

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

12/17/2002

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) Proceeding: Qosaj, 87 Hess Road, Valley Cottage was continued, time: 8:10 p.m.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted the public hearing re: Chapter 111 (Unsafe Building) Proceeding: Qosaj, 87 Hess Road, Valley Cottage was TO BE CONTINUED, time: 8:17 pm

Supervisor Holbrook opened the public portion of the meeting.

Appearance: Dolores Lodico
New City

She spoke about her retirement and would like to meet with John Costa regarding it.

RESOLUTION NO. (1051-2002)

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 290-11A, 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, and

WHEREAS, a public hearing was scheduled on this matter for 8:00 p.m., December 17, 2002, and

WHEREAS, it appears that one or two persons who should have received statutory notice of the public hearing were missed;

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 979-2002, adopted by the Town Board on November 26, 2002, is hereby amended to alter the hearing date from December 17, 2002 to February 11, 2003, at 8:00 P.M., or as soon thereafter as possible, relative to the said proposed Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney readvertise 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, and be it

RESOLUTION NO. (1051-2002) continued

FURTHER RESOLVED, that the Rockland County Commissioner of Planning and the Clarkstown Planning Board be advised of the new date for said public hearing, and be it

FURTHER RESOLVED, that the attorney for the petitioner be notified to renotece all perimeter property owners as required by law, and file proof of service on or before February 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. (1052-2002)

Co. Maloney offered and Co. Mandia 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 17, 2002;

NOW, THEREFORE, it is

ORDERED, that the property owner is hereby directed to remove the remaining site debris, complete and obtain a demolition permit for the removal of the fire damaged building, and to remove the building by January 6, 2003, all to the reasonable satisfaction of the Fire Inspector, and be it

FURTHER RESOLVED, that failure to comply with the above Order shall subject the property owner to further Order of the Town Board, and be it

FURTHER RESOLVED, that the property owner shall reimburse the Town of Clarkstown in the amount of \$1,195.51 for the costs of this proceeding, and be it

FURTHER RESOLVED, that the sum of \$1,195.51 shall be assessed as a special assessment lien against the property with the 2003 Town tax bill, in accordance with law, and be it

FURTHER RESOLVED, that this matter is continued to January 6, 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. (1053-2002)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of December 10, 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. (1054-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants:

- H#1 - X10765H - w/s of Rt. 303 approx 600' n/o Hilltop Rd.
- H#2 - X10766H - w/s of Rt. 303 approx. 350' n/o Lakeward Avenue
- H#3 - X10767H - s/s of Lakewood Dr. approx 50' n/e of Rt. 303

Investigation No. 11973 and be it,

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

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. (1055-2002)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. 14-2002, adopted by the Town Board on January 3, 2002, is hereby amended to include the Provident Municipal Bank as a depository for funds deposited by the Supervisor, Town Clerk, Receiver of Taxes, Town Justices, Building Inspector, Department of Planning and Comptroller, and be it

FURTHER RESOLVED, that the bank set forth above shall be required to supply pledge collateral protection for Town funds which are not otherwise insured against loss.

RESOLUTION NO. (1055-2002) 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. (1056-2002)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown recently acquired the premises formerly used as the Congers Railroad Station and other commercial activities with the intent to create a public facility intended to complement the Congers Hamlet Center Revitalization Initiative, and

WHEREAS, the Town Board of the Town of Clarkstown has received the Short Environmental Assessment Form, pursuant to SEQRA, prepared by Luke Kalarickal, Director of the Department Environmental Control, which analyzes the intended improvements and which report the Board has discussed and considered in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the SEQRA report prepared by K. Luke Kalarickal, dated December 6, 2002, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed adaptive reuse restoration project known as the restoration and revitalization of Congers Station and Station Square, will not result in any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

On roll call the vote was as follows:

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

RESOLUTION NO. (1057-2002)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, based upon the recommendation of the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

Bid #5 – 2003 – Athletic and Recreation Supplies

ARC SPORTS, 487 Federal Road, Brookfield, CT 06804 for items #1, 2, 15, 16, 25, 35, 68, 111, 112, 115, 116 and 117, as per specifications at a net bid price of \$1,860.80.

BEL-AQUA POOL SUPPLY, INC., 750 Main Street, New Rochelle, NY 10805, for item #128, as per specifications at a net bid price of \$1,018.50.

RESOLUTION NO. (1057-2002) continued

FLAGHOUSE, 601 Flaghouse Drive, Hasbrouck Heights, NJ 07604, for items 7, 14, 19, 27, 28, 33, 34, 42, 50, 51, 53, 54, 55, 56, 57, 58, 59, 61, 62, 66, 67, 82, 91, 92, 94, 100, 105, 106, 108, 113, 123, 125, 126 and 130, as per specifications at a net bid of \$2,036.15.

KENMAR SHIRTS, 1578 White Plains Road, Bronx, NY 10462, for items #132, 136, and 137, as per specifications at a net bid of \$10,297.76.

MAINLY MONOGRAMS, 260 West Nyack Road, West Nyack, NY 10994, for items #4, 131, 138, 139, 150, 153, and 154, as per specifications at a net bid price of \$3,114.60.

METRO SWIM SHOP, 1221 Valley Road, Stirling, NJ 07980, for items #146, 147, and 148, as per specifications at a net bid price of \$4,113.00.

PASSIONS'S SPORTS (BSN), P.O. Box 49, Jenkintown, PA, 19046, for items #3, 5, 6, 9, 10, 12, 13, 18, 23, 26, 36, 37, 38, 41, 44, 45, 46, 47, 48, 60, 63, 65, 66A, 75, 76, 77, 83, 84, 85, 86, 87, 90, 93, 95, 96, 97, 99, 103, 104, 107, 114, 120, 121, 122, 124, and 129, as per specifications at a net bid price of \$5,167.75.

POP TOPS CO. INC., 10 Plymouth Drive, So. Easton, MA 02375, for items #133, 134, 135, 140, 141, 142, 143, 144, 149, 151, 152, 155, 156 and 157, as per specifications at a net bid price of \$14,510.50.

S&S WORLDWIDE, 75 Mill Street, Colchester, CT. 06415, for items #8, 11, 20, 21, 22, 24, 29, 30, 31, 49, 52, 69, 70, 71, 73, 74, 78, 79, 80, 81,88, 101, 103A, 109, 110, 118, 119, 127, as per specifications at a net bid price of \$2,802.79.

SPORTSMASTER, P.O. Box 5000, Pittsburgh, PA 15206, for items #39 and 89, as per specifications at a net bid of \$226.00.

SPORTIME, One Sportime Way, Atlanta, GA. 30340, for items #17, 32, 43, 72 and 98, as per specifications at a net bid price of \$1,994.75.

GROSS TOTAL FOR ALL ITEMS: \$47,142.60

FURTHER RESOLVED, that this amount \$47,142.60, be charged against accounts:

7140-222....	\$	570.42
7140-307....		914.36
7141-222....		2,703.61
7141-307....		552.42
7141-329....		5,371.83
7180-307....		6,992.96
7180-329....		2,040.27
7210-307....		180.00
7310-222....		2,243.66
7310-307....		19,000.52
7310-329....		6,071.35
7610-329....		360.00
7620-329....		141.20

TOTAL: \$47,147.60

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. (1058-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, THE CHASE MANHATTAN BANK, N.A. v. THE BOARD OF ASSESSORS, AND/OR THE ASSESSOR OF THE TOWN OF CLARKSTOWN AND THE BOARD OF ASSESSMENT REVIEW, Index No(s). 3784/98, 4270/99, 4065/00 and 4304/01 and JP MORGAN CHASE BANK, Index No. 4944/02, affecting parcel(s) designated as Map 43.15, Block 1, Lot 21, formerly known as 58-G-38 and more commonly known as 76 North Main Street, New City for the year(s) 1998/99, 1999/00, 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, RESOLVED, that:

- 1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 43.15, Block 1, Lot 21 be reduced for the year(s) 1999/00 from \$301,300 to \$264,900 at a cost to the Town of \$536.74;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 43.15, Block 1, Lot 21 be reduced for the year(s) 2000/01 from \$301,300 to \$239,900 at a cost to the Town of \$886.55;
- 3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 43.15, Block 1, Lot 21 be reduced for the year(s) 2001/02 and 2002/03 from \$301,300 to \$209,100 at a cost to the Town of \$1,330.83;
- 4. Reimbursement for the year(s) 1999/00, 2000/01 and 2001/02 on the parcel described as Map 43.15, Block 1, Lot 21, as stated above, be made within (90) 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;
- 5. The proceedings commenced by the petitioner respecting Map 43.15, Block 1, Lot 21 shall be discontinued for the year(s) 1998/99;
- 6. 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. (1059-2002)

Co. Mandia offered and Co. Smith seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has reviewed a proposal by Optio Software, Inc., for the Clarkstown Police Department, and has advised that said vendor is the only authorized source of software that can be used for the preparation of customized reports for the Department's Crimes Management System;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract with Optio Software, Inc., in a form approved by the Town Attorney, to provide said software to the Town, and be it

FURTHER RESOLVED, that the unit cost including annual license for said software shall be \$35,282.00, which shall be charged to Account No. A 3120-226.

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. (1060-2002)

Co. Mandia offered and Co. Smith seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan for a hotel expansion project known as ROCKLAND HOSPITALITY ASSOCIATES, LLC, designated on the Clarkstown tax map as Map 64.10, Block 2, Lot 2 and Map 64.10, Block 2, Lot 1, and

WHEREAS, it has been recommended that one (1) fire hydrant(s) be installed within the said approved site plan, for the protection of the public, and

WHEREAS, said premises are privately held, and the hydrant(s) shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Rockland Hospitality Associates, LLC, as property owner, in the form of a Declaration of Covenant, subject to approval by the Town Attorney, which shall run with the land, and bind the property owner and its successor(s) in interest to reimburse the Town for the water service charges rendered yearly to the Town of Clarkstown on a per-hydrant basis on the subject property; and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to the property owner, or designated Managing Agent, to recover the actual costs of the water service, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid within sixty (60) days, shall be levied against the premises as a separate item on the Town tax bill.

RESOLUTION NO. (1060-2002) 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. (1061-2002)

Co. Lasker offered and Co. Smith seconded

Whereas, the Town Board has previously awarded a contract via resolution 617-2002 to Hudson Canyon Construction, Inc. for the subject project; and

Whereas, subsurface conditions not anticipated during the design phase of this project have resulted in the presence of unsuitable material in the base of the trench for the installation of the twin 60" diameter high-density polyethylene corrugated plastic storm drainpipes; and

Whereas, the Department of Environmental Control has inspected these conditions and determined that the unsuitable material must be removed and replaced with ¾" stone to stabilize the trench; and

Whereas, this work was not included in the original plan for this project; and

Whereas, the Department of Environmental Control has directed the Contractor to provide a proposal to remove and dispose of the unsuitable material and replace it with ¾" stone on a per cubic yard basis; and

Whereas, the limits of removal shall be as directed and measured in the field by the Department of Environmental Control or its representative; and

Whereas, the Contractor has submitted a proposal in the amount of \$63.00/cubic yard for the excavation, disposal and replacement of the unsuitable material; and

Whereas, the Department of Environmental Control has reviewed this proposal by comparing it to similar items of work included in this contract and found it to be acceptable;

Now, Therefore, Be It Resolved that the allowance for this project be increased by an amount not to exceed \$15,750.00 (250 cubic yards of unsuitable material) without further Town Board resolution to \$871,846.00 to reflect the costs associated with this work; and

Be It Further Resolved that this amount shall be a proper charge to account # H 8749 409 0 73-27.

On roll call the vote was as follows:

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

RESOLUTION NO. (1062-2002)

Co. Lasker offered and Co. Smith seconded

Whereas, the Town Board has previously awarded a contract via resolution 617-2002 to Hudson Canyon Construction, Inc. for the subject project; and

Whereas, plans for the work prepared by Tectonic Engineering Consultants, P.C. as the design consultant for this project called for the removal of existing trees within the limits of work; and

Whereas, following a determination in the field by the Department of Environmental Control that twenty additional trees not shown on the original plan must be removed to accommodate the proposed improvements; and

Whereas, the Department of Environmental Control directed Hudson Canyon Construction, Inc. to provide a proposal including a breakdown of the costs to have these additional trees removed; and

Whereas, a proposal in the amount of \$7,245.00 was submitted by the Contractor and, following a detailed review by the Department of Environmental Control, was found to be acceptable;

Now, Therefore, Be It Resolved that the allowance for this contract be increased from \$848,851.00 to \$856,096.00 to reflect the costs associated with the removal of these additional trees; and

Be It Further Resolved that this shall be a proper charge to account # H 8749 409 0 73-27.

On roll call the vote was as follows:

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

RESOLUTION NO. (1063-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, on November 12, 2002, two Clarkstown Mini-Trans buses were destroyed by fire while parked and unoccupied at the Mini Trans parking lot, and the remaining six similar buses were taken out of service as a safety precaution until the New York State Department of Transportation inspected and certified the vehicles as safe for service, and

WHEREAS, said vehicles remain out of service pending warranted repairs;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby confirms and authorized the actions taken by Frank Fee, Transit Operations Supervisor, in renting five temporary replacement vans from Budget Rent-a-Car from the period of November 13, 2002 through November 18, 2002, at a cost of \$2,704.00, and, in addition, the rental of three vans from Budget Rent-a-Car from the period November 18, 2002 through November 20, 2002, at a cost of

RESOLUTION NO. (1063-2002) continued

\$432.00, and the further rental of two vans from Budget Rent-a-Car, at a daily rate of \$144.00, for the period November 20, 2002 to the present and continuing until such time as the buses referred to herein are returned to service; and be it

FURTHER RESOLVED, the Town Board authorizes and confirms arrangements made by the Transit Operations Supervisor to use a loaner bus from the County of Rockland for the period commencing November 15, 2002, through and continuing until such time as the Clarkstown vehicles are returned to service; and be it

FURTHER RESOLVED, the Town Board hereby authorizes and directs that the sum of \$13,500.00 be allocated to pay for the cost of the rentals referred to herein, and that the sum of \$17,018.00 is hereby authorized for the cost of additional insurance on the temporary vehicles as an endorsement to the Town's current mini van liability policy to cover insurance requirements through March 7, 2003; and be it

FURTHER RESOLVED, that all expenses pursuant to this Resolution shall be charged to Account No. CS-1910-420-2 and, be it

FURTHER RESOLVED

That this Resolution is retroactive to, and shall be deemed effective as of, 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. (1064-2002)

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 an extension of his Sick Leave of Absence – at on-half pay – effective and retro active to December 7, 2002 to January 7, 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. (1065-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #01023 Secretarial Assistant I (Information Processing) Appointing Certification – which contains the name of Patricia J. Kwong,

Now, therefore, be it

RESOLVED, that Patricia J. Kwong, 16 East Orchard Street, Nanuet, New York, is hereby appointed to the position of Secretarial Assistant I (Information Processing) – Town Highway Department – at the current 2002 annual salary of \$32,270., effective December 30, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (1066-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on November 19, 2002 that the position of Information Services Specialist I (Networked System) – Police Department – can be created,

Now, therefore, be it

RESOLVED, that the position of Information Services Specialist I (Networked System) – Police Department – is hereby created – effective December 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. (1067-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Matthew C. Buteux, 80 Country Club Lane, Pomona, New York, to the reinstated position of Information Services Specialist I (Networked System) – Police Department – at the current 2002 annual salary of \$41,944., effective December 23, 2002.

RESOLUTION NO. (1067-2002) 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. (1068-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on November 19, 2002 that the position of Information Services Specialist II (Police Department) – can be created,

Now, therefore, be it

RESOLVED, that the position of Information Services Specialist II (Police Department) – is hereby created – effective December 23, 2002, and be it

FURTHER RESOLVED, that the grade for the position of Information Services Specialist II (Police Department) – is hereby established at a grade 31.

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. (1069-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Patrick T. Watson, 318 Arlington Court, Bardonia, New York – to the position (Provisional) Information Services Specialist II (Police Department) – at the current 2002 annual salary of \$61,084., 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 . . . Abstained

RESOLUTION NO. (1070-2002)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on December 13, 2002 that the position of Zoning Enforcement Officer & Community Liaison – Town Attorneys’ Office – can be created,

Now, therefore, be it

RESOLVED, that the position of Zoning Enforcement Officer & Community Liaison – Town Attorney’s Office – is hereby created – effective December 23, 2002, and be it

FURTHER RESOLVED, that the grade for the position of Zoning Enforcement Officer & Community Liaison is hereby established at a grade 31.

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. (1071-2002)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Joel J. Epstein, 99 Bardonia Road, Bardonia, New York, is hereby appointed to the position of (Provisional) Zoning Enforcement Officer & Community Liaison – Town Attorney’s Office – at current 2002 annual salary of \$50,066., 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. (1072-2002)

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 Lauren Malone, designated on the Clarkstown Tax Map as 59.5-1-21 (formerly known as 91-A-3.1), and more commonly known as 238 Old Mill Road, West Nyack, and

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

RESOLUTION NO. (1072-2002) continued

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 Ms. Malone'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. (1073-2002)

Co. Maloney offered and Co. Mandia seconded

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

BID #73-2002 - INSTALLATION OF TRENCH DRAIN
PROSPECT ST., NANUET

Bids to be returnable to the office of the Purchasing Department, 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 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. (1074-2002)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, TROJAN REFRIGERATION, INC. has submitted a proposal to renew its agreement with the Town of Clarkstown to provide on-call and preventive maintenance for the cooling equipment located in the Town Computer Room, and

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended that the maintenance contract be awarded to Trojan, as it is the only factory authorized agent within a reasonable distance from Town Hall;

RESOLUTION NO. (1074-2002) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with TROJAN REFRIGERATION, INC., Pearl River, New York, in a form satisfactory to the Town Attorney, to provide preventive and on-call maintenance for the Liebert Challenger HVAC unit located in the Town Computer Room, for the period from January 1, 2003 through December 31, 2003, and be it

FURTHER RESOLVED, that the annual fee for such services shall be \$1,200.00 which will be billed quarterly for preventive maintenance, plus an hourly fee for emergency services as stated in the proposal and as authorized by the Director of Automated Systems, which fees shall be charged to Account No. A 1680—438.

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. (1075-2002)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Councilperson Smith, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

“DESIGN PERFORMANCE STANDARDS FOR THE CONGERS HAMLET CENTER OVERLAY DISTRICT”

and

WHEREAS, the proposed local law is intended to amend Chapter 290 of the Zoning Local Law of the Town of Clarkstown to establish design performance standards for the Congers Hamlet Center Overlay District, which district was created by Local Law No. 14-2002, adopted by the Town Board on November 26, 2002;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on January 28, 2003, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

RESOLUTION NO. (1075-2002) continued

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

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. (1076-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Insurance and Claims Manager Robert S. Berdy, the Town Board of the Town of Clarkstown hereby accepts the "Option 1" proposal from Arthur J. Gallagher & Co. of New York for insurance coverages and claims administration for a period of one year, commencing on January 1, 2003 and expiring December 31, 2003, and be it

FURTHER RESOLVED, that the cost of said proposal shall not exceed \$839,764.

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. (1077-2002)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the Workers' Compensation insurance proposal submitted by the Public Employer Risk Management Association, Inc. (PERMA), for a period of one year commencing on January 1, 2003 and expiring on December 31, 2003, at an adjusted annual contribution of \$364,909, which shall be charged to Account No. CS 9040-420.

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. (1078-2002)

Co. Smith offered and Co. Maloney

WHEREAS, Town Board Resolution 827-1996 authorized the Supervisor of the Town of Clarkstown to enter into a five (5) year agreement to lease a crusher for the Solid Waste Facility for the purpose recycling waste concrete, masonry, and asphalt for use as a substitute for virgin aggregate to the benefit of the environment, and

WHEREAS, said lease terminated on May 31, 2002. and

WHEREAS, Town Board Resolution 505-2002 authorized the Supervisor of the Town of Clarkstown to extend the lease for an additional six (6) months, and

WHEREAS, an additional six (6) month extension is required to properly evaluate and procure the appropriate replacement equipment for the recycling of waste concrete, masonry and asphalt, and

WHEREAS, American Capital has offered to continue the current lease at the present monthly rate of \$6,725.00 through June 30, 2002, and the Deputy Director of the Department of Environmental Control has recommended this course of action.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to extend the lease for the Hartl crusher at the Solid Waste Facility for the monthly rental rate of \$6,725.00, and

BE IT FURTHER RESOLVED, that the required notice of termination be given to the lessor to provide for a termination of the lease on June 30, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (1079-2002)

Co. Smith offered and Co. Lasker seconded

WHEREAS, as a result of work pursuant to Bid No. 64-2002 (Townwide Guide Rail), a condition involving severe grade change on the north side of Division Street, west of Laurel Road in the Hamlet of Central Nyack, became apparent and Howard L. Lampert, P.E., Traffic Engineering Consultant, investigated and has recommended that a Change Order to Bid No. 64-2002 be approved for the installation of approximately 100 ft. of guide rail;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Change Order as recommended in memo dated December 17, 2002 of Howard L. Lampert, P.E., to provide for the installation of guide rail as described therein for an increase of \$2,620.00, for a total cost for Bid No. 64-2002 of \$144,570.00.

RESOLUTION NO. (1079-2002) 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. (1080-2002)

Co. Maloney offered and Co. Smith seconded

WHEREAS, heavy snowfall and other inclement weather may create hazardous conditions which may pose an increased danger to life and property in the event of fire, sickness, lack of food and medical assistance to persons house bound on unplowed or otherwise impassable streets;

NOW, THEREFORE, be it

RESOLVED, that in addition to the authority granted under Executive Law, Section 24, the Supervisor of the Town of Clarkstown is hereby authorized to use and direct any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any urgent situation, crisis, natural emergency or extraordinary condition created by any snow fall or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes and directs the Superintendent of Highways to seek the cooperation of the developers/owners of undedicated streets to properly plow and sand during inclement weather as is required pursuant to Section 254-15 Town Code, and in the event of neglect by the responsible party, to use personnel and equipment to plow undedicated streets in the Town of Clarkstown at such time when necessary to prevent imminent hazard to life and property, and be it

FURTHER RESOLVED, that the Superintendent of Highways is hereby authorized to seek recovery of the reasonable costs for such services from the developers of undedicated subdivision roads or any other responsible party, and where appropriate, to assess such costs, if unpaid, on the responsible property owner's next Town tax bill, or otherwise seek recovery by any available legal remedy. *

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 adjourned in memory of Martin Cornell, time: 8:25 PM

Respectfully submitted,

Patricia Sheridan

Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

12/17/2002

8:10 PM

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

Re: Continuation – Chapter 111 (Unsafe Building) Proceeding: Zeqir Qosaj, 87 Hess Road, Valley Cottage, Lot 59.8-1-10 (fka 123-A-13)

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

Supervisor Holbrook asked Chief Fire Inspector, Mark Papenmeyer, for his report and recommendation. Supervisor also asked if the owner of the property was present.

Chief Papenmeyer said he met with three (3) contractors on site who were recommended by the Town Engineer's office. He said the bids were obtained prior to the inspection done by Dennis Letson of DEC. He said Mr. Letson's report indicates that although there is not an immediate danger of collapse, there is damage to the building that will require additional securing. Mr. Letson is recommending that the roof be water tight by the addition of tarps and either full coverage plywood or nails to secure the tarps. He also recommends securing affected rafter tails and ceiling joints that have been damaged. Chief Papenmeyer said this additional work is not reflected in the quotes. He recommends one (1) contractor for both jobs.

Supervisor asked Zeqir Qosaj, the property owner, to state his intentions. Mr. Qosaj said that he complied with the Fire Inspector's order by boarding up the windows and the doors. He said his intention is to demolish the structure and rebuild the house. Supervisor told Mr. Qosaj that a date is needed as to when he will apply for a building permit to remove the structure. Supervisor also asked about the asbestos in the house. Mr. Qosaj said he has a letter stating the asbestos has been removed. At Mr. Costa's request, Mr. Qosaj submitted the asbestos statement.

Peter Beary, Building Inspector synopsised the letter from Omega Environmental Services, dated December 17, 2002 stating there is no asbestos on the premises at this time. He said that with this letter and the shut-off letters from Orange & Rockland, the permit can be released by tomorrow or the next day. Supervisor asked if the date for removal could be set for January 6, 2003.

Co. Mandia asked Chief Papenmeyer what the cost would be for the clean-up and security. Chief Papenmeyer gave quotes for both the clean-up and security as follows:

Curti & Associates, Ltd	\$4,625.00
Danny Clapp Landscaping, Inc.	\$4,470.00
KJS Hauling & Home Improvement	\$7,000.00

Mr. Costa asked the property owner if he understood that the Town Board has heard from the Building Inspector and is prepared to make an order directing you to remove the building by January 6, 2003. Mr. Qosaj replied that he does understand. Mr. Costa asked him if he will be able to comply within that time frame. Mr. Qosaj replied that he would have to hire a contractor. Supervisor interjected that the permit would be issued tomorrow and Mr. Qosaj could hire a contractor as soon as he has the permit. Supervisor told Mr. Qosaj to give a timeline to the Building Inspector.

Mr. Costa presented the Town Attorney's costs and disbursements for this proceeding up to this evening and proposed to levy these costs against the property in the sum of \$757.97. Additionally, Chief Papenmeyer's statement of costs to bring this proceeding to

PH: Continuation-Chapter 111 (Unsafe Building) Proceeding: Zeqir Qosaj, 87 Hess
Road, Valley Cottage. 12/17/2002 Page 2

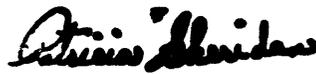
the Town Board will be charged against the property. The cost of this proceeding becomes a charge against the property if not paid by the owner.

Co. Mandia confirmed with Mr. Qosaj that he understands if the house is not removed or a contract is not in place by January 6, 2003, the Town Board will definitely take action at the cost of an additional \$5,000 which will be charged to him.

Supervisor told Mr. Qosaj that all debris must be removed from the property including the debris surrounding the property. Mr. Qosaj said that he needs the firewood for his personal use. Chief Papenmeyer directed that the firewood may remain as long as it is stacked properly so as not to present a safety hazard.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing is to be continued on January 6, 2003. Time: 8:17 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk