

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

10/09/2001

8:00 P.M.

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

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

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the public hearing re: Petition for use of Town Law 280-a(4): Gabriel, Lot 26.17-2-7 was opened, time: 8:05 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the public hearing re: Petition for use of Town Law 280-a(4): Gabriel, Lot 26.17-2-7 was closed, time: 8:15 pm.

Supervisor opened the public portion of the meeting.

Appearance: Ted Luser
President, Congers Chamber of Commerce

Thanked the Board for purchasing the railroad station property in Congers.

Appearance: Alex Bourghol
Congers

Thanked the Board for purchasing the railroad station.

RESOLUTION NO. (766-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of September 25, 2001 and October 2, 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. (767-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. 528, adopted by the Town Board on June 26, 2001 authorizing permission to AVON to sponsor a three day fund raising for breast cancer, from Bear Mountain to Manhattan, New York, is hereby amended by changing the date of the walk, to October 25-28, 2001.

RESOLUTION NO. (767-2001) 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. (768-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board authorizes payment to Lawler, Matusky & Skelly Engineers LLP, in the amount of \$2,673.42, for providing engineering consulting and testing services for the period July 28, 2001 through August 24, 2001, 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 September 25, 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. (769-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, COSTCO WHOLESALE CORP. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 57.15, Block 1, Lot 35 (formerly known as 164-A-1.3), for the year(s) 1996/97, 1997/98, 1998/99, 1999/00, 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. (770-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, ACKERMAN REALTY, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 43.19, Block 1, Lot 20 (formerly known as 57-D-12), for the year(s) 1997/98, 1998/99, 1999/00, 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. (771-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Superintendent of Highways is hereby authorized to:

Install a "Private Road" sign on Babcock Avenue at Prospect Street, Nanuet,

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (772-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, to decrease Appropriation Account A-7141-301 (Travel/Meals) by \$800.00 and to increase A-7210-301 (Travel/Meals) by \$800.00.

RESOLUTION NO. (772-2001) 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. (773-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves an Amendment to the Collective Bargaining Agreement between the Town and the Rockland County Patrolmen's Benevolent Association, Inc., dated October 9, 2001, with regard to the title of "Operations Lieutenant" and hereby authorizes the Supervisor to execute said Amendment.

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. (774-2001)

Co. Laskers offered and Co. Smith seconded

RESOLVED, that Barbara Czechanski, CSW, Acting Director, Clarkstown Counseling Center and Doris Fogel Comptroller's Office, is hereby authorized to attend CFR Training - (NYS - Consolidated Fiscal Reporting) on Wednesday, November 14th, 2001, in Valhalla, New York, and be it

FURTHER RESOLVED, that there is no registration fee for this training, and all reasonable expenses including travel, tolls, and meals shall be charged to Appropriate Account #4210-414.

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. (775-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

RESOLUTION NO. (775-2001) continued

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Foxwood Road West Nyack
(Install one (1) 5800 lumen sodium vapor street light – existing utility pole number 59628/39699) and be it

FURTHER RESOLVED, that this shall be an additional cost of \$112.44 per year, which shall be charged to Account No. SL 5182 461.

On roll call the vote was as follows:

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

RESOLUTION NO. (776-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Governor's Traffic Safety Committee Department of Motor Vehicles, State of New York, approved an agreement on October 1, 1999, amended said agreement on May 14, 2001, and has proposed further amendment to said agreement for Contract No. C-000603, Grant Application (Grant No. PT-4450053) submitted by the Town of Clarkstown Police Department, for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2001 through September 30, 2002, by the Town of Clarkstown Police Department, and

WHEREAS, the State shall provide \$18,000 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$18,000 for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2001 through September 30, 2002, by the Town of Clarkstown Police Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (777-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the proposed Valley Rise subdivision in Valley Cottage, New York, shall require an environmental impact statement, and the Planning Board is in need of planning services for technical review of the required DEIS, and

WHEREAS, the Town's planning consultant, Robert Geneslaw Co., is familiar with the project but review of the required DEIS is beyond the scope of its contractual duties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, with the Robert Geneslaw Co. to provide technical review services of the DEIS for the planned Valley Rise subdivision property, known as Tax Map 52.20-1-20 and 52.20-1-29.4, and be it

FURTHER RESOLVED, that compensation shall be on a per diem basis in accordance with the fee schedule attached to a proposal dated September 24, 2001, and be it

FURTHER RESOLVED, that all expenditures pursuant to this resolution shall be paid from an escrow account which shall be funded by the applicant for subdivision approval before any review services are provided.

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. (778-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, MACY'S EAST, INC. v. ASSESSOR AND BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN AND THE BOARD OF EDUCATION FOR NANUET SCHOOL DISTRICT, Index No(s). 4192/00 and 4524/01, affecting parcel(s) designated as Map 63.8, Block 3, Lot 7 (formerly known as 14-C-11.3), for the year(s) 2000/01 and 2001/02, 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:

RESOLUTION NO. (778-2001) continued

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 63.8, Block 3, Lot 7 be reduced for the year(s) 2000/01 and 2001/02 from \$9,000,000 to \$5,850,000 at a cost to the Town of \$45,482.74;

2. Reimbursement for the year(s) 2000/01 on the parcel described as Map 63.8, Block 3, Lot 7, 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. (779-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Nicholas A. Longo, Tax Assessor, has advised that John Andriello and Carol Andriello, the owners of premises known as 19 Vincent Street, Nanuet, New York, designated as 63.15-1-38.22 (formerly known as 4-A-8.22), filed an application for Basic STAR exemption on February 27, 2001 and said application, due to a clerical error, was not acted upon, although filed in a timely manner; and as a result, the premises did not receive the Basic STAR exemption to which it was entitled, and

WHEREAS, the Tax Assessor has recommended that the sum of \$1,025.90 erroneously assessed, levied and paid be refunded to the property owners;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to execute the Assessor's Certification for Refund of Real Property Taxes due to a clerical error in the Assessor's Office, as recommended by the Tax Assessor to authorize the refund of the sum of \$1,025.90 to John Andriello and Carol Andriello.

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. (780-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Patricia Murphy, 13 Homestead Lane, New City, New York, Clerk - Building Department - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retroactive to October 4, 2001 through November 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. (781-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Robert Barucco, 26-H Heritage Drive, New City, New York - Laborer - Solid Waste Facility - is hereby granted a Sick Leave of Absence - at one-half pay - effective October 12, 2001 to November 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. (782-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01100 Assistant Building Inspector which contains the name of Richard D. Meyers,

Now, therefore, be it

RESOLVED, that Richard D. Meyers, 2 Gerken Drive, New City, New York, is hereby appointed to the position of Assistant Building Inspector - Building Department - at the current annual salary of \$40,331., effective October 22, 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. (783-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01100 Assistant Building Inspector which contains the name of Lawrence J. Kay,

Now, therefore, be it

RESOLVED, that Lawrence J. Kay, 5 Cypress Street, New City, New York, is hereby appointed to the position of Assistant Building Inspector – Building Department – at the current annual salary of \$40,331., effective October 22, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (784-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Christopher C. Wagner, 42 Newport Drive, Nanuet, New York is hereby appointed to the position of (Provisional) Engineering Technician – Department of Environmental Control – at the current annual salary of \$31,029., effective October 15, 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. (785-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Mary J. Cestaro, 23 Beech Street, Nanuet, New York, is hereby appointed to the position of (Part-time) Clerk Typist – Building Department – at the current hourly rate of \$13.00 – effective October 15, 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. (786-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Pierre H. Bobo, 19 Elysian Avenue, South Nyack, New York, is hereby appointed to the position of (Part-time) Bus Driver – Clarkstown Mini Trans Department – at the current hourly rate of \$13.65 – effective date pending a satisfactory pre-employment physical examination.

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. (787-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Debora M. Fumia, 196 Ehrhardt Road, Pearl River, New York, is hereby appointed to the position of Custodial worker (Nights) – Maintenance Department – at the current annual salary of \$27,531., effective October 22, 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. (788-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Resolution No. 761-2001 adopted on September 25, 2001 authorized the Superintendent of Highways to accept a proposal from All County Sealcoating and Powerwashing, Inc. for work related to Bid #52-1999, Roadway Resurfacing for 1999, and

WHEREAS, said resolution had the incorrect account number

NOW, THERFORE, BE IT

RESOLVED, that Resolution No. 761-2001 is hereby amended to reflect the correct account number of DB 5110-381-0.

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. (789-2001)

Co. Maloney offered and Co. Mandia 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, New York State Horse Council, Inc., [Palisades Region], c/o Dale Robinson, Corresponding Secretary, 137 South Mountain Road, New City, New York 10956, wishes to enter into an agreement for a two-year period commencing October 9, 2001 and terminating October 9, 2003, to adopt a segment of Zukor Road from South Mountain Road to intersection of North Main Street and Old Route 304, New City, New York and,

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment and install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by New York State Horse Council 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. (790-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown had previously retained the services of Tectonic Engineering Consultants, P.C., to redesign said culvert repairs.

WHEREAS, the Town of Clarkstown has advertised and received bid proposals based on said design documents, and

WHEREAS, Tectonic Engineering Consultants, P.C., has reviewed the apparent low bid proposal and found it to be acceptable;

RESOLVED, that based upon the recommendation of Tectonic Engineering Consultants, P.C., that

BID #48-2001
REMEDIATION OF THE TWIN ELMS DRIVE CULVERT

is hereby awarded to:

RESOLUTION NO. (790-2001) continued

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

as per their proposed project cost of \$271,311 and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing, on or before November 8, 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
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Worker's Compensation insurance coverage
- f) Certificate of Worker's Disability Insurance coverage

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

On roll call the vote was as follows:

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

RESOLUTION NO. (791-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Dawn Mauro, Data Collector II, Assessor's Office is hereby authorized to attend a 30 hour appraisal course on Valuation Principles & Procedures held at Rockland Community College on 11/12-12/6/01. Registration fee to be \$350.

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

On roll call the vote was as follows:

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

RESOLUTION NO. (792-2001)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that James Molinaro Jr., Data Collector, Assessor's Office is hereby authorized to attend a 15 hour appraisal course on Ethics and Standards of Professional Practice held at Rockland Community College beginning on 12/1/01. Registration fee to be \$200.

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

On roll call the vote was as follows:

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

RESOLUTION NO. (793-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Department of Environmental Control currently utilizes the AutoCad Land Development Desktop software, and

WHEREAS, Microsol Resources is holding a training seminar on October 17, 2001 to provide training in the latest release of said software, and

NOW THEREFORE, BE IT RESOLVED, that Richard Westervelt and Gary Landro of the Department of Environmental Control are hereby authorized to attend the Autodesk Land Development Release 3 Workshop to be held October 17, 2001 at 214 West 29th Street, New York, NY, registration fee to be \$198.00 (\$99 per person), and

BE IT FURTHER RESOLVED, that they are authorized to use a Town vehicle to travel to and from said conference, and all proper charges shall be charged to Account 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. (794-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, Resolution No. 679-2001 established updated procedures for the public inspection and copying of records pursuant to the Freedom of Information Act (FOIL), and

RESOLUTION NO. (794-2001) continued

WHEREAS, it is necessary to clarify the role of the Town Attorney with respect to the procedure for compliance with FOIL by designated Records Access Officers and the Town Clerk;

NOW, THEREFORE, be it

RESOLVED, that all routine requests for records pursuant to FOIL shall be processed by the respective Records Access Officers and the Town Clerk, and the advice of the Town Attorney shall be sought only in those instances where a legal question exists, and be it

FURTHER RESOLVED, that routine requests for records need not be referred to the Town Attorney.

On roll call the vote was as follows:

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

RESOLUTION NO. (795-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Deputy Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Letter of Credit No. 98-0520 in the amount of \$100,000, which was furnished to the Town as security for the completion of incomplete items in the Normandy Village Section VI Site Plan, may be released, as all work for which the security was deposited has been satisfactorily completed.

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. (796-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, 20 SQ ASSOCIATES v. ASSESSOR AND BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, AND THE BOARD OF EDUCATION FOR CLARKSTOWN CENTRAL #1 SCHOOL DISTRICT, Index No(s). 4360/99 and 4193/00 for the year(s) 1999/00 and 2000/01 and SQUADRON PARTNERS, LLC v. ASSESSOR AND BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, AND THE BOARD OF EDUCATION FOR CLARKSTOWN CENTRAL #1 SCHOOL DISTRICT, Index No(s). 4688/01 for the year(s) 2001/02, affecting parcel(s) designated as Map 43.7, Block 1, Lot 21 (f/k/a 59-A-20.32), and

RESOLUTION NO. (796-2001) continued

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 Clarkstown Central 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 43.7, Block 1, Lot 21 (f/k/a 59-A-20.32) be reduced for the s) 2000/01 and 2001/02 from \$2,898,000 to \$2,753,100 at a cost to the Town of \$2,092.21;

2. Reimbursement for the year(s) 2000/01 on the parcel described as Map 43.7, Block 1, Lot 21 (f/k/a 59-A-20.32), 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. The proceeding commenced by the petitioner respecting Map 43.7, Block 1, Lot 21 (f/k/a 59-A-20.32) be discontinued for the year(s) 1999/00;

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. (797-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, several dead trees are located within the old railroad bed and represent a potential hazard to the residents at 95 Blauvelt Road, Nanuet and also the historical Sycamore tree located at the intersection of Sickletown Road, south of West Nyack Road, West Nyack is in need of pruning to remove potential dangerous branches; and

WHEREAS, the Department of Environmental Control and the Supervisor of the Town of Clarkstown believe it prudent to have the trees removed and the Sycamore tree pruned to safeguard the public; and

RESOLUTION NO. (797-2001) continued

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

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 \$1500.00 and;

BE IT FURTHER RESOLVED that this shall be a proper charge to Account # A-8511-409.

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. (798-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, a sinkhole condition exists in proximity to the right-of-way for Duane Avenue near the intersection with Donna Street, New City, which poses a threat to the Town infrastructure; and

WHEREAS, the resident at the location is willing to affect the necessary repairs if the Town will provide the materials; and

WHEREAS, the Department of Environmental Control has obtained a proposal to have topsoil delivered to the site; and

WHEREAS, the proposal has been reviewed and found to be acceptable;

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

Danny Clapp Landscaping, Inc.
59 Schriever Lane
New City, New York 10956

to supply topsoil for the aforementioned repairs in accordance with their proposal for an amount not to exceed \$350.00; and

RESOLUTION NO. (798-2001) continued

BE IT FURTHER RESOLVED that this shall be a proper charge to account # A 8511 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. (799-2001)

Co. Maloney offered and Co. Lasker 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 M.R.O. PUMP & TANK, INC., et al, Index No. 6153/01, to restrain violation of the Zoning Local Law, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to October 5, 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. (800-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, Edward Lettre, Clerk of the Works, recommends that the exterior fire escape located at the Town Hall building be replaced to make the structure code complaint, and

WHEREAS, Denker & Cackovic, architects, have submitted a proposal dated August 20, 2001, to provide design services on this project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with DENKER CACKOVIC, Architects, in a form satisfactory to the Town Attorney, to provide architectural services for the design and construction of a new fire escape at the Town Hall building, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the amount of \$8,900.00, in accordance with a proposal dated August 20, 2001, and shall be charged to Account No. H 8751-409-0-75-24, and be it

RESOLUTION NO. (800-2001) continued

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

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. (801-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Ronald Haber and Susan Haber have requested a refund of Building Permit fees paid in the amount of \$2,228.00 for premises located at 22 Sandusky Road, New City, Congers, New York, since the proposed garage and family room addition to the existing premises on the property have been cancelled;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a refund of Building Permit fee paid, less a review fee of \$150.00, in the amount of \$2,078.00 to Ronald Haber and Susan Haber.

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. (802-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, premises commonly known as 47 Burnside Avenue, Congers, New York, and more particularly described on the Clarkstown Tax Map as 44.15-3-1 (formerly 127-N-23.02), owned by Kathleen Cumming, as surviving joint tenant, is available for purchase, and said property contains a 12,000 sq. ft. warehouse building and one of two or three surviving historic stone railroad stations on the West Shore line in the County of Rockland, and

WHEREAS, the property can be used for municipal purposes, in that the Town of Clarkstown needs additional warehouse space and can utilize the train station building for other public purposes, and

WHEREAS, the location of this property is in the center of the Hamlet of Congers, along the West Shore Railroad track, and if developed for municipal purposes, would become an important element in the Town of Clarkstown Master Plan for the revitalization of hamlet centers, and

RESOLUTION NO. (802-2001) continued

WHEREAS, the Town Board has the opportunity to purchase said property at its, or near, reasonable appraised value;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby indicates its intent to enter into a Contract of Sale with Kathleen Cumming, in a form approved by the Town Attorney, to purchase premises located at 47 Burnside Avenue, Congers, New York, more particularly described on the Clarkstown Tax Map as 44.15-3-1 (formerly 127-N-23.02), consisting of approximately 3.24 acres of land together with buildings and improvements thereon for use as municipal purposes at a price not to exceed \$1,000,000.00, plus customary and necessary closing expenses and adjustments, and be it

FURTHER RESOLVED, that it is the intention of the Town Board to finance this acquisition by the issuance of bond indebtedness subject to Permissive Referendum, and be it

FURTHER RESOLVED, that this Resolution is subject to further resolution of the Town Board approving the terms and conditions of any proposed contract.

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. (803-2001)

Co. Mandia offered and Co. Maloney 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;

NOW, THEREFORE, be it

RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review of the Gabriel property.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted the Town Board Meeting was closed, time 8:16 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/09/2001

8:05 P.M.

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

Re: Petition for use of Town Law 280-a(4): Gabriel, Lot 26.17-2-7 (FKA26-A-1.06)

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

Supervisor read the recommendation from the County Planning Board which approved the above petition. He asked if there was anyone present wishing to be heard.

Town Attorney asked if the affidavit of mailing and posting were submitted.

Appearance: Ted Atzl
Planner for Gabriel

Confirmed that the affidavits had been submitted. This 280a was submitted for a 6-lot subdivision. All the lots have frontage on existing roads but they all will gain access through a right of way with an 18 foot paved roadway. We have drawn up plans which we submitted to the Town Board showing a minimum amount of land disturbance for the entire area. Basically we are using up, out of a total acreage, probably about 5 or 6 acres. Maybe a fifth of the site will be comprised of dwellings. There is a certain area which is a 150 foot wide easement that has been disturbed and that will always be maintained by O & R for access to their pipelines or high tension lines. The Planning Board discussion ended with the Planning Board Consultant, Mr. Geneslaw, advising that the Planning Board is the lead agency for open development area. Therefore, they did not make a SECA determination. They left that to the Town Board.

Co. Manda asked if the SECA is not done, does that mean the Town Board cannot take action?

Supervisor Holbrook stated that they could not, they would have to reserve decision until the next Town Board Meeting.

Town Attorney recommended that the Town Board designate Mr. Geneslaw as its agent to prepare the SECA materials that are required.

There being no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted the Public Hearing was closed, time 8:16 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk