

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/27/2001

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 the public hearing re:
Proposed Local Law: Golden Age Single Family Residence District was continued,
time: 8:00 p.m.

On motion of Co. Maloney seconded by Co. Mandia the public hearing re:
Proposed Local Law: Golden Age Single Family Residence District was to be continued,
time: 9:10 p.m.

Supervisor opened the public portion of the meeting.

Appearance: Russel Trojan
Nanuet

Spoke regarding Item #16, people should be able to choose type of service they want, this would help lower price.

Appearance: Ed Day
New City

Spoke regarding Item #11, in favor of the resolution to conduct child care. Asked about Item #17, what intersection is this referring to .

Appearance: Warren Marshall

Spoke regarding problems with bulk pick up. Also spoke in opposition to school resource officers, as they are too costly.

Appearance: Martin Bernstein
New City

Spoke regarding Item 11, should not make this an LS zone. Also spoke regarding Item #17, Little Tor Road, traffic evaluation at two intersections.

Appearance: John Lodico
New City

Spoke regarding Item #16, garbage pickup. Also spoke regarding Item #17, Little Tor Road traffic evaluation, in favor of this.

RESOLUTION NO. (903-2001)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of November 8, 2001 and November 13, 2001 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (903-2001) 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. (904-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown is considering acquisition of real property known as 44.15-3-1 (formerly 127-N-23.02), located at Burnside Avenue, Congers, New York, for municipal purposes, and

WHEREAS, the Town Board requires an update to the appraisal previously obtained for said property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain an update of the appraisal from Beckmann Appraisal, Inc., for property known as 44.15-3-1 (formerly 127-N-23.02), as potential municipal property, and be it

FURTHER RESOLVED, that the cost of the updated appraisal shall not exceed the sum of \$750.00, without further authorization of the Town Board, and shall be charged to Account No. H 8751-409-0-75-16, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to November 8, 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. (905-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board, by Resolution dated November 13, 2001, has determined to close the Clarkstown Municipal Counseling Center as of December 31, 2001, and

WHEREAS, Evelyn Wassermann, M.D. has a consultant's contract with the Town of Clarkstown to provide services for patients at the Center which requires thirty days' notice of termination;

RESOLUTION NO. (905-2001) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby elects to terminate its contract with Evelyn Wassermann, M.D., effective December 31, 2001, and the Town Clerk is hereby authorized and directed to provide written notice to Dr. Wassermann on or before November 30, 2001.

On roll call the vote was as follows:

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

RESOLUTION NO. (906-2001)

Co. Lasker offered and Co. Smith seconded

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

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

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

WHEREAS, during construction, an additional catch basin and storm drain was required to correct the problem, and

WHEREAS, the cost for the additional work was \$3,823.99.

NOW, THEREFORE, BE IT

RESOLVED, that Town Board Resolution No. 743-2001 is hereby amended to reflect the cost of the additional catch basin and storm drain. and

BE IT FURTHER RESOLVED, that the cost for the corrective drainage work shall not exceed \$11,160.99 and shall be a proper charge to account #H 8751 409 0 75 22.

On roll call the vote was as follows:

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

RESOLUTION NO. (907-2001)

Co. Lasker offered and Co. Smith seconded

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

RESOLUTION NO. (907-2001) continued

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

WHEREAS, during the construction rip rap stabilization of a portion of the stream banks was required, and

WHEREAS, the additional cost for the rip rap stabilization was \$2,880.00.

NOW, THERFORE, BE IT

RESOLVED, that Town Board Resolution No. 744-2001 is hereby amended to reflect the cost for the additional rip rap stabilization, and

BE IT FURTHER RESOLVED, that the cost for the corrective drainage work shall not exceed \$15,980.00 and shall be a proper charge to account #H 8751 409 0 75 21.

On roll call the vote was as follows:

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

RESOLUTION NO. (908-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2001 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

THEREFORE, BE IT

RESOLVED, that the 2001 budget is hereby amended.

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. (909-2001)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$2000.00 from Hasty Hills Stables, \$3,648.00 from the Nanuet Mall, \$364.95 from NYS Motor Vehicle Theft Grant, and \$3,051.20 from NYS Motor Vehicles Theft Grant

RESOLUTION NO. (909-2001) continued

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills Stable) and Budgetary Account H 1942-409-0-58-2 (Golf Course-Bid & Specs) by \$2,000 and increase Revenue Account A 01 3 2705 3 (Gifts & Donations) and Budgetary Account A 3120-111 (Police-Overtime) by \$3,648.00 and increase Revenue Account A 01 10 3389 1 (Motor Vehicle Theft Grant) and Budgetary Account A 3120-111 (Police-Overtime) by \$364.95 and increase Revenue Account A 01 10 3389 1 (Motor Vehicle Theft Grant) and Budgetary Account A 3120-111 (Police-Overtime) by \$3,051.20

AND BE IT,

FURTHER RESOLVED, to decrease Budgetary Account A 1430-226 0 (Personnel - Computer Software.) and increase Budgetary Account A 1430-319 (Personnel - Miscellaneous Supplies) by \$600.00 and to decrease Budgetary Accounts A 4210-110 (Counseling - Salaries) and to increase Budgetary Account A 4210-430 (Counseling - Alarm System) by \$312.00 and to decrease Budgetary Account A 5630-204 (Mini Trans - Office Machinery) by \$500.00 and A 5630 209 (Mini Trans - Other Equipment) by \$1,954.00 and A 5630 292 (Mini Trans - Auto Repair Equipment) by \$2,490.00 and to increase Budgetary Accounts A 5630-312 (Mini Trans - Auto Maintenance) by \$4,944.00, and increase Revenue Account A 01-14 2990 (Fund Balance - Unexpended) by \$849.60 and increase Budgetary Accounts A 3230 319 (DARE - Miscellaneous Supplies) by \$849.60.

On roll call the vote was as follows:

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

RESOLUTION NO. (910-2001)

Co. Smith offered and Co. Mandia seconded

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

“No Parking Here To Corner” signs at the following locations:

On the northside of Congers Road 75 ft East of Crestwood Street.

On the northside of Congers Road 75 ft East and West of Oak Street;

On the northside of Congers Road 75 ft East and West of Pine Street, New City.

AND BE IT FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution of the Superintendent of Highways, Wayne Ballard, for implementation.

RESOLUTION NO. (910-2001) 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. (911-2001)

Co. Smith offered and Co. Mandia seconded

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

A "Stop" sign with a Stop line on Birch Drive at Ludvigh Road, Nanuet.

AND BE IT FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution of the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (912-2001)

Co. Smith offered and Co. Mandia seconded

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

Two (2) "Dead End" signs at the following locations:

The first, on the southeast side of Von Beaste Lane along the property line of #956 Tilton Road, Congers.

The second, on Tilton Rd. at Stark Lane, Congers.

AND BE IT FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (913-2001)

Co. Smith offered and Co. Lasker seconded

WHEREAS, adverse drainage conditions exist in certain municipal storm drain lines at various locations in the Town of Clarkstown; and

WHEREAS, the Department of Environmental Control has determined that video inspection of the affected storm drain lines is required in order to determine the necessary corrective action; and

WHEREAS, the Department of Environmental Control has obtained a proposal to perform the video inspection of the affected storm drain lines on a per day basis; and

WHEREAS, it is anticipated that the video inspections will be completed in five (5) working days;

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

General Sewer Service
P.O. Box 81
Hackensack, New Jersey 07602

to perform the video inspections in accordance with their proposal dated November 15, 2001 at the rate of \$900.00 per day; and

BE IT FURTHER RESOLVED that the cost for this work shall not exceed \$4,500.00; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8751 409 0 75 6.

On roll call the vote was as follows:

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

RESOLUTION NO. (914-2001)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 806-2001, adopted by the Town Board on October 23, 2001 authorizing permission to DR. RICHARD E. HANDELSMAN to sponsor a foot race on Route 59, within the Town of Clarkstown, to promote prostate cancer awareness, is hereby amended to change the date of the foot race to April 14, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (915-2001)

Co. Lasker offered and Co. Smith 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, Pell & Associates, P. O. Box 283, West Nyack, New York 10994, wishes to enter into a renewal agreement for a two- year period commencing November 27, 2001 and terminating November 28, 2003, to adopt a segment known as Rose Road, from Route 59 to West Nyack Road, West Nyack, New York 10994, and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Pell & Associates, 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 a renewal 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 to provide and coordinate services of Pell & Associates, 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. (916-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the TOWN OF CLARKSTOWN herein called the "Municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in the State of New York Contract with the New York State Department of Environmental Conservation herein called the "Project," is desirable, in the public interest, and is required to order to study and/or implement the local project or program, and

WHEREAS, under Chapter 53, Section 1, of the Laws of 2001, relating to the Local Assistance budget, the Legislature has authorized financial assistance to localities for services and expenses related to local projects, programs and studies by means of a written agreement, and

WHEREAS, the Municipality has examined and duly considered Chapter 55, Section 1, of the Laws of 2001, relating to the local assistance Budget and deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown that:

RESOLUTION NO. (916-2001) continued

1. Charles E. Holbrook, Supervisor of the Town of Clarkstown, is hereby authorized and directed as the official representative to act in connection with any contracts with the State, and to sign same on behalf of the Municipality, and to provide such additional information as may be required;

2. That one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York, together with the State Contract (No. C990009);

3. That this Resolution shall take effect immediately.

On roll call the vote was as follows:

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

RESOLUTION NO. (917-2001)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with Partners in Safety, Inc., 800 Route 17M, Middletown, New York, for the period commencing January 1, 2002 and terminating on December 31, 2002, in a form satisfactory to the Town Attorney, to provide alcohol and drug testing of safety-sensitive employees including transportation employees and those holding commercial driver's licenses, and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification and professional and other liability insurance coverage as required by the town Attorney, and be it

FURTHER RESOLVED, that the fees for such services shall be according to the proposal dated November 1, 2001 attached, and shall be charged to Account No. A 9000-409.

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. (918-2001)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Mini-Trans Blue Bird bus was totally destroyed by a fire on August 15, 2001, and

WHEREAS, the County of Rockland has a surplus Blue Bird bus in their inventory, and

RESOLUTION NO. (918-2001) continued

WHEREAS, the County of Rockland desires to sell said surplus bus, and the Town of Clarkstown desires to purchase the surplus bus;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with the County of Rockland, in a form approved by the Town Attorney, to purchase said Blue Bird bus, and be it

FURTHER RESOLVED, that the purchase price of the Blue Bird bus will be the net insurance proceeds which the Town of Clarkstown receives as a result of the bus which was destroyed.

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. (919-2001)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown has under active consideration a local law which would provide for the protection of historic roads within the unincorporated portion of the Town of Clarkstown, and

WHEREAS, from time to time, as a result of subdivision and/or site plan approvals, the Rockland County Highway Department has been offered gratuitous road widening along county roads within the Town of Clarkstown, which roads may qualify for an historical road designation, and

WHEREAS, it is the intent of the Town Board that such roads may be classified as historical roads to preserve intact as much as possible the original routes and natural or man-made monuments evidencing the historic nature of the travel way;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby petitions the County Executive, the County Legislature and the Rockland County Superintendent of Highways to observe a voluntary moratorium on the widening of potential historic roads, or the removal of natural or man-made historic characteristics of such roads, such as stone walls or naturally occurring outcroppings, until such time as the Town Board has sufficient opportunity to consider enactment of a historic road preservation program for 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

RESOLUTION NO. (920-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, DREAM CONSTRUCTION CORP. has petitioned the Town Board to change the zone for premises designated as 43.07-1-29, from an R-15 zone to an LS zone, for the purpose of permitting the property owner or others to seek a Special permit to conduct a Child Daycare Center as authorized in the LS Zone, and

WHEREAS, a property owner with premises located in a PO Zone in the vicinity of North Main Street, New City, New York, has requested consideration of Amendment of the Zoning Local Law to authorize Child Daycare Centers in such zone, and

WHEREAS, the Town Board wishes to receive the study and recommendations of the Clarkstown Planning Board and the Rockland County Commissioner of Planning, with respect to the petition for the zone change referred to herein, and the appropriateness of authorizing Child day Care Centers by Special Permit in other zones in the Town of Clarkstown including the PO Zone;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the Petition of Dream Construction Corp. to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for a study and recommendations, and further requests that the Clarkstown Planning Board and the Rockland County Commissioner of Planning give consideration of appropriateness of location such facility in zones other than the LS Zone including but not limited to the PO Zone, and be it

FURTHER RESOLVED, that the Town Board requests that the report and recommendation which is to be made pursuant to this Resolution be provided within 45 days of the date hereof.

On roll call the vote was as follows:

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

RESOLUTION NO. (921-2001)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Councilperson Mandia, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

“HISTORICAL ROAD PRESERVATION”

and

WHEREAS, this proposed local law is intended to protect certain roads in the Town of Clarkstown by reasons of their significance to the history of the Town, County, State and Nation;

NOW, THEREFORE, be it

RESOLUTION NO. (921-2001) continued

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on January 15, 2002, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (922-2001)

Co. Smith offered and Co. Maloney seconded

WHEREAS, John Coyle, Safety Manager, at the direction of the Town Board, has prepared a Safety Manual intended to update and replace the existing Safety Manual adopted by Resolution No. 645-1996 on July 9, 1996, and this new Manual has been presented to and reviewed by members of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the new Safety Manual for all employees of the Town of Clarkstown except those employees having Police Officer status pursuant to § 1.20 (34) of the Criminal Procedure Law, and be it

FURTHER RESOLVED, that Resolution No. 645-1996 is hereby rescinded.

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. (923-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Superintendent of Highways has recommended the purchase of three (3) Model 2002 Stainless Steel Salt Spreader Bodies, from Tarrant Manufacturing, the contractor, awarded the bid pursuant to New York State Award No. PC 57595

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the purchase of three (3) Model 2002 Stainless Steel Salt Spreader Bodies referred to herein for the contract price of \$8,492 each, as per New York State Contract No. PC 57595, and be it

FURTHER RESOLVED, that the amount of \$25,476, plus the customary delivery charge, shall be charged to Account No. DA 5130-200-219-0.

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. (924-2001)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Supt of Highways that

BID #62-2001
BACKHOE FOR THE HIGHWAY DEPARTMENT

is hereby awarded to:

H.O. PENN MACHINERY COMPANY, INC
122 NOXON ROAD
POUGHKEEPSIE, NY 12603
PRINCIPALS: C.E. THOMAS CLEVELAND
ROBERT CLEVELAND
KATE SANZENBACHER
ELIZABETH CLEVELAND
EMILY CLEVELAND

for one(1) new Caterpillar 416D Loader Backhoe as per their low proposed cost of \$56,500, and be it

FURTHER RESOLVED, that the funds for same be charged to account DA 5130-200-219-0.

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. (925-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an unsafe condition exists in the vicinity of the Red Hill Road / Lindburgh Lane intersection, New City, New York, and

WHEREAS, the Department of Environmental Control has investigated the problem and recommended the extension of the existing concrete curb and sidewalk into a portion of Lindburgh Lane, and

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

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

Bellavista Construction Corp.
P.O. Box 753
Ardsley, New York 10502

be hired to perform the corrective work.

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

Bellavista Construction Corp.
P.O. Box 753
Ardsley, New York 10502

to install the concrete curbing in accordance with their proposal dated 11-27-01, and

BE IT FURTHER RESOLVED, that the cost shall not exceed \$4,190.00 and shall be a proper charge to account #H 1994 409 0 14 4.

On roll call the vote was as follows:

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

RESOLUTION NO. (926-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board authorized the paving of the unimproved portion of Pierce Street, Nanuet, New York, and

WHEREAS, the Town Board is desirous to have the remaining portion of Pierce Street resurfaced, and

WHEREAS, the current contractor can complete the resurfacing prior to demobilizing from the site.

RESOLUTION NO. (926-2001) continued

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Pinebrook Industries, 49 Rolling Ridge Road, New City, New York 10956 to resurface the remaining portion of Pierce Street in accordance with their proposal dated, November 26, 2001, and

BE IT FURTHER RESOLVED, that the cost shall not exceed \$17, 600.00 and shall be a proper charge to account H 8751 409 0 75 31.

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. (927-2001)

Co. Maloney offered and Co. Mandia seconded

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

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

WHEREAS, all corrective work has been completed, and

WHEREAS, the installation of concrete curbing along a portion of Carolina Drive is required to direct storm runoff into the extension of the storm drain system, and

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

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

Bellavista Construction Corp.
P.O. Box 753
Ardsley, New York 10502

be hired to perform the corrective work.

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

Bellavista Construction Corp.
P.O. Box 753
Ardsley, New York 10502

to install the concrete curbing in accordance with their proposal dated 11-27-01, and

BE IT FURTHER RESOLVED, that the cost shall not exceed \$3,125.00 and shall be a proper charge to account #H 8751 409 0 75 22.

RESOLUTION NO. (927-2001) 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. (928-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board authorized the resurfacing of a portion of Old Mill Road, Valley Cottage, and

WHEREAS, a portion of the shoulder of Old Mill Road requires restoration from erosion as a result of roadway storm runoff, and

WHEREAS, the Department of Environmental Control has obtained proposals from qualified contractors to perform the restoration of the roadway shoulder.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to have KJS Home Improvements, 95 Maple Avenue, New City, New York 10956 perform the restoration of the roadside shoulder to correct the erosion condition along the affected portion of Old Mill Road in accordance with their proposal dated November 27, 2001, and

BE IT FURTHER RESOLVED, that the total cost shall not exceed \$4,300.00 and be a proper charge to account H 8735 409 12 11.

On roll call the vote was as follows:

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

RESOLUTION NO. (929-2001)

Co. Smith offered and Co. Lasker seconded

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

BID #66-2001
 RESIDENTIAL REFUSE PICK-UP AND BULK PICK-UP FROM ONE, TWO,
 AND THREE FAMILY HOMES

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on DECEMBER 13, 2001 at which time bids will be opened and read, and be it

RESOLUTION NO. (929-2001) continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (930-2001)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, persons residing in the vicinity of Little Tor Road at or near Germonds Road, Burda Avenue, and New Hempstead Road, New City, New York, have advised the Town Board that there is a need to improve traffic signalization and timing on Little Tor Road at these two intersections, to improve traffic flow and safety;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to solicit a proposal from Howard Lampert, P.E., the Town's traffic consultant, to evaluate and investigate the intersections of Germonds Road, Burda Avenue/Lane with Little Tor Road, and the intersection of New Hempstead Road with Little Tor Road, New City, New York, to make recommendations regarding improvements in traffic signalization and timing, for the purpose of improving the traffic flow and safety at said intersections.

On roll call the vote was as follows:

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

RESOLUTION NO. (931-2001)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a resident has requested the Town Board to consider installing stop signs at the area of Prides Crossing, Ethel Drive and Long Meadow Drive, New City, New York, to improve traffic safety;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to fabricate and install stop signs with "4-Way" panels to create a 4-way stop at Prides Crossing, Ethel Drive, and Long Meadow Drive, New City, New York.

RESOLUTION NO. (931-2001) 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. (932-2001)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board by two resolutions authorized Donald J. Feerick, Jr. as special counsel to conduct a records review and study with respect to the Town's purchase in 1996 of land in Town of Ramapo and

WHEREAS, special counsel has submitted his report and advised the Town Board of his opinion and has submitted his statement for services which exceeds the amount appropriated by resolutions adopted on May 22, 2001 and August 14, 2001,

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby increases the amount authorized for the review referred to herein from \$10,000.00 to \$28,389.79, and that payment shall be charged to Account No. A-1420-409.

On roll call the vote was as follows:

- Councilwoman Lasker No
- 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 in memory of those young people killed in recent traffic accidents and also for the young man who is missing, time 10:10 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/27/2001

8:00 P.M.

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

Re: Proposed Local Law: Golden Age Single Family Residence District
(GARS District) (Continuation)

On motion of Co Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing was continued, time: 8:00 P.M.

Supervisor explained that the meeting had started on October 23, 2001 and that we agreed to continue to hear testimony here, tonight, November 27, 2001. No action will be taken at this meeting here tonight. The meeting will continue on January 22, 2002.

Appearance: Joseph Meola
Congers

He was opposed to the local law. He said he did not need see the need for this type of housing and he urged the board to vote against it.

Appearance: Lee Lick
New City

He has lived in Clarkstown for 41 years and has 4 married children that all live in Rockland. He is committed to living here. He feels people are living longer and longer and he believes there is a need for senior housing. He does not see there being any demand for commercial development versus senior housing. Seniors pay a disproportionate amount of taxes. Seniors have more disposable income and they should not be driven away. They contribute to our local economy. He has seen the plan for the housing and feels they are esthetically attractive. He suggested that the Town Board should communicate with other communities.

Appearance: Sandy Tendler
New City

She and her husband have been residents of Clarkstown for 32 years and they have 3 children. They attended the Clarkstown Schools and they have always supported the community. She believes the town should automatically approve this type of housing. There is a need for an adult community. She has been a real estate broker for 16 years and people are constantly telling her that they want to sell their homes because they no longer need a large home. They are ready for a smaller home but they are not yet ready to leave the community. She hopes the Town Board votes YES for an adult community. There is a desperate need for adult housing and the developer would build a community that the town would be proud of.

Appearance: Terry Rice, Esq.
Suffern

He has a client on Route 304 that might be interested in this type of housing. He believes there is a need for this type of zoning so people can stay in the area. The local law should be very controlled and specific. The Town Board should be comfortable with it and the developer content.

Appearance: Dolores Becklee
New City

It is time to give back to the seniors. They have provided the staff for volunteer groups and the town can benefit from what the seniors contribute.

Appearance: John Lodico
New City

He was born in Clarkstown. He has been involved with Senior Citizen Housing since the 50's. With this proposal people must realize that there are no subsidies in this law; no guidelines, traffic patterns, number of housing units. It does not exclude children that attend school. The location is essential. Seniors should be able to travel and be near shopping, housing of worship etc.

Appearance: Donald Tracey, Esq.
New City, NY

He is a 40 year resident. He has submitted two studies regarding GARS versus office space (LIO). Five units would net the town \$42,800 a year plus benefits. Regarding school children - they had a study done of 80 senior citizen units of 55 and over and school children. The study showed there was one per 900 units. He further stated that this was not a zone change, just adding an additional use to the existing zone.

Appearance: Ed Day
New City, NY.

This may be viable because there are needs in this area. However, there must be safeguards in place, buffers, and the Town Board should not listen to a sales pitch. The Board should go to our community and not to someone outside of Clarkstown. Avalon Gardens was supposed to be for working couples. It now has a very high percentage of children. Taxes are the problem. Lower or suspend taxes.

Councilman Maloney stated that the Town Board has nothing to do with school taxes. He himself pays \$10,000 in school and county taxes.

Appearance: Sean McDermott
New City, NY.

He is an engineer, and a volunteer ambulance corp. member, and the federal law does not exclude children. He asked if this would be homestead or non-homestead.

Appearance: Arleen Witiker
Bardonia

She is not against seniors. She is in favor of Senior Housing. She feels it should be in the down town area. She favors a tax break for seniors.

Supervisor Holbrook explained that this law would be adopted for specific zones.

Appearance: Cora Bodkin
New City

As desirable and marketable as this proposal would be, there would be several problems. It would increase the population and cause a negative impact on roads. There are very few major roads in Clarkstown. These major roads are overburdened now. She stated there is still undeveloped land in existing residential districts, that when developed, it will also impact the roads. The GARS proposal would have disastrous consequences on traffic congestion. She believes the proposal calls for insufficient parking and there would be drainage problems, and does not call for floor area ratio. There is no provision for minimum lot width and area. The density allowed is too high. She believes the Zoning Board of Appeals is being bypassed.

Councilman Maloney said the law would be refined and no power would be taken from the ZBA.

Appearance: James Comar

Spoke of an issue on Pascack Road in Nanuet.

Appearance: Warren Marshall
Nanuet, NY.

He said he should be paid for his water runoff.

Appearance: Carol Jigarion
New City, NY.

She has strong doubts about this proposal. The property that is being proposed has a train on one side and Route 303 on the other. Very little known about the details. Mr. Tracey represents the builder and the Town Board represents us.

Appearance: Russell Trojan –
Clarkstown

He spoke regarding his neighbors that moved out of Clarkstown to be near their children, who had relocated. He questioned the wisdom of taking away land away from LIO, LO and M. These areas could provide possible jobs in the future. He thinks the Town Board should consider MF1 housing. He also spoke regarding Versailles in Nanuet and Normandy Village, which are two story duplexes and two story townhouses. He believes that this should be referred back to the Ad Hoc Committee, the Planning Board, and Mr. Geneslaw.

Supervisor Holbrook stated that this would be referred to the Planning Board and the TAC Committee.

Councilman Maloney said that this will go to the Planning Board and may come back with something completely different and they will present their proposal.

Councilwoman Lasker said that while there is a need for Senior Housing, she questions as to whether Mr. Tracey should decide this for the town. Business zones should not be used. A corporation is presently looking to relocate here from New Jersey. A special permit is the wrong way to go for this situation.

Appearance: Martin Bernstein
New City

This is not about providing housing for the people in this town. This is about industrial land that cannot sell and changing it to developed land for housing. He feels that this is a serious violation of the Comprehensive Plan. He referred to the Ad Hoc Committee. He sighted Avalon Gardens with 60% of its residence that are from outside of Clarkstown.

Appearance: Marion Mirth
Congers

There is a need for senior citizen housing. The seniors deserve better. She is interested in a secure, gated, senior community. 55 is not senior citizen age. You should be 60 or older. This housing should be affordable.

Appearance: Shirley Thorman
Valley Cottage

A committee should be set up to discuss this. She asked that if this submission meets the needs of the seniors. It should not be put in LIO, LO or M. It should be put in residential areas.

Appearance: Donald Tracey, Esq.

This is not a zone change. He has a SECA on file in the Planning Board. It is an addition to what is presently allowed in LIO, LO and M.

John Costa, Town Attorney stated this is an amendment to particular districts. If this is in conflict with the Comprehensive Plan, then the Town Board will have to study it.

Appearance: Mike Reilly
Nanuet

He supports housing in the LIO district. He does not believe that anyone can find business that will come into the LIO land. He stated that warehouses do not employ many people.

Councilwoman Smith said that there are people that take early retirement at age 55. The state does give tax breaks for seniors. Remember the tax exemption must be picked up by others. Yes, it is very possible that outsiders will come.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing was recessed, to be continued on January 22, 2001, time: 9:10 p.m.

Respectfully submitted,



Patricia Sheridan
Town Clerk