

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

02/26/2002

7:30 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.

Admin. Sgt. Harry Baumann opened the Police Promotion/Induction Ceremony. Police Honor Guard, led by Det. Gary McDonald, presented the colors. Chief Kevin Kilduff led assemblage in the Pledge of Allegiance. Police Commissioner, Hon. John Maloney, gave the invocation.

The following were promoted to the rank of:

Lieutenant, Steven Morgan
Administrative Sergeant, Harry Baumann
Sergeant, Brian Gorsky
Detective, Gerard King

The following were inducted into the department as Police Officers:

P.O. Thomas Flanagan	P.O. Matthew Bender
P.O. Peter Walker	P.O. Michael Tasaro
P.O. Keith Teneyck	P.O. Nicholas Veltri
P.O. Gordon Miller	P.O. Christopher G. Maloney
P.O. John Hanchar	P.O. Scott Rios
P.O. Charles Owens	P.O. Christopher Brigando
P.O. James McCullagh	P.O. William C. Sherwood
P.O. Kevin Ryan	P.O. Victor Protasiewicz

The oath of office was given by Police Commissioners, Hon John R. Maloney, Hon. Ralph F. Mandia and Mr. John Danahy. Chief Kilduff and PBA President, Police Officer James Fay recognized and congratulated all of the officers on their promotions and inductions. The Town Board congratulated the officers and their families. Administrative Sergeant Harry Baumann dismissed the assemblage.

Supervisor opened the public portion of the meeting.

Appearance: Frank Hackett
Valley Cottage

He inquired as to how items are placed on the agenda. He commented that Item #13 was added at the last minute and that it is just a re-write of GARS.

Appearance: Cora Bodkin
New City

She spoke in regard to Item #13 saying that the housing study will take time. There already has been a pilot program conducted at a Senior Citizen Center and no decision should be made because a response is needed from the Town, County Planning Board and the Citizens Advisory Committee on Housing.

Appearance: Joe Haines
New City

He spoke regarding Item #13 saying that this is GARS all over and that the Town Board is in too much of a rush. He asked why the AD Hoc Committee had been eliminated. He suggested that Friday of the week before should be the cut off date for items being added to agenda.

Appearance: Martin Bernstein
New City

He spoke on Item #13 and said the Town Board should wait for recommendations from the Housing Committee and that the Town does not need this local law. They need affordable housing and this is not affordable housing.

He spoke regarding the Journal News listing the meeting items in the paper. This came about because the Civic Associations met with the top management of the Journal News. He believes now that the reporters should attend the meetings. He also spoke regarding the ethics problem in Orangetown.

Appearance: Bruce Broadley
West Nyack

He inquired as to who drafted this local law. He agreed that Friday should be the cut off date for items to be added to the agenda. The Town Board should wait for the report from the housing committee.

Appearance:: Arlene Whiteker
Bardonia

She spoke on Item 13 inquiring as to whether senior housing is now the focus of the Town. She also asked if we are going to follow the Comprehensive Plan that was adopted by the Town Board.

Appearance: Michael Capone
West Nyack

He commented on Item #12 and he also spoke regarding a pot hole on DeForest Court.

Appearance: Karen Tarapotta
Upper Nyack

She spoke in regard to Item #6 saying she is concerned about the property being divided. She believes the Town should protect the site line and not divide the parcel.

Appearance: Steven Levine
Congers

He spoke on Item # 13. He also suggested that Friday be the cut off date for items on the agenda unless there is an emergency.

Appearance: Russell Trojan
Citizen of Clarkstown

He spoke in regard to Item #13 saying that the proposal should be referred out but not have a public hearing. He also mentioned that another public hearing on Assisted Living is being scheduled.

Appearance: Joanna Goldone
New City

She was concerned about the water shortage as our resources are low. The public hearing on housing should be postponed and the proposal given to the Citizens Advisory Committee.

Appearance: Steven Levine
Congers

He commended the Town Board for acquiring Congers Depot. He asked if the Town has filed for a Court Order on the Goldberg matter and if the Town put out for bid for correction of this problem. He would like to see uniform enforcement of the building code.

Appearance: Maria Jansen
Congers

She would like to see five-day notice for a foundation permit. She asked what the difference is between approval and permit and she feels that the Zoning Board and Planning Board should have the same requirements as far as notification is concerned.

RESOLUTION NO. (200-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of February 12, 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 Yes
Supervisor Holbrook Yes

RESOLUTION NO. (201-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Parks Board and Recreation Commission to dispense alcoholic beverages in accordance with and subject to section 22-2A and 2B of the Town Code at:

Annual Senior Citizen Show Cast Party
May 4, 2002
Congers Community Center
Gilchrest Road
Congers, New York

And

RESOLUTION NO. (201-2002) continued

Annual Senior Citizen Picnic
June 11, 2002 (Raindate: June 12th)
Congers Lake Memorial Park
Gilchrest Road
Congers, New York

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. (202-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes attendance at computer training classes for the Cisco high-speed switching equipment by Robert Stritmater, Director of Automated Systems, and Lawrence Berkowitz, Computer Network Specialist, to be held at the Cisco facility, 460 West 35 Street, New York, New York, from February 26 through February 28, 2002. The training classes will be of no cost to the Town, and be it

FURTHER RESOLVED, that the total cost for travel, tolls, and meals shall not exceed \$500.00 and will be charged to Account No. A 1680-404.

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. (203-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Patricia Sheridan, Town Clerk, is hereby authorized to attend the New York State Town Clerk's Association's 20th Anniversary Conference to be held in Saratoga Springs, New York on April 21-24, 2002 and all proper charges and registration fees to be charged to Appropriation Account #A-1410-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (204-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Gerard Amalfitano, Esq., attorney for the Raho Corp. d/b/a Potato Republic, has advised the Town Clerk by letter dated February 6, 2002, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that said corporation has applied for an on-premises liquor license at 28 North Main Street, New City, New York, and

WHEREAS, to expedite processing said corporation's license application, Gerard Amalfitano, Es., attorney for the applicant, has requested that the Town Board waive the thirty day waiting period provided by law, and

WHEREAS, the Town Board does not intend to comment upon such application

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 62 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of the Raho Corp. d/b/a Potato Republic, for a license at premises 28 North Main Street, New City, New York.

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. (205-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, several groups have requested that the Rockland County Consortium consider their organizations for Community Development funding for projects they have planned, and

WHEREAS, a public hearing was duly held as required by Federal regulations on February 12, 2002 at 8:00 p.m. in the auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and

WHEREAS, the Town Board of the Town of Clarkstown supports each of these organizations in their requests for funding,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the Rockland County Consortium consider Community Development funding for the following groups:

1. Town of Clarkstown Parks and Recreation - To purchase equipment and furniture for the Pascack Community Center/Senior Center
2. Rockland Housing Action Coalition - To offset cost of purchasing 56 two-bedroom condominium units to be sold to pre-approved HUD, low-income buyers
3. Rockland ARC - To build a therapeutic swimming pool
4. Big Brothers Big Sisters of Rockland County - To purchase the building at 3 East Evergreen Road, New City to open a "teen center"

RESOLUTION NO. (205-2002) continued

and be it

FURTHER RESOLVED, that two additional organizations, United Hospice of Rockland and Literacy Volunteers of Rockland County have submitted applications for consideration for Community Development funding and are hereby approved to be submitted to the Consortium, although they were not submitted in time for the public hearing, and therefore were not discussed at the public hearing, and be it

FURTHER RESOLVED, that Town Board hereby requests that from this list, the Consortium prioritize the applications in the same order they are listed in this resolution, when considering each of these projects submitted by 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. (206-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, James W. Cropsey and Patricia D. Cropsey have agreed to gratuitously convey a Conservation Easement to the Town of Clarkstown, as shown on the final plat of Cropsey Estates, designated on the Clarkstown Tax Map as 51.09-1-49 (f/k/a 37-E-2), and

WHEREAS, the Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has recommended acceptance of the conveyance; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that said Conservation Easement is hereby ordered recorded in the Office of the Rockland County Clerk, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to February 21, 2002, nunc pro tunc.

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. (207-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that John Fickes, 41 Grandview Avenue, Nanuet, New York, is hereby reappointed to the position of Member – Fire Board of Appeals – to serve without compensation – term effective February 28, 2002 and to expire on February 27, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (208-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Edward Hewitt, 8 A Bittman Lane, New City, New York, is hereby reappointed to the position of Member – Fire Board of Appeals – to serve without compensation – term effective February 28, 2002 and to expire on February 27, 2005.

On roll call the vote was as follows:

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

RESOLUTION NO. (209-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Alice K. DeForest, 22 Old Brick Road, New City, New York – Senior Clerk Typist – Personnel Office – is hereby accepted- with regret – effective and retroactive to February 23, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (210-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (210-2002) continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #2039 Principal Clerk Stenographer (NCP/T&E) which contains the name of Joan Gibbs,

NOW, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Joan Gibbs, 10-37 Crescent Drive, Thiells, New York to the (Permanent) position of Principal Clerk Stenographer – Police Department – at the current annual salary of \$46,381., effective and retroactive to January 21, 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. (211-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Kenneth Rooney, 9 Old County Road, Pomona, New York – Storekeeper – Highway Department – is hereby granted a Sick Leave of Absence – at one-half pay – effective and retroactive February 19, 2002, to March 19, 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. (212-2002)

Co. Maloney offered and Co. Mandia seconded

Whereas, Town Board Resolution #707-2001 awarded Bid #56-2001 – Pleasant Hill Drive Drainage Improvement Project to Hudson Canyon Construction, Inc.; and

Whereas, two change orders on contract have been approved to date by the Department of Environmental Control as follows:

- 1. C.O. #1: Alter the design of approximately 405 linear feet of grass lined channel shown on the project plans to channels lined with surge stone placed on geotextile fabric Cost \$17,963.00

RESOLUTION NO. (212-2002) continued

2. C.O. #2: Substitute four (4) Slab Type Manhole Frames and Covers for the four (4) Standard Manhole Frames and Covers shown on the project plans to better facilitate the final grading of the rear yards of those lots contained within the project site
Cost \$414.00

3. Now, Therefore, Be It Resolved, that the total approved costs of the change orders for this project is \$18,377.00; and

Be It Further Resolved that Resolution No. 707-2001 is hereby amended to reflect the current allowance for this project be increased from the original bid amount of \$118,674.00 to \$137,051.00 to reflect the additional cost of the change orders; and

Be It Further Resolved that this shall be a proper charge to account #H 8749 409 073 31.

On roll call the vote was as follows:

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

RESOLUTION NO. (213-2002)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that Resolution No. 167, adopted by the Town Board on February 12, 2002, is hereby amended to include ambulance districts, and that all costs attendant to the acquisition of and installation of such apparatus and equipment shall be borne by the respective permittee fire district or ambulance district.

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. (214-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown wishes to consider acquisition of certain premises in the Hamlet of Congers, New York, designated on the Tax Map as 44.15-3-42 consisting of approximately .15 acres, and Tax Map 44.15-3-42.1 consisting of approximately .85 acres, in the vicinity of Town property (reputedly owned by Mehran Mehrnia and Moshen Taskindoust). Both properties are located adjacent to Town property;

NOW, THEREFORE, be it

RESOLUTION NO. (214-2002) continued

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals from qualified appraisers 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

RESOLUTION NO. (215-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board is desirous of implementing the Mosquito Control Program for the purpose of applying larvicide in designated areas of standing water in the Town of Clarkstown for 2002; and

WHEREAS, the Director of Purchasing has authorized and obtained competitive bids based on specifications prepared by the Department of Environmental Control for said program; and

WHEREAS, the Department of Environmental Control has reviewed said competitive bids for conformity to said specifications;

NOW, THEREFORE, BE IT RESOLVED that, based upon the recommendation of the Director of the Department of Environmental Control, the Town Board hereby awards the contract for

Bid #21-2002 Mosquito Control Service

to:

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

as per their low bid proposal of \$230.00 per acre; and

BE IT FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of all submittals required in accordance with the contract 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. (216-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (216-2002) continued

WHEREAS, the Town of Clarkstown has received \$1,400 from Viacom Productions

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. A 01 9 2705 (Gifts & Donations) and increase Budgetary Account A 3120-111 (Police-Overtime) in the amount of \$1,400 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 1330-110 (Receiver of Taxes-Salaries) and increase A 1330-204 (Receiver of Taxes-Office Machines) by \$2,320.01 and decrease A 1990-505 (Contingency-Other Costs) and increase A 7140-306 (Recreation-Maintenance Supplies) by \$1,630.

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. (217-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the Director of Purchasing is hereby authorized to assign bid numbers and advertise for bids for the following items for the Highway Department:

- Roadway Resurfacing Program for 2002
- Crack Sealing Program for 2002
- Construction Inspection and Materials Testing Service for 2002
- Concrete Curb and Sidewalk Contract for 2002

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

RESOLUTION NO. (218-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the proposed Local Law entitled, "Planned Adult Community District" is hereby referred to the Clarkstown Planning Board and the Clarkstown Housing Committee for study and report and to the Rockland County Planning Board, pursuant to the General Municipal Law.

On roll call the vote was as follows:

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

RESOLUTION NO. (219-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Director of the Department of Environmental Control, has determined that an adverse drainage condition exists in the vicinity of a Town drainage easement, and which affects premises located at 86, 88, 90 and 92 Branchville Road, Valley Cottage, and

WHEREAS, the Director of the Department of Environmental Control has inspected said condition and recommended a plan to alleviate same by expanding the Town's drainage easement, and

WHEREAS, the affected property owners have agreed, or are about to agree, to grant gratuitous right-of-entry and permanent drainage easements to the Town, and

WHEREAS, the Department of Environmental Control has solicited and received three proposals for the corrective work;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain the services of the low proposal of Danny Clapp Landscaping, Inc., to perform the planned drainage improvements in accordance with its proposal for a cost not to exceed \$17,480.00 to be charged to Account No. H 8752-409-0-7601, and be it

FURTHER RESOLVED, that the award of this work is subject to the Director of Department of Environmental Control receiving right-of-entry and permanent drainage easement agreements from all four affected property owners.

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. (220-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Charles E. Holbrook, Supervisor, has recommended, and the members of the Town Board wish to consider, the possible relocation of utilities underground in the business areas of all the Hamlets in the Town of Clarkstown, and

WHEREAS, Verizon will investigate and draw plans for such relocation;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to make application to Verizon to plan and design the relocation of utilities underground in the commercial areas of all the Hamlets in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost per plan of \$225.00 shall be charged to Account No. A 3020-409.

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. (221-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, at the request of the Deputy Supervisor Penny Leonard, the W. H. Moulton Company requested proposals for the renewal insurance coverage of the Mini-Trans Bus System of the Town of Clarkstown, and

WHEREAS, the Deputy Supervisor has recommended acceptance of the proposal contained in the February 26, 2002 letter of W. H. Moulton Company, insurance agents;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the proposal of Lancer Insurance for liability coverage of \$2,000,000.00, and from Genstar for excess liability coverage of \$8,000,000.00, at the total quoted price for the annual premium of \$234,985.00, to be charged to Account No. CS 1910-420.

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 9:55 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk