

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

04/09/2002

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.

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing re: Proposed Local Law: Amending Chap 18 of the Clarkstown Town Code Re: Ethics in Government Law was opened, time: 8:00 p.m., closed 8:40 p.m.

Supervisor opened the public portion of the meeting.

Appearance: Warren Marshall
Nanuet

He referred to Item #19 and asked for clarification of the Adopt-A-Road program

Appearance: Frank Hackett
Valley Cottage

He commented that the CSEA contract was signed in June of 2001 and it is being reopened less than ten (10) months later. He asked about the number of disability days being paid out. He also asked for clarification on agenda items #3, #4, #8, #9, #12, #16 and #17.

Appearance: George Rumelt
New City

He agrees with Frank Hackett on the CSEA Agreement and asked if the Agreement is in line with the Cost of Living Index. He asked if there is a cap on accumulated days. He also discussed the two (2) proposed Day Care Centers in close proximity to each near the Post Office and the impact on traffic.

Appearance: John Lodico
New City

He agrees that a reason should be given when an individual recuses himself/herself from voting. He discussed the Lake Lucille project as being a private enterprise.

Appearance: Steven Levine
Congers

He inquired as to the status of the Goldberg property and if the bid package has been released.

Appearance: Martin Bernstein
New City

He asked about the cost of the Lake Lucille project and if the Town has spent any money for private property. He also discussed the zoning for the proposed Day Care Centers.

RESOLUTION NO. (328- 2002)

Co. Smith offered and Co. Lasker seconded

RESOLUTION NO. (328-2002) continued

WHEREAS, a proposed local law entitled,

"ETHICS IN GOVERNMENT LAW OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Mandia at a Town Board meeting held on February 12, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on February 12, 2002, directed that a public hearing be held on April 9, 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 January 25, 2002, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on April 9, 2002;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4 - 2002 entitled:

"ETHICS IN GOVERNMENT LAW OF THE TOWN OF CLARKSTOWN"

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.
(This local law introduced by Co. Lasker per Resolution #591-2002)
RESOLUTION NO. (329-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of April 2, 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. (330-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, PALLOTTA TEAMWORKS, 1525 Crossroads of the World, Los Angeles, Ca. 90028, as sponsor of the AVON BREAST CANCER 3-day fund raising walk, has advised the Town Board that a fund raising event for breast cancer awareness will take place in Rockland County on October 11 through October 13, 2002, and that the event will consist of a three day walk beginning at Bear Mountain, Stony Point, New York, and continuing through Haverstraw, Clarkstown and Orangetown, with the participants planning to pass through Clarkstown on October 11 and 12, 2002, including an overnight stay at Rockland State Park, at Rockland Lake, on Friday, October 11, 2002, and

WHEREAS, the Town Board wishes to recognize this event and to grant permission for same to occur in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to PALLOTTA TEAMWORKS, as sponsor of the AVON BREAST CANCER 3-day fund raising walk scheduled for October 11 through October 13, 2002, to recognize the participants that walk through Clarkstown, subject to receipt and approval by the Town Attorney of the following:

- 1. Certificate of Insurance naming the Town as an additional insured.
- 2. Hold Harmless and Indemnification Agreement.
- 3. Written permission of the Clarkstown Chief of Police approving the event from a public safety point of view.

and be it

FURTHER RESOLVED, that the Town Clerk shall provide PALLOTTA TEAMWORKS with a certified copy of 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. (331-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby ratifies and approves a memorandum of agreement with the Clarkstown Unit of the CSEA, dated April 1, 2002, relating to the elimination of positions at the Clarkstown Counseling Center.

RESOLUTION NO. (331-2002) 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. (332-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Kathleen A. Vellardito, 10 Pelham Avenue, Nanuet, New York, is hereby appointed to the position of (temporary) Clerk – Town Justice Department – at the current hourly rate of \$13.65, effective April 22, 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. (333-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes renewal of membership for the Town of Clarkstown, in the Rockland Business Association, Inc., One Blue Hill Plaza, Pearl River, New York, for a period of one year at a fee of \$450.00, which fee shall be charged to Account No. A 1010-423.

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. (334-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, in accordance with the requirements of Town Board Resolution No. 295-2000, authorizing use of Town Law 280-a(2) on property known as MAP 44.16-2-64, Fisher Avenue, Congers, New York, ROCKLAND EMPIRE DEVELOPMENT, INC. has provided the Town of Clarkstown with a Declaration of Covenant with respect to the construction of a single-family residence at 41 Fisher Avenue, Congers, New York, and

RESOLUTION NO. (334-2002) continued

WHEREAS, the Town Attorney has recommended acceptance and recording of said Covenant;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration of Covenant which was inadvertently recorded by the property owner in the Rockland County Clerk's office on February 14, 2002, as Instrument No. 2002-00006836.

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. (335-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, VIACOM INC., VIACOM PRODUCTIONS, INC, a production company, has requested permission to film "ED" in Clarkstown on either Monday, April 8, 2002, or Tuesday, April 9, 2002;

NOW, THEREFORE, be it

RESOLVED, that VIACOM PRODUCTIONS, INC., of 199 Paris Avenue, Northvale, New Jersey 07647, is hereby authorized to film "ED" in the Town of Clarkstown, at Appliance City, 64 Route 59, Nanuet, New York 10954, between 7:00 A.M. and 4:00 P.M., on either Monday, April 8, 2002, or Tuesday, April 9, 2002, upon the following conditions:

- (1) A permit fee of \$250.00 shall be paid by Permittee;
- (2) The Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000.00 combined single limit for automobile liability and general public liability;
- (3) Permittee to provide proof of Workers' Compensation and Disability Insurance as required by New York law;
- (4) The Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries which may result from the permitted activity;
- (5) Permittee shall post a cash security deposit of not less than \$1,000.00 prior to the commencement of any filming activities;
- (6) Permittee shall pay for all required police protection, if any, as determined by the Chief of Police, which shall be reimbursed at a rate equal to the actual hourly cost, including fringe benefits, to the Town, and
- (7) Permittee shall not utilize public property for any filming, or storage of equipment, or parking of vehicles; however, if public property is used, Permittee shall pay a fee of \$250.00 per hour, for a minimum of two (2) hours, or \$750.00 per day, and be it

RESOLUTION NO. (335-2002) continued

FURTHER RESOLVED, that this resolution is hereby made retroactive to Monday, April 8, 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. (336-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Donald J. Feerick, Jr., Esq., acting as Special Counsel for the Town Board, filed an action in the U.S. District Court, Southern District of New York, (02 CIV. 1197) seeking production of certain records pursuant to Freedom of Information Law in connection with the investigation conducted by the U. S. Attorney's Office with respect to the Town's purchase of land in the Town of Ramapo in 1996, and

WHEREAS, the Town of Clarkstown has disposed of the premises and has recouped its entire investment;

NOW, THEREFORE, be it

RESOLVED, that Special Counsel is hereby authorized and directed to discontinue said action with prejudice, and be it

FURTHER RESOLVED, that the Town Board hereby expresses its appreciation for the efforts made and courtesies extended by Special Counsel in this matter which preserved the Town's position during the pendency of the sale referred to herein.

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. (337-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the New York State Department of Environmental Conservation Dam Safety Division conducted an on site inspection of the Lake Lucille Dam on April 3, 2002, and

WHEREAS, as a result of such inspection, it will be necessary to prepare an additional metes and bounds description for "Baby Lake" for the purpose of obtaining an easement to maintain the downstream portion of the dam, and

WHEREAS, Anthony Celentano, licensed land surveyor, has previously been retained by the Town of Clarkstown to prepare metes and bounds descriptions in connection with the Lake Lucille Aquatic Plant Growth Control District and therefore, has records which will facilitate the preparation of an additional metes and bounds description;

RESOLUTION NO. (337-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain the services of Anthony Celentano for the purpose of drawing a metes and bounds description of "Baby Lake" at a fee not to exceed \$2,500.00, and be it

FURTHER RESOLVED, that the charge authorized herein shall be charged to Account No. H 5111 400 409 4-4.

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. (338-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Loretta Raimone, Receiver of Taxes and Dolores Daubitz, Deputy Tax Receiver, are hereby authorized to attend a seminar for Tax Collection Officers co-sponsored by the Associations of Towns of the State of New York Associations of Tax Receivers and Collectors on June 9th through June 12th, 2002 at Lake Placid Hilton, Lake Placid, New York 12946. Hotel fees are \$75.00 for registration and \$435.00 per person for rooms and meals provided by Hotel.

FURTHER RESOLVED, that all other charges be charged against 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (339-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the NYACK/VALLEY COTTAGE LITTLE LEAGUE, INC., wishes to extend the License Agreement with the Town of Clarkstown for its use of portions of Liberty Elementary School fields, for Little League purposes, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that said property be used by the Nyack/Valley Cottage Little League, Inc., and

WHEREAS, the Little League has provided and continues to provide a valuable service to the residents of the Town, and particularly the youth of the Town, and desires to utilize the fields for recreational purposes, and

RESOLUTION NO. (339-2002) continued

WHEREAS, the Town desires to have the Little League continue to provide such services to the residents of the Town, and particularly the youth of the Town, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form approved by the Town Attorney, and Charles F. Connington, Superintendent of Recreation and Parks, and be it

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

FURTHER RESOLVED, that said agreement shall cover the period of approximately four (4) years expiring December 31, 2005, and thereafter be automatically renewed each year, unless either party shall send a non-renewal notice to the other party at least thirty (30) days before agreement would have renewed.

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. (340-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the WEST NYACK LITTLE LEAGUE, INC., wishes to extend the License Agreement with the Town of Clarkstown for its use of portions of Germonds Park fields, for Little League purposes, and

WHEREAS, the Superintendent of Recreation and Parks has recommended that said property be used by the West Nyack Little League, Inc., and

WHEREAS, the Little League has provided and continues to provide a valuable service to the residents of the Town, and particularly the youth of the Town, and desires to utilize the fields for recreational purposes, and

WHEREAS, the Town desires to have the Little League continue to provide such services to the residents of the Town, and particularly the youth of the Town, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement, in a form approved by the Town Attorney, and Charles F. Connington, Superintendent of Recreation and Parks, and be it

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

RESOLUTION NO. (340-2002) continued

FURTHER RESOLVED, that said agreement shall cover the period of approximately four (4) years expiring December 31, 2005, and thereafter be automatically renewed each year, unless either party shall send a non-renewal notice to the other party at least thirty (30) days before agreement would have renewed.

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. (341-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Michael Coratolo and Paulette Coratolo of 29 Mesa Place, Nanuet, New York, have requested permission to erect a fence which shall be located partially within a Town drainage easement; and

WHEREAS, the request was considered by the Department of Environmental Control, and the Deputy Director has advised that his Department does not object to the fence location, provided the property owners execute an agreement recognizing the Town of Clarkstown's right to require removal of the fence without liability for same in the event it becomes necessary to service the drainage easement;

NOW THEREFORE, be it

RESOLVED, that Michael Coratolo and Paulette Coratolo are hereby granted permission to erect a fence on their property partially within the Town of Clarkstown drainage easement, provided they execute a Declaration Covenant to run with the land providing for indemnity to the Town in a form approved by the Town Attorney, and which will grant a license to maintain the fence, but require its removal if it becomes necessary to service the Town's drainage easement.

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. (342-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #33-2002 - WASHED SAND AND GRAVEL

is hereby awarded to:

RESOLUTION NO. (342-2002) continued

E.TETZ & SONS
130 CROTTY ROAD
MIDDLETOWN, NY 10941
PRINCIPALS: SKIP TETZ, JR.
GARY TETZ, SR.
CORINNE TETZ
DENISE STITT

WARD PAVEMENTS
P.O. BOX 427
2671 ROUTE 17M
GOSHEN, NY 10924
PRINCIPALS: WILLIAM D. LEO
JAMES B. LEO

J.S. INTERCOUNTY HAULING
P.O. BOX 541
MT. SINAI, NY 11766
PRINCIPALS: JEFF DEFRANCO

TILCON NEW YORK, INC
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPALS: WILLIAM J. SANDBROOK
PASQUALE P. DICCIANNI
THEODORE A. SUSKEWICZ
ROBERT W. BOBENHAUSEN

as per the price/item list 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. (343-2002)

Co. Maloney offered and Co. Lasker seconded

BID #16 - 2001 ARTS & CRAFTS SUPPLIES

RESOLVED, based on the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the Bid for furnishing Arts & Craft Supplies is hereby awarded to the following low bidders who have met the specifications:

- 1. B & B CRAFTS, INC., 175 Allen Blvd., Farmingdale, NY 11735
(516) 420-4220 -Principals: Daniel Benson & Marsha Benson

For items # 12, 43, 65, 72, 73, 75, 78, 79, 86, 119, 155, 171, 175, 217, 221, 224, 225,229, 236, 259, 266, 275, 276, 277, 278, 311, 312, 324, 325, 328, 358, 375, 385, 424, 441, 444, 451, 452, 455, 456, 457, 462, 477, 485, 487, 490, 491, 493, 494, 495, 497, 498, 499, 501, 502, 503, 504, 505, 506, 526, 535, 537, 540, 543, 548, 558, 559, 560, 561, 565, 567, 571, as per specifications at a net bid price of \$3,066.01.

RESOLUTION NO. (343-2002) continued

2. CERAMIC SUPPLY OF NEW JERSEY, 7 Route 46, West Lodi, NJ 07644
(201) 340-3005 – Principals: Miriam Vogelman, Irwin Vogelman & Judy Noe

For items #591, 592, 593, 594, 598, 600, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, as per specifications at a net bid price of \$748.86.

3. ECONOMY HANDICRAFTS, 50-21 69TH Street, Woodside, NY 11377
(718) 426-1600 Laurie Korobkin & David Korobkin

For items #20, 57, 58, 70, 76, 77, 93, 116, 138, 147, 162, 178, 222, 234, 243, 254, 260, 264, 319, 320, 323, 344, 366, 370, 371, 373, 380, 381, 391, 392, 407, 415, 419, 420, 423, 426, 428, 431, 443, 465, 473, 474, 476, 479, 480, 509, 510, 515, 519, 520, 523, 624, 525, 529, 530, 532, 534, 539, 541, 544, 545, 547, 550, 555, 562, 570, 573, 579, 590, as per specifications at a net bid price of \$3,813.49.

4. J& A HANDY-CRAFTS, INC. 165 S. Pennsylvania Ave., Lindenhurst, NY 11757
(516) 226-2400

Principals: Paul Siegelman, Joanne Siegelman.

For items:# 3, 6, 14, 16, 23, 27, 28, 29, 54, 59, 64, 67, 82, 84, 85, 91, 102, 104, 112, 126, 131, 146, 154, 159, 165, 190, 195, 201, 205, 211, 213, 214, 216, 218, 226, 242, 162, 270, 271, 293, 299, 302, 306, 309, 316, 322, 333, 335, 359, 360, 382, 408, 409, 458, 464, 466, 468, 492, 538, 556, 582, 585, 586, 587, as per specifications at a net bid price of \$4,543.61.

5. S & S Worldwide, Inc. P.O. Box 513, Colchester, CT 06415 (1-800-642-7354) –
Principals: Stephen Schwartz, Adam Schwartz, Hy Schwartz.

For items #2, 8, 10, 11, 13, 15, 17, 18, 22, 24, 30, 33, 34, 38, 40, 41, 42, 45, 46, 48, 49, 52, 53, 55, 56, 60, 66, 69, 94, 95, 103, 105, 106, 113, 114, 115, 120, 121, 122, 124, 129, 137, 139, 141, 142, 143, 144, 149, 150, 156, 157, 158, 164, 168, 170, 174, 179, 181, 183, 188, 190, 190A, 191, 194, 202, 203, 206, 207, 208, 209, 210, 212, 215, 219, 220, 223, 227, 230, 231, 232, 233, 235, 237, 238, 239, 240, 244, 245, 252, 261, 263, 265, 268, 269, 273, 274, 282, 285, 286, 287, 288, 290, 291, 292, 295, 296, 297, 300, 301, 303, 304, 305, 308, 310, 313, 314, 315, 317, 321, 326, 329, 330, 331, 332, 336, 337, 338, 339, 341, 342, 343, 346, 348, 349, 351, 354, 356, 361, 363, 364, 365, 367, 368, 369, 372, 372A, 374, 378, 383, 384, 386, 387, 388, 389, 394, 397, 406, 410, 413, 417, 418, 421, 422, 425, 427, 429, 430, 432, 433, 439, 440, 445, 446, 448, 449, 453, 454A, 459, 461, 463, 465A, 467, 469, 471, 472, 475, 478, 481, 482, 483, 484, 486, 488, 489, 496, 507, 508, 511, 512, 513, 514, 517, 518, 521, 522, 527, 528, 531, 533, 542, 546, 549, 551, 557, 563, 564, 572, 574, 581, 583, 588, 589, as per specifications at a net bid price of \$8,186.88.

6. Sax Arts & Crafts, 2405 S. Calhoun Rd., New Berlin, WI 53151, Public Corporation –
(1-800-362-4729)

For items #4, 5, 7, 9, 19, 21, 26, 32, 35, 36, 37, 39, 44, 47, 50, 51, 63, 68, 80, 81, 87, 88, 79, 89, 90, 96, 98, 107, 108, 109, 110, 117, 118, 123, 125, 127, 128, 130, 132, 133, 135, 136, 140, 145, 148, 151, 152, 153, 160, 161, 166, 167, 169, 172, 173, 176, 177, 180, 184, 187, 192, 193, 196, 197, 198, 199, 200, 246, 247, 248, 267, 272, 284, 289, 294, 298, 318, 327, 334, 340, 377, 416, 552, 553, 554, 595, 596, 597, 599, as per specifications at a net bid price of \$2,289.08.

Gross Total of all items: \$22,647.93

Be it further resolved, that this amount be charged against accounts:

7310 – 329	\$13,429.20
7141 – 329	\$ 5,693.32
7610 – 329	\$ 3,525.41

RESOLUTION NO. (343-2002) 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. (344-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the U. S. Department of Justice/ACA Program has proposed a Federal Equitable Sharing Agreement for the purpose of sharing assets resulting from federal forfeitures with the Clarkstown Police Department, and

WHEREAS, said agreement shall be valid from execution through September 30, 2005;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a Federal Equitable Sharing Agreement with the U.S. Department of Justice/ACA Program on behalf of the Clarkstown Police Department, in a form approved by the Town Attorney, for the purpose of sharing assets resulting from federal forfeitures for the period ending September 30, 2005.

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. (345-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Division of Criminal Justice Services (DCJS #LG01018348) has appropriated funds for the purpose of financing the purchase of supplies and materials for the D.A.R.E. program of the Town of Clarkstown Police Department, and

WHEREAS, the State shall provide \$3,000 to the Town of Clarkstown Police Department for said supplies and materials for the period covering April 1, 2001 through September 15, 2003;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York State Division of Criminal Justice Services to accept a grant award of \$3,000 to cover the financing of the purchase of supplies and materials for the D.A.R.E. program of the Town of Clarkstown Police Department, for the period covering April 1, 2001 through September 15, 2003.

RESOLUTION NO. (345-2002) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (346-2002)

Co. Lasker offered and Co. Mandia seconded

RESOLVED, that the following persons are hereby appointed to the position of member of the Deferred Compensation Committee, to serve at the pleasure of the Town Board without compensation, for the purpose of adopting any changes to the Model Deferred Compensation Plan for employees of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the following persons are hereby appointed to the position of member of the Deferred Compensation Hardship Committee, to serve at the pleasure of the Town Board without compensation, for the purpose of determining whether an employee's application to withdraw money from the Deferred Compensation Plan is a hardship due to an unforeseeable emergency:

Nancy Davidson, Employee Benefits Clerk
 Edward Duer, Comptroller, who is to serve as Chairman of the Committee
 Penny Leonard, Finance Director
 Jeffrey Wanamaker, Police Officer
 Laurence Kohler, Director of Purchasing
 Paul K. Schofield, Deputy Town Attorney
 Rita Maklin, Principal Clerk Steno/DEC

On roll call the vote was as follows:

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

RESOLUTION NO. (347-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an irrevocable Letter of Credit posted by the developer of Swan's Landing shall expire on April 19, 2002 and the issuing bank has indicated same will not be renewed, and

WHEREAS, the developer has tendered a certified check in the amount of \$7,000.00 payable to the Town of Clarkstown to secure completion of the remaining required improvements in the Swan's Landing Subdivision, and the Director of the Department of Environmental Control and the Superintendent of Highways have recommended acceptance of such cash security in lieu of the expiring Letter of Credit;

NOW, THEREFORE, be it

RESOLUTION NO. (347-2002) continued

RESOLVED, the Town Board hereby authorizes acceptance of the cash security deposit to secure the remaining required improvements in the Swan's Landing Subdivision and releases the developer from the previously provided Letter of Credit.

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. (348-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Chapter 445 Laws of 2001 and Resolution No. 476-2001 adopted June 12, 2001, Rita C. Kelly was authorized to make application for retroactive membership in the New York State and Local Employees' Retirement System pursuant to state legislation enacted as a result of a Home Rule Request by the Town of Clarkstown, and

WHEREAS, said application was not filed by December 31, 2001 as required by Chapter 445 Laws of 2001;

NOW, THEREFORE, be it

RESOLVED, Town Board hereby authorizes the Supervisor to seek a Home Rule Request for amendment to Chapter 445 Laws of 2001 to extend the application deadline to December 31, 2002, and be it

FURTHER RESOLVED, Resolution No. 476-2001 is hereby amended to reflect the revised application date of December 31, 2002, and is in all other respects confirmed.

On roll call the vote was as follows:

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

RESOLUTION NO. (349-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board meeting scheduled for Tuesday, April 23, 2002 at 8:00 p.m. is hereby changed to Thursday, April 25, 2002 at 8:00 p.m.

RESOLUTION NO. (349-2002) 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. (350-2002)

Co. Maloney 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, Alexander Brothers Automotive, Inc., 712 West Nyack Road, West Nyack, New York 10994, has proposed to enter into an agreement for a two- year period commencing April 9, 2002 and terminating April 9, 2004, to adopt a .40 mile segment of Old Mill Road from Strawtown Road to Snake Hill Road , West Nyack, New York, which has been recommended by the Superintendent of Highways and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Alexander Brothers Automotive, 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 an 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 install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by Alexander Brothers Automotive, 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

RESOLUTION NO. (351-2002)

Co. Maloney 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

RESOLUTION NO. (351-2002) continued

WHEREAS, Nanuet Rotary Club, P. O. Box 281, Nanuet, New York 10954, has proposed to enter into an agreement for a two- year period commencing April 9, 2002 and terminating April 9, 2004, to adopt a .42 mile segment of College Avenue from Route 59 to Church Street, Nanuet, New York, which has been recommended by the Superintendent of Highways, and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Nanuet Rotary Club, 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 an 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 install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by Alexander Brothers Automotive, 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

RESOLUTION NO. (352-2002)

Co. Maloney 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, Plastic-Craft Products Corp., 744 West Nyack Road, West Nyack, New York 10994, has proposed to enter into an agreement for a two- year period commencing April 9, 2002 and terminating April 9, 2004, to adopt a .10 mile segment of Doscher Avenue from Western Highway to Route 59E, West Nyack, New York, which has been recommended by the Superintendent of Highways, and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Plastic-Craft Products Corp., 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 an 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 install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by Plastic-Craft Products Corp., to remove trash from the roadways.

RESOLUTION NO. (352-2002) 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. (353-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, in accordance with the recommendation of the Department of Environmental Control and the concurrence of the Superintendent of Highways, the Town of Clarkstown wishes to accept and record an easement and road maintenance covenant for premises located off of Pralle Lane, west of Route 304 in Bardonia, New York having a Tax Map designation of Map 39, Block B, Lots 9, 10, 11 and 12, premises owned by West Rock Tennis, Inc., which has received site plan approval for a 16,080 square foot addition to an existing building;

NOW, THEREFORE be it

RESOLVED, that the Town Board of the Town of Clarkstown is authorized to accept and record an easement and a road maintenance covenant, in a form approved by the Town Attorney, for premises located off of Pralle Lane, west of Route 304 in Bardonia, New York having a Tax Map designation of Map 39, Block B, Lots 9, 10, 11 and 12 which premises are owned by West Rock Tennis, Inc., provided however this acceptance is subject to receipt of proof of payment for title insurance and recording fees and an amendment to the title certificate to include the maintenance covenant.

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. (354-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 264-2002 adopted on March 12, 2002 is hereby amended to read:

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

"AMENDMENT TO CHAPTER 117 (CIRCUSES AND CARNIVALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN, TO AUTHORIZE THE BUILDING INSPECTOR TO ISSUE AN EXTENDED PERMIT TO THE BIG APPLE CIRCUS"

and,

RESOLUTION NO. (354-2002) continued

WHEREAS, the proposed local law is intended to provide authorization to the Building Inspector to issue an extended permit to the Big Apple Circus for premises shown on the approved site plan of the Palisades Center Mall, commuter lot (Lot J), West Nyack, NY, for the period June 8, 2002 through July 2, 2002;

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, NY 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 the proposed local law is hereby referred to the Rockland County Commissioner of Planning for review and recommendation.

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. Lasker and unanimously adopted the Town Board Meeting was closed, time 9:13 P.M.

Respectfully submitted,



Lucy Sinacore
Deputy Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

4/9/02

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 18 of the Clarkstown Town Code Re:
Ethics in Government Law

On motion of Co. Mandia, seconded by Co. Maloney 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 Jessica Hauser, Deputy Town Attorney, to present and explain the proposed Local Law.

Ms. Hauser referred to the two (2) page outline of the revisions which was distributed by the Town Attorney. She stated that the revisions serve to make technical changes with regard to the Board of Ethics.

There are two (2) provisions that have to do with candidates for elective office in the Town. The definition of such candidate has been expanded to provide for any possible means by which somebody may run for elective office. The requirement that such candidate fill out a financial disclosure form has been amplified by having the Town Clerk notify such candidate of that duty and collect those forms and forward them to the Board of Ethics.

In order to provide for good government, and to ensure it in the future, there is a provision that provides every future Town employee, elected official or covered employee to receive a copy of the Ethics Code upon entering their position.

Finally, there is a new provision that provides for a member of a board in this Town who may be voting on an issue if that person has an interest in that issue to disclose that issue and then thereafter to recuse himself/herself from voting. In essence, this is the substance of the revisions making a good Code even better.

Co. Mandia asked if some CSEA employees are still exempt from providing a disclosure form and Ms. Hauser replied that this is still in effect. Co. Mandia also asked which level of employment determines the requirement to provide a disclosure form. Ms. Hauser referred to the appendix of the packet listing all of the individuals who would be required to provide disclosure. It is by title, not by salary.

Co. Mandia also referred to "unemancipated child" and asked what it means in the existing law. Co. Lasker also asked for clarification on this provision as the new law does not state "unemancipated child", but states "child". The law has expanded to use "relative" that if a child or relative at any age, the individual still must recuse himself/herself. Ms. Hauser replied that this is correct unless the relative is part of a large group such as a Bargaining Unit.

Supervisor invited the public to make any comments regarding the revised Code.

Appearance: Steven Levine
 Congers

He read from the Legislative Intent of the Clarkstown Ethics Code into the record, "in a democracy, governments should be held accessible, equitable, and efficient. Democratic

PH: Proposed Local Law: Amending Chapter 18 of the Clarkstown Town Code
Re: Ethics in Government Law
4/9/02

Page 2

government requires that elected officials be independent, impartial and responsible to the people. Government decisions and policy must be made through appropriate channels of government structure. Public office must not be used or perceived for personal gain. The public must have confidence in the integrity of its government.”

He thanked Co. Lasker and the Town Attorney’s office for all of the work they put into this law and that it is very commendable. We need to tighten and modernize the rules in order for the Town to have greater confidence in Town government.

He is in favor of the Town Board voting for this law.

Appearance: Warren Marshall
Nanuet

He referred to the need for a security guard at the Courthouse and there is a law stating that it must be a former policeman. He feels that veterans should be considered for this position.

Appearance: Martin Bernstein
New City

He feels that anyone recusing themselves from voting should give their reasons for doing so.

He asked how enforcement will be implemented if an individual is found in conflict. Ms. Hauser replied that the Code requires certain persons in the Town, covered employees, elected officials, and people in policy-making positions file a financial disclosure form every year. Failure to file that form, or filing a false form subjects the individual to a possible \$10,000 civil fine or, if in the opinion of the Board of Ethics, and if there is merit, the matter may be referred to the County attorney for prosecution of a Class A misdemeanor.

Co. Mandia referred to a portion of the revised Code “or any person who is a direct descendent of the grandparents of the reporting individual or the reporting individual’s spouse.” The former law did not cover this.

Co. Lasker added in answer to a previous question that any citizen may file a complaint as long as it is sworn to under penalty of perjury and it is not anonymous.

There being no one further wishing to be heard, on motion of Co. Smith, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared closed, time: 8:40 P.M.

Respectfully submitted,



Lucy Sinacore
Deputy Town Clerk

RESOLUTION NO. 328-2002 ADOPTED