

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/26/2002

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.

There was a Special Presentation honoring Town of Clarkstown employees who are retiring. Supervisor Holbrook said that some employees are taking advantage of the early Retirement Incentive that was offered by the State and adopted by the Town of Clarkstown. He said he is impressed by all of the years of service and he wished all of the retirees well. The Supervisor and the Council members presented certificates to the following retirees:

HIGHWAY

John Clune, Highway Maintenance Supervisor II, worked for the Town of Clarkstown since 1970.

George Drescher, Highway Maintenance Supervisor II, worked for the Town of Clarkstown since 1958.

Nicholas Galvani, Maintenance Equipment Operator II, worked for the Town of Clarkstown since 1983.

Robert Motter, Motor Equipment Operator II, worked for the Town of Clarkstown since 1970.

Bradford Odell, Laborer, worked for the Town of Clarkstown since 1971.

Nicholas Pagliuca, Highway Maintenance Supervisor I, worked for the Town of Clarkstown since 1969.

Alexander Rinaldi, Motor Equipment Operator I, worked for the Town of Clarkstown since 1970.

Harriet Rothermel, Service dispatcher P.W., worked for the Town of Clarkstown since 1979.

Randall Scott, Motor Equipment Operator II, worked for the Town of Clarkstown since 1966.

Royal Starkey, Highway Maintenance Supervisor I, worked for the Town of Clarkstown since 1967.

PARKS AND RECREATION

Patrick Dineen, Custodian I, worked for the Town of Clarkstown since 1986.

Bruce Kanarich, parks Maintenance Director, worked for the Town of Clarkstown since 1976.

Antonio Leto, Groundskeeper, worked for the Town of Clarkstown since 1985.

Ann Slingsby, Senior Recreation activity Specialist, worked for the Town of Clarkstown since 1969.

DEC

Vincent DeCarlo, Automotive Mechanic I, worked for the Town of Clarkstown since 1972.

Geraldine Kelly, Administrative Secretary, worked for the Town of Clarkstown since 1976.

TOWN ATTORNEY

Philip Fogel, Deputy Town Attorney, worked for the Town of Clarkstown from 1973-1983 and 1988-Present.

ASSESSORS

Margaret Whelan, Real Property Appraiser, worked for the Town of Clarkstown since 1978.

JUSTICE COURT

Dorothy Marshall-Andrade, Senior Clerk Typist, worked for the Town of Clarkstown since 1982.

Lucy Perutti, Principal Clerk, Steno, worked for the Town of Clarkstown since 1983.

PLANNING

Bridget McNamara, Administrative Aide, worked for the Town of Clarkstown since 1978.

MAINTENANCE

Thomas Russo, Custodial Worker, worked for the Town of Clarkstown since 1989.

PURCHASING

Laurence Kohler, Director of Purchasing, worked for the Town of Clarkstown since 1976.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted the public hearing re: Proposed local law – Congers Center Overlay, was opened, time: 8:15 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the public hearing re: Proposed local law – Congers Center Overlay, was closed, time: :9:25 p.m.

On motion of Co. Mandia seconded by Co. Lasker and unanimously adopted, the public hearing re: Historic Roads – Buena Vista Road, New City, Gilchrest Rd, Conger and Storms Rd, Valley Cottage was opened, time: 9:25 p.m.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Historic Roads – Buena Vista Road, New City, Gilchrest Rd, Conger and Storms Rd, Valley Cottage was closed, time: 10:00 p.m.

Supervisor opened the public portion of the meeting.

Appearance: John Cain
Congers

He spoke regarding Item 15 saying that since Hi Tor Road is both a private road and Town road the people should pay for paving done on the private portion.

Appearance: Ed Graybow
New City

He spoke on Item 2C saying he was in favor of the Stop Sign being installed. However, he questioned why stop signs would be put on undedicated streets.

Appearance: Dolores Lodico
New City

She spoke on Item 10 saying she worked for the Town for 23 years and only an amendment to the retirement date is being done. She inquired about her Home Rule Request.

Appearance: John Lodico
New City

He said his wife should get the grade she is entitled to.

RESOLUTION NO. (963-2002)

Supervisor Holbrook offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

"CONGERS HAMLET CENTER OVERLAY DISTRICT"

which amends Chapter 290 Town of Clarkstown Zoning Local Law General Use Regulations and General Bulk Regulations was introduced by Councilwoman Lasker, at a Town Board meeting held on October 8, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 8, 2002, directed that a public hearing be held on November 26, 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 November 19, 2002, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on November 15, 2002, and

WHEREAS, the Town Board of the Town of Clarkstown has reviewed the Environmental Assessment Form and report dated November 25, 2002, prepared pursuant to SEQRA, by its consultant Robert Geneslaw, and which the Board has discussed and considered in making its decision herein, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 26, 2002;

NOW, THEREFORE, be it

RESOLUTION NO. (963-2002) continued

RESOLVED, that based upon the November 25, 2002 report of Robert Geneslaw, 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 Local Law concerning the Congers Hamlet Center Overlay District 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 Local Law No. 14 - 2002 entitled:

"CONGERS HAMLET CENTER OVERLAY DISTRICT"

which amends Chapter 290 Town of Clarkstown Zoning Local Law General Use Regulations and General Bulk Regulation 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 No
- Supervisor Holbrook Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

The Local Law and S.E.Q.R.A. as a Negative Declaration was adopted by 4-1 vote.

RESOLUTION NO. (964-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Historical Review Board proposed that Gilchrest Road, Congers, New York, Storms Road, Valley Cottage, New York and Buena Vista Road, New City, New York, be designated as historic roads pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown, and

WHEREAS, a public hearing was duly noticed as required by law and held on November 26, 2002 to consider said proposal, and

WHEREAS, the Town Board of the Town of Clarkstown has received a report, dated November 25, 2002, from its consultant Robert Geneslaw with respect to SEQRA review, which the Board has duly considered in making its decision herein;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that good cause having been shown, the roads known as Gilchrest Road, Congers, New York, Storms Road, Valley Cottage, New York and Buena Vista Road, New City, New York are hereby designated as historic roads pursuant to Chapter 25-3(C) of the Town Code of the Town of Clarkstown, and be it

RESOLUTION NO. (964-2002) continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (965-2002)

Co. Smith offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of November 12, 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. (966-2002)

Co. Lasker offered and Co. Smith seconded

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

A Stop sign on Cypress Street at Greenfield St. and a Stop sign
 On Greenfield St., at Mill Creek Rd., New City, NY

And be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (967-2002)

Co. Lasker offered and Co. Smith seconded

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

A W2-3 sign (see Section 232.1 of the NYS Manual of Uniform Traffic Control Devices) on the eastbound side of South Mountain Road before #88 South Mountain Road, New City with a panel underneath to read, "Driveway."

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (968-2002)

Co. Lasker offered and Co. Smith seconded

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

Two "Stop" signs:

1. On Lady Godiva Way at Long Meadow Drive
2. On Long Meadow Drive at King Arthur Court, New City, NY

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (969-2002)

Co. Lasker offered and Co. Smith seconded

WHEREAS, residents have reported problems with violations of Section 125-4-F of the Clarkstown Town Code occurring on public property adjacent to the Demarest Kill in the vicinity of Cranford Drive and Bush Court, New City, and

RESOLUTION NO. (969-2002) continued

WHEREAS, the Code Enforcement Officer and the Animal Control Officer have investigated and recommend the installation of "Dog Waste Prohibited" signs,

NOW, THEREFORE, BE IT

RESOLVED, that the Superintendent of Highways is hereby authorized to install two signs reading:

"Dog Waste Prohibited - Pursuant to Section 125-4-F of the Town Code of the Town of Clarkstown"

at the bridge abutments on Cranford Drive over the Demarest Kill and not directly in front of any residents' homes,

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (970-2002)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that based upon the request of James Comer, President of the Forest Brook Homeowners Association, the Superintendent of Highways is hereby authorized to:

Install "No Standing" signs on the island at the entrance to Forest Brook Road, Nanuet

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (971-2002)

Co. Lasker offered and Co. Smith seconded

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

PAINT a double yellow line on American Legion Way from Congers Road to Rte 304, New City, NY.

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (972-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, Letter of Credit No. 1926 issued by Union State Bank to Ascape Landscape and Construction Corp. in the amount of \$28,000, which was provided in connection with Bid No. 22-2002 - Commuter Parking Lot Maintenance, is no longer required as all work under the bid has been completed; and said Letter of Credit may be released, and be it

FURTHER RESOLVED, this resolution shall be retroactive to 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. (973-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #72-2002
EXTERIOR FIRE STAIR REPLACEMENT - TOWN HALL

RESOLUTION NO. (973-2002) continued

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (974-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

BID #62-2002
RENTAL OF TRUCKS BY HIGHWAY DEPT.

is hereby awarded to the following:

- 1. JOSEPH F. MUTINSKY, GEN. CONTRACTOR
65 NORTH GRANT AVENUE
CONGERS, NY 10920
PRINCIPALS: JAMES A. MUTINSKY
- 2. W. HARRIS & SON, INC.
37 WEST WASHINGTON AVENUE
PEARL RIVER, NY 10965
PRINCIPALS: WILLIAM H. HARRIS, JR.
ANTOINETTE R. HARRIS
- 3. PAT NAZARRO DISPOSAL
P.O. BOX 481
VALLEY COTTAGE, NY 10989
PRINCIPALS: PAT NAZARRO
- 4. CAL MART ENTERPRISES, INC.
357A ROUTE 59
WEST NYACK, NY 10994
PRINCIPALS: CARL V. WORTENDYKE
MARTIN C. WORTENDYKE
PETER T. WORTENDYKE
- 5. HERTZ EQUIPMENT RENTAL CORP.
49 WESLEY STREET
SOUTH HACKENSACK, NJ 07607
PRINCIPALS: JOSEPHINE FORD (FORD ESTATES)
LYNN F. ALANDT

RESOLUTION NO. (974-2002) continued

To be selected on an as needed lowest cost basis by the Superintendent of Highways as per the schedule of proposed costs on file in the Purchasing Department.

On roll call the vote was as follows:

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

RESOLUTION NO. (975- 2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, UNION STATE BANK has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 51.14, Block 1, Lot 61 (formerly known as 36-J-28), for the year(s) 1998/99, 1999/00, 2000/01, 2001/02 and 2002/03, and

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (976-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, PIER ONE IMPORTS, INC. v. THE ASSESSOR AND THE BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 4371/94, 4278/95, 4506/96, 5400/97 and 4597/98, affecting parcel(s) designated as Map 6, Block A, Lot 16.4 (57.65-1-10), commonly known as 150 Spring Valley Marketplace, Spring Valley, New York 10977, for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99, and

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

RESOLUTION NO. (976-2002) continued

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 6, Block A, Lot 16.4 (57.65-1-10) be reduced for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99 from \$546,600 to \$536,000 at a cost to the Town of \$792.68;

2. Reimbursement for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99 on the parcel described as Map 6, Block A, Lot 16.4 (57.65-1-10), as stated above, be made within (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

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

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. (977-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7141-301 (Food) by \$800.00 and to increase Appropriation Account A-7141-204 (Office Mac.) by \$800.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (978-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLUTION NO. (978-2002) continued

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller is hereby authorized to amend the 2002 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

THEREFORE, BE IT

RESOLVED, that the 2002 budget is hereby amended.

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. (979-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, O'SULLIVAN TREE CARE, INC. has petitioned the Town Board of the Town of Clarkstown to operate a recycling facility pursuant to the provisions of the Zoning Local Law of the Town of Clarkstown, Section 290-IIA, M District, Table 15, Column 3, Item 9, which is subject to Section 290-17R, on property designated on the Clarkstown Tax Map as 65.13-2-14, which property is located at 210 Western Highway, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the special permit application of O'Sullivan Tree Care, Inc. is hereby referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their review and recommendation, and be it

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

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on December 17, 2002, at 8:00 P.M., or as soon thereafter as possible, relative to the said the proposed Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (980-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 587-2002, which authorized a Home Rule Request for recalculation of Dolores Lodico's service credit and pension, is hereby amended to change the retirement year from 1993 to 1999.

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. (981-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 278, Section 13, of the Code of the Town of Clarkstown, at:

Tom's Shopping Plaza
368 New Hempstead Road
New City, NY 10956
(169-A-12)

By the installation of fire lane designations, and

WHEREAS, Steven Roeder as agent for the owner of the property has requested that the Town of Clarkstown install said fire lane designations,

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown, and be it

FURTHER RESOLVED, that this resolution is subject to the reimbursement to the Town for the actual cost of fabrication and installation of the recommended signs.

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. (982-2002)

Co. Lasker offered and Co. Smith seconded

WHEREAS, VERIZON has tendered a contract for the continuance of public pay telephone service in the vicinity of 63 South Main Street, New City, New York, at no charge to the Town of Clarkstown, and

WHEREAS, the Director of Automated Systems recommends that the Town Board accept said contract;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Director of Automated Systems, the Town Board hereby authorizes the Supervisor to execute a contract with Verizon, on behalf of the Town, in a form approved by the Town Attorney, with regard to the pay telephone located in the vicinity of 63 South Main Street, New City, New York, which shall not result in any charge 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. (983-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02112 Assistant Court Clerk (RC/NCP) which contains the name of Candyce Draper,

Now, therefore, be it

RESOLVED, that Candyce Draper, 20 Endicott Street, Congers, New York, is hereby appointed to the (Permanent) position of Assistant Court Clerk – Town Justice Department – a the current 2002 annual salary of \$52,009., effective and retroactive to November 18, 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. (984-2002)

Co. Mandia offered and Co. Lasker seconded

RESOLUTION NO. (984-2002) continued

WHEREAS, the Rockland County Personnel Office has certified on November 8, 2002 that the position of Data Entry Operator I (Seasonal) – Building Department – can be created,

Now, therefore, be it

RESOLVED, that the position of Data Entry Operator I (Seasonal) – Building Department – is hereby created, effective January 1, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (985-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has certified on November 8, 2002 that the position of Recreation Supervisor – Parks Board and Recreation Commission – can be created,

Now, therefore, be it

RESOLVED, that the position of Recreation Supervisor – Parks Board and Recreation Commission – is hereby created – effective November 27, 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. (986-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Clerk-Typist (Promotional) #02090E – which contains the name of Jacqueline M. Bambauer,

Now, therefore, be it

RESOLVED, that Jacqueline M. Bambauer, 1 South Park Lane, Nanuet, New York – is hereby appointed to the (Permanent) position of Senior Clerk Typist – Zoning Board of Appeals – at the current 2002 annual salary of \$37,514., effective and retroactive to November 25, 2002.

RESOLUTION NO. (986-2002) 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. (987-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Clerk-Typist (Promotional) #02090E – which contains the name of Elsie J. Coyne,

Now, therefore, be it

RESOLVED, that Elsie J. Coyne, 231 Richard court, Pomona, New York, is hereby appointed to the (Permanent) position of Senior Clerk-Typist – Purchasing Department – at the current annual salary of \$40,847., effective and retroactive to November 25, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (988-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Clerk-Typist (Promotional) #02090E – which contains the name of June A. Gabrielli,

Now, therefore, be it

RESOLVED, that June A. Gabrielli, 2 Hannah Lane, Valley Cottage, New York, is hereby appointed to the (Permanent) position of Senior Clerk-Typist – Personnel Office – at the current 2002 annual salary of \$31,522., effective and retroactive to November 25, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (989-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Senior Clerk-Typist (Promotional) #02090E – which contains the name of Stacey L. Hawver,

Now, therefore, be it

RESOLVED, that Stacey L. Hawver, 83 Snedeker Avenue, Congers, New York, is hereby appointed to the (Permanent) position of Senior Clerk Typist – Supervisor’s Office – at the current 2002 annual salary of \$31,522., effective and retroactive to November 25, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (990-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, by Resolution No. 731-1998, dated September 15, 1998, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 35.9-2-31 (formerly known as 98-A-9.68), commonly known as 10 Parliament Drive, New City, New York, to remove or rectify violations which were unsafe, dangerous and a threat to the safety and welfare of the community, and

WHEREAS, notice of such proceeding was given to the property owner by Order and Notice, dated October 8, 1998, which was also filed in the Rockland County Clerk’s Office on October 27, 1998 under Index No. 6886/98 as a Notice of Pendency, and

WHEREAS, the property owner did not correct the violations complained of in the Order and Notice, which resulted in the Town of Clarkstown periodically taking necessary steps to bring the property into compliance with the Town Code, and

WHEREAS, it is now necessary to refile the Notice of Pendency to provide statutory notice of the Town Board’s intent to levy charges incurred during the year 2002 to correct the violations referred to herein, against the year 2003 tax bill for the subject property, which expenses have not been reimbursed by the property owner, and

WHEREAS, said additional costs are \$1,375.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a supplemental Notice of Pendency, pursuant to Chapter 216 of the Town Code, with the Rockland County Clerk and to notify the Assessor to levy the amount of \$1,375.00 against the subject property on the next Town tax bill, if same remains unpaid on or before December 16, 2002.

RESOLUTION NO. (990-2002) 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. (991-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board wishes to study the feasibility of creating a Water and Sewer Improvement District along Hi Tor Road, from its intersection with South Mountain Road to and including the property owned by the Palisades Interstate Park Commission, for the purpose of improving fire safety and for environmental concerns;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Town Law Section 209-q(2), the Town Board hereby authorizes and directs the Director of the Department of Environmental Control of the Town of Clarkstown, to solicit competitive proposals and to retain the services of a licensed land surveyor to prepare a metes and bounds description for a possible Water and Sewer Improvement District to service and benefit all the properties presently using Hi Tor Road, from its intersection with South Mountain Road to and including the property of the Palisades Interstate Park Commission, and be it

FURTHER RESOLVED, that the cost of such survey shall be charged to Account No. H 8752-409-0-76-45, provided same does not exceed \$10,000 without further authorization from 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. (992-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Clarkstown Citizens' Advisory Committee for Open Space has recommended that the Town Board consider acquisition of premises designated on the Tax Map as 33.16-2-6, consisting of approximately 6.80 acres in New City, in the vicinity of the Davenport Preserve, as part of the authorized Town of Clarkstown Open Space Acquisition Program, and

NOW, THEREFORE, be it

RESOLUTION NO. (992-2002) continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (993-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, PARTNERS IN SAFETY, INC. has submitted a proposal for the renewal of an agreement with the Town of Clarkstown, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and

WHEREAS, the Town Board wishes to renew said contract;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with Partners in Safety, Inc., 800 Route 17M, Middletown, New York, for the period commencing January 1, 2003 and terminating on December 31, 2003, in a form satisfactory to the Town Attorney, to provide alcohol and drug testing of safety-sensitive employees, including transportation employees and those holding commercial driver's licenses, and be it

FURTHER RESOLVED, that the agreement shall provide for contract indemnification and professional and other liability insurance coverage, as required by the Town Attorney, and be it

FURTHER RESOLVED, that the annual fee for the year 2003, for such services, shall be \$3,898.50, in accordance with said proposal, and additional hourly fees shall be charged to Account No. A 9000-409.

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. (994-2002)

Co. Smith offered and Co. Mandia seconded

RESOLUTION NO. (994-2002) continued

RESOLVED, that resolution No. 60-2001 Bid 45-2000 Lake Nanuet Improvements 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, Maser Consulting, the Project Architect and Charles F. Connington, Supt. of Recreation and Parks recommend that the following change orders (see attached) be hereby approved and ,

WHEREAS, the change orders were required to improve the safety and well being of the facility users and it is anticipated that United Water will be requiring use of K-crete piping for water line that will necessitate an additional Change Order estimated at \$21,000.

NOW, THEREFORE BE IT RESOLVED, that it is recommended that the approved agreement between West Con for the General Construction component of the Lake Nanuet Improvement project in the amount of \$716,354.00 be increased to \$829,079.90 and the approved agreement between Eagle Electric for the Electrical Construction component of the Lake Nanuet Improvement project in the amount of \$223,000 be increased to \$225,904, and

BE IT FURTHER RESOLVED, that all expenses be charged to account H-8749-400-409-73-12.

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. (995-2002)

Co. Smith offered and Co. Mandia seconded

RESOLVED, THAT resolution No. 402-2002 Bid 38-2002 Construction of the building egress at Congers Community Center is hereby amended to reflect the additional cost of the Change Order in connection with the General Construction.

WHEREAS, Ward Associates, P.C., the Project Architect and Charles F. Connington, Supt. of Recreation and Parks recommend that the following change order (see attached) be hereby approved and,

WHEREAS, the change order was required to improve the drainage of the existing community center and modify the door alarm system to create a safe situation in the community center.

NOW, THEREFORE, BE IT RESOLVED, that it is recommended that the approved agreement between Cal Mart Enterprises, Inc. in the amount of \$55,555 be increased to \$63,526.23, and

FURTHER RESOLVED that all expenses be charged to account H-8751-409-75-25.

RESOLUTION NO. (995-2002) 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. (996-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Rockland County Executive and the Rockland County Division of Environmental Resources have informed the Town of Clarkstown that the New York State Department of State has filed an objection to the Certificate of Approval issued by the Federal Energy Regulatory Commission for construction of the Millennium Pipeline, portions of which have already been constructed in Rockland County and which utilize existing utility corridors to minimize impact on the Rockland County community, and

WHEREAS, the New York State Department of State has apparently suggested three alternative routes that the pipeline could utilize, including use of CSX Railroad right-of-way or the Palisades Interstate Parkway right-of-way in the Village of Pomona, and traveling as much as approximately ten (10) miles alongside said Parkway, and thereafter crossing Tallman State Park and the Piermont Marsh prior to crossing the Hudson River into Westchester County, and

WHEREAS, for the reasons set forth herein the Town Board of the Town of Clarkstown wishes to enter its strong objection to the possible relocation of the Millennium Pipeline and to join with Rockland County and all other affected communities to oppose same;

NOW, THEREFORE, be it

RESOLVED, that the Town Board supports the efforts of Rockland County, its County Executive, C. Scott Vanderhoef, and the Division of Environmental Resources of Rockland County, in opposing any alternative routing of the Millennium Pipeline as recommended by the New York State Department of State, and in particular the suggestion that the pipeline be located so as to run parallel through any portion of the Palisades Interstate Parkway property, and be it

FURTHER RESOLVED, that the Town Board is of the opinion that the following rationale supports its determination:

1. The Palisades Interstate Parkway (PIP) is a designated evacuation route and is part of the Indian Point Evacuation Plan; should any emergency occur simultaneously with an incident or casualty affecting the pipeline, the effect could be catastrophic to Rockland County residents and prevent evacuation of thousands of individuals.
2. The PIP is designed for passenger vehicles and in the event of a casualty involving the pipeline, emergency services and repair vehicles would not be able to easily access the right-of-way.
3. The construction of the pipeline in the PIP wooded buffer parallel to the roadway would disrupt road crossing and interfere with emergency services, impact the normal traffic utilizing said roadway, and may result in the pipeline being subject to premature failure due to traffic impacts.

RESOLUTION NO. (996-2002) continued

4. The loss of the wooded buffer in the PIP right-of-way would result in sound, visual, and air quality impacts to adjacent residents; such impacts would include, and would not be limited, to the increase of respiratory illness, reduction of homes values and loss of open space.

5. Construction of the pipeline would negatively impact the PIP, as well as being contrary to and detrimental to status of the Parkway which is listed on the National Register of Historic places.

6. The PIP has been designated a scenic byway by the New York State Department of Environmental Conservation, and any construction in the wooded buffer would reverse many of the elements that contributed to said designation as a scenic byway.

7. Construction activities in the PIP property would adversely affect the drainage and paving improvements recently completed at great cost to the taxpayers and would greatly inconvenience motorists using the Parkway.

8. The route designed by the Secretary of State as "Alternative No. 1 - Palisades-Dobbs Ferry" would (a) directly affect about 225 single family homes along the route due to the loss of wooded buffer along the PIP, and indirectly affect at least double that number. (b) Also affected would be the Village Green Condominium development with 112 units, at least one church, and possibly the Hillcrest Elementary School.

9. The route designed by the Secretary of State as "Alternative No. 2 - CSX Railroad-Route 117" would (a) disrupt freight train activities in the Haverstraw Tunnel, directly affect about 170 single family homes and 155 condominium units, and about double that number indirectly. (b) Would cross Gilchrest Road, a Town designated historic road, abut Congers Lake Park (Town park), be perilously close to Lake DeForest Reservoir, the only surface water supply for Rockland County, cross steep mountainous property adjacent to the Mountainview Nature Park (County park), follow Storms Road, a designated Town historic road; cross mountainous terrain between Christian Herald Road and Route 9W, dropping down the Palisades escarpment through lands designated for open space protection, and east of Route 9W through the Marydell church property and through or adjacent to Hook Mountain State Park. (c) An alternative to this route continues along the CSX right-of-way past Lake DeForest Dam, close to the Village of Nyack water treatment plant and a large Orange & Rockland Utilities facility, and continues south parallel to Western Highway, crossing the Hackensack River several times. This alternative would affect about the same number of single family homes.

10. The route designed by the Secretary of State as "Alternative No. 3 - Thruway-Algonquin ROW - PIP/Thruway Intersection with Route 240" would (a) directly affect 25-50 single family homes and up to 100 multi-family dwellings and 106 senior citizen units, depending on whether the alignment is on the north or south side of the Thruway. (b) In the event of explosion or fire along the Thruway it is likely that this vital highway would be shut down.

(c) An alternative variation would have the pipeline follow Route 304 south of the Thruway, crossing Townline Road. This would directly affect up to about thirty homes in Clarkstown, depending on whether the pipeline is east or west of Route 304. This alternative would threaten and likely result in environmental impacts on Lake Nanuet Park, a major recreational facility in the Town of Clarkstown,

and be it

RESOLUTION NO. (996-2002) continued

FURTHER RESOLVED, that the Town Clerk shall send a certified copy of this Resolution to the Rockland County Executive, C. Scott Vanderhoef; Executive Director of the Palisades Interstate Park Commission, Carol Ash; Secretary of State of New York, Randy A. Daniels, and to the United States Department of Commerce Secretary, Donald Evans.

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. (997-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID#4-2003
PAPER & PLASTIC SUPPLIES

is hereby awarded to:

SOFCO, INC.
702 POTENTIAL PKWY
SCOTIA, NY 12302
PRINCIPALS: A PUBLIC CORPORATION

BORDA PRODUCTS
80 BRUCKNER BLVD
BRONX, NY 10454
PRINCIPALS: ZOLTAN WIEDER
DAVID BORDA

COUNTRY COFFEE PAPER & SUPPLY
6 EAST DEXTER PLAZA
PEARL RIVER, NY 10965
PRINCIPALS: LOM VAIL
TOM CARECCIA

MT. ELLIS PAPER CO
P.O. BOX 4083
NEW WINDSOR, NY 12553
PRINCIPALS: SEYMOUR KAPLOWITZ
CLIFFORD KAPLAN

ALL AMERICAN POLY
40 TURNER PLACE
PISCATAWAY, NJ 08854
PRINCIPALS: GEORGE PSCHERHOFER
JACK KLEIN

RESOLUTION NO. (997-2002) continued

INTERBORO PACKAGING CORP
114 BRACKEN ROAD
MONTGOMERY, NY 12549-2600
PRINCIPALS: EDITH JEREMIAS
ABRAHAM JEREMIAS

as per the item/price schedule on file in the Town Clerk's Office.

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. (998-2002)

Co. Lasker offered and Co. Maloney seconded

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

BID #69-2002
CURBSIDE COLLECTION AND DISPOSAL OF
RESIDENTIAL RECYCLABLE MATERIALS

is hereby awarded to:

CONO RECYCLING
142 ROUTE 9W
CONGERS, NY 10920
PRINCIPAL: PAT NAZZARO
CHARLES CAPASSO

as per their proposed cost of \$3.75 per household per month and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director of Purchasing of the following in conformity with the bid specifications:

- 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.

RESOLUTION NO. (998-2002) 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. (999-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Martus Granirer, Esq. has proposed to provide additional legal services as Special Counsel with respect to the Town of Clarkstown Open Space Acquisition Initiative, beyond the services previously authorized by Resolutions No. 89-2002 and No. 745-2002, and

WHEREAS, the Town Board desires to retain Mr. Granirer as Special Counsel subject to the terms and conditions set forth herein;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes additional funding for said Special Counsel not to exceed \$15,000.00, to be compensated at the hourly rate of \$200.00, plus reasonable and necessary expenses for a term commencing on August 27, 2002 and ending December 31, 2002, provided that a contract in a form approved by the Town Attorney, is executed prior to submitting any voucher for payment, and the required General Liability, Workers' Compensation, Statutory Disability and Professional Liability Insurance Certificates are provided together with the contract, and be it

FURTHER RESOLVED, that Special Counsel shall provide monthly statements setting forth all activities engaged in on behalf of the Town and a monthly confidential report to the Town Board outlining all efforts taken on behalf of the Town Board, and be it

FURTHER RESOLVED, that all amount authorized pursuant to this Resolution shall be charged to Account No. H 8750-409-0-74-1.

On roll call the vote was as follows:

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

RESOLUTION NO. (1000-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Town Board resolution #1015-2001, after competitive proposals were obtained, authorized the installation of high-speed switching equipment for Town Hall and Police Headquarters by The Shoreline Group, a vendor on the New York Contractors' list, and

WHEREAS, Robert Stritmater, Director of Automated Systems, has proposed that similar high-speed switching equipment be installed in the Highway Department and Recreation Department by the same vendor to improve network performance and to accommodate an improved integrated telephone system, and

RESOLUTION NO. (1000-2002) continued

WHEREAS, the cost associated with including these departments are as follows:

1) Highway Department	\$22,061.15
2) Recreation Department	\$15,859.93
Total Cost	\$37,921.08

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes resolution #1015-2001 to include the purchase and installation of high-speed switching equipment in the Highway Department and Recreation Department at an additional cost of \$37,921.08, and be it

FURTHER RESOLVED, that the additional cost shall be charged to Account # H 8751 400 409 0 75-39.

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. (1001-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town Board authorized a last owner search of the Quaspeck Cemetery by Resolution adopted on March 12, 2002, and

WHEREAS, said search was performed by Hudson Valley Abstract Company, which advised that there was no mention of the cemetery by name in any deed of record, and that additional research was necessary to research other possible owners at an estimated cost of \$750.00 to \$1,000.00, and

WHEREAS, the Town Board wishes to have a thorough title search made;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to obtain additional owner search information of the Quaspeck Cemetery, located at 128-A Lake Road, Valley Cottage, New York, more particularly known as Map 52.16-3-23 (formerly 138-F-24), by the Hudson Valley Abstract Company, and be it

FURTHER RESOLVED, that the fee for said research shall not exceed the sum of \$1,500.00 without further authorization of the Town Board, which shall be charged to Account No. A 1420-409.

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. (1002-2002)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the accumulation of sediment in stream NJ1-13-1 in the vicinity of Gateway Avenue, Valley Cottage, New York is causing a adverse drainage condition for the residents on Pine Tree Court, Valley Cottage, and

WHEREAS, the removal and disposal of the sediment from approximately 100 feet of the stream and the cleaning of the culvert under Gateway Avenue will help to ameliorate the adverse condition, and

WHEREAS, the Department of Environmental Control has obtained three (3) proposals from qualified contractors to performed the necessary work, and

WHEREAS, the Department of Environmental Control has reviewed the proposals submitted and determined that the proposal submitted by KJS Home Improvements, 95 Maple Avenue, New City, New York, in the amount of \$2,600.00 is the lowest proposal, and

WHEREAS, the Department of Environmental Control recommends awarding the work to KJS Home Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire KJS Home Improvements, 95 Maple Ave, New City, New York to perform the required work in accordance with their lowest proposal amount of \$2,600.00, and

BE IT FURTHER RESOLVED, that the cost of the work shall be a proper charge to account H 8752 409 0 75 18 and shall not exceed \$2,600.00.

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 10:40 pm.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/26/2002

8:15 PM

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

Re: Proposed Local Law – Congers Center Overlay

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

Supervisor explained that this Public Hearing comes as an outgrowth of ideas and as a consequence of the work done by the Citizens Housing Advisory Committee. He said a number of citizens worked tirelessly for months on end and produced a report based on surveys sent to the residents of Clarkstown. It is an attempt to act first in one hamlet, and if successful, to move this concept to other hamlets. The intend is to help the hamlets to revitalize. This law applies only to the downtowns and to the LS zone.

Supervisor asked Mr. Costa if he had any reports from the County Commissioner of Planning and the Town Planning Board. Mr. Costa read the report from Robert Geneslaw, Planning Consultant. (On file in the Town Clerk's office) Mr. Costa said that the Affidavit of Service and Notice of Publication are also on file. Mr. Costa also read the recommendation from the Rockland County Department of Planning. (On file in the Town Clerk's office)

Supervisor asked Mr. Geneslaw to give his report. Mr. Geneslaw added that the floor area ratio requirement would not apply to the provision of apartments over stores. This is an incentive to encourage property owners to build the apartments over their stores. It also encourages constructing new buildings up to the front property line to avoid the suburban character of having parking in front of the store to make it more pedestrian friendly.

Mr. Geneslaw said the Town Department of Environmental Control has been working on plans to upgrade Congers Road which will provide for sidewalks, lighting, new curbs, drainage and other improvements that will accompany any changes made by property owners.

Supervisor asked Mr. Geneslaw if he foresees any negatives as a consequence of adopting this Local Law upon the groups identified in the Housing Advisory Committee's report such as seniors and others who are on fixed incomes.

Mr. Geneslaw said he does not. He pointed out that the Citizens' Advisory Board recognized there are multiple housing needs for seniors, young adults and other groups. The Advisory Board was looking for ways to suggest a variety of changes in the Town to meet the needs of these various groups and to provide more housing choices.

Supervisor also asked if adoption of this law would contribute to an overcrowding in the schools. Mr. Geneslaw said one of the concerns when the proposal was drafted was whether or not having children reside over stores would be generally desirable. The conclusion was that in general it would not.

Supervisor asked Mr. Geneslaw if he envisioned any enforcement problems by the Town's zoning officials in regard to the requirements of these particular units. Mr. Geneslaw responded that he did not think so because of the investments the property owner would be making.

Co. Lasker said she attended a conference in Washington where this is advocated and there are 1,700 Main Street Corporations throughout the United States and they all advocate having apartments over stores to revitalize downtowns.

Co. Mandia asked about the safety of such apartments. Mr. Geneslaw said the Building Inspector and Fire Inspector have reviewed the proposal.

Co. Smith asked Mr. Geneslaw if this is limited to two (2) floors in the proposal. Mr. Geneslaw replied that for existing buildings it would be limited to one additional floor over the ground floor retail space. New buildings could have retail on the ground floor with two (2) stories above.

Supervisor opened the meeting for public comment.

Appearance: John Lodico
New City

He said that if there are going to be three (3) story structures to accommodate groups that include seniors, it is advisable to provide an elevator in the building.

Appearance: John Cain
Congers

He referred to the recommendation from the Planning Board. He sees the Overlay Zone as urbanization and expressed concern for the appearance of these buildings in 30 years. He likened the appearance to streets in Brooklyn and Queens. He said that one-bedroom apartments does not necessarily mean there will not be any children living in them. He also said that couples will have two (2) cars. He asked why there is a rush to do this.

Appearance: Ed Graybow
New City

He complimented the efforts of the Board in recommending mixed use zoning. He said it is important to look for alternative housing. He referred to Tenafly and Englewood, New Jersey which have housing to meet the needs of the population. He said it is important to address the appearance of the buildings.

Appearance: Joe Schlimer
New City

He said he owns a major property in West Nyack, the Clarksville Corners. He has six (6) apartments on that property and when he puts a sign out advertising a vacancy, he receives four to five (4-5) calls per day. He said it is important to determine if a building is conducive to having an apartment. He is in favor of the proposal and would like to see it in West Nyack.

Appearance: Jerry O'Rourke
President of Congers Civic Association
Congers

He asked why they are not receiving official notifications of these proposals. Supervisor said that the information will be provided. He asked why Congers is only being considered for this project. He is concerned about new structures having a higher level and asked if the height could be regulated to second story. He asked if a store owner could tear down the building and rebuild it to three (3) stories.

Mr. Geneslaw replied that the intention is to encourage retail on the ground floor and develop a better pedestrian environment. He said one way of accomplishing this is to retain retail and services businesses on the ground floor. Putting apartments on the ground floor would be inconsistent with the plan.

Co. Mandia asked if an existing owner were allowed to have one floor above it, could it be torn down and rebuilt to a three-story. Mr. Geneslaw said it would be allowed but there must be retail on the ground floor.

Mr. O'Rourke asked if this overlay would also be done on Route 303. Supervisor replied that the idea is to keep it to the downtown LS zone areas where local shopping is available. Mr. O'Rourke said he commends the Board for addressing the hamlets as they have been long neglected and ruined in past years. Supervisor said this is the intention of the Town Board to attempt to provide help to the small business owners by setting the stage for improvements. He said that many Hamlet centers are surrounded by residents who are within walking distance of those centers. The idea is to encourage people to walk into Town for various reasons other than just to pick one item. This project offers the opportunity for creativity in the hamlet.

Co. Lasker said that this is an added component of the revitalization already in progress such as the sidewalks and the Congers Depot. She said she has visited Westfield, Ridgewood and Westwood, New Jersey and found they all allowed the mixed use zoning with much success. She said this has proven to be a boon to small towns throughout the country. She recommends conformity in the design of the structures and landscaping.

Mr. O'Rourke asked if the bids were awarded for the sidewalks. Supervisor said that they were not. They were sent to the County Highway Commission and then will go out to bid.

Appearance: Larry Kigler
New City

He is in favor of the proposal. He hopes it will bring the towns back to what they were years ago. He applauds the Board for moving ahead on this.

Appearance: George Hoeman
Nanuet

He is favor of this proposal. He said that from 1999 to 2000, the senior population in Rockland has increased by 16%, while the population from age 20 – 29 has decreased by 29%. He said that young people are leaving the county because they cannot find affordable housing. He sees this as one of a number of possible solutions to this issue and would like to see it extended to the other hamlets. He said that the volunteer services are in need and he fears that if housing needs for young adults are not addressed, there will be a crisis. He asks the Board to consider other possible solutions such as accessory housing, inter-municipal agreement, etc.

Co. Smith said that all agree to revitalize all of the hamlets and in Congers there already is a mixed use, although much of it needs to be improved. She said that the only ones that are successful are those having parking areas. She said that a library would very much contribute to the success of revitalizing Congers. She would also like to see a senior complex in the area. She recommends to table and close the public hearing this evening and go back to work on it further. She is voting no not because she is against the revitalization, but because it is a big project and not enough has been done to benefit the downtown and the people of Congers.

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was closed at 9:25 PM.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/26/2002

9:25 PM

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

Re: Historic Roads – Buena Vista Road, New City, Gilchrest Road, Congers and Storms Road, Valley Cottage

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

Supervisor Holbrook explained that this is an outgrowth of part of the Master Plan of designation of other Clarkstown roads as historic roads. He said the attempt is to designate these roads so that they can maintain into the future their characteristics as rural country roads. However, necessary safety improvements and maintenance will continue on these roads.

Supervisor opened the meeting for public comment.

Appearance: Zippy Fleisher
New City

She said what has been done to Main Street is unconscionable. She spoke about the Wildlife Preserve saying that due to all of the development, the wildlife is gone. She said consideration should be given to people such as herself who have an investment in the place where they live. She spoke about the septic tanks and wells and said that installing sewers would be difficult in her area because of the mountains. She also said there are no gas stations in her area consequently having no pollution. She discouraged greater density and more building. She loves her area and does not want it disturbed.

Appearance: David Sugar
Buena Vista Road
New City

He thanks the Board for this effort and he is favor of designating Buena Vista Road as historic. He said the residents received a card asking if they wanted sewers installed which were misleading. He said the septic systems and well water are working well for the majority of the residents and they do not want sewer hook-ups.

Supervisor said that the issues of sewers on Buena Vista Road will be a local determination. If the people do not want the sewers, they will not be put in.

Appearance: Ira Emanuel, Esq.
Representing Fellowship Church
New City

He is concerned with the proposal to extend the historical designation all the way to New Hempstead Road. He submitted photographs showing the entire length of Buena Vista Road from New Hempstead Road to Conklin Road and back.

Appearance: Gerry Asquith
Buena Vista Road
New City

She is in favor of designating the road as historic because of the lovely nature of the road. She said that the entire length of the road from New Hempstead Road to Saw Mill should

be considered as it is a tree-lined road with some brick walls which make traveling on it very enjoyable.

Appearance: Barbara Coleman
Buena Vista Road
New City

She said she has lived on Buena Vista Road for 41 years. She is in favor of designating the road as historic as Clarkstown and New City need a green space. She said it is important to have country roads in New City. She asked if Buena Vista is on the map of the Historical Society.

Supervisor asked Robert Knight, the Town Historian, to respond to the question.

Mr. Knight said that Buena Vista Road shows on both the 1876 and 1854 maps of Rockland County. He said the Historical Society did a survey of the homes on Buena Vista Road and found that approximately twelve (12) homes dating back between the Revolutionary War and the Civil War. He said they are scattered from the southern end up to the northern end where the road turns into Saw Mill. He said the road goes back to the Revolutionary war period and possibly even earlier. It is one of the longest roads in Clarkstown being very narrow, lined with trees and brick walls.

Appearance: Joe Schlimer
New City

He is in favor of designating the roads as historic. He asked what the problem is with the Church.

Supervisor said if the road is designated, the Church has recourse by going to the Historical Review Board or the Zoning Board of Appeals.

Mr. Schlimer suggested that signs be on the historically designated roads.

Appearance: Carmelita Muller
Buena Vista Road
New City

She is in favor of designating the road as historic. The properties have been developed without taking down the beautiful trees. She said living on Buena Vista Road affords a beautiful quality of life.

Appearance: Russell Trojan
Nanuet

He hopes that Convent Road will be considered in the future for historic road designation. He said one of the characteristics creating a problem on Gilchrest Road is the railroad crossing. He said the elimination of railroad crossings must take precedence over historic designation. He asked the Board to modify the resolution regarding Gilchrest Road to the area east of the West Shore Line. He said the west side of the road has no significant characteristics. He spoke about the safety issues of the railroad crossings.

Appearance: David Blake
Red Rock Road
New City

He asked if a walking path along Buena Vista could be constructed because it is very narrow and many people walk on the side of the road.

Mr. Costa said the underlying Local Law which the Town Board is utilizing for consideration of this road does allow for certain changes to be made with certificates of appropriateness from Town Officials. The Law does not preclude changes to the road;

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however, it raises the level of necessity to make a change. It would have to be established that it was appropriate to make the change. Supervisor interjected that another Public Hearing may be called if it was necessary to make a change on the road.

Supervisor read from a letter from Dr. and Mrs. Daniel Cohen who are in support of the historic designation. (On file in the Town Clerk's Office) He also said he received a call from Joan Gordon saying she is in favor.

Appearance: Frank Flash
Buena Vista Road
New City

He said the entrance to his house is on Beatrice Lane and those attending the Church block his driveway on Sunday morning.

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 10:00 PM.

Respectfully Submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. 964-2002 ADOPTED