

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/25/2001

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.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing re: Chapter 216 Proceeding, Goldberg, was continued, time: 8:03 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing re: Chapter 216 Proceeding, Goldberg, was closed, time: 8:05 P.M.

Rabbi Fass, chairman of the Board o Ethics said that the Town is in compliance with the financial disclosures with the exception of two.

Supervisor opened the public portion of the meeting.

Appearance: Edward Graybow
New City

Said that the national leaders say that we must move forward. Item #44, concerning removal of campaign signs, was a step backwards.

Appearance: Shirley Thorman
Valley /Cottage

Spoke regarding item 44 . Wanted it noted that she was involved in George Nugent's campaign. She taught American history and while we all grieve over the tragedy that happened, political signs are a way of American life.

Appearance: Martin Bernstein
New City

Spoke regarding Item 44. And while he was opposed he felt that the signs were the laughing stock of the county because they are like billboards and he believed it was illegal to have large signs on private property. He felt there was selective enforcement.

Appearance: George A. Nugent
Valley Cottage

He is opposed to Item 44. He is the Democratic candidate. Stated he has been a Democrat since he was 21 but an American since birth. He volunteered his sons to pick up all the signs for the three candidates on the Board who wanted to do this.

Appearance: Bill McCue
New City

Spoke regarding Item 44. Said this is an issue that should have been dealt with in May, not six weeks before election.

Appearance: Karen Tarapata
Upper Nyack

Spoke regarding item 5D, and she inquired as to whether the person who was being appointed was to identify parcels and write the grant.

Appearance: Frank Hackett
Valley Cottage

Spoke regarding item 44, he felt this was self serving and unfair. He also spoke on item 32 in opposition to the recycling center.

Appearance: Steve Levine
Congers

Spoke regarding item 16, 280-a (4). Said the Town Board must put their foot down and stop overdevelopment. Also spoke on 22e, was in favor of the appointment of Joel Epstein because he was so helpful.

Appearance: Wayne Ballard, Supt. Of Highway
New City

Spoke against item 44 and said he just started putting up his signs and before this was decided, the candidates should have been consulted.

Appearance: Vincent Reda, Chairman, RC Republican Committee
Congers

Spoke regarding item 44. Said those in favor of taking the signs down had the least amount of signs up.

Appearance: Scott Nagel
West Nyack

Spoke regarding item 32 in opposition to the recycling center on Snake Hill Road.

Appearance: Scott Turner
Congers

Spoke regarding Goldberg and felt that the police should be notified when a permit is issued so if you see trucks in the evening or on weekends you can verify if a permit has been issued.

Appearance: James Comer, Pres. Forestbrook Home Assoc.
Nanuet

Spoke regarding item 44 and said it should be removed from the agenda.

Appearance: Joe Hannes
New City

Spoke regarding item 44 in opposition. Said this was grandstanding.

Appearance: Russell Trojan
Nanuet

Requested that the Board keep the money for mosquito control in the budget for next year.

RESOLUTION NO. (655-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by resolution dated May 22, 2001, BARRY GOLDBERG and LINDA GOLDBERG, the last owners of record of premises known as Map 52.8-3-53.1 and 52.8-3-53.2 were directed, by Order and Notice dated May 22, 2001, and issued

RESOLUTION NO. (655-2001) continued

pursuant to Chapter 216 of the Town Code of the Town of Clarkstown, to remove from said premises certain fill materials placed on the easterly portion of said property for the reason that same constituted a nuisance, hazard, or litter as defined in Chapter 216, and

WHEREAS, said Order and Notice was duly served upon Barry Goldberg and Linda Goldberg at 139 Massachusetts Avenue, Congers, New York, by certified mail, return receipt requested, and

WHEREAS, pursuant to said resolution of May 22, 2001, a public hearing was scheduled to be held on June 12, 2001 at 8:00 p.m., in the event that condition complained of in said Order and Notice was not corrected on or before May 28, 2001, and this matter having come before the Town Board pursuant to its Order and Notice referred to herein for public hearing on June 12, 2001 and continued until its conclusion on July 24, 2001, at which time the public hearing was closed for comment but remained open for the submission of technical report obtained by the Town from Lawler, Matusky, & Skelly Engineers LLP, and said report having been submitted and filed in the Office of the Town Clerk on September 12, 2001, and the Town Board having considered all the facts and circumstances of this matter as reflected in the Record of this proceeding, does hereby make the following Findings of Fact, Determination and Order.

FINDINGS OF FACT

1. This proceeding, pursuant to Chapter 216 of the Town Code was duly commenced by mailing of a Notice of Violation dated May 13, 2001 to the last known property owner.
2. A public hearing was duly scheduled by Order and Notice dated May 23, 2001, which was served on said date by certified mail return receipt requested, and further notice was given by posting upon the subject property as described in the affidavit of posting by Irene Saccende, Code Enforcement Officer III, and the public hearing was duly held as aforesaid.
3. That on or about May 18, 1999, there was deposited on the subject property a large quantity of fill material and Barry Goldberg was charged by an accusatory instrument subsequently filed in the Clarkstown Justice Court alleging a violation of Chapter 290 of the Clarkstown Zoning Local Law, and this matter has been and is still pending in the Clarkstown Justice Court.
4. That on or about January 4, 2000, a petition was submitted by Barry Goldberg seeking a Special Permit pursuant to Chapter 290 to obtain permission authorizing the fill material already placed on the subject premises, which application was held in abeyance due to the existence of a moratorium on the issuance Special Permits.
5. On March 14, 2000, the moratorium on the issuance of Special Permits terminated, and on March 28, 2000, the Goldberg petition was duly referred by resolution of the Town Board for recommendation pursuant to General Municipal Law and Town Code, and a public hearing was scheduled for April 25, 2000,
6. At the request of the applicant the date for the public hearing was postponed to May 9, 2000. On May 9, 2000, Barry Goldberg, appearing before the Town Board, advised the Town Board that he had the fill material placed on his property and was unaware that any permission was required under Town Law, and advised the Town Board that it was his intent to cooperate with the Town to prepare a Sediment and Soil Erosion Control Plan, as well as to provide test results with respect to an analysis of materials placed on his property, and that the test results, when available, would be provided to the Town.

RESOLUTION NO. (655-2001) continued

7. That on or about July 31, 2000, a report made by York Analytical Laboratories, Inc., prepared for Northeast Environmental Inc., dated May 4, 2000, was provided to the Town of Clarkstown Department of Environmental Control.

8. On or about November 1, 2000, the New York State Department of Environmental Conservation (NYSDEC) notified the Town of Clarkstown Department of Environmental Control that analysis of the material on the subject property indicated that the fill material was not limited to uncontaminated construction and demolition waste.

9. On February 6, 2001, Warren and Panzer Engineers, P.C., issued a report which concluded that the fill material placed on the subject property contained chemical constituents above NYSDEC permissible limits for C&D debris and that the fill placed on the subject property was in violation of State regulations.

10. On March 22, 2001, the Director of the Department of Environmental Control of the Town of Clarkstown recommended that removal of the fill was necessary to prevent health hazards and eliminate the threat of a landside onto Route 9W.

11. On March 27, 2001, the Town Board adopted a resolution denying the Special Permit referred to herein, and in addition to denying the Special Permit, established as a condition of its denial that the applicant prepare and file a remediation plan within thirty days from said date. The applicant having notified the Town Board on said date by letter from his attorney that he wished to withdraw his application for a Special Permit. This request was denied. The matter involving the denial of the Special Permit is the subject of presently pending litigation in the Supreme Court, Rockland County, Index No. 4666/01.

12. The Town Board decision on the application for a Special Permit which, among other requirements, ordered the applicant to prepare and file a plan for remediation of his property, was served upon the applicant and his then counsel.

13. On May 1, 2001, the Director of the Department of Environmental Control, advised that no remedial plan had been submitted.

14. That this proceeding held on the notice required by Chapter 216, was duly held before the Town Board on June 12, 2001 and July 24, 2001.

15. That based on the testimony of the witnesses who appeared before the Town Board, the documents in the record of this proceeding, and the minutes of the statements made by Barry Goldberg in the prior public hearing before the Town Board, it is hereby determined that certain fill materials consisting of approximately 3,000 cubic yards were placed on the subject property under the authority of Barry Goldberg, and that the materials so placed consisted of a mixture of materials commonly referred to as construction and demolition waste, containing visible quantities of blacktop, concrete, asphalt, scrap material, wood, tile, and dimensional lumber and natural stone.

16. That based on the visual inspection, chemical and physical analysis of the material, it is determined that the fill consisted of solid waste not suitable as fill material on residential property, and that said material is of the type typical found in solid waste from a demolition project. That there exists within the material so deposited on the subject property voids which would allow it to settle and erode onto the adjacent property over time. That the fill material has, in fact, encroached and/or trespassed upon adjacent property without permission of those property owners.

17. That laboratory analysis disclosed compounds present at significant concentration which poses a danger to the environment and human health, which could result from ingestion, inhalation, or leachate, or subsequent percolation into area ground water, and that the contamination presents a direct hazard to the environment, neighboring property and site occupants and to the public at large. That remediation is

RESOLUTION NO. (655-2001) continued

needed to mitigate exposure of neighboring residents to the contaminants and to prevent exposure to current and future residents of the subject property.

18. An assessment of the subject property and analysis conducted by Lawler, Matusky & Skelly Engineers, One Blue Hill Plaza, Pearl River, New York, has recommended that the material should be removed using appropriate environmental controls, monitoring transport, and disposal in an authorized landfill.

19. That said removal, remediation, or mitigation measures that may be devised should be undertaken only after development and acceptance of a plan that insures the disturbed waste and contaminated soil will be handled safely, environmental impacts will be minimized, representative and reliable measurements are made and environmental controls and monitoring for planned or incidental releases be in place, and that the waste so removed be properly disposed.

20. That the property owner was given an opportunity to participate in the proceeding which was conducted pursuant to Chapter 216 of the Town Code, and although being represented at the public hearing by his attorney, the property owner did not participate in the proceeding.

21. That the materials placed on the subject property constitute a nuisance, hazard, and litter as defined in Section 216-2 of the Town Code.

22. That the Town Board has obtained jurisdiction in this matter and may make the following ORDER pursuant to Chapter 216-8.

ORDER

That BARRY GOLDBERG AND LINDA GOLDBERG are hereby ORDERED to prepare and file with the Director of the Department of Environmental Control, within thirty days from the date hereof, a plan having the approval of the NYSDEC and the Director of the Town of Clarkstown Department of Environmental Control, for the removal of the solid waste material from the subject property and the adjacent property upon which said material has encroached, and that in the event said plan is not filed as herein directed, the Director of the Department of Environmental Control is hereby authorized and directed to prepare said plan and proposed specifications for the solicitation of bids pursuant to General Municipal Law, Section 103, to procure a qualified contractor to implement said plan, and it is

FURTHER ORDERED, that the Town Attorney be and is hereby authorized to take all necessary steps to secure the entry permission from all affected property owners, including the Respondents in this proceeding, so as to be able to implement said plan for the remediation of the property including and but limited to seeking an Order of the Rockland County Supreme Court for any necessary access upon the affected properties in the absence of their written permission, and it is

FURTHER ORDERED, that all costs of this proceeding, the costs of preparing any further necessary reports or investigations, and the removal shall be charged and assessed against the record owners of the subject property, and if not paid upon demand, the costs so assessed shall constitute a lien and charge against the subject real property upon which it is levied until it is paid, or otherwise satisfied and discharged, and same shall be collected in the same manner and at the same time as other Town charges shall be assessed and collected.

This determination constitutes the Decision, Findings of Fact and Order of the Town Board and shall be served in accordance with law upon the property owner and a copy filed in the Office of the Town Clerk of the Town of Clarkstown.

RESOLUTION NO. (655-2001) 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. (656-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of August 14, 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

RESOLUTION NO. (657-2001)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby rescinds Resolution No. 360, adopted on April 24, 2001, with respect to hiring HARRY BAKER & ASSOCIATES to provide a sight distance safety analysis of property known as map 64.8-1-8 (formerly 71-C-42.2).

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. (658-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, John Coyle, Safety Manager, recommends the hiring of CHAS. H. SELLS, INC., in accordance with its proposal dated August 24, 2001, to provide a sign distance/safety analysis of property known as Map 64.8-1-8 (formerly 71-C-42.2);

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with CHAS. H. SELLS, INC., in a form approved by the Town Attorney, to provide a sight distance/safety analysis of property at 16 Demarest Avenue, West Nyack, New York more particularly known as Map 64.8-1-8, and be it

RESOLUTION NO. (658-2001) continued

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$1,600.00, and shall be charged to Account No. A 3010-409.

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. (659-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills Stable, and \$5,795 from the State of NY Motor Vehicle Theft, \$2,528.10 from the State of New York Audio Video Grant, \$3,528.25 from the United States Treasury Internet Crimes, \$2,463.84 from the Clarkstown Central School District SRO

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 3389 10 (M.V. Theft Program) and Budgetary Account A 3120-111 (Police-Overtime) by \$5,795.00 and increase Revenue Account A 01 10 4836 0 (Audio Video Program) and Budgetary Account A 3260-366 (Police-Photo Supplies) by \$2,528.10 and increase Revenue Account A 01 10 4837 0 (Internet Crimes Program) by \$3,528.25 and Budgetary Account A 3120-231 (Police-Photo Equipment) by \$1,766.65 and Budgetary Account A 3260-415 (Police Investigation Expense) by 1,761.60 and increase Revenue Account A 01 9 3616 0 (School District SRO) and Budgetary Account A 3120-111 (Police-Overtime) by \$2,463.84

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease Budgetary Account A 4210-201 (Counseling - Furniture/Fixtures) by \$662.23 and increase Budgetary Account A 4210-303 (Counseling - Hospital Supplies) by \$76.00 and A 4210-313 (Counseling - Office Support/Printing) by \$14.49 and A 4210-430 (Counseling - Alarm System) by \$71.50 and A 4210-460 -4 (Counseling - Cellular Phones) by \$500.24 and to decrease Budgetary Account A 4210-201 (Counseling - Furniture/Fixtures) by \$400.00, and A 4210-313 (Counseling - Office Supplies) by \$100.00 and A 4210-430 (Counseling - Alarm System) by \$100.00 and A 4210-460-4 (Counseling - Cellular Phones) by \$200.00 and to decrease Budgetary Account DB 5110-408 (Highway - Building Improvement) and increase DB 5110-380 (Highway - Paint & Paint Supplies) by \$1,000.00.

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. (660-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, to decrease Appropriation Account A-7140-199 (Vacation Buyback) by \$110.00 and to increase A-7310-199 (Vacation Buyback) by \$110.00.

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. (661-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$2,000 from Hasty Hills Stable, and \$2,430.15 from the State Of NY Motor Vehicle Theft, \$9,204 from the State of New York Audio Video Grant, \$5,450 from the County of Rockland Community Development Funds, \$10,944 from the Nanuet Mall, \$95,000 from the State of New York Transportation Department Trailways Grant

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 3389 10 (M.V. Theft Program) and Budgetary Account A 3120-111 (Police-Overtime) by \$2,430.15 and increase Revenue Account A 01 10 4836 0 (Audio Video Program) and Budgetary Account A 3260-366 (Police-Photo Supplies) by \$9,204 and increase Revenue Account A 01 10 4989 0 (Community Development Funds) and Budgetary Account A 7140-409 (Recreation Fees for Services) by 5,450.00 and, increase Revenue Account H 15 10 3891 0 and Budgetary Account H 8749-409-0-73-7 by \$95,000

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease Budgetary Account A 3989-417 (Police - In Service Training) and increase Budgetary Account A 3989-319 (Police - Miscellaneous Supplies) by \$5000.00 and to decrease Budgetary Accounts A 1345-328 (Purchasing - Publications) by \$300.00, and A 1345-313 (Purchasing - Office Supplies) by \$244.00 and to increase Budgetary Account A 1345-201 (Purchasing - Furniture) by \$544.00 and to decrease Budgetary Account A 1110-110-0 (Town Justice - Salaries) by \$3,500.00 and to increase Budgetary Accounts A 1110-409 (Justice - Fees for Services) by \$2,000 and A 1110 313 (Justice Office Supplies) by \$1,500 and to decrease Budgetary Account A 1420-409 (Town Attorney - Fees for Service) by \$1,000.00 and increase Budgetary Account A 1420-111 (Town Attorney - Overtime) by \$1,000.00 and to decrease Budgetary Account A 1990-505 (Contingency - Other) by \$15,237.54 and increase Budgetary Account A 1010-414 (Councilmen - Conferences) by \$2,634.81 and increase Budgetary Accounts A 5650-409 (Commuter Parking - Contractual Services) by \$5,583.33, A 6410-405 (Advertising - Contractual Services) by \$733.40, A 8090-409 (Control of Aquatic Pests - Contractual Services) by \$4,511.00 and A 8511-409 (Community Beautification - Contractual Services) by \$1,775.00 and to decrease Budgetary Account DB 5110-378 (Highway - Cul-de-sacs & Pipes) by \$4,200.00 and increase Budgetary Account DB 5110-412 (Highway - Windows) by \$4,200.00.

RESOLUTION NO. (661-2001) 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. (662-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the County of Rockland has acquired title to property designated as Map 35.19-2-2, which is located at 3 Cordes Lane, Congers, New York, in the Town of Clarkstown, and

WHEREAS, said parcel has been recommended for inclusion in the Town of Clarkstown Open Space Preservation Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests the County of Rockland to transfer title to the Town of Clarkstown with respect to property designated as Map 35.19-2-2, which is located at 3 Cordes Lane, Congers, New York, for consideration payable by the Town of Clarkstown, not to exceed all accumulated tax arrears, penalties and interest, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit a copy of this Resolution to Scott Vanderhoef, Rockland County Executive, George Renc, Commissioner of Finance, and Patricia Zugibe, County 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. (663-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the County of Rockland has acquired title to property designated as Map 64.6-2-58, which is located at 38 Rose Road, West Nyack, New York, in the Town of Clarkstown, and

WHEREAS, said parcel has been recommended for inclusion in the Town of Clarkstown Open Space Preservation Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests the County of Rockland to transfer title to the Town of Clarkstown with respect to property designated as Map 64.6-2-58, which is located at 38 Rose Road, West Nyack, New York, for consideration

RESOLUTION NO. (663-2001) continued

payable by the Town of Clarkstown, not to exceed all accumulated tax arrears, penalties and interest, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit a copy of this Resolution to Scott Vanderhoef, Rockland County Executive, George Renc, Commissioner of Finance, and Patricia Zugibe, County 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. (664-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the County of Rockland has acquired title to property designated as Map 64.6-2-59, which is located at 6 Route 304, Bardonia, New York, in the Town of Clarkstown, and

WHEREAS, said parcel has been recommended for inclusion in the Town of Clarkstown Open Space Preservation Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests the County of Rockland to transfer title to the Town of Clarkstown with respect to property designated as Map 64.6-2-59, which is located at 6 Route 304, Bardonia, New York, for consideration payable by the Town of Clarkstown, not to exceed all accumulated tax arrears, penalties and interest, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit a copy of this Resolution to Scott Vanderhoef, Rockland County Executive, George Renc, Commissioner of Finance, and Patricia Zugibe, County 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. (665-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Superintendent of Recreation and Parks, has recommended the Town enter into an agreement with United Water for the Town park facility located in the area of Pascack Road, Nanuet, New York;

RESOLUTION NO. (665-2001) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorities the Supervisor to enter into an agreement, by application, for water service at the Town park facility located in the area of Pascack Road, Nanuet, New York, as described in the August 7, 2001 proposal by United Water.

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. (666-2001)

Co. Lasker 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, Tilcon New York, Inc., 162 Old Mill Road, West Nyack, New York 10994, wishes to enter into an agreement for a two- year period commencing September 25, 2001 and terminating September 25, 2003, to adopt a segment of Old Mill Road from Tilcon's driveway to Snake Hill Road Bridge, and a segment on Crusher Road beginning at the bridge over West Shore Railroad to the corner of Casper Hill Road, West Nyack, New York, and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Tilcon New York, 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 the above segments and install signs identifying the volunteer group adopting said segments, and to provide and coordinate services by Tilcon New York, 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. (667-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, LAWLER, MATUSKY & SKELLY ENGINEERS LLP, One Blue Hill Plaza, Pearl River, New York 10965, has sub-mitted a proposal dated August 23, 2001, with respect to providing engineering services on the construction phase at the Pelham West Below Grade Detention Storage, and

WHEREAS, the Director of the Department of Environmental Control recommends acceptance of this proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with LAWLER, MATUSKY & SKELLY ENGINEERS LLP, in a form satisfactory to the Town Attorney, to provide engineering services on the construction phase at the Pelham West Below Grade Detention Storage, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed \$29,900.00 without further resolution of the Town Board, and shall be charged to Account No. A 1420-409.

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. (668-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Sylvia A. Welch, Ph.D., 170 Hudson Terrace, Piermont, New York, has submitted a proposal dated September 5, 2001, with respect to providing research to the Town of Clarkstown as to available potential funding sources for Open Space Acquisition and related projects and programs, and prepare reports on these sources to the Clarkstown Planning Board. Further, Ms. Welch will prepare applications and proposals as directed by the Clarkstown Planning Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Sylvia A. Welch, Ph.D., to provide research at the rate of \$55.00 per hour, as to available potential funding sources for the Town's Open Space Acquisition Program, in accordance with her proposal dated September 5, 2001, and be it

FURTHER RESOLVED, that all payments pursuant to this Resolution 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 Yes
 - Supervisor Holbrook Yes
- *****

RESOLUTION NO. (669-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the New York Power Authority (NYPA) has proposed a pilot agreement known as "Electric Vehicle Station Car Program" to demonstrate the viability of electric automobiles for use by commuters to travel to and from park and ride lots, and

WHEREAS, the NYPA has proposed to enter into an agreement with the Town of Clarkstown and American Home Products Corporation to establish a ten car park and ride electric charging station at the Nanuet Train Station Commuter Parking Lot for a pilot program;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the New York Power Authority and American Home Products Corporation, that the Town of Clarkstown shall provide maintenance and traffic enforcement, as necessary, at the Nanuet Commuter Parking Lot in connection with the NYPA electric vehicle station park and ride facility proposed by the NYPA.

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. (670-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, that pursuant to the Cooperative Agreement between the Town of Clarkstown and the County of Rockland, the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of the 2001 Community Development Block Grant Program funds to the Town of Clarkstown in an amount not to exceed \$285,000.00.

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. (671-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the State of New York had requested the Town of Clarkstown to construct a trail-style sidewalk along State Route 303, from Lake Road to Gilcrest Lane, in the Town of Clarkstown, Rockland County, New York, and

RESOLUTION NO. (671-2001) continued

WHEREAS, Resolution No. 197-1999 adopted by the Town Board on March 9, 1999, approved and agreed to pay in the first instance, 100% of the construction costs of the Project or portions thereof, and

WHEREAS, it was subsequently found necessary to undertake additional construction work not contemplated in the original agreement authorized by the previous Resolution, and

WHEREAS, it has been found necessary to increase the costs of the construction work for the Project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves such Project, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Town of Clarkstown to pay in the first instance 100% of the costs of the Project or portions thereof, with the expectation that same shall be reimbursed by the State and appropriating funds therefor, and be it

FURTHER RESOLVED, that the sum of \$300,000 (\$395,000 minus the \$95,000 in previous Resolution) is hereby made available to cover the cost of participation in the above phase of the Project, and be it

FURTHER RESOLVED, the Town Board hereby authorizes the Supervisor of the Town of Clarkstown to execute all necessary Agreements, certifications or reimbursement requests on behalf of the Town of Clarkstown with the New York State Department of Transportation in connection with the implementation of the Project, and reimbursement of the approved costs associated with the State Betterment, and be it

FURTHER RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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. (672-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board authorizes payment to Lawler, Matusky & Skelly Engineers LLP, in the amount of \$8,436.50, for providing engineering consulting and testing services with respect to property known as Map 52.8-3-53.1 (formerly 139-A-22.5) and 52.8-3-53.2 (formerly 139-A-22.6) (Goldberg), which is the subject of the Town Code Chapter 216 proceeding, in accordance with an invoice dated August 17, 2001.

RESOLUTION NO. (672-2001) 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. (673-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized, via Town Board Resolution #579-2001, the Director of the Department of Environmental Control to retain the services of Tectonic Engineering Consultants P.C. to perform engineering, surveying and design services for the Yale Drive Road Improvement Project; and

WHEREAS, the Department of Environmental Control has determined that additional survey work is necessary for the execution of a design for said project; and

WHEREAS, the Department of Environmental Control has received a proposal from Tectonic Engineering Consultants P.C., in accordance with their contract with the Town of Clarkstown, to perform said survey work; and

WHEREAS, the Department of Environmental Control has reviewed said 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 have Tectonic Engineering Consultants P.C. perform said additional survey work in accordance with their proposal in the amount of \$8,540.00; and

BE IT FURTHER RESOLVED, that the amount of the contract with Tectonic Engineering Consultants P.C. be increased to \$48,540.00 to cover the cost of this work; and

BE IT FURTHER RESOLVED, that this shall continue to be a proper charge to account H 8751 409 0 75 - 11, and

BE IT FURTHER RESOLVED, that this resolution shall be retroactive to September 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

RESOLUTION NO. (674-2001)

Co. Smith offered and Co. Maloney seconded

RESOLUTION NO. (674-2001) continued

WHEREAS, Danny Clapp Lawn & Landscaping, Inc. has provided performance security to the Town of Clarkstown, in the form of a Letter of Credit No. S00043624, Bank of New York, in the amount of \$123,000.00, with respect to the 2001 Mosquito Control Program, and

WHEREAS, the Department of Environmental Control has advised that the project has been completed to the Town's satisfaction and has recommended the release of said Letter of Credit;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the release of Letter of Credit No. S00043624, Bank of New York, with respect to the 2001 Mosquito Control 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. (675-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, 20 SQ ASSOCIATES has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 43.7, Block 1, Lot 21 (formerly known as 59-A-20.32), for the year(s) 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. (676-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, DUTCH LANE REALTY CORP. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 57.48, Block 2, Lot 1 (formerly known as 7-B-10.4), for the year(s) 1997/98, 1998/99, 1999/00, 2000/01 and 2001/02, and

RESOLUTION NO. (676-2001) continued

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. (677-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, GEORGE and BARBARA WALD have commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58.5, Block 2, Lot 15 (formerly known as 16-C-28.1), for the year(s) 1996/97, 1997/98, 1998/99 and 1999/00, and WALD REALTY CO., LLC commenced tax certiorari proceedings affecting this property for the years 2000/01 and 2001/02, 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. (678-2001)

Co. Lasker offered and Co. Maloney seconded

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

RESOLUTION NO. (678-2001) continued

FURTHER RESOLVED, that said libraries shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2001.

Nanuet Public Library	\$3,000
New City Library	\$3,000
West Nyack Free Library	\$3,000

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. (679-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown adopted Resolution No. 1974-814 (hereinafter "Resolution") setting forth rules and regulations with relation to public inspection and copying of such Town records as are subject to public inspection by law under the Freedom of Information Act (hereinafter "FOIL"), and

WHEREAS, the Town Attorney has reviewed the existing rules and regulations and has determined that the Resolution should be amended to comply with the current provisions of FOIL, and

WHEREAS, Public Officers Law §87(1)(b)(ii) requires each department, board, commission or agency of the Town to designate a Records Access Officer and Public Officers Law §89(4)(a) requires that the Town Board designate a Records Appeals Officer to hear all appeals of denials of requests for public records made by the Records Access Officer of each department, board, commission or agency of the Town, and

WHEREAS, the Town Board has determined that the Supervisor should be designated as the Records Appeals Officer of the Town, and

WHEREAS, the Town, in accord with Public Officers Law §87(b) may promulgate rules and regulations pertaining to the production of public records, and

WHEREAS, the Town Board has determined that in order to respond efficiently and uniformly to requests for public records all such requests made to the Records Access Officer of each department, board, commission or agency of the Town should be forwarded to the Town Clerk, who shall then forward such requests to the Town Attorney for review and comment;

NOW, THEREFORE, be it

RESOLVED, that each department head, and board or commission chairman is hereby designated Records Access Officer for the respective department, board or commission, and be it

RESOLUTION NO. (679-2001) continued

FURTHER RESOLVED, that all requests for public records made to the Records Access Officer of each department, board, commission or agency of the Town shall be completed and forwarded, with copies of all public records, promptly to the Town Clerk, who shall forward such request to the Town Attorney for review and comments, and thereafter provide the appropriate response to the person seeking access to public records, and be it

FURTHER RESOLVED, that the Supervisor is hereby designated as the Records Appeals Officer of the Town under FOIL, and be it

FURTHER RESOLVED, that this resolution shall supercede Resolution No. 1974-814.

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. (680-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the County of Rockland, through the Department of Mental Health, has increased the funds granted to the Town with regard to the Substance Abuse Program at the Clarkstown Counseling Center pursuant to Article 25 of the Mental Hygiene Law, from \$112,265.00 to \$116,374.00 for the calendar year 2001;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 309, adopted on April 24, 2001, and authorizes the Supervisor to enter into an amended agreement, in a form acceptable to the Town Attorney, with the County of Rockland, Department of Mental Health, to accept funds in the amount of \$116,374.00, for the purpose of financing the Substance Abuse Program at the Clarkstown Counseling Center, in the amount of \$116,374.00, for the term January 1, 2001 through December 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. (681-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Resolution No. 4-2001 adopted on January 3, 2001 established petty cash amounts for various Town Offices, and

RESOLUTION NO. (681-2001) continued

WHEREAS, the Clarkstown Parks Board and Recreation Commission has since constructed a Wheel Park at the Congers Lake Memorial Park Complex,

NOW, THEREFORE, BE IT

RESOLVED, that Resolution No. 4-2001 is hereby amended to reflect the addition of the Wheel Park and establishes petty cash for this facility in the amount of \$100.00.

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. (682-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Paragraph 13 of Resolution No. 604-2001, adopted by the Town Board on July 24, 2001, with respect to the Special Findings granting a special permit to the Sisters of Charity of St. Vincent de Paul of New York, for senior citizen housing project, Nanuet, New York, contained a typographical error and is hereby amended to read as follows:

“13. That the screening, tree preservation and buffers as shown by applicant on plan dated May 7, 2001 submitted to the Town of Clarkstown in support of special permit application shall be made part of any final site plan approval.”

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. (683-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the placement of a full page advertisement in the souvenir journal of Worldfest New York, Inc. for the International Dance and Music Festival 2001 which was held during the month of July, 2001, and be it

FURTHER RESOLVED, that the fee for this advertisement shall not exceed the sum of \$750.00, which shall be charged to Account No. A 6410-405, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to July 1, 2001.

RESOLUTION NO. (683-2001) 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. (684-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Mark Papenmeyer, Chief Fire Safety Inspector, has recommended an increase in the Certificate of Compliance fees with respect to Section 143 of the Town Code (Fire Prevention);

NOW, THEREFORE, be it

RESOLVED, that, in accordance with Section 143-11 (E), the Town Board hereby authorizes an increase in the annual fees for fire safety compliance, inspections, and issuance of Certificate of Compliance as follows:

1. Buildings which contain more than one tenant without common areas in building: (each tenant) from \$25.00 to \$30.00.
2. Buildings which contain more than one tenant with common areas in building: (each tenant) from \$25.00 to \$30.00; Landlord for common areas from \$25.00 to \$30.00.
3. Mercantile buildings which are classified as a mall: (each tenant) from \$25.00 to \$30.00.

and be it

FURTHER RESOLVED, that the fee increases shall take effect January 1, 2002.

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. (685-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a large dead white oak tree is located in the vicinity of a planned Town drainage project adjacent to Strathmore Creek in New City, and

WHEREAS, the dead tree represents a potential hazard to contractors and local residents, and

RESOLUTION NO. (685-2001) continued

WHEREAS, the Department of Environmental Control and the Supervisor of the Town of Clarkstown believe it prudent to have the tree removed prior to any equipment or personnel engaged for the drainage project are given access to the area, and the Town Attorney has advised that the proposed hazard removal is a reasonable loss prevention measure, and

WHEREAS, the Department of Environmental Control has solicited proposals from various qualified contractors to have this work performed;

WHEREAS, the Department of Environmental Control has reviewed a proposal from Exclusive/Oasis Tree Experts 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

Exclusive/Oasis Tree Experts
29 Summit Park Road
Spring Valley, New York 10977

to perform said work in accordance with their proposal for an amount not to exceed \$850.00, and be it

FURTHER RESOLVED, that no work shall commence until written access permission of the property owner is obtained, and be it

FURTHER RESOLVED, that this shall be a proper charge to account #A 8511 - 409, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to September 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

RESOLUTION NO. (686-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, ELLEN GABRIEL has petitioned the Town Board for permission to apply Town Law 280-a(4) to create an Open Development Area so as to obtain access to premises known as Map 26.17-2-7 (formerly 26-A-1.06), for subdivision approval without use of planned Town roads, and

WHEREAS, the Town Board has determined to schedule a public hearing on notice to adjacent property owners;

NOW, THEREFORE, be it

RESOLUTION NO. (686-2001) continued

RESOLVED, that the Town Board hereby schedules a public hearing for October 9, 2001, at 8:00 p.m., or as soon thereafter as possible, at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, with respect to the application by Ellen Gabriel for creation of an Open Development Area for proposed subdivision of premises known as Map 26.17-2-7 (formerly 26-A-1.06), and be it

FURTHER RESOLVED, that the applicant shall adhere to the notice requirements pursuant to Section 290-33 (C) of the Zoning Local Law of the Town Code, and provide proof of mailing said notice to property owners within five hundred feet of affected property or before the date of the public hearing, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning, the Clarkstown Planning Board, the Clarkstown Director of Environmental Control and the Clarkstown Building Inspector for review and recommendation.

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. (687-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, in accordance with the requirements of ZBA Appeal No. 2803 for a variation from the requirements of § 290-11B, Table 16, Group G, Column 5 (Lot Area) of the Zoning Ordinance of the Town of Clarkstown to permit the construction of a single family dwelling situate at 4 Huffman Road, Valley Cottage, New York, M.O. Properties, Inc. has agreed to install a drainage system and to gratuitously convey to the Town of Clarkstown, if and when required, a drainage easement affecting property described as 52.14-2-14.2 (formerly known as 110-A-19.6), and

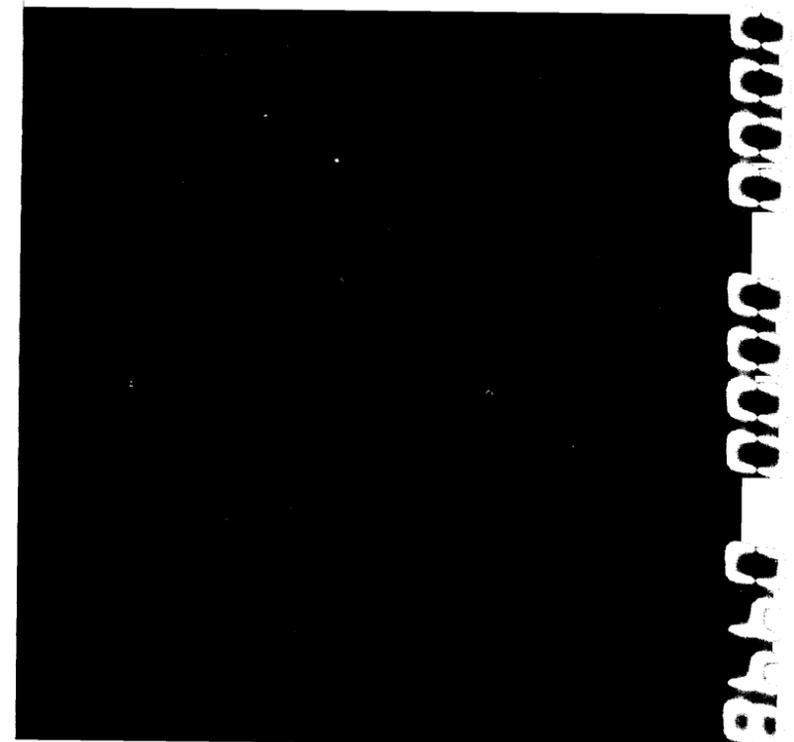
WHEREAS, the Town Attorney recommends acceptance of a Declaration of Covenant, which shall run with the land, to implement the ZBA decision;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration of Covenant, which shall be recorded in the Rockland County Clerk's Office simultaneously with a deed of conveyance.

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. (688-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the request of the Northgate Condominium Association, and the approval of Charles H. Vezzetti, Rockland County Superintendent of Highways, the Clarkstown Superintendent of Highways is hereby authorized to:

Install "No Parking" signs on both sides of Congers Lake Road, from Route 9W to Old Lake Road, Congers, in the vicinity of the Northgate Condominiums,

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Clarkstown Superintendent of Highways for implementation, and to the Traffic and Traffic Fire Safety Advisory Board, to Howard L. Lampert, PE, Traffic Engineer, to R.C. Highway Superintendent Charles Vezzetti, 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. (689-2001)

Co. Smith 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:

"All Ways" panels beneath the 3 (three) Stop signs located on Twin Elms Lane at Irion Drive, New City, 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. (690-2001)

Co. Smith offered and Co. Maloney seconded

RESOLUTION NO. (690-2001) continued

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

The following curve signs on New Valley Rd., New City:

Westbound: opposite the Deli – house no. 2, install a left curve sign

Eastbound: in the vicinity of house no. 25 install a right curve sign

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. (691-2001)

Co. Smith 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:

A "Stop" sign on Roberts Road at Little Tor Road, New City, 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. (692-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated August 30, 2001, the Superintendent of Highways is hereby authorized to:

Extend the Double Yellow Center Line on Long Clove Road, Congers, around the sharp curve to NYNEX Pole #163,

and be it

RESOLUTION NO. (692-2001) continued

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. (693-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Sgt. Robert Franchino, CPD dated August 24, 2001, the Superintendent of Highways is hereby authorized to:

1. Re-erect the "Stop" sign on southbound New York Avenue, at Quaspeak Road, Congers, and
2. Install a "Stop" sign on northbound New York Avenue, south of Quaspeak Road, Congers

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. (694-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon a request from Mr. James Kovach of 677 South Mountain Road, the Superintendent of Highways is hereby authorized to install:

A "Stop Ahead" warning sign on eastbound South Mountain Road, New City the appropriate distance west of its intersection of Old Route 304,

and be it

RESOLUTION NO. (694-2001) continued

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. (695-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Robert Jackson, President of the Nanuet Civic Association appeared before the Town Board at the Workshop Meeting of September 4, 2001 to request parking restrictions on a portion of Orchard Street, Nanuet to better serve the residents and business owners in this area,

NOW THEREFORE BE IT

RESOLVED, that based upon the request of the Nanuet Civic Association, the Superintendent of Highways is hereby authorized to install:

"No Parking, 6 a.m. to 9 a.m., Monday Thru Friday" signs on both the east and west sides of the portion of Orchard Street that is near the intersection with Prospect Street

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. (696-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated April 24, 2001, the Superintendent of Highways is hereby authorized to:

Install two "No Left Turn" signs on westbound West Nyack Road, West Nyack at the easterly driveway to Cablevision as follows:

RESOLUTION NO. (696-2001) continued

- 1. At the southwest corner, and
- 2. On the north side, just before the driveway

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. (697-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Resolution No. 551-2001 adopted on July 17, 2001 authorized various traffic control signs on Duryea Place and Duryea Lane, Nanuet, as recommended by Howard L. Lampert, PE, Traffic Engineering Consultant, and

WHEREAS, after adoption, a resident raised additional concerns about traffic control in this area and the matter was referred to the Clarkstown Police Department to evaluate,

Now Therefore Be It

RESOLVED, that based upon the recommendation of Sgt. Robert Franchino dated August 24, 2001, Resolution No. 551-2001 is hereby amended to reflect that a "Stop" sign is to be installed on eastbound Duryea Lane at Duryea Place/southbound Duryea Lane instead of the "Yield" sign that was first recommended, 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 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. (698-2001)

Co. Smith offered and Co. Maloney seconded

RESOLUTION NO. (698-2001) continued

RESOLVED, that based upon the request of a resident, the Superintendent of Highways is hereby authorized to:

Install "Stop" signs at the following locations:

- 1. On Orchard Avenue at Goebel Road, New City
- 2. On De Forest Avenue at Goebel Road, New City
- 3. On Brookside Avenue at Goebel Road, New City

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (699-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the request of Mr. Antonio Aponte, a resident of New City, the Superintendent of Highways is hereby authorized to install:

A "No Dumping" sign on the PIP Property diagonally across the street from the mailbox at 59 West Burda Place, 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 Chief of Police for his 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. (700-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Nanuet School District has advised the Town Board that school buses are having difficulty accessing the Miller Elementary School, Nanuet, New York, because they are prevented from standing on the west side of Blauvelt Road while awaiting access to drop off points due to the existence of sign(s) which read "No Stopping," and

WHEREAS, the Nanuet School District has requested that existing sign(s) be changed to authorize stopping by school buses; and

WHEREAS, the Town of Clarkstown Safety Manager has determined that the requested sign change is acceptable under the New York State Manual of Uniform Traffic Control Devices, and the Police Department concurs that the requested change will not pose a traffic problem;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby directs that the Highway Department change traffic signs on the west side of Blauvelt Road, Nanuet, New York, across from the Miller Elementary School, to read: "No Stopping Except School Buses."

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. (701-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control has received complaints related to an adverse drainage condition in the vicinity of Ashland Street in Valley Cottage; and

WHEREAS, the Department of Environmental Control has proposed improvements to alleviate said adverse drainage condition; and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform said improvements; and

WHEREAS, the Department of Environmental Control has received two (2) responses to its solicitation reviewed same and found them to be acceptable;

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

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, New York 10994

RESOLUTION NO. (701-2001) continued

to perform said corrective drainage improvements in accordance with their proposal for an amount not to exceed \$7,777.00; and

BE IT FURTHER RESOLVED that this work shall be a proper charge to account #H 8751 409 0 75-17, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to September 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

RESOLUTION NO. (702-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists in the within a drainage channel located on Town of Clarkstown property identified as parcel 52.10 1-33, Valley Cottage, New York, and

WHEREAS, the Department of Environmental Control has investigated the problem and recommended the cleaning and re-grading of the channel, and

WHEREAS, the Department of Environmental Control has obtained proposals to perform the corrective drainage work.

NOW, THEREFORE, BE IT

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

Cusack Landscaping
 17 Colonial Drive
 New City, New York 10956

To perform the corrective drainage work in accordance with their proposal dated August 4, 2001, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$18,200.00 and shall be a proper charge to account H 8751 409 0 75 18, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to September 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

RESOLUTION NO. (703-2001)

Co. Lasker offered and Co. Maloney seconded

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

Whereas, the Federal Emergency Management Administration (FEMA) has made available funding for this work; and

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

Whereas, the Department of Environmental Control has solicited proposals from qualified contractors to provide the equipment and operators for Town personnel to direct in making the required repairs to culvert # 309 as shown on the Comprehensive Drainage Study of the Town of Clarkstown; and

Whereas, the Department of Environmental Control has received two (2) responses to its solicitation, reviewed same and found them to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to lease equipment with operators from

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, New York 10994

on a lump sum basis in accordance with its proposal for a fixed rental cost not to exceed \$4,242.00; and

Be It Further Resolved that all materials required to complete this work shall be provided by the Town of Clarkstown; and

Be It Further Resolved that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control; and

Be It Further Resolved that this shall be a proper charge to account # H 8748 409 0 72-1, and be it

Further Resolved, that this resolution shall be retroactive to September 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

RESOLUTION NO. (704-2001)

Co. Lasker offered and Co. Maloney seconded

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

RESOLUTION NO. (704-2001) continued

Whereas, the Federal Emergency Management Administration (FEMA) has made available funding for this work; and

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

Whereas, the Department of Environmental Control has solicited proposals from qualified contractors to provide the equipment and operators for Town personnel to direct in making the required repairs to culvert # 291 as shown on the Comprehensive Drainage Study of the Town of Clarkstown; and

Whereas, the Department of Environmental Control has received two (2) responses to its solicitation, reviewed same and found them to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to lease equipment with operators from

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, New York 10994

on a lump sum basis in accordance with its proposal for a fixed rental cost not to exceed \$7,777.00; and

Be It Further Resolved that all materials required to complete this work shall be provided by the Town of Clarkstown; and

Be It Further Resolved that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control; and

Be It Further Resolved that this shall be a proper charge to account # H 8748 409 0 72-1, and be it

Further Resolved, that this resolution shall be retroactive to September 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

RESOLUTION NO. (705-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Administrative Captain of the Police Department that

BID #51-2001
POLICE UNIFORMS

is hereby awarded to:

RESOLUTION NO. (705-2001) continued

SOMES UNIFORMS, INC
65 ROUTE 17 SOUTH
P.O. BOX 1157
PARAMUS, NJ 07653
PRINCIPALS: JEROME SOME
ALFRED ALTERMAN
MARION SOME

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. (706-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Supt of Recreation & Parks and the consulting Engineer that

BID #55-2001
PASCACK COMMUNITY CENTER

is hereby awarded as follows

- (1) Contract No. 1 GENERAL CONSTRUCTION
awarded to: HELMER-CRONIN CONSTRUCTION
27 ROUTE 210
STONY POINT, NY 10980
PRINCIPAL: WILLIAM F HELMER
as per their proposed project cost of \$3,088,000
- (2) Contract No. 2 PLUMBING CONSTRUCTION
awarded to: DAVID L KEMPTON, INC
50 NORTH HARRISON AVE
SUITE 10
CONGERS, NY 10920
PRINCIPAL: DAVID L KEMPTON
as per their proposed project cost of \$111,300
- (3) Contract No. 3 HVAC CONSTRUCTION
awarded to: DAVID L KEMPTON, INC
50 NORTH HARRISON AVE
SUITE 10
CONGERS, NY 10920
PRINCIPAL: DAVID L KEMPTON
as per their proposed project cost of \$155,900

RESOLUTION NO. (706-2001) continued

- (4) Contract No. 4 ELECTRICAL CONSTRUCTION
awarded to: C.G.R. ELECTRIC CORP
d/b/a EAGLE ELECTRIC
110 W. CROOKED HILL ROAD
PEARL RIVER, NY 10965
PRINCIPALS: SHEILA CAMPBELL
KEVIN CAMPBELL

as per their proposed project cost of \$286,000 and be it,

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

- a) Signed Copies Contract Documents - three 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 and Automobile Liability Insurances for prime contractor and subs in accordance with Article 11 of Supplementary General Conditions
- e) Certificate of Worker's Compensation insurance coverage
- f) Certificate of Worker's Disability Insurance coverage
- g) Certificate of Fire Insurance - Builders Risk Completed Value form

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. (707-2001)

Co. Maloney offered and Co. Mandia seconded

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

BID #56-2001
PLEASANT HILL DRIVE DRAINAGE IMPROVEMENT PROJECT

is hereby awarded to:

HUDSON CANYON CONSTRUCTION, INC
16 SCHUMAN ROAD
MILLWOOD, NY 10546
PRINCIPALS: THEODORE J. MULDOON

as per their proposed project cost of \$118,674.00 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing, on or before October 25, 2001, 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

RESOLUTION NO. (707-2001) continued

- 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
- g) Certificate (s) naming the Town of Clarkstown as additional insured on all required liability policies.

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. (708-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation of Anna Martin, 18 New Haven Avenue, Nanuet, New York (Part-time) Clerk Typist, Building Department (Fire Inspector's Office) is hereby accepted. Effective and retroactive to August 31, 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

RESOLUTION NO. (709-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation of Jennifer Stebbins, 5 Marisa Drive, Spring Valley, NY (temporary) Asst. Director of Municipal Counseling Services, Clarkstown Counseling Center is hereby accepted. Effective and retroactive to September 7, 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

RESOLUTION NO. (710-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Barbara Czechanski, 39 North Ridge Road, Pomona, New York is hereby appointed to the position of (temporary) Director of Municipal Counseling Services (Towns), Clarkstown Counseling Center at the current hourly rate of \$24.63. Effective pending Rockland County Personnel office approval for a period not to exceed 3 months.

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. (711-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, The Rockland County Personnel Office has certified on August 1, 2001 that the position of Senior Account Clerk #0873, Town Justice Department can be reclassified to the position of Senior Account Clerk Typist.

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Account Clerk Typist, Town Justice Department is hereby created, effective and retroactive to August 27, 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. (712-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, The Rockland County Personnel Office has furnished Certification of Eligibles #01073 Code Enforcement Officer I which contains the name of Joel J. Epstein.

NOW, THEREFORE, be it

RESOLVED, that Joel J. Epstein, 99 Bardonia Road, Bardonia, New York is hereby appointed to the (Permanent) position of Code Enforcement Officer I, Town Attorney's Office at the current annual salary of \$37,689.00, effective and retroactive to August 30, 2001.

RESOLUTION NO. (712-2001) 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. (713-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Joan Kelly, 16 Johnson Lane, New City, New York is hereby appointed to the position of (Seasonal) Clerk Typist, Receiver of Taxes Office at the current hourly rate of \$12.50. Effective and retroactive to September 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

RESOLUTION NO. (714-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Ralph A. Lauria, 1 Michael Court, Stony Point, New York is hereby appointed to the position of (Provisional) Environmental Control Supervisor (Operations), Department of Environmental Control at the current annual salary of \$70,290.00. Effective and retroactive to September 10, 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. (715-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Jaime Moreno has requested a leave of absence, without pay, and

WHEREAS, Jaime Moreno 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

RESOLUTION NO. (715-2001) continued

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, without pay, by the Parks Board and Recreation Commission of Jaime Moreno, 12 Massachusetts Ave., Congers, New York, Senior Recreation Leader, Parks Board and Recreation Commission. Effective October 23, 2001 through April 12, 2002, and be it

FURTHER RESOLVED, that consistent with prior and pending decisions of the Town Board, should Jaime Moreno hold any other remunerated employment during the leave period, this resolution shall be automatically deemed rescinded without further action of the Parks Board and Recreation Commission.

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. (716-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation of Sr. Vincent Cirelli, O.P., Our Lady of Hope Convent, 31 Lake Road, Valley Cottage, New York, Member, Clarkstown Board of Ethics is hereby accepted effective September 30, 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. (717-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Margaret M. Whelan, 6 Acorn Terrace, New City, New York is hereby granted a second (Provisional) appointment to the position of Real Property Appraiser, Assessor's Office, at the current annual salary of \$48,647.00, effective and retroactive to September 20, 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. (718-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, The Rockland County Personnel Office has furnished Certification of Eligibles #01084 Real Property Data Collector II (Promotional) which contains the name of Dawn L. Mauro.

NOW THEREFORE, be it

RESOLVED, that Dawn L. Mauro, 13 North Park Avenue, Nanuet, New York is hereby appointed to the contingent, permanent position of Real Property Data Collector II, Assessor's Office at the current annual salary of \$34,506.00, effective and retroactive to September 20, 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. (719-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Joan P. Gibbs, 10-37 Crescent Drive, Thiells, New York, to the position of (Provisional) Principal Clerk Stenographer (Promotional), Clarkstown Police Department at the current annual salary of \$42,804.00, effective October 1, 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. (720-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Gerald Termini, 26 Grand Street, New City, New York, is hereby appointed to the position of (Part-time) Custodial Worker, Maintenance Department at the current hourly rate of \$13.00, effective and retroactive to September 24, 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. (721-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Ann Devery, 17 Parkway Drive, West Nyack, New York, Senior Account Clerk, Town Justice Department is hereby accepted effective and retroactive 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. (722-2001)

Co. Smith offered and Co. Lasker seconded

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

**BID #58-2001
SOLID WASTE FACILITY OPERATIONS SUPERVISOR**

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date 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. (723-2001)

Co. Smith offered and Co. Lasker seconded

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

BID #59-2001 – RENOVATIONS TO CONGERS POOL

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date to be determined at which time bids will be opened and read, and be it

RESOLUTION NO. (723-2001) continued

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Director of Purchasing upon pay of the prescribed fee per set.

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. (724-2001)

Co. Smith offered and Co. Lasker seconded

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

BID #60-2001
RECARPETING PORTIONS OF CPD OFFICES

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date 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. (725-2001)

Co. Smith offered and Co. Lasker seconded

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

BID #61-2001
BUS TRANSPORTATION (SENIOR CITIZEN & YOUTH)

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date 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.

RESOLUTION NO. (725-2001) 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. (726-2001)

Co. Smith offered and Co. Lasker seconded

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

BID #1-2002
OFFICE SUPPLIES

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on OCTOBER 15, 2001 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (727-2001)

Co. Smith offered and Co. Lasker seconded

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

BID #2-2002
PHOTOCOPIER AND FAX SUPPLIES

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on OCTOBER 12, 2001 at which time bids will be opened and read, and be it

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

RESOLUTION NO. (727-2001) 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. (728-2001)

Co. Smith offered and Co. Lasker seconded

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

BID #3-2002
 PRINTING OF TOWN ENVELOPES & STATIONERY SUPPLIES

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on OCTOBER 11, 2001 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (729-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary steps, including commencing litigation on behalf of the Town of Clarkstown against JOHN CONLON, due to his breach of an agreement with the Town of Clarkstown for the sale of certain real property known as Map 65.5-2-20 and Map 65.5-2-21 (formerly known as 89-C-45.2 and 89-C-45.4), West Nyack, New York, owned by John Conlon, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to September 12, 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. (730-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has been advised by the New York State Thruway Authority that the installation of noise abatement barrier on the New York State Thruway in the Town of Clarkstown between Milepost 21.5 and Milepost 21.85 is being constructed, and

WHEREAS, the Town of Clarkstown, by Resolution adopted on June 9, 1998, has agreed to contribute \$10,000 towards the cost of this installation;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Town Comptroller to remit the sum of \$10,000 to the New York State Thruway Authority, as agreed upon contribution, for the noise barrier erected or to be erected between Milepost 21.5 and Milepost 21.85, in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the amount stated herein shall be charged to Account No. H 8751-409-75-19.

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. (731-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that upon the recommendation of the Deputy Director of the Department of Environmental Control, Maintenance Guaranty in the amount of \$3,740.00, furnished to the Town in connection with the acceptance of the Sanitary Sewer Easement on May 23, 2000, affecting property designated as 35.20-1.4.2 (formerly known as 143-2-2.60), in a subdivision known as Mountain Shadows, is hereby terminated; and the sum of \$3,740.00 may be released to the guarantor.

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. (732-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, Superintendent of Highways, has recommended that the Town Board rescind Resolution No. 81 of 1981, which standardized the use of certain Ford vehicles in the Highway Department, because standardizing conditions no longer exist;

RESOLUTION NO. (732-2001) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby rescinds Resolution No. 81, adopted by the Town Board on January 27, 1981.

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. (733-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Director of the Department of Environmental Control has advised that it is necessary to obtain survey information on properties known as Map 34.06-1-54 and Map 34.06-1-44 (formerly known as 43-C-4 and 43-D-4), for the purpose of describing an easement to be granted to the Town of Clarkstown by the Lake Lucille Homeowners' Association;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain a survey of properties known as Map 34.06-1-54 and Map 34.06-1-44 (formerly known as 43-C-4 and 43-D-4), and be it

FURTHER RESOLVED, that the cost of said survey shall not exceed the sum of \$1,800.00 and shall be charged to Account No. H 5111-400-409-0-4-4.

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. (734-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has plans to install a traffic signal at the intersection of New Hempstead Road and Buena Vista Road, in order to improve the capacity and safety of the said intersection, and

WHEREAS, in order to accomplish this goal, road widening is necessary, and the New City Gospel Fellowship Church, an adjacent property owner, is willing to gratuitously convey eight plus feet of its property to the Town provided it will be reimbursed for its legal and any necessary survey fees which would be incurred to obtain Rockland County Supreme Court permission for the proposed conveyance;

NOW, THEREFORE, be it

RESOLUTION NO. (734-2001) continued

RESOLVED, that the Town Board hereby appropriates an amount not to exceed \$3,000.00 to reimburse the New City Gospel Fellowship Church for any legal fees it may incur to obtain Court permission to gratuitously convey the needed road widening strip to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to provide any survey information or drawings necessary to support the application for leave of Court to permit the gratuitous dedication.

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. (735-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, EMLAN CORP. v. NICHOLAS LONGO, Assessor and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 4634/97, 4657/98, 4130/99 and 4651/00, affecting parcel(s) designated as Map 57.19, Block 3, Lot 49 (formerly known as 163-D-6) and 57.19-3-50 (formerly known as 163-D-12) for the year(s) 1997/98, 1998/99, 1999/00 and 2000/01, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, the Senior Deputy Town Attorney of the Town of Clarkstown and the attorneys for the Nanuet Union Free School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57.19, Block 3, Lot 49 (formerly known as 163-D-6) be reduced for the year(s) 1997/98, 1998/99, 1999/00 and 2000/01 from \$454,800 to \$321,200 at a cost to the Town of \$7,864.45;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57.19, Block 3, Lot 50 (formerly known as 163-D-12) shall remain unchanged for the years 1997/98, 1998/99, 1999/00 and 2000/01;

3. Reimbursement for the year(s) 1997/98, 1998/99, 1999/00 and 2000/01 on the parcel described as Map 57.19, Block 3, Lot 49 (formerly known as 163-D-6), as stated above, be made within (30) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

RESOLUTION NO. (735-2001) continued

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (736-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, BERTKIN REALTY CORP., Index No(s). 4424/96 and 4090/97, affecting parcel(s) designated as Map 57.14, Block 3, Lot 4 (formerly known as 6-C-8.1), for the year(s) 1996/97 and 1997/98, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor and the Senior Deputy Town Attorney of the Town of Clarkstown, who believe the best interests of the Town are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57.14, Block 3, Lot 4 (formerly known as 6-C-8.1) be reduced for the year(s) 1996/97 from \$1,700,000 to \$1,324,000 at a cost to the Town of \$5,726.11;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57.14, Block 3, Lot 4 (formerly known as 6-C-8.1) be reduced for the year(s) 1997/98 from \$1,700,000 to \$1,292,000 at a cost to the Town of \$6,200.97;
3. Reimbursement for the year(s) 1996/97 and 1997/98 on the parcel described as Map 57.14, Block 3, Lot 4 (formerly known as 6-C-8.1), as stated above, be made within (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

RESOLUTION NO. (736-2001) 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. (737-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, CONGREGATION LIZENSK, INC. v. The TOWN OF CLARKSTOWN, its Assessor and Board of Assessment Review of the TOWN OF CLARKSTOWN, Index No(s). 4341/98, affecting parcel(s) designated as Map 57.14, Block 3, Lot 4 (formerly known as 6-C-8.1), for the year(s) 1998/99, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor and the Senior Deputy Town Attorney of the Town of Clarkstown, who believe the best interests of the Town are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57.14, Block 3, Lot 4 be reduced for the year(s) 1998/99 from \$1,700,000 to \$769,100 at a cost to the Town of \$13,481.87;
2. Reimbursement for the year(s) 1998/99 on the parcel described as Map 57.14, Block 3, Lot 4 (formerly known as 6-C-8.1), as stated above, be made within (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (738-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, MICHAEL GOLDBERG. v. The Board of Assessors and the Board of Assessment Review of the Town of Clarkstown, Index No(s). 4190/00, affecting parcel(s) designated as Map 59.18, Block 1, Lot 12 (formerly known as 107-A-13) and Index No(s) 4189/00, affecting parcel(s) designated as Map 59.18, Block 1, Lot 24 (formerly known as 106-A-2) for the year(s) 2000/01, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor and the Senior Deputy Town Attorney of the Town of Clarkstown who believe the best interests of the Town are being served;

NOW, THEREFORE, be it

RESOLVED, that:

- 1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 59.18, Block 1, Lot 12 (formerly known as 107-A-13) be reduced for the year(s) 2000/01 from \$1,135,800 to \$1,100,000 at a cost to the Town of \$516.91;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 59.18, Block 1, Lot 24 (formerly known as 106-A-2) be reduced for the year(s) 2000/01 from \$350,000 to \$315,000 at a cost to the Town of \$505.36;
- 3. Reimbursement for the year(s) 2000/01 on the parcels described as Map 59.18, Block 1, Lots 12 and 24, as stated above, be made within (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
- 4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (739-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the New York State Government Finance Officers' Association Downstate Council is holding their regional Fall Training Seminar on Friday, October 5, 2001, at West Point, New York,

RESOLUTION NO. (739-2001) continued

NOW THEREFORE BE IT RESOLVED, that the following persons are hereby authorized to attend:

- Charles E. Holbrook, Supervisor
- Ann Marie Smith, Councilwoman
- Edward J. Duer, Comptroller
- Penny Leonard, Deputy Supervisor
- Doris Fogel, Administrative Assistant I
- Marialaine Notaro, Principal Account Clerk

and be it

FURTHER RESOLVED, that all proper charges, including the registration fee of \$55 per person shall be charged to 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. (740-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by petition dated September 29, 1998, Snake Hill Corp. applied to the Town Board of the Town of Clarkstown for a Special Permit pursuant to Section 290-17R, to operate a recycling facility as authorized by Section 290-11A, Table 5, Column 3, Item B-9 on premises designated on the Clarkstown Tax Map as 59.13-1-31 (formerly known as 90-A-7.1), for property located on the south side of Snake Hill Road, West Nyack, New York, and

WHEREAS, by resolution dated April 24, 2001, the Town Board scheduled a public hearing which was held on May 22, 2001 and continued on June 12, 2001, and

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, was designated as agent for the Town Board for the purpose of complying with the provisions of Article 8, Conservation Law (NYSEQRA), and the Town Board made the required referrals to the Clarkstown Planning Board, Rockland County Commissioner of Planning, and other agencies and municipalities pursuant to General Municipal Law, and

WHEREAS, Section 290-3 of the Zoning Local Law of the Town of Clarkstown defines "Recycling Facility" as follows:

"RECYCLING FACILITY – An area of land upon which is located, permanently or temporarily, structures, machinery and/or other devices which are utilized to separate, process, modify, convert, treat, boil, compost, compact or prepare solid waste, refuse, leaves, trash, tees or soil, so that any component part of the same may be recovered."

RESOLUTION NO. (740-2001) continued

And

WHEREAS, the Town Board, after due consideration of all facts and circumstances presented in the petition, the information and testimony elicited at the public hearing held on May 22, 2001 and continued to June 12, 2001, and all documents which constitute the record of this proceeding, has determined to DENY the applicant's request for said Special Permit for the reasons set forth herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board makes the following Findings:

1. That the application for special permit based upon the report of K. Luke Kalarickal, acting as agent of the Town Board for purposes of SEQRA review, if granted, would not result in any significant adverse environmental impact;
2. That the proposed use is authorized by the Town of Clarkstown Zoning Local Law and would be confined to an "M" District, which permits said use;
3. That the proposed use would be appropriately located with respect to water supply, waste disposal, fire and police protection and other public facilities, it would not create, at any point of determination set forth in Section 290-13 F, G and H, any more dangerous and objectionable elements referred to in Section 290-13A than is characteristic of the uses expressly permitted as of right in the same district, it would not adversely affect the character of or property values in the area, but such special permit use is not approved because under the circumstances it would not be located appropriately with respect to transportation and has the potential to cause undue traffic congestion or create a traffic hazard, and would thereby impair the public health, safety, convenience, comfort, prosperity and other aspects of the general welfare of the Town, and be it

FURTHER RESOLVED, that the Town Board hereby further Finds that the proposal to haul 400 tons per day of solid waste on Snake Hill Road, which is a Town road, with poor sight distance and numerous curves, would require a minimum of 50 truck loads of commercial solid waste for input to the proposed facility, and a minimum of 20 tractor trailer truck loads of output from the facility, resulting in 140 vehicle trips per day onto the said Snake Hill Road, which is already burdened by significant heavy truck usage as a result of existing commercial uses, including, but not limited to, heavy trucking related to existing quarrying operations at the adjacent Tilcon Quarry facility, and be it

FURTHER RESOLVED, that consistent with the recommendation of the Town of Clarkstown Planning Board, which advised that the Town Board consider the fact that there are other similar facilities in the Town of Clarkstown, and its recommendation that the Town Board take into consideration the number of facilities already existing from a planning point of view, the Town Board hereby Finds that the public interest would not be served by adding another solid waste processing facility which does not appear to be needed at the present time for the processing of locally generated municipal and commercial solid waste, and be it

FURTHER RESOLVED, that the Town Board Finds that its determination in this matter is consistent with the report and recommendation made by the Rockland County Department of Planning dated May 22, 2001 to the Town Board, to wit:

"The Town should consider impact of this recycling facility and solid waste transfer facility on the functioning of the Materials Recovery Facility of the Rockland County Solid Waste Authority."

RESOLUTION NO. (740-2001) continued

and be it

FURTHER RESOLVED, that the decision set forth herein recognizes that the zone is appropriate for existence of the type of facility requested, but it is the determination of the Town Board that at the present time there is no community need or purpose to be served by issuance of said Special Permit, and be it

FURTHER RESOLVED, that the requested Special Permit be and is hereby DENIED, and be it

FURTHER RESOLVED, that this Resolution shall constitute the Decision of the Town Board, which is hereby ordered to be filed with the Town Clerk and made a part of the record of this application.

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. (741-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, a Town Drainage Easement located on or adjacent to Tax Map parcels 43.14-01-7, -65, -66, -1, -2 and 43.13-02-06 (FKA 39 C 3, 3.02, 22.10, 3.09, 3.08, 3.07, 3.06 requires maintenance work to improve water flow, and

WHEREAS, the Department of Environmental Control has prepared a schematic plan to for work to be performed, including cleaning and re-grading within said easement, and

NOW THEREFORE, BE IT RESOLVED that Director of the Department of Environmental Control is directed to solicit proposals for said Work from qualified Contractors, and

BE IT FURTHER RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of the qualified Contractor who shall submit the lowest price proposal to perform the Work in accordance with the plan for an amount not to exceed eight thousand (\$8,000) dollars, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8751 409 0 75-23.

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. (742-2001)

Co. Lasker offered and Co. Smith seconded

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

WHEREAS, the Federal Emergency Management Agency (FEMA) has made funding available for this work, and

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

WHEREAS, certain projects must be completed by the September 28, 2001 deadline imposed by FEMA.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to lease equipment and operators from qualified contractors on a lump sum basis, to perform repair work at the Demarest Kill, south of Twin Elms Lane, New City, New York, with all activities to be under the direct supervision of personnel of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that all materials required to complete this work shall be provided by the Town of Clarkstown, and

BE IT FURTHER RESOLVED, that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control, and

BE IT FURTHER RESOLVED, that the cost for the work shall not exceed \$6,188.00 and shall be a proper charge to account H 8748 409 0 72 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. (743-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists in the vicinity of 35 Carolina Drive, New City, New York, and

WHEREAS, the Department of Environmental Control has investigated the problem and recommends the extension of the existing storm drain system, and

WHEREAS, all corrective work will be performed within the Right-of-Way of Carolina Drive, and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform the corrective work, and

RESOLUTION NO. (743-2001) continued

WHEREAS, the Department of Environmental Control has reviewed the proposals received and recommends that:

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, New York 10994

be hired to perform the corrective work.

NOW, THEREFORE, BE IT

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

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, New York 10994

to perform the corrective drainage work in accordance with their proposal dated 9-24-01, and

BE IT FURTHER RESOLVED, that the cost for the corrective drainage work shall not exceed \$7,337.00 and shall be a proper charge to account #H 8751 409 75 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. (744-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists within stream NJ1-12-1-1, Toms Brook, Congers, New York, and

WHEREAS, the Department of Environmental Control has investigated the problem and recommends the removal of brush and sediment within the limits of the waterway, and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform the corrective work, and

WHEREAS, the Department of Environmental Control has reviewed the proposals received and recommends that:

KJS Hauling & Home Improvements
95 Maple Avenue
New City, New York 10956

be hired to perform the corrective work.

NOW, THEREFORE, BE IT

RESOLUTION NO. (744-2001) continued

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

KJS Hauling & Home Improvements
95 Maple Avenue
New City, New York 10956

to perform the corrective drainage work in accordance with their proposal dated 9-24-01, and

BE IT FURTHER RESOLVED, that the cost for the corrective drainage work shall not exceed \$13,100.00 and shall be a proper charge to account #H 8751 409 0 75 21.

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. (745-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, The Town of Clarkstown wishes to restore the stream channel and stream banks damaged after the June 17 storm on Tax Maps 72-A-8.02 & 90-A-14.15, and

WHEREAS, as a result of this storm stream banks were eroded and sediment was deposited into the stream channel, and

WHEREAS, in order to assure the continued integrity of water quality, all debris and sediment within the stream channel will be removed and the stream banks restored with heavy rip rap stone and/or gabion mattresses , and

WHEREAS, the Director of the Department of Environmental Control has solicited and reviewed proposals from four (4) qualified contractors to perform the necessary work.

NOW, THEREFORE BE IT

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

KJS Hauling and Home Improvements, Inc.
95 Maple Avenue
New City, NY 10994

in accordance with their proposal dated September 21 2001, and

BE IT FURTHER RESOLVED, that the cost of the work shall not exceed \$6,800 and shall be a proper charge to account H 8748-409-0 72-1

RESOLUTION NO. (745-2001) 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. (746-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Resolution No. 599-2000 authorized defaulting the escrow funds to perform necessary landscape repairs on Tax Map 43-E-7.01, and;

WHEREAS, the Director of the Department of Environmental Control has solicited and reviewed the proposal from a qualified contractor to perform the necessary landscape repair work,

NOW, THEREFORE BE IT

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

*Pro-Cut Lawns and Landscaping, Inc
13 Route 59
Monsey, NY 10952*

in accordance with their proposal dated September 20, 2001, and

BE IT FURTHER RESOLVED, that the cost of the work shall not exceed \$900.00 and shall be a proper charge to the Defaulted Funds account.

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. (747-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, JCCY (formerly YM-YWHA), 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 set forth herein is in the public interest and qualifies for expenditure of public funds:

RESOLUTION NO. (747-2001) continued

NOW, THEREFORE, be it

RESOLVED, that JCCY shall receive economic assistance in the amount of \$1,500.00, 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. (748-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Town Board Resolution 201-2001 authorized Tectonic Engineering Consultants to perform design services, and

WHEREAS, extra copies of the Contract Documents and Blueprints were required by additional contractors bidding on the project, and

WHEREAS, the Department of Environmental Control has reviewed and approved said additional photo coping work to be preformed by:

Tectonic Engineering Consultants

NOW THEREFORE, BE IT RESOLVED that Resolution No. 201-2001 is hereby amended to reflect the current allowance for this project to be increased by an amount of \$700.00 to cover this additional work, and shall be a proper charge to account # H8748-409-0-72-1

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. (749-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. 611-2001, adopted by the Town Board on August 14, 2001, with respect to the conditions imposed in the Special Permit Findings granted to ST. AGATHA HOME OF THE NEW YORK FOUNDLING HOSPITAL, NANUET, NEW YORK, to construct an agency group home, with respect to Condition No. "6," is hereby amended to read as follows:

RESOLUTION NO. (749-2001) continued

“6. That the proposed agency boarding home shall not exceed 3,300 square feet in size.”

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. (750-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board has been advised by the Director of Automated Systems that the Town has four IBM personal computers that are obsolete and have no value, but could be used by the West Nyack Senior Citizens Club;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Director of Automated Systems to donate four IBM personal computers that are obsolete and have no value, to the West Nyack Senior Citizens Club.

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. (751-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways has recommended a Change Order to Bid #35-2001 entitled “2001 Roadway Resurfacing Program” which as awarded on May 22, 2001 by Resolution No. 454-2001.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes this Change Order as follows:

Add the following roads to the list of roads to be re-paved:

RESOLUTION NO. (751-2001) continued

<u>New City</u>	<u>Tonnage</u>
Linden Court	662
Almuth Drive	365
Meyer Lane	238
Stratford Place	675
Lyncrest Avenue	955
Morris Drive	455
Carol Place	131
Miriam Place	51

and be it

FURTHER RESOLVED, that the additional work shall not exceed the sum of \$70,000.00 (net sum increase includes a credit in the current contract), and this fee shall be charged to Account No. DB 5110-300-381.

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. (752-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease Budgetary Accounts A 1620-110 (Full-time Salaries) \$15,000 and A 1620-114 (Part-time Salaries) by \$10,000 and increase A 1620-217 (Maintenance Equipment) by \$4,000, A 1620-323 (Chemicals) by \$1,000, A 1620-460-4 (Cellular Phones) by \$1,200, A 1620-461 (Gas & Electric) by \$5,000 and A 1620-408 (Building Repairs) by \$13,800.

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. (753-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Appropriation Account A-7610-404 (Travel/Meals) by \$2,500.00 and to increase A-7310-404 (Travel/Meals) by \$2,500.00.

RESOLUTION NO. (753-2001) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (754-2001)

Co. Lasker offered and Co. Mandia seconded

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

BID #62-2001 – BACKHOE FOR CLARKSTOWN HIGHWAY DEPARTMENT

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date to be announced 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 LaskerYes
 Councilman Maloney Yes
 Councilman Mandia Yes
 Councilwoman Smith Yes
 Supervisor HolbrookYes

RESOLUTION NO. (755-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Nicholas A. Longo, Tax Assessor, has advised that a clerical error was made with respect to property owned by Rosemarie Marley, identified as 700 Route 9W, Valley Cottage, New York and designated as 53.13-1-67 (formerly known as 138-H-12), in that the property was listed for the Basic STAR exemption instead of an Enhanced STAR exemption, and

WHEREAS, the Tax Assessor has recommended that the sum of \$571.03 erroneously assessed, levied and paid be refunded to the property owner;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the Assessor's Certification for Refund of Real Property Taxes, based upon the recommendation of the Tax Assessor to refund the sum of \$571.03 to Rosemarie Marley.

RESOLUTION NO. (755-2001) 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. (756-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by one of the Town's Code Enforcement Officers on premises reputedly owned by Dinguri N. Mwaniki at 290 Phillips Hill Road, New City, NY in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 43.5, Block 1, Lot 83, (FKA 22-A-27), 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 23rd day of October, 2001, at 8:00 P.M., or as soon thereafter as possible, in the event that corrective action is not taken pursuant to the Violation Notice dated September 25, 2001, and provided further that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 8th day of October, 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. (757-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No. 636, adopted on August 14, 2001, the Town Board has determined to participate in the Community Leadership Alliance Program through Pace University Law School, and

WHEREAS, the Town of Clarkstown is eager to participate with the other cities, towns and villages in Rockland, Westchester, Putnam and Dutchess County areas which have decided to support the Community Leadership Alliance Program which has as its goal using funds from a New York State Quality Community Program Grant to create a collaborative process for planning projects to serve the interests of the participating community in planning for the Hudson River Waterfront in an integrated manner, and

WHEREAS, the Town of Clarkstown has been invited to appoint a Town representative to serve with the Alliance;

NOW, THEREFORE, be I

RESOLUTION NO. (757-2001) continued

RESOLVED, that Cora Bodkin, residing at 7 Bellwood Drive, New City, New York, is hereby appointed as Clarkstown representative to the Community Leadership Alliance Program, and that Robert Geneslaw, the Town of Clarkstown Planning Consultant, is hereby designated as an alternate representative.

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. (758-2001)

Co. Smith offered and Co. Lasker seconded

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

**BID #63-2001-CULVERT REPLACEMENTS
 CULVERT NO: 374 &374B
 PHILLIPS HILL ROAD**

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date 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. (759-2001)

Co. Smith offered and Co. Lasker seconded

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

**BID #64-2001-CULVERT MODIFICATIONS AND REPAIR
 401 PHILLIPS HILL ROAD**

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by a time and date 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.

RESOLUTION NO. (759-2001) 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. (760-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town has received proposals for Raised Block-Out Corrugated Beam Guide Rail for Old Mill Road, West Nyack requested by Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways to rectify work not properly performed under Bid No. 59-1998 Old Mill Road, for which there is an action pending in the Supreme Court of the State of New York entitled Hudson Canyon Construction, Inc. vs. the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Superintendent of Highways and Larry J. Nardecchia, Consulting Engineer, that this corrective work be awarded to:

Craft Fence Company, Inc.
 29 Somerset Drive
 Yonkers, NY 10710

And be it

FURTHER RESOLVED, that said charges, not to exceed \$16,200.00, shall be charged to H8735-409-12-11.

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. (761-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town has received proposals to finish an outstanding punch list of items for crack sealing, that was not completed by the Contractor that was awarded Bid #52-1999, and

WHEREAS, the costs to perform this work will be deducted from monies retained on this contract from Bid #52-1999;

NOW THEREFORE, BE IT

RESOLUTION NO. (761-2001) continued

RESOLVED, that the Town Board of the Town of Clarkstown, based upon the recommendation of Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, hereby authorizes the following contractor to perform said work:

All County Sealcoating and Powerwashing, Inc.
25 Columbus Avenue
Spring Valley, NY 10977

And be it

FURTHER RESOLVED, that said work shall not exceed the sum of \$9,700.00 from account H8745-400-409.

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. (762-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, under the provisions of 6 NYCRR, Part 617 of the State Environmental Quality Review Act (SEQRA), a Full Environmental Assessment Form (EAF) was prepared by the Department of Environmental Control for the filling of an existing wetland at the Clarkstown Composting and Recycling Facility, Route 303, West Nyack, and the construction of wetlands for mitigation near Western Highway, West Nyack, and

WHEREAS, said EAF was distributed to interested and involved agencies on July 20, 2001, and

WHEREAS, no interested or involved agencies objected to the Town Board being the Lead Agency under the provisions of 6 NYCRR, Part 617 whereby the Town Board is therefore the Lead Agency,

NOW, THEREFORE, BE IT RESOLVED, that based upon review of the proposed action, the project as described in the EAF dated 9-18-01, will not have an adverse environmental impact and a Draft Environmental Impact Statement will not be prepared because the project will result in replacement of a contaminated poor quality wetland with a compensatory wetland of higher quality.

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. (763-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown on the 24th day of July, 2001 referred to the Planning Board a draft amendment as referred to above, and

WHEREAS, that resolution failed to designate a lead agent as required by SEQRA, and

WHEREAS, it is a desire of the majority of the Town Board to hold a Public Hearing on this mater on the 23rd day of October, 2001 to seek public input,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby refers a revision of the proposed local law to indicate compliance with the Federal Fair Housing Act and designates the Planning Board as lead agent to advise the Town Board on this matter.

FURTHER RESOLVED, that a Public Hearing be scheduled to the 23rd day of October, 2001 at 8:00 o'clock p.m. at the Town Hall to seek input on this matter,

FURTHER RESOLVED, that the Planning Board is requested to refer this matter to the County of Rockland for GML review.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Town Board Meeting was closed, time: 9:10 P.M.

Respectfully submitted,

Patricia Sheridan
 Patricia Sheridan
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/25/2001

8:03 PM

Present:

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

RE: Chapter 216 Proceeding: Goldberg, 139 Massachusetts Ave., Congers, Continued

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

John Costa, Town Attorney, stated that at the July 24th Town Board Meeting, the Public Hearing on this matter was closed subject to receipt of the technical report from Lawler, Matusky & Skelly, the Engineers. That report was delivered to and received by the Town Clerk on September 12th. The hearing may now be considered fully closed for all matters.

There being no one further wishing to be heard, on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was declared closed, RESOLUTION ADOPTED, time: 8:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (655-2001) ADOPTED