

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

01/28/2003

8:00 P.M.

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia & Smith
Marcia Coopersmith, Deputy Town Attorney
Patricia Sheridan, Town Clerk

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

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing Re: Rockland County Consortium for Community Development Block Grant Funding was declared open. Time: 8:30 PM

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing: Re: Rockland County Consortium for Community Development Block Grant Funding was closed. Time: 8:35 PM.

Supervisor Holbrook read from a report by the Morgan Quitno Awards, ranking cities in the nation. He said that the town of Clarkstown is ranked as the eighth safest city out of 342 cities in all categories. Out of 117 cities with a population of 75,000 to 99,000, Clarkstown ranks as the fifth safest city.

Supervisor opened the meeting for public comment.

Appearance: Richard Vickers
Dustman Lane
Bardonia

He said that Dustman Lane is like a jigsaw puzzle and thanked the Board for fixing the potholes and for their concern and response.

Appearance: Marvin Baum
Mountainview Condos

He is representing the Board of Managers of Mountainview Condominiums and he spoke regarding Open Space. He asked the Board to preserve the remaining sections of the Palisades Ridge. He approved the purchase of West Hook Mountain. He thanked Win Perry and the Town Board.

Appearance: Jacot Franke
Northvale, New Jersey

He is Chairman of the Long Path (Hiking Trail) and he supports Items #2 and #19. He is in favor of maintaining and expanding the hiking trail.

Appearance: John Lodico
New City

He supports the idea and is in favor of purchasing the property known as West Hook Mountain. He asked if this was coming from the twenty-two million dollar Open Space package. He said the Town Board should indicate that it may be used for community use.

He also spoke on Item # 20 and asked if the grant includes Memorial Park. He said the Town Board should eliminate ARCO from managing Middlewood and manage it themselves.

Appearance: Louise Marsalisi
Middlewood

She asked if the Board is going to negotiate the Management Contract the Town has with ARCO.

RESOLUTION NO. (72-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an inspection of Dustman Lane in the Hamlet of Bardonia by the Deputy Director of Environmental Control and the Town Code Enforcement Officer on January 27, 2003 revealed a seriously demised portion of the road consisting of potholes, damaged asphalt road surface and drainage problems, and

WHEREAS, a review of Town records by the Office of the Zoning Administrator has revealed that the Town of Clarkstown is the owner in fee of certain portions of the undedicated section of Dustman Lane, which portion contains damaged areas, and

WHEREAS, the Town Attorney and the Superintendent of Highways have concurred that the Town owned property should be properly maintained;

NOW, THEREFORE, be it

RESOLVED that the Superintendent of Highways is hereby authorized to perform the necessary repairs to Dustman Lane, Bardonia in accordance with the sketch to be prepared by the Deputy Director of Environmental Control and the Town Code Enforcement Officer based on field measurements taken on January 27, 2003 and the Survey of a Portion of Dustman Lane prepared by Atzl, Scatassa & Ziegler, P.C. for the Town of Clarkstown dated Sept. 15, 1993.

Supervisor explained the reason for paving the potholes on Dustman Lane, Bardonia. He said Dustman Lane that enters onto Route 304 is a private road. The development of road in the back, the Reilly Sub-Division, was dedicated to the Town in 1991 and is maintained by the Town. In order for the Highway Department to get from Route 304 to that portion, it has to traverse the undedicated portion of Dustman Lane. During the past several days, an investigation was conducted by the surveyor, the Code Enforcement Officer and the Deputy Director of Environmental Control. It was determined that the Town does own portions of Dustman Lane and, therefore, the potholes could be repaired by 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. (73-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Referendum held on November 7, 2000, residents of the Town of Clarkstown approved the issuance of \$22 Million in municipal bonds for the purpose of financing the acquisition of Open Space within the Town of Clarkstown, and

WHEREAS, the Citizens' Advisory Committee for Open Space has recommended certain parcels for protection as part of the Town of Clarkstown Open Space Protection Initiative, and included among its high priority recommendations a parcel described on the Clarkstown Tax Map as 59.8 - 1 - 23, 24, 25, 26 and 29, which consists of approximately 35.30± acres commonly referred to as the "West Hook Mountain" property, reportedly owned by Ioana Alimanestianu; and

WHEREAS, by memo dated January 23, 2003, The Trust for Public Land, Mid-Atlantic Region, (TPL) has advised the Town of Clarkstown that it has obtained an option to purchase the subject premises referred to herein for the sum of \$1,700,000.00, which price is consistent with the valuation placed upon said property by an independent real estate appraiser obtained on the advice and consent of the Town of Clarkstown, and

WHEREAS, TPL holds and expects to exercise an option to purchase said property, on or before March 1, 2003, and it has been proposed that TPL will transfer its rights to the Town of Clarkstown to enable the Town to obtain the subject property at the option price, plus the necessary closing expenses and adjustments; and

WHEREAS, the property referred to herein is deemed to be a most important parcel in the Town's Open Space Protection Initiative, and will forever protect an unparalleled view and vista of the Hudson River and the Tappan Zee;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the proposal of TPL to transfer its option rights described herein to the Town of Clarkstown for the purchase of the subject property at a price not to exceed the sum of \$1,700,000.00, plus all necessary closing expenses and adjustments, and further accepts as part of the contemplated purchase that the Alimanestianu family or TPL or both may erect a stone bench monument on the upper plateau in an area having a view of the Hudson River to commemorate the preservation efforts of Mihai Alimanestianu and TPL, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a contract, in a form approved by the Town Attorney, to obtain the property as parklands provided insurable title and access over Old Stone Road can be obtained, and all other legal requirements are met, and be it

FURTHER RESOLVED, that this Resolution is subject to the provisions of Section 81 of the Town Law, and compliance with the provisions of the Environmental Conservation Law, and the completion of an environmental quality review (SEQRA), for which the Town Board hereby designates Robert Geneslaw, Planning Consultant, to act as its agent with respect to SEQRA review, and be it

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

Co. Smith thanked Win Perry, his son, Mr. Nicholson and the members of the Open Space Committee for their efforts. She especially wanted to recognize Marvin Baum for his enthusiasm and sincerity.

Co. Lasker commended Win Perry and all who have contributed to the Open Space Program. She said that the work on the Open Space Program began in 1996 and gained momentum through the years. She thanked all those involved for their hard work and efforts.

RESOLUTION NO. 73 cont'd

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. (74-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board authorized the solicitation of proposals for an appraisal of property located in Valley Cottage, New York, and said property is designated on the Tax Map as 59.8-1-22, and

WHEREAS, the Town Attorney has received competitive proposals from appraisers and recommends hiring the firm of Blaise Appraisals & Consultants, Inc. to perform said appraisal;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Attorney to hire the firm of Blaise Appraisals & Consultants, Inc., in accordance with its proposal of January 24, 2003, to appraise Town property designated as 59.8-1-22, and be it

FURTHER RESOLVED, that the cost of \$1,200.00 for said appraisal 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 Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (75-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of January 14, 2003 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. (76-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLUTION NO. (76-2003) cont'd

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

VICTOR P. ZUGIBE, INC.
66 W. Railroad Avenue
Garnerville, NY 10923
Victor P. Zugibe, President

MICHAEL SASSO DBA SASSO PLUMBING
49 Woodhaven Drive
New City, NY 10956
Michael Sasso, President

MC GANNON EXCAVATING LLC
85A North Central Highway
Garnerville, NY 10923
Bob McGannon, President

RINO LANDSCAPE CONSTRUCTION, INC.
3 Hillside Avenue
Suffern, NY 10901
Robert Rino, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 03-6 VICTOR P. ZUGIBE, INC.
- No. 03-7 MICHAEL SASSO DBA SASSO PLUMBING
- No. 03-8 MC GANNON EXCAVATING LLC
- No. 03-9 RINO LANDSCAPE CONSTRUCTION, 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. (77-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

RONALD J. TARIGO
5 Crosscreek Lane
Stony Point, NY 10980

PHOENIX EXCAVATORS CORP.
62 Rose Road
West Nyack, NY 10994
Michael Mouacdie, President

RESOLUTION NO. (77-2003) cont'd

J. RAGGI & SON, INC.
276 Maple Road
Valley Cottage, NY 10989
Richard L. Raggi, President

MRJ EXCAVATING, INC.
7 Beaver Court
New City, NY 10956
Michael Ricalli, Jr., President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 03-1 RONALD J. TARIGO
- No. 03-3 PHOENIX EXCAVATORS CORP.
- No. 03-4 J. RAGGI & SON, INC.
- No. 03-5 MRJ EXCAVATING, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (78-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, it is necessary for the Town of Clarkstown to obtain actuarial services for compliance with GASB 10 (Government Accounting Standards Board) for fiscal year ending December 31, 2002, and

WHEREAS, Financial Risk Analysts, 27 Hartford Turnpike, Vernon, CT is a nationally known actuarial consulting firm providing services to public entities nationwide related to self-insurance and GASB 10;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Charles E. Holbrook is hereby authorized to enter into an agreement for one year with Financial Risk Analysts, in a form acceptable to the Town Attorney, at a cost not to exceed \$6,200.00, plus reasonable out-of-pocket expenses.

On roll call the vote was as follows:

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

RESOLUTION NO. (79-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLUTION NO. (79-2003) cont'd

WHEREAS, American Appraisal Associates wish to renew its contract with the Town, to provide fixed asset inventory and insurance appraisal for the Year 2002;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with, American Appraisal Associates, in a form approved by the Town Attorney, to provide fixed assets inventory and insurance appraisal to the Town of Clarkstown for the Year 2002, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$1,800.00 and shall be charged to Account No. A 1315-409.

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. (80-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Phoenix Systems & Analysis, Inc. wishes to renew their contract with the Town to provide computer consulting and technical services for the year 2003;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Phoenix Systems & Analysis, Inc., in a form approved by the Town Attorney, to provide computer consulting and technical services to the Town for the period January 2003 through December 31, 2003, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed \$75.00 per hour, and shall not exceed \$60,000.00 without further authorization of the Town Board, and such hours shall be designated by the Director of Automated Systems, and be it

FURTHER RESOLVED, that the fee for said services shall be charged to Account No. A 1680-409.

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. (81-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary steps, including commencing litigation, against Santiago Moving & Storage Co., Inc., et al. on behalf of the Town of Clarkstown to demand payment for damages

RESOLUTION NO. (81-2003) cont'd

sustained by the Town of Clarkstown for the loss of its voting machines and accessory equipment, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to January 16, 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. (82-2003)

Co. Maloney offered and Co. Lasker seconded

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

BID #14-2003 – FOOD PROVISIONS FOR TOWN REFRESHMENT STANDS

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on FEBRUARY 20, 2003 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 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. (83-2003)

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

BID #15-2003 – GROUNDSKEEPING/LANDSCAPE SUPPLIES

Bids to be returnable to the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on FEBRUARY 19, 2003 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 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. (84-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on January 10, 2003 that the position of Clerk Stenographer – Town Justice Department – can be created – (in lieu of the Clerk Stenographer that was withdrawn from the Clarkstown Counseling Center and was encumbered by Renee Kirschner),

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Stenographer – Town Justice Department – is hereby created – effective and retroactive to January 13, 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. (85-2003)

Co. Smith and Co. Maloney seconded

RESOLVED, that Renee Kirschner, 17 Farm Court, New City, New York, is hereby appointed to the position of Clerk Stenographer – Town Justice Department – at the current annual salary of \$39,164., effective and retroactive to January 13, 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. (86-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on December 5, 2002 that the position of Senior Clerk Typist #0638 – Parks Board and Recreation Commission – can be reclassified to the position of Principal Clerk Typist,

NOW, THEREFORE, be it

RESOLVED, that the position of Senior Clerk Typist #0638 – is hereby reclassified to the position of Principal Clerk Typist – effective and retroactive to January 13, 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. (87-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Diana Vierling, 10 Amery Lane, Thiells, New York – to the position of (Provisional) Principal Clerk Typist – Parks Board and Recreation Commission – at the current annual salary of \$44,086., effective and retroactive to January 13, 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. (88-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Howard L. Lampert, PE, Traffic and Highway Engineering Consultant in a report dated January 14, 2003 has recommended the installation of four (4) traffic signs on Pascack Road, Nanuet,

NOW, THEREFORE be it

RESOLVED, Wayne T. Ballard, PE, CSP, Supt. of Highways is hereby authorized to install the following:

SIGNS

Location

Legend

NYS Sign #

Both Directions Pascack Road
At Town Community Center Crosswalk

Pedestrian Crossing (W5-2C)

Approximately 200 feet in
advance of both approaches
at Town Community Center Crosswalk

Pedestrian Crossing Ahead
(W5-1C)

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. (89-2003)

Co. Lasker offered and Co. Smith seconded

Public Improvements Carl Roe, Jr., P.E.; US Senator Hillary Clinton; US Senator Charles Schumer; NYS Senator Thomas P. Morahan; NYS Assemblyman Alexander J. Gromack; NYS Assemblyman Ryan Karben; WHEREAS, CSX Railroad and Norfolk Southern Railroad acquired Conrail in 1999; and

RESOLUTION NO. (89-2003) cont'd

WHEREAS, freight rail traffic on CSX's West Shore (River) Line since the takeover has dramatically and quickly increased more than 200% - from 17 to 52 trains per day and

WHEREAS, federal and state regulations currently require all trains to sound their horns up to 1 mile before approaching and at each grade crossing; and

WHEREAS, residents in the Town of Clarkstown have been adversely affected by the overwhelming noise pollution resulting from the increased number of train horns sounding at and before grade crossings in their communities; and

WHEREAS, CSX is expected to continue to increase its freight rail traffic on the West Shore (River) Line; and

WHEREAS, a Quiet Zone in this rail corridor will allow for the effective elimination of train horns and thus provide much needed relief to the thousands of residents deeply affected by current freight train operations; and

WHEREAS, the supplemental safety measures that will be installed as part of the Quiet Zone will virtually eliminate any safety risk to motorists and pedestrians currently associated with railroad grade crossings; and

WHEREAS, the Town of Clarkstown expresses its desire and intent to cooperate fully with the state and federal rail authorities and with the CSX Corporation to effectively establish a train horn Quiet Zone on the West Shore (River) Line;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby urges the Federal Railroad Administration to finalize, implement and adopt the Proposed Rulemaking on the use of Locomotive Horns at Highway Rail Grade Crossings so that communities may legally establish Quiet Zones, according to the Rule, with the support and guidance of FRA; and

That the Town hereby calls upon the United States Department of Transportation, the Federal Railroad Administration, the New York State Department of Transportation and its Freight and Economic Development Division, and our state and federal elected representatives to support Rockland County's Quiet Zone effort and urge the CSX Corporation to cooperate with Rockland County in establishing a Quiet Zone on the West Shore (River) Line.

That the Town Clerk is hereby directed to send copies of this resolution, upon its passage and approval, to NYS Governor George Pataki; NYSDOT Commissioner Joseph H. Boardman; NYSDOT Region 8 Director Robert Dennison; NYSDOT Grade Crossing Section Director Seth Edelman; NYSDOT Region 8 Rail Coordinator LeRoi Armstead; NYMTC Executive Director Tom Schulze; Hon. Allan Rutter, Administrator, Federal Railroad Administration; FRA Region 1 Administrator Mark H. McKeon; FRA Director of Public Affairs Robert L. Gould; FRA Region 1 Highway Crossing Manager Randall L. Dickinson; US Transportation Secretary Norman Y. Mineta; US House Speaker Dennis Hastert; US Senate Minority Leader Tom Daschle; US Senate Majority Leader Bill Frist; US Representative Don Young, Chairman of the US House of Representatives Committee on Transportation; Senator Ernest F. Hollings, Chairman of the US Senate Committee on Commerce, Science and Transportation; National Transportation Safety Board Acting Chairperson Carol J. Carmody; CSX President Michael J. Ward; CSX Resident Vice President of NYS Relations John P. Casellini; CSX Principal Engineer for Congresswoman Nita Lowey; Congresswoman Sue Kelly; and Congressman Eliot Engel.

On roll call the vote was as follows:

RESOLUTION NO. (89-2003) cont'd

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

RESOLUTION NO. (90-2003)

Co. Maloney offered and Co. Mandia seconded

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

**“AMENDMENT TO CHAPTER 263 (TAXICABS)
 OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

and

WHEREAS, the proposed local law is intended to provide a method whereby the cost of fingerprinting and records check for applicants for taxicab operating permits may be reimbursed to the Town of Clarkstown;

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 February 25, 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.

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. (91-2003)

Co Smith offered and Co. Maloney seconded

WHEREAS, Town Board Resolution #568-2002 awarded bid #37-2002; Drainage Improvements – Vicinity of Park Ave., Karl Court, and Meriwether Trail, Congers to Ruccon, Inc.; and

WHEREAS, six (6) change orders on contract have been reviewed and found acceptable by the Department of Environmental Control as follows:

- C.O. #1: Removal of existing soil and Item 4 backfill,
as required by Highway Dept. **\$26,778.75**
- C.O. #2: Additional stone to cover sides and one foot
above pipe **\$3,105.00**

RESOLUTION NO. (90-2003) cont'd

C.O. #3	4" Underdrain for curbs as required by Highway Dept.	\$12,106.05
C.O. #4	Additional manhole required @ Sleepy Hollow Lane and Park Ave.	\$3,199.30
C.O. #5	Rebuild catch basin on North side of Park Ave Between Sleepy Hollow Lane and Meriwether Trail and replace frame and grate.	\$2,467.44
C.O. #6	Installation of sanitary sewer cleanouts in lawn area of house # 12, 16, & 20 Park ave.	\$11,064.84

NOW, THEREFORE,

BE IT RESOLVED that the total approved cost of change orders for this project is \$58,721.38; and be it

FURTHER RESOLVED that the allowance for this project be increased from the original bid amount of \$72,299.00 to \$131,020.38 to reflect the additional cost of the change orders; and be it

FURTHER RESOLVED that this shall continue to be a proper charge to account #H-8752-409-0-76

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. (92-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Charles P. Connington, Superintendent of Recreation and Parks, has advised that the Pascack Community Center project has not been completed, and Ward Associates has requested an extension of its construction supervision contract to provide for additional time to inspect the project since there are still punch list items that need to be completed as well as the sidewalk, beyond which was approved by Resolution No.990, adopted December 28, 2001, and has recommended that the Town authorize this extension to Ward Associates, P.C.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an extension to Ward Associates, P.C. for its contract monitor services to permit further inspection and supervision of the Pascack Community Center and sidewalk for an increase in fees from \$72,000.00 to \$86,400.00, and be it

FURTHER RESOLVED, that said increased fee shall be charged to Account H 8749-409-0-73-6.

On roll call the vote was as follows:

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

RESOLUTION NO. (93-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Philip B. Fogel, Esq., as an independent contractor to handle Tax Certiorari matters for the Town, for the period January 1, 2003 through December 31, 2003, and be it

FURTHER RESOLVED, that the fee for said services shall be \$35,000.00 less the amount already paid for the year, which fee shall be charged to Account No. A 1355-110.

On roll call the vote was as follows:

- Councilwoman LaskerNo
- Councilman Maloney Yes
- Councilman Mandia Yes
- Councilwoman SmithYes
- Supervisor HolbrookNo

RESOLUTION NO. (94-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a resident has expressed concern over speeding vehicles in the vicinity of Ralph's Avenue and Arlene Court in New City, and has requested the Town to install a Stop Sign at this intersection;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a Stop Sign at the intersection of Ralph's Avenue and Arlene Court for an interim period until June 30, 2003, with the understanding that the Board will evaluate whether the sign should continue at the expiration of the interim period set forth herein.

On roll call the vote was as follows:

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

RESOLUTION NO. (95-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Rockland County Solid Waste Authority is organizing a "Thermometer Exchange Program" in each of the towns in Rockland County for the purpose of reducing the amount of mercury in the community, and

WHEREAS, the Town of Clarkstown is supportive of that goal,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown agrees to co-sponsor a "Thermometer Exchange Program" in Town Hall on February 8, 2003, between the hours of 10:00 AM and Noon, and be it

RESOLUTION NO. (95-2003) cont'd

FURTHER RESOLVED, that the Maintenance Department is directed to have . staff member on site to open and close Town Hall and to assist as needed with the program.

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. (96-2003)

WHEREAS, a typographical error was made in Resolution No. 870-2002, adopted by the Town board on October 22, 2002, Amending the Zoning Local Law of the Town of Clarkstown for property designated as Tax Map 34.19-1-15 and 34.19-1-13;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 870-2002, by redistricting the property designated as Tax Map 34.19-1-15 and 34.19-1-13, from an LO District to a PO District.

On roll call the vote was as follows:

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

Co. Lasker offered and Co. Maloney seconded

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. (97-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists adjacent to the Palisades Interstate Parkway property in the vicinity of 55 Westlyn Drive, Bardonia; and

WHEREAS, said condition is causing overload and flooding of Town Drainage system; and

WHEREAS, the Town has received authorization from the Army Corps of Engineers to clean and reshape existing drainage channels within Federal Wetlands; and

RESOLUTION NO. (97-2003) cont'd

WHEREAS, the Department of Environmental Control has solicited proposals from six qualified contractors to perform said improvements in accordance with their specifications; and

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

NOW, THEREFORE, be it

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Danny Clapp Landscaping, Inc.
59 Schriever Lane
New City, New York 10956

To perform this work in accordance with their proposal for an amount not to exceed \$3,737.00; and be it

FURTHER RESOLVED that this amount shall be a proper charge to account #A-8730-409-0

On roll call the vote was as follows:

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

RESOLUTION NO. (98-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a section of pipe running across premises 157 Blauvelt Road is in a state of disrepair resulting in an unsafe condition in that area; and

WHEREAS, The Department of Environmental Control has prepared a plan for the replacement of the existing storm drain line; and

WHEREAS, The Department of Environmental Control has solicited proposals from nine qualified contractors to perform said improvements in accordance with their plan; and

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

NOW, THEREFORE, be it

RESOLVED that the Director of Environmental Control is hereby authorized to retain the services of

Cal Mart Enterprises, Inc.
357A Route 59
West Nyack, New York 10004

To perform this work in accordance with their proposal for an amount not to exceed \$15,551.00; and be it

RESOLUTION NO. (98-2003) cont'd

FURTHER RESOLVED that this amount shall be a proper charge to account #A-8753-409-77

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. (99-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the New York State Legislature has provided an appropriation of \$5,000.00 to the Town of Clarkstown, to provide financial assistance to the Town of Clarkstown-Veterans' Memorial Park, for the installation of flag pole ground sleeves and white plastic fencing and 6' concrete seats, and additional ground lighting fixtures;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York State Division of Veterans' Affairs, in a form approved by the Town Attorney, to accept the appropriation of \$5,000.00 to the Town of Clarkstown, to provide financial assistance to the Town of Clarkstown-Veterans' Memorial Park, for the installation of flag pole ground sleeves and white plastic fencing an 6' concrete seats and additional ground lighting fixtures, and be it

FURTHER RESOLVED, that the contract shall terminate on March 31, 2003, unless the unexpended balance of this grant is re-appropriated by the New York State Legislature for a subsequent fiscal year, in which case this contract shall terminate on the next succeeding March 31st following the re-appropriation .

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. (100-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the New York State Legislature has provided an appropriation of \$3,000.00 to the Town of Clarkstown, to provide financial assistance to the Clarkstown Veterans' Memorial-Eagle Korean War Vets, for the installation of benches, landscaping, electrical lighting, flag conduits and caps, and to replace flags;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York State Division of Veterans' Affairs, in a form approved by the Town Attorney, to accept the appropriation of \$3,000.00 to the Town of Clarkstown, to provide financial assistance to the Clarkstown Veterans' Memorial-Eagle

RESOLUTION NO. (100-2003) cont'd

Korean War Vets, for the installation of benches, landscaping, electrical lighting, flag conduits and caps, and to replace flags, and be it

FURTHER RESOLVED, that the contract shall terminate on March 31, 2003, unless the unexpended balance of this grant is re-appropriated by the New York State Legislature for a subsequent fiscal year, in which case this contract shall terminate on the next succeeding March 31st following the re-appropriation.

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. (101-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, an adverse drainage condition exists in the vicinity of culvert #532, Lakewood Drive, Congers, New York, and

WHEREAS, culvert #532 may be inadequate to handle storm runoff and may require replacement. and

WHEREAS, the impacts of stream NJ1-S1 and Swartout Lake on culvert #532 must be analyzed to determine the extent of improvements up and down stream of culvert #532, and

WHEREAS, the Department of Environmental Control has solicited a proposal from a qualified engineering consultant specializing in hydraulics and found it to be acceptable.

NOW THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Leonard Jackson Associates, 35 Fireman's Memorial Drive, Pomona, New York to perform the required hydraulic analysis in accordance with their proposal dated January 27, 2003, and

BE IT FURTHER RESOLVED that the cost for the hydraulic analysis shall not exceed \$9,000.00 and shall be a proper charge to account H 8753 409 0 77 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. (102-2003)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that Maria Nakazawa, 377A Kings Highway, Valley Cottage, New York, is hereby appointed to the position of Member - Architectural and Landscape

RESOLUTION NO. (102-2003) cont'd

Commission - at the current 2003 annual salary of \$2143.00, term effective January 29, 2003 and to expire January 2, 2010.

On roll call the vote was as follows:

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

RESOLUTION NO. (103-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendations of the Director of Automated Systems for the Town of Clarkstown, Robert Stritmater and Administrative Captain of the Clarkstown Police Department, William T. Sherwood that
BID #52B - ELECTRONIC ACCESS SYSTEM

is hereby awarded to: **ADVANCED VIDEO SURVEILLANCE INC.
23 JUST ROAD
FAIRFIELD, NJ 07004**

**PRINCIPALS: JOSEPH RIOTTO
MICHAEL RIOTTO
KENNETH DUROCHER**

as per their proposed project cost of \$51,107.00, and be it

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

- a) Signed Contract Documents - two sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Worker's Compensation Insurance coverage
- f) Certificate of Worker's Disability Insurance coverage

and any other documents required by the bid specifications.

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded and be it

FURTHER RESOLVED, that the associated cost will be charged to Capital Project Account H-8752-409-0-76-38

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. (104-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Dr. Frank Garigali, in a form satisfactory to the Town Attorney, whereby Dr. Garigali agrees to provide services to the Clarkstown Police Department as the Police Surgeon, for the period from January 1, 2003 to December 31, 2003, and be it

FURTHER RESOLVED, that the agreement may be renewed on January 1st of each year for a period of up to one year with the approval of the Police Commission and the Town Board, and be it

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

FURTHER RESOLVED, that the compensation for said services shall be at Dr. Garigali's regular rates established for annual physical examinations for sworn personnel plus the sum of \$1,500 per month, which compensation shall be charged to Account No. A 3120-409, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to 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. (105-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, Councilperson Smith, a member of the Town Board of the Town of Clarkstown has introduced a proposed Local Law Amending Local Law No. 14-2002, Chapter 290 of the Town of Clarkstown Zoning Local Law, entitled,

“CONGERS HAMLET CENTER OVERLAY DISTRICT”

and

WHEREAS, the proposed local law is intended to add Architectural Design Standards, to amend the boundaries of the Congers Hamlet Center Overlay District and to make other amendments;

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 February 11, 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

RESOLUTION NO. (105-2003) cont'd

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

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Town Board Meeting was closed, time 8:50 PM.

Respectfully Submitted,

Patricia Sheridan

Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

01/28/03

8:30 PM

Present: Supervisor Holbrook
Council Members Lasker, Maloney, Mandia, Smith
Marsha Coopersmith, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Rockland County Consortium for Community Development Block Grant Funding

On Motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared open. Time: 8:30 PM.

Supervisor Holbrook said there is only one application up to this time from the Literacy Volunteers of Rockland County.

Supervisor Holbrook offered two (2) suggestions for consideration. He said that it is very difficult for Clarkstown to get community development projects accepted. He explained that first he would like to apply for \$250,000 to build a sidewalk from Lawrence St. in Spring Valley to the tunnel. This must be done soon in order to use Consortium money.

The second suggestion is for the Congers Train Station restoration. Supervisor said that part of the renovation involves restrooms for handicapped persons. He suggests that the restrooms be renovated in an historic way.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was closed at 8:35 PM.

Respectfully Submitted,



Patricia Sheridan
Town Clerk