

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/12/2002

8:00 P.M.

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

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

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Petition for Zone Change/LO to R-40/ Tilcon Minerals was declared open, time: 8:15 pm.

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition for Zone Change/LO to R-40/ Tilcon Minerals was declared closed, time: 8:20 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Chapter 111 (Unsafe Building) – Zeqir Qosaj was declared open, time: 8:20 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Chapter 111 (Unsafe Building) – Zeqir Qosaj was continued, time: 8:40 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Amendment to Chapter 278 (Vehicles & Traffic) of the Code of the Town of Clarkstown was declared open, time: 8:45 pm.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Amendment to Chapter 278 (Vehicles & Traffic) of the Code of the Town of Clarkstown was declared closed, time: 8:50 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: 2003 Preliminary Budget was declared open, time: 8:50 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: 2003 Preliminary Budget was declared closed, time: 9:40 pm.

Supervisor opened the public portion of the meeting.

Appearance: Marvin Baum
Board of Managers
Mountainview Condominiums

He is representing the Board Managers of the Mountainview Condominiums. He thanked the Board for their tremendous efforts in protecting and preserving Open Space in the community. He urged the Town Board to adopt Item No. 34 on this evening's agenda.

Appearance: Gary Haughland
Cornwall-On-Hudson

He represents the New York-New Jersey Trail Conference who protects 1,500 miles of hiking trails in the Northern New Jersey-Southern New York area. He thanked the Board for all their work in protecting properties that includes a 350-mile long hiking trail extending from the George Washington Bridge to an area outside of Albany.

Appearance: Mary Lou Jones
Board of Managers
Oakwood Garden Condominiums

She spoke in reference to Items #20 and #31. She asked for a terrace-effect retaining wall behind building 86 as taking out 14 acres of trees in that area will create flooding problems. She also asked if anything is being done with the sewer line on the property. She said the condominiums have had sewer overflow problems between September, 1994 and March, 2000. She is concerned that further development will add to these problems.

Appearance: Dr. Marsha Norton
Granoview

She owns one of the apartments in Building 86. Her daughter lives in the apartment and she is concerned about the erosion factor.

Appearance: Martin Feldi
New City

He spoke regarding Item #32 saying the road should be repaired, not repaved.

Appearance: John Modico
New City

He raised questions regarding Middlewood Housing.

Appearance: Frank Hackett
Valley Cottage

He inquired about Item #20 - the Comprehensive Plan. He asked for an explanation of Item #21 - Hackensack River, and Item #24 known as the Weinberg property.

Appearance: Kevin Gilroy
Pine St.
New City

He is concerned about speeding on Pine St. He would like Stop Signs installed since the Yield signs are not helping the situation.

RESOLUTION NO. (911-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on September 24, 2002, provided for a public hearing on November 12, 2002 at 8:00 P.M., to consider amending the Zoning Local Law of the Town of Clarkstown by redistricting property owned by Tilcon Minerals, Inc., designated on the Clarkstown Tax Map as Map 59.9-1-3 and described on Schedule "A" (Lot 1, Lot 2) herein, from the LO District to the R-40 District, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and

RESOLUTION NO. (911-2002) continued

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated October 11, 2002, acting as staff to the Town Board as lead agency, it is hereby determined that this action is an Unlisted Action, and the Town Board hereby further determines that the proposed change of zone for the subject premises 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

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as Map 59.9-1-3, situate in the Hamlet of Valley Cottage, from the LO District to the R-40 District, which property is more particularly described on the attached Schedule "A" (Lot 1, Lot 2), and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare an Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law, and be it

FURTHER RESOLVED, that based on the July 19, 2002 report of Robert Geneslaw, Planning Consultant to the Planning Board, the Town Board hereby determines that the zone change approved herein does not conflict with the Town of Clarkstown Comprehensive Plan and that no amendment of same is required.

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. (912-2002)

Co. Maloney offered and Co. Mandia 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 59.8-1-22 and 59.20-1-10&11, located in Valley Cottage, New York, 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.

RESOLUTION NO. (912-2002) 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. (913-2002)

Co. Maloney offered and Co Lasker. seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on August 13, 2002, provided for a public hearing on September 24, 2002 at 8:00 P.M., and continued to October 8, 2002, to consider Amendment of the Zoning Local Law of the Town of Clarkstown by redistricting property owned by Pondview, LLC, designated on the Clarkstown Tax Map as Map 58.19-1-9 and described on Schedule "A" herein, from the LO District to the R-15 District, and

WHEREAS, notice of public hearing was duly published as required by law and the public hearing was duly held at the time and place specified in the notice, and said public hearing was continued on subsequent dates till November 12, 2002, and

WHEREAS, by separate resolution the Town Board duly scheduled a public hearing to hear and consider whether or not the Town of Clarkstown Comprehensive Plan should be amended should the Town Board determine to grant the requested Zone Change, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, the public, and has received a report from its Planning Consultant, Robert Geneslaw, which advises that the proposed Zone Change proposed is an unlisted action for environmental review purposes, and the Board has discussed and considered such report in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated September 24, 2002, acting as staff to the Town Board as lead agency, the Town Board duly adopted a resolution on September 24, 2002 declaring that the required Zone Change would not have a significant negative impact on the environment, and that no further processing pursuant to the State Environmental Quality Review Act (SEQRA) was required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property known and designated on the Clarkstown Tax Map as Map 58.19-1-9, situate in the Hamlet of West Nyack, from the LO District to the R-15 District, which property is more particularly described on the attached Schedule "A," provided, however, that the property owner shall execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and which shall provide the following:

1. Prior to issuance of any Certificate of Occupancy for any new residence, a traffic light, deemed necessary by the Town Board to improve traffic on West Nyack Road, shall be installed at the intersection of Demarest Avenue and West Nyack Road, adjacent to the rezoned property;

RESOLUTION NO. (913-2002) continued

2. Only that portion of the property that is proposed for residential development be rezoned R-15, the balance that is being conveyed to the Clarkstown Central School District remain LO;

3. That the subject area in the zone change be delineated in such a way that any of the access alternatives could subsequently be accepted by the Planning Board;

4. Restriction on the parcel, which is anticipated to be donated to the Clarkstown Central School District be codified by virtue of a covenant in the deed that should the property ever cease to be used by the School District as a natural environmental study preserve that the property revert to the Town of Clarkstown as Open Space;

5. That the site be encumbered by an agreement, in a form approved by the Town Attorney, that when adjacent commercial development is built the north south connecting road starting at West Nyack Road, will be connected into Crosfield Avenue, and

6. That the property rezoned be encumbered with an obligation, in a form approved by the Town Attorney, to construct a 4,000 square foot building shell in accordance with the reasonable requirements of the Clarkstown Central School District, prior to issuance of any residential Certificate of Occupancy, and be it

FURTHER RESOLVED, that the Zone Change described herein is subject to and conditioned upon adoption by the Town Board of a resolution amending the Town of Clarkstown Comprehensive Plan, which resolution is intended for the consideration of the Town Board simultaneously with this resolution, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare an Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law.

On roll call the vote was as follows:

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

RESOLUTION NO. (914-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution adopted on September 24, 2002, the Town Board directed that a public hearing be held on October 8, 2002, to consider possible amendment of the Town of Clarkstown Comprehensive Plan to implement a Comprehensive Plan Policy made obtainable by the petition of Pondview LLC, then presently pending before the Town Board, to grant a zone change for premises known and described on the Clarkstown Tax Map as 58.19-1-19 by redistricting same from the LO District to the R-15 District, and

WHEREAS, on October 8, 2002 the public hearing with respect to possible Amendment to the Clarkstown Comprehensive Plan, and the continuation of the public hearing with respect to the redistricting of the premises referred to above, was concluded, and

RESOLUTION NO. (914-2002) continued

WHEREAS, the Town Board has given consideration to all the information presented by Town Officials, the Town's Planning Consultant, and members of the public;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends the Clarkstown Comprehensive Plan to recognize that potential development of a portion of the premises known and described as 58.19-1-19, consisting of approximately 15.0 acres as residential property, is in the best interests of the community, and the Comprehensive Plan is hereby amended to be consistent with the Zone Change Resolution to be adopted simultaneously with this Resolution, and be it

FURTHER RESOLVED, that the Town Board hereby finds and determines that the Amendment to the Clarkstown Comprehensive Plan being approved herein shall provide for the protection of an existing pond and wetland consistent with the Clarkstown Open Space Initiative, shall facilitate the gratuitous conveyance of said pond and wetland to the Clarkstown Central School District, which shall provide for such preservation and also allow for educational use which will provide benefits to the community consistent with the overall objectives of the Clarkstown Comprehensive Plan, and be it

FURTHER RESOLVED, that this Resolution is subject to and conditioned upon the Town Board granting the Zone Change as requested in the application of Pondview LLC referred to above with any conditions that may be imposed by the Town Board.

On roll call the vote was as follows:

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

RESOLUTION NO. (915-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 832-2002, dated September 24, 2002, as amended on October 8, 2002, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 111 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 59.8, Block 1, Lot 10 (f/k/a 123-A-13), to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 12th day of November, 2002, after notice and opportunity to be heard at said hearing was provided to the property owner(s) and all interested parties of record, as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 111 of the Code of the Town of Clarkstown, dated October 8, 2002, as reported by the Fire Inspector in his report dated November 12, 2002, are presently existing and have not been corrected, and be it

RESOLUTION NO. (915-2002) continued

FURTHER RESOLVED, that based upon the recommendation of the Fire Inspector of the Town of Clarkstown, the property owner is hereby ordered to take the following corrective action:

1. Should the property owner plan to rebuild the premises, the property owner must secure the building properly within ten (10) days to the satisfaction of the Building Inspector. The premises must remain secured at all times. A building permit shall be promptly applied for in a timely fashion, and if not applied for within twenty (20) days with construction beginning in thirty (30) days, the Building Inspector shall closely monitor the property, reporting to the Town Board any condition which may warrant the Town Board making further provisions to protect the health, safety and well-being of the community.

2. Should the property owner decide to demolish the building, a demolition permit must be applied for within twenty (20) days, and demolition must begin within thirty (30) days.

3. Within twenty (20) days, all downed trees, logs and branches are to be removed or neatly cut up and stacked for future use.

4. Within twenty (20) days, all rubbish, including black trash bags; debris from fire; and other garbage on the property, must be removed.

5. Within five (5) days, all LPG cylinders are to be removed from the property and disposed of in accordance with law, and be it

FURTHER RESOLVED, that should the property owner not comply with the above conditions within the time frames outlined herein, the Fire Inspector or the Building Inspector are directed to take whatever steps as are necessary to correct the conditions complained of, and be it

FURTHER RESOLVED, that the expenses incurred by the Fire Inspector and/or Building Inspector and the Town Attorney with respect to such corrective measures, including the removal of debris and the costs of this proceeding and all other necessary action, be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Fire Inspector and/or Building Inspector, the Town Attorney and any other necessary expenses, and be it

FURTHER RESOLVED that all time periods provided for herein shall commence five (5) days after the mailing of a copy of this resolution by certified mail, return receipt, to the property owner and all interested parties, as determined by the last owner and lien search, and be it

FURTHER RESOLVED, that the Town Board hereby retains jurisdiction of this matter to make whatever further corrective orders as may become necessary to protect the public interest.

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. (916-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilperson Maloney, at a Town Board meeting held on October 22, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 22, 2002, directed that a public hearing be held on November 12, 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 October 29, 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 October 23, 2002, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 12, 2002;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 13 – 2002 entitled:

"AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC)
OF THE CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

- Councilwoman Lasker 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. (917-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a public hearing pursuant to Town Law Section 108, to consider the Town of Clarkstown Preliminary Budget for the year 2003, was duly scheduled and noticed for November 12, 2002, at 8:00 p.m., in the Auditorium of the Clarkstown Town Hall, and

WHEREAS, the Town Board met at the time and place specified in the Notice of the Public Hearing and heard all persons desiring to be heard;

RESOLUTION NO. (917-2002) continued

NOW, THEREFORE, be it

RESOLVED, that such Preliminary Budget, a copy of which is attached hereto, be and is hereby adopted subject only to amendment which shall add the sum of \$200,000.00 to that amount budgeted for insurance needs, as the Annual Budget of the Town of Clarkstown for the fiscal year beginning the 1st day of January, 2003, and that such Budget, as so adopted, be entered in detail in the proceedings of the Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown shall prepare and certify, in duplicate, copies of such Annual Budget as adopted by this Town Board, together with Assessment Rolls for benefit improvements, if any, adopted pursuant to Section 202-a, Subd. 2, and Section 231, Subd. 2 of the Town Law, and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Legislature of Rockland County, pursuant to Section 115 of the Town Law and other applicable sections of the Town Law.

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. (918-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, MOMBASHA DEVELOPMENT CORPORATION, as contract purchaser of premises reputedly owned by Woodfield Lakers, Inc., described on the Clarkstown Tax Map as 34.06-1-15 and 34.06-1-16 (formerly 43-B-1 & 18), which lots have been formally merged into one tax lot known as Map 34.06-1-15, and commonly known as 324 South Mountain Road, New City, New York, has petitioned the Town Board of the Town of Clarkstown for permission to utilize a mapped but unopened street known as LENNOX WAY, to obtain ingress and egress access pursuant to Town Law 280-a(2), for a proposed one family dwelling to be built on said merged lot, and

WHEREAS, the Town Board referred said petition to the Town of Clarkstown Planning Board for recommendation and duly scheduled a public hearing which was commenced on October 8, 2002, and continued on October 22, 2002, during which the petitioner and all other persons in interest were heard, and

WHEREAS, the Town Board Members has duly considered the comments of all persons in interest, all correspondence and recommendations placed in the record so that a determination may now be made;

NOW, THEREFORE, be it

RESOLVED, that under the provisions of 280-a(2) Town Law, the Town Board hereby determines, subject to the conditions and other requirements set forth herein, that a proposed one family dwelling may be constructed which shall utilize a portion of mapped but undedicated LENNOX WAY, New City, New York, as and for ingress and egress from said premises to obtain access to the nearest public street, to wit: South Mountain Road, New City, New York, and provided further that all applicable

RESOLUTION NO. (918-2002) continued

regulations regarding subdivision of the premises and Zoning Law provisions are complied with, and said determination is based on the following Findings of Fact by the Town Board:

FINDINGS OF FACT

1. The proposed ingress and egress on Lennox Way will have a length of approximately 120 feet from said premises to the intersection of Lennox Way and South Mountain Road, New City, New York.
2. South Mountain Road is the nearest public street maintained by the Town of Clarkstown.
3. Lennox Way is a private road within the confines of the Lake Lucille Community and is maintained by the Lake Lucille Homeowners Association.
4. That the subject premises is part of the Lake Lucille Community and shall contribute toward the maintenance of the Lake Lucille private roads and, therefore, the Town Board believes that safe and reasonable access to the proposed premises shall be available at all times.
5. The Planning Board has recommended the applicant's request for permission for alternative access to the proposed dwelling be granted.
6. That the existing travel way at the intersection of Lennox Way with South Mountain Road is proposed to be paved, or existing pavement repaired, to the satisfaction of the Director of the Department of Environmental Control, for a length of fifth (50) feet, which is adequate for the protection of South Mountain Road.
7. That the current residents utilizing the private right-of-way have made provisions for road maintenance.
8. There is presently no petition pending with respect to any proposed road improvement district for the subject mapped but unopened street.
9. The Director of the Department of Environmental Control for the Town of Clarkstown has reviewed the proposal and recommended the following for the improvement of the subject mapped but unopened portions of Lennox Way:
 - (A) A road widening strip along South Mountain Road should be dedicated to the Town of Clarkstown.
 - (B) The sanitary sewer house connection, including spur, should be installed at no cost to the Town.
10. That the access under consideration shall continue to be a private access unless and until a petition for a Road Improvement District shall be made and accepted by the Town Board;

NOW, THEREFORE, be it

FURTHER RESOLVED, that in accordance with the provisions of Section 280-a(2) of the Town Law, pursuant to recommendations of the Director of the Department of Environmental Control, and the Record and proceedings had herein, a Building Permit for the erection of a single family residence may be issued to MOMBASHA DEVELOPMENT CORPORATION, contract purchaser, subject to compliance with all applicable provisions of the Zoning Local Law of the Town of Clarkstown, for premises designated on the Tax Map as 34.6-1-15 and 34.6-1-16, which lots have been merged into one lot known as Map 34.06-1-15, provided further that the record owner shall, prior to the

RESOLUTION NO. (918-2002) continued

issuance of said building permit, execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land and which shall provide the following:

1. That the property owner shall acknowledge that no Town services consisting of maintenance, paving, or snow removal shall be provided along any portion of Lennox Way, New City, New York;

2. That the declarant owner irrevocably agrees to participate in a Road Improvement District for any frontage of said premises on any mapped street adjacent to said premises when and if required by the Town Board of the Town of Clarkstown;

3. That the declarant owner shall gratuitously and irrevocably offer for dedication to the Town of Clarkstown or its designee a road widening strip and any interest of the declarant owner in the premises or in any mapped street adjacent to the premises to the designated street line to accomplish the widening of same to fifty feet (50') in width;

4. That the declarant shall obligate the premises upon which the proposed one family residence shall be constructed to maintain the right-of-way so as to be free and clear of ice and snow during inclement weather and to otherwise be repaired and kept free of potholes and other defects at all times, provided however, that nothing herein is intended to prevent the declarant from participating in a shared maintenance arrangement with the Lake Lucile Homeowners Association so as to provide for such required maintenance and repair costs;

5. That any deed of conveyance for the subject premises shall recite that the conveyance is subject to the Declaration of Covenant provided herein, and shall be subject to same whether or not such recitation is included in the deed;

6. That any Certificate of Occupancy issued for said premises shall be conditioned upon observance and shall recite that it is subject to the Declaration of Covenant provided for herein, and shall be subject to its observance,

and be it

FURTHER RESOLVED, that prior to the issuance of a Building Permit, the petitioner shall provide the Director of the Department of Environmental Control with an acceptable plan for the improvement of Lennox Way, New City, so as to meet all of the requirements and the recommendations made by memo dated September 5, 2002 of the Director of the Department of Environmental Control, which has been incorporated herein as a Finding by the Town Board, and be it

FURTHER RESOLVED, that prior to issuance of any Certificate of Occupancy, the petitioner shall install the improvements to Lennox Way in accordance with the approved plan, and be it

FURTHER RESOLVED, that the petitioner shall comply with all other requirements of the Building Department and the Department of Environmental Control with respect to the construction of the proposed one family dwelling and the improvement of its environs.

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. (919-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of October 22, 2002 and the meeting of the Middlewood Housing Development Fund Company, Inc. of October 22, 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. (920-2002)

Co. Maloney offered and Co. Mandia seconded

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

**BID #3-2003 – PRINTING OF TOWN ENVELOPES,
STATIONERY & BUSINESS CARDS**

is hereby awarded to:

**NEWBURGH ENVELOPE CORP
1720 ROUTE 300
NEWBURGH, NY 12550
PRINCIPALS: CARL STILLWAGGON
STUART STILLWAGGON**

**IK BUSINESS FORMS
949 SPRING VALLEY ROAD #206
MAYWOOD, NJ 07607
PRINCIPALS: PHILIP L IAMPIETRO JR.**

**PAPER MART INC
151 RIDGEDALE AVENUE
E. HANOVER, NJ 07936
PRINCIPALS: JEROLD LEVEY
HOWARD LEVEY
JOHNATHAN BLOCK**

**AMERICAN PRINT SOLUTIONS
561 PRESIDENT STREET
BROOKLYN, NY 11215
PRINCIPALS: ERIKA BRAUN
ISRAEL BRAUN
MARK LIPSCHITZ
MALKIE LIPSCHITZ**

as per the item/price list (on file in Town Clerk's Office)

RESOLUTION NO. (920-2002) 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. (921-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Utilities Coordinator and the Town Traffic Safety Engineer that

BID #34-2002 – TRAFFIC SIGNAL INSTALLATION AT
 BUENA VISTA ROAD AND NEW HEMPSTEAD ROAD,
 NEW CITY, NEW YORK

is hereby awarded to: PHOENIX SIGNAL & ELECTRIC CORP.
 7-11 SUFFERN PLACE
 SUFFERN, NY 10901
 PRINCIPAL: ROBERT E. CRAIG

as per their low bid proposal of \$48,906.50 and be it

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

- 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 Insurance coverage
- 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 Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (922-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Director of Deputy Director of DEC that

BID #68-2002 – PAVING OF ACCESS ROAD @ SOLID WASTE FACILITY

is hereby awarded to:

TILCON, NEW YORK, INC
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPALS: A PUBLIC CORPORATION

as per their proposed cost of \$35,100 and be it

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

- a) Signed Contract Documents – two sets
- b) Performance Bond – 100% of project cost
- c) Labor and Materials Payment Bond – 100% of proposed project cost
- d) Certificate of Contractor’s Liability 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 Yes
 Supervisor Holbrook Yes

RESOLUTION NO. (923-2002)

Co. Maloney offered and Co. Lasker seconded

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

BID #2-2003
PHOTOCOPIER/FACSIMILE MACHINE SUPPLIES

is hereby awarded to:

AMERICAN TONER PRODUCTS
P.O. BOX 597
HARRIMAN, NY 10926
PRINCIPAL: GOLDIE ENGELMAN

RESOLUTION NO. (923-2002) continued

ALL DISCOUNT COPY SUPPLY
60 NORTH HARRISON AVE
CONGERS, NY 10920
PRINCIPAL: SHELDON BUCHMAN

MCS BUSINESS SOLUTIONS
SUPPLY DIVISION
5 DAKOTA DRIVE
LAKE SUCCESS, NY 11042
PRINCIPAL: A PUBLIC CORPORATION

OPG INDUSTRIES
P O BOX 140
BROOKLYN, NY 11232
PRINCIPALS: DON THOMPSON
DAN SCHREELEX

EXECUTEX OFFICE TECH.
75 NORTH CENTRAL AVE
SUITE 210
ELMSFORD, NY 10523
PRINCIPALS: A. AGUILAR
D. MASTROCOLA

as per attached item/price schedule.

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. (924-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 706-2001, Bid 55-2001, Construction of the Pascack Community center is hereby amended to reflect the additional cost of Change Orders in connection with the General Construction and Electrical Construction Components of the Contract, and

WHEREAS, Ward Associates, P.C., the Project Architect and Charles F. Connington, Supt. of Recreation and Parks recommend that the following change orders (on file in Town Clerk's office) be hereby approved and,

WHEREAS, the change orders were required to improve the safety and well being of center users, compliance with revised New York State Building Code and the Town of Clarkstown Building Department, and recommendation of the Electrical Underwriter, Town Safety Inspector and Fire Marshall, and

NOW, THEREFORE, BE IT RESOLVED that it is recommended that the approved agreement between Helmer Cronin construction for the General Construction component of the Pascack Community center project in the amount of \$3,088,000 be

RESOLUTION NO. (924-2002) continued

increased to \$3,135,332 and the approved agreement between Eagle Electric for the Electrical Construction component of the Pascack Community center project in the amount of \$286,000 be increased to \$304,056, and

BE IT FURTHER RESOLVED that all expenses be charged to account H-8749-400-409-73-6.

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. (925-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 304-2002 awarded Bid #23-2002, Maintenance of Town Sites, to Cusack Landscaping, and

WHEREAS, Change Order No. 3 has been approved by the Department of Environmental Control as follows:

C.O. #3 – Additional removal of vegetation at the Klein Avenue Detention Basin,
West Nyack, New York Cost - \$2,125.00

NOW, THEREFORE, BE IT,

RESOLVED, that the total approved cost of Change Order No. 3 for this project is \$2,125.00, and

BE IT FURTHER RESOLVED, that the allowance for this project be increased by \$2,125.00, 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 Lasker Yes
Councilman Maloney Yes
Councilman Mandia Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (926-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board resolution No. 650-2002 awarded bid #24-2002 for culvert 334 and 334A replacement to Danny Clapp Landscaping, Inc., New City, New York, and

RESOLUTION NO. (926-2002) continued

WHEREAS, the existing embankments immediately downstream from the proposed culvert 334A require heavy stone protection to prevent soil erosion, and

WHEREAS, the Contractor has submitted the additional cost associated with Change Order No. 1, and

WHEREAS, the Department of Environmental Control has reviewed the cost for Change Order No. 1 and found it to be reasonable.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes Change Order No. 1, and

BE IT FURTHER RESOLVED, that the cost of Change Order No. 1 is \$26,000.00 and shall be a proper charge to account H 8752 409 0 76 2.

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. (927-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board resolution No. 107-2000 awarded bid #66-2000 for the Crum Creek Detention Basin Improvements to Danny Clapp Landscaping, Inc., New City, New York, and

WHEREAS, all work in connection with this project is being performed within a dedicated Town drainage easement located on parcel 34.19-1-5, and

WHEREAS, electrical work associated with the installation of the pond aerator was to be performed by the Town, and

WHEREAS, the installation of the electrical work cannot be completed by Town personnel, and

WHEREAS, the original bid did not contain any provisions for completion of the electrical work, and

WHEREAS, the Contractor has submitted the additional cost associated with Change Order No. 4, and

WHEREAS, the Department of Environmental Control has reviewed the cost for Change Order No. 4 and found it to be reasonable.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes Change Order No. 4, and

BE IT FURTHER RESOLVED, that the cost of Change Order No. 4 is \$10,590.00 and shall be a proper charge to account 8749 409 0 73 19.

RESOLUTION NO. (927-2002) 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. (928-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, low maintenance landscape screening is required in the vicinity of an existing drainage channel where trees and shrubs were removed for the replacement of drainage structures at Twin Elms Drive, and

WHEREAS, the Director of the Department of Environmental Control has obtained competitive proposals to perform said landscaping work and, of these, the proposal from

Danny Clapp Landscaping,
59 Schriever Lane,
New City, New York

is for the lowest amount;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, 59 Schriever Lane, New City, New York to perform the necessary work in accordance with the requirements of the Department of Environmental Control; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$3,300.00 and shall be a proper charge of #H 8741 409 0 72 1

On roll call the vote was as follows:

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

RESOLUTION NO. (929-2002)

Co. Lasker offered and Co. Maloney seconded

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

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

C.O. #4 Installation of a trench drain at # 49 Twin Elms Drive
to alleviate storm drainage problems from the road way Cost \$3500.00

RESOLUTION NO. (929-2002) continued

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

NOW, THEREFORE, BE IT RESOLVED that the total for the construction phase for the project by change orders has been increased by \$3,500.00, and the current allowance for the project be increased from \$316,929.51 to \$320,429.51, and

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

On roll call the vote was as follows:

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

RESOLUTION NO. (930-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Howard L. Lampert, P.E., as Traffic Engineering Consultant to the Town Board, has investigated the existing sight distance at the corner of Old Mill Road and Branchville Road, Valley Cottage, New York, and has recommended removal of existing embankments to improve traffic safety;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to seek temporary construction easements from property owners at Branchville Road and Old Mill Road, West Nyack, New York as recommended by Howard L. Lampert, P.E., Traffic Engineering Consultant, for the purpose of improving traffic safety in the area by authorizing the Highway Department personnel to alter and remove embankments which presently restrict sight distance for vehicles using such roads and thereby improve traffic safety conditions at said intersection.

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. (931-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has advised that certain old computer and office equipment without salvage value can be disposed of by recycling same with the Rockland County Solid Waste Management Authority.

NOW, THEREFORE, be it

RESOLUTION NO. (931-2002) continued

RESOLVED, that the Town Board hereby declares said computer and office equipment, as described on Schedule "A," as surplus property, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to recycle said surplus equipment and grants permission to use the Rockland County Solid Waste Authority, 420 Torne Brook Road, Hillburn, New York 10931, and be it

FURTHER RESOLVED, that there will be no cost of said services to the Town.

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. (932-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED to decrease Appropriation Account A7140-114 (Part Time) by \$1,500 and to increase A 1621-114 (Part Time) by \$1,500.

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. (933-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease and increase the following Appropriation Accounts:

A7620-114 (part time) by \$500.00 and increase A7141-218 (tools) by \$500.00

A7620-409 (Fees for Services) by \$5,000 and increase A7141-306 (Main. Supplies) by \$5,000.

A7620-114 (part time) by \$3,500 and increase 7140-222 (Park Equip) by \$3,500.

A7310-409 (Fees for Services) by \$11,000 & increase 7141-222 (Park Equip) by \$11,000

A7310-409 (Fees for Services) by \$9,000 & increase 7141-201 (Furn.) by \$9,000

A7620-409 (Fees for Services) by \$2,500 & increase 7141-201 (Furn) by \$2,500

A7140-323 (Chemicals) by \$6,000 & increase 7140-222 (Park Equip) by \$6,000

RESOLUTION NO. (933-2002) 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. (934-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Section 22-2A of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to a rotary club desiring to dispense alcoholic beverages on public property in the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the town Board hereby grants permission to the Congers/Valley Cottage Rotary's Art Auction to dispense alcoholic beverages in accordance with and subject to section 22-2A and 2B of the Town Code at:

Congers Community Center – Auditorium
 Saturday, November 23, 2002
 Gilchrest Road
 Congers, NY 10920

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. (935-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on October 28, 2002 that the position of Police Radio dispatcher (Computer-aided Dispatch) (Spanish-Speaking) – Police Department – can be created,

NOW, THEREFORE, BE IT

RESOLVED, that the position of Police Radio Dispatcher (Computer-Aided Dispatch) (Spanish-Speaking) – Police Department – is hereby created – effective November 13, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (936-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on October 1, 2002 that the position of Account Clerk Typist (part-time) #0004 – Building Department – can be reclassified to position of Senior Account Clerk Typist (Part-time),

NOW, THEREFORE, BE IT

RESOLVED, that the position of Account Clerk Typist (part-time) – Building Department – is hereby reclassified to the position of Senior Account Clerk Typist Part-time) – effective and retroactive to October 14, 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. (937-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Lucy Gelman-DiDomenico, 59 Green Road, West Nyack, New York, is hereby appointed to the position of Senior Account Clerk Typist (part-time) - Building Department – at the current 2002 hourly rate of \$18.00 effective and retroactive to October 14, 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. (938-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on October 21, 2002 that three (3) positions of Police Officer – Clarkstown Police Department – can be created,

NOW, THEREFORE, BE IT

RESOLVED, that the three (3) positions of Police Officer – Clarkstown Police Department – are hereby created – effective January 1, 2002.

RESOLUTION NO. (938-2002) 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. (939-2002)

Co. Smith offered and Co. Maloney 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., Ellen Burns, 65 South Greenbush Road, West Nyack, New York – Senior Recreation Leader, Parks Board and Recreation Commission, is hereby granted a Sick Leave of Absence – at one-half pay – effective and retroactive to October 28, 2002 to November 28, 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. (940-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, John W. Coyle, Safety Manager, has requested permission to attend the PERMA Regional "Slips, Trips and Falls" Meeting being held in Fishkill, New York, on November 21, 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes John W. Coyle, Safety Manager, to attend the PERMA Regional Meeting being held in Fishkill, New York, on November 21, 2002, at no expense to the Town.

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. (941-2002)

Co. Lasker offered and Co. Maloney seconded

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

FURTHER RESOLVED, that said libraries shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 each for the calendar year 2002.

New City Library \$3,000

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. (942-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Charles E. Holbrook, as Supervisor of the Town of Clarkstown is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreational trails Program, in an amount not to exceed \$100,000., and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Clarkstown for Congers Lake Trailway Extension Project.

AND FURTHER RESOLVED that the Congers Lake trailway extension Project is to be located in Congers, New York within the territorial jurisdiction of this Town Board of Clarkstown, and that the Congers Lake Trailway Extension Project is to be located on land owned by the Town of Clarkstown and it will be maintained by the town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (943-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a soil settlement condition exists in a storm drain line within a Town drainage easement in the vicinity of 30 Freund Street, Nanuet, New York, and

RESOLUTION NO. (943-2002) continued

WHEREAS, the Department of Environmental Control has recommended televising the line to determine the possible cause of the problem, and

WHEREAS, the Department of Environmental Control has obtained a proposal for the televising and video recording of the line.

NOW, THEREFORE, BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire General Sewer Service, P.O. Box 81, Hackensack, New Jersey 07602 to perform the televising and video recording of the storm drain line in accordance with their proposal dated October 24, 2002, and

BE IT FURTHER RESOLVED, that the cost for the televising and video recording shall be \$900.00 per day and one (1) day is anticipated to complete the work plus an additional \$300.00 for the use of a pan and tilt camera to thoroughly inspect the pipe joints, and

BE IT FURTHER RESOLVED, that the total cost for the work shall not exceed \$1,200.00 and shall be a proper charge to account H 8743 409 0 68 2.

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. (944-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a soil settlement condition exists adjacent to a storm drain line within a Town drainage easement in the vicinity of 324 Old Route 304, New City, New York, and

WHEREAS, the Department of Environmental Control has determined that the adverse condition is caused by ground water adjacent to the storm drain line resulting in numerous sink holes throughout the easement, and

WHEREAS, the Department of Environmental Control has recommended the excavation of the soil adjacent to the line be replaced with crushed stone to ameliorate the adverse condition, and

WHEREAS, the Department of Environmental Control has obtained proposals from qualified contractors to perform the required work, and

WHEREAS, the proposal submitted by Cal Mart Enterprises, Inc. was found to be the lowest responsible proposal, and

WHEREAS the proposed work is required to protect the integrity of the storm drain line and the safety of the residents in the proximity of the easement.

NOW, THEREFORE, BE IT,

RESOLUTION NO. (944-2002) continued

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Enterprises, Inc. 357A Route 59, West Nyack, New York to perform the required work adjacent to the storm drain line in accordance with their proposal dated November 4, 2002, and

BE IT FURTHER RESOLVED, that the cost for the required work shall be \$14,441.00, and

BE IT FURTHER RESOLVED, that the Town will provide the required crushed stone for stabilizing the easement, and

BE IT FURTHER RESOLVED, that the total cost for the work shall not exceed \$19,941.00 and shall be a proper charge to account H 8752 409 0 76 32.

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. (945-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the current radio communication system for the Department of Environmental Control is antiquated and requires replacement for the proper operation of the department, and

WHEREAS, the Department of Environmental Control has obtained a proposal from Goosetown Communications for the replacement of the existing system with the Trunked Radio Repeater Service per the Rockland County Bid #01-137.

NOW THEREFORE, BE IT,

RESOLVED, that based upon the request of the Director of the Department of Environmental Control, the Town Board accepts the proposal of Goosetown Communications per Rockland County Bid #01-137 for Trunked Radio Repeater Service at a cost not to exceed \$1,176.00 per month, and

BE IT FURTHER RESOLVED, that the funds for same be charged to account A 8730 409.

On roll call the vote was as follows:

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

RESOLUTION NO. (946-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the current radio communication system for the Department of Environmental Control is antiquated and requires replacement for the proper operation of the department, and

WHEREAS, the Department of Environmental Control has obtained a proposal from Goosetown Communications for the replacement of the existing system with the Trunked Radio Repeater Service per the Rockland County Bid #01-131.

NOW THEREFORE, BE IT,

RESOLVED, that based upon the request of the Director of the Department of Environmental Control, the Town Board accepts the proposal of Goosetown Communications per Rockland County Bid #01-131 for replacement and enhancement of the Communications System at the Department of Environmental Control at a cost not to exceed \$42,376.00 , and

BE IT FURTHER RESOLVED, that the funds for same be charged to account H 8752 409 0 76 32.

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. (947-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, THE Department of Environmental Control may require additional equipment with operators to process leaves at the French Farms and Route 59 Composting Facilities, and

WHEREAS, the amount and period of rentals may vary during the leaf collection season, and

WHEREAS, the Department of Environmental Control has obtained proposals from qualified contractors for the rental of loaders with operators.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to rent loaders with operators from the following in accordance with their proposals dated November 8, 2002:

Organic Recycling, Inc
 117A Route 303
 Tappan, New York 10983
 Daily Rental Cost - \$540.00 per day

Organic Renewal, LLC
 895 Pulaski Highway
 Goshen, New York 10924
 Daily Rental Cost - \$720.00 per day

RESOLUTION NO. (947-2002) continued

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, New York 10994
Daily Rental Cost - \$1,000.00 per day, and

BE IT FURTHER RESOLVED, that the selection of loaders for rental purposes shall utilize Organic Recycling, Inc. first, Organic Renewal, LLC second and Cal Mart Enterprises, Inc. third, subject to the daily requirements of the Town and availability of equipment, and

BE IT FURTHER RESOLVED, that the cost for the rental shall be a proper charge to account SR 8160 443, and

BE IT FURTHER RESOLVED, that only a rental agreement with operators is contemplated for the leaf collection season with all work being performed under the direct supervision 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 Yes
Supervisor Holbrook Yes

RESOLUTION NO. (948-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, silt has deposited in a section of streambed within a town easement resulting in a flooding condition behind 32 Promenade in New City; and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to remove the silt from the streambed; and

WHEREAS, the Department of Environmental Control has received three proposals in response to its solicitation and, upon review, found the proposal submitted by MRJ Excavating, Inc. to be the lowest responsible proposal.

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

MRJ Excavating, Inc.
7 Beaver Court
New City, New York 10956

To perform this work in accordance with their proposal for an amount not to exceed \$2,235.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account A 8730 409.

RESOLUTION NO. (948-2002) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (949-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Howard Lampert, Traffic Engineering Consultant, has studied the area of Lakeland Avenue in the vicinity of Lakewood School, Congers, New York, with regard to traffic safety and signage, and recommended in a report dated November 4, 2002 the installation and replacement of several traffic signs;

NOW, THEREFORE, be it

RESOLVED, that in accordance with said report the Town Board hereby authorizes Wayne T. Ballard, Superintendent of Highways, to install or replace the following signs:

1. "No Outlet" sign (W18-C) on the north bound side of Beechwood Drive just north of Amanda Lane;
2. "Stop" sign (R1-1C) and "Stop Line" on the eastbound side of Amanda Lane at Lakeland Avenue;
3. Replace faded or missing "No Parking, Monday thru Friday, 8 AM to 4 PM" signs (P1-4C) at the following location the west side of the street:
 - (a) One sign at Beechwood Road, north of Amanda Lane
 - (b) One sign at Beechwood Road, opposite Amanda Lane
 - (c) One sign at Beechwood Road, south of Amanda Lane
 - (d) One sign at Lakeland Avenue, north of Amanda Lane
 - (e) One sign at Lakeland Avenue, at the southwest corner of Amanda Lane of south of Amanda Lane
 - (f) Five signs Lakeland Avenue, south of Amanda Lane,

On roll call the vote was as follows:

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

RESOLUTION NO. (950-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, has reviewed the proposal of Brooker Engineering dated October 7, 2002, for the preparation of a study report (HEC-2 analysis) on flooding of the tributary to the Hackensack River, and finds it acceptable for the Town Board's consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the BROOKER ENGINEERING, P.L.L.C., in a form satisfactory to the Town Attorney, for the preparation of an analysis described in said proposal, and be it

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

FURTHER RESOLVED, that the compensation of Brooker Engineering, P.L.L.C. for such services shall be pursuant to its proposal dated October 7, 2002, (Phase I - \$15,000.00; Phase II subject to further negotiation) which fee shall be charged to Account No. H 8739-409-0-60-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (951-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Resolution No. 434-2002, adopted May 14, 2002, The Professional Landscape Association of Rockland County, 19 Short Hill Road, New City, New York 10956, proposed to enter into an Adopt-A-Road Agreement for a two- year period commencing May 14, 2002 and terminating May 14, 2004, to adopt a .89 mile segment of Germonds Road, from the intersection of Route 304 to the intersection of South Little Tor Road, New City, New York, approved by Superintendent of Highways, and,

WHEREAS, by The Legislature of Rockland County Resolution No. 655-2002, setting a date for a public hearing amending the County Official Map to add a county road Germonds Road, from Route 304 to North Middletown Road, Town of Clarkstown and to remove as county roads Old Hempstead Road (County Route 80B), from Middletown Road to New Hempstead Road, Old North Middletown Road (County Route 33B), which begins and ends on North Middletown Road, and Old Kings Highway (Discontinued portion of Route 13), Town of Clarkstown, which was approved on October 1, 2002 meeting of the full Legislature, thereby removing the aforesaid segment of Germonds Road from the Town of Clarkstown, and,

WHEREAS, in place of adopting the Germonds Road segment, The Professional Landscape Association of Rockland County, requests adopting a .54 mile segment of McCarthy Way, West Nyack, from the intersection of Parrott Road to the intersection of Strawtown Road, West Nyack,

RESOLUTION NO. (951-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into a new agreement, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt the McCarthy Way, West Nyack, segment and install signs identifying the volunteer group adopting said segment, and to provide and coordinate services by The Professional Landscape Association of Rockland County, to remove trash from the roadways.

On roll call the vote was as follows:

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

RESOLUTION NO. (952-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator,

NOW, THEREFORE be it

RESOLVED, that the Town board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Central Drive Nanuet
 (Option 2 – Upgrade three (3) existing 100 watt, 4000 lumen mercury vapor fixtures with three (3) 70 watt 5800 lumen sodium vapor fixtures and install one (1) 5800 lumen sodium vapor street light – existing utility pole number 58844/40610)

and be it

FURTHER RESOLVED, that the installation of this municipal street light shall be at no cost to the Town of Clarkstown, and that an annual charge for basic fuel delivery; which charge shall include maintenance of this street lighting equipment, will be at \$82.56 for each 5800 lumen sodium vapor fixture, which shall be charged to Account No. SL 5182 461.

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. (953-2002)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that upon the recommendations of the Deputy Director of the Department of Environmental Control and the Highway Superintendent of the Town of Clarkstown, Maintenance Bond, in the form of a Letter of Credit in the amount of \$5,696.00, in connection with the dedication of the road(s) and improvements on November 13, 2001, in a subdivision known as Leftgate Properties, is hereby terminated; and the Letter of Credit may be released to the guarantor.

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. (954-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the resident at 1 Nuthatch Lane in West Nyack (N/F Catalano) has registered a drainage complaint related to an existing drainage easement with the Town of Clarkstown; and

WHEREAS the Department of Environmental Control has inspected the location and determined that corrective work is required; and

WHEREAS, the Department of Environmental Control has prepared a plan for said corrective work; and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to perform said corrective work in accordance with said plan; and

WHEREAS, the Department of Environmental Control has received three responses to its solicitation and, upon review, found them to be acceptable;

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

Cal Mart Enterprises, Inc.
 357A Route 59
 West Nyack, New York 10994

to perform the corrective work on this project as per the plan prepared by the Department of Environmental Control in accordance with their proposal for an amount not to exceed \$9,898.00; and

Be It Further Resolved that this shall be a proper charge to account H 8752 409 0 76-34.

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. (955-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a complaint was received regarding a severe grade change on the north side of Division Street, west of Laurel Road in the hamlet of Central Nyack, and

WHEREAS, the edge of pavement of Division Street is at or close to the northerly right of way line of Division Street, and

WHEREAS, the proximity of the pavement to the ROW line creates the potential for a vehicle leaving the pavement to cause damage to private property beyond the ROW, and

WHEREAS, because of the unique situation at this location the Town Board is desirous of providing an additional measure of protection along the roadway,

NOW THEREFORE BE IT RESOLVED that the Highway Department is hereby directed to install guiderail at the north side of Division Street, east of Laurel Road, a length of approximately 175 linear feet.

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. (956-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board did authorize the Director of Environmental Control to retain the services of Tectonic Engineering and Surveying Consultants, P.C. by resolution 828-2002, dated September 24, 2002, and

WHEREAS, preliminary investigation indicated that additional field testing is necessary to accurately evaluate the in place construction, and

WHEREAS, the Department of Environmental Control has received a supplemental proposal from Tectonic Engineering Consultants to perform said field testing in the amount of \$1,872.00,

NOW THEREFORE, BE IT RESOLVED that Director of Environmental Control is authorized to retain Tectonic Engineering and Surveying Consultants, P.C. to provide Asphalt Coring & Laboratory Testing Services at a cost not to exceed 1,872.00, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number A 8730 409 0, and

BE IT FURTHER RESOLVED that this resolution is retroactive to and effective as of October 11, 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. (957-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board did authorize the installation of drainage improvements in the vicinity of Quarry Drive in New City by resolutions 655-2002 dated 7/23/02, and 864-2002, dated October 8, 2002, and

WHEREAS, some hand labor was required to execute the work,

NOW THEREFORE, BE IT RESOLVED that the maximum cost of work is increased by \$1,000.00 to a total amount of \$11,135.80, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number H 8752-409-0-76-19, and

BE IT FURTHER RESOLVED that this resolution is retroactive to and effective as of October 30, 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. (958-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board did authorize certain improvements in the vicinity of Farmhouse Road by Town Board Resolutions 385-, 525- and 658-2000, and

WHEREAS, the additional lawn restoration was required after the expiration of the maintenance period of the contract, and

WHEREAS, the Department of Environmental control solicited proposal from qualified landscaper to provide the restoration services necessary, and

WHEREAS, Danny Clapp Landscaping, Inc. provided a proposal in the amount of \$1,985.00 to perform said restoration,

NOW THEREFORE, BE IT RESOLVED that Director of Environmental Control is authorized to retain Danny Clapp Landscaping Inc. to perform landscape restoration at a cost of \$1,985.00, and

BE IT FURTHER RESOLVED that the amount shall be a proper charge to account number A 8749 409 0 73-5, and

BE IT FURTHER RESOLVED that this resolution is retroactive to and effective as of October 1, 2001.

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. (959-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Town Board Resolution # 555-2002 authorized the Director of the Department of Environmental control to retain the services of a private contractor to replace a storm drain line at 121 Helene Road in Valley Cottage; and

WHEREAS, existing plantings had to be removed in order to replace the storm drain line; and

WHEREAS, the Department of Environmental Control has solicited proposals from qualified contractors to install new plantings; and

WHEREAS, the Department of Environmental Control has received three proposals in response to its solicitation and upon review, found them to be acceptable;

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

KJS Hauling and Home Improvements
95 Maple Avenue
New City, New York 10956

To perform this work in accordance with their proposal for an amount not to exceed \$1120.00; and

BE IT FURTHER RESOLVED that this amount shall be a proper charge to account #A8511-409

On roll call the vote was as follows:

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

RESOLUTION NO. (960-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$546.75 from Kemper Insurance,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account A 01 8 2680 (Insurance Recoveries) by \$546.75 and Budgetary Account A 3120-406 (Police-Repairs to vehicles) by \$380.53 and A 3120-111 (Police-Overtime) by \$166.22 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT

RESOLUTION NO. (960-2002) continued

RESOLVED, to decrease A 1110-110 (Justice Court – Salaries) and increase A 1110-459 (Justice Court- EBT/Hearings) by \$3,000 and decrease SR 8160-443 (Sanitation-Private Equipment Rental) by \$9,000 and increase SR 8160-378 (Sanitation-Culvert/Pipes) by \$6,000 and SR 8160-312 (Sanitation-Auto Maintenance Supplies) by \$3,000.

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. (961-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown purchased property known as MAP 59.16-1-1, located at 400 Christian Herald Road, Valley Cottage, New York, through the Open Space Acquisition Initiative, from the estate of Costas Zacharakis, on November 8, 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes Charles F. Connington, Superintendent of Recreation and Parks, to seek proposals for the demolition of premises known and designated on the Clarkstown Tax Map as 59.16-1-1, formerly owned by the estates of Costas Zacharakis, which premises was recently acquired pursuant to the Town of Clarkstown Open Space Acquisition Initiative, and be it

FURTHER RESOLVED, that such proposal shall be subject to further approval by the Town Board, or in the event a bid is required, the Director of the Department of Environmental Control, shall prepare bid specifications for a public works project.

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. (962-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Industrial Development Agency (“RCIDA”) is authorized to acquire, construct, lease, improve and maintain projects for the purpose of promoting development and encouraging commercial facilities thereby advancing job opportunities, general prosperity and economic welfare of the people of Rockland County, and

RESOLUTION NO. (962-2002) continued

WHEREAS, the "RCIDA" has undertaken a project consisting of the acquisition of an existing building and renovations thereof, and acquisition and installation thereto of certain machinery and equipment, all to be used for a manufacturing facility and administrative offices located at 200 Brenner Drive, Congers, New York, and

WHEREAS, to facilitate this project, the "RCIDA" proposes to issue bonds, which bonds will be secured by a pledge of substantially all right, title, and interest of the "RCIDA" in, and to a lease agreement between the "RCIDA", BARONIA GROUP, LLC, B.C. FLYNN CONTRACTING CORP., and FISCHER FOODS OF NEW YORK, INC., and by a pledge of the income, rental, revenues and receipts derived by the "RCIDA" for this project, and

WHEREAS, the Town Board hereby authorizes the Supervisor to enter into a "payment in lieu of taxes agreement" (a pilot agreement) to be executed by all parties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with BARONIA GROUP, LLC, B.C. FLYNN CONTRACTING CORP., FISCHER FOODS OF NEW YORK, INC., THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, THE COUNTY OF ROCKLAND, AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY with respect to payment in lieu of taxes for property known on the Clarkstown Tax Map as 44.7-2-13.

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 10:05 pm.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/12/2002

8:15 PM

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

Re: Petition for Zone Change (LO to R-40) – Tilcon Minerals, Inc. (59.9-1-3)

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

Supervisor asked John Costa, Town Attorney, if he received the reports from the Town Planning Board and the County Commissioner of Planning. Mr. Costa replied they were received as well as the Affidavit of Publication from the Journal News. He read the memo dated October 31, 2002 from the Rockland County Department of Planning stating this matter is not under their jurisdiction and, therefore, they will not conduct any review pro or con. Mr. Costa also read the recommendation of approval from the Planning Board of the Town of Clarkstown. (Both documents are on file in the Town Clerk's office). Mr. Costa said he received a memo and a Short Form Environmental Assessment report prepared by Robert Geneslaw, Planning Consultant. Supervisor asked if the S.E.Q.R.A. is complete to which Mr. Costa replied that it is. Supervisor also asked Mr. Costa if the Town Board could vote on this tonight. Mr. Costa said it could as long as an Affidavit of Notice of Mailing has been completed by the applicant and filed with the Town Clerk. Mrs. Patricia Sheridan, Town Clerk, confirmed that it was done.

Supervisor asked the applicant to make his presentation.

Appearance: Bruce Rogers, Esq.
Attorney for Tilcon

The applicant would like to upgrade the zone. They have property which is an LO adjacent to a residential area where a one-family home is located. They would like to upgrade to R-40 which is the same zone the adjacent property has so that they may sell the property for residential use rather than laboratory use.

Supervisor opened the meeting for public comment.

Appearance: Frank Hackett
Valley Cottage

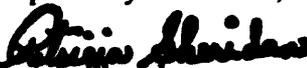
He asked for the exact location. Mr. Rogers said it is on the northern end of the Tilcon property and on the east side of Old Mill Road. Mr. Hackett also asked how many homes can be built on the property. Mr. Rogers replied that one more in addition to the existing house.

Mr. Costa confirmed that the S.E.Q.R.A. and the reference to the Comprehensive Plan is included.

There being no one further wishing to be heard, on motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the Public Hearing was closed at 8:20 PM.

RESOLUTION NO. 911 ADOPTED

Respectfully Submitted,


Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/12/2002

8:20 PM

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

Re: Chapter 111 (Unsafe Building) – Zeqir Qosaj

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

Supervisor Holbrook asked Mark Papenmeyer, Chief Fire Safety Inspector, to present his report. Inspector Papenmeyer distributed photographs of the property to the members of the Board. He said this hearing is a result of a fire that occurred on May 12, 2002 and an Order and Violation Notice to secure repair of the structure was issued to the owner on May 13, 2002. He said that on July 16, 2002, a letter was sent from his office informing the owner that additional securing was needed to ensure safety. On July 30, 2002, the owner applied for a demolition permit which could not be issued because the owner failed to submit the Asbestos Abatement Statements. On September 19, 2002, a re-inspection was conducted. Chief Papenmeyer read the report of the inspection. (On file in the Town Clerk's office)

On September 20, 2002 following this inspection, a request was made to the Town Board to institute these proceedings. On October 10, 2002, the property was posted with the Town Board Order and on November 11, 2002, a re-inspection was conducted. Chief Papenmeyer read the report as follows:

“The following is a report of inspection of the above property on November 11, 2002. The property is cluttered with trees which have been felled, tree stumps, long lengths of trees and tree branches. The structure since the last inspection has had some additional securing done to it including plastic installed over the roof. However, the entire structure is not secured in a manner required by this office. In addition, the rear door was unlocked and access could be easily gained. Debris from the fire still remains on the site, approximately six (6) liquid propane gas cylinders are on the site and not stored in an approved manner. Piles of black plastic trash bags are scattered around the property containing unknown material. Based on this inspection, it would be the recommendation of this office that the Town Board require the owner to comply with the following:

- 1) If the owner's plans are to rebuild, the owner must secure a building permit within ten (10) days. A building permit for the rebuilding must be applied for and issued within twenty (20) days and construction to begin within thirty (30) days.
- 2) If the building is to be removed, a demolition permit must be applied within twenty (20) days and demolition must begin within thirty (30) days.
- 3) All downed trees, logs and branches are to be removed or neatly cut up in stacks for future use within twenty (20) days.
- 4) All rubbish including black trash bags, debris from the fire and other garbage on the property be removed within twenty (20) days.
- 5) All LPG cylinders to be removed from the property within five (5) days.”

Chief Papenmeyer stated the above is his recommendation.

Co. Smith asked if someone was living in the house at the time of the fire. Chief Papenmeyer said the property was recently purchased and the owners were preparing to

move in before the fire. Co. Smith also asked how long the structure had been vacant. Chief Papenmeyer replied that he did not know.

Supervisor asked if the owner of the property was present. The owner was not present.

Supervisor opened the meeting for public comment.

Appearance: Stacy Casolaro
Hess Road

She distributed pictures to the members of the Town Board. She said she and her neighbors have several concerns such as the security and well being of their street. The aesthetic beauty of the street has been threatened. The owners were burning brush inside the house and the road is not being maintained. The house is not secured, the trees have been cut down. She wants the property cleaned up properly. She said the swimming pool does not have a fence around it and is a hazardous condition.

Supervisor said if it is an unsafe building and the owners do not attend to it, the Town will remove the building. Chief Papenmeyer said the house can be restored. John Costa, Town Attorney, said the resolution could include removal of the house if it is not restored.

Co. Mandia said the building should be sealed so that no one would enter into it. Co. Smith asked if the fire happened under the new owner.

John Costa said yes and the Title Insurance was transferred from Spears to Zeqir Qosaj. Countywide Homes holds the mortgage.

Appearance: John Gruber
84 Hess Road

He said he was nervous about the house across the street and concerned about what is inside the house. He does not want it to become a hangout. He is also concerned that the pool does not have a fence around it, and the road is impassable.

Appearance; Stacy Casolaro
73 Hess Road

She had seen the owners of the property this weekend and inquired as to their tax payments.

Appearance: Robert Freedman
79 Hess Road

He was concerned about the house and said that the owners were burning brush.

Supervisor said the owners would be ordered to clean the pool, remove the rubbish and the tanks within ten (10) days to correct the condition.

John Costa said to follow due process. The resolution provides that the Town Board retains jurisdiction over this matter, therefore, the Town Board is not going to close the public hearing tonight. This is an order which must be followed and if it is not, the Town Board is free to issue any appropriate orders as necessary.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the resolution issuing an order was adopted.

RESOLUTION NO. 915-2002 ADOPTED

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted the Public Hearing is to be continued on December 10, 2002. Time: 8:40 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/12/2002

8:45 PM

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

Re: Proposed Amendment to Chapter 278 (Vehicles and Traffic) of the Code of the town of Clarkstown

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

Supervisor Holbrook asked John Costa, Town Attorney, to briefly describe the proposed Local Law. Mr. Costa first stated that the Affidavit of Publication for Public Hearing was filed. He said this proposed Local Law is intended to correct an anomalous situation. The Town does require site plans for hospitals, shopping centers and other types of facilities to observe certain fire safety regulations, and to establish and mark fire zones. The proposed Local Law makes it clear that the owner of the property is required to pay for the installation of these signs and in the event they are removed, obliterated or obscured, and to restore them at the direction of the Chief Fire Safety Inspector of the Town of Clarkstown. The proposed law also provides for updated language with respect to the wording of the "No Standing Fire Lane" or "Fire Zone" Signs.

Supervisor said the law is designed to eliminate any loopholes there may be in replacing downed or missing signs. Eg. Handicapped, No Standing, etc.

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 8:50 PM.

RESOLUTION NO. 916 ADOPTED

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/12/2002

8:50 PM

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

Re: 2003 Preliminary Budget

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

Supervisor opened the meeting for public comment.

Appearance: Russell Trojan
Nanuet

He said Sr. Citizens will only receive one and a fraction percent increase in their Social Security. He said this budget is in excess of the two (2) million dollars promised by the Palisades Center if the referendum had been passed. He understands that the Town is bound by contractual agreements where salaries cannot be cut and the Town is opening a new community center. Mr. Trojan said the interest rates on money placed in a bank are very low.

Supervisor said the Town has added police officers and the maintenance of the Town's credit rating are contributing factors to this budget. Moody's Investors Services rates Clarkstown at a "Double A-3" which is an excellent rating. In August of this year, the Town affected a Bond issue in which that rating was maintained. This Bond rating speaks to the financial strength of the Town. This budget increases taxes by five (5) percent amounting to approximately \$96.00 for the average homeowner. The budget also provides for full services, the hamlet revitalization program, encompasses the Open Space program and the approximately two (2) million dollars in road services the Town conducts every year. Supervisor also said that the events of September 11, 2001 has heavily impacted insurance premiums.

Supervisor said that mortgage tax revenues have increased. Supervisor also said that Clarkstown's overall debt burden is below average per Moody's at 1.3% of full value and direct debt is only 0.7%. He also said the purpose of government is to protect life, liberty and property. He said if we cannot protect life, then our quality of life becomes worthless. He said that with all going on in the world, the Town needs specialization and intelligence gathering more than ever. Approximately 38% of the amount raised in taxes goes to public safety.

Co. Mandia said he has seen the dispatch reports and immediate attention is given when necessary.

Co. Smith said that a handful of appointed and elected officials are based on the contractual obligations. She said the Supervisor receives less salary than many other employees in the Town. She said the Council members spend much of their own time working on nights and weekends, paying for their stamps and mileage as well. She said over all the years, none of the salaries of the appointed or elected officials have been outrageously increased.

Appearance: Steven Levine
Congers

He said the Town Board is doing a fine job. He suggested the Town look for other sources of revenue such as builders, developers, and DEP permits. Supervisor said this has already been put in line with other Towns.

Appearance: Frank Hackett
President – Valley Cottage Civic Association

He said the members of the Civic Association want lower taxes. The elderly cannot afford to pay higher taxes. He said that a five percent increase is excessive and salaries should be frozen and those who have left should not be replaced. He inquired if members of Boards and Commission receive pensions and benefits.

Supervisor said this did not apply to Boards and Commissions. Co. Smith replied that one must work over 17 hours per week to be eligible.

Supervisor said that you must look one year ahead in preparation for a budget.

Co. Smith said that the Town is not going to hire anyone until April and the Town must retain a policy of hiring only people from Clarkstown.

Appearance: Rich Rauzi
West Nyack

He said he believed that four (4) years ago, taxes went down and even though the increases for the elected officials and Boards and Commissions would not impact the overall budget, it's a perception that it would.

Co. Smith we attempt to stabilize taxes with no spikes. Co. Mandia said that Clarkstown generates 70% of the sales tax in the County and we do not get our fair share.

Appearance: John Lodico
New City

He said that public officials should have a scale for increase and move up the scale as do CSEA employees. If an elected or appointed official is replaced, they should not be replaced at the same salary.

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

RESOLUTION NO. 917-2002 ADOPTED

Respectfully Submitted,



Patricia Sheridan
Town Clerk