

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

08/13/2002

8:00 P.M.

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

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

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On motion of Co. Smith seconded by Co. Maloney and unanimously adopted, the public hearing re: Proposal from the Historical Review Board that portions of Old Mill Rd, West Nyack/Valley Cottage and S. Mountain Rd. and Old Phillips Hill Rd, New City be designated as Official Historic Roads was continued, time: 8:05 p.m.

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted, the public hearing re: Proposal from the Historical Review Board that portions of Old Mill Rd, West Nyack/Valley Cottage and S. Mountain Rd. and Old Phillips Hill Rd, New City be designated as Official Historic Roads was closed, time: 8:06 p.m.

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On motion of Co. Maloney seconded by Co. Smith and unanimously adopted, the public hearing re: Proposed Local Law electing a Retirement Incentive program as authorized by Chapter 69, Laws of 2002 for the eligible employees of the Town of Clarkstown was opened, time 8:07 p.m.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law electing a Retirement Incentive program as authorized by Chapter 69, Laws of 2002 for the eligible employees of the Town of Clarkstown is to be continued, time 8:22 p.m.

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On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Chapter 290 of the Zoning Local Law of the Town of Clarkstown to Provide for Adult Entertainment Uses was opened, time: 8:30 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Chapter 290 of the Zoning Local Law of the Town of Clarkstown to Provide for Adult Entertainment Uses was to be continued, time: 9:19 p.m.

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On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed local law amending Chapter 109-7: Building Permit Fee Waiver for Qualified Not-For-Profit Organizations Building in Clarkstown, opened 9:20 p.m.

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted, the public hearing re: Proposed local law amending Chapter 109-7: Building Permit Fee Waiver for Qualified Not-For-Profit Organizations Building in Clarkstown, was closed 9:40 p.m.

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On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law to provide compensation for members of the Police Commission was opened, time: 9:46 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law to provide compensation for members of the Police Commission is to be continued, time: 10:10 p.m.

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Supervisor Holbrook opened the public portion of the meeting.

Appearance: Joan Derella  
Congers

She requested that the Board postpone the vote on the Assessor position tonight and reconsider this action. On September 24, Mr. Longo is scheduled to become the President of the New York State Assessor's Association. Now this is dubious at best.

Appearance: Jay Townsend  
Cornwall, NY

Spoke about the economic benefits the West Nyack mall has brought to Rockland since it opened. He also asked residents to support Kid's City, a children's entertainment center the mall is trying to bring in via a referendum. They only want to use pre-existing unused space for Kid's City.

Appearance: Ann Dano  
Congers

Commended the Town Board for appointing Cathy Conklin as Assessor, the Board had not denied Nick Longo any of his benefits.

Appearance: Nicole Doliner  
New City

Palisades should hold to the agreement it made to the people and the people should have the facts of how much the mall brings in as opposed to what the mall costs, ie., roads, police, etc.

Appearance: Martin Bernstein  
New City

On item #3 he said the mall has already built a 3 million square foot building when they were only supposed to build a 1.85 million one and the Town Board allowed them to turn this additional space into void space. He inquired about item #9 and the notice of appeal. On item 13B, he said regarding the pay phones the Town is installing, some charge 25 cents others charge 50 cents, he thinks it should be all the same. Item #14, zone change request from LO to R-15, he said we have a comprehensive master plan and builders should adhere to it. Also said items #27j & 27k should be put off.

Appearance: Steve Rubin  
Attorney representing Palisades Center

Said he was in favor of the referendum but he did not wish to participate in a referendum that didn't meet the standards. He offered to help determine the wording.

Appearance: Joseph Schleimer  
Historic Review Board

Thanked the Town Board for approving the historic roadways resolution.

Appearance: Jim Cropsey  
New City

He thought we had an agreement with Pyramid regarding the referendum and we should adhere to it.

Appearance: Barbara Zweigenberg  
West Nyack

Spoke regard Item 3, quoted from the newspaper about giving people the right to be heard. The facts should be put in the paper and this must go to referendum.

Appearance: Irene Fisher  
West Nyack

Spoke regarding Item #3 and said we have to be very careful and watch these people.

Appearance: George Rumelt  
New City

Spoke about item #3, asking about Gross Leasable Space.

Appearance: Frank Hackett  
Valley Cottage

Spoke about item #8 asking about the appraisal of a piece of property in Congers. Spoke about item #3, and discussed the mall limiting the footprint and that difference between unusable and unused space.

Appearance: Bruce Broadley  
West Nyack

Pyramid making a sham of the process, built one of the ugliest malls in the US. Town Board should clean up the zoning issue. This is not a shopping center, it's a theme park.

Appearance: Steve Levine  
Congers

Item 3, the way the Palisades Mall was built, a referendum was very important.

Appearance: Joe Hanes  
New City

Spoke on item #3, does not believe these people.

Appearance: Warren Marshall  
Nanuet

Spoke about item # 3 and Palisades' lack of respect.

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RESOLUTION NO. (656-2002)

Co. Smith offered and Co. Maloney seconded

**RESOLUTION DESIGNATING PORTIONS OF OLD MILL ROAD, WEST NYACK/VALLEY COTTAGE, NEW YORK AND SOUTH MOUNTAIN ROAD AND OLD PHILLIPS HILL ROAD, NEW CITY, NEW YORK AS HISTORIC ROADS**

WHEREAS, the Historical Review Board proposed that portions of Old Mill Road, West Nyack/Valley Cottage, New York, and South Mountain Road and Old Phillips Hill Road, New City, New York, be designated as historic roads pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown, and

WHEREAS, a public hearing was duly noticed as required by law and held on July 23, 2002 and adjourned and continued on August 13, 2002 to consider said proposal, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report, dated August 13, 2002, from its consultant Robert Geneslaw with respect to SEQRA review, which the Board has duly considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the designation of the subject historic roads is a Type II action and shall not have any significant impact on the environment, and no further processing pursuant to Part 617 of the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that good cause having been shown, the roads known as Old Mill Road, West Nyack/Valley Cottage, New York, from Strawtown Road, West Nyack to Kings Highway, Valley Cottage; South Mountain Road, New City, New York, from the Ramapo border to Old Route 304; and Old Phillips Hill Road, New City, New York, from Phillips Hill Road to Buena Vista Road, New City are hereby designated as historic roads pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown, and be it

FURTHER RESOLVED, that said historic roads be so indicated on the Official Map of the Town of Clarkstown.

On roll call the vote was as follows:

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

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RESOLUTION NO. (657-2002) (FAILED)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

**"A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 69, LAWS OF 2002 FOR THE ELIGIBLE EMPLOYEES OF THE TOWN OF CLARKSTOWN"**

RESOLUTION NO. (657-2002) FAILED continued

was introduced by Councilperson Lasker, at a Town Board meeting held on July 23, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 23, 2002, directed that a public hearing be held on August 13, 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 July 30, 2002, and

WHEREAS, a copy of the revised 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 August 15, 2002, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 13, 2002 and continued on August 27, 2002;

Co. Smith, seconded by Co. Maloney moved to amend the dates of the retirement incentive program to 12/31/2002.

On roll call the vote was as follows:

Councilwoman Lasker . . . . .	No
Councilman Maloney . . . . .	Yes
Councilman Mandia . . . . .	No
Councilwoman Smith . . . . .	Yes
Supervisor Holbrook . . . . .	No
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RESOLUTION NO. (658-2002) (FAILED)

Co. Lasker offered and Supervisor Holbrook seconded

WHEREAS, a proposed local law entitled,

"A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 69, LAWS OF 2002 FOR THE ELIGIBLE EMPLOYEES OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Lasker, at a Town Board meeting held on July 23, 2002, and

NOW, THEREFORE, be it

RESOLVED, that Local Law No. - 2002 entitled:

"A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 69, LAWS OF 2002 FOR THE ELIGIBLE EMPLOYEES OF THE TOWN OF CLARKSTOWN"

hereby FAILED and a vote of the Town Board of the Town of Clarkstown, being as follows:

RESOLUTION NO. (658-2002) FAILED continued

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . No  
 Councilman Mandia . . . . . No  
 Councilwoman Smith . . . . . No  
 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.

Co. Mandia moved, seconded by Co. Maloney, directed that the Public Hearing be put over to August 27, 2002 at 10:00 AM, and the Town re-draft the Local Law to provide for an open period of ninety (90) days, commencing September 1, 2002. Approved 4-1, Co. Smith abstaining

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RESOLUTION NO. (659-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law entitled,

"BUILDING PERMIT FEES WAIVER FOR QUALIFIED NOT-FOR-PROFIT ORGANIZATIONS BUILDING IN CLARKSTOWN"

was introduced by Councilperson Smith, at a Town Board meeting held on June 25, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on June 25, 2002, directed that a public hearing be held on August 13, 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 July 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 June 20, 2002, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 13, 2002;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 8 - 2002 entitled:

"BUILDING PERMIT FEES WAIVER FOR QUALIFIED NOT-FOR-PROFIT ORGANIZATIONS BUILDING IN 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:

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. (660-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of July 23, 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

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RESOLUTION NO. (661-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Section 961 of Article 18-B of the General Municipal Law authorizes application by the Rockland Economic Development Corp. on behalf of Rockland County for designation as an Empire Zone within the meaning of said statute, and

WHEREAS, such designation could greatly benefit the Town of Clarkstown in that new businesses would be encouraged to locate in the zone area, and existing businesses would generate new jobs for Town residents, and

WHEREAS, the County of Rockland intends to authorize submission of an application for the designation of areas within Rockland county as an Empire Zone, and

WHEREAS, the County of Rockland may wish to designate certain areas within the Town as part of the proposed Empire Zone, and

WHEREAS, the Town is desirous of working with the County of Rockland through the Empire Zone Program to provide enhanced job opportunities for its residents;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, New York, that it fully supports and concurs in the County of Rockland's actions to authorize and submit an application for an Empire Zone designation in Rockland County.

On roll call the vote was as follows:

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

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RESOLUTION NO. (662-2002)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, by Resolution 909-1996, duly adopted by the Town Board on October 8, 1996, the Town Board authorized abandonment and sale of previously

RESOLUTION NO. (662-2002) continued

discontinued public roads within the conditionally approved site plan application for the retail shopping mall now known as the Palisades Center subject, however, to receipt and recording of a restrictive covenant and negative easement which precluded application for enlargement of the gross leasable area of said shopping center, and

WHEREAS, said restrictive covenant and negative easement was duly tendered, accepted, and recorded in the Rockland County Clerk's Office on December 12, 1996 as Instrument No. 1996-00027216, and

WHEREAS, said restrictive covenant and negative easement burdened the property comprising the Palisades Center with an easement which precludes EklecCo from increasing the gross leasable area in the shopping center without the prior release of said covenant, and

WHEREAS, EklecCo has requested the Town Board consider release of its covenant so as to allow expansion of the Center's 1.854 million square feet of Gross Leasable Area as presently authorized by the approved site plan, and

WHEREAS, such release, as provided in the covenant, is subject, pursuant to Town Law §64-2, to a permissive referendum, and

WHEREAS, Town Law § 81 authorizes the Town Board to submit, on its own motion, a proposal to be considered at a special or biennial Town election any matter which is subject to permissive referendum, and

WHEREAS, the Town Board believes that the subject matter contained in this resolution is of sufficient interest and importance that same should be submitted to the voters pursuant to §81 of the Town Law;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby determines to submit the proposition set forth on Schedule "A" hereof to be considered at a special election to be held simultaneously with the next general election scheduled for November 5, 2002.

**Schedule A – Shall the Clarkstown Town Board Permit EKLECCO (Palisades Center Mall, West Nyack, New York) to expand its shopping center beyond 1.854 million square feet of gross leasable area.**

On roll call the vote was as follows:

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

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RESOLUTION NO. (663-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated August 5, 2002, the Rockland County Superintendent of Highways is hereby requested and authorized to:

Remove the "Do Not Block Side Road" sign located just before the Westerly Town Hall Driveway on Congers Road, New City,

RESOLUTION NO. (663-2002) continued

Install a "State Law/Do Not Block Side Road" sign (R9-4C) at the southwest corner of the Easterly Town Hall Driveway on Congers Road, New City

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Charles Vezzetti, Rockland County Superintendent of Highways for implementation, and to Wayne Ballard, PE, CSP, Clarkstown Superintendent of Highways, to the Traffic and Traffic Fire Safety Advisory Board, to Howard L. Lampert, and to the Chief of Police, for their information and for enforcement purposes.

On roll call the vote was as follows:

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

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RESOLUTION NO. (664-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Resolution No. 290-2002 authorized the purchase of twenty-two automatic voting machines at a cost of \$65,890.00 but did not include:

22 Triple Channels totaling	\$1,645.60
44 Double Channels totaling	\$2,226.40
1,100 Endorsing Straps totaling	\$2,475.00
2 Hoist Raising Drills totaling	\$1,530.00
<b>TOTAL</b>	<b>\$7,877.00</b>

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 290-2002 is hereby amended to include this additional sum of \$7,877.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (665-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS Town Board Resolution #835-2001 authorized the Director of the Department of Environmental Control to retain Tectonic Engineering Consultants P.C. to provide services related to construction inspection for the subject project; and

RESOLUTION NO. (665-2002) continued

WHEREAS the Clarkstown Superintendent of Highways directed Tectonic Engineering Consultants P.C. to provide additional material testing and construction inspection services which resulted in a significant increase in the scope of services that was not included in their contractual obligation; and

WHEREAS the Department of Environmental Control has received invoices submitted by the Consultant covering the charges associated with the additional testing and inspection services deemed necessary by the Superintendent of Highways; and

WHEREAS the Department of Environmental Control has reviewed these charges and found them to be reasonable;

NOW, THEREFORE, BE IT RESOLVED that the current approved budget allowance of \$8,500.00 for inspection services for the subject project be increased to \$19,804.19 to cover the cost of the additional testing and services required by the Superintendent of Highways; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8748 409 0 72-1.

On roll call the vote was as follows:

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

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RESOLUTION NO. (666-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution # 790-2001 awarded construction Bid #48-2001 to Hudson Canyon Construction, Inc., and,

WHEREAS, field conditions required necessary construction modifications and the change order additions are as follows:

- C.O. #1 Installation of medium stone rip-rap for stream bank stabilization 100' north and south of the culvert to prevent bank erosion and the removal of one 18" tree. Cost \$10,000.00
- C.O. #2 Installation of light stone rip-rap for stream bank stabilization for 800± feet of embankment along the property behind Teal Court to the end of the project 100' south of Twin Elms drive. Cost \$12,660.00
- C.O. #3 Installation of Timber Guide railing.  
Replacement and re-paving three driveways.  
Construction of a stone retaining wall.  
Adjusting Storm drainage basin.  
Installation of one additional drainage structure. Cost \$22,959.00

WHEREAS, these change orders have been review and approved by the Department of Environmental Control

RESOLUTION NO. (666-2002) continued

NOW, THEREFORE, BE IT RESOLVED that the total for the construction phase for the project by change orders has been increased by \$45,619.00, and the current allowance for the project be increased from \$271,311.00 to \$316,930.00, and

BE IT FURTHER RESOLVED that this shall be a proper charge to account #H 8741 409 0 72 1

On roll call the vote was as follows:

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

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RESOLUTION NO. (667-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7310-427 (Publicity) by \$3,400 and to increase A7020-411 (postage) by \$3,400 and to decrease A7141-401 (rent) by \$1,600 and increase A7020-411 (postage) by \$1,600.

On roll call the vote was as follows:

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

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RESOLUTION NO. (668-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7141-301 (food) by \$400.00 and to increase A-7141-222 (Parks & Rec. Equip) by \$400.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (669-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Town Board authorized the solicitation of proposals for an appraisal of property located in Congers, New York and said property is designated on the Tax Map as 44.11-3-79, and

RESOLUTION NO. (669-2002) continued

WHEREAS, the Town Attorney has received competitive proposals from appraisers and recommends hiring the firm of Blaise Appraisals & Consultants, Inc. to perform said appraisal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire the firm of Blaise Appraisals & Consultants, Inc., in accordance with its proposal of July 24, 2002, to appraise Town property known as 44.11-3-79, and be it

FURTHER RESOLVED, that the cost of \$2,000.00 for said appraisal shall be charged to Account No. A 1420 409, and this resolution shall be retroactive to July 26, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (670-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized and directed to file a Notice of Appeal in the Matter of the Application of Sterngass v. the Zoning Administrator of the Town of Clarkstown, et al., concerning the use of property designated as Tax Map Lot 138-H-28, and be it

FURTHER RESOLVED, this resolution shall be retroactive to July 25, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (671-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Veterans' Memorial Association of Congers has requested Economic Assistance for the fiscal year 2002, and

WHEREAS, the request has been reviewed by the Town Attorney who has advised that the organization provides services which are beneficial to residents of the Town of Clarkstown and qualifies for assistance,

NOW, THEREFORE BE IT

RESOLUTION NO. (671-2002) continued

RESOLVED, that the Veterans' Memorial Association of Congers is hereby approved for Economic Assistance in the amount of \$500.00 subject to execution of a contract in a form approved by the Town Attorney which assures that services will be provided to residents of the Town of Clarkstown in accordance with the purposes of the organization, and be it

FURTHER RESOLVED, that the appropriation herein made shall be charged to Account No. A-8840-4024.

On roll call the vote was as follows:

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

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RESOLUTION NO. (672-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 2002.

West Nyack Free Library	\$3,000.00
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On roll call the vote was as follows:

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

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RESOLUTION NO. (673-2002)

Co. Maloney offered and Co. Mandia seconded

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

BEDROCK EXCAVATION & SITE DEVELOPMENT, LLC  
P.O. Box 9541  
Lyndhurst, New Jersey 07071  
Scott Wells, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

RESOLUTION NO. (673-2002) continued

No. 2-25 BEDROCK EXCAVATION & SITE DEVELOPMENT, LLC

On roll call the vote was as follows:

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

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RESOLUTION NO. (674-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the State of New York has approved a grant application for the Clarkstown Police Department "Community Service Provider Assistance Program" (Contract #TMO 1441) for the purpose of defraying some of the salary expenditures associated with the School Resource Officers Program for the period from April 1, 2001 through March 31, 2003, and

WHEREAS, the State shall provide \$7,500 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the State of New York, in a form approved by the Town Attorney, to accept a grant award of \$7,500 from the "Community Service Provider Assistance Program" for the period from April 1, 2001 through March 31, 2002, for the purpose of defraying some of the salary expenditures associated with the School Resource Officers Program.

On roll call the vote was as follows:

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

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RESOLUTION NO. (675-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, VERIZON CUSTOM PAYPHONE SERVICE has tendered contracts for use of Verizon owned and operated payphones at various park and community center locations within the Town of Clarkstown, as set forth below, and

WHEREAS, said payphone contracts have been reviewed by Deputy Town Attorney Victor S. Vitale and found acceptable, and

WHEREAS, services charges at Congers Community Center [payphone #268-9814] and Nanuet Pool [payphone #623-9581] for the months of June, July, August and September, 2002, are \$75.00 per month service charges for each phone, and \$37.50

RESOLUTION NO. (675-2002) continued

service charges per month (when not in service) for the months of October through May, for each phone for total charges of \$600.00 annually, plus taxes and surcharges, for four (4) months of service, and

WHEREAS, service charges at Central Nyack Community Center [payphone #358-9577] and Street Community Center [payphone #634-9750] each totaling \$900.00 for the year, plus taxes and surcharges, for twelve (12) months of full service, and

WHEREAS, service charges for said four (4) payphones at the four (4) locations above, total \$3,000.00, plus taxes and surcharges, and

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of Jo Anne Oldenburger, Assistant Superintendent of Recreation & Parks, the Supervisor is hereby authorized and directed to execute said contracts on behalf of the Town, and be it

FURTHER RESOLVED, that Hemlock Park payphone [#268-9844] stolen on or about July 20, 2001 from Hemlock Park, not be reinstalled and that said contract be terminated, effective as of last billing date of July 2002, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to January 1, 2002.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (676-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Pondview, LLC, by Jay Theise, Managing Member, has petitioned the Town Board of the Town of Clarkstown requesting 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;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sections 264 and 265 of the Town Law, be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 24, 2002 at 8:00 p.m., or as soon thereafter as possible, relative to the proposed amendment to the Zoning Local Law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

RESOLUTION NO. (676-2002) continued

FURTHER RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (677-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, BRADLEES, INC., Index No(s). 4025/97, 4115/98, 4161/99, 4149/00, 4119/01, and GOODRICH ASSOCIATES MANAGEMENT, Index No(s). 4339/97, 4053/98, 3854/99, 3817/00, 4030/01 affecting parcel(s) designated as Map 43.11, Block 2, Lot 40, and Map 43.11, Block 2, Lot 41, formerly known as 59 A 20.21 and 59 A 20.22 for the year(s) 1997, 1998, 1999, 2000, 2001, and 2002

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 Clarkstown 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 43.11, Block 2, Lot 40 be reduced for the year 1997/98 from \$225,000.00 to \$195,300.00 at a cost to the Town of \$451.39; for the year 1998/99 \$225,000.00 to \$195,300.00 at a cost to the Town of \$430.13; for the year 1999/00 from \$225,000.00 to \$175,600.00 at a cost to the Town of \$728.43; for the year 2000/01 from \$225,000.00 to \$156,300 at a cost to the Town of \$991.96; and for the year 2001/02 from \$225,000.00 to \$136,900.00 at a cost to the Town of \$1,271.66.

2. The assessment on the premises owned by the petitioner(s) described on the assessment role as Map 43.11 Block 2 Lot 41 be reduced for the year 1997/98 from \$4,167,800.00 to \$3,603,600.00 at a cost to the Town of \$8,574.96; for the year 1998/99

RESOLUTION NO. (677-2002) continued

from \$4,167,800.00 to \$3,604,200.00 at a cost to the Town of \$8,162.40; for the year 1999/00 from \$4,167,800.00 to \$3,229,000.00 at a cost to the Town of \$13,843.14; for the year 2000/01 from \$4,167,800.00 at a cost to the Town of \$18,847.18; and for the year 2001/02 from \$4,167,800.00 to \$2,494,700.00 at a cost to the Town of \$21,149.94.

3. Reimbursement for the year(s)1997, 1998, 1999, 2000, 2001 and 2002 on the parcels described as Map 43.11, Block 2, Lot 40, and Map 43.11, Block 2, Lot 41 as stated above, be made within (90) 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;

4. 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.

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. (678-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown YOUTH COURT program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's YOUTH COURT grant application in the amount of twelve thousand nine hundred seventeen dollars (\$12,917.00) for 50/50% Division for Youth funding for 2002, and

FURTHER BE IT RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

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. (679-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control, Bid #59-2002 is hereby awarded to:

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

for their low bid of \$25,900.00, and

BE IT FURTHER RESOLVED, that the cost shall be a proper charge to account SR 8160 409.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (680-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Section 278-13 of the Town Code known as the Vehicle and Traffic Local Law, at

Seton Village  
150 Convent Road  
Nanuet, NY 10954

(Lot 63.11-1-13, FKA 4-A-6)

by the installation of fire lane designations, and

WHEREAS, Sr. Kathleen Gilbride has requested that the Town of Clarkstown install said fire lane designations,

NOW THEREFORE BE IT

RESOLVED, that pursuant to said Section 278-13 of the Clarkstown Town Code, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown, and be it

FURTHER RESOLVED, that this resolution is subject to receipt of reimbursement for the actual costs of such installation.

RESOLUTION NO. (680-2002) 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. (681-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$3,416 from D.A.R.E. Donations, and \$5,675.67 from the Federal Government,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account # A 01 9 2705 (Gifts & Donations) and increase Budgetary Account # A 3230-319 (D.A.R.E.- Misc. Supplies) by \$3,416 and increase Revenue Account # A 01 11 4837 (Internet Crimes) by \$5,675.67 and increase Budgetary Account # 3260-225 (Special Investigations-Computer Hardware) by \$169.94 A 3260-293 (Special Investigations-Law Enf. Equipment) by \$3,396.65, A 3260-314 (Special Investigations-Computer Supplies) by \$231.25, A 3260-414 (Special Investigations-Schools & Conferences) by \$1,398 and A 3260-415 (Special Investigations-Investigative Expenses) by \$479.83 and

WHEREAS, various budgetary accounts need additional funding

THEREFORE BE IT,

RESOLVED, to decrease A 1355-204 (Assessor-Office Machines) and increase A 1355-463 (Assessor-Data Processing Charges) by \$1,150 and decrease A 7610-409 (Programs for the Aging-Fees for Services) and increase A 7620-410 (Adult Activities-Photo I.D.'s) by \$16.00 and decrease A 1990-505 (Contingency-Other Costs) by \$20,032.75 and increase budgetary accounts #A 1010-414 (Councilmen-Schools & Conferences) by \$1,436.65, A 1910-420 (Insurance Premiums) by \$333.00, A 1950-503 (Taxes and Assessments-Other Costs) by \$719.26, A 8511-409 (Community Beautification-Fees for Services) by \$12,703.20 and A 9710-409 (Debt Service-Fees for Services) by \$7,329.55.

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. (682-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED to decrease A 01 14 2999 0 (Unexpended Balance) by \$24,700 and increase the following Finance Department Appropriation Accounts:

RESOLUTION NO. (682-2002) continued

A 1310-110 (Salaries)	\$23, 500
A 1310-111 (Overtime)	\$ 500
A 1310-201 (Furniture)	\$ 500
A 1310-313 (Office Supplies)	\$ 200

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. (683-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that all proposals received for

BID #52-2002  
 ELECTRONIC ACCESS CONTROL SYSTEM FOR CPD

are hereby rejected

and be it

FURTHER RESOLVED, that the Director of Purchasing is hereby authorized to re-advertise for new bids for:

BID #52A-2002  
 ELECTRONIC ACCESS SYSTEM

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 determined 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. (684-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that all proposals received for Bid #54-2002 are hereby rejected,

and be it

RESOLUTION NO. (684-2002) continued

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

BID #54A-2002  
REINFORCED CONCRETE CULVERT PIPE,  
CONCRETE CATCH BASIN, BLOCK, & BRICK

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by A.M. on SEPTEMBER 4, 2002 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (685-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #62-2002  
RENTAL OF TRUCKS BY HIGHWAY DEPARTMENT

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 determined 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. (686-2002)

Co. Maloney offered and Co. Lasker seconded

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

RESOLUTION NO. (686-2002) continued

BID #63-2002  
COMPRESSED GASES

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. (687-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #64-2002  
TOWN WIDE GUIDERAIL IMPROVEMENTS

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 determined 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. (688-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the severe thunderstorms of July 19, 2002 resulted in the flooding of the Mill Stream north of the existing culvert beneath Demarest Mill Road in West Nyack; and

WHEREAS, the flooding caused large amounts of debris to be deposited on the property n/f of Austin at 24 Demarest Mill Road; and

RESOLUTION NO. (688-2002) continued

WHEREAS, the large amounts of debris were determined to be a safety hazard by the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control solicited proposals from qualified contractors to remove and dispose of said debris; and

WHEREAS, the Department of Environmental Control received one response to its solicitation and, upon review, found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Danny Clapp Landscaping, Inc.  
59 Schriever Lane  
New City, NY 10956

To remove and dispose of said debris as directed by the Department of Environmental Control in accordance with their proposal for an amount not to exceed \$4,200.00; and

BE IT FURTHER RESOLVED that this authorization shall be retroactive to July 29, 2002; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H8739 409 0 60-1.

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. (689-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, at its meeting of July 23, 2002, the Town Board of the Town of Clarkstown passed the subject resolutions related to the Strathmore Creek Remediation Project: and

WHEREAS, the account number for the Strathmore Creek Remediation Project was incorrectly listed in both of the subject resolutions:

NOW, THEREFORE, BE IT RESOLVED that Town Board resolutions #617-2002 and 625-2002 be amended by deleting the account number H 8749 409 73-22 and replacing it with the correct account number H 8749 409 73-27.

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. (690-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, it has been proposed that the Town of Clarkstown and the County of Rockland transfer ownership of certain roads located within the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Wayne T. Ballard, the Superintendent of Highways, the Town Board hereby authorizes the transfer of Germonds Road, New City, New York, from Route 304 to North Middletown Road, from the Town of Clarkstown to the County of Rockland and in return, the County of Rockland will transfer the following roads to the Town of Clarkstown:

Old Hempstead Road, New City, New York (County Rt. 80B), from Middletown Road to New Hempstead Road,

Old North Middletown Road, New City, New York (County Rt. 33B), which begins and ends on North Middletown Road, and

Old Kings Highway, Congers, New York (Discontinued portion of Rt. 13).

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. (691-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "Dead End" sign on Cottage Place, Nanuet, NY

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

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. (692-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an application, pursuant to Section 837-d of the Executive Law, for the partial reimbursement in the amount of \$3,045.00, through the Division of Criminal Justice Services, to the Clarkstown Police Department for expenditures incurred for the purchase of "soft body armor" for police officers.

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. (693-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by letter dated July 25, 2002, the Clarkstown Police Department has been advised that the New York State Division of Criminal Justice Services will maintain a Fingerprint Escrow Account for the payment of fingerprinting services, and

WHEREAS, said account requires the advance deposit of a minimum of \$3,750.00 to be held in escrow and to be charged against for all services requested by the depositing agency, and

WHEREAS, Police Chief Kevin Kilduff has recommended establishment of said account so as to improve the efficiency and accountability for use of the Police Department funds,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Comptroller, Edward J. Duer, to enter into a Fingerprint Escrow Account with the New York State Division of Criminal Justice Services on behalf of the Clarkstown Police Department to provide for more efficiency in the payment of fingerprinting fees, and be it

FURTHER RESOLVED, that the deposit of \$3,750.00 shall be charged to Account #A-3120-409.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (694-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION NO. (694-2002) continued

RESOLVED, that pursuant to the Cooperation Agreement between the Town of Clarkstown and the County of Rockland, the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the allocation of 2002 Community Development Block Grant Program funds to the Town of Clarkstown in an amount not to exceed \$151,500.00.

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. (695-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Director of Environmental Control has recommended accepting a proposal, dated August 1, 2002, from Lawler, Matusky & Skelly Engineers LLP with respect to the Cranford Drive Flood Amelioration Project for a biological impact assessment requested by the New York State Department of Environmental Conservation;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers, LLP to provide engineering services to the Town with respect to the Cranford Drive Flood Amelioration Project, and be it

FURTHER RESOLVED, that the cost for these services shall be \$7,000.00 and said cost shall be charged to Account No. H 1994 409-0-14-22.

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. (696-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation of Timothy Conway, 6 Tempo Road, New City, New York – Solid Waste Facility Attendant – Solid Waste Facility – is hereby accepted – effective and retroactive to July 23, 2002.

RESOLUTION NO. (696-2002) 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. (697-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of James H. Coyle, 10 Brooks Drive, Stony Point, New York, Assistant Automotive Mechanic – Highway Department – is hereby accepted – effective and retroactive to August 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

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RESOLUTION NO. (698-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished certification of Eligibles #02140 Environmental Control Inspector III (NCP/T&E) which contains the name of Salvatore Pagliuca,

Now, therefore, be it

RESOLVED, that Salvatore Pagliuca, 56 Rose Road, West Nyack, New York, is hereby appointed to the position of (permanent) Environmental Control Inspector III – Department of Environmental Control – at the current 2002 annual salary of \$65,782., effective and retroactive to July 22, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (699-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLUTION NO. (699-2002) continued

RESOLVED, that Joseph A. Mendolia, 3 Della Court, Congers, New York, is hereby appointed to the position of (Provisional) Weigher II – Solid Waste Facility – at the current 2002 annual salary of \$30,905., effective August 26, 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. (700-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on August 1, 2002 that the position of Groundswoker #0585 can be reclassified to the position of Senior Groundswoker,

Now, therefore, be it

RESOLVED, that the position of Senior Groundswoker #0585 can be reclassified to the position of Senior Groundswoker – Parks Board and Recreation Commission – effective and retroactive to August 12, 2002.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (701-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on August 1, 2002 that the position of Maintenance Helper – Parks Board and Recreation Commission – can be created,

Now, therefore, be it

RESOLVED, that the position of Maintenance Helper – Parks Board and Recreation Commission is hereby created – effective and retroactive to August 12, 2002.

On roll call the vote was as follows:

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

\*\*\*\*\*

**RESOLUTION NO. (702-2002)**

Co. Mandia offered and Co. Lasker seconded

**RESOLVED**, that Erik Asheim, 11 Gregory Street, New City, New York, is hereby appointed to the position of (Provision) Deputy Building Inspector – Building Department – at the 2002 annual salary of \$61,084., effective and retroactive to August 12, 2002.

On roll call the vote was as follows:

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

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**RESOLUTION NO. (703-2002)**

Co. Mandia offered and Co. Lasker seconded

**RESOLVED**, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Rosemary Sanfratello, 3 Cygnet Lane, Valley Cottage, New York – Paralegal Specialist I – Town Attorney’s Office – is hereby granted an extension of her Sick Leave of Absence – at one-half pay – effective and retroactive to August 12, 2002 to September 12, 2002.

On roll call the vote was as follows:

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

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**RESOLUTION NO. (704-2002)**

Co. Mandia offered and Co. Lasker seconded

**RESOLVED**, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Dorothy Marshall-Andrade, 83 Eagle Ridge Way, Nanuet, New York – Senior Clerk Typist – Justice Court Department is hereby granted – Sick Leave of Absence – at one-half pay effective and retroactive to August 6, 2002 to September 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

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RESOLUTION NO. (705-2002) (FAILED)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a motion has been made to table agenda items 27j and 27k, regarding the leave of absence and the appointment as Assessor of Cathy Conklin,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby tables agenda items 27j and 27k.

On roll call the vote was as follows:

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

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RESOLUTION NO. (706-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

Now, therefore, be it

RESOLVED, that Cathy L. Conklin, 25 Ball Road, Warwick, New York 10990 – Supervising Real Property Appraiser – Assessor’s Office – is hereby granted a leave of absence, without pay – effective 12:01 (Thursday) August 15, 2002 – to the date the Rockland County Personnel Office approves her application for the position of Assessor - Assessor’s Office.

On roll call the vote was as follows:

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

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RESOLUTION NO. (707-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that Cathy L. Conklin, 25 Ball Road, Warwick, New York 10990 is hereby appointed to the position of Assessor – Assessor’s Office – effective at 12:01 a.m. on Tuesday, September 3, 2002 – at the current annual salary of \$99,187., to include all applicable longevities, and be it

FURTHER RESOLVED, that the Clarkstown Personnel Office is hereby directed – to forward to the Rockland County Personnel Office – the proper application and any additional papers necessary to effectuate a full term appointment – for the statutory six (6) year term.

RESOLUTION NO. (707-2002) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (708-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Department of Environmental Control, that

BID #47-2002  
 401 PHILLIPS HILL ROAD DRAINAGE IMPROVEMENTS

Is hereby awarded to:

LET IT GROW, INC.  
 50 ACKERSON AVENUE  
 RIVER EDGE, NEW JERSEY 07661  
 PRINCIPAL: PAUL T. IMBARRATO

as per their proposed project cost of \$89,559.00 and be it

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

- a) Signed Contract Documents – two (2) sets
- b) Performance Bond – 100% of project cost
- c) Labor and Materials Payment Bond – 100% of proposed project cost
- d) Certificate of Contractors 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

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

FURTHER RESOLVED, that the costs associated with the project shall be a proper charge to account H 8752 409 76 21.

On roll call the vote was as follows:

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

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RESOLUTION NO. (709-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Supt. of Highways that

BID #60-2002  
LEAF COLLECTION EQUIPMENT  
FOR THE HIGHWAY DEPARTMENT

is hereby awarded to: W.E. TIMMERMAN CO., INC.  
3554 ROUTE 22 WEST  
P.O. BOX 71  
WHITEHOUSE, NJ 08888  
PRINCIPALS: JOSEPH BILOTTA

for Tarco Windy 400 Leaf Vacuum Unit at \$31,667.00 each, and Tarco Leaf Box at \$4,000.00 each

On roll call the vote was as follows:

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

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RESOLUTION NO. (710-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks and the Project Engineer that

BID #56-2002  
WEST NYACK HAMLET GREEN

is hereby awarded as follows:

I - General Construction - awarded to:

TURCO GOLF, INC.  
212 ORANGE AVENUE  
SUFFERN, NY 10901  
PRINCIPALS: DENNIS TURCO  
LAWRENCE TURCO

As per their proposed project cost of \$345,000

II - ELECTRICAL CONSTRUCTION - awarded to:

FANSHAWE, INC.  
d.b.a. ROCKLAND ELECTRIC  
58 EAST ROUTE 59  
NANUET, NY 10954  
PRINCIPALS: JOHN FANSHAWE  
GEORGE FANSHAWE

RESOLUTION NO. (710-2002) continued

as per their proposed project cost of \$79,900 and be it

FURTHER RESOLVED, that said awards are subject to the receipt of the following from each successful bidder:

- 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 Agreement
- e) Contractor's Comprehensive Auto Liability Coverage
- f) Fire Insurance - Builder's Risk Completed Value Form
- g) Certificate of Workers Compensation
- h) Certificate of Workers Disability Coverage

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (711-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown, County of Rockland, New York has solicited and received a proposal from United Water Company for the installation of new water mains and related hydrants and connections to provide water service along Route 303, Congers, New York from Lakeward Avenue north approximately 1,312 feet with connections to existing mains in Lakeward Avenue, Hilltop Road and Randi Lane, for a total of approximately 1,485 feet of new water mains, and for the installation of a new water and hydrant on Lakewood Drive, Congers, between Route 303 and Fisher Avenue, a distance of approximately 410 feet of new water main for a total estimated cost of between \$300,000.00 and \$375,000.00, and

WHEREAS, the Town Board has determined to proceed with the extension of Clarkstown Consolidated Water District #1 to include said area, and provide that the expense of the district extensions be charged against the entire district, and

WHEREAS, the Town Board wishes to consider the extension of the Clarkstown Consolidated Water Supply District #1 to include the areas described herein;

NOW, THEREFORE, it is

ORDERED, that the Director of the Department of Environmental Control is hereby directed to prepare a map depicting the properties to be benefited by the proposed extension described herein and to file same for public inspection in the Office of the Town Clerk on or before August 19, 2002; and it is

RESOLUTION NO. (711-2002) continued

FURTHER ORDERED, that a public meeting of the Town Board of the Town of Clarkstown be held at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 27, 2002, at 10 a.m., or as soon thereafter as possible, to consider the proposed extension of the Clarkstown Consolidated Water Supply District #1 as herein referred to, and to hear all persons interested in the subject thereof, concerning the same, and for such other action of the part of the Town Board with relation thereto as may be required by law, and it is

FURTHER ORDERED, that the Town Clerk publish at least once in the newspaper of general circulation and post on the sign board of said Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, and conspicuously in at least five public places within said proposed Clarkstown Consolidated Water Supply District #1, a copy of this Order, certified by the Town Clerk, the first publication thereof and said posting to be not less than ten or more than twenty days before the day designated herein for the public hearing as aforesaid.

On roll call the vote was as follows:

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

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There being no further business and no one further wishing to be heard, on motion of Co. Lasker, seconded by Co. Maloney and unanimously adopted the Town Board Meeting was closed, time: 10:40 pm.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

08/13/2002

8:05 PM

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

Re: Continuation: Proposal from the Historical Review Board that portions of Old Mill Road, West Nyack/Valley Cottage and South Mountain Road and Old Phillips Hill Road, New City be designated as Official Historic Roads

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On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open at 8:05 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor asked Town Attorney if the S.E.Q.R.A. has been completed. Mr. Costa replied that the S.E.Q.R.A. is complete. Supervisor Holbrook asked if there was anyone wishing to comment relative to the Historic Roads.

There being no one further wishing to be heard, on motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the Public Hearing was closed at 8:06 PM.

RESOLUTION NO. 656 ADOPTED

Respectfully Submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

08/13/2002

8:07 PM

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

Re: Proposed Local Law electing a Retirement Incentive Program as authorized by Chapter 69,  
Laws of 2002 for the eligible employees of the Town of Clarkstown

On motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the Public Hearing was declared open at 8:07 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor informed all that extensive research was done pursuant to this local law by the Comptroller and said that it would be favorable for the Town to adopt this resolution. He asked Comptroller, Ed Duer to give the results of the study. Mr. Duer replied that he and Deputy Comptroller, Lou Profenna did a survey with the Superintendent of Highways and the Director of Parks and Recreation. Based on those reviews, there could be significant savings to the Town in the area of \$250,000.00.

Supervisor stated that a requirement for the Town to adopt a Local Law, significant savings would have to be demonstrated. The exact amount of savings cannot be determined as it is contingent on the number of employees who will take the incentive.

Supervisor opened the meeting for public comment.

Appearance: Steve Peters  
President, CSEA  
Town of Clarkstown

He said that Unit 8352 is in strong support of adopting the proposed Local Law. He feels that it is a benefit to all of the parties concerned and asks for the Board's support in adopting this proposal. He said he sent a letter to each Board member regarding the open window asking for the date to be extended to December 31, 2002; however, he realizes that for budgetary purposes, November 1, 2002 is the deadline.

Supervisor replied that the Town is trying to give the employees sufficient time and the Town enough time to analyze the application of those who elect to take the incentive. He said that the date of November 1, 2002 would offer the opportunity for the Town to make any budgetary changes that would occur before adopting the Budget.

Appearance: Irene Secendo

She read a statement in favor of the Retirement Incentive requesting the December 31, 2002 date so that those who elect to take the incentive will have the necessary time to finalize financial decisions and personal plans. She thanked the Board for their positive response to this request.

Appearance: Warren Marshall  
Nanuet

He asked if School Resource Officers are eligible for this plan to which Supervisor replied they are not.

Appearance: George Rummelt  
New City

He asked what the eligibility requirements are, how many employees would be eligible, and what the percentage of pay is for those who elect to take the incentive.

Comptroller Ed Duer explained that there are four (4) tiers and the eligibility requirements for each tier. However, the eligibility, as per the proposed local law, an employee would be able to retire if he/she is 55 years old with 25 years of service in the Town regardless of their tier level.

Supervisor continued to explain that the employees who retire in accordance with this local law will receive one month service for every year they have served. There is a benefit to both the employees and to the Town.

Appearance: Martin Bernstein  
New City

He agrees with the program and he agrees that it should be extended to the end of the year. He also asked if those hired to replace the retired employees will start at a lower salary to ensure savings for the Town.

Supervisor assured him that new hires will be at a lower salary and that there is a demonstrated \$250,000.00 saving.

Co. Mandia interjected that the CSEA contract shows that the higher salaries are based on their longevity with the Town.

Appearance: Rita Macklin  
Treasurer  
Clarkstown CSEA Unit

She supports the window being extended to December 31, 2002.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing is TO BE CONTINUED on August 27, 2002 at 10:00 AM. Time: 8:22 PM.

Supervisor asked for comment in regard to adopting the Local Law. Co. Mandia said that they need to know the number of people who will elect the incentive in order budget properly.

Co. Smith motioned, seconded by Co. Maloney to amend the law to extend the window until December 31, 2002. On roll call the motion failed 3-2

Co. Smith commented that if the Town is concerned about budgetary issues, stop all overtime from now until the end of the year. She asked why overtime is permitted to go on and on.

On motion of Supervisor Holbrook, seconded by Co. Lasker, to adopt the Local Law. On roll call, the motion failed 3-2.

Co. Smith explained her no vote saying it is the first time the Town has offered the retirement incentive and it is the only time we have been asked to do it at the close of the year. She said their wishes could be granted. There is enough time to cut the budget to save money for next year. Therefore, she reluctantly votes no.

Co. Mandia moved, seconded by Co. Maloney, directed that the Public Hearing be put over to August 27, 2002 at 10:00 AM, and the Town re-draft the Local Law to provide for an open period of ninety (90) days, commencing September 1, 2002. Approved 4-1, Co. Smith abstaining.

Respectfully Submitted,

  
Patricia Sheridan  
Town Clerk

RESOLUTION NO. 657 FAILED  
RESOLUTION NO. 658 FAILED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

08/13/2002

8:30 PM

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

RE: Proposed Local Law amending Chapter 290 of the Zoning Local Law of the Town of Clarkstown to Provide for Adult Entertainment Uses

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On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing was declared open at 8:30 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor asked the Town Attorney to explain highlights of the Local Law. Mr. Costa referred to Deputy Town Attorney, Daniel Kraushaar and Planning Board Consultant, Robert Geneslaw, who authored the drafting of the law.

Daniel Kraushaar stated that Co. Maloney directed him to prepare a Local Law which would be based on constitutional principles that would be upheld on any potential constitutional challenge in the future. Mr. Kraushaar said that he reviewed some thirty (30) local laws throughout the country with regard to Adult Entertainment Uses. He took pieces from each that would be in the interest of the health, safety and welfare concerns of the Town. He was assisted by Mr. Geneslaw with the wording.

The main thrust of this law is a licensing procedure which would have to be upheld and adhered to by any one who wishes to apply for adult entertainment use in the Town. He continued to say that the laws which were not upheld in the country, were those in areas where the law completely restricted any such use within municipal boundaries. This proposed law does not have such restrictions and a review of a map indicates where these type uses can be sited.

He also reviewed the various studies that have been conducted throughout the country on the impact of Adult Entertainment Uses on municipalities in regard to property values, crime, vandalism and overall effect on businesses in the area. The licensing procedures that were developed were done to assure that those impacts would be accounted for and that organized crime would not be involved. There are fees that have been provided for different types of adult entertainment uses. There are annual licensing requirements. The existing uses will be allowed to be continued as there is nothing the Town can do constitutionally to eliminate those uses. That approach was attempted by the Town of Ramapo; however, did not pass in Federal Court.

Co. Maloney asked how this proposed law differs from the one in the Town of Ramapo. Mr. Kraushaar said the most significant distinction is in the licensing procedures. The secondary is that the Town of Ramapo zoned it out completely. Clarkstown does not allow it in residential zones. At the present time, the type of zones allowing such uses is not specified. He said that there would probably be distance requirements from religious institutions, schools, other businesses of the same nature, and residential zoning districts, etc.

Co. Mandia asked if it could only go into a commercial zone or a non-residential zone. Mr. Kraushaar replied that this does not border on a residential zone within a certain distance.

Co. Smith asked if this can go into any commercial area to which Mr. Kraushaar replied yes, as long it meets the distance requirements. Mr. Costa interjected that if it meets the proximity standards then the potential locations are fairly numerous; however, it must meet all of the proximity standards. Co. Smith verified with Mr. Kraushaar that the standard is 1,000 feet.

Co. Lasker asked if the proximity requirements stated on page 41 regarding Parks and Recreation should be included in the proximity requirements paragraph on page 40. Mr. Kraushaar said the map would have to be checked to see what the impact would be.

Co. Smith asked if the map was available. Mr. Geneslaw presented the map and described the areas of restriction. Co. Mandia interjected that along with the Town not permitting adult uses of entertainment in close proximity to churches, schools and residential areas, would shopping malls as places where families gather be included also. Mr. Geneslaw stated that he and Mr. Kraushaar

had discussed this issue. He said that it was not included in the draft because the definition needs further clarification.

Co. Smith said there is too much interpretation in the draft. It was her understanding that a law was going to be written constitutionally safe for the Town which would designate certain areas and those areas would definitely be away from homes, school, etc. She said licensing encourages more types of these establishments.

Mr. Kraushaar said that if the Town places too many restrictions on locations, there is the danger that the facility will not be permitted anywhere. The Town must avoid this from happening.

With regard to licensing, Mr. Kraushaar referred to the Amherst law which is very permissive. Co. Smith stated that she didn't think that the Board was looking for licensing in the law. Mr. Kraushaar explained that licensing gives the Town the imprimatur on the type of people who can bring this into the Town. He further stated that through his research, the places that had the most stringent licensing requirements, had the least unsavory type of operation.

Co. Maloney interjected that the licensing is important as it determines where the establishment can go. It could be detrimental to the Town if there were no licensing restrictions. Town Attorney John Costa replied that when laws such as these are found wanting and thrown out by the courts, they are often declared to have no standards and to be too discretionary, therefore, the authority that is the approving authority has no standards and the courts are throwing out those laws. There is also the line of cases where the laws fail because they are so restrictive that the community has barred this use entirely. That would not withstand a constitutional challenge.

Mr. Costa said that Mr. Kraushaar and Mr. Geneslaw proposed a law which licenses these uses. If the criteria is met, then the applicant qualifies for the license. In the event the application is denied, there is an appeal process through the Commission on Adult Entertainment which according to this proposed law, is the Clarkstown Town Board.

Co. Smith asked if there were any other laws in New York State that were upheld that are non-licensing laws. Mr. Kraushaar replied that the Amherst Law was an example of one that was upheld as well as Scotia. Co. Smith requested copies of the New York State non-licensing laws that were upheld.

Supervisor opened the meeting for public comment.

Appearance: Donald S. Tracy, Esq.  
New City

He asked the Board to look at page 42 of the law and he referred to specific sections stating restrictions. He said that the proposed law flies in the face of the First Amendment because it regulates content. He pointed out that the law regulates commercial establishments not only Adult Entertainment Establishments. He said that two (2) requirements for writing a local law is that it cannot regulate content and it must provide an alternate area of communication.

Supervisor asked Mr. Tracy what law he would propose. Mr. Tracy replied that the law should regulate the location of the establishment and be no longer than four (4) pages in length.

Co. Maloney asked Mr. Tracy if licensing was germane to the law. Mr. Tracy replied that licensing creates too much red tape and would result in regulating the content.

Appearance: Mike Reilly  
Nanuet

He said that this has been a major issue in Nanuet for several months. He sees the law as restricting locations and he said that it is critical to have maps. Town Attorney, John Costa interjected that a referral was made to the County Planning Board in regard to zoning and their comments have not been received as of present.

Co. Smith asked if the Moratorium could be extended to which Mr. Costa replied that our options have run out in terms of the time. Co. Mandia recommended discussing the concerns that were raised tonight at the August 27 meeting and extending the Moratorium. Mr. Costa advised that the Moratorium must be done by Local Law and there is not enough time. He said that there is the option to make changes in the law and discuss it at the August 27<sup>th</sup> meeting.

Supervisor said that we need to have a law that would serve the purpose for which it is designed. Co. Smith asked what the danger is in extending the Moratorium. Mr. Costa replied that he

would prefer to answer the question in Executive Session. Co. Maloney said that if the Moratorium expires on August 20 and the law is not passed, the danger exists of an establishment coming into the Town.

Supervisor said that a few revisions could be suggested to the Town Attorney and the public with follow up at the August 27<sup>th</sup> meeting.

Co. Maloney thanked Mr. Kraushaar and Mr. Geneslaw for all of their diligent work in drafting this law.

Appearance: Ed Graybow  
New City

He is concerned in terms of the licensing that is being considered. He asked if the licensing would include any independent contractors. The public has the right to know exactly where the locations will be and how the Town will restrict the maps.

Appearance: Warren Marshall  
Nanuet

He spoke about the lack of respect.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing is TO BE CONTINUED on August 27, 2002 at 10:00 AM. TIME: 9:19 PM.

Respectfully Submitted,

  
Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

08/13/2002

9:20 PM

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

RE: Proposed Local Law amending Chapter 109-7: Building Permit Fees Waiver for Qualified Not-For-Profit Organizations Building in Clarkstown

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open at 9:20 PM. The Town Clerk read the Notice of Public Hearing.

Supervisor asked the Town Attorney to explain the law. Mr. Costa explained that the law came about from past practices of certain religious organizations, charities and not-for-profit concerns who have requested the Town Board to waive their building permit fees when developing property. When the Town Board wishes to entertain such a request, it has to face a serious legal obstacle as the request would appear to be inconsistent with the constitution of the State of New York. The reason for the problem is because of the Ad Hoc nature of the requests made from time to time.

This Local Law seeks to address that problem by, if adopted, creating a class of organizations that would qualify for a waiver of building permit fees if they meet the criteria. These are the types of organizations that hold tax-exempt property and have been favored traditionally and historically in our law with exemption from certain forms of taxation. If an organization meets the qualifications, it would not depend on whether or not a request was made to the Town Board and the Town Board adopted a resolution, rather everyone would be treated on the same plain.

Supervisor opened the meeting for public comment.

Appearance: Steven Levine  
Congers

He said there should be a uniform standard and the standard should be based on an organization that is fully tax-exempt and the property is fully tax-exempt as per IRS regulations. The proper proof of exemption, whether from Federal or State government should be provided and the fee automatically waived by the Building Inspector's office.

The Town has a projection of only 1.5 million dollars in fees' revenue. He questioned the fee structure. He continued to say that the auditors reviewed the records in the Building Department and found that fees were not being charged appropriately and uniformly on commercial projects. He would like to see standard fees charged for everyone.

Supervisor replied that the fee structure was reviewed two years ago and there are applicable standards. The fees charged are appropriate based upon construction costs and the Building Department fees are anticipated to generate 1.5 or 1.6 million dollars in revenue. There are other related fees that are charged also. He assured all that the charging of fees is in order and there is a uniform fee structure. He further explained that requests for waivers have been granted; however, a waiver cannot be granted if a request is not made.

Supervisor said that adopting this law would resolve the Ad Hoc nature of granting waivers.

Appearance: George Rummelt  
New City

He asked how much it would cost the Town if this law is adopted. Co. Lasker replied that there is no way of knowing. It would be difficult to maintain a control as it would depend on what organizations expand and build in the future.

Appearance: Marilyn Felenstein  
Nanuet Hebrew Center

She is in support of the law. The lack of a law directly affected the Nanuet Hebrew Center when it built its new building in 1997. They did not know that there was an option and they paid over \$23,000 in fees. She feels this law would allow non-profit organizations to borrow less money

and hold a lower mortgage for a building project giving them more funds for their community based activities.

Co. Lasker asked Mr. Costa, if the law is passed, would the Town give back the money to the Hebrew Center retroactively. Mr. Costa replied that the Town would not return the money and that it would operate prospectively.

Appearance: Frank Hackett  
Valley Cottage

He is in favor of this law for religious and other charitable organizations. However, he would like to clarify the definition of not-for-profit.

Co. Mandia replied that the property must be tax-exempt. Mr. Costa interjected that the organization must be a 501(c)3 meaning that any contribution to the organization is tax-deductible. The definition does exclude certain types of not-for-profit organizations.

Appearance: Warren Marshall  
Nanuet

There would not be any benefit to the public by passing this law. Mr. Costa replied that there are Findings of Fact that the Town Board would have to adopt in order to adopt the local law. The qualified organizations are putting beneficial efforts into the community that would be enhanced by the waiver of these fees.

There being no one further wishing to be heard, on motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the Public Hearing was closed at 9:40 PM.

Supervisor proposed adopting the resolution; however, adding a re-evaluation provision after one year. He asked Mr. Costa if this were possible. Mr. Costa replied that the law could be re-drafted to provide a Sunset Provision which would have the law extinguish itself after one year, or the Town could adopt the law and calendar it forward for possible rescission next year.

On motion of Co. Smith, seconded by Co. Maloney, Resolution No. 659, without the rescission provision, was adopted by 4-1 vote.

Co. Lasker explained her "no" vote saying she is not against non-profit organizations. Her concern in adopting this law is that there would not be any control even with a window of only a year. The Town has no way of knowing how much expansion or building there will be. This could result in a cost to the taxpayer.

Co. Smith commended Ms. Fedelstein for knowing that even though her organization is not eligible, she took the time to come to the meeting in support of other non-profit organizations.

Respectfully Submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

08/13/2002

9:46 PM

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

Re: Proposed Local Law to Provide Compensation for Members of the Police  
Commission

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On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared open at 9:46 PM. The Town Clerk read the Notice of Public Hearing.

Supervisor asked the Town Attorney to explain the local law. Mr. Costa explained that the Police Commission of the Town of Clarkstown is established pursuant to Town Law. The section dealing with the Police Commission authorizes the Town Board to appoint two (2) board members and one (1) non-board member as a Police Commission. The section also speaks of the Commissioners serving without compensation.

This proposed local law, using the powers of the Municipal Home Rule Law, would provide a change locally affecting only the Town of Clarkstown in that it would permit the Town Board to establish, by resolution, compensation to be paid to its Police Commissioners. Being that two (2) Town Board members are serving as Police Commissioners, they would not be eligible to vote on any resolution establishing compensation for themselves. They can only act with respect to a resolution establishing compensation for a future board member.

Supervisor opened the meeting for public comment.

Appearance: George Rummelt  
New City

He read the following: "The rate of compensation shall be established from time to time by resolution of the Town Board, adopted by a majority of its members eligible to vote therein." He said that it is a Pandora's Box and what is to preclude any other person who is a member of a board or commission from looking for the same type of compensation.

Supervisor replied that the Town Board establishes the salaries of all the boards and commissions. It also sets salaries based upon contracts with unions that represents the workers.

Appearance: Steve Levine  
Congers

He agrees with Mr. Rummelt because budgets need to be looked at. If the law is passed, the Town will build into the budget increases in salaries to be determined. The Commissioners took on their positions willingly knowing there would not be compensation.

Appearance: Warren Marshall  
Nanuet

He feels that the police are already paid too much and is not in favor of this law.

Appearance: Nicole Doliner  
New City

She echos Mr. Levine's comments. She also suggests that if the job requires more time and effort than realized, then hire experienced professionals in the field if compensation is needed.

Appearance: Martin Bernstein  
New City

He said that this is a question of principle. He feels that the Council persons are paid \$30,000 per year which should compensate for the time they serve. He referred to the fact that Co. Lasker and Co. Smith both serve on committees and do not receive additional compensation. He suggests the Police Commissioner who is not on the Board receive the compensation.

Appearance: Ed Graybow  
New City

He requests that the Board continue the concept of volunteerism.

Appearance: Bruce Broadly  
West Nyack

He is opposed to the law as he has concerns that the compensation they receive would then bring them into an additional pension program. He suggests that the Police Commissioner who is not a board member, receive the compensation.

Appearance: Frank Hackett  
Valley Cottage

He is opposed to additional compensation as it flies in the face of the fiscal concerns raised at this meeting.

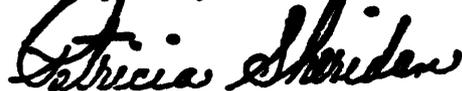
Supervisor asked Co. Maloney for his comment. Co. Maloney said that he would continue as Police Commissioner whether he is compensated or not and the reason for the Public Hearing is to hear from the public.

Co. Mandia commented that Jack Danahy gave up his position on the Sanitation Commission to serve as Police Commissioner. He feels that since Mr. Danahy receives no compensation for his time, he should be paid on the same level as the Police Chaplain.

Supervisor asked Mr. Costa if a distinction could be made in the Local Law providing for a civilian Police Commissioner. Mr. Costa said the law would need to be re-drafted.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the meeting is TO BE HELD OVER to September 10, 2002. TIME: 10:10 PM.

Respectfully Submitted,



Patricia Sheridan  
Town Clerk