

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

02/25/2003

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: Zeqir Qosaj, 87 Hess Road, Valley Cottage, was continued, time: 8:05 p.m.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing re: Chapter 111 (Unsafe Building) Proceeding: Zeqir Qosaj, 87 Hess Road, Valley Cottage, was closed, time: 8:06 p.m.

\*\*\*\*\*

On motion of Co. Lasker seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition of O'Sullivan Tree Care, Inc. for a special permit for a recycling facility at 210 Western Highway, West Nyack, was continued, time: 8:06 p.m.

On motion of Co. Lasker seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition of O'Sullivan Tree Care, Inc. for a special permit for a recycling facility at 210 Western Highway, West Nyack, was closed with exception, time: 8:07 p.m.

\*\*\*\*\*

On motion of Co. Maloney seconded by Co. Smith and unanimously adopted, the public hearing re: Proposed local law: Amendment to Chapter 263 (Taxicabs) was opened, time: 8:08 p.m.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed local law: Amendment to Chapter 263 (Taxicabs) was closed, time: 8:11 p.m.

\*\*\*\*\*

On motion of Co. Lasker seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed acquisition of Conservation Easement was opened, time: 8:11 p.m.

On motion of Co. Mandia seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed acquisition of Conservation Easement was closed, time: 9:55 p.m.

\*\*\*\*\*

On behalf of the Board, Supervisor Holbrook thanked the Highway Department for a job well done during the snowstorm of February 17-18, 2003. He also thanked the public for their patience and cooperation. Supervisor said that both the County and the Town have plans to repair the potholes, particularly on Congers Road and South Main Street.

Wayne Ballard, Superintendent of Clarkstown Highway Department explained the process for repairing the potholes.

Supervisor Holbrook opened the public portion of the meeting.

Appearance: Steven Levine  
Congers

He asked why the Town Board meetings are still not televised.

Appearance: Joanna Galdone  
New City

She would like to see the Town identify the entire upstream water shed area and extend full protection to it as well.

Appearance: John Lodico  
New City

He said the issues are being rammed down peoples' throats.

\*\*\*\*\*

RESOLUTION NO. (142-2003)

Co. Smith offered and Co. Mandia seconded

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

**“REPEAL OF LOCAL LAW NO. 14-2002 ENTITLED, ‘CONGERS HAMLET  
CENTER OVERLAY DISTRICT,’” WHICH AMENDS CHAPTER 290 TOWN OF  
CLARKSTOWN  
ZONING LOCAL LAW GENERAL USE REGULATIONS AND GENERAL BULK  
REGULATIONS**

and

WHEREAS, the proposed local law is intended to repeal the Town of Clarkstown Local Law No. 14-2002, adopted by the Town Board on November 26, 2003, creating the “Congers Hamlet Center Overlay District;”

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 April 8, 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

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, and be it

RESOLUTION NO. (142-2003) continued

FURTHER RESOLVED, that a notice of the public hearing be sent to all property owners in the hamlet of Congers, and that the notice should include an information sheet summarizing Local Law No. 14-2002 "Congers Hamlet Center Overlay District" and the proposed revisions to that law, so that all Congers residents are fully informed of the meeting and the purpose of the public hearing, and be it

FURTHER RESOLVED, that Deputy Town Attorney Daniel Kraushaar, with assistance from Planning Board Consultant Robert Geneslaw, is hereby directed to prepare the notice and information sheet, and that all costs shall be charged to Account A-1670-311.

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. (143-2003)

Co. Mandia 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 123-1-13), and commonly known as 87 Hess Road, Valley Cottage, New York, to remove or rectify violations caused by a fire loss which created an unsafe and dangerous condition, and

WHEREAS, a public hearing was held on the 12<sup>th</sup> day of November 2002 and continued through January 6, 2003, at which times the Fire Inspector and property owner were heard, and

WHEREAS, by memo dated January 15, 2003, the Fire Inspector has reported that after inspection of the property, it has been determined that the conditions complained of in the Order and Notice have been corrected to his satisfaction and that no further action is necessary because the site has been cleared, all hazardous materials have been removed, and the Town has been reimbursed for its costs of the proceeding in the amount of \$1,195.51 by a tax levy paid on January 23, 2003.

NOW, THEREFORE, be it

RESOLVED, that this public hearing is hereby closed and the Town Board finds that no further action against the property owner 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. (144-2003)

**VOID - THIS RESOLUTION NUMBER NOT USED**

\*\*\*\*\*

RESOLUTION NO. (145-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

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

was introduced by Councilperson Maloney, at a Town Board meeting held on January 28, 2003, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on January 28, 2003, directed that a public hearing be held on February 25, 2003, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on February 14, 2003, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 24, 2003, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on February 25, 2003;

NOW, THEREFORE, be it

FURTHER RESOLVED, that Local Law No. 1 - 2003 entitled:

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

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

On roll call the vote was as follows:

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

\*\*\*\*\*

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

## RESOLUTION NO. (146-2002)

Co. Mandia offered and Co. Lasker seconded

WHEREAS the Town Board has been considering acquisition of a conservation easement on all those undeveloped lands of United Water New York and Corwick Realty, Inc. lying in the Hackensack River Basin in the Town of Clarkstown except the submerged land of Lake DeForest (the Affected Land); and

WHEREAS the area of Affected Land is about 458 acres; and

WHEREAS preserving the scenic, open and natural values of these lands and protecting land used for farming in the Town are among the policies and goals declared in the Clarkstown Comprehensive Plan Update of 1999 and its Generic Environmental Impact Statement; and

WHEREAS these same objectives were further endorsed in the Town-Wide Open Space and Land Conservation Initiative, its Supplementary Generic Impact Statement and the resolutions related to it; and

WHEREAS the People of Clarkstown have shown their approval of the Town-Wide Open Space and Land Conservation Initiative by their referendum endorsement of a \$22 Million open space purchase fund; and

WHEREAS the Affected Land has been recommended for protection by the Open Space Committee; and

WHEREAS the Clarkstown Comprehensive Plan Update of 1999, its Generic Environment Impact Statement as well as the Town-Wide Open Space and Land Conservation Initiative, its Supplementary Generic Impact Statement and related resolutions all contemplate Town acquisition of less-than-fee interests to accomplish their open space and land conservation goals; and

WHEREAS Section 247 of the General Municipal Law authorizes the town to acquire less-than-fee interests in land to protect its natural scenic beauty, to retain its existing openness or natural condition or to maintain or enhance the conservation of natural or scenic resources, including open land used for farming; and

WHEREAS Article 49 of the Environmental Conservation Law provides for "conservation easements" as a means for the town to accomplish the less-than-fee acquisitions authorized by General Municipal Law § 247 for natural and scenic resource protection; and

WHEREAS a conservation easement limits or restricts development, management or use of land for the purpose of preserving or maintaining its scenic, open, natural values as well as those values of a historic, archaeological, architectural character; and

WHEREAS the proposed conservation easement will yield open space and land conservation goals established by this Town Board because it permits United Water New York and Corwick Realty, Inc., continued use of the Affected Land only for their water utility purposes and their ordinary course of business uses (along with continued farming uses) but prohibits all development or subdivision for industrial, commercial or residential uses; and

WHEREAS the Assessor is bound by General Municipal Law §247 to take into account the effects of a conservation restriction on her valuation of the Affected Land; and

WHEREAS that valuation will result in an abatement; and

RESOLUTION NO. (146-2003) continued

WHEREAS the Assessor estimates that for the year 2003-2004, the effect of the easement on United Water New York's and Corwick Realty, Inc.'s property valuations will reduce their combined town taxes by \$44,836.80, reduce their county taxes by \$11,404.51 and reduce their school taxes by \$125,737.45, and

WHEREAS without the effect of the easement's restrictions on their valuations, United Water New York and Corwick Realty, Inc.'s combined town and county tax payment for the year 2003 was \$1,074,864.90; together, they paid \$2,093,394.53 in 2002-2003 school taxes; and

WHEREAS the Town Board finds that it is more economical to protect the Affected Lands with a conservation easement than by any other means, including purchasing it in-fee; and

WHEREAS the Town Board, having conducted a duly noticed public hearing on the subject, has considered the comments offered and submitted; and

WHEREAS the Town Attorney has determined that, based upon the opinion of Special Counsel, this is an unlisted, site-specific action that conforms with the conditions and thresholds established for such actions in the Generic Environmental Impact Statement for the Comprehensive Plan Update of 1999 and the Supplementary Generic Impact Statement prepared for the Town-Wide Open Space and Land Conservation Initiative, and therefore requires no further compliance with the State Environmental Quality Review Act;

NOW THEREFORE be it

RESOLVED that to protect the Affected Land, the Supervisor is hereby authorized to execute a Deed of Conservation Easement with United Water New York and Corwick Realty, Inc. in a form meeting the standards of Article 49 of the Environmental Conservation Law and approved by the Town Attorney; and

BE IT FURTHER RESOLVED that expenses and fees for this transaction be charged to Account No. H-8750-409-074-1, and

BE IT FURTHER RESOLVED, that if necessary, a Special Meeting of the Town Board will be held on February 28, 2003 at 4:00 p.m. to further address the issue.

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. (147-2003)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of February 11, 2003 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (147-2003) 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. (148-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown wishes to request that the Rockland County Consortium consider several projects and one organization for Community Development Block Grant Funding, and

WHEREAS, a public hearing was duly held as required by Federal regulations on January 28, 2003 at 8:00 p.m. in the auditorium of Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and

WHEREAS, the Town Board of the Town of Clarkstown supports each of these projects and the one organization in their requests for funding,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the Rockland County Consortium consider Community Development Block Grant Funding for the following items:

1. Town of Clarkstown - Lawrence Street, Nanuet Sidewalk Construction and Drainage Improvement Project, Vicinity of New Jersey Transit Railroad Tracks
2. Town of Clarkstown - Construction of Handicapped Accessible Restrooms at Congers Station
3. Town of Clarkstown - Drainage Improvements and Construction of Sidewalk along Waldron Avenue and Depew Avenue, Central Nyack, vicinity of Central Nyack Community Center
4. Literacy Volunteers of Rockland County - Funding to Continue Adult Literacy and English as a Second Language Programs, and be it

FURTHER RESOLVED, that the Town Board hereby requests that from this list, the Consortium give first priority to the Lawrence Street, Nanuet Sidewalk Construction and Drainage Improvement Project, second priority to the Construction of Handicapped Accessible Restrooms at Congers Station, third priority to the Waldron Avenue and Depew Avenue, Central Nyack Drainage Improvements and Sidewalk Construction Project, and fourth priority to the request from Literacy Volunteers of Rockland County when considering each of these projects submitted by the Town of Clarkstown.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes  
 \*\*\*\*\*

RESOLUTION NO. (149-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, in accordance with the provisions of the Clean Water Act, as amended, operators of Small Municipal Separate Storm Sewer Systems (MS4s), located in New York State, are authorized to discharge to waters of the United States in accordance with the conditions and requirements set forth in the SPDES General Permit, and

WHEREAS, only those operators of storm water discharges from small municipal separate storm sewer systems who prepare a storm water management program and submit a Notice of Intent in accordance with Part II of the SPDES General Permit are authorized to discharge under said general permit;

NOW, THEREFORE, be it

RESOLVED, Supervisor Charles E. Holbrook is hereby authorized to execute a Notice of Intent, in accordance with the requirements of Part II of Permit GP-02-02, so that the Town of Clarkstown may obtain coverage for its Storm Water Discharge System.

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. (150-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, residents of the area of Renfrew Road, Perth Lane and York Drive, New City, as well as the Principal and Crossing Guard of Laurel Plains Elementary School have complained of an ongoing problem with dog walkers violating Chapter 125-4F of the Clarkstown Town Code in the area of the Renfrew Road cul-de-sac and Town-owned Park property designated as Lot 51.15-2-33 (f/k/a 56-A-6.78) or 32 Renfrew Road, New City, and

WHEREAS, the Town Code Enforcement Officer has been working with the resident-complainants on an enforcement program as the Town property includes a sidewalk ingress to the School for local walkers, which is often soiled by dog waste, and

WHEREAS, currently there are only two older type signs which state "CURB YOUR DOG" depicting a puppy thereon,

NOW, THEREFORE, BE IT

RESOLVED, that the Superintendent of Highways is hereby authorized to install four (4) of the following signs on the Town Park Property and cul-de-sac at Renfrew Road, New City:

"DOG WASTE PROHIBITED—PURSUANT TO CHAPTER 125-4F OF THE CLARKSTOWN TOWN CODE"

Two(2) of which are replacement signboards on existing posts and two(2) completely new signs, in view of the size of the parcel and the extent of the problem, and be it

RESOLUTION NO. (150-2003) continued

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (151-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Clarkstown Central School District has requested the installation of additional street lighting to improve traffic and pedestrian safety conditions in the vicinity of the Felix Festa Middle School.,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal dated February 12, 2003 from Orange and Rockland Utilities Inc. for street lighting at the following location

Parrot Road West Nyack  
(Pole number 59688/40876 – Install one (1) 22,500 lumen mercury vapor street light on 8 foot bracket)

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. (152-2003)

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 PM Carting Corp. on behalf of the Town of Clarkstown to recover monies owed for their use of the Clarkstown Solid Waste Facility, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to February 14, 2003.

RESOLUTION NO. (152-2003) 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. (153-2003)

Co. Smith offered and Co. Lasker seconded

WHEREAS, the Upper Nyack Cemetery, located on Tax Parcel 60.13-3-20 (formerly 149-D-7), at Upper Nyack, New York, had been used as a public cemetery for fourteen years with the last burial apparently occurring on or about 1857, and

WHEREAS, pursuant to Town Law Section 291-1, title to a public cemetery vests in the Town after fourteen years of use, and it appears that no provisions have been made for the proper care and maintenance of such cemetery;

NOW, THEREFORE, be it

RESOLVED, that the Town Board, on behalf of the Town of Clarkstown, hereby confirms that ownership and jurisdiction over the Upper Nyack Cemetery, Upper Nyack, New York, has vested in the Town of Clarkstown pursuant to Town Law Section 291-1, and be it

FURTHER RESOLVED, that the Town Board hereby directs the Department of Recreation and Parks to maintain said cemetery.

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. (154-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

PHILIP M. SCALA & SON, INC.  
P.O. Box 499  
Valley Cottage, NY 10989  
Philip Scala, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 03-17 PHILIP M. SCALA & SON, INC.

RESOLUTION NO. (154-2003) 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. (155-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #21-2003  
CRUSHED STONE

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on March 12, 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 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. (156-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #22-2003  
BITUMINOUS CONCRETE

Bids to be returnable to the office of the Purchasing Department, 10 Maple Avenue, New City, New York by 11:00 A.M. on MARCH 13, 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 office of the Clarkstown Purchasing Department.

RESOLUTION NO. (156-2003) 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. (157-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has recommended the renewal of a Software Maintenance Agreement with the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with New World Systems, in a form approved by the Town Attorney, to provide Software Maintenance to the Town of Clarkstown computer system for the period January 1, 2003 through December 31, 2005, and be it

FURTHER RESOLVED, that the fee for said services shall not exceed the total of \$68,850.00 for the three years, 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. (158-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County personnel Office has furnished certification of eligibles #02109 data Entry Operator I – which contains the name of Shivaun M. Fiumara,

Now, therefore, be it

RESOLVED, that Shivaun M. Fiumara, 54 Basswood Court, Bardonia, New York – is hereby appointed to the position of (Part-time) Data Entry Operator I – Town Justice Department – at the current hourly rate of \$17.96., effective and retroactive to January 6, 2003.

RESOLUTION NO. (158-2003) 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. (159-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the 2003 Salary Schedule – adopted at the January 6, 2003 Town Board meeting – is hereby amended to reflect the corrected salary and title of David L. Warren, 531 Willow Grove Road, Stony Point, New York – Motor Equipment Operator I (corrected title) \$47,863., (corrected salary) – Highway Department – effective and 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. (160-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, THE Rockland County Personnel Office has certified on February 18, 2003 that the position of Senior Clerk Typist ( part-time) – Finance Department – can be created,

NOW, THEREFORE, BE IT

RESOLVED, that the position of Senior Clerk Typist (Part-time) –Finance Department – is hereby created – effective and retroactive to February 19, 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. (161-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Patricia E. Parke, 162 Foltim Way, Congers, New York, is hereby reassigned to the position of (Part-time) Senior Clerk Typist – from the full-time position of Senior Clerk Typist – Finance Department – at the current hourly rate of \$22.28., effective and retroactive to February 19, 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. (162-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Ellen C. Burns, 65 South Greenbush Road, #3, West Nyack, New York – Senior Recreation Leader – Parks Board and Recreation Commission – is hereby granted, as per her request, a leave without pay, pursuant to the Family and Medical Leave Act – effective and retroactive to February 3, 2003 thru February 28, 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. (163-2003)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Budgetary Account A 3989-209 (Police Emergency Operations-Equipment) needs additional funding,

THEREFORE BE IT,

RESOLVED, to decrease Account A 1990-505 (Contingency) and increase Account A 3989-209 (Police Emergency Operations-Equipment) by \$31,500.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (164-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Superintendent of Parks and Recreation that

BID #8-2003  
PRINTING OF SPRING/SUMMER AND  
FALL/WINTER RECREATION & PARKS BROCHURES

is hereby awarded to:

ENCOMPASS DESIGN  
1 MAPLE PLACE  
GLENHEAD, NY 11545  
PRINCIPALS: BRUCE SWENSON

as per the following item/price schedule:

SPRING/SUMMER BROCHURE @ \$8,584.00

FALL/WINTER BROCHURE @ \$5,705.00

and be it

FURTHER RESOLVED, that said award is subject to the receipt of a Performance Bond (or deposit) equal to 15% of the total amount awarded above.

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. (165-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #10-2003  
FIRST AID/SAFETY SUPPLIES

is hereby awarded to:

NORTHERN SAFETY CO.  
P.O. BOX 4250  
UTICA, NY 13504  
PRINCIPALS: RONALD LONGO  
SALVATORE A. LONGO

MOORE MEDICAL CORP  
389 JOHN DOWNEY DRIVE  
NEW BRITAIN, CT 06050  
PRINCIPALS: HEARTLAND ADVISORS

RESOLUTION NO. (165-2003) continued

ZEVCO MEDICAL PRODUCTS  
28 W 080 COMMERCIAL AVENUE  
BARRINGTON, IL 60010  
PRINCIPALS: SHERWIN H. MEYERS  
GAIL S. MEYERS

LAERDAL MEDICAL CORP  
167MYERS CORNERS ROAD  
WAPPINGERS FALLS, NY 12590  
PRINCIPALS: A PUBLIC CORPORATION

as per the price/item list on file in 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. (166-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #15-2003  
GROUNDSKEEPING/LANDSCAPE SUPPLIES

is hereby awarded to:

LOFTS SEED CO.  
9327 US ROUTE 1, SUITE J  
LAUREL, MD 20723  
PRINCIPAL: A PUBLIC CORPORATION

CARSO INC.  
404 SOUTH VINE STREET  
CAMARGO, IL 61919  
PRINCIPAL: A PUBLIC CORPORATION

LESCO, INC.  
15885 SPRAGUE ROAD  
STRONGVILLE, OH 44136-1799  
PRINCIPAL: A PUBLIC CORPORATION

THE TERRE COMPANY OF NEW JERSEY  
206 DELAWANNA AVENUE  
CLIFTON, NJ 07014  
PRINCIPALS: WILLIAM B. FEURY  
THOMAS FEURY

as per attached item/price schedule on file in the Purchasing Office

RESOLUTION NO. (166-2003) 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. (167-2003)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that based upon the recommendation of the Department of Environmental Control,

BID #57-2001  
 Third Street New City Improvements

Is hereby awarded to:

58A JVD Industries, Ltd.  
 261 West Lincoln Avenue  
 Mount Vernon, New York 10550

As per their proposed project cost of \$315,640.00 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 project cost
- d) Certificate of Contractors Liability, Property Damage Coverage, including a Save Harmless Agreement
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker’s Compensation Insurance coverage
- g) Certificate of Worker’s Disability Insurance coverage

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

FURTHER RESOLVED, that the total cost of the project shall be a proper charge to account H8736 409 0 67 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. (168-2003)

Co. Smith offered and Co. Maloney seconded

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

NOW, THEREFORE, be it

RESOLVED, that the town Board hereby grants permission to the Clarkstown Parks Board and Recreation Commission to dispense alcoholic beverages in accordance with and subject to section 22-2A and 2B of the Town Code at :

Annual Senior Citizen Show Cast Party  
Saturday, April 26, 2003  
Congers Community Center – Auditorium  
Gilchrest Road  
Congers, NY 10920

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (169-2003)

Co. Lasker offered and Co. Smith seconded

RESOLVED, that Resolution No. 706-2001 and Resolution No. 924-2002, Bid 55-2001, Construction of the Pascack Community Center is hereby amended to reflect the additional cost of a Change Order in connection with the Electrical Construction components of the Contract, and

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

WHEREAS, the change order is required to improve the safety and well being of center users, and recommendations of the Electrical Underwriter, Town Safety Inspector and Fire Marshall, and

NOW, THEREFORE, BE IT RESOLVED that it is recommended that the approved agreement between Eagle Electric for the Electrical Construction component of the Pascack Community Center project in the amount of \$304,056 be increased by \$2,685. to \$306,741., and

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

RESOLUTION NO. (169-2003) 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. (170-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Principal of New City Elementary and several parents of students attending this school have raised concerns about traffic safety in the vicinity of New City Elementary, and

WHEREAS, the Supervisor requested Howard L. Lampert, PE, Traffic and Highway Engineering Consultant to investigate traffic safety conditions in this area and make any appropriate recommendations for improvements, and

WHEREAS, Mr. Lampert submitted his findings and recommendations in his report to the Supervisor dated February 20, 2003,

NOW, THEREFORE, BE IT

RESOLVED, that based upon the recommendation of Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant dated February 20, 2003, the following regulations in the vicinity of the New City Elementary School are hereby authorized:

1. The east-west section of Crestwood Drive, which is alongside the New City Elementary School, is hereby made one-way eastbound from 7 a.m. to 3 p.m. on School Days except for school buses, and

2. A "No Stopping Here to Corner" regulation shall be established on the east side of Elmwood Drive from Crestwood Drive to 30 feet south of Crestwood Drive, and be it

FURTHER RESOLVED, to properly provide for these regulations and to correct deficiencies in the existing signs the Superintendent of Highways is hereby authorized to install the appropriate signage as listed on the attached sheet, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (171-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Edward J. Lettre, Clerk of the Works, has solicited for proposals to architects to provide design services for renovation of the 2<sup>nd</sup> floor of the former Police Court Facility, and

WHEREAS, Mr. Lettre recommends the firm of Denker Cackovic Architects to perform the work;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Denker Cackovic Architects, in a form approved by the Town Attorney, to provide design services for renovation of the 2<sup>nd</sup> floor of the former Police Court Facility, pursuant to its proposal dated February 7, 2003, and within eighty (80) days from the date hereof, and be it

FURTHER RESOLVED, that Denker Cackovic Architects provide the Town with required insurance certificates, and be it

FURTHER RESOLVED, that the fee for said work shall not exceed the amount of \$16,500.00, plus standard out of pocket reimbursable expenses and shall be charged to Account No. H 7611-400-409-76-3.

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. (172-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Howard L. Lampert, P.E., the Town of Clarkstown Traffic Engineering Consultant, has submitted a proposal, at the request of the Town Board, to evaluate the intersections of Little Tor Road at New Hempstead Road, and Little Tor Road at Germonds Road with regard to traffic;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Howard L. Lampert, P.E., in a form approved by the Town Attorney, to authorize him to evaluate the intersections of Little Tor Road at New Hempstead Road, and Little Tor Road at Germonds Road, with regard to traffic, in accordance with his proposal dated December 24, 2001, for a fee not to exceed \$2,750.00, which 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. (173-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Clarkstown Police Department prepares an Annual Certification Report for the U.S. Department of Justice with regard to its Asset Forfeiture Account, and

WHEREAS, Acting Chief of Police, William Sherwood, has recommended the Town Board authorize the Supervisor to execute a proposed report dated February 25, 2003;

NOW, THEREFORE, be it

RESOLVED, that Supervisor Charles E. Holbrook is hereby authorized to sign the 2002 Federal Annual Certification Report for the Clarkstown Police Department regarding the Asset Forfeiture Account, which is to be sent to the U.S. Department of Justice.

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. (174-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Superintendent of Highways has recommended that the Town Board approve the Highway Department's use of the current Rockland County Bid for Cold Milling Operations, which has been extended to September 30, 2003;

NOW, THEREFORE, be it

RESOLVED, that Wayne T. Ballard, Superintendent of Highways, is hereby authorized to make use of the current Rockland County Bid for Cold Milling Operations, under Bid No. 01-122, as extended, and be it

FURTHER RESOLVED, that the expenditures for such work shall not exceed the amount of \$38,000.00, and shall be charged to the appropriate Capital Account.

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. (175-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, Superintendent of Highways, has determined that the organization and efficiency of the repair and maintenance of the Highway Department may benefit from the analysis and recommendations of a consultant firm with experience in the management of such facilities, and

WHEREAS, the Superintendent of Highway has investigated various firms qualified to perform such investigation and analysis and has recommended that the firm of Commercial Vehicle Consultants, Inc. be retained pursuant to its proposal of February 25, 2003 to perform an in depth inspection of the repair and maintenance operation of the Town of Clarkstown Highway Department, and to analyze same with the purpose of making recommendations to improve the efficiency and cost effectiveness of its overall operation, at fee not to exceed \$6,885.00, including expenses;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to obtain the consulting services referred to herein to analyze and make recommendations regarding the present and future needs of the Highway Department vehicle repair and maintenance operations, and be it

FURTHER RESOLVED, that the fee shall be charged to Account No. DB 5110-409.

On roll call the vote was as follows:

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

\*\*\*\*\*

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted the Town Board Meeting was closed, time: 9:55 p.m.

Respectfully submitted,



Patricia Sheridan  
Town Clerk