORE, be it

RESOLUTION NO. (640-2001) continued

RESOLVED, that Declaration dated February 16, 2001 by Spyridon Ventouris and Eleni Ventouris is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

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. (641-2001)

Co. Mandia offered and Co. Lasker 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, American Legion, Wm. E. DeBevoise, Jr., Post No. 1682, 65 American Legion Way, New City, New York 10956, wishes to enter into an agreement for a two- year period commencing August 15, 2001 and terminating August 15, 2003, to adopt a segment of American Legion Way from Congers Road to Route 304, New City, New York and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Wm. E. DeBevoise, Jr., Post No. 1682, 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 an agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment and install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by Wm. E. DeBevoise, Jr., Post No. 1682, 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

RESOLUTION NO. (642-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLUTION NO. (642-2001) continued

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, Curti's Landscaping, Inc., 91 West Nyack Road, Nanuet, New York 10954, wishes to enter into an agreement for a two- year period commencing August 15, 2001 and terminating August 15, 2003, to adopt a segment of Demarest Mill Road, from Route 304 to West Nyack Road, Nanuet, New York, and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Curti's Landscaping, Inc., 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 an agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment and install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by Curti's Landscaping, Inc., 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

RESOLUTION NO. (643-2001)

Co. Mandia offered and Co. Lasker 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, McDonald's-New City, 33 Cavalry Drive, New City, New York 10956, wishes to enter into an agreement for a two- year period commencing August 15, 2001 and terminating August 15, 2003, to adopt a segment of Cavalry Drive from North Main Street to Route 304, New City, New York and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that McDonald's-New City, 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 an agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment and install signs identifying the volunteer group adopting

RESOLUTION NO. (643-2001) continued

said segment, and to provide and coordinate services by McDonald's-New City, 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

RESOLUTION NO. (644-2001)

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: Bradley Development Corp., dated July 1, 1996, conveying the following road(s):

Stonlea Court	35 L.F.
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and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of SCOTLAND HILL (63.11-1-3+), formerly known as 4-A-11+, are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that this resolution shall not become effective until the following conditions are met:

1. Receipt of a Maintenance Guaranty in the amount of \$9,234.00, if in the form of a bond, or \$4,617.00, if in the form of cash or cash equivalent, to be held for a period of five (5) years, as recommended by the Deputy Director of Environmental Control;
2. Payment of the sum of \$3,040.70, which represents outstanding bills for snow plowing and salting of Stonlea Court by the Clarkstown Highway Department; and be it

FURTHER RESOLVED, that upon receipt of such Maintenance Guaranty, Performance Bond in the amount of \$30,000, secured by Letter of Credit No. 1508, may be released.

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. (645-2001)

Co. Mandia offered and Co. Maloney 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:

RESOLUTION NO. (645-2001) continued

A "Town Speed 30 MPH" sign on Whitman Street, at the appropriate distance from Lake Road, Congers, NY

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

RESOLUTION NO. (646-2001)

Co. Mandia offered and Co. Maloney 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:

"Curve" signs per Section 231.3 of the NYS Department of Transportation's Manual of Uniform Traffic Control Devices. Signs W-1 and W-2. These signs should be erected on both sides of Walnut Court, New City, at both curves. Also erect panels beneath to read "15 MPH"

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

RESOLUTION NO. (647-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, pursuant to Section 207-c of the General Municipal Law, municipal employers are required to pay the full salary and medical expenses for police officers who become injured or sick while in the performance of their heightened risks and duties; and

WHEREAS, payment of General Municipal Law § 207-c benefits and resultant salary and overtime expenses cost the taxpayers of the Town of Clarkstown millions of dollars each year; and

RESOLUTION NO. (647-2001) continued

WHEREAS, the New York State Legislature has recently passed a bill that would expand entitlement to the generous benefits of General Municipal Law § 207-c to cover ordinary work-a-day injuries or illnesses suffered by police officers during their "tours of duty", including injuries or illnesses suffered by off-duty police officers while in the performance of some "public duty"; and

WHEREAS, by requiring local governments to pay for these expanded benefits without providing any state funding for such expenditures this legislation constitutes an "unfunded mandate" that will serve to increase the financial burden of local taxpayers; and

WHEREAS, in addition to increasing the burden of local taxpayers, this legislation if passed into law will result in a reduction of police services to the community and adversely affect departmental morale; and

WHEREAS, the Chief of Police and the Police Commission of the Town of Clarkstown have heretofore written to the Governor to urge that he veto this legislation;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Clarkstown that the Town Board hereby calls upon Governor George Pataki to act in the best interests of all of New York's citizens, and to veto S.5279-A, and refuse to sign any different or future legislation that would serve to expand entitlement to benefits under section 207-c of the General Municipal Law, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Governor Pataki, as soon as possible.

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. (648-2001)

Co. Mandia offered and Co. Maloney seconded

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

BID #39-2001 – STREAM NJ1-12-3-1 IMPROVEMENTS

is hereby awarded to: DANNY CLAPP LANDSCAPING, INC.
 59 SCHRIEVER LANE
 NEW CITY, NY 10956

PRINCIPALS: DANNY CLAPP

as per their low bid proposal of \$204,710.00 and be it

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

RESOLUTION NO. (648-2001) 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

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. (649-2001)

Co. Mandia offered and Co. Maloney seconded

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

BID #46-2001 - INSTALLATION OF LED TRAFFIC SIGNAL MODULES

is hereby awarded to: PHOENIX SIGNAL AND ELECTRIC CORP.
 7-11 SUFFERN PLACE
 SUFFERN, NY 10901

PRINCIPAL: ROBERT E. CRAIG

as per their low bid proposal of \$46,890 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 Agreement
- 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. (650-2001)

Co. Mandia offered and Co. Maloney seconded

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

BID # 53-2001 – REINFORCED CONCRETE CULVERT
PIPE/CONCRETE CATCH BASIN BLOCKS & BRICKS

is hereby awarded to: KERR CONCRETE PIPE CO
P O BOX 312
HAMMONTON, NJ 08037
PRINCIPAL: A PUBLIC CORPORATION

FEDERAL BLOCK CORP
247 WALSH AVE
NEW WINDSOR, NY 12553
PRINCIPAL: JAY MONTFORT

PRE-CAST CONCRETE SALES
P O BOX 516
123 ROUTE 303
VALLEY COTTAGE, NY 10989
PRINCIPAL: GREGORY P. FISHER

as per the item/price schedule on file in the Purchasing Department

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. (651-2001)

Co. Mandia offered and Co. Maloney seconded

Whereas, the Town Board of the Town of Clarkstown is desirous of reconstructing the water quality basin at the Pelham West Subdivision in Nanuet, New York; and

Whereas, the Town Board of the Town of Clarkstown, via Town Board Resolution 812-2000, has previously retained the services of Lawler, Matusky and Skelly Engineers, L.L.P., a design consultant, to redesign said water quality basin; and

Whereas, the design consultant has submitted plans and specifications for the redesigned water quality basin to the Town of Clarkstown; and

Whereas, the Town of Clarkstown has advertised and received bid proposals based on said design package, and

Whereas, Lawler, Matusky and Skelly Engineers, L.L.P. has reviewed the apparent low bid proposal and found it to be acceptable;

RESOLUTION NO. (651-2001) continued

Now, Therefore, Be It Resolved that, based on the recommendation of the design consultant retained for this project, the Town Board hereby awards the contract for

Bid #47-2001 Pelham West Water Quality Basin

to:

Let It Grow, Inc.
50 Ackerson Avenue
River Edge, New Jersey 07661

as per their proposal of \$395,000.00; and

Be It Further Resolved that said award is subject to the receipt by the Town of Clarkstown of all submittals required in accordance with the contract specifications; and

Be It Further Resolved that this shall be a proper charge to account #H 8749 409 0 73-22.

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. (652-2001)

Co. Mandia offered and Co. Maloney seconded

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

BID #52-2001- SALE OF SURPLUS VEHICLES

is hereby awarded to:

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

PRINCIPAL:

POLICE CARS UNLIMITED, INC.
P.O. BOX 770893
WOODSIDE, NY 11377
PRINCIPAL: A PUBLIC CORPORATION

PRINCIPAL:

JERSEY ONE AUTO
7 COUNTY ROAD
JERSEY CITY, NJ 07307
PRINCIPAL: A PUBLIC CORPORATION

PRINCIPAL:

MR. JAMES PIREN
7 REVERE ROAD
MONROE, NY 10950

MS. MARY STEVENS
226 NELSON ROAD
MONROE, NY 10950

RESOLUTION NO. (652-2001) continued

as per the attached item/price schedule.

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. (653-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Keep Rockland Beautiful, Inc. is exploring the possibility of purchasing trash receptacles to be placed in each town in order to encourage proper litter disposal by the general public, and

WHEREAS, the Town Board is interested in obtaining trash receptacles for the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests Keep Rockland Beautiful, Inc. to submit a grant application on behalf of the Town of Clarkstown for the purchase of trash receptacles.

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. (654-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Superintendent of Highways has recommended that Resolution No. 290-2001, adopted on March 27, 2001, be increased by \$55,000.00 to provide for the additional purchase of upgraded plows for all thirteen dump trucks currently on order,

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 290-2001 is hereby amended to reflect the increase of \$55,000.00 for the purchase of this equipment, and be it

FURTHER RESOLVED, that this additional amount of \$55,000.00 shall be charged to Account No. H8751-409-0-075-4.

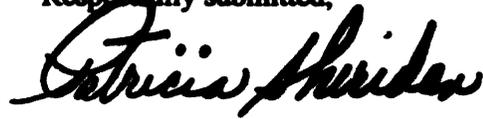
RESOLUTION NO. (654-2001) continued

On roll call the vote was as follows:

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

There being no further business 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, time 10:00 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
INFORMATIONAL MEETING

Town Hall

8/14/2001

8:05 P.M.

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

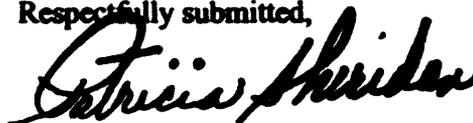
RE: Strathmore Creek Remediation Project

An informational meeting regarding the Strathmore Creek Remediation Project was opened.

Richard Westervelt from Clarkstown DEC gave a presentation to the residents present regarding the best plan of action to stabilize the difficulties with the creek. He described in detail what would be done in each section. The plan is to work from the low end to the high end and they would be prepared to start in approximately 6 months. He then took questions from those present.

There being no one further wishing to be heard, the informational meeting was closed, time: 8:30 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk