

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

05/14/2002

8:00 P.M.

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

Supervisor Holbrook declared the Town Board Meeting open. Assemblage saluted the flag.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing re: Proposed Local Law: Amendment to Chapter 117 (Circuses and Carnivals) of the Clarkstown Town Code was opened, time: 8:05 pm.

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the public hearing re: Proposed Local Law: Amendment to Chapter 117 (Circuses and Carnivals) of the Clarkstown Town Code was closed, time: .8:08 pm.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing re: Proposed Local Law: Amendment to Chapter 109 (Building Construction Administration) of the Clarkstown Town Code (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) was opened, time: 8:08 pm.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the public hearing re: Proposed Local Law: Amendment to Chapter 109 (Building Construction Administration) of the Clarkstown Town Code (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) was closed, time: .8:50 pm.

On motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted the Informational Hearing re: Application of Cablevision of Rockland/Ramapo, Inc. to renew its Franchise Agreement was opened, time: .8:55 pm

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Informational Hearing re: Application of Cablevision of Rockland/Ramapo, Inc. to renew its Franchise Agreement was closed, time: .10:00 pm.

Supervisor Holbrook recognized Clarkstown North students from Mrs. Gnazzo's Public Policy class and thanked them for coming.

The Supervisor informed all present that the Town was successful in a very serious police case in Federal Court in New York City involving a potential for racial profiling which was the essence of the case. The jury found that our officers had acted professionally and properly and the Town of Clarkstown was upheld in the actions that it took.

Supervisor Holbrook commended the leadership and the rank and file of the Clarkstown Police Department and the job they do. He also thanked the Town Attorney's office, in particular, Deputy Harold McCartney, who handled the case. He pointed out that police expense is very dear to the taxpayers of this Town without a question. However, we are the only accredited Police Department in Rockland County; the only one. That weighed very heavily today in Federal Court when the jury was making its deliberations which

were unanimously in our favor. Often times the Town Board has been criticized because of expenses, but in the final analysis, "you get what you pay for." Accreditation here made the difference between a very serious finding against the Town which could have cost the taxpayers millions of dollars because it is very likely that if we had been adjudged guilty, we would have been in a position of being without liability coverage from our insurance carrier. Therefore, that burden would have been placed upon the taxpayers of the Town.

Supervisor Holbrook also said that this was not only a victory for the Police Department but for the Taxpayers and all of law enforcement in general as well. If we get into a position where police officers are, in essence, paralyzed from doing their job for fear of lawsuits ending up in Federal Court with potentially hostile juries, it would be a terrible situation. Training is essential, it is the key on which we cannot equivocate and we will not equivocate on it here.

Supervisor Holbrook again thanked the Police Department, Harold McCartney and the staff of the Town Attorney's office for a job well done.

Supervisor opened the public portion of the meeting.

Appearance: Cora Bodkin, President, South Little Tor Civic Assoc.
New City

Asked about a traffic study of Little Tor Road and Burda Avenue.

Appearance: Donald Tracy
New City

Said a client with a pending zone change request should not be affected by the proposal to have the Planning Board review every two years of zone change requests and their potential impact on the Comprehensive Plan.

Appearance: Martin Bernstein
New City

Spoke about zone change applications being placed on hold until reviewing the Comprehensive Plan. He also commented on the absence of the Ad Hoc committee.

Appearance: Maria Jansen
Congers

Spoke about the Planning Board asking for suggestions from fire officials with regard to fire protection for new developments without a public water supply. Also spoke about the Planning Board prioritizing requirements for extending water mains and hydrants into these areas and the impact of this on a development on Central Highway in New City.

Appearance: George Teasdale
Congers

Asked about Town's procedure for releasing a bond posted by a developer to guarantee that a project was completed.

Appearance: Steve Levine
Congers

Supports televising Town Board Meetings. Asked about the Town's push to have owner of property on Massachusetts Avenue clean up his land.

Appearance: John Lodico
New City

Spoke about Item #15, fire protection for new homes that don't have a public water supply. Suggested the Town consider digging water wells.

RESOLUTION NO. (408-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, 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"

was introduced by Councilperson Maloney, at a Town Board meeting held on April 9, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 9, 2002, directed that a public hearing be held on May 14, 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 April 30, 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 11, 2002, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 14, 2002;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5-2002 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"

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. (409-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

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

was introduced by Councilperson Maloney, at a Town Board meeting held on April 2, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 2, 2002, directed that a public hearing be held on May 14, 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 April 30, 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 April 12, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown has received a SEQRA analysis report from its consultant, Robert Geneslaw, which the Board discussed and considered in making its decision herein, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 14, 2002;

NOW, THEREFORE, be it

RESOLVED, that based on the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Local Law to Amend Chapter 109 dealing with allowing occupancy of an existing dwelling on a site where a new one-family house is to be constructed during the construction period is a Type II action pursuant to 6NYCRR part 617.5(9) and no further review is necessary pursuant to the State Environmental Quality Review Act (SEQRA), and be it

FURTHER RESOLVED, that Local Law No. 6-2002 entitled:

"AMENDMENT TO CHAPTER 109 (BUILDING CONSTRUCTION ADMINISTRATION) OF THE CODE 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	No
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. (410-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of April 25, 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. (411-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 384-2002 adopted on April 25, 2002 is hereby rescinded and the following shall be enacted in its place:

WHEREAS, the Town Board of the Town of Clarkstown wishes to have an historical marker placed at the Congers Elementary School, 9 Lake Road, Congers, New York, and

WHEREAS, The Historical Society of Rockland County shall perform research to determine the appropriate location for the marker, and shall erect said marker, if approved;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the installation of an historical marker at the Congers Elementary School, 9 Lake Road, Congers, New York, and be it

FURTHER RESOLVED, that the fee for said marker shall not exceed the sum of \$1,400 which shall include a deposit of \$150 for research, to be applied towards the total cost of the marker, and be it

FURTHER RESOLVED, that the fee for this historical marker shall be charged to Account No. A-7520-419.

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. (412-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution No. 371-2002 adopted on April 25, 2002 is hereby rescinded and the following shall be enacted in its place:

RESOLUTION NO. (412-2002) continued

WHEREAS, the Town of Clarkstown has been advised by the New York State Thruway Authority that the installation of noise abatement barrier on the northbound New York State Thruway in the Town of Clarkstown between Mileposts 21.50 and 21.85 (Jeanne Marie Apartments/North Middletown Road) has been completed and another noise abatement barrier on the southbound New York State Thruway between Mileposts 21.65 and 22.05 (Svenson Place/Green Briar Apartments) is being designed, and

WHEREAS, the Town of Clarkstown, by Resolution adopted on June 9, 1998, has agreed to contribute \$10,000 for each project, towards the cost of this installation;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Town Comptroller to remit the sum of \$20,000 to the New York State Thruway Authority, as agreed upon contribution, for the noise barrier erected or to be erected between Mileposts 21.50 and 21.85 and between Mileposts 21.65 and 22.05, in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the amount stated herein shall be charged to Account No. H 8751-409-75-19.

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. (413-2002)

Co. Smith offered and Co. Mandia seconded

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

MICHAEL SASSO DBA SASSO PLUMBING
49 Woodhaven Drive
New City, NY 10956
Michael Sasso, President

ENVIRONMENTAL CONSTRUCTION, INC.
73 Route 210
Stony Point, NY 10980
Susan Ramos, President

RESOLVED, that the following Certificates of Registration be issued:

No. 02-20 MICHAEL SASSO DBA SASSO PLUMBING
No. 02-23 ENVIRONMENTAL CONSTRUCTION, 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. (414-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Deputy Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Letter of Credit No. 1856 in the amount of \$560.00 furnished in connection with J. L. Heritage Homes (5-B-2 – Morgan Court) may be released as all punch list work has been completed to the satisfaction of the Deputy Director of the Department of Environmental Control and the Highway Superintendent.

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. (415-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board by Resolution No. 649-2001 awarded Bid No. 46-2001 to Conservation Station, Inc. to install LED lamps for Town traffic signals, and

WHEREAS, the bid specifications required that all LED modules would be supplied at Town cost and shall be purchased under New York State Office of General Services Bid Awards 4126-G-EE and 4258-G-EE;

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes Conservation Station, Inc. to purchase LED modules under New York State Office of General Services Bid Awards 4126-G-EE and 4258-G-EE for the account of the Town of Clarkstown for use in connection with Bid No. 46-2001 as provided in the bid award 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. (416-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

RESOLUTION NO. (416-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the Period commencing as of the date of this resolution and ending on September 30, 2002, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (417-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution # 651-2001 awarded construction Bid No. 47-2001 Pelham West Water Quality Basin to Let It Grow, Inc., and,

WHEREAS, field conditions required additional work to be completed which is as follows:

- C.O. # 1: provide connections for the underground drains lines from the adjoining properties into the new drainage collection system.
Cost - \$6,266.38

WHEREAS, this change order has been reviewed and approved by the Department of Environmental Control.

NOW, THEREFORE BE IT RESOLVED, that the total for the construction phase for the project has been increased by \$6,266.38 and the current allowance for the construction portion of the project be increased from \$395,000 to \$401,266.38, and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8749 409 0 73-22.

On roll call the vote was as follows:

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

RESOLUTION NO. (418-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution # 354-2000 awarded construction Bid no. 72-1999 (Lake Lucile Dam Restoration Project) to BMJ Construction Co. Inc., and,

RESOLUTION NO. (418-2002) continued

WHEREAS, field conditions required additional work to be completed which is as follows:

C.O. # 5 - the installation of one catch basin and one field inlet with frames and grates plus 100 lf of 12" PVC pipe and 140 lf of 6" PVC pipe authorized by the Department of Environmental Control.
Cost - \$7,700

WHEREAS, this change order has been reviewed and approved by the Department of Environmental Control.

NOW, THEREFORE BE IT RESOLVED, that the total for the construction phase for the project has been increased by \$7,700.00 and the current allowance for the construction portion of the project be increased from \$596,240 to \$603,940, and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8741 409 0 23 1.

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. (419-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #41-2002

TRAFFIC SIGNAL RECONSTRUCTION LITTLE TOR ROAD @ RED HILL ROAD

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (420-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #42-2002
SOUTH MOUNTAIN ROAD GUIDE RAIL

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (421-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that James Molinaro Jr., Data Collector, Charmaine Kurisco, Data Collector and Kathleen Kiernan, Data Collector are hereby authorized to attend a seminar on "Fundamentals of Data Collection" in Orange County from July 29-August 1, 2002.

FURTHER RESOLVED, that there is no registration fee and time off be charged to Educational Leave.

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. (422-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Frank Geronimo, Republican Party Representative and David Braunfotel, Democratic Party Representative, are hereby authorized to attend a Two-day Certification Training Class for Voting Machine Custodians and Party Representatives, to be conducted by Voting Machine Services, Inc. through the Rockland County Board of Elections on June 24 and June 25, 2002 at the warehouse at 149 Burd Street, Nyack, NY, and be it

RESOLUTION NO. (422-2002) continued

FURTHER RESOLVED, that the cost of \$160.00 per person for said training shall be charged to Appropriation Account #A-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. (423-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, certain veteran organizations have requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental and maintenance of meeting facility, \$250 for patriotic observance) to the following veteran organizations for the year 2002:

- Veterans of Foreign Wars, Nanuet - Post 3773
- American Legion, Nanuet - Post 794
- Jewish War Veterans, New City - Post 756
- Jewish War Veterans of the U.S.A., Congers - Post 720
- Willis Polhemus V.F.W., Upper Nyack - Post 9215
- New City Memorial - VFW - Post 8749
- Wm. E. DeBevoise Jr., American Legion, New City - Post 1682
- West Nyack Memorial - VFW - Post 126
- Korean War Veterans Assoc. - Eagle Chapter
- VFW Lt. Raymond B. Jauss - Post 2607

and be it

FURTHER RESOLVED, that claims for such sums shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2002 Account No. A 6510-401.

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. (424-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Historical Society of Rockland County is holding its annual Historic Preservation Merit Awards Program on May 19, 2002. The awards will be presented in recognition of outstanding historic preservation efforts in Rockland County, and

WHEREAS, the Town Board of the Town of Clarkstown believes that the 2002 Historic Preservation Merit Awards Program provides cultural, economic and aesthetic benefits and rewards for historic preservation which are all in the public interest;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the expenditure of \$1,600 to cover the partial sponsorship of the 2002 Historic Preservation Merit Awards Program by the Historical Society of Rockland County,

and be it

FURTHER RESOLVED, that the fee for such program shall be charged to Account No. A-7520-419.

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. (425-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Felix Pitre has requested a refund of Building Permit fees paid for premises located at 11 Fisher Avenue, Nanuet, New York, since the proposed removal of an underground fuel tank was not required due to the fact there was no tank in the ground;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a refund of Building Permit fee paid, less the cost for processing, in the amount of \$54.00 to Felix and Marion Pitre.

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. (426-2002)

Co. Smith offered and Co. Lasker seconded

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

"AMENDMENT TO APPENDIX II OF CHAPTER 18 (ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FORM, TOWN OF CLARKSTOWN) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

and

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on June 25, 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 same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (427-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board is desirous of extending sidewalks and implementing safety improvements along a portion of Demarest Mill Road in the vicinity of Clarkstown South High School, West Nyack, New York, and

WHEREAS, a Right-of-Way and topographic survey is required for the preparation of construction plans, and

WHEREAS, the Department of Environmental Control has obtained a proposal from a qualified land surveyor to prepare the Right-of-Way and topographic survey.

NOW, THEREFORE, BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Atzl, Scatassa and Zigler, P.C., Surveyors and Planners, 234 South Main Street, New City, New York 10956, to prepare the Right-of-Way and topographic survey in accordance with their proposal dated April 19, 2002, and

RESOLUTION NO. (427-2002) continued

BE IT FURTHER RESOLVED, that the cost of the Right-of Way and topographic survey shall not exceed \$8,760.00 and shall be a proper charge to account H 8752 409 0 76 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. (428-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board, pursuant to Article 18, Section 3(h) of the CSEA contract, hereby designates Dr. Joseph R. Carcione, 141 South Central Park Avenue, Suite 205, Hartsdale, New York 10530 as examining physician for the purpose of conducting independent medical evaluations of employees returning from sick leave, when and as directed by the department head with the concurrence of the Supervisor.

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. (429-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board has been advised by Fire Inspector Mark Papenmeyer and New City Fire District Commissioner, Lou Spina, that the recent approval of a subdivision in the vicinity of Central Highway, New City by the Planning Board which required the proposed new homes to be equipped with residential fire sprinkler systems was a less desirable result from a fire safety point of view than if a conditional approval requiring the developer to extend the water main into the development area had been required, and

WHEREAS, the Town Board believes that future proposed subdivisions in areas not presently serviced by the public water system would be safer and better planned if conditional approval were granted which would require extension of the water district to provide fire hydrants within 1,000 feet of any proposed residential dwelling;

NOW, THEREFORE, be it

RESOLVED, that the Town Board recommends that the Planning Board, whenever reasonably feasible, give priority to requiring extension of water mains and fire hydrants to provide for enhanced fire safety in new subdivisions where public water supply is not otherwise available, and that in all cases, the Planning Board should request recommendations regarding fire safety provisions from the affected fire district.

RESOLUTION NO. (429-2002) 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. (430-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, UNION STATE BANK has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 64.5, Block 2, Lot 23 (formerly known as 32-B-85.1), for the year(s) 1998/99, 1999/00, 2000/01 and 2001/02, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Lawrence & Shedler Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

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. (431-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, ROADWAY EXPRESS, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58.17, Block 1, Lot 37 (formerly known as 33-B-20.2 and 33-B-20.5/03), for the year(s) 1997/98, 1998/99, 1999/00, 2000/01 and 2001/02, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Lawrence & Shedler Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

RESOLUTION NO. (431-2002) 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. (432-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, RUSSAND, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 65.27, Block 1, Lot 1 (formerly known as 134-A-55.4), for the year(s) 1998/99, 1999/00, 2000/01 and 2001/02, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Lawrence & Shedler Appraisals be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000; and such fee shall be charged to Account No. A 1420-439-1.

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. (433-2002)

Co. Mandia 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, Steve Botto, Inc., Landscaping, 19 Short Hill Road, New City, New York 10956, has proposed to enter into an agreement for a two- year period commencing May 14, 2002 and terminating May 14, 2004, to adopt 1.03 miles segment of College Avenue from intersection of Little Tor Road to intersection of West Clarkstown Road, New City, 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 Steve Botto, Inc., Landscaping, , will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

RESOLUTION NO. (433-2002) continued

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 Steve Botto, Inc., Landscaping, 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. (434-2002)

Co. Mandia 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, The Professional Landscape Association of Rockland County, P.O. Box 399, New City, New York 10956, has proposed to enter into an agreement for a two- year period commencing May 14, 2002 and terminating May 14, 2004, to adopt a .89 mile segment of Germonds Road, from the intersection of Route 304 to the intersection of South Little Tor Road, New City, New York, which has been approved by Superintendent of Highways, and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that The Professional Landscape Association of Rockland County, 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 The Professional Landscape Association of Rockland County, 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. (435-2002)

Co. Mandia 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, Hiep Sanitation Company, P. O. Box 90, West Nyack, New York 10994, has proposed to enter into an agreement for a two- year period commencing May 14, 2002 and terminating May 14, 2004, to adopt a .13 mile segment of Snake Hill Road, from his driveway at #20 Snake Hill Road to intersection of Crusher Road, West Nyack, New York, which has been approved by Superintendent of Highways, and,

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that Hiep Sanitation Company, 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 Hiep Sanitation Company, 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. (436-2002)

Co. Mandia 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, McLaren, P.C., Engineering Group, 100 Snake Hill Road, West Nyack, New York 10994, has proposed to enter into an agreement for a two- year period commencing May 14, 2002 and terminating May 14, 2004, to adopt a .21 mile segment of Snake Hill Road, from his driveway at #100 Snake Hill Road to intersection of Palisades Center Drive, West Nyack, New York, which has been approved by Superintendent of Highways, and,

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

RESOLUTION NO. (436-2002) continued

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 McLaren, P.C., Engineering Group, 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. (437-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Clarkstown Police Department is the only accredited police force in Rockland County, and

WHEREAS, that accreditation is not only a distinct honor for the Town of Clarkstown, but also a tremendous benefit for the Town in terms of improved liability risk management, lower insurance costs, and superior ability to provide service to the public, and

WHEREAS, the Town Board is now entering into a new contract with the Police Chief and Police Captains, and it is with the expectations that the Police Chief and Police Captains will assure compliance with high standards required to maintain that accreditation and to accomplish the future reaccreditation of the Clarkstown Police Department by the New York State Office of Public Safety's Law Enforcement Accreditation program,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of the Clarkstown hereby approves a Memorandum of Agreement dated May 2, 2002 with Chief Kevin Kilduff and Captains William Sherwood and Vincent White setting forth the terms and conditions of employment for the period January 1, 2002 to December 31, 2005 and hereby authorizes the Supervisor to sign an Employment Contract consistent with the terms thereof.

AND BE IT FURTHER RESOLVED, that the Town Board hereby directs the Police Chief and the Police Captains to take all steps necessary to assure that the Clarkstown Police Department remains at all times, now and in the future, accredited by the New York State Office of Public Safety's Law Enforcement Accreditation Program.

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. (438-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01190 Senior Account Clerk which contains the name of Carol Collura,

Now, therefore, be it

RESOLVED, that Carol Collura, 16 Southward Avenue, Congers, New York, is hereby appointed to the position of (permanent) Senior Account Clerk – Town Justice Department – at the current annual salary of \$32,917., effective and retroactive to May 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. (439-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00082 Real Property Data Collector which contains the name of James Molinaro, Jr.,

Now, therefore, be it

RESOLVED, that James Molinaro, Jr., 6A Cedar Lane, Suffern, New York is hereby appointed to the (permanent) position of Real Property data Collector – Assessor’s Office – at the current annual salary of \$28, 917., effective and retroactive to May 3, 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. (440-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Gertrude Baslow, 6 Woodland Road, New City, New York, is hereby appointed to the position of (temporary) Principal Clerk Stenographer – Town Attorney’s Office – to cover the leave of absence of Cornelia Alemi – at the current hourly rate of \$25.00 – effective and retroactive to April 24, 2002 to July 24, 2002.

RESOLUTION NO. (440-2002) 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. (441-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Anne C. Vicari, 4 May Court, Stony Point, New York, is hereby appointed to the position of (provisional) Legal Stenographer – Town Attorney’s Office – at the current annual salary of \$29,602., effective and retroactive to May 7, 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. (442-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Carol O’Boyle, 38 Beechwood Drive, Congers, New York, is hereby appointed to the position of (temporary) Principal Clerk Typist – Department of Environmental Control – at the current hourly rate of \$25.00, effective and retroactive to May 8, 2002 – for a period not to exceed 2 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. (443-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on May 1, 2002 that the position of Environmental Control Inspector III – Department of Environmental Control – can be created,

Now, therefore, be it

RESOLUTION NO. (443-2002) continued

RESOLVED, that the position of Environmental Control Inspector III – Department of Environmental Control – is hereby created – effective and retroactive to May 6, 2002, and be it

FURTHER RESOLVED, that this new position is in lieu of position #500145 Environmental Control Inspector III – which, according to the Rockland County Personnel Office is outdated and over 22 years old.

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. (444-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVE, that Salvatore V. Pagliuca, 56 Rose Road, West Nyack, New York, is hereby appointed to the position of (provisional) Environmental Control Inspector III – Department of Environmental Control – at the current annual salary of \$65,782., effective and retroactive to May 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. (445-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Donna A. Butson, 57 Burda Avenue, New City, New York, is hereby appointed to the position of (provisional) Senior Clerk Typist – Department of Environmental Control – at the current annual salary of \$45, 461., effective and retroactive to May 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. (446-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Vincent J. Moreno, 12 Massachusetts Avenue, Congers, New York, is hereby appointed to the position of Solid Waste Facility Attendant – Solid Waste Facility – at the current annual salary of \$29,602., effective May 20, 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. (447-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Theresa A. Sullivan, 11 Baldwin Place, New City, New York, is hereby appointed to the position of (temporary) Senior Clerk – Highway Department – at the current annual salary of \$28,917., effective and retroactive May 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. (448-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on May 2, 2002 that the position of Clerk Typist – Highway Department – can be created,

Now, therefore, be it

RESOLVED, that the position of Clerk Typist – Highway Department – is hereby created – effective and retroactive to May 9, 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. (449-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Clerk Typist #01124 which contains the name of Claudia Hartwick

Now, therefore, be it

RESOLVED, that Claudia Hartwick, 77 Eagle Ridge Way, Nanuet, New York, is hereby appointed to the (permanent) position of Clerk Typist – Highway Department – at the current annual salary of \$24,943., effective and retroactive to May 13, 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. (450-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective May 13, 2002:

Year Round High School Students (Office Worker Students)
Salary Range: \$1.25 to \$2.00 hr.

Year Round College Students (Office Worker Students) and Laborer Students
Salary Range: \$1.50 to \$2.50 hr.

Returning Seasonal College Students:

Office Worker Students	\$1.50 to \$2.50 hr.
Laborer Students	\$1.50 to \$2.50 hr.
Special Studies Intern	\$10.00 to \$12.00 hr.
Office Worker Students Starting Salary (High School)	\$7.00 to \$8.00 hr.
Office Worker Student Starting Salary (College)	\$9.00 to \$10.50 hr.
Laborer Students (Over 18 years of age)	\$9.00 to \$10.50 hr.

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. (451-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of approval of C. Linen & J. Crowley Subdivision, Christopher Linen and John Crowley have provided a declaration to the Town of Clarkstown, in a form approved by the Town Attorney, with respect to a road maintenance agreement for 21 Lake Road, Valley Cottage, New York (59.07-2-34), and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration from Christopher Linen and John Crowley with respect to a road maintenance agreement for 21 Lake Road, Valley Cottage, New York and orders same recorded in the Rockland County Clerk's Office, subject to receipt of the recording fees.

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. (452-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$1,788.23 from New York State, \$560 from Viacom Productions and \$270,891.37 from New York State Department of Transportation,

THEREFORE BE IT,

RESOLVED, to increase revenue account H 15 10 4994 (Veterans Memorial Parks) and budgetary account H 8749-409 (Veterans Memorial Parks) by \$1,788.23 and increase revenue account A 01 9 2705 (Gifts & Donations) and budgetary account A 3120-111 (Police-Overtime) by \$560 and increase 15 10 3891 (Rt. 303 Trailway Project) and budgetary account H 8736-409 (Rt. 303 Trailway Project) by \$270,891.37 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 1420-211 (Town Attorney-Law Books) and increase A 1420-111 (Town Attorney-Overtime) by \$1,631.85.

RESOLUTION NO. (452-2002) 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. (453-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, ARTHUR OHNIKIAN v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Treasurer of Rockland County, East Ramapo School District, Index No(s). 4479/00 and 4754/01, affecting parcel(s) designated as Map 57.56, Block 2, Lot 14 f/k/a 6-B-16.2), commonly known as and more particularly described as 139 East Route 59, Spring Valley, New York for the year(s) 2000 and 2001, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, the Senior Deputy Town Attorney of the Town of Clarkstown and the attorneys for the East Ramapo School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57.56, Block 2, Lot 14 (f/k/a 6-B-16.2) be reduced for the year 2000 from \$273,900 to \$249,900 at a cost to the Town of \$142.07 and for the year 2001 from \$273,900 to \$237,400 at a cost to the Town of \$200.83;
2. Reimbursement for the year(s) 2000 and 2001 on the parcel described as Map 57.56, Block 2, Lot 14 (f/k/a 6-B-16.2), as stated above, be made within (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

RESOLUTION NO. (453-2002) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (454-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a petition has been filed by Pondview, LLC. by Jay Theise, Managing Member, which seeks a zone change from the LO zone to the R-15 zone for premises described and designated on the tax map of the Town of Clarkstown as Section 58.19, Block 1, Lot 9 comprising approximately 32.562 acres which front on the north side of West Nyack Road, West Nyack, New York in the vicinity of 440 West Nyack Road, West Nyack, and

WHEREAS, the petitioner has proposed that as a condition to the requested zone change, it proposes to donate approximately 15 acres of the 33.562 acre site for public use as an open space/nature park which the Clarkstown Central School District has supported and appears willing to accept as a research site for accelerated science programs with the developers also offering to partially build for educational purposes and community use, a building on the site to be donated, and

WHEREAS, there appears to be community support for said proposal, although such zone change may not be fully consistent with the presently existing Town of Clarkstown Comprehensive Plan, nevertheless, the Town Board wishes to refer this matter to the Clarkstown Planning Board for its review and recommendation;

NOW, THEREFORE, be it

RESOLVED, that the petition of Pondview, LLC. for a zone change for premises described herein from an LO Zone to an R-15 Zone is hereby referred to the Clarkstown Planning Board for its review and recommendation to the Town Board to be made on or before July 12, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (455-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, from time to time various applications are made by property owners and contract purchasers seeking amendment to zoning districts or specific changes in zoning for various parcels and many such applications are in conflict with the Town of Clarkstown's Comprehensive Plan which, if acted upon, generate controversy and dilute the importance of municipal comprehensive planning;

RESOLUTION NO. (455-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers a proposed policy for the biennial review of applications made for zone changes to be concurrent with a biennial review of the Town of Clarkstown Comprehensive Plan to the Town of Clarkstown Planning Board for consideration and recommendation, and be it

FURTHER RESOLVED, all pending zone change applications not already referred for consideration and those that may be subsequently received will be held in abeyance until September of each even numbered year and referred during said month to the Town of Clarkstown Planning Board for review and recommendation to be made together with a concurrent review, recommendation and possible updating of the Town of Clarkstown Comprehensive Plan, and be it

FURTHER RESOLVED, that the policy set forth herein which is proposed pending review and recommendation by the Planning Board is deemed, in the judgment of the Town Board, to provide for better zoning and planning for the Town and will result in increased confidence and integrity among residents in the Town of Clarkstown's Comprehensive Plan.

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. (456-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Planning Board, in approving the amended final site plan for the Palisades Center Mall in accordance with the Town Board's conditional zoning approval, required the construction and operation of a skating rink to be located at Palisades Center Mall and operated as a public amenity for the benefit of the residents of the Town of Clarkstown, and

WHEREAS, as a condition of approval of the said site plan, the Planning Board provided that in the event the skating rink was to be operated by other than EklecCo (operating entity for Palisades Center Mall), or the Town of Clarkstown, the operating details of the facility would be subject to the approval of the Planning Board, or the Town Attorney, and that EklecCo would permit reasonable access for inspection and/or audit of the relevant financial records with respect to said skating rink operation, and

WHEREAS, the Town of Clarkstown has declined to operate this facility for its own account and EklecCo has retained the services of an operating company;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the public accounting firm of Korn, Rosenbaum, Phillips & Jauntig, LLP for the purpose of conducting an audit of the operating statement of Palisades Center ice rink for the last ended fiscal period, and to express an opinion with regard to same in accordance with a proposal of KRP & J dated May 9, 2002 for a service fee no to exceed \$1,700.00; and be it

RESOLUTION NO. (456-2002) continued

FURTHER RESOLVED, that this Resolution is subject to obtaining the cooperation of Palisades Center ice rink for production of the necessary books and records and their agreement to reimburse the Town of Clarkstown for the cost of said audit.

BE IT FURTHER RESOLVED, that Shirley Lasker, John Maloney and Penny Leonard are hereby appointed a committee to review operations at the Palisades Center ice rink with assistance of the Town Attorney, as counsel, on an as-needed basis.

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. (457-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 348-2002 adopted on April 9, 2002, the Town Board, by Home Rule Request, authorized amendment of Chapter 445-2001 Laws of New York, and

WHEREAS, by letter dated April 16, 2002, State Senator Thomas P. Morahan advised that Senate Bill No. S. 7267 and Assembly Bill No. A. 11088 has been introduced in both Houses of the Legislature pursuant to said Home Rule Request and provided a copy of said introduced bill incorporating the requested amendment;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby approves as a Home Rule Request the law introduced as Senate Bill No. S. 7267 and Assembly Bill No. A. 11088.

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 felt that the amount of this Home Rule Request, \$48,000. should be included in the resolution.

RESOLUTION NO. (458-2002)

Co. Mandia offered and Co. Smith seconded

WHEREAS, Bruce R. Hoehn, Auto Maintenance Supervisor at the Town Garage, has requested permission to send an employee to attend a seminar for ABS/Brake Diagnostics;

NOW, THEREFORE, be it

RESOLUTION NO. (458-2002) continued

RESOLVED, that Charles Clark is hereby authorized to attend an ABS/Brake Diagnostics Clinic on May 16, 2002 at the Holiday Inn in Newburgh, New York at a cost of \$40.00 plus transportation expenses and any other reasonable costs which shall be charged to Account No. A 1010 400 414.

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. (459-2002)

Co. Mandia offered and Co. Smith seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, at the request of the Police Department, has requested permission to attend the Annual Police Security Expo 2002 on June 25-26, 2002 at the Atlantic City Convention Center in Atlantic City, New Jersey;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend the Annual Police Security Expo 2002 on June 25-26, 2002 at the Atlantic City Convention Center in Atlantic City, New Jersey on June 25-26, 2002; and be it

FURTHER RESOLVED, that the cost of the conference, including lodging, meals, travel and parking shall not exceed \$500.00, and shall be charged to account No. A-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. (460-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Village of Spring Valley requested the use of the Town of Clarkstown showmobile on Sunday, May 19, 2002 from 10:00 am – 4:00 pm for their Parade of Unity Year 2002 to celebrate Haitian Flag Day and Ethnic Diversity in Rockland

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Village of Spring Valley to use the Town of Clarkstown showmobile on Sunday, May 19, 2002 for the above purpose and subject to the provision of the necessary insurance policies.

RESOLUTION NO. (460-2002) continued

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown showmobile on Sunday, May 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. (461-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received a donation of \$515.00 from the Annual Senior Citizen Show,

BE IT THEREFORE RESOLVED, to increase Revenue Account No. A 01-002001 (Parks and Recreation charges) and Appropriation Account No. A 7610-301 (Food) by \$515.00.

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. (462-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the project engineer, Howard Lampert, PE, that

BID #29-2002
2002 CRACK SEALING PROGRAM

is hereby awarded to: ALL COUNTY SEALCOATING
25 COLUMBUS AVENUE
SPRING VALLEY, NY 10977
PRINCIPALS: ROBERT CHIAPPERINO

as per their proposed project cost of \$22,812.00 and be it

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

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Worker's Compensation insurance coverage
- f) Certificate of Worker's Disability Insurance coverage

RESOLUTION NO. (462-2002) 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. (463-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No. 1023-2001, the Town Board established a Citizens Advisory Board for Housing in the Town of Clarkstown and directed said Board to investigate and make a report with recommendations to the Town Board on or before June 30, 2002, and

WHEREAS, the Citizens Advisory Board for Housing has requested an extension of time to September 30, 2002 to complete its investigation and report;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an extension of time to September 30, 2002 for the Citizens Advisory Board to investigate and make its report to the Town Board.

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. (464-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Anthony Smith, Manager for St. Petersburgers and Steaks, has advised the Town Clerk by letter dated April 4, 2002, pursuant to Section 64-2(a) of the Alcoholic Beverage Control Law, that said corporation will apply for an on-premises liquor license at 365 West Route 59, Nanuet, New York, and

WHEREAS, to expedite processing said corporation's license application, Anthony Smith, Manager for the applicant, has requested that the Town Board waive the thirty day waiting period provided by law, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby waives the thirty day notice requirement contained in Section 62 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of St. Petersburgers and Steaks for a license at premises located at 365 West Route 59, Nanuet, New York.

RESOLUTION NO. (464-2002) 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. (465-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, by Resolution No. 401-2002 duly adopted on April 25, 2002, Upstate Concrete & Masonry Contracting Co., Inc. as low bidder was awarded Bid No. 36-2002 for the Strawtown Road Sidewalk Improvement project, and

WHEREAS, the low bidder was duly notified of the bid award on April 26, 2002 and directed to supply the contract documents, performance and labor and material bonds and insurances as provided in the bid specifications, and

WHEREAS, the successful bidder has failed and neglected to submit the required contract and other documents within the ten (10) day period provided in said bid specifications;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby declares that Upstate Concrete & Masonry Contracting Co., Inc. is in default of its obligations pursuant to Bid No. 36-2002 and its bid bond is hereby defaulted, and be it

FURTHER RESOLVED, the Town Attorney is hereby authorized and directed to notify the Gulf Insurance Company of Hartford, Connecticut, as surety, that the successful bidder has failed, neglected and defaulted its obligation to enter into the contract pursuant to the bid award referred to herein and the Town Attorney is hereby directed to make claim for the bid security as a liquidated damage.

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. (466-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that there shall be a special meeting of the Town Board held on May 21, 2002 at 7:30 p.m.

RESOLUTION NO. (466-2002) continued

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia; and unanimously adopted the Town Board Meeting was closed, time: 10:30 pm.

Respectfully submitted,

Patricia Sheridan

Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/14/02

8:05 PM

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

Re: Proposed Local Law: Amendment to Chapter 117 (Circuses and Carnivals) of the
Clarkstown Town Code

On motion of Co. Maloney, seconded by Co. Mandia, and unanimously adopted, the Public Hearing was declared open. The Town Clerk read the Notice of Hearing.

Supervisor Holbrook stated that this public hearing is a reprise from last year and it is necessary because our Town Code does not provide for the extent of time that they are requesting.

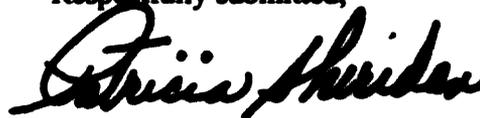
Supervisor Holbrook invited anyone wishing to speak to come forward.

Appearance: John Lodico
New City

He recommends checking out all of the electrical wiring including surface wiring and cabling.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was closed at 8:08 PM.

Respectfully submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. 408-2002 ADOPTED

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

5/14/02

8:08 PM

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

Re: Proposed Local Law: Amendment to Chapter 109 (Building Construction Administration) of the Clarkstown Town Code (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)

On Motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared open. The Town Clerk read the Notice of Hearing.

Supervisor Holbrook explained that this was discussed at a Town Board Workshop meeting and referred to the Planning Board. The purpose of this proposal is to provide the authority for the Building Inspector to grant permission to build a dwelling on a property where a dwelling already exists. If granted, a whole series of conditions written into the local law would apply.

Supervisor Holbrook asked Town Attorney John Costa to give a synopsis of the highlights of what is entailed in the law. Mr. Costa explained the purpose of the law and read the conditions.

Supervisor Holbrook continued to explain that one of the major concerns is that because the Code was silent someone would begin to construct a building where years might go by leaving the Town in limbo. This law is an attempt to bring some sanity and order so that the Town will have the ability to act in the future.

Supervisor Holbrook invited anyone wishing to be heard to come forward.

Appearance: John Lodico
New City

He said that this is a good drafting of the law and should be supported.

Appearance: Gerold Bierker
County Legislator
C-Bardonia

He is in favor of the law as the couple are honorable and have kept a well-maintained home, a one-bedroom bungalow, for several years. He urges the Town Board to pass this amendment.

Appearance: Scott Turner
Congers

He questioned the 30-day requirement.

Appearance: Migel Perez
New City

He spoke on behalf of the couple and supports passing the amendment.

Appearance: Steven Levine
Congers

He is opposed to passing the amendment. He expressed concerns that if the current owners should sell the property, would the new owners then be responsible for the requirements written in the local law.

He also expressed concerns that the current dwelling would not be demolished after completion of the new one. His questioning of the Council members ensued as to which members introduced and placed this item on the agenda. (Letter on file)

Co. Lasker asked Town Attorney Costa if this resolution could become a legal quagmire which could go on for months. Mr. Costa replied that he does not think so. He believes that the proposed local law deals with the situation in a reasonable way and attempts to establish a reasonable procedure which should work to meet the objectives that caused this local law to be written.

Co. Mandia interjected that the law requires the owner to occupy the house and the risk is extremely low.

Co. Smith asked Mr. Costa that if the owners decide to sell the property, wouldn't all of this information be made known through the title search done on the property.

Mr. Costa replied that the agreement would not necessarily be recorded in the County Clerk's office as it is not a public record. It may be available through a violation or municipal search. The Building Inspector would include the facts in his report.

Appearance: James Komer
President, Forest Homeowners Association

He thinks it's a good law and the residents could rely on the Town Attorney for protection if the owners do not comply with the agreement.

Appearance: Patrick Rocco
Congers

He asked what guarantees do the people on Massachusettes Avenue have if in fact the owners do not tear down the old dwelling after the new dwelling is built. Would it subject the residents to a long litigation?

Mr. Costa replied that there is always the risk of litigation, but the requirement of the law will spell out the obligations of the parties and their responsibilities. If they violate those responsibilities, he has confidence that the courts would enforce the agreement as written.

Appearance: Donald Tracy
New City

He represents the couple, pro-bono, and he supports the proposal.

Appearance: Maria Jansen
Congers

She is opposed to the law because a property owner could rent one of the dwellings and feels that the construction of the new dwelling would move more quickly if the owners were forced to live elsewhere.

She feels that this law would place adjacent neighbors at risk of having two houses next to them for an indefinite period of time. (Letter on file)

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PH: Proposed LL: Amendment to Chapter 109 (Building Construction Administration) (Issuance of building permits on parcels where existing dwelling may be occupied)

Co. Lasker stated that she did some research on this and there is no other Local Law such as this in the state.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was closed at 8:50 PM

Respectfully submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. 409-2002 ADOPTED (4-1)

TOWN OF CLARKSTOWN
INFORMATIONAL MEETING

Town Hall

5/14/02

8:55 PM

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

Re: Informational Hearing to Solicit Public Comment with respect to Renewal
Application of Cablevision of Rockland/Ramapo, Inc. for a Franchise Agreement

On Motion of Co. Lasker, seconded by Co. Maloney, and unanimously adopted, the Informational Meeting was declared open.

Supervisor Holbrook explained what is involved in the franchise renewal. He introduced John Figliozi, Associate Municipal Consultant of the State Public Service Commission. Mr. Figliozi had been asked to advise the Town Board as to what parameters actually exist when dealing with a franchise renewal as there are matters that are illusory and matters that are real. Mr. Figliozi is here to help separate the illusory from the real, and to identify the domain of the Town Board.

Supervisor Holbrook began by asking if the Town of Clarkstown can turn down an application to renew its cable franchise. Mr. Figliozi replied that the Town does have the authority to turn it down only under certain parameters that are established in Federal Law. Those parameters are as follows:

- Failure to meet requirements under the current agreement;
- Failure to agree to measures in the new agreement that would serve the future cable-related needs of the community, taking into account meeting the cost of those needs.

Supervisor Holbrook asked if this is a non-exclusive franchise. Mr. Figliozi replied that it is non-exclusive and legally the Town Board can grant a franchise to any other applicant. At the same time, this is not a competitive bid situation, however, a one-on-one negotiation with the existing cable provider that has a strong presumption of renewal under the federal law.

Supervisor Holbrook asked who controls the rates Cablevision can charge. Mr. Figliozi replied that Cablevision controls the rates, and the rates have been deregulated by the federal government. The only level of service that is currently regulated is the lowest level of basic service which usually includes only the over-the-air broadcast channel, public educational and governmental access channels and perhaps one to three more channels that the cable operator uses to put on the lowest level tier of service. Even at that, local government can only regulate rates pursuant to federal law. The federal law says that this process is an accounting practice, not a negotiation between the Town and the cable operator. There is no negotiation on rate increases. It is either justifiable under accounting practices or not justifiable.

Supervisor Holbrook asked how long the audit on franchise fees would take. Mr. Figliozi replied that it would probably take up to a year as the audit trail goes back for six (6) years.

Supervisor Holbrook asked what the 5% franchise fee is based upon. Mr. Figliozi replied that it is 5% of gross revenues derived from the operation of the cable system for the provision of cable services. The franchise fee does not apply to cable modem service or any other services Cablevision operates.

Supervisor Holbrook invited the Town Board members to present any questions they may have to Mr. Figliozi.

Co. Smith asked if this is an automatic renewal as long as all of the commitments to the Town have been fulfilled. Mr. Figliozi replied that it is correct. Co. Smith also asked what the process would be if there were another company interested in providing the same kind of service. Mr. Figliozi replied that they would come to the Town and ask for a franchise and the Town would review their application. Co. Smith asked if the resident would have the right to choose a cable provider. Mr. Figliozi replied that they would.

Ed Duer, Town Comptroller, referred to the payment schedule which is semi-annual according to the agreement. Currently, our agreement is on a quarterly payment schedule which he would like to retain. Mr. Figliozi replied that it is a negotiated item in the agreement and frequency of payment can be negotiated. Mr. Duer then asked if more frequent payments could be negotiated.

Supervisor Holbrook asked Mr. Duer the amount of revenue received from the franchise fees to which he replied that approximately \$750,000-\$800,000.

Co. Manida asked if the Town has a right to audit the percentages received from cable TV broadcast and Optimum On Line. Mr. Figliozi replied that the Town does have the right and Supervisor Holbrook has requested such audit.

Co. Mandia also asked if cable modems are subject to franchise fees and Mr. Figliozi replied that cable modems are not cable service but rather an interstate information service which are not subject to franchise fees.

Co. Smith asked about the senior discount rates and if that discount is only on the basic service. Mr. Figliozi replied that it is also a negotiated item; however, there are limitations on that negotiation such as not being permitted to deny a franchise because the senior discount is not high enough.

Co. Mandia asked if the community could benefit from Cablevision such as providing free cable services to the schools. Mr. Figliozi replied that he believes there is language addressing this in the agreement.

Supervisor Holbrook opened the meeting for public comment.

Appearance: Emilie Spaulding
Director of Government Relations
Cablevision

Adam Falk
Counsel for Legal and Regulatory Affairs
Cablevision

They spoke on the local situation and the taping of the board meetings once the franchise renewal is in effect. She stated that there are currently 22,400 households in Clarkstown who have cable. She confirmed that the Town is receiving the fees quarterly and will continue to do so. She reported that the franchise fees received this years equals \$775,000 and the cost for digital service is \$9.95. She is looking forward to taping the Town Board meetings.

Appearance: Hy Schuster
New City
Clarkstown Schools

He thanked Emilie Spaulding for restoring live television capabilities as he was able to air, live, the Clarkstown School Board candidates' debates from 7-8 PM.

He addressed five (5) issues:

- Live programming back into the community
- Provide a public access educational channel;
- Provide governmental access channel;
- List the educational channels in the Channel 12 listing TV Guide Lineup;
- Provide a production facility for community use
- Cablevision be a source of information in the event of emergencies such as school closings, inclement weather, etc.

Appearance: John Lodico
New City

He gave his opinion regarding the inception of cable.

Appearance: Donald Tracy
New City

He referred to the Cablevision bill which indicates real estate taxes. He asked why the subscribers should reimburse Cablevision for their real estate taxes.

Appearance: Martin Bernstein
New City

He asked if there is an automatic renewal based on the previous contract and can the Town insist on a change in the contract. He also asked if Cablevision is required to provide certain services such as community services. Mr. Figliozi replied that previously there were a certain number of channels and the current contract still has that requirement. The new contract speaks more of the capabilities of the system and that all will receive service at the going rate. It may require the provision of public educational and governmental access channel, it may require certain support of those channels, it may require to meet certain consumer protection requirements, and requirements to indemnify and insure the Town against any law suits.

Ms. Spaulding added that Cablevision does provide public access facilities for anyone wishing to use in Rockland County such as the studio in West Nyack. An application may be submitted to request a time slot. Cablevision also provides free cable to every school and when the cable modems are available, they will also provide them free to the schools also and up to 25 computers connected to free internet service.

Supervisor Holbrook asked if Cablevision would be willing to provide free service to the emergency services buildings such as firehouses and ambulance corps. Ms. Spaulding replied that Cablevision would provide free service to every firehouse, ambulance and police buildings.

Appearance: Russell Trojan
Clarkstown

He said that he does not have cable but if he did, he should only be billed for the programming he watches. He asked if a billing process could be developed for low usage.

Ms. Spaulding replied that it is probably best to subscribe to the basic cable of 21 channels including educational and governmental programming. All of the broadcast channels cost approximately \$12/month for 24 hours programming.

Mr. Trojan also commented on the length of the agreement which currently is ten (10) years and asked if the contract be less than ten (10) years.

Informational Meeting: Renewal Application of Cablevision of Rockland/Ramapo, Inc.
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Appearance: George Hochman
Nanuet

He would like to see a discount given to group homes for residents who are handicapped.
He would also be grateful to have the local news return.

Appearance: John Costa
Valley Cottage

He would like to be able to pay his cable bill by credit card directly.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by
Co. Lasker and unanimously adopted, the Informational Meeting was closed at 10:00 PM

Respectfully submitted,


Patricia Sheridan
Town Clerk