

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

04/02/2002

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
John Costa, Town Attorney
Lucy Sinacore, Deputy Town Clerk

Supervisor Holbrook declared the Town Board Meeting open. Assemblage saluted the flag. Supervisor opened the public portion of the meeting.

Appearance: Frank Hackett
Valley Cottage

He asked if the Town received the ten (10) million dollars insurance that is being authorized. He also asked what the cost of the personnel changes are. He feels that this information would be helpful if it were available at Town Board Meetings.

Appearance: Steven Levine
Congers

He spoke on Item #25 saying that there should be a Planning Board hearing before the Town Board makes a decision. He also questioned why this amendment is being proposed as the majority of people do not have a problem.

He also spoke on the Goldberg property asking Mr. Costa if access to the property was received and if the specifications from the outside consultant have been received.

Appearance: John Lodico
New City

He spoke about property rights. He also referred to Water Conservation suggesting a Local Law that the Town install wet wells and dry wells along side of the Waterways and Streams as a resource for the fire departments to use in the event of fires.

Appearance: Warren Marshall
Nanuet

He does not believe there should be School Resource Officers in the schools.

Appearance: Joe Leary
West Nyack

He commented on #19 saying that he appreciates all of the hard work of the Town and his neighbors; however, there is still a stretch of road where four (4) families live with children under 8 years old which he suggests be named as "Demarest Mill Road Extension." He expressed some concerns for additional safety issues.

Appearance: Bob Heil
West Nyack

He said he spoke to an engineering consultant who informed him that all new sidewalks would have to be five (5) feet wide and he feels that this is too broad for many areas. He said he was informed that all sidewalks are going to be changed to five (5) feet to facilitate snow plow equipment. He asked the Town Board to review this issue.

RESOLUTION NO. (283-2002)

Co. Lasker offered and Co. Smith seconded

WHEREAS, a proposed local law entitled,

RESOLUTION NO. (283-2002) continued

"A LOCAL LAW AMENDING CHAPTER 5 OF THE
CODE OF THE TOWN OF CLARKSTOWN ENTITLED,
'ARCHITECTURE & LANDSCAPE COMMISSION'"

was introduced by Councilperson Smith, at a Town Board meeting held on March 12, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 12, 2002, directed that a public hearing be held on April 2, 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 on March 25, 2002, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on March 12, 2002, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 2, 2002;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3 - 2002 entitled:

"A LOCAL LAW AMENDING CHAPTER 5 OF THE
CODE OF THE TOWN OF CLARKSTOWN ENTITLED,
'ARCHITECTURE & LANDSCAPE COMMISSION'"

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.

RESOLUTION NO. (284-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of March 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. (285-2002)

Co. Smith offered and Co. Lasker seconded

RESOLUTION NO. (285-2002) continued

WHEREAS, Jeff Tangredi, a member of Boy Scout Troop 2 of Nyack, has proposed as his Eagle Scout project to undertake improvements to the Upper Nyack Cemetery, Old Mountain Road, Upper Nyack, New York, and

WHEREAS, Jeff Tangredi has requested Town Board permission to access the premises referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Jeff Tangredi to access and improve the Upper Nyack Cemetery, Old Mountain Road, Upper Nyack, New York, by removing weeds between the stone wall and the street, installing a split rail fence along the remaining three sides of the cemetery, installing a trail map box at the entrance, and taking photographs of the graves to prepare an inventory and history of those buried therein, and be it

FURTHER RESOLVED, that Director of the Department of Environmental Control, or his designee, shall review all proposals and make appropriate recommendations regarding the implementation of same.

On roll call the vote was as follows:

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

RESOLUTION NO. (286-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, premises 3 East Evergreen Road, New City, New York, is owned by the Town of Clarkstown, and formerly housed the Clarkstown Counseling Center which has been discontinued, and

WHEREAS, the premises is suitable for use as professional office but not needed for same by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares 3 East Evergreen Road, as surplus municipal property and authorizes the sale of same, and be it

FURTHER RESOLVED, that the Town Attorney, in consultation with the Town Assessor, is hereby authorized to advertise same for sale in a commercially reasonable manner and to solicit proposals from qualified purchasers for sales price of not less than \$500,000.00 and be it

FURTHER RESOLVED, that it is the intention of the Town Board to sell the premises subject to a covenant running with the land that shall require that the premises be used exclusively for professional office purposes only, and be it

FURTHER RESOLVED, that the Town Board reserves the right to review and reject any and all proposals which may be received.

On roll call the vote was as follows:

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

RESOLUTION NO. (287-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that so much of Resolution No. 256-2001, adopted by the Town Board on March 27, 2002, is hereby amended to provide that permission granted to the Rockland County Radio Control Club for use of the former site of the Clarkstown Sanitary Landfill shall be conditioned upon the organization allowing all Clarkstown residents who wish to participate an opportunity to join the club and participate in its activities on an equal basis with all other members.

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. (288-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. 247-2002, adopted by the Town Board on March 12, 2002, is hereby amended to read as follows:

“WHEREAS, SEQRA review of the KURY HOMES SUBDIVISION property, Central Nyack, New York, more particularly known as Tax Map 59.20-1-3, 4, and 5 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 Kury Homes Subdivision property;

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 Kury Homes Subdivision property, more particularly known as Tax Map 59.20-1-3, 4, and 5, 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 that the fees for such services shall be paid through an escrow account which shall be funded by the applicant of the Kury Homes Subdivision prior to the agreement referred to herein becoming effective, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to March 12, 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. (289-2002)

Co. Lasker offered and Co. Maloney seconded

Whereas, the Town Board of the Town of Clarkstown has previously authorized by Resolution No. 942-2001, the Director of the Department of Environmental Control to retain the services of MRJ Excavating, Inc. of New City to perform corrective drainage work within a Town drainage easement on Green Avenue in Valley Cottage; and

RESOLUTION NO. (289-2002) continued

Whereas, in response to a request from the resident at #15 Green Avenue, the Department of Environmental Control obtained a proposal from MRJ Excavating, Inc. to remove additional material from the project site and perform additional restoration not included in the original scope of work for this project; and

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

Now, Therefore, Be It Resolved that Resolution No. 942-2001 is hereby amended so that the allowance for this project shall be increased from \$9,800.00 to \$12,300.00 to cover the cost of this additional work; and

Be It Further Resolved that this shall continue to be a proper charge to account #H 8751 409 0 75-36.

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. (290-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, due to a casualty loss that occurred when the Town's voting machines were transported to a storage facility, it has become necessary to purchase 22 voting machines, and

WHEREAS, the Town Clerk has obtained a proposal from VOTING MACHINE SERVICE CENTER, INC. for such replacement voting machines, and the Director of Purchasing has advised that this is the only company that presently sells voting machines of the type sought;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to accept the proposal made by VOTING MACHINE SERVICE CENTER, INC., for the purchase of 22 automatic voting machines, and be it

FURTHER RESOLVED, that the delivered cost of each machine is \$2,995.00, and that the total cost of \$65,890.00 shall be charged to Account No. H 8752-409-0-76-4.

On roll call the vote was as follows:

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

RESOLUTION NO. (291-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown owns property at 312 Strawtown Road, West Nyack, New York, which it leases to Carolyn F. MacDonald, and

WHEREAS, Mrs. MacDonald wishes to continue leasing the property from the Town;

RESOLUTION NO. (291-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a lease agreement with Carolyn F. MacDonald, in a form approved by the Town Attorney, for a period of three years commencing March 1, 2002 and terminating April 30, 2005, at an annual rental payment to be increased each year pursuant to lease dated February 27, 2002, all rental payments are due in equal monthly installments in advance on the first day of each month, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to February 27, 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. (292-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an action was commenced against the Town of Clarkstown and others by ANELLO BROS. INC., in the Supreme Court, Index No. 5060/00, to assert a claim against retainage held by the Town with respect to a public works project, and

WHEREAS, a proposed settlement has been arranged whereby the Town, as stakeholder, shall pay the retainage to Anello Bros. Inc. and receive release of liability from all parties;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to execute a stipulation of settlement providing for release of the sum of \$13,749.70 to Anello Bros. Inc., and be it

FURTHER RESOLVED, that the Comptroller is hereby authorized to release the retainage referred to herein upon receipt of a fully signed Stipulation of Settlement and Release to be charged to Account No. H 8736-409-0-67-14, for Bid No. 16-1999.

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. (293-2002)

Co. Mandia offered and Co. Lasker seconded

BE IT RESOLVED, that the Memorandum of Agreement between the Clarkstown Special Unit of the CSEA and the Town of Clarkstown dated March 8, 2002 is hereby ratified and be it further resolved that the Supervisor is authorized to execute an Agreement consistent with the terms thereof.

RESOLUTION NO. (293-2002) continued

On roll call the vote was as follows:

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

Co. Smith spoke at length about why she is opposed to this resolution. She questioned why a current contract that was reopened only for the purpose of determining policy for recording time has resulted in 20 new provisions that benefit only the individuals and increase the expense to the Town. She is not opposed to unlimited time in exchange for eliminating future accruals, however, she feels the department heads should be made accountable for recording their absences and providing this information to the Supervisor and the Town Board on a monthly basis. She is opposed to early payout of accrued time, especially at a 100% rate, which will result in the Town paying out approximately \$500,000 in the next month. The new provisions would also provide an additional salary increase on top of an increase approved last June, reinstate a previously eliminated 19-year longevity payment and increase the 15-year longevity payment.

Co. Maloney commented that Co. Smith has made several good points and that he also has some questions about the contract. However, looking at the contract totally and on all sides, it would make sense to adopt the resolution right now.

RESOLUTION NO. (294-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Clarkstown Town Justices have proposed that part time positions be created pursuant to § 209-v of the General Municipal Law to provide for the protection of persons and property in and about the Clarkstown Justice Court, and

WHEREAS, the Town Board wishes to so proceed;

NOW, THEREFORE, be it

RESOLVED, that the Personnel Administrator is hereby authorized and directed to take all necessary actions to create the position of part time security personnel for the Clarkstown Justice Court, utilizing the provisions of General Municipal Law § 209-v, which provides that retired law enforcement personnel having peace officer status may be employed to fill said positions, and be it

FURTHER RESOLVED, that the Personnel Administrator shall file all appropriate information with the Rockland County Personnel Office to seek classification of the above described position, and be it

FURTHER RESOLVED, that the Town Board reserves the right to establish the hourly rate of compensation for personnel to be appointed, upon establishment, pursuant to General Municipal Law § 209-v, and subject to all other applicable provisions of law and regulations.

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. (295-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control, Michael LoPiccolo and Debra LoPiccolo have agreed to gratuitously convey a Conservation and Drainage Easement and a Road Widening Strip to the Town of Clarkstown, as shown on the final plat of LoPiccolo, designated on the Clarkstown Tax Map as 44.11-1-16 (f/k/a 113-A-9), and

WHEREAS, the Deputy Director of the Department of Environmental Control, with the concurrence of the Superintendent of Highways, has recommended acceptance of the conveyances; 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 Easements and Road Widening Strip on behalf of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said Easements and Road Widening Strip are hereby ordered recorded in the Office of the Rockland County 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. (296-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that upon the recommendations of the Deputy Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Performance Bond furnished by Suffolk Construction Company, Inc. in the amount of \$35,000.00 for site restoration in connection with the Sunrise Elder Care Facility, designated on the Clarkstown Tax Map as Map 43.7, Block 1, Lot 28 (f/k/a 59-A-17.14) is hereby terminated; and the Performance Bond may be released.

On roll call the vote was as follows:

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

RESOLUTION NO. (297-2002)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, by Resolution No. 1018-2001, the Supervisor was authorized to enter into a Contract of Sale to purchase property located at 47 Burnside Avenue, Congers, New York, and a \$10,000.00 contract deposit was paid towards the purchase price of \$900,000.00, and

WHEREAS, the attorney for the seller has requested an increase in the contract deposit because funds are necessary to clear title in order to expedite closing;

NOW, THEREFORE, be it

RESOLUTION NO. (297-2002) continued

RESOLVED, that the Comptroller is hereby authorized and directed to issue a further contract deposit not exceeding \$18,000.00 in the aggregate to the attorney for the contract vendor and provided further that the Town Attorney can confirm that the funds will be used solely to clear title so that the closing of title can take place in accordance with the contract terms with the Town receiving an insurable fee simple title, and be it

FURTHER RESOLVED, that the additional contract deposit shall be charged to Account No. H 8751 409 0 75-16.

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. (298-2002)

Co. Maloney offered and Co. Lasker seconded

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

DeSIMONE & SONS, INC.
35 Madison Avenue
Garnerville, NY 10923
Paul DeSimone, Jr., President

RESOLVED, that the following Certificate of Registration be issued:

No. 02-19 DeSIMONE & SONS, 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. (299-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, JOHN W. Coyle, Safety Manager, has requested permission to attend the second phase of the International Codes Program being given by the Department of State, Division of Code Enforcement and Administration, which is being held at the Rockland County Fire Training Center on April 30, May 1, May 2, 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes attendance by John W. Coyle, Safety Manager, to attend the second phase of the International Codes Program being given by the Department of State, Division of Code Enforcement and Administration, and being held at the Rockland County Fire Training Center on April 30, May 1, May 2, 2002, at no expense to the Town.

RESOLUTION NO. (299-2002) 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. (300-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Frank Fee, Transit Operations Supervisor, has requested permission for Dennis Malone, Assistant Supervisor of the Clarkstown Mini-Trans, to attend the DMV-19A Certified Examiner Training Course to be held in Harriman, New York, from April 19 through May 4, 2002, at a cost of \$349.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes attendance by Dennis Malone, Assistant Supervisor of the Clarkstown Mini-Trans, to attend the Examiner Training Course referred to above, and be it

FURTHER RESOLVED, that the necessary cost of \$349.00, and any reasonable expenses for travel and food shall be charged to Account No. A 5630-414.

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. (301-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #15-2002
FOOD PROVISIONS FOR TOWN OPERATED REFRESHMENT STANDS

is hereby awarded to:

NEWBURGH PACKING CO
677 LITTLE BRITAIN AVE
NEW WINDSOR, NY 12553
PRINCIPAL: HENRY SCHEIBLE

J.H. HAAR/U.S. FOOD SERVICE INC.
849 NEWARK TURNPIKE
KEARNY, NJ 07032
PRINCIPAL: A PUBLIC CORPORATION

COOKIES AND MORE
165 PRICE PARKWAY
FARMINGDALE, NY 11735
PRINCIPALS: MARK ABRUSCATO
BRIAN GOLD

RESOLUTION NO. (301-2002) continued

MULLER DAIRIES
P. O. BOX 456
FLORIDA, NY 10921
PRINCIPAL: WILLIAM J. MULLER

ROCKLAND BAKERY
94 DEMAREST MILL ROAD
NANUET, NY 10954
PRINCIPALS: J. BATTAGLIA
P. BATTAGLIA
J. BATTAGLIA
M. BATTAGLIA

as per item/price 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

RESOLUTION NO. (302-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #19-2002
SWIMMING POOL CHEMICALS

is hereby awarded to: JCI JONES CHEMICALS, INC
P.O. BOX 280
103 RIVER STREET
WARWICK, NY 10990
PRINCIPAL: JEFFREY W. JONES

JERSEY CHEMICALS INC
775 RIVER STREET
PATERSON, NJ 07524
PRINCIPAL: ALAN TAUB

as per the item/price 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

RESOLUTION NO. (303-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Director of D.E.C. that

RESOLUTION NO. (303-2002) continued

BID #20-2002
2002 CUL-DE-SAC MAINTENANCE PROJECT

is hereby awarded to:

DANNY CLAPP LANDSCAPING
59 SCHRIEVER LANE
NEW CITY, NY 10956
PRINCIPALS: DANNY CLAPP

as per their proposed project cost of \$153,000 and be it

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

- a) Performance Security – Irrevocable Letter of Credit
- b) Certificate of Contractor's Liability Insurance and Automobile Liability Insurance
- c) Certificate of Worker's Compensation Insurance
- d) Certificate of Worker's Disability Insurance

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

On roll call the vote was as follows:

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

RESOLUTION NO. (304-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Director of D.E.C. that

BID # 23-2002
2002 SITE MAINTENANCE PROJECT

is hereby awarded to:

DANIEL CUSACK, INC
P.O. BOX 106
NEW CITY, NY 10956
PRINCIPAL: DANIEL CUSACK

as per their proposed project cost of \$17,700 and be it

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

- a) Save Harmless Agreement
- b) Performance Security – Irrevocable Letter of Credit
- c) Certificate of Contractors Liability Insurance and Automobile Liability Insurance
- d) Certificate of Workers Compensation Insurance
- e) Certificate of Workers Disability Insurance

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

RESOLUTION NO. (304-2002) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (305-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, pursuant to a maintenance agreement dated March 11, 1997 between EklecCo, the Town of Clarkstown and others, EklecCo is required to maintain liability insurance on the roads at the Palisades Mall in an amount not less than Ten Million Dollars, with insurance carrier chosen by the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown has selected Coregis Insurance Company to provide Two Million Dollars basic coverage, and General Star Insurance Co. to provide Eight Million Dollars excess liability coverage for the policy year commencing April 1, 2002 and ending March 31, 2003, and

WHEREAS, EklecCo has been notified of the insurance carriers chosen in accordance with the agreement and advised of the insurance premium;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the proposals from Arthur J. Gallagher Company for Coregis Insurance Company to provide basic liability coverage, and General Star Insurance Co. to provide excess liability coverage, for the Palisades Mall roads for a combined premium of \$45,000, for the policy year commencing April 1, 2002 and ending March 31, 2003, and be it

FURTHER RESOLVED, that this Resolution is retroactive to March 31, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (306-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #38-2002
CONSTRUCTION OF BUILDING EGRESS
AT CONGERS COMMUNITY CENTER

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00(A.M.) on: _April 19, 2002 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.

RESOLUTION NO. (306-2002) 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. (307-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has advised that there is a need for temporary data entry work in his department, which can be best accomplished by utilizing the services of a temporary staffing agency, and

WHEREAS, he has received four proposals and has recommended that the Town Board accept the proposal of R.J. Staffing to provide temporary personnel for the project referred to herein;

NOW, THEREFORE, be it

RESOLVED, that the Director of Automated Systems is hereby authorized to accept the proposal from R.J. Staffing to provide the necessary temporary data entry personnel to input data in connection with the recent senior citizens housing survey, and be it

FURTHER RESOLVED, that the cost for such temporary data entry personnel shall be charged to Account No. A 1681 10.

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. (308-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Raymond A. DeForest, 22 Old Brick Road, New City, New York – Weigher II – Solid Waste Facility – is hereby accepted – effective and retroactive to March 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

RESOLUTION NO. (309-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (309-2002) continued

RESOLVED, that the resignation (by retirement) of Joan M. Williams, 11 New Haven Avenue, Nanuet, New York, Senior Clerk Typist – Department of Environmental Control – is hereby accepted – effective and retroactive to March 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

RESOLUTION NO. (310-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Carol A. O’Boyle 38 Beechwood Drive, Congers, New York, Principal Clerk Typist – Department of Environmental Control – is hereby accepted – effective April 6, 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. (311-2002)

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 an extension of his Sick Leave of Absence – at one-half pay – effective and retroactive to March 19, 2002 to April 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. (312-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on January 30, 2002 that the position of Principal Purchasing Clerk Typist – can be created,

Now, therefore, be it

RESOLVED, that the position of Principal Purchasing Clerk Typist – Purchasing Department – is hereby created – effective and retroactive to March 25, 2002, and be it

RESOLUTION NO. (312-2002) continued

FURTHER RESOLVED, that the grade for the position of Principal Purchasing Clerk Typist – is hereby established at a grade 21.

On roll call the vote was as follows:

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

RESOLUTION NO. (313-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Principal Purchasing Clerk Typist #01030 which contains the name of Anne M. Ashmore,

Now, therefore, be it

RESOLVED, that Anne M. Ashmore, 272 Mirth Drive, Valley Cottage, New York, is hereby appointed to the (permanent) position of Principal Purchasing Clerk Typist – Purchasing Department – at the current 2002 annual salary of \$41,754., effective and retroactive to April 1, 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. (314-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Elsie J. Coyne, 231 Richard Court, Pomona, New York, is hereby appointed to the position of (Provisional) Senior Clerk Typist – Purchasing Department – at the current 2002 annual salary of \$40,847., effective and retroactive to April 1, 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. (315-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Racquel Guzman, 11 Old Clave Road, Congers, New York, is hereby appointed to the position of (temporary) Data Entry Operator I – Purchasing Department – at the current 2002 annual salary of \$30,190., effective and retroactive to April 1, 2002.

RESOLUTION NO. (315-2002) 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. (316-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01197 Engineer II (Contingent-Permanent) which contains the name of Richard H. Westervelt, Jr.

Now, therefore, be it

RESOLVED, that Richard H. Westervelt, Jr., 115 A South Harrison Avenue, Congers, New York is hereby appointed to the position of (contingent-permanent) Engineer II – Department of environmental Control – at the current 2002 annual salary of \$69,946., effective and retroactive to April 1, 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. (317-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01145 Principal Engineering Technician which contains the name of Gary J. Landro,

Now, therefore, be it

RESOLVED, that Gary J. Landro, 575 Milburn Court, Valley Cottage, New York, is hereby appointed to the (Permanent) position of Principal Engineering Technician – Department of Environmental Control – at the current 2002 annual salary of \$57,507., effective and retroactive to April 1, 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. (318-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01161 Safety Manager, which contains the name of John W. Coyle,

RESOLUTION NO. (318-2002) continued

Now, therefore, be it

RESOLVED, that John W. Coyle, 63 Third Street, New City, New York, is hereby appointed to the (Permanent) position of Safety Manager – Safety Office – at the current 2002 annual salary of \$61,804., effective and retroactive to April 1, 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. (319-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01189B Principal Account Clerk (Promotional) which contains the name of Marialaine Notaro,

Now, therefore, be it

RESOLVED, that Marialaine Notaro, 800A Brookridge Drive, Valley Cottage, New York, is hereby appointed to the (Permanent) position of Principal Account Clerk – Comptroller’s Office – at the current 2002 annual salary of \$37,514., effective and retroactive to April 1, 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. (320-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Personnel Administrator is hereby directed to prepare personnel forms (P.O. 27) and forward them to the Rockland County Personnel Office requesting classification for a position in the area of Insurance.

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. (321-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based on the recommendations of Howard L. Lampert, P.E., Town Traffic Engineering Consultant, dated April 2, 2002, that following are authorized:

RESOLUTION NO. (321-2002) continued

1. The Town Traffic Engineering Consultant is hereby authorized to:
 - A. Prepare plans and specifications for the installation of asphalt sidewalk and curb on the south side of Demarest Mill Road between the Easterly and Westerly Clarkstown South High School Driveways.

2. The Superintendent of Highways is hereby authorized to:
 - A. Install "Left Turn" (W1-1C) and "20 MPH" Advisory Speed (W9-1X) signs on westbound Demarest Mill Road just east of the driveway for House # 38.
 - B. Install "Right Turn" (W1-2C) and "20 MPH" Advisory Speed (W9-1X) signs on eastbound Demarest Mill Road 150 feet W/O Brookdale Court.
 - C. Remove "Speed Limit 15" (R2-1C) signs on westbound Demarest Mill Road near the Easterly High School Driveway, on the northbound Westerly High School Driveway south of Demarest Mill Road and on the southbound Westerly High School Driveway south of Demarest Mill Road.
 - D. Install a "Speed Limit 15" (R2-1C) sign on the southbound Westerly High School Driveway just north of the traffic circle at the south of the Town maintained right-of-way.
 - E. Install a "4 Way Intersection" (W2-1C) sign on westbound Demarest Mill Road just west of the driveway for House # 38.
 - F. Install a "4 Way Intersection" (W2-1C) sign on eastbound Demarest Mill Road 200 feet west of Brookdale Court.
 - G. Install a "Stop" (R1-1C) sign on the northbound westerly Clarkstown South High School Driveway at Demarest Mill Road.
 - H. Install stop lines on the northbound Easterly and Westerly Clarkstown South High School Driveways at Demarest Mill Road and on southbound Brookdale Court at Demarest Mill Road.

3. The Chief of Police is hereby authorized to:
 - A. Increase enforcement of the speed limit on Demarest Mill Road.
 - B. Increase enforcement of the regulation prohibiting the passing of stopped school buses on Demarest Mill Road.

4. The Director of the Department of Environmental Control is hereby authorized to hire a surveyor to stake out property corners and provide a drawing showing fixed objects such as trees, mailboxes and driveways, and providing critical elevations within 5 feet of property lines from 100 feet east of the Easterly Clarkstown South High School Driveway to 100 feet west of the Clarkstown South Westerly High School Driveway.

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, the Chief of Police and Howard L. Lampert, P.E., Town Traffic Engineering Consultant for implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Department of Environmental Control for information.

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. (322-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID#39-2002
WINDOW REPLACEMENT AT OLD POLICE/COURTS BUILDING

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: MAY 6, 2002 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. (323-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a portion of the stream bank within a Town drainage easement on parcel 64.8-3-11.1, 693 West Nyack Road, West Nyack, New York has eroded, and

WHEREAS, the Department of Environmental Control has inspected the stream bank and recommended re-establishing the stream bank and stabilizing it with stone, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire KJS Hauling and Home Improvement, 95 Maple Avenue, New City, New York 10956, to perform the required work in accordance with their proposal dated March 6, 2002, and

BE IT FURTHER RESOLVED, that the cost for the corrective work shall not exceed \$2,500.00 and shall be a proper charge to account H 8752 409 0 76 5.

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. (324-2002)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves a settlement of the claim of Dorothy Stoops pursuant to a Stipulation of Settlement dated April 1, 2002.

RESOLUTION NO. (324-2002) 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. (325-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control has advised that nutrient loading and sedimentation has resulted in aquatic plant growth engulfing Swartwout Lake and Congers Lake in Congers, which has reduced water quality, and Thomas M. Micelli, P.E., Director of Environmental Public Health for the County of Rockland, has advised that due to the drought situation, Rockland County ground water levels are at historic low levels, and that Lake Deforest, a public water supply which receives water from Swartwout Lake and Congers Lake, is threatened with diminished raw water quality as a result of conditions in both Swartwout Lake and Congers Lake, and

WHEREAS, the Department of Environmental Control has solicited proposals for removal of weed growth from Swartwout Lake and Congers Lake to improve water quality, and has recommended acceptance of two proposals from AQUATIC ANALYSTS, P.O. Box 66, Middleville, New Jersey, to apply chemicals to control aquatic vegetation within Swartwout Lake and Congers Lake, which shall benefit water quality in nearby Lake DeForest;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts a proposal from AQUATIC ANALYSTS, for algae and plant control in SWARTWOUT LAKE, at a cost not to exceed \$9,900.00, and which shall be charged to Account No. H-511 409-0-40-20, and a further similar proposal for CONGERS LAKE, at a cost not to exceed \$19,350.00 and which shall be charged to Account No. H-511 409-0-40-21.

On roll call the vote was as follows:

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

RESOLUTION NO. (326-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, planned improvements to Old Phillips Hill Road, in the vicinity of 41 Old Phillips Hill Road, New City, New York, require the reconstruction and possible relocation of

NOW, THEREFORE, be it

RESOLVED, that a proposal dated March 26, 2002 from Atzl, Scatassa & Zigler, Land Surveyors, to provide a location survey for the reconstruction of said retaining wall on Old Phillips Hill Road, New City, New York, is hereby accepted, and be it

FURTHER RESOLVED, that the fee of \$1,850.00 for the survey work shall be charged to Account No. DB 5110-409-0.

RESOLUTION NO. (324-2002) 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. (325-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control has advised that nutrient loading and sedimentation has resulted in aquatic plant growth engulfing Swartwout Lake and Congers Lake in Congers, which has reduced water quality, and Thomas M. Micelli, P.E., Director of Environmental Public Health for the County of Rockland, has advised that due to the drought situation, Rockland County ground water levels are at historic low levels, and that Lake Deforest, a public water supply which receives water from Swartwout Lake and Congers Lake, is threatened with diminished raw water quality as a result of conditions in both Swartwout Lake and Congers Lake, and

WHEREAS, the Department of Environmental Control has solicited proposals for removal of weed growth from Swartwout Lake and Congers Lake to improve water quality, and has recommended acceptance of two proposals from AQUATIC ANALYSTS, P.O. Box 66, Middleville, New Jersey, to apply chemicals to control aquatic vegetation within Swartwout Lake and Congers Lake, which shall benefit water quality in nearby Lake DeForest;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts a proposal from AQUATIC ANALYSTS, for algae and plant control in SWARTWOUT LAKE, at a cost not to exceed \$9,900.00, and which shall be charged to Account No. H-511 409-0-40-20, and a further similar proposal for CONGERS LAKE, at a cost not to exceed \$19,350.00 and which shall be charged to Account No. H-511 409-0-40-21.

On roll call the vote was as follows:

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

RESOLUTION NO. (326-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, planned improvements to Old Phillips Hill Road, in the vicinity of 41 Old Phillip Hill Road, New City, New York, may require the reconstruction and possible relocation of a retaining wall presently located within the Town's right-of-way;

NOW, THEREFORE, be it

RESOLVED, that a proposal dated March 26, 2002 from Atzl, Scatassa & Zigler, Land Surveyors, to provide a location survey for the reconstruction of said retaining wall on Old Phillips Hill Road, New City, New York, is hereby accepted, and be it

FURTHER RESOLVED, that the fee of \$1,850.00 for the survey work shall be charged to Account No. DB 5110-409-0.

RESOLUTION NO. (326-2002) 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. (327-2002)

Co. Maloney offered and Co. Mandia seconded

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

“AMENDMENT TO CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION) OF THE CODE OF THE TOWN OF CLARKSTOWN’

and

WHEREAS, the proposed local law is intended to provide authorization for the issuance of Building Permits on parcels undergoing redevelopment where an existing dwelling may be occupied and not demolished until after the new dwelling is completed;

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 May 14, 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 this Resolution and the proposed local law are hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Town Board Meeting was closed, time 9:20 P.M.

Respectfully submitted,



Lucy Sinacore
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/2/02

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia, Smith
John Costa – Town Attorney
Lucy Sinacore – Deputy Town Clerk

Re: Proposed Local Law: Amending Chapter 290 (Zoning) of the Clarkstown Town Code
Re: Assisted Living Quarters, Continuous Care Living Quarters and Independent Living Adult Housing

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing was opened. Deputy Town Clerk read notice calling public hearing and testified as to proper posting and publications.

Supervisor Holbrook invited Richard Paris, Chairman of the Planning Board, to present and explain the proposed Local Law. Mr. Paris proceeded to define the three sections of the proposal as follows:

The first section describes the Assisted Care Living Quarters, Continuous Care Living Quarters and Independent Living Adult Housing and it also indicates that the old definitions will be expunged.

The second section indicates that it would be through a special permit that the Town Board would issue and it should be applied to the R15 and R22 districts.

Mr. Paris discussed at length components of section three such as the Bulk Table, Independent Living Housing, Assisted Care Living, parking requirements, distance between buildings, demonstrated need, special permit requirements, site plan requirements, density bonus, determination of need, how affordability is calculated, and eligibility priorities

Co. Mandia asked Mr. Paris if he was referring to a definition of affordability to which Mr. Paris replied that affordability is a definition of what a moderate income would be.

Co. Mandia referred to the regulatory issues and asked who would be the controlling body. Robert Geneslaw, Planning Board Consultant, advised that the Town Board would have to set up an agency or contract with someone to make sure regulations are carried out and administered. There would also have to be operating regulations to make sure it is handled fairly and that there is an opportunity for auditing. The mechanics would have to be worked out and that further preparation of the amendment to the code was being held until the Town Board accepts the proposal. John Costa added that the Local Law as drafted does provide a covenant to be associated with the ownership of the unit so that the covenant would be recorded and would bind the unit owner to the format that has been developed.

Co Lasker asked if that would also be binding to the sale of the unit keeping it within that price range.

Mr. Geneslaw replied that it would and the selling price would be based on the change in the Cost of Living plus any capital improvements they may have made to the unit. Any capital costs would be adjusted in the sale price.

Co. Mandia asked if the envisions if these units would be for sale rather than rental to which Mr. Geneslaw replied that the choice is given to the developer depending on the market conditions or the particular part of the market they are trying to reach. Ownership or rental can be offered.

Co. Mandia further asked how the affordability bonus would apply to rentals if it only applies to sold units.

Mr. Geneslaw added that there has been some concern about the location of this proposal. As it is drafted, the property must be at least ten (10) acres in size and if the code were to be adopted tonight, no one could assemble property to make the ten (10) acres; it would have to be ten (10) acres as of the date the code was adopted.

Approximately six (6) months ago preliminary analysis was done of how many properties would actually be eligible. As a result, six (6) properties showed eligibility totaling 112 acres:

A portion of Cropsy Farm on the West Side of Middletown Rd.
(Now Van Houten Farms and is now operating again as a farm stand)
They may not be interested;

Easterly Portion of Cropsey Farm on Middletown Rd. It appears that the County may be acquiring this property as part of its Open Space Program;

Of the four remaining, one has started the slow and laborious approval process for development in their present zoning;

The remaining three (3) could produce approximately 500 units.

Co. Smith asked Mr. Geneslaw if the development size of 106 included both market value and affordability. Mr. Geneslaw replied that he had discussed it with Mr. Paris and they decided they would come back to the Town Board with a suggestion. Co. Smith also asked that since it is stated that the units would not be larger than 800 square feet; does that mean they could be less. Mr. Geneslaw also informed all that the age requirement is 65 years and over.

Supervisor Holbrook opened the meeting to the public for comments.

Appearance: John Lodico
New City

He wants to know what protection Clarkstown residents have in this proposal. He wants to make sure that there will be some restrictions. He feels that a homeowner should have lived in Clarkstown at least ten (10) years in order to qualify for one of these units.

Appearance: Warren Marshall
Nanuet

He recommends dropping this proposed local law as it seems to be the same as rent control.

Appearance: Sr. Katherine Gilbride
Sisters of Charity

She asked what is the duty to the people who want to obey the law and do not have a law to obey. She said that the Town has waited a long time and the public has had years to speak on this.

Appearance: Phyllis Edwards
Vice President, South Little Tor Civic Association

She is pleased that the Town Board is holding off on a vote tonight as she would like to see the results of the survey that was sent to the public of the Town tabulated and included before the Town Board makes a final decision. She asked for more clarification on the definitions, and suggested to have two separate tables; one for Bulk and one for Use.

Co. Mandia asked how binding are the recommendations from the County Planning Department. Mr. Paris replied that there were two (2) subsequent recommendations from the County Planning Department. The first one requested to eliminate the R40 and R80 districts from consideration and several other issues. Mr. Paris stated that he had met with the Rockland County Planning Department one year ago and discussed all of their comments. He said that most of their requests were incorporated.

Appearance: Richard Sarajian
Nanuet

He represents Davis Farms. He feels that the delay is too long and he believes that it is illegal. He urges the Town Board to bring this to a conclusion and stated that this law over regulates.

On motion of Co. Maloney, seconded by Co. Lasker, and unanimously adopted, the Public Hearing was adjourned at 8:30 pm.

Respectfully submitted,



Lucy Sinacore
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/2/02

8:31 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia, Smith
John Costa – Town Attorney
Lucy Sinacore – Deputy Town Clerk

Re: Proposed Local Law: Amending Chapter 5 of the Clarkstown Town Code Re:
Architecture and Landscape Commission

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing opened at 8:31 PM. Deputy Town Clerk read notice calling public hearing and testified as to proper posting and publications.

Supervisor Holbrook explained that the purpose of this Local Law is to provide rational relief due to the circumstances which might arise out of a water emergency. He asked John Costa, Town Attorney to comment on this Law.

Mr. Costa referred to the Director of Environmental Control, Luke Kalarickal's concerns to the Town Board that our current provisions on Landscape and Architecture Commission sections of Law would not allow for extended periods of escrow for required planting. This will adjust the Law to allow for same.

Supervisor Holbrook invited the public to comment.

There being no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Smith and unanimously adopted, the Public Hearing was closed, time: 8:33 PM.

Respectfully submitted,



Lucy Sinacore
Deputy Town Clerk

RESOLUTION NO. 283-2002 ADOPTED