

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

09/10/2002

8:00 P.M.

Present: Supervisor Holbrook  
Council Members Lasker, Maloney, & Mandia  
Co. Smith, Absent  
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. Maloney, seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 290 of the Zoning Local Law of the Town of Clarkstown to Provide for Adult Entertainment Uses was continued, time: 8:07 pm.

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 of the Town of Clarkstown to Provide for Adult Entertainment Uses was closed, time: 8:25 pm.

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On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law to Provide Compensation to the Members of the Police Commission who are not otherwise members of the Town Board, was opened, time: 8:25 pm.

On motion of Co. Maloney seconded by Co. Mandia ;and unanimously adopted, the public hearing re: Proposed Local Law to Provide Compensation to the Members of the Police Commission who are not otherwise members of the Town Board, was closed, time: 8:42 pm.

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On motion of Co. Lasker seconded by Co. Maloney and unanimously adopted, the public hearing 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 continued, time: 8:43 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing 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 closed, time: 8:55 pm

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On motion of Co. Lasker seconded by Co. Maloney and unanimously adopted, the Town Board voted to continue the 4/9/02 Public Hearing RE: Assisted Living Quarters, Continuous Care Living Quarters and Independent Living Adult Housing, to 10/22/02.

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Supervisor opened the public portion of the meeting. No one appeared.

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RESOLUTION NO. (729-2002)

Co. Maloney offered and Co. Lasker 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 . . . . . Absent
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (730-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, a deed from Elizabeth Jordan, dated May 25, 1999, conveying an extension of Lath Lane, a road widening strip along Rose Road and a municipal easement and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of "Elizabeth Jordan Subdivision" is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, subject to receipt of recording fees, a maintenance bond in the amount of \$6,205.00 or a cash deposit of \$3,105.00 and an updated title report showing clear title.

On roll call the vote was as follows:

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

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RESOLUTION NO. (731-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution #297, adopted April 24, 2001, Anthony Capasso, as owner of premises described on the Clarkstown Tax Map as 52.12 - 2 - 1 (formerly 139A11), commonly known as 187 Massachusetts Avenue, Congers, New York, was granted permission, pursuant to Town Law 280-a(2), to develop a proposed one family dwelling on the rear portion of said premises with access over the nearest but unopened streets known as Terrace Avenue and Quaspeck Road to the nearest public highway, and

WHEREAS, said Resolution conditioned the approval upon the submission of a Declaration of Covenants to provide for maintenance of the right-of-way, and

WHEREAS, the applicant has tendered a Declaration of Covenants in a form required by the Town Board to the Town Attorney, who recommends that same be accepted and order recorded in the Rockland County Clerk's Office, subject to receipt of an Affidavit of Title showing clear title exists;

NOW, THEREFORE, be it

RESOLUTION NO. (731-2002) continued

RESOLVED, the Town Board hereby accepts the Declaration of Covenants, dated October 23, 2001, by Anthony Capasso, subject to receipt of an Affidavit of Title, under current date, showing clear title, and subject further to payment of the recording fees by the applicant.

On roll call the vote was as follows:

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

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RESOLUTION NO. (732-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Congers Service Unit Girl Scouts requested the use of the Town of Clarkstown showmobile on Wednesday, September 11, 2002 from 6:30 – 8:30 pm for a Memorial Service,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Congers Service Unit Girls Scouts to use the Town of Clarkstown showmobile on Wednesday, September 11, 2002 for the above purpose and subject to the provision of the necessary insurance policies.

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile on Wednesday, September 11, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (733-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Chamber of Commerce of the Nyacks has requested use of the Town of Clarkstown showmobile on Saturday, October 26, 2002 with a rain date of October 27<sup>th</sup> from 12 Noon to 8:00 pm for the closing ceremony of Nyack's Halloween parade,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Chamber of Commerce of the Nyacks to use the Town of Clarkstown showmobile on Saturday, October 26, 2002 for the above purpose and subject to the provision of the necessary insurance policies,

RESOLUTION NO. (733-2002) continued

AND FURTHER RESOLVED, that the Town Board hereby waives the fee for use of the Town of Clarkstown showmobile on Saturday, October 26, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (734-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, Robert Stritmater, Director of Automated Systems and Lawrence Berkowitz, Computer Network Specialist, have requested permission to attend the Annual Government Technology conference in Albany, New York on September 23 to 27, 2002.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems and Lawrence Berkowitz, Computer Network Specialist, to attend the Annual Government Technology Conference in Albany, New York on September 23 to 27, 2002.

FURTHER RESOLVED, that the cost of the conference including lodging, meals, travel and parking shall not exceed \$2,000.00 and shall be charged to Account No. A-1680-414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (735-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, in accordance with the requirements of the Planning Board and as a condition of approval of Lands of Hess Subdivision, Martin Feldi has provided a declaration to the Town of Clarkstown, in a form approved by the Town Attorney, with respect to a road maintenance agreement for Tramquill Avenue, Valley Cottage, New York (52.19-1-4), and

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

NOW, THEREFORE, be it

RESOLUTION NO. (735-2002) continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said Declaration from Martin Feldi with respect to a road maintenance agreement for Tramquill Avenue, Valley Cottage, New York and orders same recorded in the Rockland County Clerk's Office at the property owner's expense, and this resolution shall be retroactive to August 30, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (736-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, based upon the recommendation of the Department of Environmental Control and as a condition to the approval of the final map by the Planning Board with regard to a subdivision known as ROSEMARY JOURDAN SUBDIVISION, Rosemary Jourdan has provided a drainage easement to the Town of Clarkstown along Greenbush Road, and

WHEREAS, the Department of Environmental Control has recommended acceptance of said conveyance and release of the Performance Bond as all the required work has been completed in said subdivision; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a drainage easement from ROSEMARY JOURDAN in connection with ROSEMARY JOURDAN SUBDIVISION (106-A-7), and be it

FURTHER RESOLVED, that said drainage easement is hereby ordered recorded in the Rockland County Clerk's Office, subject to receipt of the recording fee and updated title report, and thereafter the Performance Bond furnished to the Town by Walter V. Smith in the amount of \$15,300.00, in connection with the Rosemary Jourdan Subdivision, may be released as all the required work has been completed to the satisfaction of the Department of Environmental Control.

On roll call the vote was as follows:

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

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RESOLUTION NO. (737-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Governor's Traffic Safety Committee Department of Motor Vehicles, State of New York, approved an agreement on October 1, 1999, amended said agreement on May 14, 2001 and further amended said agreement on February 5, 2002, and hereby further amends said agreement for Contract No. C-000603, grant application (Grant No. PT-4450054) submitted by the Town of Clarkstown Police Department, for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2002 through September 30, 2003, by the Town of Clarkstown Police Department, and

WHEREAS, the State shall provide \$18,000 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, Governor's Traffic Safety Committee, Department of Motor Vehicles, in a form approved by the Town Attorney, to accept a grant award of \$18,000 for the purpose of participating in the statewide "Buckle Up New York" campaign for the extended period from October 1, 2002 through September 30, 2003, by 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 . . . . . Absent
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (738-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a comprehensive amendment to the Zoning Local Law of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

WHEREAS, the Town Board of the Town of Clarkstown is considering further amending said Zoning Local Law;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on September 24, 2002, at 8:00 P.M., or as soon thereafter as possible to consider the adoption of the attached local law to amend Chapter 290 of the Clarkstown Town Code, known as the Zoning Local Law of the Town of Clarkstown, to provide that a Child Day Care Center be permitted in the PO Zone by special permit of the Town Board pursuant to Section 290-17(Z), and be it

RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for its review and recommendations, 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

RESOLUTION NO. (738-2002) continued

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, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown 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 same manner provided by law and file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (739-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has received \$146.31 in D.A.R.E Donations,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account # A 01 9 2705 (Gifts & Donations) and increase A 3230-319 (D.A.R.E.-Misc Supplies) by \$146.31 and

WHEREAS, various budgetary accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease B 8020-201 (Planning-Furniture/Fixtures) by \$500 and B 8020-204 (Planning-Office Machines) by \$500 and increase B 8020-402 (Planning-Rental of Equipment) by \$1,000 and decrease DB 5110-110 (Highway-Salaries) and increase DB 5110-448 (Highway-Traffic Markings) by \$6,000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (740-2002)

Co. Lasker offered and Co. Maloney seconded

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

RESOLUTION NO. (740-2002) continued

BID #54A-2002 – REINFORCED CONCRETE CULVERT PIPE AND CONCRETE CATCH BASIN BLOCKS AND BRICKS

is hereby awarded to:

FEDERAL BLOCK  
247 WALSH AVENUE  
NEW WINDSOR, NY 12553  
PRINCIPALS: JAY MONTFORT

ROCKLAND MASONRY  
300 NORTH ROUTE 303  
CONGERS, NY 10920  
PRINCIPALS: VINCENT FARRELL

as per the attached price/item list

On roll call the vote was as follows:

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

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RESOLUTION NO. (741-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, B&B POOL & SPA made application for a building permit to construct a pool at premises located at 21 Tempo Road, New City, owned by Mr. Jay Weinberg, and identified on the Clarkstown Tax Roll as 42.8-2-73, and

WHEREAS, after filing of the application it was determined that the land on which the pool was to be constructed was located in the Town of Ramapo, and

WHEREAS, the Building Inspector has advised that the permit was submitted in error and has recommended refund of the fee paid in the amount of \$358.00;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes refund of building permit fee paid by B&B POOL & SPA, in the amount of \$358.00, as it was submitted in error to the Town of Clarkstown.

On roll call the vote was as follows:

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

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RESOLUTION NO. (742-2002)

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 "No Dumping" sign on the North end of Cottage Lane, 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 . . . . . Absent  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (743-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the request of Mr. Larry Lewis, 40 Lowell Drive, New City, the Superintendent of Highways is hereby authorized to install:

A "Stop" sign on Walnut Court at its intersection with Lowell Drive, New City

and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Chief of Police, for enforcement purposes.

On roll call the vote was as follows:

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

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RESOLUTION NO. (744-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the requests of Mrs. Francine Cuccia, Principal of Link Elementary School and Mrs. Maria Pedersen, of Link Elementary P.T.A., the Superintendent of Highways is hereby authorized to install two "School Crossing" signs on Red Hill Road at the driveway to Link Elementary School, New City, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and be it

RESOLUTION NO. (744-2002) continued

FURTHER RESOLVED, that this Resolution shall be retroactive to August 29, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (745-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes payment to Martus Granirer, Esq. in the amount of \$5,879.63 for special counsel services provided pursuant to Resolution No. 89-2002 in connection with the Open Space Preservation Program, subject to receipt of a fully signed contract and required insurance certificates, and be it

FURTHER RESOLVED, that such payment shall be charged to Account No. H 8750 409-0-74-1.

On roll call the vote was as follows:

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

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RESOLUTION NO. (746-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, P.E., the Town of Clarkstown Traffic Consultant, has reviewed traffic safety conditions on New Clarkstown Road, Nanuet in response to complaints by residents of the Town of Clarkstown, and

WHEREAS, Howard L. Lampert, P.E. has recommended that a pedestrian crosswalk be installed on New Clarkstown Road at the south side of its intersection with Kingsgate Parkway and Meadow Lane and signs notifying drivers of said crosswalk be installed on New Clarkstown Road, and

WHEREAS, New Clarkstown Road is a Rockland County Road and said crosswalk and sign work should be performed by the Rockland County Highway Department;

NOW, THEREFORE, be it

RESOLUTION NO. (746-2002) continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests and authorizes the Rockland County Highway Department to install a pedestrian crosswalk and pedestrian crossing ahead signs on New Clarkstown Road, Nanuet, pursuant to the recommendations, dated August 23, 2002, made by Howard L. Lampert, P.E., the Town of Clarkstown Traffic Consultant.

On roll call the vote was as follows:

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

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RESOLUTION NO. (747-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Michele L. Morris, 8 Duane Avenue, New City, New York, is hereby appointed to the position of (temporary) Clerk (part-time) – Supervisor’s Office- at the current hourly rate of \$12.50 – effective and retroactive to September 6, 2002 – for a period not to exceed 3 months.

On roll call the vote was as follows:

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

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RESOLUTION NO. (748-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on September 3, 2002 that four (4) positions of Municipal Bus Driver – Mini Trans Department – can be created,

Now, therefore, be it

RESOLVED, that four (4) positions of Municipal Bus Driver – Mini Trans Department – are hereby created – effective September 12, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (749-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Kenneth F. Rooney, has requested a leave of absence, without pay,  
and

WHEREAS, Kenneth F. Rooney has supplied a satisfactory reason for his request,  
and

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 Kenneth F. Rooney, 9 Old County Road, Pomona, New York – Storekeeper (Automotive) – Highway Department – is hereby granted a leave of absence, without pay, effective and retroactive to August 12, 2002 to February 12, 2003 ( 6 months) – and be it

FURTHER RESOLVED, that consistent with prior and pending decisions of the Town Board, should Kenneth Rooney hold any other remunerated employment during the leave period, this resolution shall be automatically deemed rescinded without further action of the Town Board.

On roll call the vote was as follows:

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

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RESOLUTION NO. (750-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, THE Rockland County Personnel Office has furnished Certification of Eligibles #99103 Information Services Specialist I (Networked System) which contains the name of Joseph LoPresti,

Now, therefore, be it

RESOLVED, that Joseph LoPresti, 1 Hoyt Court, Stony Point, New York, is hereby appointed to the (Permanent) position of Information Services Specialist I (Networked System) – Data Processing Department – at the current annual salary of \$41,944., effective September 23, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (751-2002)

Co. Maloney offered and Co. Lasker seconded

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (752-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Karen Dowling, 4 Summit Place, Nanuet, New York, is hereby appointed to the position of (temporary) Clerk – Town Justice Department – at the current annual salary of \$28,917., effective and retroactive to August 26, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (753-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Kathleen A. Vellardito, 10 Pelham Avenue, Nanuet, New York, is hereby appointed to the position of (temporary) Senior Clerk Typist – Town Justice Department – to cover the sick leave of absence of Dorothy Marshall-Andrade, at the current hourly rate of \$13.65., effective and retroactive to August 26, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (754-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (754-2002) continued

WHEREAS, the plans review fee for connections into the Town's sanitary sewer system is currently \$50.00 for all construction in the Town of Clarkstown, and

WHEREAS, the current fee has never been increased to reflect increasing costs borne by the Town of Clarkstown, and

WHEREAS, the Director of the Department of Environmental has proposed that the plans review fee for sanitary sewer connections fee be increased as follows:

- 1) \$25.00 per residential dwelling unit with a minimum of \$50.00
- 2) \$5.00 per 1000 square feet commercial floor area with a minimum of \$50.00.

NOW, THEREFORE, BE IT

RESOLVED, that the plans review fee for connection into the Town's sanitary system is hereby increased to:

- 1) \$25.00 per residential dwelling unit with a minimum of \$50.00
- 2) \$5.00 per 1000 square feet commercial floor area with a minimum of \$50.00.

BE IT FURTHER RESOLVED, that the new review fee shall become effective October 1, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (755-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the permit fee for connections into the Town's sanitary sewer system is currently \$25.00, and

WHEREAS, the current fee has never been increased to reflect increasing costs borne by the Town of Clarkstown, and

WHEREAS, the Director of the Department of Environmental has proposed that the sanitary sewer permit connection fee be increased to \$250.00.

NOW, THEREFORE, BE IT

RESOLVED, that the permit fee for connection into the Town's sanitary system is hereby increased to \$250.00, and

BE IT FURTHER RESOLVED, that the new permit fee shall become effective October 1, 2002.

RESOLUTION NO. (755-2002) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (756-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, adverse drainage conditions exist in the vicinity of Virginia Avenue, New City, New York, and

WHEREAS, the existing storm sewer system may be deteriorated and inadequate to handle runoff through the area, and

WHEREAS, the preparation of a hydraulic analysis, construction plans, and specifications are necessary to correct the existing drainage problems,

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain proposals from qualified engineering consultants for the preparation of a hydraulic analysis, construction plans and specifications necessary to ameliorate the adverse drainage conditions in the vicinity of Virginia Avenue, New City, New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (757-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an adverse drainage condition exists along a portion of the Mill Stream, West Nyack, New York from Strawtown Road to the confluence with the Hackensack River, and

WHEREAS, improvements are planned upstream and downstream of this portion of the Mill Stream, and

WHEREAS, the preparation of a hydraulic analysis, construction plans, and specifications are necessary to correct the existing drainage problems along the affected portion of the Mill Stream.

NOW, THEREFORE, BE IT

RESOLUTION NO. (757-2002) continued

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain a proposal from a qualified hydraulic engineer for the preparation of a hydraulic analysis, construction plans and specifications necessary to ameliorate the adverse drainage conditions along the portion of the Mill Stream from Strawtown Road to the confluence with the Hackensack River.

On roll call the vote was as follows:

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

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RESOLUTION NO. (758-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Southeast New York Stormwater Conference and Trade Show will be held on October 1, 2002 at Bear Mountain, New York, and

WHEREAS, the conference will discuss new state and federal stormwater regulations that will have an impact on local municipalities.

NOW, THEREFORE, BE IT

RESOLVED, that K. Luke Kalarickal, PE, Director, DEC, Dennis M. Letson, PE, Deputy Director, DEC – Design and Engineering, and Ralph A. Lauria, Deputy Director, DEC – Operations, are hereby authorized to attend the Southeast New York Stormwater Conference and Trade Show on October 1, 2002, at the Bear Mountain Inn, Bear Mountain, New York, and

BE IT FURTHER RESOLVED, that the cost for attending the conference is \$45.00 per person, and

BE IT FURTHER RESOLVED, that the total cost for attending the conference shall not exceed \$135.00 and shall be a proper charge to account A 1010 414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (759-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that K. Luke Kalarickal, Director, and Richard Westervelt, Engineer II, Department of Environmental Control, are hereby authorized to attend the "Introduction to Geographic Information Systems" GIS Course held at Rockland Community College during the 2002 Fall Semester and be it

RESOLUTION NO. (759-2002) continued

FURTHER RESOLVED, that the cost for said course shall not exceed \$425 per person and shall be proper charge to Appropriation Account No. A 1010-414.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (760-2002)

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 Complaint of Joy Builders, Inc. et al. v. Town of Clarkstown Planning Board, et al., Index No. 1066/02, concerning the Clarkstown Planning Board's decision and determination in connection with a subdivision application

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (761-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands; and

WHEREAS, Castlton Environmental Contractors, 80 West Nyack Road, Nanuet, New York 10954, wishes to enter into an agreement for a two-year period commencing September 10, 2002 and terminating September 10, 2004, to adopt a .36 mile segment of West Nyack Road, Nanuet, from the intersection of Sickeltown Road, New City to the intersection of Demarest Road, Nanuet, New York; and to also adopt a .38 mile segment of Goebel Road, New City from the intersection of Congers Road, New City to the intersection of Route 304, New City, New York, and

WHEREAS, the Superintendent of Highways has advised that Town funds may be saved through the implementation of the Adopt-A-Road volunteer program, in that Castlton Environmental Contractors, will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work, and has recommended the adoption of this resolution;

NOW, THEREFORE, be it

RESOLUTION NO. (761-2002) continued

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment and install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by Castlton Environmental Contractors, to remove trash from the roadways.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (762-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands; and

WHEREAS, Danny Clapp Landscaping, Inc., 59 Schriever Lane, New City, New York 10956, wishes to enter into an agreement for a two- year period commencing September 10, 2002 and terminating September 10, 2004, to adopt a 1.57 mile segment of Brewery Road, New City, from the intersection of Congers Road, New City to the intersection of Strawtown Road, New City, New York; and

WHEREAS, the Superintendent of Highways has advised that Town funds may be saved through the implementation of the Adopt-A-Road volunteer program, in that Danny Clapp Landscaping, Inc., will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work, and has recommended the adoption of this resolution;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment and install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by Danny Clapp Landscaping, Inc., to remove trash from the roadways.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (763-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION NO. (763-2002) continued

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands; and

WHEREAS, Danny Clapp Landscaping, Inc., 59 Schriever Lane, New City, New York 10956, wishes to enter into an agreement for a two- year period commencing September 10, 2002 and terminating September 10, 2004, to adopt a 1.57 mile segment of Brewery Road, New City, from the intersection of Congers Road, New City to the intersection of Strawtown Road, New City, New York; and

WHEREAS, the Superintendent of Highways has advised that Town funds may be saved through the implementation of the Adopt-A-Road volunteer program, in that Danny Clapp Landscaping, Inc., will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work, and has recommended the adoption of this resolution;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment and install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by Danny Clapp Landscaping, Inc., to remove trash from the roadways.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (764-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands; and

WHEREAS, The Salvation Army, 440 West Nyack Road, West Nyack, New York 10994, wishes to enter into an agreement for a two-year period commencing September 10, 2002 and terminating September 10, 2004, to adopt a .46 mile segment of West Nyack Road, West Nyack, from their driveway at 440 West Nyack Road to the intersection of Route 304, West Nyack, New York, and,

WHEREAS, the Superintendent of Highways has advised that Town funds may be saved through the implementation of the Adopt-A-Road volunteer program, in that The Salvation Army, will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work, and has recommended the adoption of this resolution;

NOW, THEREFORE, be it

RESOLUTION NO. (764-2002) continued

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segment and install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by The Salvation Army, to remove trash from the roadways.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (765-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Dolores Avaras, 145 Little Tor Road, New City, New York, is hereby reappointed to the position of Member – Assessment and Review Board – term effective October 1, 2002 and to expire on September 30, 2007 – at the per diem rate of \$100., per meeting, when the Board is in session.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (766-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unite 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 Sick Leave of Absence – at on-half pay – effective September 12, 2002 to October 12, 2002.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (767-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, during review of an application for site plan approval for property known as 4 Old Lake Road, Valley Cottage the Planning Board required the relocation of a proposed building to better enhance the quality of the area in keeping with the objectives of the Town's improvement project, and

WHEREAS the final location of the proposed building as required by the Planning Board requires the relocation of an existing drain line over which the Town does not possess an easement and for which the Town is desirous of obtaining an easement, and

WHEREAS, the Developer has requested that the Town provide materials for the relocation of the pipeline, consisting of 48" pipe and related junction chambers, at an estimated cost of \$ 8,500.00, and

WHEREAS, the Developer has offered to provide all labor and equipment to install said drainage pipe and structures and to gratuitously dedicate to the Town an easement for same, representing an estimated saving to the Town of approximately \$ 22,000.00,

NOW THEREFORE BE IT RESOLVED, that the Town Board does authorize the Director of Environmental Control to purchase materials for installation at 4 Old Lake Road, Valley Cottage in accordance with the request of the Developer as recommended by the Planning Board and the Director of Environmental Control,

AND BE IT FURTHER RESOLVED THAT the cost of such materials shall be a proper charge to account number 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. . . . . Absent
- Supervisor Holbrook. . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (768-2002)

Co. Maloney offered and Co. Lasker seconded

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

**BID #61-2002 – SNEDECKER AVE DRAINAGE IMPROVEMENTS**

is hereby awarded to:

**CAL MART ENTERPRISES  
 357A ROUTE 59  
 WEST NYACK, NY 10994  
 PRINCIPALS: CARL V. WORTENDYKE  
 MARTIN C. WORTENDYKE  
 PETER T. WORTENDYKE**

as per their proposed project cost of \$17,171.00 and be it

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

RESOLUTION NO. (768-2002) continued

- 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 and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker's Compensation
- g) 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 awarded.

On roll call the vote was as follows:

Councilwoman Lasker. . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Smith. . . . . Absent  
 Supervisor Holbrook. . . . . Yes  
 \*\*\*\*\*

RESOLUTION NO. (769-2002)

Co. Maloney offered and Co. Mandia seconded

BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and ratifies an agreement between the Town of Clarkstown Special Unit of the Civil Service Employee's Association Inc. and the Chief and Captains of Police dated September 10, 2002 with regard to the buyback of military service and authorizes the Supervisor to execute same.

On roll call the vote was as follows:

Councilwoman Lasker. . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Smith. . . . . Absent  
 Supervisor Holbrook. . . . . Yes  
 \*\*\*\*\*

RESOLUTION NO. (770-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 403-2002 authorized miscellaneous sewer improvements at various locations within the Town of Clarkstown, and

WHEREAS, the existing sanitary sewer spur at #1 Tupper Lane, West Nyack required complete replacement, and

WHEREAS, the additional work was outside the original scope of services, and

WHEREAS, the cost for the additional work totaled \$3,479.00,

NOW, THEREFORE, BE IT

RESOLUTION NO. (770-2002) continued

RESOLVED, that Change Order No. 1 for the complete replacement of the existing sanitary sewer spur at #1 Tupper Lane, West Nyack, New York is hereby authorized, and

BE IT FURTHER RESOLVED, that the cost for the project shall be increased by \$3,479.00 and shall not exceed \$9,424.00 and shall be a proper charge to account B 8110 424.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (771-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board Resolution awarded Bid #59-2001; Grounds Maintenance, Solid Waste Facility, West Nyack, New York Danny Clapp Landscaping, Inc.; and

WHEREAS, additional work, not included in the original scope of services, is required for the installation of a leachate overflow line.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby approves Change Order No. 1 for the additional cost of \$3,850.00, and

BE IT FURTHER RESOLVED that the total cost for the project be increased from the original bid amount of \$25,900.00 to \$29,750.00 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED, that this 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. . . . . Absent
- Supervisor Holbrook. . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (772-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board Resolution awarded Bid #59-2001; Grounds Maintenance, Solid Waste Facility, West Nyack, New York Danny Clapp Landscaping, Inc.; and

RESOLUTION NO. (772-2002) continued

WHEREAS, additional work, not included in the original scope of services, is required for the installation of a leachate overflow line.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby approves Change Order No. 1 for the additional cost of \$3,850.00, and

BE IT FURTHER RESOLVED that the total cost for the project be increased from the original bid amount of \$25,900.00 to \$29,750.00 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED, that this be a proper charge to account # SR 8160 409

On roll call the vote was as follows:

- Councilwoman Laker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith. . . . . Absent
- Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (773-2002)

Co. Laker offered and Co. Maloney seconded

WHEREAS, Town Board Resolution #304-2002 awarded Bid #23-2001; Maintenance of town sites to Cusack Landscaping; and

WHEREAS, two (2) change orders on contract have been approved by the Department of Environmental Control as follows:

C.O. #1: Remove fallen tree and roots at the Fountain Maintenance Site at Route 59 and Middletown Road in Nanuet Cost - \$450.00

C.O. #2: Removal of vegetation at the Klein Avenue Detention Basin, West Nyack, New York Cost - \$6,375.00

NOW, THEREFORE, BE IT RESOLVED that the total approved costs of change orders for this project are \$6,825.00, and

BE IT FURTHER RESOLVED that the allowance for this project be increased from the original bid amount of \$17,700.00 to \$24,975.00 to reflect the additional cost of the change orders; and

BE IT FURTHER RESOLVED, that this shall continue to be a proper charge to account # A-8511-409-0

On roll call the vote was as follows:

- Councilwoman Laker. . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith. . . . . Absent
- Supervisor Holbrook. . . . . Yes

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RESOLUTION NO. (774-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, responding to a request from the Department of Environmental Control, Tectonic Engineering Consultants, P.C. has submitted a proposal dated September 3, 2002 to provide engineering support and construction inspection services during the construction phase of the Strathmore Creek Remediation project; and

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

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to enter into an agreement with

Tectonic Engineering Consultants, P.C.  
P.O. Box 37  
70 Pleasant Hill Road  
Mountainville, New York 10953

in a form satisfactory to the Town Attorney, to provide engineering support and construction inspection services during the construction phase of the Strathmore Creek Remediation project in accordance with their proposal; and

BE IT FURTHER RESOLVED that the fee for said services shall not exceed \$50,000.00 without further resolution of the Town Board; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account number H 8749 409 0 73-27.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (775-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has retained the services of Tectonic Engineering Consultants, PC as the design consultant for the subject project; and

WHEREAS, the design consultant has performed work under the associated services section of their proposal as accepted by the Town of Clarkstown for this project; and

WHEREAS, in accordance with the provisions of said proposal, compensation for this work is based on the hourly rates submitted as part of the proposal; and

WHEREAS, Tectonic Engineering Consultants, PC has submitted invoices of the charges for these associated services to the Department of Environmental Control; and

WHEREAS, the Department of Environmental Control has reviewed said invoices totaling \$2,047.50 and found them to be acceptable;

RESOLUTION NO. (775-2002) continued

NOW, THEREFORE, BE IT RESOLVED that the allowance for the design phase of this project be increased by the aforesaid amount to \$49,595.76 to reflect the cost of these services; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8749 409 0 73-27.

On roll call the vote was as follows:

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

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RESOLUTION NO. (776-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, MOMBASHA DEVELOPMENT CORPORATION has petitioned the Town Board for permission to apply Town Law 280-a(2) to obtain access to premises known as 34.6-1-15 & 16 (formerly 43-B-1 & 18), and

WHEREAS, the Town Board has determined to schedule a public hearing on notice to adjacent property owners;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby schedules a public hearing for October 8, 2002, at 8:00 p.m., or as soon thereafter as possible, at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the applicant shall adhere to the notice requirements pursuant to Section 290-33 (C) of the Zoning Local Law of the Town Code, and provide proof of mailing said notice to property owners within five hundred feet of affected property or before the date of the public hearing, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning, the Clarkstown Planning Board, the Clarkstown Director of Environmental control and the Clarkstown Building Inspector for review and recommendation on or before October 8, 2002.

On roll call the vote was as follows:

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

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RESOLUTION NO. (777-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (777-2002) continued

WHEREAS, Little Tor Oval was inadvertently omitted from the 2002 repaving program and same is in need of repair;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes and directs the Superintendent of Highways to utilize Highway Department equipment and personnel to repave Little Tor Oval as soon as practicable, and to charge all necessary materials to Account No. DB 5110-381-0.

On roll call the vote was as follows:

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

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RESOLUTION NO. (778-2002)

Supervisor Holbrook offered and Co. Maloney seconded

RESOLVED, that the Highway Department is authorized to repair the curbing on Continental Drive in West Nyack

And be it

FURTHER RESOLVED, if additional money is needed to accomplish this task, it is to be transferred from un-appropriated surplus.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (779-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town Board adopted Resolution No. 605-2002 on July 23, 2002, authorizing Robert Geneslaw, Planning Consultant, to act as agent for the Town Board with respect to SEQRA review dealing with the Local Law entitled, "Amendment to Chapter 290 of Zoning Local Law of the Town of Clarkstown to Provide for Adult Entertainment Uses," and

WHEREAS, the Town Board of the Town of Clarkstown has received a memorandum report dated August 23, 2002, pursuant to SEQRA, from our consultant Robert Geneslaw, Planning Consultant, which the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLUTION NO. (779-2002) continued

RESOLVED, that based upon the memorandum report of Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed Local Law entitled, "Amendment to Chapter 290 of Zoning Local Law of the Town of Clarkstown to Provide for Adult Entertainment Uses," will not result in any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

On roll call the vote was as follows:

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

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RESOLUTION NO. (780-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 290 OF ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN TO PROVIDE FOR ADULT ENTERTAINMENT USES"

was introduced by Councilperson Maloney, 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 5, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown has received a SEQRA analysis report from its consultant, Robert Geneslaw, dated August 23, 2002, which the Board discussed and considered in making its decision herein, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on August 13, 2002 and continued on August 27, 2002 and September 10, 2002;

NOW, THEREFORE, be it

RESOLVED, that based on the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Local Law to Amend Chapter 290 of Zoning Local Law dealing with adult entertainment regulations shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

RESOLUTION NO. (780-2002) continued

FURTHER RESOLVED, that Local Law No. 10 – 2002 entitled:

"AMENDMENT TO CHAPTER 290 OF ZONING LOCAL LAW OF THE TOWN OF CLARKSTOWN TO PROVIDE FOR ADULT ENTERTAINMENT USES"

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. . . . . Absent
- 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.

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RESOLUTION NO. (781-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown duly caused the Director of the Department of Environmental Control of the Town of Clarkstown to supervise the preparation of map, plan and report for providing the facilities, improvements or services in a portion of the Town of Clarkstown, wherein it was proposed to extend the Clarkstown Consolidated Water Supply District #1, and

WHEREAS, the map and plan were duly filed in the office of the Town Clerk of the Town of Clarkstown, and the said Town Board did, on August 27, 2002, duly adopt an Order reciting a description of the boundaries of the proposed extension to the water supply district, the fact that the maximum amount proposed to be expended for the improvement is \$375,000.00, that proposed method of financing to be employed is bonding, and the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection, and specifying that said Town Board shall meet at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 10, 2002 at 8:00 p.m., for the purpose of conducting a public hearing on such proposal to extend the Clarkstown Consolidated Water Supply District #1, with the specified improvements, and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, said Town Board did, at the time and place specified in said Order, duly meet to consider such proposal and hear all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, copies of said Order calling for a Public Hearing were duly published and posted as required by law and is otherwise sufficient, and said Town Board did, at the time and place specified in said Order, duly meet to consider such proposal and hear all persons interested in the subject thereof and who appeared at the time and place concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, be it

RESOLUTION NO. (781-2002) continued

ORDERED, by the Town Board of the Town of Clarkstown , in the County of Rockland, that it be and hereby is determined as follows:

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. That the property and property owner, within the proposed extension of the Clarkstown Consolidated Water Supply District #1, is benefited thereby. Said benefited properties are described on the attached Schedule "A".
3. That the property and property owner benefited is included within the proposed extension of the Clarkstown Consolidated Water Supply District #1, is benefited thereby.
4. It is in the public interest to establish the proposed extension.

and be it

FURTHER RESOLVED, that the Town Board does hereby approve the extension of the Clarkstown Consolidated Water Supply District #1, to include the area of Route 303 in the vicinity of Lakeward Avenue, Hilltop Road, Lakewood Drive and Fisher Avenue, Congers, New York, as described herein as Schedule "A", and be it

FURTHER RESOLVED, that the extension of the Clarkstown Consolidated Water Supply District #1, in the area of Route 303 in the vicinity of Lakeward Avenue, Hilltop Road, Lakewood Drive and Fisher Avenue, Congers, New York, is hereby subject to receipt of appropriate easements and rights of way in a form satisfactory to the Town Attorney, and be it

ORDERED, that water and fire hydrant services and improvements be provided in said extension of the Clarkstown Consolidated Water District #1, and it is

FURTHER RESOLVED that the proposed extension be subject to permissive referendum in the manner provided in Article 7 of the Town Law, and it is

ORDERED, that the proposed improvements, including the cost of rights-of-way, construction costs, legal fees and other expenses shall be financed by taxation upon the entire Clarkstown Consolidated Water Supply District #1, as extended.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Smith . . . . . Absent  
 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: 8:55 pm.

Respectfully submitted,



Patricia Sheridan  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

09/10/2002

8:07 PM

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

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 declared open.

Supervisor asked Deputy Town Attorney, Daniel Kraushaar for an update of the proposed local law. Mr. Kraushaar said that he received the opinion from the Rockland County Planning Department and the Town's Planning Department. Both approve of the Board adopting the Local Law; however, recommend that the law should be re-evaluated at a later date. He referred to the draft that Mr. Tracy submitted. He pointed out the difference between the two is that Mr. Tracy's proposed law deals only with location and the his deals with both location and licensing.

Mr. Kraushaar said that based on his research, he recommends licensing because, reportedly, there has been a rash of crimes purported against women coming from Eastern Block countries who are being forced to work at such establishments. He also said that based on numerous articles he has read, organized crime tends to be attracted to owning and operating these establishments. The Town's proposed law gives us a degree of comfort and control over who would be getting a license; not just where they would be located, but also the type of business being operated within the establishment. Mr. Kraushaar recommended that the law be adopted in its present form, and if ultimately there are going to be changes, to keep the main thrust of it being a licensing local law.

Supervisor asked what the restrictions are that the law institutes relative to where the establishments theoretically could be located. Mr. Kraushaar replied that the requirement is 1,000 feet from wherever children congregate. The opinion from the County is not certain that the local law makes it abundantly clear that "all places where children congregate." However, in reading the definition, it is not even up to interpretation. He also said that Robert Geneslaw, Planning Consultant, is working on how the measurements are going to occur.

Co. Lasker asked if the County concurs that the law should be adopted in its entirety including the licensing. Mr. Kraushaar replied the County is aware of the fact there are other locations throughout the country that have adopted this approach and they seem to be welcoming it. Co. Lasker said she agrees the licensing part is essential as it gives stricter control over these establishments.

Co. Mandia interjected that he agrees the Town has had the Moratorium a long time and that it is not a good thing in terms of protecting the Town. He has concerns about some of the enforcement issues which he suggests modifying later. He also asked about the distances from playgrounds, day care centers, schools and churches and said the shopping malls where families with children congregate should be included.

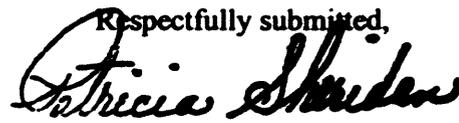
Mr. Kraushaar replied that the law is not perfect and the Town is taking on a tremendous task and this is the feedback he needs. Co. Mandia asked if the shopping malls could be added to the law at this time. Mr. Kraushaar replied that it would not be a major change, however, he referred Co. Mandia's question to Town Attorney, John Costa. Mr. Costa replied that he would be more comfortable leaving the 1,000 foot requirement the way it is and liberally interpreting it within the reading of the statute. He said to stay with the present law and incorporate refinement in the next version.

PH: Continuation – Proposed Local Law Amending Chapter 290 of the Zoning Local  
Law of the Town of Clarkstown to Provide for Adult Entertainment Uses  
9/10/02 Page 2

Co. Maloney asked if the Town does not have to follow some of the County Planning Department's recommendation such as an establishment getting a number of points against them before they can be closed down. Mr. Kraushaar replied that we do not have to follow all recommendations. Co. Maloney recommended that the establishment be closed down for any infraction rather than have a point system.

Supervisor opened the meeting for public comment.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was closed at 8:25 PM.

Respectfully submitted,  


Patricia Sheridan  
Town Clerk

RESOLUTION NO. 781 ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

09/10/2002

8:25 PM

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

Re: Continuation: Proposed Local Law to Provide Compensation to the Members of the Police Commission Who Are Not Otherwise Members of the Town Board

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

Supervisor explained that this is a continuation of a public hearing and he recapped the discussions of the previous meeting. Town Board members who serve on the Police Commission would not receive compensation for their service as Police Commissioner. Such proposed compensation would be only for the civilian member and the suggested stipend would amount to approximately \$3,000-\$4,000 per year.

Supervisor opened the meeting for Public Comment.

Appearance: John Lodico  
New City

He supports giving compensation to the civilian member.

Appearance: George Rummelt  
New City

He said that serving as a Police Commissioner is an honor and he would be happy to serve at no salary.

Appearance: Steve Levine  
Congers

He asked if the position of Police Commissioner is voluntary. Supervisor replied that it is an appointed position by the Town Board pursuant to Town Law. Mr. Levine said he understands the law was passed in 1930 in order to have civilian volunteers oversee the police. He asked Councilman Mandia why the civilian member would need compensation. Co. Mandia replied that the civilian member is not a volunteer but an appointment. He said there is no difference between what the Police Commission does and what members of other boards and commissions do who are compensated.

Co. Maloney interjected that perhaps the other boards and commission started as volunteer groups but as the work increased and they attended more meetings as the Town grew, the Town Board considered paying them a stipend.

Mr. Levine said that a paid position is being created which the taxpayer will have to continue to support. He also said that Clarkstown is the first in the state to have such a law.

Appearance: Shirley Thorman  
Valley Cottage

She said the stipend would not make much of a difference in the budget; however, consider the principle of public service. She said it is important to send a message to young people that there does not have to be remuneration for everything they do.

PH: Continuation: Proposed Local to Provide Compensation to Member of the Police  
Commission Who Are Not Otherwise Members of the Town Board  
9/19/02

Page 2

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by  
Co. Mandia and unanimously adopted the Hearing was closed at 8:42 PM.

Supervisor asked the Town Board if the vote should be taken tonight or should the  
decision be reserved. Co. Lasker asked how much compensation was being considered.  
Supervisor answered that \$3,000 to \$4,000 would be the maximum.

Supervisor asked Mr. Costa if remuneration is included in the local law. Mr. Costa  
replied that there are two (2) versions of this local law; one distributed on July 24, 2002  
and the other distributed on August 26, 2002.

On motion of Co. Lasker, seconded by Co. Maloney, the Board voted unanimously to  
reserve decision.

Respectfully Submitted,



Patricia Sheridan  
Town Clerk



TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

09/10/2002

8:07 PM

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

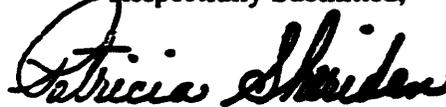
Re: Continuation: Amending Chapter 290 (Zoning) of the Clarkstown Town Code Re:  
Assisted Living Quarters, Continuous Care Living Quarters and Independent Living  
Adult Housing. *Note: PH was held on 4-9-02, and adjourned. It will be further  
Continued on 10-22-02.*

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Supervisor Holbrook recommended the Public Hearing on Assisted Living be continued on October 22<sup>nd</sup>, 2002. It had been adjourned in June to the first meeting in September. However, the County Commissioner wanted to get the report of the Housing Committee. The Housing Committee will make their report to the Town on October 1<sup>st</sup> at 7:30 at the Town Board Workshop. Adjourning the meeting until October 22 will give everyone enough time to digest the information.

On Motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing on Assisted Living is adjourned to October 22, 2002.

Respectfully Submitted,



Patricia Sheridan  
Town Clerk