

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/10/2002

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. Mandia seconded by Co. Maloney and unanimously adopted the public hearing re: Chapter 111 (Unsafe Building) Zeqir Qosaj, 87 Hess Rd, Valley Cottage, was continued, time: 8:00 p.m.

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted the public hearing re: Chapter 111 (Unsafe Building) Zeqir Qosaj, 87 Hess Rd, Valley Cottage, was continued, time: :8:29 p.m.

Supervisor opened the public portion of the meeting.

Appearance: Joe Hannes, Vice President
Downtown New City Corp.
New City

He spoke regarding Item #9. He listed the membership and explained the proposal. He said he met with Alex Gromack and discussed the \$100,000 grant for the Valley Cottage, Congers and New City project. He said \$10,000 was requested now for the Public Relations brochure but the Downtown New City Corporation will do it for free.

Appearance: Ed Day, President
Little TOR Civic Association

He spoke regarding Item #9. He objected to the direction this is taking and to taking the shopping center down. The last time the County wanted to bring New Hempstead Road through, the stores were empty for along time. He asked the Town Board should table this resolution.

Appearance: John Lodico
New City

He spoke regarding Item #9. He said the grant from the state is to the Town; not private organizations. The money must be processed through the Comptrollers office.

Appearance: Jim Cropsey
New City

He spoke regarding Item #9. He is the past president of the Chamber of Commerce. He asked that Item #9 be placed on hold and he is opposed to taking down shopping center. He said that none of the Civic Associations and Chamber of Commerce were not consulted. He also said that Co. Lasker should abstain from the vote since she is member of the Downtown New City Corp.

Appearance: Martin Bernstein
New City

He spoke on Item #6, the retirement incentives saying they should not be replaced unless it is essential. He asked for an explanation of Item #10. In regard to Item #13, he said that Dr. MacGuffie's property is zoned for R160 and should not be considered for open space. He said the New City Civic Association is in favor of Item #9 and he distributed a report from 1967. He also said he received a report from Steven Levine regarding an illegal house in Congers.

Appearance: Ed Graybow
New City

He spoke on Item #9 saying that Main Street, New City should be revitalized. In regard to Item #6, the retirements, the Town should assess the need for these positions and he suggested having a moratorium on new positions.

Appearance: Jeff Sassoon
New City

Spoke about Old Route 304 and Goebel Road saying there were two fatalities there. He said there is a telephone pole there that is dangerous. He asked what is being done in Congers.

Appearance: Maria Jansen
Congers

She suggested that the town hire a consultant since the town has a master plan, there is a need for a master design.

RESOLUTION NO. (1003-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Resolution No. 832-2002, dated September 24, 2002, 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, 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, and the public hearing was duly held on the 12th day of November, 2002, and continued on December 10, 2002, and

WHEREAS, on November 12, 2002, the Town Board directed the Fire Inspector to make a reinspection of the property and submit a report to the Town Board regarding compliance with its Order, and

WHEREAS, said report indicates that the building has not been properly secured, in that sheets of plywood and particleboard have been loosely attached over the openings which makes for easy removal; and in addition, the downed trees, branches and stumps, as previously reported, remain in place and pose a significant fire hazard, as reported by the Fire Inspector;

NOW, THEREFORE, be it

RESOLUTION NO. (1003-2002) continued

RESOLVED, that the Town Board hereby authorizes and directs the Fire Inspector to seek competitive proposals, after consultation with the Director of Environmental Control, to perform a structural examination of the property to determine if securing the building will provide adequate safeguards for the public, or in the alternative, to determine whether the building should be removed to protect the health, safety and welfare of the community, and also to provide for the immediate removal, after consultation with the Superintendent of Highways, of the remaining debris, including, but not limited to trees, branches and stumps, which, as reported by the Fire Inspector, pose a significant fire hazard, and be it

FURTHER RESOLVED, that the expenses of the proceeding, inspection(s), and remediation, and any other necessary action, be assessed as a lien against the property, in accordance with law, and be it

FURTHER RESOLVED, that the public hearing on this matter shall continue on December 17, 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. (1004-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of November 26, 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. (1005-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Chief of Police, Kevin Kilduff, has advised that Section 837-d of the Executive Law authorizes municipalities to apply for partial reimbursement of expenses incurred for the purchase of "soft body ballistic armor vests" for police officers, and

WHEREAS, the Chief of Police has recommended submission of an application for such reimbursement, which may result in an award in the amount of \$1,018.50 to reimburse for expenditures previously made by the Police Department;

RESOLUTION NO. (1005-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an application, pursuant to Section 837-d of the Executive Law, for the partial reimbursement to the Clarkstown Police Department in the amount of \$1,018.50, for expenditures incurred for the purchase of soft body armor for police officers.

On roll call the vote was as follows:

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

RESOLUTION NO. (1006-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, TILCON MINERALS, INC. v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 4039/99, 3951/00, 4624/01 and 5045/02, affecting parcel(s) designated as Map 35.10, Block 2, Lot 1 (formerly known as 98-A-9.1), and commonly known as 66-86 Scratchup Road, New City, and Map 35.10, Block 2, Lot 2 (formerly known as 115-A-5), and commonly known as 75 Scratchup Road, New City, for the years 1999/00, 2000/01, 2001/02 and 2002/03 and Map 59.10, Block 1, Lot 68 (formerly known as 90-A-1.4), and commonly known as 70 Crusher Road, West Nyack, for the years 2000/01, 2001/02 and 2002/03, 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

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

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 35.10, Block 2, Lot 1 be reduced for the year(s) 1999/00 and 2000/01 from \$674,100 to \$370,800 at a cost to the Town of \$8,851.67;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 35.10, Block 2, Lot 1 be reduced for the year(s) 2001/02 and 2002/03 from \$674,100 to \$337,050 at a cost to the Town of \$4,864.34;
3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 35.10, Block 2, Lot 2 be reduced for the year(s) 1999/00 and 2000/01 from \$2,772,200 to \$1,524,700 at a cost to the Town of \$36,407.71;

RESOLUTION NO. (1006-2002) continued

4. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 35.10, Block 2, Lot 2 be reduced for the year(s) 2001/02 and 2002/03 from \$2,772,200 to \$1,386,100 at a cost to the Town of \$20,007.31;

5. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 59.10, Block 1, Lot 68 shall remain unchanged for the year(s) 2000/01, 2001/02 and 2002/03;

6. Reimbursement for the year(s) 1999/00, 2000/01 and 2001/02 on the parcels described as Map 35.10, Block 2, Lot 1 and Map 35.10, Block 2, Lot 2, 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;

7. 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. (1007-2002)

Co. Smith offered and Co. Maloney seconded

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

BID #6-2003 – JANITORIAL/MAINTENANCE SUPPLIES

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on DECEMBER 30, 2002 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (1008-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, K. Luke Kalarickal, P.E., Director of Department of Environmental Control, recommends the hiring of Tectonic Engineering & Surveying Consultants, P.C., in accordance with its proposal dated September 5, 2002, to provide engineering services for the Strathmore Creek Remediation Project in the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Tectonic Engineering & Surveying Consultants, P.C., in a form approved by the Town Attorney, to provide engineering services for the Strathmore Creek Remediation Project in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost for said services shall not exceed the sum of \$57,200.00 and shall be charged to Account No. H 8749-409-0-73-27.

On roll call the vote was as follows:

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

RESOLUTION NO. (1009-2002)

Co. Mandia 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 an extension of her Sick Leave of Absence – at one-half pay – effective November 28, 2002 to December 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. (1010-2002)

Co. Mandia 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., John J. Deery, 17 Meadowlark Drive, West Nyack, New York – Senior Groundsworker, Parks Board and Recreation Commission, is hereby granted a Sick Leave of Absence – at one-half pay – effective and retro active to November 7, 2002 to December 7, 2002.

RESOLUTION NO. (1010-2002) 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. (1011-2002)

Co. Mandia 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., Kathleen E. Fredericks, 8 Centenary Church Road, New City, New York – Police Radio Dispatcher (CAD) – Police Department – is hereby granted a Sick Leave of Absence – at one half pay – effective December 11, 2002 to January 11, 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. (1012-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Rita Maklin, 4 Maplewood Lane, New City, New York, is hereby appointed to the position of (Provisional) Administrative Secretary – Department of Environmental Control – at the current 2002 annual salary of \$52,009., effective and retroactive to December 2, 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. (1013-2002) & RESOLUTION NO. (1014-2002) VOID

RESOLUTION NO. (1015-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished certification of Eligibles #02089 Senior Clerk Typist, which contains the name of Phyllis J. Feder,

RESOLUTION NO. (1015-2002) continued

Now, therefore, be it

RESOLVED, that Phyllis J. Feder, 61 Kings Highway, Congers, New York, is hereby appointed to the (Permanent) position of Senior Clerk Typist – Receiver of Taxes Office – at the current 2002 annual salary of \$27,162., effective December 23, 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. (1016-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02089 Senior Clerk Typist, which contains the name of Elizabeth A. Kelly,

Now, therefore, be it

RESOLVED, that Elizabeth A. Kelly, 3 Edgebrook Court, New City, New York, is hereby appointed to the (Permanent) position of Senior Clerk – Department of Environmental Control – at the current 2002 annual salary of \$27,162., effective December 16, 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. (1017-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02089 Senior Clerk Typist which contains the name of Pasqualina Rausa,

Now, therefore, be it

RESOLVED, that Pasqualina Rausa, 7 Worthington Court, West Nyack, New York, is hereby appointed to the (permanent) position of Senior Clerk Typist – Town Justice Department – at the current 2002 annual salary of \$27, 162., effective December 30, 2002.

RESOLUTION NO. (1017-2002) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (1018-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02089 Senior Clerk Typist, which contains the name of Maureen Santamaria,

Now, therefore, be it

RESOLVED, that Maureen Santamaria, 11 Joyce Drive, New City, New York, is hereby appointed to the (Permanent) position of Senior Clerk Typist – Town Justice Department – at the current 2002 annual salary of \$27,162., effective December 30, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (1019-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of John W. Clune, Jr., 781 Brookridge Court, Valley Cottage, New York – Highway Maintenance Supervisor II – Town of Clarkstown Highway Department – is hereby accepted – effective and retroactive to November 29, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (1020-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of George C. Drescher, 31 Parrott Road, West Nyack, New York - Highway Maintenance Supervisor III - Clarkstown Highway Department - is hereby accepted - effective and retroactive to November 29, 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. (1021-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Nicholas J. Galvani, 146 South Conger Avenue, Congers, New York - Motor Equipment Operator II - Town of Clarkstown - Highway Department - is hereby accepted - effective and retroactive to November 29, 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. (1022-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Robert A. Motter, 956 W. Kaisertown Rd., Montgomery, New York - Motor Equipment Operator II - Town of Clarkstown Highway Department - is hereby accepted - effective and retroactive to 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. (1023-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Bradford G. O'Dell, 2 Dutch Lane, Apt. 2M, Spring Valley, New York - Laborer - Town of Clarkstown Highway Department - is hereby accepted - effective and retroactive 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. (1024-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Nicholas S. Pagliuca, 148 Lake Road, Valley Cottage, New York - Highway Maintenance Supervisor I - Town of Clarkstown Highway Department - is hereby accepted - effective and retroactive to November 29, 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. (1025-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Alexander A. Rinaldi, 23 Glenside Drive, New City, New York - Motor Equipment Operator I- Town of Clarkstown Highway Department - is hereby accepted - effective and retroactive to November 29, 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. (1026-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Harriet A. Rothermel, P.O. Box 522, Fort Montgomery, New York – Service Dispatcher (Public Works) – Town of Clarkstown Highway Department – is hereby accepted effective and retroactive to November 29, 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. (1027-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Randall H. Scott, 49 Second Street, New City, New York – Motor Equipment Operator II – Town of Clarkstown Highway Department – is hereby accepted – effective and retroactive to November 29, 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. (1028-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Royal Starkey, Jr., 6 Randall Street, Florida, New York 10921 – Highway Maintenance Supervisor I – Town of Clarkstown Highway Department – is hereby accepted – effective and retroactive to November 29, 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. (1029-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of John R. Westervelt, 4 Brookside Avenue, Nanuet, New York – Highway Maintenance Supervisor I – Town of Clarkstown Highway Department – is hereby accepted – effective and retroactive to November 29, 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. (1030-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Patrick J. Dineen, 29 The Rise, Congers, New York, Custodian I – Parks Board and Recreation Commission – is hereby accepted – effective and retroactive to November 29, 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. (1031-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Bruce Knarich, 916 Ashland Street, Valley Cottage, New York, Parks Maintenance Director – Parks Board and Recreation Commission – is hereby accepted – effective and retroactive to November 29, 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. (1032-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Antonio Leto, 96 South Conger Avenue, Congers, New York – Groundskeeper – Parks Board and Recreation Commission - is hereby accepted – effective and retroactive to November 29, 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. (1033-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Ann M. Slingsby, 46 Briarwood Drive, New City, New York – Senior Recreation Activity Specialist (Seasonal) – Parks Board and Recreation Commission – is hereby accepted – effective and retroactive 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. (1034-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Geraldine J. Kelly, 60 Klein Avenue, West Nyack, New York, Administrative Secretary – Department of Environmental Control – is hereby accepted – effective and retroactive to November 29, 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. (1035-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Phillip B. Fogel, 6 Ravenswood Court, West Nyack, New York, Deputy Town Attorney – Town Attorney’s Office – is hereby accepted – effective and retroactive to November 29, 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. (1036-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Margaret M. Whelan, 6 Acorn Terrace, New City, New York, Real Property Appraiser – Assessor’s Office – is hereby accepted – effective and retroactive to November 29, 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. (1037-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Lucy Perutti, 7 Gloria Court, New City, New York – Principal Clerk Stenographer – Town Justice Department – is hereby accepted – effective and retroactive to November 29, 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. (1038-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Bridget McNamara, 119 Laurel Road, New City, New York, Administrative Aide (Planning) – Planning Department – is hereby accepted – effective and retroactive to November 29, 2002.

RESOLUTION NO. (1038-2002) 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. (1039-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Thomas Russo, 3 Glen Rose Court, West Nyack, New York, Custodial Worker – Building Maintenance Department – is hereby accepted – effective and retroactive to November 29, 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. (1040-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Laurence R. Kohler, 10 Calvary Dr., E., New City, New York, Director of Purchasing – Purchasing Department – is hereby accepted – effective and retroactive to November 29, 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. (1041-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board, via resolution 617-2002, has previously awarded a contract for the subject project in the amount of \$844,021.00 to Hudson Canyon Construction, Inc.; and

WHEREAS, relocation of the existing subsurface utilities is required in conjunction with the Briarcliff Road Culvert replacement phase of this project; and

RESOLUTION NO. (1041-2002) continued

WHEREAS, at the request of the respective utility companies, the subsurface utilities are to be incorporated into conduits installed in the roof of the new precast concrete culvert; and

WHEREAS, this has resulted in a design change from the original plan for this precast concrete culvert; and

WHEREAS, this design change has resulted in an increase in the cost of the new culvert; and

WHEREAS, Hudson Canyon Construction, Inc. has submitted a change order on contract in the amount of \$4,830.00 reflecting the increase in cost for the design change; and

WHEREAS, the Department of Environmental Control has reviewed the change order on contract and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the allowance for this contract be increased from \$844,021.00 to \$848,851.00 to include this change order on contract; and

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8749 409 0 73-22.

On roll call the vote was as follows:

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

RESOLUTION NO. (1042-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Clarkstown Police Chief, Kevin Kilduff, has advised that the State of New York Governor's Traffic Safety Committee of the Department of Motor Vehicles, has approved a grant application from the Clarkstown Police Department (Gant No. CS-4450112), for the purpose of participating in the "Child Passenger Safety Program" for the period from October 1, 2002 through September 30, 2003, and

WHEREAS, the State shall provide \$6,500 to the Town of Clarkstown for said purposes;

NOW, THEREFORE, be it

RESOLVED, that on the recommendation of Clarkstown Police Chief, Kevin Kilduff, the Town Board hereby authorizes the Supervisor to accept a grant award of \$6,500.00, from the State of New York, Governor's Traffic Safety Committee, Department of Motor Vehicles, for the purpose of participating in the "Child Passenger Safety Program," for the period from October 1, 2002 through September 30, 2003, by the Town of Clarkstown Police Department.

RESOLUTION NO. (1042-2002) 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. (1043-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Resolution No. 930-2002, adopted by the Town Board on November 12, 2002, the Town Attorney was authorized to seek temporary construction easements from property owners at Branchville and Old Mill Roads, Valley Cottage for the purpose of improving sight distance at said corner, and

WHEREAS, one of the properties affected by said easement is owned by John Mrsich, designated on the Clarkstown Tax Map as 59.5-1-18 (formerly known as 92-A-34), and more commonly known as 53 Branchville Road, and

WHEREAS, it is necessary to obtain the services of a licensed land surveyor to mark out the requested easement area on Mr. Mrsich's property;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to obtain the services of a licensed land surveyor to mark out the necessary easement on Mr. Mrsich's property, and be it

FURTHER RESOLVED, that the fees for such services shall be charged to Account No. A 3320 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. (1044-2002)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Director of the Department of Environmental Control has advised that Letter of Credit No. 2035, issued by Provident Bank to Daniel Cusack, Inc., d/b/a Cusack Landscaping, in the amount of \$17,700, provided in connection with Bid No. 23-2002 - 2002 Site Maintenance Project, is no longer required as all work under the bid has been completed;

NOW, THEREFORE, be it

RESOLUTION NO. (1044-2002) continued

RESOLVED, that Letter of Credit No. 2035 is hereby released as performance security for Bid No. 23-2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (1045-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Lands of Hess, the Planning Board of the Town of Clarkstown requested that 2 ½ acres of LIO property be dedicated to the Town of Clarkstown for open space, and

WHEREAS, Dennis M. Letson, Deputy Director of the Department of Environmental Control, has recommended acceptance of the conveyance as the subdivision map was filed on September 9, 2002; and the Town Attorney has advised that all documents are in proper legal form;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Deputy Director of the Department of Environmental Control of the Town of Clarkstown, deed dated June 4, 2002 from Martin Feldi to the Town of Clarkstown, gratuitously conveying 2 ½ acres fronting on Tramquill Avenue, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (1046-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has been requested by Dr. Martha MacGuffie, 591 and 595 South Mountain Road, New City, New York, to consider the acquisition of a portion of her property, designated on the Tax Map as 34.8-1-7.1 and 34.8-1-7.3, consisting of approximately 21 acres of land, for the Town of Clarkstown Open Space Acquisition Program, and

NOW, THEREFORE, be it

RESOLUTION NO. (1046-2002) 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 its reasonable market value.

On roll call the vote was as follows:

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

RESOLUTION NO. (1047-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board meetings and the Town Board Workshop meetings, for the year 2003, shall be held at the Clarkstown Town Hall on Tuesday nights, except where noted, on the following days:

TOWN BOARD MEETINGS
8:00 P.M. - Auditorium

WORKSHOP MEETINGS
7:30 P.M. - Room 311

January 6 (Monday-Reorganization)
January 14 - 28
February 11 - 25
March 11 - 25
April 8 - 15
May 13 - 27
June 10 - 24
July 22
August 12
Sept. 9 - 23
October 14 - 28
November 18 - 25
December 9 - 16
December 31 (Wednesday at 12:00 Noon)

January - 21
February 4
March 4 - 18
April 1
May 6 - 20
June 3 - 17
July 15
August 5
Sept. 2 - 16
October 7 - 21
November -
December 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. (1048-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, planned improvements to Old Phillips Hill Road, New City may require the reconstruction and possible relocation of a retaining wall presently located within the Town's right-of-way, and

RESOLUTION NO. (1048-2002) continued

WHEREAS, it is necessary to obtain permanent easements from the property owners adjacent to Old Phillips Hill Road, and

WHEREAS, Jade Abstract Company, Inc. has provided title reports to the Town of Clarkstown on properties owned by Linda Kleban, 47 Old Phillips Hill Road, and Julian Reyes and Rowena Reyes, 41 Old Phillips Hill Road, at a total cost of \$1,254.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment of \$1,254.00 to Jade Abstract Company, Inc. for said title services, which shall be charged to Account No. H 8752-409-0-76-20.

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. (1049-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, James Stock, President of SAVAGE EQUIPMENT COMPANY, INC., 852 Warwick Turnpike, Hewitt, New Jersey, has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the issuance of a Certificate of Registration for the year 2002, to:

No. 02-26 - SAVAGE EQUIPMENT COMPANY, INC.

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. (1050-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS on July 9, 2002, the Town Board authorized the Supervisor to enter into an agreement with Lawler, Matusky and Skelly Engineers, LLP for preparation of a Phase I Environmental Site Assessment for the above premises; and

RESOLUTION NO. (1050-2002) continued

WHEREAS on September 24, 2002, the Town Board authorized an agreement with Lawler, Matusky and Skelly Engineers LLP to conduct Phase II of the Environmental Site Assessment for the above premises; and

WHEREAS the Phase II Environmental Site Assessment indicates petroleum contamination at the above site;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Director of the Department of Environmental Control to submit application for the Assessment Grant under the Brownfields Program.

On roll call the vote was as follows:

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

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 9:50 p.m..

Respectfully submitted,
Patricia Sheridan

Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/10/2002

8:00 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, 87 Hess Road, Valley Cottage, NY,
Lot 59.8-1-10 (fka 123-A-13) (continued from November 12, 2002 Town Board
Meeting)

Supervisor Holbrook read into the record the report from the Fire Inspector recommending removal of the debris. (On file in the Town Clerk's office) A portion of the report is as follows:

- All LPG tanks have been removed
- All the black plastic trash bags have been removed. I am unable to verify that all other debris has been cleaned up due to snow cover.
- The building has not been secured properly. Sheets of plywood and particleboard have been loosely attached over the openings. This makes it very easy to remove the plywood or particleboard. The wood should cover the entire opening and be screwed into place from the interiors. The rear door remains unsecured.
- No building permit for the re-building of the structure has been applied for.
- The demolition permit applied for in July remains un-issued, as the owner has failed to supply the Building Department the required asbestos abatement certification.
- The trees, branches and stumps remain as previously reported and pose a significant fire hazard as well as an unattractive eyesore.

Supervisor said that two (2) issues were at hand: the issue of the building and removal of debris from the property. He said the Town may not be at the point of authorizing the removal of the building because if the owner does secure the building, he is in compliance with the Fire Inspector. Also, it would have to be determined if the structure is unsound, and address the issue of asbestos as well. Supervisor asked John Costa Town Attorney for comment.

Mr. Costa said based on the previous hearing where the Fire Inspector testified that the building could be repaired, he has not received a report pursuant to Section 114 of the Town Code establishing that the building is so unsafe and dangerous to require its removal. Obviously the owner has ignored the order of the Town Board to secure the building and it would be appropriate at this point to order that work be done on behalf of the property owner and the cost be assessed against the property. The trees, branches and stumps which remain and present a significant fire hazard can be ordered removed by the Town with the cost to be levied against the premises. Mr. Costa recommended not removing the building at this point.

Co. Mandia asked Fire Inspector Mark Papenmeyer if the LPG tanks and black trash bags had been removed because the owner realized that proceedings were going on to have them removed. Mr. Papenmeyer replied that the owner removed them as a result of the Public Hearing held on November 12, 2002. Mr. Costa added he received a call from someone who identified himself as the property owner who was aware of what the Town Board was seeking and did have notice of these proceedings. Co. Mandia further asked Mr. Papenmeyer if the owner is in the process of removing the stumps and the branches, and securing the building. Mr. Papenmeyer replied that he spoke with owner once after the Public Hearing. He said the owner has little interest in the property at this time. He applied for a demolition permit in July and he has not followed through by not supplying the asbestos abatement form.

Supervisor asked Mr. Costa that if the Town authorizes Requests for Proposals for the work on the property, could the structural integrity of the building be checked at the same time. Mr. Costa said that it could be done.

Co. Smith asked if it has been ascertained that there is a mortgage holder on the property. Mr. Costa said that it had been and the holder had been notified by Certified Mail of the Hearing. A copy of Town's Order was also served on the holder. Mr. Costa also said that the record does not support an action to remove the structure at this time. If the Town does so, it could expose the Town to liability.

Supervisor recommended that Donald Letson, Assistant Director of Environmental and Peter Beary, Building Inspector make a structural determination.

Chief Papenmeyer said that securing the building is only a temporary measure. It then places a burden on the Town as it becomes the manager for the property. Supervisor said that if a structural determination could be made by the January 15, 2003 meeting, a decision could be made then.

Chief Papenmeyer asked if the Board will authorize the solicitation of bids to remove brush and debris.

Co. Smith asked if a third party could make that recommendation rather than the Town making the decision to remove the structure. Mr. Costa said there is no legal requirement that the Town must hire an outside consultant as that is at the discretion of the Town Board.

Co. Maloney asked who is libel for any injuries or accidents which may occur on the property. Mr. Costa said that generally the owner is responsible for the maintenance of the property. If the Town takes an action and it is wrong, the Town is libel.

Supervisor told Chief Papenmeyer that if he has a recommendation by the December 17th meeting, the Town Board will make an authorization.

Supervisor opened the meeting for public comment.

Appearance: John Lodico
New City

He said that pursuant to Sec. 111, the Town has all of the power to do what needs to be done on the property and the hours and cost can be assessed.

Co. Mandia if the owner or a representative of the owner is present. Supervisor replied that no one is present.

Co. Maloney said that if the situation on the property is that bad, the question could be raised later as to why immediate action was not taken.

Co. Mandia recommended passing a resolution to have Chief Pappernmeyer secure bids and authorizing Supervisor Holbrook to approve it. Mr. Costa said Chapter 111 does not repeal the Constitutional provisions that "you may not take private property without just cause."

There being no one further wishing to be heard, on motion of Co. Smith, seconded by Co. Maloney, the Public Hearing is to be continued on December 17, 2002. Time: 8:27 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk