

**TOWN OF CLARKSTOWN  
TOWN BOARD MEETING**

Town Hall

11/13/2001

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.

Supervisor opened the public portion of the meeting.

**Appearance:** Martin Bernstein  
New City

Spoke regarding Item 10, feels the Town should consider buying Dellwood Country Club for municipal golf course or open space. Also spoke on Item 31, this violates Comprehensive Plan.

**Appearance:** Cora Bodkin  
New City

Spoke regarding Item 10. Agrees with Mr. Bernstein, why eliminate Dellwood from open space. Spoke regarding Item 2b, Riverfront Communities Council

**Appearance:** John Lodico  
New City

Spoke regarding Riverfront Council; Clarkstown should not intrude into other municipalities. Spoke regarding Item 31 and also spoke about the Hackensack River Project.

**Appearance:** Russel Trojan  
Clarkstown

Item 31, Town should vote against increasing the number of industrial areas where over-55 housing could be built.

**Appearance:** George Nugent  
Valley Cottage

Increasing the number of industrial areas where over-55 housing could be built would create a bungalow colony, which he considered deplorable.

**Appearance:** James Komer  
Spring Valley

Asked about plans for a firehouse being built in conjunction with a new community center.

**Appearance:** David Scheichet, Esq.  
New City

Representing Dellwood, supports the Town's move against purchasing the county club.

**Appearance:** Ed Graybow  
New City

Spoke out against the proposal on over-55 housing.

RESOLUTION NO. (856-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of October 23, 2001 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (857-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the New York State Division of Criminal Justice Services (State) has appropriated funds for the purpose of financing the purchase of equipment by the Town of Clarkstown Police Department for the period April 1, 1996 to March 31, 1998, in the amount of \$5,000.00, and

WHEREAS, the State has notified the Police Department that the grant period referred to above was extended to September 15, 2001;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an amended agreement with the New York State Division of Criminal Justice Services, as proposed, to extend the grant award period from its conclusion date of March 31, 1998 to September 15, 2001, and to apply for any remaining funding for the purchase of equipment by the Town of Clarkstown Police Department for said extended grant period.

On roll call the vote was as follows:

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

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RESOLUTION NO. (858-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution (No. 635) adopted by the Town Board of the Town of Clarkstown on August 14, 2001, the Town supported the use of funding from the Quality Community Program administered by Rockland County to create a one year pilot project among Rockland Hudson River Communities, and

WHEREAS, by Resolution (No. 636) adopted by the Town Board on August 14, 2001, the Town supported the Community Leadership Alliance Program of Pace University of Law School, and

RESOLUTION NO. (858-2001) continued

WHEREAS, by Resolution (No. 757) adopted by the Town Board on September 25, 2001, the Town designated Cora Bodkin as the Clarkstown representative to the Community Leadership Alliance Program, and Robert Geneslaw, Planning Consultant, as an alternate representative, and

WHEREAS, the Rockland County Department of Planning has proposed that participating Rockland Riverfront Communities enter into an inter-municipal agreement for the purpose of coordinating their activities by creating a Rockland Riverfront Communities Council, whose purpose shall be to protect, enhance, and utilize the unique assets of the Hudson River;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland and the Rockland Riverfront Communities, in a form approved by the Town Attorney, for the purpose of establishing the Rockland Riverfront Communities Council to coordinate the protection, enhancement and utilization of the unique assets of the Hudson River for all participating Riverfront Communities.

On roll call the vote was as follows:

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

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RESOLUTION NO. (859-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

D'AGOSTINO LANDSCAPING, INC.  
738 West Nyack Road  
West Nyack, NY 10994  
Agostino Iodice, President

RESOLVED, that the following Certificate of Registration be issued:

No. 01-28 D'AGOSTINO LANDSCAPING, INC.

On roll call the vote was as follows:

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

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RESOLUTION NO. (860-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based on the recommendation of Howard Lampert, P.E., Highway & Traffic Engineering Consultant, the Superintendent of Highways is hereby authorized to install:

A "No Parking" sign on the north side of East Prospect Street at the intersection of Main Street, Nanuet, NY.  
and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways for implementation, and to the Traffic & 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

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RESOLUTION NO. (861-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Appropriation Account A-7180-306 (Maint. Supplies) by \$960.00 and to increase A-7140-306 (Maint. Supplies) by \$960.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (862-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Appropriation Account A-7140-388 (Clay Mixture) by \$1,350.00 and to increase A-7140-222 (Parks & Rec. Equip.) by \$1,350.00, and

FURTHER RESOLVED, to decrease Appropriation Account A-7140-388 (Clay Mixture) by \$4,285.00 and to increase A 7140-306 (Maint. Sup.) by \$4,285.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (863-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Bassett Flowers, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310-329 (Parks & Recreation-Supplies) by \$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

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RESOLUTION NO. (864-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Union State Bank, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310-329 (Parks & Recreation-Supplies) by \$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

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RESOLUTION NO. (865-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from Clarkstown Sunrise Rotary Club, Inc., and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310-329 (Parks & Recreation-Supplies) by \$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

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RESOLUTION NO. (866-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from J. E. Vanderbilt & Co., Inc., and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310-329 (Parks & Recreation-Supplies) by \$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

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RESOLUTION NO. (867-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$2,440.00 from MTA and \$25.00 from Rhoda & Alex Bleier

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. A 01 9 2770 0 (Gifts & Donations) and Budgetary Account A 3120-293-1 (Police-Equipment) by \$2440.00 and increase Revenue Account A 01 9 2705 0 (Gifts & Donations) and Budgetary Account A 3120-111 (Police-Overtime) by \$25.00

AND BE IT,

FURTHER RESOLVED, to decrease Budgetary Account A 3270-414 0 (Police - Conf./Schools.) and increase Budgetary Account A 3270-307 (Police - Uniforms) by \$1,000.00 and to decrease Budgetary Accounts A 1640-406 (Town Garage - Repair Vehicles) and to increase Budgetary Account A 1640-312 (Town Garage - Auto Maintenance) by \$10,000.00 and to decrease Budgetary Account A 3260-314 (Police - Computer Supply) and to increase Budgetary Accounts A 3120-314 (Police - Computer Supply ) by \$1,000.00, and to decrease Budgetary Account A 1110 114 (Justice Court - Part Time) and to increase Budgetary Accounts A 1110-409 (Justice Court - Fees/Services) by \$1,000.00, and to decrease Budgetary Account A 1220 319 (Supervisor - Supplies) by 167.93 and to increase Budgetary Accounts A 1220-460-4 (Supervisor - Cellular Phones) by \$156.23 and A 1220-462 (Supervisor - Water) by \$11.70, and increase Revenue Account A 01-14 2990 (Fund Balance - Unexpended) by \$50,955.34 and increase Budgetary Accounts A 1010 414 (Councilmen - Conferences) by \$2,995.09 and A 1320 409 (Town Accounting - Fees/Services) by \$5,000.00 and A 3310 407 (Town Advisory Board - Equipment Repair) by \$70.00 and A 5650 409 (Commuter Parking - Fees/Services) by \$11,166.66 and A 6410 405 (Advertising - Advertising) by \$6,264.94 and A 8090 409 (Control of Aquatic Pests - Fees/Services) by \$19,772.00 and A 8511 409 (Community Beautification - Fees/Services) by \$3,550.00 and A 8840 424 (Economic Assistance - Contractual) by \$1,500.00 and A 8990 319 (Patriotic Observances - Supplies) by \$636.65 and to decrease Budgetary Account A 1670 114 (Mail & Copy - Part Time) and to increase Budgetary Accounts A 1670-313 (Mail & Copy - Office Supplies) by \$1,139.00.

RESOLUTION NO. (867-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (868-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, there has been an estimated increase in tonnage of 27,500 tons of refuse and garbage to be processed at the Clarkstown Transfer Station, in excess of the amount anticipated for the year 2001,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account SR 16 3 2130 (Refuse & Garbage) and Budgetary Account SR 8160-409 4 (Transfer Station Fees) by \$1,650,000, and, be it

FURTHER RESOLVED, that in accordance with the contract entered into between the Town of Clarkstown and Residential Carting Associates, for the year 2001, which resulted in an increase of fees paid for refuse and garbage pickup, to increase Estimated Revenue Account SR 16 14 2999 0 (Unexpended Balance) and Budgetary Account SR 8160-409 6 (Refuse Pickup) by \$1,425,000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (869-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various accounts need additional funding,

THEREFORE, BE IT

RESOLVED, to decrease Budgetary Account A 4210-414 (Counseling Schools and Conferences) and increase Budgetary Account A 4210-313 (Office Supplies and Printing) by \$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

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RESOLUTION NO. (870-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Peter and Helen Glytsea have requested a refund of Building Permit fees paid for construction of a deck at premises located at 29 Baylor Road, New City, New York, since the deck will not be built;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of the \$116.00 Building Permit fee paid, in the amount of \$66.00 to Peter and Helen Glysea.

On roll call the vote was as follows:

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

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RESOLUTION NO. (871-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, is hereby directed to design plans for the installation of a traffic signal at the intersection of West Nyack Road at Parkway Drive, West Nyack.

On roll call the vote was as follows:

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

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RESOLUTION NO. (872-2001)

Co. Smith offered and Co. Maloney 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

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 proposals from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

RESOLUTION NO. (872-2001) continued

Second Avenue

New City

(Install one (1) 9500 lumen sodium vapor street light – existing utility pole number 59564/41651)

(Remove one (1) 7900 lumen mercury vapor street light – existing utility pole number 59536/41654)

(Install one (1) 9500 lumen sodium vapor street light – existing utility pole number 59536/41654)

and be it

FURTHER RESOLVED, this shall be at an additional cost of \$180.72 for the added streetlight, and an increase of \$90.84 over the present cost of \$89.88 following the upgrade of the existing street light which shall be charged to Account No. SL 5182 461.

On roll call the vote was as follows:

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

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RESOLUTION NO. (873-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown at

Nanuet Lutheran Brethren Church

By the installation of fire lane designations, and

WHEREAS, Robert J. Burden has requested that the Town of Clarkstown install said fire lane designations:

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

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RESOLUTION NO. (874-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the members of the Dellwood Country Club have firmly indicated that they have no interest in selling their property,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby eliminates the Dellwood Country Club from consideration for acquisition as an open space parcel and also eliminates it from consideration for purchase as a municipal golf course.

On roll call the vote was as follows:

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

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RESOLUTION NO. (875-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Deputy Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from: Leftgate Property Developers, Inc., dated June 26, 2000, conveying the following road(s):

Harriet Lane

325 L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Leftgate Properties (50.16-1-17 f/k/a 166-A-11.25 and SH 1019) is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

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

1. Receipt of a duly executed Maintenance Guaranty with security in the amount of \$11,392.00, if in the form of a bond, or \$5,696.00, if in the form of cash or cash equivalent, as recommended by the Deputy Director of the Department of Environmental Control;
2. Payment of the sum of \$2,810.00, which represents the anticipated future cost of milling excess thickness of asphalt installed on the roadway when future resurfacing is done so that gutter flow lines will not be reduced, as recommended by the Deputy Director of the Department of Environmental Control, and be it

FURTHER RESOLVED, that upon receipt of such Maintenance Guaranty, Performance Bond dated August 2, 2000, secured by Letter of Credit No. 1820 in the amount of \$16,000.00, may be released.

RESOLUTION NO. (875-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (876-2001)

Co. Maloney offered and Co. Lasker seconded

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

**BID #6-2002**  
**PAPER & PLASTIC SUPPLIES**

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York at 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

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RESOLUTION NO. (877-2001)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Nancy Davidson, Employee Benefits Clerk, and Frances Hunt, Senior Clerk – Personnel Office – are hereby authorized to attend:

A Meeting on November 13, 2001, 10:00 a.m. to 3:00 p.m. at the Bear Mountain Inn and Conference Center (Rockland County). The agenda to include the 2001 Empire Plan experience, the projected rate schedule for 2002, and an update of Plan benefits by the Empire Plan carriers,

FURTHER RESOLVED, that there is no registration fee, and all reasonable expenses shall be charged 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

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RESOLUTION NO. (878-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby amends Resolution No. 810, adopted by the Town Board on October 23, 2001, by authorizing the Director of the Department of Environmental Control to hire a surveyor to survey and map that portion of premises (58.16-1-59 and 58.16-1-69) best suited for conservation and drainage easements, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire an appraiser to determine the valuation of the easements intended for the benefit of the Town once the survey and mapping have been completed and the conveyances are accepted by the Town Board, and be it

FURTHER RESOLVED, that the Town Board hereby accepts the proposal of Theodore F. Atzl, P.L.S., dated October 31, 2001, to prepare said surveys, and be it

FURTHER RESOLVED, that the fee of \$5,475.00 for said survey work 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

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RESOLUTION NO. (879-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition existed 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, during the course of construction an additional area of brush and stumps required removal.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board Resolution No. 702-2001 is hereby amended to include the cost of the additional work, and

BE IT FURTHER RESOLVED, that the cost for the additional work shall not exceed \$1,100.00, and

BE IT FURTHER RESOLVED, that the total cost for the work shall not exceed \$19,300.00 and shall be a proper charge to account H 8751 409 0 75 18.

RESOLUTION NO. (879-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (880-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Weigher II #99019 and #00054 which contains the name of Gregory B. Andriefski,

NOW, THEREFORE, BE IT

RESOLVED, that Gregory B. Andriefski, 75 Clove Avenue, Haverstraw, New York, is hereby appointed to the (Permanent) position of Weigher II – Solid Waste Facility – at the current annual salary of \$29,716., effective November 26, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (881-2001)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligible (#01219 RC/NCP) Secretarial Assistant I – which contains the name of Lori Zaccaro,

Now, therefore, be it

RESOLVED, that Lori Zaccaro, 120 North Route 303, Unit 10, Congers, New York, is hereby appointed to the (Permanent) position of Secretarial Assistant I – Supervisor’s Office – at the current annual salary of \$39,379., effective and retroactive to October 29, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (882-2001)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that Faron Soto, 6 Jeff Lane, New City, New York, is hereby appointed to the position of (temp) Laborer – Department of Environmental Control – at the current hourly rate of \$12.50 – effective date 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

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RESOLUTION NO. (883-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, JEANNE MARIE ASSOCIATES, INC. have agreed to gratuitously convey a 10 foot wide Sewer and Drainage Easement and a 20 foot wide Drainage Easement to the Town of Clarkstown, as shown on the final plat of WALSKY SUBDIVISION, designated on the Clarkstown Tax Map as 58.13-3-43.1 (f/k/a 33-B-22.06), and

WHEREAS, the Deputy Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown have recommended acceptance of the conveyance and release of the Performance Bond in the amount of \$12,000.00, as all work has been completed to Town specifications, and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said Easement on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said 10 foot wide Sewer and Drainage Easement and 20 foot wide Drainage Easement are hereby ordered recorded in the Office of the Rockland County Clerk, and be it

FURTHER RESOLVED, that Performance Bond in the amount of \$12,000.00 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

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RESOLUTION NO. (884-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, THE CHASE MANHATTAN BANK, N.A. v. THE BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF CLARKSTOWN AND THE BOARD OF ASSESSMENT REVIEW, Index No(s). 3779/98, 4263/99, 4064/00 and 4296/01, affecting parcel(s) designated as Map 59.7, Block 3, Lot 2 (f/k/a 123-E-8.1) for the year(s) 1998/99, 1999/00, 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 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 59.7, Block 3, Lot 2 (f/k/a 123-E-8.1) be reduced for the year(s) 1999/00 from \$218,800 to \$206,900 at a cost to the Town of \$175.47;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 59.7, Block 3, Lot 2 (f/k/a 123-E-8.1) be reduced for the year(s) 2000/01 from \$218,800 to \$187,400 at a cost to the Town of \$453.38;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 59.7, Block 3, Lot 2 (f/k/a 123-E-8.1) shall remain unchanged for the year(s) 1998/99;

4. Reimbursement for the year(s) 1999/00 and 2000/01 on the parcel described as Map 59.7, Block 3, Lot 2 (f/k/a 123-E-8.1), as stated above, be made within (90) 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;

5. 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

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RESOLUTION NO. (885-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown, County of Rockland, New York, has received a proposal from the United Water Company for the installation of approximately 2,580 feet of pipe to connect the existing water mains between LAKE ROAD and HILLTOP ROAD, Congers, New York, at a cost not to exceed \$227,000.00, and for the extension of a water main from HILLTOP ROAD to RESTAURANT X, approximately 580 feet, at a cost not to exceed \$51,000.00, for a grand total not to exceed \$278,000.00, and

WHEREAS, the Town Board wishes to consider the extension of the Clarkstown Consolidated Water Supply District #1 to include the areas described herein;

NOW, THEREFORE, it is

ORDERED, that the Director of the Department of Environmental Control is hereby directed to prepare a map depicting the properties to be benefited by the proposed extension described herein, and to file same for public inspection in the Office of the Town Clerk on or before December 15, 2001, and it is

FURTHER ORDERED, that a public meeting of the Town Board of the Town of Clarkstown be held at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 15, 2002, at 8:00 p.m., or as soon thereafter as possible, to consider the proposed extension of the Clarkstown Consolidated Water Supply District #1 as herein referred to, and to hear all persons interested in the subject thereof, concerning the same, and for such other action of the part of the Town Board with relation thereto as may be required by law, and it is

FURTHER ORDERED, that the Town Clerk publish at least once in the newspaper of general circulation and post on the sign board of said Town maintained pursuant to Subdivision 6 of Section 30 of Town Law, and conspicuously in at least five public places within said proposed Clarkstown Consolidated Water Supply District #1, a copy of this Order, certified by the Town Clerk, the first publication thereof and said posting to be not less than ten or more than twenty days before the day designated herein for the public hearing as aforesaid.

On roll call the vote was as follows:

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

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RESOLUTION NO. (886-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution 757-1998 authorized BRIAN BROOKER ASSOCIATES to be the consultant for the Lake Lucille Dam Restoration Project for the Lake Lucille Aquatic District , and,

WHEREAS, the Lake Lucille Property Owners Association have suggested that the aquatic district will benefit by an increase the depth of the lake by five inches, and,

RESOLUTION NO. (886-2001) continued

WHEREAS, Brian Brooker Associates submitted a proposal to have a metal cap installed along the top of the dam to increase the lake depth by five inches, and,

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

NOW THEREFORE, BE IT RESOLVED that the current allowance for this project be increased by an amount of \$3,500.00 to cover this additional design and inspection fees; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8741 409 0 23 1.

On roll call the vote was as follows:

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

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RESOLUTION NO. (887-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution #354-2000 awarded construction Bid no. 72-1999 (Lake Lucille Dam Restoration Project) to BMJ Construction Co. Inc., and,

WHEREAS, there have been four change orders which are as follows:

C. O. #1 – removal of unsuitable material and the installation of a gravel pad authorized by the Department of Environmental Control  
Cost - \$2,290

C.O. #2 – installation of grout between the Box culverts to prevent water seepage authorized by the Department of Environmental Control  
Cost - \$3,200

C.O. #3 – clear and grub lake bottom of all vegetation authorized by the Supervisor  
Cost - \$70,500

C.O. #4 – install a metal cap along the top of the dam to increase water depth by five inches requested by Lake Lucille Property Owners Association  
Cost - \$22,250

WHEREAS, these change orders have been review and approved by the Department of Environmental Control

NOW, THEREFORE, BE IT RESOLVED that the total for the construction phase for the project by change orders has been increased by \$98,240 and the current allowance for the project be increase from \$498,000 to \$596,240, and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8741 409 0 23 1

RESOLUTION NO. (887-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (888-2001)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received a donation of \$250.00 from United Water,

BE IT THEREFORE

RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No. A 7310-329 (Parks & Recreation – Supplies) by \$250.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (889-2001)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, Letter of Credit No. 1873 in the amount of \$33,500, which was provided by Ascape Landscape Construction Corp. as performance security in connection with Bid No. 43-2001 – Commuter Parking Lot Maintenance Program 2001, is no longer required; and Letter of Credit No. 1873 in the amount of \$33,500 may be released.

On roll call the vote was as follows:

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

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RESOLUTION NO. (890-2001)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Resolution #367-2000 is hereby amended to reflect the additional cost of \$36,000.00 for Ward Associates, PC regarding the Congers Lake Wheel Park Project 73-7.

RESOLUTION NO. (890-2001) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (891-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 597-2001 authorized the Director of the Department of Environmental Control to have performed corrective drainage work to the spillway of the Lake Nanuet Drive culvert, Nanuet, New York and

WHEREAS, the corrective work provided for the replacement of the gabion slope and spillway stabilization, and

WHEREAS, during construction it was determined that the replacement of the gabions was inadequate to properly stabilize the channel banks and spillway thus requiring the spillway to be replaced with reinforced concrete and heavy stone bank stabilization, and

WHEREAS, if the adverse condition were allowed to remain in the current condition, the integrity of a Town sanitary sewer and a RCSD#1 sanitary sewer interceptor adjacent to the spillway would be comprised.

NOW, THEREFORE, BE IT

RESOLVED, Town Board Resolution No. 597-2001 is hereby amended to reflect the additional cost of \$ 14,325.42 for the lease of additional equipment and operators for the construction of the reinforced concrete spillway, 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 \$ 48,159.32 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

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RESOLUTION NO. (892-2001)

Co. Smith offered and Co. Mandia 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, and

WHEREAS, the approved total cost for the project by FEMA is \$38,456.00.

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, 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 \$38,456.00 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

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RESOLUTION NO. (893-2001)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the closing of the Clarkstown Municipal Counseling Center as 12/31/01.

On roll call the vote was as follows:

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

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RESOLUTION NO. (894-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board authorized roadway improvements to Old Mill Road, Valley Cottage, and

WHEREAS, a portion of Old Mill Road was deleted from the project to allow for future drainage improvements by the Department of Environmental Control, and

WHEREAS, the remaining drainage improvements have been completed, and

WHEREAS, the Department of Environmental Control proposes to have the remaining pavement re-surfacing completed as a change order to the Town's current re-surfacing contract (Bid #35-2001), and

WHEREAS, the cost estimate for resurfacing the remaining portion of Old Mill Road is \$35,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Superintendent of Highways is hereby authorized to have performed the resurfacing of the remaining portion of Old Mill Road in accordance with the unit bid prices of bid #35-2001, and

BE IT FURTHER RESOLVED that the Department of Environmental Control will provide the construction inspection services associated with this portion of the resurfacing contract, and

BE IT FURTHER RESOLVED, that the total cost to account DB 5110 381 shall be increased by \$35, 000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (895-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town has made a determination of a Chapter 216 proceeding which requires remediation of fill material placed at 139 Massachusetts Avenue, Congers, New York, more particularly described as 52.8-3-53.1 and 52.8-3-53.2 (formerly 139-A-22.5 and 22.6), and

WHEREAS, the Town has received a proposal from Lawler, Matusky & Skelly Engineers, LLP to provide design engineering services to prepare bid specifications for a remediation project at a fee of \$37,000.00, and

WHEREAS, the Director of Environmental Control has recommended acceptance of the proposal from Lawler, Matusky & Skelly Engineers, LLP;

NOW, THEREFORE, be it

RESOLUTION NO. (895-2001) continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers, LLP, to provide design services to implement a plan for the removal of fill material on property known as 52.8-3-53.1 and 52.8-3-53.2 (formerly 139-A-22.5 and 22.6), Massachusetts Avenue, Congers, New York, and be it

FURTHER RESOLVED, that the cost shall be charged to Account No. H 8751-409-0-75-34, pending determination that this and all other expenses related to the remediation may be recovered from the property owner.

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. (896-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, WARD ASSOCIATES, P.C. has proposed to provide professional services for the design and coordination of a project to construct a fire exit door and platform at the Congers Lake Park Community Center, for a fee of 10% of the cost of construction, and has estimated that the project will cost \$75,000.00, and

WHEREAS, the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks have recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the proposal dated October 1, 2001, made by Ward Associates, P.C., for the design and coordination of the project to be known as "The construction of a fire exit door and platform at the Congers Lake Park Community Center," at a fee not to exceed \$7,500.00 without further authorization of the Town Board, and be it

FURTHER RESOLVED, that the professional services referred to herein shall be charged to H 8751-400-409-0-75-25.

On roll call the vote was as follows:

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

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RESOLUTION NO. (897-2001)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION NO. (897-2001) continued

WHEREAS, WARD ASSOCIATES, P.C. has proposed to provide professional services for the design and coordination of a project to improve the Congers Lake Park Swimming Pool, for a fee of 10% of the cost of construction, and has estimated that the project will cost \$350,000.00, and

WHEREAS, the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks have recommended acceptance of said proposal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the proposal dated October 1, 2001, made by Ward Associates, P.C., for the design and coordination of the project to be known as "The Congers Lake Park Swimming Pool Improvements," at a fee not to exceed \$35,000.00 without further authorization of the Town Board, and be it

FURTHER RESOLVED, that the professional services referred to herein shall be charged to H 8751-400-409-0-75-26.

On roll call the vote was as follows:

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

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RESOLUTION NO. (898-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a Short Environmental Assessment Form (EAF) was received July 16, 1999 by the Department of Environmental Control, acting as technical Staff to the Clarkstown Planning Board for the subdivision and

WHEREAS, said EAF was distributed to 8 potential interested or involved agencies by letter dated July 26, 1999, and

WHEREAS, no involved agency objected to the Planning Board being Lead Agency for coordinated review under the provisions of 6 NYCRR Part 617, whereby the Planning Board is therefore Lead Agency, and

WHEREAS, in order to fully assess the potential environmental impacts of the proposed action, the Planning Board required the preparation of a Full EAF with Visual Addendum which was prepared by the Applicant and received by the Board on October 13, 1999, and

WHEREAS, as a result of the Planning Board's direction to the Applicant on June 7, 2000, the Town Board became Lead Agency for the requisite approval under the provisions of TL 280(a)4, (Open Development Area) and

WHEREAS, The Planning Board respectfully requested that the Town Board consider the environmental benefits of the use of Open Development Area for the proposed action, and based its Determination of Significance on the use of Open Development Area (the approval of the use of TL 280(a)4

NOW, THEREFORE, be it

RESOLUTION NO. (898-2001) continued

RESOLVED, that the Town Board, based on review of proposed action, with the use of Open Development Area, as recommended by the Clarkstown Planning Board and the additional mitigation of the potential adverse environmental impact resultant therefrom, makes a determination that the proposed action will not have a significant adverse environmental impact.

On roll call the vote was as follows:

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

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RESOLUTION NO. (899-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, ELLEN GABRIEL has made application to the Town Board of the Town of Clarkstown for use of provisions of Town Law 280-a(4) to create an Open Development Area for subdivision of the premises known as 26.17-2-7 (formerly 26-A-1.6, and

WHEREAS, a public hearing was duly held on October 9, 2001, and

WHEREAS, the Town Board designated Robert Geneslaw, Planning Consultant, as its agent to complete the SEQRA process, and has accepted his report and has adopted a resolution determining that the proposed action shall not have a significant negative environmental impact;

NOW, THEREFORE, be it

RESOLVED, that under the provisions of Section 280-a(4) of the Town Law, and pursuant to the recommendations of the Town of Clarkstown Planning Board, the Town Board hereby establishes an "Open Development Area" for property situate on the east side of Central Highway and the south side of the Haverstraw Town line, New City, New York, which property is more specifically designated on the Clarkstown Tax Map as Map 26, Block A, Lot 1.6, and consists of approximately 21.96 acres, and which is known as "Gabriel" subdivision, so that same may be developed as a result of the application presently pending before the Clarkstown Planning Board without lot frontage on Town owned or maintained streets, provided however, prior to the issuance of any building permit the following conditions shall be met by the owner:

1. "The Open Development Area" shall consist of the area as shown on a proposed subdivision map entitled, "GABRIEL, Town of Clarkstown, Rockland County, New York, SUBDIVISION PLAT" dated June 29, 1999, last revised June 13, 2000, drawn by Atzl Scatassa & Zigler, P.C., New City, New York, for which Building Permits and Certificates of Occupancy may be issued for no more than six (6) one family dwellings subject to final subdivision approval being granted by the Clarkstown Planning Board which provides for access to said dwellings by the private right-of-way or easement as shown on said proposed subdivision.

2. Prior to final approval, applicant shall secure a written statement from the New City Ambulance Corps and the New City Fire District, in a form satisfactory to the Director of the Department of Environmental Control, that the proposed right-of-way will provide sufficient and safe emergency access.

RESOLUTION NO. (899-2001) continued

3. Applicant shall obtain the written approval of any required drainage improvements and the necessary sewer systems from the Director of the Department of Environmental Control, prior to final subdivision approval.

4. Prior to filing the subdivision map, applicant shall provide a Declaration of Restrictive Covenant which shall run with the land in a form acceptable to the Town Attorney, which declaration shall be recorded in the Rockland County Clerk's Office, and shall provide and be legally sufficient to require the following:

A. That the property owners and their successors acknowledge that access to the nearest public road has been obtained by private easement or right-of-way and that the respective property owners shall not receive any municipal services consisting of road maintenance and resurfacing, snow removal or sanding, pothole repair, or other similar services which are normally provided to residents of the Town of Clarkstown whose properties front on a public road.

B. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant required herein.

C. That the fee ownership of the right-of-way or easement shall be vested in the abutting lot owners.

D. That the Declaration shall contain provisions for reciprocal easement and maintenance agreement so as to provide for regular maintenance, repair, snow plowing and other necessary services on the right-of-way or easement, and the sharing of the cost of same by the property owners on an equitable basis.

E. That the Certificate of Occupancy issued for any premises within the Open Development Area shall be conditioned upon observance and subject to the Declaration of Covenant herein required.

F. That in the event the property owner at any time in the future shall request establishment of a road improvement district or otherwise seek to dedicate the private right-of-way or easement as a public street, such owners shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown any interest of the property owner in this easement or right-of-way and any property adjacent thereto, and said owner shall covenant in said Declaration of Covenant to participate in any such road improvement district at the request of the Town of Clarkstown by resolution duly adopted by the Town Board with the costs of such road improvement district being assessed against the property owners in accordance with the provisions of Town Law.

G. That the applicant shall return to the Planning Board for final subdivision review and approval, and that any subdivision map approved by the Planning Board shall contain a note(s) referring to this resolution establishing the "Open Development Area" by date and number, and also reference and recite the recording data of the covenant required pursuant to this resolution, and such note shall also state that the issuance of Building Permits and Certificates of Occupancy are subject to compliance therewith.

On roll call the vote was as follows:

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

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RESOLUTION NO. (900-2001)

Co. Mandia offered and Co. Maloney 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 an extension of his Sick Leave of Absence, at one-half pay. Effective and retroactive to November 12, 2001 to November 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

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RESOLUTION NO. (901-2001)

Co. Maloney offered and Co. Smith seconded

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

BID #59-2001  
RENOVATIONS TO CONGERS POOL

is hereby awarded to:

RAY PALMER ASSOCIATES, INC  
95 KING STREET  
DOVER, NJ 07801  
PRINCIPALS: ANDREW PLATT  
JEFFREY LANDRY

as per their proposed project cost of \$323,700 and be it

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

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (902-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a local law entitled, "Golden Age Single Family Residence District (GARS District)" has been proposed to provide restricted housing for persons 55 years of age and older in various districts in the Town of Clarkstown, and a public hearing was commenced on October 23, 2001 and continued to November 27, 2001, and

WHEREAS, the Town Board wishes to consider adding further Zoning Districts to that being considered for retirement housing;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to amend the proposed Local Law to include the Zones M, LO and LIO, as potential areas where the GARS housing may be located, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to publish a notice of this change and provide a copy of the Local Law to the Town Board members not less than five days prior to the next scheduled public hearing date.

On roll call the vote was as follows:

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

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Town Board adjourned to Executive Session, time: 8:40 pm. Town Board reconvened at 9:40 pm.

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 9:40 pm.

Respectfully submitted,  
*Patricia Sheridan*

Patricia Sheridan  
Town Clerk