

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

02/12/2002

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.

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On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Rockland County Consortium for Community Block Grant Funding was opened, time: 8:05 P.M.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing re: Rockland County Consortium for Community Block Grant Funding was closed, time: 8:27 P.M.

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On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing re: Proposed Local Law: To Establish a Moratorium on the Issuance of Building Permits or Certificates of Occupancy for Adult Entertainment Uses for a Period of Six Months from the Adoption Hereof to Permit Study and Implementation of Regulations Consistent with the Town of Clarkstown Comprehensive Plan was opened time: 8:27 P.M.

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing re: Proposed Local Law: To Establish a Moratorium on the Issuance of Building Permits or Certificates of Occupancy for Adult Entertainment Uses for a Period of Six Months from the Adoption Hereof to Permit Study and Implementation of Regulations Consistent with the Town of Clarkstown Comprehensive Plan was closed, time: 8:34 P.M.

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Supervisor opened the public portion of the meeting.

Appearance: Cora Bodkin  
New City

Spoke on Item #40 and suggested that the Board should wait for the Housing Committee's Report before acting. Spoke on Item #3a and is opposed to the removal of the Ad Hoc Committee from the study of the GARS.

Appearance: Sr. Catherine Gilbride  
Sisters of Charity

There is a current local law and this process has gone on for two years and does not want to see the time used for another local law.

Appearance: Donald Tracy, Esq.  
New City

He spoke on Item #37 and said since the contract expired on February 11, 2002, did this go out for competitive bid? On Item 42, he sent a check for his client's property and his client is not interested in selling the property and the Town should not spend money on appraisals on those not interested in selling.

Appearance: Martin Bernstein  
New City

He asked about how the Consortium funding is awarded. He also asked how the Town Board selected the parcels for Open Space. It was his understanding that the Board would select large parcels.

Appearance: John Lodico  
New City

He spoke regarding Open Space surrounding the Hackensack River.

Appearance: Steven Levine  
Congers

He inquired about the Goldberg property in Congers and the Court Order from the Supreme Court and whether bids have been prepared.

Appearance: Marie Bouchard  
Congers

She inquired as to the ownership of the Congers Depot.

Appearance: Patrick Rocco  
Congers

He inquired as to whether there was a Statute of Limitation on Goldberg.

Appearance: Cora Bodkin

She spoke regarding the Open Space committee and suggested they get together again to discuss more significant/less significant parcels.

Appearance: Russell Trojhan  
Clarkstown

He spoke re GARS and he felt the housing committee should do its work before the Planning Board makes a recommendation.

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RESOLUTION NO. (123-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

**"A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF SIX MONTHS FROM THE ADOPTION HEREOF TO PERMIT STUDY AND IMPLEMENTATION OF REGULATIONS CONSISTENT WITH THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN"**

was introduced by Councilman Maloney at a Town Board meeting held on January 15, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 15, 2002, directed that a public hearing be held on February 12, 2002, at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News January 30, 2002, and

RESOLUTION NO. (123-2002) continued

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 28, 2002, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 12, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown has received a memo from its consultant Robert Geneslaw, pursuant to SEQRA, which the Board has considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the memo of Robert Geneslaw, dated January 22, 2002, acting as staff to the Town Board as lead agency, that this local law is a Type II action and no further SEQR action is necessary, the Town Board hereby determines that this local law shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2- 2002 entitled:

“A LOCAL LAW TO ESTABLISH A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF SIX MONTHS FROM THE ADOPTION HEREOF TO PERMIT STUDY AND IMPLEMENTATION OF REGULATIONS CONSISTENT WITH THE TOWN OF CLARKSTOWN COMPREHENSIVE PLAN”

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

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RESOLUTION NO. (124-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of January 22, 2002 and February 5, 2002 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 . . . . . Abstained
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (125-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended that the Town Board enter into a contract with Planet Media, for the purpose of providing Web Site hosting and maintenance of the Web Site to the Town of Clarkstown for the calendar year 2002, at the cost not to exceed \$800.00 per month;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract with Planet Media, in a form approved by the Town Attorney, to provide Web Site Hosting and maintenance of the Web Site for the period January 1, 2002 through December 31, 2002, at a cost not to exceed \$9,600 per year or \$800 per month, and be it

FURTHER RESOLVED, that said cost of services shall be charged to Account No. A 1680-409, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

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. (126-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Community Development Cooperation Agreement with the County of Rockland and the Town of Clarkstown expires with the 2002 Program Year, and

WHEREAS, in order for the County of Rockland to apply for Community Development Funds as an Urban County, a three year Cooperation Agreement for the Program Years 2003, 2004 and 2005, must be executed;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Cooperation Agreement submitted by the County of Rockland for Community Development Program Years 2003, 2004 and 2005, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown has determined that the Cooperation Agreement complies with State and Town Law, and be it

RESOLUTION NO. (126-2002) continued

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said Agreement and to take all steps to implement this Resolution.

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. (127-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the County of Rockland wishes to assist the Town of Clarkstown in its crime intelligence gathering and drug law enforcement activities, and

WHEREAS, the Town of Clarkstown wishes to provide the Rockland County Joint Intelligence Task Force with two members of its Police Department for crime fighting activities, and

WHEREAS, the County of Rockland wishes to amend its agreement dated April 3, 1995, as subsequently amended, with the Town of Clarkstown for the appropriation of funds for the purpose of reimbursement of compensation for two Clarkstown Police Officers for said law enforcement;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an amended agreement with the County of Rockland, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the Rockland County Joint Intelligence Task Force, in the sum of \$40,000.00 per officer, for the period February 16, 2002 through December 31, 2002.

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. (128-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with the Hi Tor Animal Care Center, Inc., in a form approved by the Town Attorney, to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 2001 and termination on December 31, 2003, provided that Hi Tor Animal Care Center, Inc. submits appropriate insurance coverage to the Town, and be it

RESOLUTION NO. (128-2002) continued

FURTHER RESOLVED, that all other terms and conditions of the expired contract remain the same, except to change the per diem rate from \$9.00 to \$10.00 for each dog delivered by the Town's Animal Control Office or Police Department to the Hi-Tor Animal Care Center, and the per diem rate reimbursement to Hi-Tor from \$15.00 to \$20.00 for each dog or wild animal euthanized, and reimbursement from \$15.00 to \$20.00 to Hi-Tor for cremation of the remains of deceased dogs delivered to the Hi-Tor Animal Care Center, upon the recommendations of the Town Clerk and the Animal Control Officer, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

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. (129-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Dr. Frank Garigali, in a form satisfactory to the Town Attorney, whereby Dr. Garigali agrees to provide services to the Clarkstown Police Department as the Police Surgeon, for the period from January 1, 2002 to December 31, 2002, and be it

FURTHER RESOLVED, that the agreement may be renewed on January 1st of each year for a period of up to one year with the approval of the Police Commission and the Town Board, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured, and be it

FURTHER RESOLVED, that the compensation for said services shall be at Dr. Gaigali's regular rates established for annual physical examinations for sworn personnel plus the sum of \$1,500 per month, which compensation shall be charged to Account No. A 3120-409.

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. (130-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands; and

WHEREAS, Belleville Landscaping, Inc., 866 Belleville Drive, Valley Cottage, New York 10989, wishes to enter into a renewal agreement for a two- year period commencing February 12, 2002 and terminating February 13, 2004, to adopt a segment known as Lake Road, from Route 303 to Route 9W, Valley Cottage, New York 10989, and,

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into 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 Belleville Landscaping, Inc., to remove trash from the roadways.

On roll call the vote was as follows:

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

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RESOLUTION NO. (131-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, AMTEK Management Services Corp. has submitted a proposal (undated) to the Town of Clarkstown to develop and implement an Employee Handbook; NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with AMTEK Management Services Corp., in a form approved by the Town Attorney, to develop and implement an Employee Handbook for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for said services shall be at a cost of \$6,000.00, plus such additional fees for employee workshops and transportation expenses as may be negotiated between the parties with respect to additional workshop presentations, subject to further Town Board approval.

RESOLUTION NO. (131-2002) 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. (132-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 105, adopted by the Town Board on January 22, 2002, is hereby amended by deleting the Town Board reference to the Ad Hoc Committee.

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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RESOLUTION NO. (133-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 887-1989, adopted by the Town Board on September 19, 1989, is hereby amended as follows:

WHEREAS, the General Municipal Law authorizes reimbursement of actual and necessary expenses incurred while attending a convention, conference or school conducted for the betterment of the municipality, and

WHEREAS, the Town Board deems it within the best interest of the municipality to establish limitations for the expenditures at the conferences;

NOW, THEREFORE, be it

RESOLVED, that the following limitations are in effect immediately:

1. Meals within New York City and Washington, DC are set at a maximum sum of \$75.00 per day;
2. Meals outside New York City are set at a maximum sum of \$50.00 per day;
3. Meals within New York City, for day trip conferences, are set at a maximum sum of \$40.00 per day.
4. Meals outside New York City, for day trip conferences, are set at a maximum sum of \$25.00 per day,

RESOLUTION NO. (133-2002) continued

and be it

FURTHER RESOLVED, that there is no reimbursement for the following:

- 1. Alcoholic beverages;
- 2. Sales tax for hotels within New York State;
- 3. Any additional cost for a spouse's lodging or meals at a conference,

and be it

FURTHER RESOLVED, that there be appropriate backup receipts or other documentation presented to the Comptroller's Office before reimbursement will be approved.

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. (134-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Maria Parrella, owner of premises commonly known as 74 Eagle Ridge Way, Nanuet, New York, has alleged by affidavit that she filed an application for a STAR exemption, by mail, addressed to the attention of the Assessor's Office in June 1999 for premises listed on the Clarkstown Tax Map as 57.12-1-3.1/1220 (f/k/a 164-B-122), that said premises was not granted an exemption for the 2001/02 school tax year, and she has made an application for a refund of the STAR exemption equivalent amount, and

WHEREAS, the Assessor has reported that the subject basic STAR application could not be found in his office, and

WHEREAS, the Town Attorney has investigated the matter and has advised that there is sufficient evidence to warrant a determination that a clerical error has been made and that the Town Board may authorize correction of the tax status of premises identified as 57.12-1-3.1/1220, as well as provide for a refund equivalent to the STAR benefit in an amount of \$1,116.36;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Town Attorney that sufficient evidence has been provided to establish that the applicant for the refund had in fact submitted an application qualifying for the basic STAR exemption which may have been lost due to a clerical error, and be it

FURTHER RESOLVED, that the Town Board hereby determines that a clerical error occurred, that the applicant is entitled to such refund in the amount of \$1,116.36, and that the Supervisor is hereby authorized and directed to execute an application for a refund to the Board of Real Property Services on the forms provided therefor.

RESOLUTION NO. (134-2002) 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. (135-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the placing of two full page advertisements for the Town of Clarkstown in the 2002 Business Outlook Section of the Journal News on March 24 and March 31, 2002 and one full page advertisement in the Rockland Business World on April 7, 2002, and be it

FURTHER RESOLVED, that the fees for these three advertisements shall not exceed the sum of \$5,273.00 which shall be charged to Account No. A 6410-405.

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. (136-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #15-2002

FOOD PROVISIONS FOR TOWN OPERATED REFRESHMENT STANDS

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (137-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #16-2002  
ARTS & CRAFT SUPPLIES

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (138-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #17-2002  
CRUSHED STONE

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (139-2002)

Co. Maloney offered and Co. Mandia seconded

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

RESOLUTION NO. (139-2002) continued

BID #18-2002  
BITUMINOUS CONCRETE

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (140-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #19-2002  
SWIMMING POOL CHEMICALS

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (141-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #20-2002  
MAINTENANCE AND IMPROVEMENTS TO TOWN CUL-DE-SACS

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

RESOLUTION NO. (141-2002) 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 Lasker . . . . .Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . .Yes  
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RESOLUTION NO. (142-2002)

Co. Maloney offered and Co. Mandia seconded

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

**BID #22-2002**  
**MAINTENANCE OF TOWN COMMUTER PARKING LOTS**

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

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. (143-2002)

Co. Maloney offered and Co. Mandia seconded

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

**BID #23-2002**  
**SITE MAINTENANCE TOWN EASEMENTS**

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

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

On roll call the vote was as follows:

Councilwoman Lasker . . . . .Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . .Yes  
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RESOLUTION NO. (144-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #25-2002  
LEASE/PURCHASE OF TUB GRINDER FOR SOLID WASTE FACILITY

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (145-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #26-2002  
MISC SEWER IMPROVEMENT

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

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (146-2002)

Co. Lasker offered and Co. Smith seconded

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

RESOLUTION NO. (146-2002) continued

BID #9-2002  
HAND TOOLS AND MISC MAINTENANCE SUPPLIES

is hereby awarded to:

J.E. VANDERBILT & CO., INC  
41 DEMAREST AVENUE  
NEW CITY, NY 10956  
PRINCIPALS: WILLIAM J. DEBEVOISE

W.W. GRAINGER  
505 SAW MILL RIVER ROAD  
ELMSFORD, NY 10523  
PRINCIPALS: A PUBLIC CORPORATION

F & F INDUSTRIAL EQUIPMENT CORP.  
195 TOWER DRIVE  
MIDDLETOWN, NY 10941  
PRINCIPALS: FRANK J. FASANO  
WERNER H. FROST

THE TOOL CHEST  
45 EMERSON PLAZA EAST  
EMERSON, NJ 07630  
PRINCIPALS: RICHARD GROSSMAN  
BARBARA GROSSMAN

BLISS TIRE & RUBBER  
175-12 ROUTE 9W  
CONGERS, NY 10920  
PRINCIPALS: EDWARD COLUMBIA

EDWARD EHRBAR, INC  
100 SECOR LANE  
PELHAM MANOR, NY 10803  
PRINCIPALS: PATRICK AHERN  
MATTHEW AHERN

as per the price/item schedule on file in the Town Clerk's Office.

On roll call the vote was as follows:

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

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RESOLUTION NO. (147-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Edward J. Duer, Robert Stritmater, Mary Maloney and Doris Fogel are hereby authorized to attend the New York State Logos User Group Meeting, retroactive to February 5, 2002, at the Holiday Inn, Mt. Kisco, New York, at no fee to the Town,



RESOLUTION NO. (149-2002) continued

FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery; which charge shall include maintenance of this street lighting equipment, will be at \$82.56 for the 5800 lumen sodium vapor fixture, 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. (150-2002)

Co. Lasker offered and Co. Maloney 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

Nikko Realty Corp.  
173 Rt. 303  
Valley Cottage, NY 10989  
(124-C-23.04/52.15-1-72)

By the installation of fire lane designations, and

WHEREAS, Richard Straniere, as owner of the property 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

\*\*\*\*\*

RESOLUTION NO. (151-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Section 85 of the General Municipal Law has been amended by Local Law 474 of 2001, and became effective January 1, 2002, and

RESOLUTION NO. (151-2002) continued

WHEREAS, said law permits municipalities by resolution to provide, pursuant to the authority of General Obligations Law 5-328, a charge for dishonored checks up to a sum of \$20.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby directs that the Town of Clarkstown, all departments, agencies and commissions of the Town impose a charge of \$20.00 to be added to any account owing to the Town of Clarkstown where tendered payment of such account was dishonored by a bank or depository institution.

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. (152-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

CAL MART ENTERPRISES, INC.  
357A Route 59  
West Nyack, NY 10994  
Martin C. Wortendyke, Vice-president

RONALD FILERA LANDSCAPE CONTRACTORS, INC.  
85 Red Schoolhouse Road  
Chestnut Ridge, NY 10977  
Ronald Filera, President

PAUL BITTS CO., INC.  
Nine Germonds Road  
New City, NY 10956  
Paul Bitts, President

RESOLVED, that the following Certificates of Registration be issued:

- No. 02-11 CAL MART ENTERPRISES, INC.
- No. 02-16 RONALD FILERA LANDSCAPE CONTRACTORS, INC.
- No. 02-17 PAUL BITTS CO., INC.

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. (153-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary steps, including commencing litigation, against M.R.O. Pump & Tank, Inc., et al., Index No. 536/02, on behalf of the Town of Clarkstown to enjoin and restrain M.R.O. Pump & Tank, Inc., et al. from violating the Zoning Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to January 28, 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. (154-2002)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Clarkstown Citizens' Advisory Committee for Open Space has recommended that the Town Board consider acquisition of premises designated on the Tax Map as 59.8-1-21 (formerly 137-A-14), consisting of approximately 7.70 acres in Valley Cottage, (reputedly owned by ST. THOMAS MAR THOMA CHURCH NEW YORK), as part of the authorized Town of Clarkstown Open Space Acquisition Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for an appraisal of premises referred to herein, and for the purpose of determining the purchase fee simple absolute.

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. (155-2002)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Clarkstown Citizens' Advisory Committee for Open Space has recommended that the Town Board consider acquisition of premises designated on the Tax Map as 65.11-3-46 (formerly 119-A-3), consisting of approximately 9.36 acres in Valley Cottage, (reputedly owned by MARY BRADLEY BLAKE), as part of the authorized Town of Clarkstown Open Space Acquisition Program;

NOW, THEREFORE, be it

RESOLUTION NO. (155-2002) continued

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for an appraisal of premises referred to herein, and for the purpose of determining the purchase fee simple absolute.

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. (156-2002)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown received a proposal from United Water Company for the installation of an eight inch (8") water main on SHERIDAN AVENUE and WELLS AVENUE, from the intersection of Sheridan Avenue and Liberty Avenue to the intersection of Wells Avenue and Southward Avenue, at a cost not to exceed \$67,800.00, and

WHEREAS, by an Order duly adopted by the Town Board of the Town of Clarkstown on March 27, 2001 the Town Board duly entered an Order calling for a public hearing to be held on April 24, 2001, for the purpose of extending the Clarkstown Consolidated Water Supply District #1 to include such area, which Order further required the Director of the Department of Environmental Control to prepare a map depicting the properties benefited by the proposed extension and to file same in the Office of the Town Clerk on or before April 4, 2001, and

WHEREAS, a map and plan were duly filed in the Office of the Town Clerk of the Town of Clarkstown, and

WHEREAS, copies of the Order were duly published and posted according to Law and the Town Board duly met and considered such proposal and all persons interested in the subject thereof appeared at such time and place, and

WHEREAS, evidence offered at such time and place required that the Town Board make determinations as required by law as follows:

- 1 .The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. That the property and property owner, within the proposed extension of the Clarkstown Consolidated Water Supply District #1, is benefited thereby. Said benefited properties are described on the attached Schedule "A."
3. That the property and property owner benefited is included within the proposed extension of the Clarkstown Consolidated Water Supply District #1, is benefited thereby.
4. It is in the public interest to establish the proposed extension.

## RESOLUTION NO. (156-2002) continued

and

WHEREAS, as a consequence of the foregoing the Town Board approved the extension of the Clarkstown Consolidated Water Supply District #1 to include the area of SHERIDAN AVENUE and WELLS AVENUE, from Liberty Avenue to Southward Avenue, Congers, New York, by Order adopted on April 24, 2001 reciting a description of the boundaries of the proposed extension to the water supply district, and the fact that a plan a map and report describing same are on file in the Town Clerk's Office for public inspection, and

WHEREAS, the Order dated April 24, 2001, adopted by the Town Board extending the Clarkstown Consolidated Water Supply District #1, inadvertently omitted reference to the amount of money to be expended for site improvement, notwithstanding the fact that the Order calling for a public hearing recited such dollar amount, and

WHEREAS, as a consequence of such omission the Order of April 24, 2001 was rescinded and corrected by an Order duly adopted by the Town Board on December 11, 2001, which Order recited a description of the boundaries of the proposed extension to the water supply district, the fact that the maximum amount proposed to be expended for the improvement is \$67,800.00, the fact that a plan, map and report describing same are on file in the Town Clerk's Office, and that a public hearing was held on April 24, 2001;

NOW, THEREFORE, be it

ORDERED, by the Town Board of the Town of Clarkstown, in the County of Rockland, that it be and hereby is determined as follows:

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. That the property and property owner, within the proposed extension of the Clarkstown Consolidated Water Supply District #1, is benefited thereby. Said benefited properties are described on the attached Schedule "A."
3. That the property and property owner benefited is included within the proposed extension of the Clarkstown Consolidated Water Supply District #1, is benefited thereby.
4. It is in the public interest to establish the proposed extension.

and be it

FURTHER ORDERED, that the Town Board does hereby approve the extension of the Clarkstown Consolidated Water Supply District #1, to include the area of SHERIDAN AVENUE and WELLS AVENUE, from Liberty Avenue to Southward Avenue, Congers, New York, as described herein as Schedule "A," and be it

FURTHER ORDERED, that the extension of the Clarkstown Consolidated Water Supply District #1, in the area of SHERIDAN AVENUE and WELLS AVENUE, Congers, New York is hereby subject to receipt of appropriate easements and rights of way in a form satisfactory to the Town Attorney, and be it

FURTHER ORDERED, that the construction costs for the proposed improvements shall be financed by taxation upon the properties within the extension of the Clarkstown Consolidated Water Supply District #1, and be it

RESOLUTION NO. (156-2002) continued

FURTHER ORDERED, that this Resolution is subject to a Permissive Referendum in the manner provided in Article Seven of the Town Law and Subdivision of Section 209-e of the Town Law, and be it

FURTHER ORDERED, that fire hydrant services and improvements be provide in said extension of the Clarkstown Consolidated Water Supply District #1, and it is

FURTHER ORDERED, that the proposed improvements, including the cost of rights-of-way, construction costs, legal fees and other expenses shall be financed by taxation upon the properties within the extension of the Clarkstown Consolidated Water Supply District #1, and it is

FURTHER ORDERED, that the Town Clerk of the Town of Clarkstown is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the Office of the Clerk of Rockland County in which the Town of Clarkstown is located, within ten (10) days after adoption of this Order, and it is

FURTHER ORDERED, that the Town Clerk is hereby authorized and directed to file a certified copy of this Order in the Office of the State Department of Audit and Control, Albany, New York, within ten (10) days after the adoption of this Order.

**SCHEDULE "A"**

<b>MAP DESIGNATION</b>	<b>ADDRESS CONGERS, NEW YORK</b>
44.II-3-16	36 Southward Avenue
44.II-3-17	14 Wells Avenue
44.II-3-18	8 Wells Avenue
44.II-3-3	2 Wells Avenue
44.II-3-31.2*	1 Wells Avenue
44.II-3-33	43 Sheridan Avenue
44.II-3-34	39 Sheridan Avenue
44.II-3-35	35 Sheridan Avenue
44.II-3-36	31 Sheridan Avenue

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. (157-2002)

Co. Maloney offered and Co. Smith seconded

RESOLUTION NO. (157-2002) continued

WHEREAS, an existing 15 foot wide Town drainage easement runs beneath the driveway at # 53 East Street, West Nyack (n/f Paladino); and

WHEREAS, the owner at the subject address has complained that said easement has caused the driveway to be in a state of disrepair; and

WHEREAS, the Town Board of the Town of Clarkstown is desirous of restoring the driveway to a condition acceptable to the owner;

NOW, THEREFORE, BE IT RESOLVED that the Department of Environmental Control is hereby authorized to solicit proposals from qualified paving contractors to install an asphalt cap on the subject driveway; and

BE IT FURTHER RESOLVED that said restoration shall take place at a date to be specified following the receipt and review of said proposals.

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. (158-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown is considering the purchase of premises known as Tax Map 44.07-2-9, as part of the Open Space Initiative in the Hamlet of Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review of the property known as Tax Map 44.07-2-9 (Zacharakis).

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. (159-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION NO. (159-2002) continued

WHEREAS, by Referendum held on November 7, 2000, residents of the Town of Clarkstown authorized the issuance of \$22 Million in municipal bonds for the purpose of financing the acquisition of Open Space within the Town of Clarkstown, and

WHEREAS, the Citizens' Advisory Committee for Open Space Committee has recommended certain parcels for acquisition as part of the Town of Clarkstown Open Space Protection Initiative, and included among its recommendations is a parcel described on the Clarkstown Tax Map as 44.07-2-9, which consists of approximately 19.3 acres of vacant property, and

WHEREAS, Christina D. Vlahos, as Administrator of the Estate of Costas (Gus) Zacharakis, is willing to sell the property to the Town of Clarkstown for the sum of \$75,000.00, plus the customary tax adjustments and closing costs;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the proposal of Christina D. Vlahos, as Administrator of the Estate of Costas (Gus) Zacharakis, for the purchase of property known as Tax Map 44.07-2-9, for the Town's Open Space Protection Initiative, at a price not to exceed \$75,000.00, plus the customary and necessary closing expenses and adjustments, subject to SEQRA review by the Town's Planning Consultant, Robert Geneslaw, resulting in a negative declaration, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into a contract, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that all expenses pursuant to this Resolution shall be charged to 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. (160-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation of Melinda E. Ryan, 144 Lake Road, Valley Cottage, New York - (temporary) Clerk - Comptroller's Office - is hereby accepted - effective and retroactive to January 11, 2002.

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. (161-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Karl Gerlach, 27 Germonds Road, New City, New York – Highway Maintenance Supervisor II – Highway Department – is hereby accepted – effective February 16, 2002.

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. (162-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on January 30, 2002 that the position of Real Property Data Collector – Assessor’s Office – can be created,

Now, therefore, be it

RESOLVED, that the position of Real Property Data Collector – Assessor’s Office – is hereby created – effective and retroactive to February 11, 2002.

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. (163-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Kathleen Kieman, 13 North Rockland Avenue, Congers, New York, is hereby appointed to the position of (Provisional) Real Property Data Collector – Assessor’s Office – at the current annual salary of \$26,029., effective and retroactive to February 11, 2002.

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. (164-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Karen Dowling, 4 Summit Place, Nanuet, New York, is hereby appointed to the position of (temporary) Clerk – Clarkstown Justice Court – at the current annual salary of \$28,917., effective and retroactive to January 21, 2002 – 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. (165-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that Racquel Guzman, 11 Old Clave Road, Congers, New York, is hereby appointed to the position of (temporary) Clerk – Purchasing Department – at the current annual salary of \$28,917., effective and retroactive to January 21, 2002 – for a period not to exceed 3 months.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (166-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the resignation of Robert Collister, 4235 Castlebridge Lane, Unit 122D, Sarasota, Florida (ZIP 34238) – Bus Driver – Clarkstown Mini Trans Department – is hereby accepted – effective and retroactive to November 27, 2001.

On roll call the vote was as follows:

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

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RESOLUTION NO. (167-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (167-2002) continued

WHEREAS, pursuant to the authority contained in Vehicle and Traffic Law 1682, and the Town Code of the Town of Clarkstown Section 278-6(17), the Town Board has the authority to regulate traffic by means of traffic control devices, and

WHEREAS, the Utility Services Coordinator for the Town of Clarkstown has recommended the establishment of a permit system to install, operate, and maintain traffic signal pre-emption equipment on traffic signals located within and maintained by the Town of Clarkstown, for the purpose of permitting emergency vehicles maintained by fire districts to pre-empt such traffic signal when responding to emergency calls;

NOW, THEREFORE, be it

RESOLVED, that the criteria for such pre-emption devices shall include auxiliary cabinet installation for pre-emption devices and be based upon regulations promulgated by the New York State Department of Transportation, and be it

FURTHER RESOLVED, that permits for such pre-emption equipment shall be in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that all costs attendant to the acquisition of and installation of such apparatus and equipment shall be borne by the permittee fire district.

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. (168-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Nanuet Fire District has requested permission to install, maintain, and operate a traffic signal pre-emption device on Town of Clarkstown Traffic Signal Number 31, located at College Avenue and First Street, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants to the Nanuet Fire District the authority to install, maintain, and operate a traffic signal pre-emption device on the intersection as aforesaid subject to the Nanuet Fire District executing a permit agreement with the Town of Clarkstown, in a form satisfactory to the Town Attorney.

On roll call the vote was as follows:

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

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## RESOLUTION NO. (169A-2002)

Co. Lasker offered and Co. Maloney seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to acquire a parcel of real property located on Burnside Avenue, Congers, New York, and designated as Section 44.15, Block 3, Lot 1 (formerly 127-N-23.02), to be used for municipal purposes. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$925,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$925,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$925,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3II. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond

RESOLUTION NO. (169A-2002) continued

anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

\* \* \*

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. (169B-2002)

Co. Lasker offered and Co. Maloney seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "THE JOURNAL-NEWS," a newspaper published in Nyack, New York, and/or in the "ROCKLAND COUNTY TIMES," a newspaper published in Rockland County, New York, each having a general circulation within said Town and hereby designated the official newspapers of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on February 12, 2002, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted February 12, 2002, authorizing the acquisition of a parcel of real property for use by the Town, stating the estimated maximum cost thereof is \$925,000, appropriating said amount therefor, and authorizing the issuance of \$925,000 serial bonds to finance said appropriation,"

RESOLUTION NO. (169B-2002) continued

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire a parcel of real property located on Burnside Avenue, Congers, New York, and designated as Section 44.15, Block 3, Lot 1 (formerly 127-N-23.02), to be used for municipal purposes; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$925,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$925,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$925,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is thirty (30) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$925,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to permissive referendum.

Section 2. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper(s) referred to in Section 1 hereof, and hereby designated the official newspaper(s) for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. 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

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RESOLUTION NO. (170-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (170-2002) continued

RESOLVED that Town Board resolution #525-2001 for Bid No. 50-2001 Strathmore Creek Remediation Project 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

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RESOLUTION NO. (171-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown is desirous of constructing improvements to the water course referred hereunto as the Strathmore Creek; and

WHEREAS, the Department of Environmental Control is in the process of finalizing the plans and specifications for the Strathmore Creek Remediation Project;

NOW, THEREFORE, BE IT RESOLVED that the Director of Purchasing is hereby authorized to advertise for bids for:

Bid #27-2002;  
Strathmore Creek Remediation

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

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. (172-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board of the Town of Clarkstown authorized Maser Consulting to perform topographical survey work for the Cavalry Drive culvert (Resolution 202-2001) and also authorized emergency measures to install concrete barriers for the protection of the general public (Resolution 113-2002), and

WHEREAS, the Department of Environmental Control has completed a preliminary design for the replacement of the culverts on Cavalry Drive damaged during Tropical Storm Floyd, and;

## RESOLUTION NO. (172-2002) continued

NOW, THEREFORE, BE IT RESOLVED that, 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 that the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board, with respect to SEQRA review, for the Cavalry Drive Culvert Replacement; and

BE IT FURTHER RESOLVED that the Department of Environmental Control shall complete and submit the necessary permit applications to the appropriate agencies and/or parties as required, secure right-of-entry agreements from the respective property owners and prepare contract documents to perform the improvements.

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. (173-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, JAY THEISE, contract purchaser of premises described on the Clarkstown Tax Map as 64.8-1-38 (formerly 71-C-27.1), located in the vicinity of West Nyack Road, at HILLSIDE AVENUE, West Nyack, New York, has petitioned the Town Board of the Town of Clarkstown for permission to utilize a portion of mapped but unopened street known as HILLSIDE AVENUE, to obtain ingress and egress access pursuant to Town Law 280-a(2), for a proposed one family dwelling to be built on a portion of the subject premises intended to be subdivided, and

WHEREAS, the petitioner has made application for a two (2) lot subdivision to the Town of Clarkstown Planning Board which has reviewed same and referred the applicant without recommendation to the Town Board for consideration to utilize provisions of Town Law 280-a(2), and

WHEREAS, the Town Board duly scheduled a public hearing which was held on January 22, 2002, at which time the petitioner and all other parties in interest were heard, and

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

NOW, THEREFORE, be it

RESOLVED, that under the provisions of 280-a(2) of the Town Law, the Town Board hereby determines, subject to conditions and requirements set forth herein, that an additional residence (a proposed one family dwelling) may utilize that portion of mapped but unopened HILLSIDE AVENUE, as and for ingress and egress from the rear portion of premises known as 64.8-1-38 (formerly 71-C-27.1), to obtain access to the nearest public street consisting of West Nyack Road, and provided further that all applicable regulations regarding subdivision of the premises, the State Environmental Conservation Law, and Zoning Law provisions are complied with, and be it

## RESOLUTION NO. (173-2002) continued

FURTHER RESOLVED, that the within determination is based on the following Findings of Fact by the Town Board:

**FINDINGS OF FACT**

1. The proposed ingress and egress right-of-way will have a maximum length not to exceed 420 feet from the northerly portion of the planned access point to the nearest public street, West Nyack Road.
2. West Nyack Road is a public street maintained by the Town of Clarkstown.
3. Although portions of HILLSIDE AVENUE are utilized for access by other existing premises, the access way has not been constructed to Town standards and may not, in the event of emergency provide safe or reasonable access to the premises without further improvement.
4. The Planning Board referred the application to the Town Board without a positive or negative recommendation.
5. The proposed plan shows a paved width of eleven (11') feet for the access road which is intended to serve four (4) homes upon approval of the subdivision.
6. Robert Geneslaw, the Town's Planning Consultant, has recommended that a driveway turn-around be provided and that the Planning Board should consider whether or not the eleven (11') foot road width is adequate for the intended use.
7. The Director of the Department of Environmental Control has advised that in the absence of a petition for a road improvement district, a road maintenance agreement should be in place, and that the width of the existing roadway should be considered to determine if it will adequately serve the properties using same.
8. The petitioner has advised the Town Board that the owners using the subject proposed access do not at the present time have a road maintenance or other shared maintenance agreement, but that they may be willing to enter into such agreement thereby establishing and sharing the responsibility for the maintenance of the access way.
9. There is presently no petition pending with respect to any proposed road improvement district for the subject mapped but unopened street.
10. The Town Board, on the basis of the Record before it, cannot determine if the existing travel way is sufficient to provide safe and reasonable access for fire department or other emergency apparatus.
11. The Director of the Department of Environmental Control has further recommended that a road widening strip along the property fronting on West Nyack Road be requested of the petitioner for dedication to the Town, in addition to other recommendations made to the Planning Board with respect to required notes on the subdivision map; basement access, footing drains, erosion control and clearing limits.
12. That the access under consideration shall continue to be a private access which shall not meet the standards for public roads unless or until a petition for a road improvement district shall be made and accepted by the Town Board.
13. The Town Board has no authority to compel the present users of the subject proposed access route to join with the petitioner in a road maintenance agreement.
14. The Town Board has the responsibility to assure that access to the subject proposed residence shall be safe and reasonable;

NOW, THEREFORE, be it

FURTHER RESOLVED, that in accordance with the provisions of Section 280-a(2) of the Town Law, in consideration of the recommendations of the Director of the Department of Environmental Control, the Town's Planning Consultant, and the Record and proceedings had herein, a Building Permit for the erection of a single family residence may be issued to JAY THEISE subject to obtaining final subdivision approval and compliance with all applicable provisions of the Zoning Local Law of the Town of Clarkstown, for premises designated on the Tax Map as 64.8-1-38 (formerly 71-C-27.1), provided further that the petitioner shall provide written authorization from the property owner with respect to this application and the subdivision application and petitioner

## RESOLUTION NO. (173-2002) continued

further shall, prior to the issuance of said Building Permit, execute and record a Declaration of Covenants in a form satisfactory to the Town Attorney, which shall bind and run with the land and which shall provide the following:

1. That the property owner shall acknowledge that no Town services consisting of maintenance, paving, or snow removal shall be provided along the undedicated HILLSIDE AVENUE;

2. That the declarant owner irrevocably agrees to participate in a road improvement district for any frontage of said premises on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown;

3. That the declarant owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee any interest of the declarant owner in the premises or in any mapped street adjacent to premises to the designated street line to accomplish the widening of same to fifty feet (50') in width;

4. That the declarant shall obligate the premises upon which the one family dwelling is to be constructed to maintain the entire length of the right-of-way so as to be free and clear of ice and snow during inclement weather, and to otherwise be repaired and kept free of potholes and other defects at all times for its entire length from the driveway access to the nearest public street provided, however, that nothing herein is intended to prevent the declarant from entering into a shared maintenance agreement in recordable form with any other property owners using the right-of-way so as to obligate all such users to pay their fair share of maintenance and repair costs, but in lieu thereof, the petitioner/declarant or his successors in interest shall be obliged to perform such services;

5. That any deed of conveyance of the subject premises shall recite that the conveyance is subject to the Declaration of Covenants provided herein, and shall be subject to same whether or not such recitation is included in the deed;

6. That any Certificate of Occupancy issued for said premises, including any Certificate of Occupancy issued to the already existing premises as a result of subdivision, shall be conditioned upon observance and shall recite that it is subject to the Declaration of Covenants provided for herein,

and be it

FURTHER RESOLVED, that prior to the issuance of a Building Permit the petitioner shall secure the written approval of the Director of the Department of Environmental Control with respect to the proposed development or improvements of the existing right-of-way so as to provide safe and reasonable access for emergency, fire, or other apparatus, and to otherwise prepare a plan acceptable to said Director of the Department of Environmental Control for the improvement of HILLSIDE AVENUE so as to meet all the requirements and recommendations made by memo dated December 5, 2001 of the Deputy Director of the Department of Environmental Control, and or other applicable Findings of Fact which are contained herein, and be it

FURTHER RESOLVED, that prior to the issuance of any Certificate of Occupancy the petitioner shall obtain final subdivision approval, shall install the improvements to HILLSIDE AVENUE in accordance with the approved plan, and shall provide written certificate to the Town of Clarkstown from a licensed professional engineer that the improved travel way may be safely utilized by emergency equipment should the need arise, and be it

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

RESOLUTION NO. (173-2002) continued

FURTHER RESOLVED, that prior to the filing of any approved subdivision map the petitioner shall tender a deed and other necessary documents sufficient to convey fee simple title approved by the Town Attorney for a road widening strip for the portion of premises fronting on West Nyack Road.

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. (174-2002)

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,

“ETHICS IN GOVERNMENT LAW OF THE TOWN OF CLARKSTOWN”

and

WHEREAS, this proposed local law is intended to modify Chapter 18 of the Code of the Town of Clarkstown dealing with Ethics;

NOW, THEREFORE, be it

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 April 9, 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.

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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(This local law introduced by Co. Lasker per Resolution #591-2002)

RESOLUTION NO. (175-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the County of Rockland has appropriated funds for the STOP-DWI Program to be shared by all Police Departments in the County of Rockland and the Sheriff’s Patrol, and

RESOLUTION NO. (175-2002) continued

WHEREAS, the Town of Clarkstown has been notified by letter dated February 4, 2002 that the Town of Clarkstown's share for the STOP-DWI Program for the calendar year 2002 is \$12,270,38;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor and the Chief of Police to execute the letter of agreement dated February 4, 2002, with the County of Rockland, for the STOP-DWI Program, to accept funds in the amount of \$12,270.38 for the calendar year 2002, subject to the use of all those funds as provided in said agreement.

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. (176-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the State of New York Governor's Safety Committee has approved an amendment to agreement dated October 1, 1999, which was subsequently amended May 8, 2001, (Contract No. C-000719), for grant application (Grant No. PT-4450083) submitted by the Town of Clarkstown Police Department, for an additional sum of \$8,925.00, for the purpose of financing additional patrol hours for two police officers to enforce the Vehicle and Traffic Law for the period covering October 1, 2001 through September 30, 2002, and

WHEREAS, the State shall provide \$8,925.00 to the Town of Clarkstown for said purposes, for the period covering October 1, 2001 through September 30, 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York Governor's Safety Committee, in a form approved by the Town Attorney, to accept a grant award of \$8,925.00 for financing additional patrol hours for two police officers to enforce the Vehicle and Traffic Law for the period covering October 1, 2001 through September 30, 2002.

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. (177-2002)

Co. Smith offered and Co. Maloney seconded

RESOLUTION NO. (177-2002) continued

WHEREAS, by Resolution No. 430, adopted by the Town Board on May 9, 2000, the Town Board authorized an agreement with Michael S. Lippe, M.D., whereby Dr. Lippe agreed to provide services as an Emergency Health Care Provider to the Clarkstown Police Department pursuant to the New York State Public Health Law, Article 30, Section 3000-B, and

WHEREAS, Dr. Michael S. Lippe and the Clarkstown Police Department wish to extend said contract for an additional year;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Michael S. Lippe, M.D., to extend the current contract whereby Dr. Lippe agrees to provide services as an Emergency Health Care Provider to the Clarkstown Police Department pursuant to the New York State Public Health Law, Article 30, Section 3000-B, for a period of one year from the date of adoption of this Resolution, and be it

FURTHER RESOLVED, that this Resolution is subject to submission of current insurance certificates as required, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that such services shall be provided pursuant to Section 3000-B of the Public Health Law without charge to 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. (178-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, debris and litter were found at Smith Road, Route 304 and 59 in the bowl area in Nanuet; and

WHEREAS, the Town is desirous of having this litter removed from this area; and

WHEREAS, the Department of Environmental Control has obtained several proposals to perform this work; and

WHEREAS, the Department of Environmental Control has reviewed these proposals and found them to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Director of the Department of Environmental Control to retain the services of:

Ascape Landscape and Construction Corp.  
P. O. Box 679  
New City, New York 10956  
Telephone #: (845) 362-0303

RESOLUTION NO. (178-2002) continued

to perform this work, in accordance with the scope of work prepared by the Department of Environmental Control as per their proposal for an amount not to exceed \$1000.00; and

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

On roll call the vote was as follows:

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

RESOLUTION NO. (179-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution #292-2001 awarded Bid #28-2001; Maintenance and Improvements to Town Cul-de-sacs to Danny Clapp Lawn and Landscaping; and

WHEREAS, four (4) change orders on contract have been approved by the Department of Environmental Control as follows:

C.O. #1: Design and install rock wall around the "Charter Oak" at The Promenade in New City Cost - \$5,200.00

C.O. #2: Install one (1) Pear tree at Berry Court in Congers Cost: \$350.00

C.O. #3: Install three (3) Zelkova and one (1) Hornbeam at N.Y.S. Route 59 in Nanuet Cost: \$2,350.00

C.O. #4: Install one (1) Pear tree at West Gate Drive in New City Cost: \$350.00

NOW, THEREFORE, BE IT RESOLVED that the total approved costs of change orders for this project is **\$8,250.00**; and

BE IT FURTHER RESOLVED that the allowance for this project be increased from the original bid amount of \$133,000.00 to \$141,250.00 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account #A 8730 384.

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. (180-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board resolution No. 107-2000 awarded Bid No. 66-2000 for the Crum Creek Detention Basin Improvements to Danny Clapp Landscaping, Inc., New City, New York, and

WHEREAS, during the course of construction, unforeseen site conditions were encountered causing certain pay items to exceed the original engineers estimate resulting in a cost overrun of \$32,958.00, and

WHEREAS, to properly secure the site upon completion of the project, additional plantings were required resulting in an additional cost of \$3,000.00.

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 107-2000 is hereby amended and the Town Board authorizes Change Order No. 4 to Bid #66-2000, and

BE IT FURTHER RESOLVED, that the cost of Change Order No. 4 is \$35,958.00, and

BE IT FURTHER RESOLVED, that the total cost for Bid No. 66-2000 shall not exceed \$130,126.63 and shall be a proper charge to account H 8749 409 0 73 30.

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. (181-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 978, adopted by the Town Board on December 11, 2001, and Resolution No. 94, adopted by the Town Board on January 15, 2002, are hereby amended to change the date to attend the 2002 New World Systems Executive Customer Conference from April 21, 2001 through April 24, 2002 to April 20, 2001 through April 24, 2002.

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. (182-2002)

Co. Smith offered and Co. Maloney seconded

RESOLUTION NO. (182) continued

WHEREAS, the Town Board of the Town of Clarkstown, by way of Resolution No. 101-2002, established a standard work day for members of the Zoning Board of Appeals and Planning Board, and

WHEREAS, said Resolution inadvertently reflected the number of days in a payroll period as opposed to a work week, now therefore be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby amends the aforementioned Resolution to reflect the following standard work week for members of the Zoning Board of Appeals and Planning Board:

- 1. Members of the Zoning Board of Appeals – 1.8-day work week, 6-hour day.
- 2. Members of the Planning Board – 2.3-day work week, 6-hour day

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. (183-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown previously authorized by Resolution No. 956-2001, the Director of the Department of Environmental Control to retain the services of Cal Mart Enterprises, Inc. to restore approximately 130 linear feet of the existing drainage easement located at #252 New Hempstead Road; and

WHEREAS, the Department of Environmental Control has determined that an additional 125 linear feet of the channel has become occluded with sediment and debris to the point where restoration is required; and

WHEREAS, the Department of Environmental Control has solicited a proposal from Cal Mart Enterprises, Inc. to perform this additional work; and

WHEREAS, the Department of Environmental Control has reviewed said proposal to perform this work for the amount of \$2,777.00 and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 956-2001 is hereby amended so that the allowance for this project shall be increased from the original amount of \$5,555.00 to \$8,332.00 to reflect the cost of the additional work; and

BE IT FURTHER RESOLVED that this continue to be a proper charge to account # H 8751 409 0 75-38.

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. (184-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board authorized the solicitation of proposals for an appraisal of property located at 160 South Pascack Road, Nanuet, New York, and said property is designated on the Tax Map as 63.11-2-2, and

WHEREAS, the Town Attorney has received competitive proposals from appraisers and recommends hiring the firm of Lawrence & Shedler to perform said appraisal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire the firm of Lawrence & Shedler, in accordance with its proposal of January 29, 2002, to appraise Town property known as 63.11-2-2, and be it

FURTHER RESOLVED, that the cost of \$1,900 for said appraisal 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. (185-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists at Culvert #334A, and

WHEREAS, the plans for the complete replacement of Culvert #334A are currently underway and construction is anticipated to begin on or about March 1, 2002, and

WHEREAS, the existing culvert is occluded and poses the potential for flooding to surrounding properties, and

WHEREAS, an immediate cleaning of the culvert is required to prevent the risk of flooding until the culvert replacement is completed, and

WHEREAS, the Department of Environmental Control has obtained proposals from qualified contractors to perform the required cleaning of the culvert.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire KJS Hauling and Home Improvements, 95 Maple Avenue, New City, New York 10956 to perform the required work in accordance with their proposal dated 1/28/02, and be it

RESOLUTION NO. (185-2002) continued

FURTHER RESOLVED, the cost for the required cleaning shall not exceed \$2,650.00 and shall be a proper charge to account H 8752 409 76 2.

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. (186-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown authorized Maser Consulting to perform topographical survey work for the Cavalry Drive culvert (Resolution 202-2001) and also authorized emergency measures to install concrete barriers for the protection of the general public (Resolution 113-2002), and

WHEREAS, the Department of Environmental Control has completed a preliminary design for the replacement of the culverts on Cavalry Drive damaged during Tropical Storm Floyd and determined that subsurface soil investigations need to be conducted for the replacement design for the culvert crossing at Cavalry Drive, and

WHEREAS, the Department of Environmental Control solicited a proposal to perform soil investigative work, and

WHEREAS, the Department of Environmental Control has reviewed said proposal,

NOW, THEREFORE, be it

RESOLVED that, based on said review, the Director of the Department of Environmental Control recommends that the Town Board retain the services of:

SOILTESTING, INC.  
 140 Oxford Road  
 Oxford, CT 05418-1943  
 Phone: (914) 627-0186

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$1,897.50 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. (187-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board authorized the preparation of plans and specifications for drainage improvements to the Kill von Beaste in the vicinity of Green Avenue, and

WHEREAS, said design of improvements requires the performance of soil borings to determine the type and properties of soils in the vicinity of the CSX Railroad bridge crossing, and

WHEREAS, the Department of Environmental Control has received a proposal dated February 11, 2002 from Soil Testing Inc. in the amount of Three Thousand Six Hundred Seventeen Dollars And Fifty Cents (\$3,617.50),

NOW THEREFORE BE IT RESOLVED, that the Town Board does authorize the Director of Environmental Control to retain the services of Soil Testing Inc. to perform soil borings and sampling in accordance with the scope of work as indicated in the proposal, and be it

FURTHER RESOLVED THAT the cost of said work shall not exceed Three Thousand Six Hundred Seventeen Dollars And Fifty Cents (\$3,617.50), and be it

FURTHER RESOLVED THAT the cost of such work shall be a proper charge to account number H 8749 409 0 73-9, and be it

FURTHER RESOLVED THAT the Town Board of the Town of Clarkstown requests that CSX Railroad provide access and all possible assistance for the performance of this investigation.

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. (188-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town Board has received complaints of flooding during severe storms in the area of Park Ave, Karl Ct And Meriwether Trail, Congers, and

WHEREAS, the Department of Environmental Control has investigated the existing condition and the investigation indicates that improvements are required to existing drainage piping and structures in the area, and

WHEREAS, the Department of Environmental Control has preliminarily determined that several alternatives may be employed to minimize the potential for flooding of properties in the area,

NOW THEREFORE BE IT RESOLVED, that the Town Board does direct the Department of Environmental Control to prepare construction plans and specifications for required drainage improvements within the affected drainage basin in accordance with the results of their investigation and analysis, and be it

RESOLUTION NO. (188-2002) continued

FURTHER RESOLVED THAT said plans and specifications shall be completed for this Board to authorize bidding at the March 12, 2002 meeting.

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. (189-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Supt of Parks and Recreation and the Director of Purchasing that

BID #8-2002 – PRINTING OF SPRING/SUMMER AND FALL/WINTER RECREATION & PARKS BROCHURES

is hereby awarded to:

DODGE GRAPHIC PRESS, INC  
 2332 BLEEKER STREET  
 UTICA, NY 13501  
 PRINCIPALS: MARK MANNELLA  
 MARIO MANNELLA  
 CYNTHIA MANNELLA-NICKELL

as per the following item/price schedule:

SPRING/SUMMER BROCHURE @ \$8,220.00

FALL/WINTER BROCHURE @ \$5,500.00

and be it

FURTHER RESOLVED, that said award is subject to the receipt of a Performance Bond (or deposit) equal to 15% of the total amount awarded above.

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. (190-2002)

Co. Smith offered and Co. Maloney seconded

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

RESOLUTION NO. (190-2002) continued

BID # 10-2002 – FIREWORKS DISPLAY

is hereby awarded to:

ZAMBELLI INTERNATIONAL MFG CO., INC  
P.O. BOX 1463  
NEW CASTLE PA, 16103  
PRINCIPALS: GEORGE R. ZAMBELLI

as per their proposed project cost of \$3,950.00 and be it

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

- a) Performance Bond per bid specs
- b) Certificate of General Liability Insurance per bid specs
- c) Certificate of Fireworks Display Liability per bid specs
- d) Certificate of Worker's Compensation insurance coverage
- e) Certificate of Worker's Disability Insurance coverage

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (191-2002)

Co. Smith offered and Co. Maloney seconded

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

BID #11-2002 – FIRST AID/SAFETY SUPPLIES

is hereby awarded to:

MICRO BIO MEDICS, INC  
846 PELHAM PARKWAY  
PELHAM MANOR, NY 10803  
PRINCIPALS: A PUBLIC CORPORATION

MOORE MEDICAL CORP.  
389 JOHN DOWNEY DRIVE  
NEW BRITAIN, CT 06050  
PRINCIPALS: HEARTLAND ADVISORS

V.E. RALPH & SON, INC  
320 SCHUYLER AVENUE  
KEARNY, NJ 07032  
PRINCIPALS: VERNON J. RALPH

RESOLUTION NO. (191-2002) continued

ZEVCO MEDICAL PRODUCTS  
28 W 080 COMMERCIAL AVENUE  
BARRINGTON, IL 60010  
PRINCIPALS: SHERWIN H. MEYERS  
GAIL S. MEYERS

NATIONAL HEALTH SUPPLY CO.  
171 MILBAR BOULEVARD  
FARMINGDALE, NY 11735  
PRINCIPALS: DAVID SAFT

NORTHERN SAFETY COMPANY  
P.O. BOX 4250  
UTICA, NY 13504  
PRINCIPALS: RONALD LONGO  
SALVATORE A. LONGO

as per the item/price list on file in the Purchasing Department.

On roll call the vote was as follows:

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

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RESOLUTION NO. (192-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Supt of Highways and the Director of Purchasing that

BID #14-2002  
SEVEN PASSENGER S.U.V.

is hereby awarded to:

MAWAH FORD  
55 FRANKLIN TPKE  
MAWAH, NJ 07430  
PRINCIPALS: DENNIS OBERLE  
DONARD OBERLE  
HERBERT OBERLE

for one – 2002 Ford Explorer as per their proposed vehicle cost of \$25,444.00 per bid specifications.

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. (193-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a result of a mistake in the preparation of flood plain maps for the Town of Clarkstown for premises designated on the Clarkstown Tax Map as 34.29-1-23 (formerly 60-A-16.19), and now also known as 43 Cranford Drive, New City, New York, was improperly excluded from the flood plain map although, in fact, it was within the 100 year flood plain, and

WHEREAS, as a result of litigation, Index No. 8006/94, involving the Town and others, a settlement was reached which obligated the Town of Clarkstown to take certain measures which would result in protecting the property from flooding, and

WHEREAS, said measures have been completed and the Town Board wishes to apply to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision based on fill for the premises referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to make application to FEMA for a Letter of Map Revision based on fill for the property referred to herein and to pay the processing fee of \$400.00, from Account No. H 1994-409-0-14-38.

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. (194-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, by Resolution No. 848-1993, the Town Board awarded Bid No. 65-1993 for the Curbside Residential Collection of Recyclable Materials to Pat Nazzaro Disposal, Inc., which contract was amended and extended pursuant to its terms by resolution dated April 27, 1999 to provide such services to eligible residential properties in the Town of Clarkstown through February 11, 2002, and

WHEREAS, the Director of the Department of Environmental Control has requested authorization to prepare bid specifications to solicit bids for the curbside residential collection of recyclable materials, as the current contract does not provide for further extensions;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to prepare bid specifications to provide for a renewal contract for the Curbside Residential Collection of Recyclable Materials, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to enter into an extension agreement for a period subject to and terminating upon the Town Board awarding a new contract pursuant to the proposed bid provided for herein, and be it

RESOLUTION NO. (194-2002) continued

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare the necessary contract extension documents to implement this resolution.

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. (195-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an action was commenced in Supreme Court, Rockland County, by Lisa J. Kolesar and Michael J. Kolesar, with respect to personal injuries sustained in connection with the participation in recreational activity sponsored by the Town of Clarkstown, and

WHEREAS, the matter was referred for mediation before retired Supreme Court Justice Donald Sullivan who recommended a settlement that was consistent with the evaluation of the case by counsel assigned to defend the Town;

NOW, THEREFORE, be it

RESOLVED, the Supreme Court action referred to herein may be settled upon payment of a sum not to exceed \$40,000.00, and be it

FURTHER RESOLVED, that since the Town of Clarkstown previously released its self-insured retention amount to Coregis Insurance Company, the settlement herein subject to approval by said insurance company.

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. (196-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, sight distance for vehicles seeking access to Demarest Avenue, West Nyack, from 61 Demarest Avenue, is assisted by the installation of a safety mirror, but the property owner had requested review and possible improvement of this device, and

WHEREAS, an engineering consultant, Chas. H. Sells, Inc., offices located at 555 Pleasant Hill Road, South Building, Briarcliff Manor, NY 10510, has investigated this sight distance and made recommendations for improvements in its report dated December 2001, and

RESOLUTION NO. (196-2002) continued

WHEREAS, John Coyle, Safety Manager, has reviewed such recommendations and concurs with two of the recommendations made, and has recommended the replacement of the existing safety mirror with a 36" convex mirror and also the installation of a driveway warning sign;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Superintendent of Highways to replace the existing safety mirror with a 36" convex mirror, and to install a driveway warning sign, in the area of 61 Demarest Avenue, West Nyack, New York, as recommended by Safety Manager John Coyle.

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. (197-2002)

Co. Smith offered and Co. Maloney seconded

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

"AMENDMENT TO CHAPTER 290 (ZONING) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

and

WHEREAS, the Clarkstown Planning Board and the Ad Hoc Committee have reviewed the proposed local law and recommend its adoption;

NOW, THEREFORE, be it

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 April 2, 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, and be it

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.

RESOLUTION NO. (197-2002) 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. (198-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, SEQRA review of the Pascack Community Center, Nanuet, New York, more particularly known as Tax Map 57.11-2-12 (formerly 164-A-27) is beyond the scope of Robert Geneslaw's contract with the Town of Clarkstown, and

WHEREAS, the Town Board wishes to hire Robert Geneslaw Co., to perform SEQRA review of the site;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Robert Geneslaw Co. to provide SEQRA review of the Pascack Community Center property, more particularly known as Tax Map 57.11-2-12 (formerly 164-A-27), in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that said services will be paid on a per diem basis in accordance with the fee schedule previously provided to the Town, and be it

FURTHER RESOLVED, that all expenditures for such services shall be charged to Account No. H 8749-409-0-73-6.

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. (199-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Clarkstown Citizens' Advisory Committee for Open Space, and/or property owners, or neighbors, have recommended that the Town Board consider acquisition of certain premises in the Hamlet of Valley Cottage, as part of the authorized Town of Clarkstown Open Space Acquisition Program as follows:

TAX MAP NO.	ACREAGE	OWNER
59.20-1-8	2.30	Afarian & Kazanjian
59.20-1-3, 4, 5	10.3	Denoyelles
59.20-1-10, 11	.88	Stuart Weinberger
52.20-1-20, 29.4	15.2	Phoenix Homes
52.19-1-1	16.9	Brega Company

RESOLUTION NO. (199-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals from qualified appraisers for appraisals of premises referred to above, and for the purpose of determining the current market value of a fee simple absolute interest, or as otherwise directed, and the Town Attorney is hereby authorized to accept on behalf of the Town the lowest proposal which shall meet all the appraisal proposal criteria.

On roll call the vote was as follows:

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

\*\*\*\*\*

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted the Town Board Meeting was closed, time 9:30 p.m.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

**TOWN OF CLARKSTOWN  
PUBLIC HEARING**

Town Hall

2/12/02

8:05 P.M.

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

Re: Rockland County Consortium for Community Block Grant Funding

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing opened at 8:05 P.M.

Supervisor Holbrook gave an explanation of the Consortium. He reported that four (4) applications were received and reviewed by the committee on February 5, 2002 as follows:

Town of Clarkstown for the Pascack Community Center in the amount of \$120,000 to equip a new community center. Two Senior Citizens clubs will be moved to this location, plus the establishment of a new club.

Hidden Ridge Condominium Development (Booth property on Pipetown Hill Road) going through the Rockland Housing Action Coalition for \$150,000. This would help offset the cost of developing fifty-six (56) owner occupied units. A condition of the committee is to have Clarkstown residents receive preferential treatment as well as people who are emergency services volunteers.

Rockand ARC for Prime Time for Kids Early Learning Center in the amount of \$500,000 over a period of two (2) years.

Big Brothers and Big Sisters for a Clarkstown Teen Center in the amount of \$370,000.

All proposal applications must be in to the Consortium by March 1, 2002 and will receive a screening and a rating. The awards are scheduled to be announced in April.

Supervisor Holbrook invited public comments.

Appearance: Russell Trojan  
Clarkstown

He suggested adding downtown Nanuet revitalization to the list of applications. The Nanuet Civic Association is urging that all utility lines be converted to underground.

Supervisor Holbrook replied that \$100,000 could be submitted to the Consortium for their consideration.

Mr. Trojan also raised concerns of safety in regard to the proposed railroad crossing on Lawrence Street or its approaching sidewalks. His comments further included moving of Central Nyack Ambulance Corps and Fire Houses. He inquired as to whether the building on Main Street in Nanuet could be moved back to be in line with the other building on the strip.

Appearance: John Lodico  
New City

He referred to the Sr. Citizens Housing, specifically that people who were on the waiting list for twenty (20) years were not able to get into the housing, yet people who just moved into the Town were able to do so. He also referred to the Hackensack Cleanup project and asked that it remain in record.

PH: Rockland County Consortium for Community Block Grant Funding

2/12/02  
Page 2

Appearance: Gillian Ballard  
Chief Executive Officer  
Big Brothers-Big Sisters

She urged the Board to accept the proposal for the purchase of East Evergreen Road for the purposes of operating a Teen Center and a shared service administrative facility. The location is opportune for the students to walk from North and South High Schools. This program will be economical to the Town and would also help with community development.

Co. Lasker supported Mrs. Ballard in submitting this proposal because it would benefit the Town.

Appearance: Martin Bernstein  
New City

He asked if there was an amount of money appropriated for the whole County. Supervisor Holbrook replied that there is almost two (2) million dollars and that Clarkstown has been successful in being awarded money in the past.

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 closed, time: 8:27 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

(The required notification of above Public Hearing was published by Rockland County)

## TOWN OF CLARKSTOWN

## PUBLIC HEARING

Town Hall

2/12/02

8:27 P.M.

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

Re: Proposed Local Law: To Establish a Moratorium on the Issuance of Building Permits or Certificates of Occupancy for Adult Entertainment Uses for a Period of Six Months from the Adoption Hereof to Permit Study and Implementation of Regulations Consistent with the Town of Clarkstown Comprehensive Plan

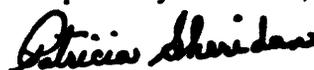
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On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was opened at 8:27 P.M.

Supervisor asked John Costa, Town Attorney, if we have met all the requirements of the proposed Local Law. John Costa replied that we have an Affidavit of Publication indicating that the Local Law was published as required, the Notice of Public Hearing was published as required by Law. There is a Memorandum from Robert Geneslaw, the Town's Planning Consultant indicating that no further SECA action is necessary as this is a Type II action. We have also received correspondence from the Rockland County Department of Planning dated February 4, 2002 indicating that this is a matter for local determination.

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was closed, time: 8:34 P.M.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

(RESOLUTION NO. #123-2002 ADOPTED)