

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/27/2002

10:00 AM

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

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

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Informational Meeting re: Proposed Extension of the Clarkstown Consolidated Water Supply District #1: Route 303 vicinity of Lakeward Avenue, Hillside Road, Lakewood Drive and Fisher Avenue, Congers was declared open. Time: 10:00 AM.

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Informational Meeting re: Proposed Extension of the Clarkstown Consolidated Water Supply District #1: Route 303 vicinity of Lakeward Avenue, Hillside Road, Lakewood Drive and Fisher Avenue, Congers was re-scheduled for September 10, 2002. Time: 10:12 AM

On motion of Co. Mandia, seconded by Co. Maloney 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: 10:13 AM

On motion of Co. Mandia, 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 was closed, time: 10:15 a.m.

On Motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing re: Proposed local law amending Chapter 290 of the Zoning Local Law to provide for Adult entertainment Uses was opened 10:15, to be continued on September 10, 2002, time: 10:16 a.m.

Supervisor opened the meeting for public comment.

Appearance: Warren Marshall
 Nanuet

He objects to Item #3

RESOLUTION NO. (712-2002) continued

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;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 9 – 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"

is hereby ADOPTED and passed by an affirmative vote of the Town Board 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

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. (713-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of August 27, 2002 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (714-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, based upon thr recommendation of Charles F. Connington, Supt. of Rec. & Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, to apply for funding in the amount of \$24,328.00 for the period commencing January 1, 2003 through December 31, 2003.

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. (715-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, BMW of North America, LLC, and/or its affiliates, has indicated that it may donate one or more motorcycles to the Clarkstown Police Department for use in law enforcement, and

WHEREAS, the donor, a New Jersey company, requires a resolution of the municipal corporation authorizing acceptance of the possible donation, and

WHEREAS, it is the intention of this resolution, based upon the recommendation of the Chief of Police, to approve and authorize acceptance of one or more motorcycles, or other vehicles, which may be donated to the Town of Clarkstown by BMW of North America, LLC at any time during the current fiscal period;

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Clarkstown hereby authorizes the Clarkstown Police Department to accept one or more motorcycles, or other vehicles, which may be donated by BMW of North America, LLC, and be it

FURTHER RESOLVED, that upon such donation, said motorcycles or vehicles shall be accepted on the recommendation of the Chief of Police, who shall advise the Town of the information required relative to same so that such motorcycle or vehicle may be appropriately titled and insured in accordance with standard police vehicle procedures, and be it

FURTHER RESOLVED, that by this resolution the Town Board does hereby extend to BMW of North America, LLC its sincere thanks and gratitude for their commitment to law enforcement, and on behalf of the Town of Clarkstown Police Department.

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. (716-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Resolution dated June 11, 2002, the Town Board of the Town of Clarkstown authorized the Town Attorney to solicit competitive proposals from qualified real property appraisers to obtain an appraisal of the premises designated as Tax Map 59.15-1-11 (Rockland Muslim Trust); and

WHEREAS, Scott J. Shedler has submitted a proposal for the preparation of an appraisal for the sum of \$1,500.00;

NOW, THEREFORE, be it

RESOLVED, that, upon the recommendation of Philip B. Fogel, Senior Deputy Town Attorney, Scott Shedler be, and hereby is, authorized to appraise the above referenced property at a fee not to exceed \$1,500.00.

RESOLUTION NO. (716-2002) 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. (717-2002)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Clarkstown Citizens' Advisory Committee for Open Space, and/or property owners, or neighbors, have recommended that the Town Board consider acquisition of premises designated on the Tax Map as 59.16 - 1 - 1, consisting of approximately 4.9 acres in Valley Cottage, as part of the authorized Town of Clarkstown Open Space Acquisition Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to solicit proposals for an appraisal of premises referred to herein, and for the purpose of determining the current market value of a fee simple absolute interest, or as otherwise directed, and the Town Attorney is hereby authorized to accept on behalf of the Town the lowest proposal which shall meet all the appraisal proposal criteria.

On roll call the vote was as follows:

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

RESOLUTION NO. (718-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes Joel J. Epstein, Code Enforcement Officer, to attend two "I" Code Refresher Training courses, which are being conducted by the New York State Department of State Codes Division, on October 15-18, 2002 and November 19-22, 2002, in Schenectady, New York, and be it

FURTHER RESOLVED, that reasonable costs for lodging, meals, tolls and travel shall be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (719-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that RESOLUTION NO. (706-2002) adopted at the August 13, 2002 Town Board meeting – granting Cathy L. Conklin – supervising Real Property Appraiser – a leave of absence – without pay – is hereby amended to reflect a change in the date of the leave of absence “Effective at 12:01 a.m. on Tuesday, September 3, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (720-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 678-2002 adopted on August 13, 2002 is hereby amended to read:

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 amended YOUTH COURT grant application in the amount of twenty one thousand five hundred twenty nine dollars (\$21,529.00) for 50/50% Division for Youth funding for 2003, 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. (721-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Clerk of the Works and the Director of Purchasing that

RESOLUTION NO. (721-2002) continued

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

is hereby awarded to: TRI-EQUITIES CONSTRUCTION CORP
4 PARK PLACE
SUFFERN, NY 10901
PRINCIPALS: TERRENCE PARTRIDGE
MARY PARTRIDGE

as per their proposed project cost of \$54,000, and be it

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

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

RESOLUTION NO. (722-2002)

Co. Mandia offered and Co. Lasker seconded

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

BID #48-2002
VALLEY COTTAGE DRAINAGE IMPROVEMENTS - PHASE I

Is hereby awarded to:

HUDSON CANYON CONSTRUCTION, INC.
16 SCHUMAN ROAD
MILLWOOD, NEW YORK 10546
PRINCIPAL: THEODORE J. MULDOON

as per their proposed project cost of \$615,912.00 and be it

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

RESOLUTION NO. (722-2002) continued

- 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 5111 409 0 4 17.

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. (723-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Deputy Director of the Department of Environmental Control has analyzed the proposals of all six bidders submitted with respect to Bid No. 25-2002 (Lease/Purchase of Tub Grinder for the Solid Waste Facility) and has recommended that the bid be awarded to Powerscreen New York Inc. to provide the Hogzilla Model 1564P (with options) as the lowest responsible bidder meeting or exceeding all bid specifications for said Bid;

NOW, THEREFORE, be it

RESOLVED, that Bid No. 25-2002 is hereby awarded to Powerscreen New York Inc. for the Hogzilla 1564P at a total cost of \$557,084.60 and said cost shall be charged to Account No. SR 8160443

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. (724-2002)

Co. Maloney offered and Co. Smith seconded

RESOLUTION NO. (724-2002) continued

RESOLVED, that Theresa F. Mandia, 9 Catawba Drive, West Nyack, New York, is hereby appointed to the position of Clerk (Seasonal) – Receiver of Taxes Office – at the current hourly rate of \$14.00 – effective August 28, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (725-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED to decrease Appropriation Account A-7180-380 (Paint) by \$2,000 and to increase A7140-300 (Paint) by \$2,000 and to decrease A7180-380 (Paint) by \$100. and increase A7140-379 (sign post) by \$100.

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. (726-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, various budgetary accounts need additional funding

THEREFORE BE IT,

RESOLVED, to decrease A 1110-327 (Justice Court-Courtroom Supplies) and increase A 1110-409 (Justice Court-Fees for Services) by \$3,000 and decrease A 1220-110 (Supervisor-Salaries) and increase A 1220-203 (Supervisor-Vehicles) by \$19,950.

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. (727-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (727-2002) continued

WHEREAS, by Resolution 909-1996, duly adopted by the Town Board on October 8, 1996, the Town Board authorized abandonment and sale of previously 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 release the negative easement referred to herein and to make such release effective only when, as, and if the proposition set forth on Schedule "A" hereof shall be approved by a majority of the votes cast at a special election to be held simultaneously with the next general election scheduled for November 5, 2002, and be it

FURTHER RESOLVED, that nothing herein shall in any way reduce, eliminate, lessen or change any other requirement or provision of law or any regulation which may apply to any application to amend the existent site plan, or change or increase the use and occupancy of any part of the Palisades Center Mall.

Schedule A: SHALL THE TOWN BOARD'S RELEASE OF THE NEGATIVE EASEMENT WHICH PREVENTS EKLECCO (PALISADES CENTER MALL, WEST NYACK, NEW YORK) FROM APPLYING TO EXPAND ITS SHOPPING CENTER BEYOND 1.854 MILLION SQUARE FEET OF GROSS LEASABLE AREA BE APPROVED.

On roll call the vote was as follows:

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

RESOLUTION NO. (728-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution #555-2002 awarded the Helene Road/Ashland Street drainage improvements to Environmental Construction, Inc. and

WHEREAS, field conditions required necessary construction modifications as follows:

1. Removal and disposal of 140 + feet of reinforced concrete pipe. \$1,600.00
2. Installation of one additional drainage structure. \$3,500.00

WHEREAS, these modifications have been reviewed and approved by the Department of Environmental Control

NOW, THEREFORE, BE IT RESOLVED that the total for the construction phase for the project has been increased by \$5,100.00, and the current allowance for the project be increased from \$19,305.00 to \$24,405.00.

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8752 409 0 76 12.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted the Town Board Meeting was closed, time 10:16 A.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. (728-2002) continued

- 1. Removal and disposal of 140+ feet of reinforced concrete pipe. **\$1600.00**
- 2. Installation of one additional drainage structure. **\$3500.00**

WHEREAS, these modifications have been reviewed and approved by the Department of Environmental Control

NOW, THEREFORE, BE IT RESOLVED that the total for the construction phase for the project has been increased by \$5,100.00, and the current allowance for the project be increased from \$19,305.00 to \$24,405.00.

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8752 409 0 76 12

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted the Town Board Meeting was closed, time 10:16 A.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
INFORMATIONAL HEARING

Town Hall

8/27/2002

10:00 A.M.

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

Re: Proposed extension of the Clarkstown Consolidated Water Supply District #1:
Route 303 vicinity of Lakeward Ave, Hillside Rd, Lakewood Dr. and Fisher Ave,
Congers.

On motion of Co.Mandia, seconded by Co. Maloney and unanimously adopted,
the Information Hearing was declared open.

Supervisor Holbrook explained the reason for the law.

John Costa said that the meeting for the Water Extension District #1 had to be
rescheduled to September 10, 2002. This is just an informational.

Supervisor explained that there was a limited number of users involved, bonding is
necessary and some wells are contaminated which require this action. There would be a
charge distributed throughout the district.

Appearance: Carmella Smith
Congers

She just had her well tested and it is not polluted. She wanted to know if she will be cut
off from her well. Supervisor assured her that she would not and that only the
contaminated wells will be affected

Supervisor explained the reason for Water Extension is because wells are contaminated.

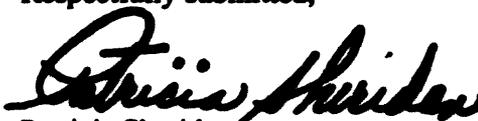
Appearance: Tom Fields
Congers

He asked if houses with the polluted wells would have to assume the entire cost.
Supervisor said no that the Consolidated Water District #1 would also pick up the cost.
There would be a benefit charge but the cost would be to the entire district. He also
inquired about additional hydrants.

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the
meeting was rescheduled for September 10, 2002, time: 10:12 a.m.

Co. Maloney and Co. Lasker signed the Order of Public Hearing to be re-advertised..

Respectfully submitted,


Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/27/2002

10:13 AM.

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

Re: Continuation – 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

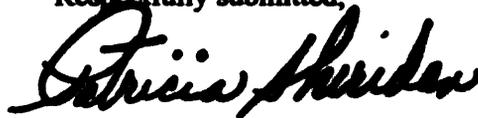
On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted the public hearing was declared open.

Town Attorney, John Costa explained the change in dates

Supervisor asked if there was anyone further wishing to speak. No one appeared.

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted the Public Hearing was closed, time 10:15 A.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO (712-2002) – ADOPTED

8/27/2002

10:15 AM.

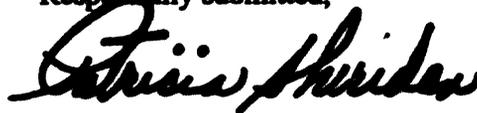
Re: Continuation – Proposed local law Amending Chapter 290 of the Zoning Local Law of the Town of Clarkstown to Provide for Adult Entertainment Uses.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing was continued.

Planning Consultant, Robert Geneslaw and Deputy Town Attorney Daniel Krahaaur asked for more time in order for the new law to be ready by September 6, 2002.

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Public Hearing was TO BE CONTINUED, time 10:16 A.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk