

TOWN OF CLARKSTOWN
SPECIAL MEETING
CLARKSTOWN MIDDLEWOOD HOUSING
DEVELOPMENT FUND COMPANY, INC.

Town Hall

03/25/2003

8:00 P.M.

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

Re: Authorizing Agreement with Korn, Rosenbaum, Phillips & Jauntig, LLP for
Accounting and Management Advisory Services

Authorizing Signing of the 202 Financial Statement for the Middlewood Senior
Citizens Complex

On motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the
Special Meeting was opened at 9:42 PM.

WHEREAS, a proposal has been received from Korn, Rosenbaum, Phillips &
Jauntig, LLP Certified Public Accountants, dated January 3, 2003, to perform accounting
and management advisory services for the Clarkstown Middlewood Housing
Development Fund Company, Inc.

NOW, THEREFORE, be it

RESOLVED, that the Board of Directors of Clarkstown Middlewood Housing
Fund Company, Inc. authorizes the President to enter into an agreement with Korn,
Rosenbaum, Phillips & Jauntig, LLP to perform accounting and management advisory
services for a fee not to exceed \$5,500.00; and be it

FURTHER RESOLVED, that the fee for such services shall be charged to the
Clarkstown Middlewood Housing Development Fund Company, Inc.

RESOLVED, that the Town Board of the Town of Clarkstown, as Board of
Directors of the Clarkstown Middlewood Housing Development Fund, Inc., hereby
authorizes the signing of the 2002 Financial Statement for the Middlewood Senior
Citizens' Complex - HUD Project No. 012-44136-NP-WAH.

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

03/25/2003

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.

The Town Board awarded Dennis Lowenwirth and Nicholas Kurek of Boy Scout Troop 33, Nanuet, certificates for achieving the rank of Eagle Scout. The Town Board congratulated them and their parents.

On motion of Co. Maloney seconded by Co. Mandia the public hearing re: Proposed acquisition of portion of property in the vicinity of Congers Lake Dam by Eminent Domain was opened, time: 8:05 p.m.

On motion of Co. Maloney seconded by Co. Mandia the public hearing re: Proposed acquisition of portion of property in the vicinity of Congers Lake Dam by Eminent Domain was closed, time: 8:47 p.m.

On motion of Co. Mandia seconded by Co. Maloney the public hearing re: Proposed Road Improvement District for a portion of S. Grant Avenue, from Waldberg Ave to #64 S. Grant Ave, Congers was opened, time: 8:48 p.m.

On motion of Co. Maloney seconded by Co. Mandia the public hearing re: Proposed Road Improvement District for a portion of S. Grant Avenue, from Waldberg Ave to #64 S. Grant Ave, Congers was closed, time: 9:20 p.m.

On motion of Co. Mandia seconded by Co. Maloney the public hearing re: Proposed Local Law Amending Chapter 290 Zoning Local Law to authorize used car dealerships in LI0 Zone, was opened, time: 9:21 p.m.

On motion of Co. Mandia seconded by Co. Maloney the public hearing re: Proposed Local Law Amending Chapter 290 Zoning Local Law to authorize used car dealerships in LI0 Zone, was closed, TO BE CONTINUED, SINE DIE, time: 9:41 p.m.

Supervisor opened the public portion of the meeting.

Appearance: Gerry O'Rourke
Congers.

Spoke in favor of Item #7, Congers Downtown Improvements. He congratulated the Town Board and gave them a gold star because of what they were going forward with.

Appearance: Russell Trojan
Nanuet

Spoke regarding the new polling districts and polling places.

Appearance: Ryan Stevens
New City

Spoke regarding Stop signs on Elmwood Drive.

Appearance: David Burd
Nanuet

Representing Congressman Elliot Engel and told the assemblage that the congressman was having an office built in West Nyack on West Nyack Road and if anyone wanted to reach the congressman now before his office is opened they may call (845) 358- 7800.

Appearance: Steven Levine
Congers

Spoke regarding what he believed to be non-uniform fees in the building inspector's office and that the Town was losing money as a result of this. He suggested that the Town hire an outside consultant.

RESOLUTION NO. (238-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a public hearing was duly scheduled and held by the Town Board on March 25, 2003 pursuant to the Eminent Domain Procedure Law, to consider the proposed acquisition by Eminent Domain of property for municipal purposes which is located on the south side of Congers Lake, Congers, New York, a portion of property known as Map 52.7-2-19 and Map 52.11-2-1 through 52.11-2-16;

NOW, THEREFORE, be it

RESOLVED, that the public hearing is declared closed and decision pursuant to EPTL Section 204 is reserved.

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. (238A-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, by Order dated February 11, 2003, the Town Board scheduled a public hearing on a proposed Road Improvement District for a portion of an unimproved right-of-way known as SOUTH GRANT AVENUE, in the Hamlet of Congers, and

WHEREAS, after all parties of interest were heard at said public hearing held on March 25, 2003, at 8:00 p.m., at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, the Town Board has determined to proceed further with this matter;

RESOLUTION NO. (238A-2003) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Director of the Department of Environmental Control and the Superintendent of Highways to obtain the services of a licensed surveyor to prepare a survey and/or topographical map as needed for planning purposes, with respect to the proposed Road Improvement project for a portion of SOUTH GRANT AVENUE, Congers, New York, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control and the Superintendent of Highways are hereby authorized and directed to prepare definite plans and specifications, 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 Luke Kalarickal, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that Determination and Findings required pursuant to Sections 264 and 265 of the Town Law is hereby reserved pending receipt and acceptance of the survey called for herein and completion of 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. (239-2003)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of March 11, 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. (240-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan known as HIDDEN RIDGE, designated on the Clarkstown tax map as Map 57.15, Block 2, Lot 3, and

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

RESOLUTION NO. (240-2003) continued

WHEREAS, said property is private property; 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 execute an agreement with HIDDEN RIDGE, LLC, as owner, in the form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby HIDDEN RIDGE, LLC, or its successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the dwelling units to be located on such property presently owned by HIDDEN RIDGE, LLC, located in the hamlet of Nanuet, for the condominium site plan known as HIDDEN RIDGE, affecting the tax map parcels referred to above, and the Comptroller is hereby authorized and directed, pursuant to such Covenant, to provide periodic statements to HIDDEN RIDGE, LLC, or the future Board of Managers, Homeowners Association or respective owner(s) of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate, shall be levied against the present or future tax parcels in accordance with the applicable assessment values.

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. (241-2003)

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:

CAL MART ENTERPRISES, INC.
357A Route 59
West Nyack, NY 10994
Carl Wortendyl:e, President

PAUL BITTS CO., INC.
9 Germonds Road
New City, NY 10956
Paul Bitts, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

- No. 03-10 CAL MART ENTERPRISES, INC.
- No. 03-20 PAUL BITTS CO., INC.

RESOLUTION NO. (241-2003) 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. (242-2003)

Co. Maloney offered and Co. Smith seconded

Whereas, the Town Board of the Town of Clarkstown has, via resolution #519-2002, previously approved Change Order on Contract No. 16 in the amount of \$14,200.00 for vinyl fencing and gates to be installed for safety purposes on the subject project; and

Whereas, the amount approved for this change order was based on an estimated quantity of 260 linear feet of fence and 3 gates; and

Whereas, the actual field measurement of fence installed was 326 linear feet and 3 gates resulting in a cost of \$17,255.00;

Now, Therefore, Be It Resolved that the budget allowance for this project be increased by \$3,055.00 to \$431,573.93 to reflect the actual cost of this change order on contract; and

Be It Further Resolved that this shall be a proper charge to account # H 8751 409 0 75-15.

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. (243-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes John A. Costa, Town Attorney, and Marsha Coopersmith, First Deputy Town Attorney, to attend a seminar at the Crowne Plaza Hotel, 66 Hale Avenue, White Plains, New York, dealing with litigation of contract disputes, on May 21, 2003, and be it

FURTHER RESOLVED, that the total cost of \$518.00 for both parties to attend said conference, and travel expenses will be charged to Account No. A 1010-414.

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. (244-2003)

Co. Lasker offered and Co. Smith seconded

WHEREAS, John Coyle was authorized by Town Board Resolution adopted on January 6, 2003, to attend, by day trips, the Association of Towns' Convention held in New York City on February 16-19, 2003, and

WHEREAS, due to inclement weather Mr. Coyle found it necessary to take lodging for one night and he wishes to be reimbursed for same;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment to John Coyle in the amount of \$245.00, for lodging expenses, which cost shall be charged to Account No. A 1010-414.

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. (245-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, based on the recommendation of the Purchasing Department and in concurrence with the Superintendent of Recreation and Parks, that Bid #7-2003 for furnishing Arts & Crafts supplies is hereby awarded to the following low bidders who have met the specifications:

1. B&B Crafts, Inc., 175 Allen Blvd., Farmingdale, NY 11735, 631-420-4220
For items # 17, 26, 35, 38, 39, 95, 160, 191, 195, 196, 208, 213, 218, 226, 227, 229, 231, 233, 235, 236, 238, 239, 240, 284, 285, 294, 297, 605, 607, 615, 318, 339, 362, 372, 373, 380A, 394, 420, 422, 423, 428, 429, 433, 435, 439, 443, 450, 451, 452, 453, 454, 455, 456, 457, 459, 460, 464, 465, 466, 469, 470, 471, 473, 475, 476, 477, 485, 488, 500, 506, 508, 509, 514, 516, 517, 518, 521, 523, 525, 526, 534, 537, 539, 543, 547, 556, 557, 558, 564, 565, 567, 568, 570, and 571 as per specifications at a net bid price of \$4,113.41
2. Becker's School Supplies, 12300 McNulty Road, Philadelphia, PA 19154, 1-800-523-1490.
For items #3, 5, 6, 7, 10, 13, 15, 16, 24, 25, 28, 32, 45, 46, 52, 53, 54, 63, 66, 68, 83, 84, 85, 105, 114, 119, 120, 121, 122, 123, 124, 137, 138, 140, 141, 143, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 170, 171, 173, 174, 175, 201, 202, 243, 244, 277, 278, 314, 317, 324, 326, 327, 328, 329, 350, 351, 419, 482, 489, 540, 544, 549 and 591 as per specifications at a net bid price of \$3,125.24.
3. Ceramic Supply of New York/New Jersey, 7 Route 46, West Lodi, NJ 07644, 973-340-3005.
For items # 366, 378, 574, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605,

RESOLUTION NO. (245-2003) continued

606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 625 as per specifications at a net bid price of \$1,418.28.

4. J & A Handy-Crafts, Inc. 165 S. Pennsylvania Ave., Lindenhurst, NY 11757, 631-226-2400.
For Items #1, 12, 34, 36, 37, 58, 60, 78, 79, 80, 81, 82, 89, 110, 113, 117, 134, 162, 163, 183, 204, 205, 206, 223, 225, 228, 245, 249, 250, 251, 254, 257, 258, 263, 269, 270, 271, 310, 311, 316, 347, 352, 356, 368, 380, 397, 413, 425, 501, 520, 527, and 532 as per specifications at net bid price of \$2,291.61.

5. S&S Worldwide, Inc., P.O. Box 513 (75 Mill St.) Colchester, CT 06415, 1-800-642-7354.
For Items #4, 8, 9, 11, 14, 18, 19, 20, 21, 22, 23, 27, 29, 30, 31, 33, 40, 41, 42, 43, 44, 47, 48, 49, 50, 51, 55, 56, 57, 59, 61, 62, 64, 65, 67, 70, 71, 72, 73, 74, 75, 76, 77, 86, 87, 88, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 107, 108, 109, 111, 112, 115, 116, 118, 125, 126, 127, 128, 129, 130, 131, 132, 133, 135, 136, 142, 144, 148, 159, 164, 165, 166, 167, 168, 169, 172, 176, 177, 178, 179, 180, 181, 182, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 198, 199, 200, 207, 209, 210, 211, 212, 214, 215, 216, 217, 219, 220, 221, 222, 224, 230, 232, 234, 237, 241, 242, 246, 247, 248, 252, 253, 255, 256, 259, 260, 261, 262, 264, 265, 266, 267, 268, 272, 273, 274, 275, 276, 279, 280, 281, 282, 283, 286, 287, 288, 289, 290, 291, 292, 293, 295, 296, 298, 299, 300, 301, 302, 303, 304, 306, 308, 309, 312, 313, 319, 320, 321, 322, 323, 325, 330, 331, 332, 333, 334, 335, 336, 337, 338, 340, 341, 342, 343, 344, 345, 346, 348, 349, 353, 354, 355, 357, 358, 359, 360, 361, 363, 364, 365, 367, 369, 370, 371, 374, 375, 376, 377, 379, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 395, 396, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 414, 415, 416, 417, 418, 421, 424, 426, 427, 430, 431, 432, 434, 436, 438, 440, 441, 442, 444, 445, 446, 447, 448, 449, 458, 461, 462, 463, 467, 468, 472, 474, 478, 479, 480, 481, 483, 484, 486, 487, 490, 491, 492, 493, 494, 496, 497, 498, 499, 502, 503, 504, 505, 510, 511, 512, 513, 515, 519, 522, 524, 528, 529, 530, 531, 533, 535, 536, 538, 541, 542, 545, 546, 548, 550, 551, 552, 553, 554, 555, 560, 561, 562, 563, 566, 569, 572, 573, 576, 577, 578, 579 and 580 as per specifications at a net bid price of \$11,596.79

Gross Total of all items: \$22,545.43

Be it further resolved that this amount be charged against accounts:

7310-329- \$12,135.18
7141-329 - \$ 6,338.25
7610-329 - \$ 4,072.00

On roll call the vote was as follows:

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

RESOLUTION NO. (246-2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #9-2003 – FIREWORKS DISPLAY

is hereby awarded to: PYROTECNICO
P.O. BOX 149, 302 WILSON ROAD
NEW CASTLE, PA 16103
PRINCIPALS: STEPHEN J. VITALE
MICHALE J. FOX
E. BRUCE VOLENSKY

as per their proposed project cost of \$5,000.000 for a 401 Shell Fireworks Display and be it

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

- a) Performance Bond per Bid Specs
- b) Certificate of General Liability Insurance per bid specs
- c) Certificate of Fireworks Display Liability per bid specs
- d) Certificate of Worker's Compensation Insurance coverage
- e) Certificate of Worker's Disability Insurance coverage

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

On roll call the vote was as follows:

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

RESOLUTION NO. (247-2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #12-2003 – CONGERS DOWNTOWN IMPROVEMENTS

is hereby awarded to: WJL EQUITIES CORPORATION
157 FISHER AVENUE
EASTCHESTER, NY 10709
PRINCIPALS: DANIELLE BUENAVENTURA

as per their proposed project cost of \$1,780,000.00 and be it

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

RESOLUTION NO. (247-2003) continued

- 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 Automobile Liability Coverage
- f) Certificate of Worker's Compensation Insurance coverage
- g) Certificate of Worker's Disability Insurance coverage

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

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. (248-2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #13-2003 – 2003 Site Maintenance Project

is hereby awarded to: **ASCAPE LANDSCAPE & CONSTRUCTION**
 P.O. BOX 679
 NEW CITY, NY 10956
PRINCIPALS: **STUART CHAITIN**

as per their proposed project cost of \$20,000.00 and be it

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

- 1. Save Harmless Agreement
- 2. Performance Security – Irrevocable Letter of Credit
- 3. Certificate of Contractor's Liability Insurance and Automobile Liability Insurance
- 4. Certificate of Worker's Compensation Insurance
- 5. Certificate of Worker's Disability Insurance

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

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. (249-2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #21-2003 – CRUSHED STONE

is hereby awarded to:

TILCON, NEW YORK
162 OLD MILL ROAD
WEST NYACK, NY 10994

PRINCIPALS: A PUBLIC CORPORATION

DUTCHESS QUARRY AND SUPPLY, INC.
49 ARBORIO ROAD
P.O. BOX 651
PLEASANT VALLEY, NY 12569

PRINCIPALS: JOSEPH C. ARBORIO
PETER ARBORIO
JOSEPH J. LIGGERA

as per the attached item/price schedule.

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. (250-2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #22-2003 – BITUMINOUS CONCRETE

is hereby awarded to:

TILCON NEW YORK, INC
162 OLD MILL ROAD
WEST NYACK, NY 10994
PRINCIPALS: CHRISTOPHER J. MADDEN
GEORGE W. THOMPSON
JOHN T. COONEY, JR

as per the attached price/item list.

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. (251-2003)

Co. Maloney offered and Co. Lasker seconded

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

BID #30-2003 – STORAGE OF TOWN VOTING MACHINES

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

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown 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. (252-2003)

Co. Maloney offered and Co. Lasker seconded

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

BID #31-2003 – DELIVERY OF TOWN VOTING MACHINES

Bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by _____ (P.M.) on 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. (253-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$110.00 from donations to the Child Passenger Safety Program

THEREFORE BE IT,

RESOLUTION NO. (253-2003) continued

RESOLVED, to increase Revenue Account No. A 01 9 2705 0 (Gifts & Donations) by \$110.00 and increase Budgetary Account's A 3120-326 (Police-Law Enforcement Supplies) by \$110.00 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 1430-328 (Personnel-Books & Publications) and increase A 1430-409 (Personnel-Fees For Services) by \$60.00 and decrease A 1355-110 (Assessor-Salaries) and increase A 1355-409 (Assessor--Fees for Services) by \$35,000.

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. (254-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, to decrease Appropriation Account A-7310-329 (Rec. Sup.) by \$3,000.00 and to increase Appropriation Account A-7020-313 (Of. Sup/Prt.) by \$3,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (255-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on February 18, 2003 that the position of senior Account Clerk #0207 – Comptroller's Office – can be reclassified to the position of Senior Account Clerk Typist,

Now, therefore, be it

RESOLVED, that the position of Senior Account Clerk #0207 is hereby reclassified to the position of Senior Account Clerk Typist – effective and retroactive to March 17, 2003.

RESOLUTION NO. (255-2003) 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. (256-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00309 Senior Account Clerk Typist which contains the name of Lenore E. Loncar,

Now, therefore, be it

RESOLVED, that Lenore E. Loncar, 3 Yellowstone Drive, West Nyack, New York, is hereby appointed to the(permanent) position of Senior Account Clerk Typist – Comptroller’s Office – at the current annual salary of \$31,522., effective and retroactive to March 17, 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. (257-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #00055 Senior Recreation Leader, which contains the name of Kyle J. Boyce,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Kyle J. Boyce, 47 Lafayette Road, Tappan, New York, to the (permanent) position of Senior Recreation Leader – Parks Board and Recreation Commission – at the current annual salary of \$35,198., effective and retroactive to April 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. (258-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of William Conklin, 8 Willows Avenue, Central Nyack, New York, to the position of Senior Groundswoker - Parks Board and Recreation Commission - at the current annual salary of \$29,602., effective and retroactive to February 10, 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. (259-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of William R. Hastings, 40 Old Schoolhouse Road, New City, New York, to the position of Groundskeeper II - (position encumbered by Fred Hastings) - Parks Board and Recreation Commission - at the current annual salary of \$52,009., effective and retroactive to March 3, 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. (260-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Christopher S. Ryan, 27 Lake Nanuet Drive, Nanuet, New York, to the position of (temporary) Groundskeeper - (position encumbered by William Hastings) - Parks Board and Recreation Commission - at the current annual salary of \$46,381., effective and retroactive to March 3, 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. (261-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Anthony Pagliuca, 173 Massachusetts Avenue, Congers, New York, to the position of Groundskeeper – Parks Board and Recreation Commission – at the current annual salary of \$40,954., effective and retroactive to March 3, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (262-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on March 14, 2003 that the position of Recreation Supervisor – Parks Board and Recreation Commission – can be created,

Now, therefore, be it

RESOLVED, that the position of Recreation Supervisor – Parks Board and Recreation Commission – is hereby created – effective March 26, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (263-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #02074 Real Property Appraiser (Promotional) which contains the name of Dawn L. Mauro,

Now, therefore, be it

RESOLVED, that Dawn L. Mauro, 13 North Park Avenue, Nanuet, New York, is hereby appointed to the (permanent) position of Real Property Appraiser – Assessor’s Office – at the current annual salary of \$40,140., effective March 31, 2003.

RESOLUTION NO. (263-2003) 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. (264-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Kathleen E. Fredericks has requested a six (6) month leave of absence, without pay, and

WHEREAS, Kathleen E. Fredericks has supplied a satisfactory reason for her request, and

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

Now, therefore, be it

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, by the Police Commission of Kathleen E. Fredericks, 8 Centenary Church Road, New City, New York – Police Radio Dispatcher (CAD) – effective and retroactive to March 11, 2003 to September 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. (265-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Purchasing Department and in concurrence with the Superintendent of Recreation and Parks that

BID #19-2003 – SWIMMING POOL CHEMICALS

is hereby awarded to: JCI JONES CHEMICALS
 103 RIVER STREET
 P.O. BOX 280
 WARWICK, NY 10990

PRINCIPALS: JEFFREY W. JONES

RESOLUTION NO. (265-2003) continued

BEL-ACQUA POOL SUPPLY, INC.
 750 MAIN STREET
 NEW ROCHELLE, NY 10805
 PRINCIPALS: MARTIN SILVER
 SUSAN WISAN

JERSEY CHEMICALS, INC.
 775 RIVER STREET
 PATERSON, NJ 07524
 PRINCIPALS: ALAN TAUB

as per the attached item/price schedule

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. (266-2003)

Co. Lasker offered and Co. Maloney seconded

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

BID #20-2003 – COMMUTER PARKING LOT MAINTENANCE PROJECT

is hereby awarded to: ASCAPE LANDSCAPE & CONSTRUCTION CORP.
 P.O. BOX 679
 NEW CITY, NY 10956
 PRINCIPAL: STUART CHAITIN

as per their lowest bid proposal of \$28,000.00, and be it

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

- 6. Save Harmless Agreement
- 7. Performance Security – Irrevocable Letter of Credit
- 8. Certificate of Contractor’s Liability Insurance and Automobile Liability Insurance
- 9. Certificate of Worker’s Compensation Insurance
- 10. Certificate of Worker’s Disability Insurance

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

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. (267-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Rockland County Board of Elections has advised the Town Board that changes are required to be made to certain election district boundaries on the Election District Map in the Town of Clarkstown, pursuant to Section 4-100.6 of the New York State Election Law, due to the recent Rockland County Legislative reapportionment;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the plan proposed by the Rockland County Board of Elections, as outlined in the Board's correspondence dated March 13, 2003, and authorizes the changes as proposed to the Election District Map pursuant to Section 4-100.6 of the New York State Election Law and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to remit a certified copy of this resolution to the Rockland County Board of Elections.

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. (268-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Assignment dated November 1, 2001, Versailles at Nanuet, LLC assigned all of its rights, title and interest in escrow funds held by the Town of Clarkstown to New Clarkston Properties, LLC in connection with a project known as Versailles at Nanuet, designated on the Clarkstown Tax Map as Map 57.7, Block 5, Lots 5 and 5.32 (f/k/a 165-A-3.02 and 3.04), and

WHEREAS, notice of such assignment was given to the Town of Clarkstown on March 14, 2003; and the Assignee, New Clarkston Properties, LLC, has requested the release of escrow funds held by the Town of Clarkstown in the amount of \$20,192.80, and the Building Inspector and the Deputy Director of the Department of Environmental Control have recommended said release;

NOW, THEREFORE, be it

RESOLVED, that escrow funds in the amount of \$20,192.80 may be released to New Clarkston Properties, LLC.

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. (269-2003)

Co. Lasker offered and Co. Maloney seconded

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

WHEREAS, it is necessary to obtain a permanent easement from Linda Kleban, owner of property located at 47 Phillips Hill Road, New City, and

WHEREAS, the property owner has agreed to grant the permanent easement to the Town of Clarkstown for the sum of \$3,000;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment of \$3,000 to Linda Kleban for said permanent easement, which shall be charged to Account No. H 8752-09-0-76-20.

On roll call the vote was as follows:

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

RESOLUTION NO. (270-2003)

Co. Lasker offered and Co. Maloney 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 degraded portion of the road consisting of potholes, damaged asphalt road surface and drainage problems, and

WHEREAS, 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 concur that the Town owned property should be properly maintained, and

WHEREAS, the temporary repairs made on January 27, 2003 and March 19, 2003 have failed due to the limited durability of the cold patch material, the additional severe winter weather conditions and the need to properly prepare the degraded area for more permanent patching,

NOW, THEREFORE, BE IT RESOLVED that the Superintendent of Highways is hereby authorized to perform the necessary repairs to the Town owned portions of Dustman Lane, Bardonia, as detailed in the memorandum from the Town Code Enforcement Officer to Supervisor Holbrook and Superintendent of Highways Ballard of March 21, 2003 which include the following:

RESOLUTION NO. (270-2003) continued

- 1.) Pumping out all standing water from existing potholes.
- 2.) Completely sweeping the entire area to remove crumbled patch material, gravel and other detritus which are obscuring the road and creating a hazard.
- 3.) Remove the log (phone pole) barriers and trench a channel at the Southwest bend (deep puddle) west of Amanda Lane to appropriately drain off the road.
- 4.) Clean out, fill and roll the indicated potholes with hot asphalt patch.
- 5.) Other associated maintenance as required to complete the work in a professional manner.

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. (271-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that the resignation (by retirement) of Kevin A. Kilduff, 15 Corners Road, Congers, New York – Police Chief – Town of Clarkstown – Police Department – is hereby accepted –effective April 4, 2003.

On roll call the vote was as follows:

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

Supervisor Holbrook stated that this resolution was accepted with regret because of the outstanding job done by Chief Kilduff during his years of service to the Police Department and the citizens of the Town.

RESOLUTION NO. (272-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #32-2003 – SECURITY GUARD SERVICES – TOWN PARKS

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 determined 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. (272-2003) 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. (273-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #33-2003 – SECURITY GUARD SERVICES
CLARKSTOWN SOLID WASTE FACILITY

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 determined 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. (274-2003)

Co. Maloney offered and Co. Smith seconded

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

BID #34-2003 – PARKING EXPANSION,
PASCACK COMMUNITY CENTER

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 determined 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. (275-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, Section 1660 of the New York State Vehicle and Traffic Law and Section 278-6(13) of the Town Code of the Town of Clarkstown authorize the Town Board, by resolution, to exclude trucks in excess of certain designated weights from highways within the Town, excepting local deliveries, and

WHEREAS, the Town Board, by Resolution No. 99-2001, restricted trucks with a gross vehicle weight in excess of ten (10) tons from certain County roads within the Town including Congers Road/Lake Road, and

WHEREAS, the County Superintendent of Highways has directed the removal of signs placed upon such highway to enforce such weight limits, and

WHEREAS, the Town Board has determined that a temporary weight limitation on Congers Road/Lake Road is necessary to protect the residents of the Town from the hazards and consequences of heavy truck traffic on a pavement that is presently in very poor condition, and

WHEREAS, there exists appropriate alternate truck routes, especially State Routes 303 and 304 North and South;

NOW, THEREFORE, be it

RESOLVED, that the County Superintendent of Highways is hereby respectfully requested to install signs limiting trucks to a gross vehicle weight of not more than ten (10) tons on Congers Road/Lake Road, and be it

FURTHER RESOLVED, that if the County Superintendent of Highways shall fail to install such signs, the Town Superintendent of Highways is hereby authorized to do so, after requesting a permit from the County Superintendent of Highways shall fail to install such signs, the Town Superintendent is hereby authorized to do so, after requesting a permit from the County Superintendent of Highways.

FURTHER RESOLVED, that in the alternative, the Town Superintendent of Highways is hereby authorized to install the signs after receiving a permit from the Rockland County Superintendent of Highways.

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. (276-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, pursuant to New York State Election Law, the size of Town election districts is based on the number of enrolled voters in each district and not the number of persons who actually vote in each election, thereby significantly increasing the number of required districts, with the result that the taxpayers are burdened with additional election administrative and equipment costs;

RESOLUTION NO. (276-2003) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests our State Legislators to seek amendment to the State Election Law to provide that the size of election districts be based on the number of voters actually voting in presidential elections where the turn out is historically greatest and such change will result in fewer districts, thereby significantly lowering election administrative and equipment costs to the Town without any adverse effect on the electoral process, and be it

FURTHER RESOLVED, that the Town Clerk shall provide certified copies of this resolution to Assemblymen Alex Gromack and Ryan Karben, Senator Thomas Morahan, and the Clerk of the New York State Legislature.

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. (277-2003)

Co. Lasker offered and Co. Maloney seconded

RESOLVED, that Resolution No. 16-2003, adopted by the Town Board on January 6, 2003, is hereby amended to add the following as designated Polling Places in the Town of Clarkstown for the Year 2003, which is attached as Schedule "A". (On file in Town Clerk's Office.)

On roll call the vote was as follows:

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

RESOLUTION NO. (278-2003)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Town Board Resolution #393-2001 authorized the Director of the Department of Environmental Control to obtain the professional services of registered architect to perform a space study and prepare a preliminary plan for modifications to the Department of Environmental control, and

WHEREAS, the preparation of construction plans, specifications and bid documents is required to move forward with the required modifications, and

WHEREAS, the Director of the Department of Environmental Control has obtained a proposal from Degenshein Architects, 205 South Broadway, Nyack, New York 10960 to perform the following:

RESOLUTION NO. (278-2003) continued

- 1. Prepare Construction Plans and Specifications \$7,350.00
- 2. Perform Bid Administration \$950.00
- 3. Perform Construction Administration and Inspection \$6,150.00

NOW THEREFORE BE IT RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to retain the services of Degenshein Architects, 205 South Broadway, Nyack, New York 10960, to prepare the necessary construction plans, specifications and bid documents for the modifications to the offices of the Department of Environmental Control, and

BE IT FURTHER RESOLVED that the cost shall not exceed \$14,450.00 in accordance with their proposal dated March 18, 2003 and shall be a proper charge to account H 8751 409 0 75 5.

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. (279-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, Superintendent of Highways, has advised the Town Board that the cost of the Cold Milling Operations being performed on South Main Street, New City, New York, which was authorized by the Town Board pursuant to Resolution No. 174-2003, under Rockland County Bid No. 01-122, has increased from \$38,000.00 to \$43,817.40, due to the fact that the County could not provide the services of additional milling, traffic control and line striping on the road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 174-2003, adopted on February 25, 2003, to authorize the increase of expenditures from \$38,000.00 to \$43,817.40, for Cold Milling Operations, which fee 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. (280-2003)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Brian Landau, Chief of the New City Fire Department and Mark Papenmeyer, Chief Fire Safety Inspector of the Town of Clarkstown, submitted a proposal to establish a fire lane designation, pursuant to the provisions of Chapter 278,

RESOLUTION NO. (280-2003) continued

Section 13 (Vehicle and Traffic Law) of the Town Code of the Town of Clarkstown, affecting the interior travel lanes located within the Omni Court Condominium Complex and the Omni Court Professional Building, at Omni Court, New City, New York, as shown on the Site Development Plan endorsed by the Chairman of the Clarkstown Planning Board on May 5, 1982, and the Subdivision Map as filed in the Office of the Rockland County Clerk as Map No. 5364, Book 98, Page 45. More particularly, the said fire lane shall be located along the westerly side of a portion of the internal travel lane known as Omni Court;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on April 8, 2003, at 8:00 p.m., or as soon thereafter as possible, to consider establishing a fire lane designation pursuant to Chapter 278 of the Town Code for premises known as the Omni Court Condominium Complex and Omni Court Professional Building, at Omni Court, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (281-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, the Town Board authorized Martus Granirer, Esq., as Special Counsel, to handle certain matters dealing with the Open Space Initiative;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes payment to Martius Granirer, Esq. for work performed concerning the Open Space Initiative, for the period ending December 31, 2002, at the hourly rate of \$230.00, subject however to receipt of a signed contract and required insurance certificates naming the Town as an additional insured where appropriate, which documents shall be in a form satisfactory to the Town Attorney.

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. (282-2003)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by resolutions adopted on May 28, 2002 and June 25, 2002 the Town Board requested consideration and recommendations from the Rockland County Commissioner of Planning and the Town of Clarkstown Planning Board regarding advisability of redistricting property known as 270 North Main Street, New City, New York (Map 43.7-1-16, Apfelbaum) for the purpose of authorizing the construction of housing restricted to age 55 or older in the MF-2 District, and

WHEREAS, as a result of the recommendation made by the Planning Board, the Town Board deferred consideration of this matter pending receipt of the report of the Town's housing committee;

NOW, THEREFORE, be it

RESOLVED, that the Town Board, on its own motion, hereby re-refers the premises described above for review and recommendation by the Clarkstown Planning Board and the Rockland County Commissioner of Planning, and to 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, as to the advisability of implementing a zone change from the R-15 District to the MF-2 District, with provision made by zoning legislation or covenant to restrict development to age 55 or older housing, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on May 13, 2003, at 8:00 p.m., or as soon thereafter as possible, relative to the proposed amendment, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, 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 No
 - Councilman Maloney Yes
 - Councilman Mandia Yes
 - Councilwoman Smith Yes
 - Supervisor Holbrook No
- *****

There being no further business and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted the Town Board Meeting was closed, time 10:25 p.m.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/25/03

8:05 PM

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

Re: Proposed Acquisition of Portion of Property Known as Lots 52.7-2-49 and 52.11-2-1 thru 52.11-2-16 (fka 125-B-4 thru 11.16) in the Vicinity of Congers Lake Dam by Eminent Domain

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared open at 8:05 PM. The Town Clerk read the Notice of Public Hearing.

Supervisor Holbrook said that this public hearing is relative to a piece of property, which is a peninsula that juts out into Congers Lake. The Town wants to acquire this property for the purposes of flood prevention and as a walkway around the lake. He said the earthen berm would have to be raised in order to meet the requirements of the DEC.

Supervisor said the Town was awarded a grant several years ago for a portion of the cost of this project and the Town has been in the process of acquiring this property for a number of years. He said the DEC has informed the Town that if the grant money is not used, the grant funding may be lost. Supervisor asked Richard Glickel, Deputy Town Attorney to further explain this project.

Mr. Glickel said that six (6) years ago the Town completed work improvement of the Congers Lake Dam. The project was done under the auspices of the DEC and pursuant to a plan for improvement of the Army Corp of Engineers. He said the Town is now embarking on Phase II, which is to raise the earthen berm as flood prevention.

Mr. Glickel said he has had discussions with Glen Allen, owner of the property. He said initial indications were that the property owner thought the parcel the Town is interested in acquiring be dedicated to the Town. He also said the intent was to make the area of the dam safer while incorporating the peninsula into a planned walkway where such amenities as benches and a fishing station could be installed. The Town also needs the easement across privately owned property so construction equipment could reach the area for the project work. That would be a temporary need, however, and would not require the town's ownership of the access route.

Supervisor Holbrook said the walking path connection would be a boardwalk type structure, which would minimize disturbance to the Lake.

John Costa, Town Attorney, asked Mr. Glickel if there has been consideration of alternatives to the proposed condemnation that would still allow for completion of the project. Mr. Glickel said in response that three (3) different alternatives were explored; however, the proposal presently before the Board was the one decided upon.

Supervisor Holbrook said this proposal is the best decision for the safety and welfare of the public. The Town will be responsible in perpetuity for the maintenance of this structure.

Supervisor opened the meeting for public comment.

PH: Proposed Acquisition of Portion of Property Known as Lots 52.7-2-49 and 52.11-2-1 thru 52.11-2-16 (fka 125-B-4 thru 11.16) in the Vicinity of Congers Lake Dam by Eminent Domain
3/25/2003

Page 2

Appearance: Steven Levine
Congers

Taking the land by eminent domain disturbs him and he would like to see other options explored. Mr. Glickel said in response that talks dating back to 1997 had failed to reach an agreement. Mr. Glickel further said that the Department of Environmental Control has directed the Town to expeditiously proceed or the funding for the project will be lost.

Co. Lasker asked Mr. Glickel how much time the DEC is giving for the completion of the project and how long will the process of Eminent Domain take. Mr. Glickel said the process would move expeditiously.

Supervisor said the project needs to be completed soon in order to bring the dam into full compliance, protect the funding and to provide recreation.

Co. Smith asked Mr. Glickel if there had been any concrete negotiations with the owner. Mr. Glickel said they had several discussions with the owner.

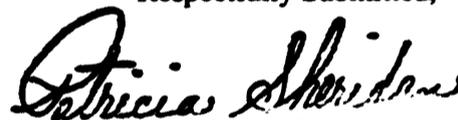
Co. Mandia asked if these parcels are separate lots or part of a larger parcel and what the property is zoned as. Mr. Glickel replied that they are a part of a larger parcel and the zoning is R-15. The buildings are one-story rental units.

Appearance: Burton Dorfman, Esq.
Representing Gilchrest Commons, LLC

He said he filed an age restricted zone change with the Town Clerk and if the zone change is granted, the property will be given to the Town. He said Gilchrest Commons is negotiating a contract to buy the property. He said the company is seeking to build townhouses for people 55 or older on nearby property and could favor giving the town the peninsula for public recreational purposes. He said Gilchrest Commons would be willing to work with the town to meet its goals, which would make the taking unnecessary. He said the process of taking could take six (6) to eight (8) months.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was closed and DECISION RESERVED. Time: 8:47 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/25/03

8:48 PM

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

Re: Proposed Road Improvement District for a Portion of South Grant Avenue, from Waldberg Avenue to #64 South Grant Avenue, Congers

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

Supervisor explained this hearing is to consider a road improvement and that the matter has been visited in the past going back to the 1980's. He said the Environmental Department has been asked to give a preliminary cost. He said the area needing to be improved is a 24 foot wide pavement at an estimated cost of \$135,000. He said there is a 40 foot right of way and providing for less than an 80 foot "T" turn around. He said this improvement may increase the value of the property without raising the assessment of the property. Supervisor read a letter of opposition from Dominick T. Muggeo (on file in the Town Clerk's office), and a letter from Milton Y. Santos (on file in the Town Clerks's office) into the record.

Co. Mandia asked if the designation is 40 feet in area. Supervisor replied that it is which needs a Certificate of Necessity from the State. Co. Mandia asked Wayne Ballard, Superintendent of Highways if the 40 foot T-turn around rather than 80 foot is acceptable to the him. Mr. Ballard replied that an analysis would have to be conducted.

Supervisor opened the meeting for Public Comment.

Appearance: Frank Foley
New City

He said he has been trying to have the Town take over this road for several years. He said the quality of life there is not acceptable. He asked if the Town would float a bond over the 15 years it would take to complete the improvement. Supervisor said that it is at a low interest rate. He is in favor of proceeding with the improvement at this time.

Appearance: Dominic Maggeo
Congers

He distributed related documented to his letter.

Appearance: Scott Turner
Congers

He asked if Mr. Foley was the one to originally pave the road. S upervisor in response read portions from a decision of the Zoning Board of Appeals dated July 30, 1973 as follows:

"The Building Inspector be and he is hereby authorized to issue a building permit to the applicant for such above described premises, subject to the following conditions:

- 1) Provide four (4) on site parking spaces.
- 2) A road improvement district should be provided for Grant Avenue.
- 3) That the applicant shall pave an area 15 ft. in width in the bed of Grant Avenue to the south end of the subject property. Location and specifications to be approved by the Town Engineer.
- 4) Five (5) foot strip along Grant Avenue to be gratuitously conveyed to the Town of Clarkstown for road widening purposes if and when required.

- 5) That the said Jane Foley shall file a covenant binding herself and her successors, heirs or assigns to notify any purchaser of the premises that they are not entitled to Town services or road maintenance and repair, snow removal, lighting or any other municipal service until such time as the premises shall front on a road dedicated to and accepted by the Town of Clarkstown.
- 6) Proof of compliance shall be filed with the Building Inspector prior to the issuance of a Certificate of Occupancy.
- 7) Drainage facilities for the site must be approved by the Town Engineer.

Co. Smith asked when the ZBA gave these conditions, if they were the only houses on the street and was that the reason for the road improvement district. Supervisor said what they were trying to allude to, which was perfected later in time, that if a road improvement district were to be created in the future, the residents had to participate. He said subsequent Zoning Board decisions have tied this in as a covenant.

John Costa, Town Attorney, interjected that one of the problems on which the Town Board has come to a conclusion, is that people who are not party to applications cannot be compelled to participate in road improvements or maintenance even if it is in their best interest.

Appearance: Jodi Barner
So. Grant Ave.
Congers

She asked if this would be a 24-foot wide pavement with asphalt curbs and 40 foot turn around. Supervisor replied that it would be.

Appearance: Milton Santos
64 So. Grant Ave.
Congers

He said to no longer blame the Foley's as their situation is from 30 years ago. He said the current conditions of the road are impassible. He also said the cost of \$135,000 for an 80 foot T should be reduced since the footage is reduced to a 40 foot T. Supervisor said that the project would be done in the most economical way and get the best price by competitive bidding.

Co. Mandia asked what the cost per resident would be. Supervisor said in response that a rough estimate would be approximately \$144.75 based on a total cost of \$135,000.00.

Appearance: Theresa Sheridan
51 So. Grant
Congers

She said that when she moved in, she was told she could not get a Certificate of Occupancy unless she installed a drainage system which she did. She also said there is a tree that is creating a dangerous situation over her house but is not able to correct because it is on town property. She asked if services will be provided once the improvement will be done. Supervisor said if this goes forward, all of the services will be provided.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was closed directing the Director of Environmental Control to proceed with plans and specifications. Time: 9:20 PM

Respectfully Submitted,


Patricia Sheridan
Town Clerk

RESOLUTION NO. (238A-2003) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/25/2003

9:21 PM

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

Re: Proposed Local Law Amending Chapter 290 Zoning Local Law to Authorize Used Car Dealerships in LIO Zone which Presently Only Authorizes New Car Dealerships

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared open at 9:21 PM. The Town Clerk read the Notice of Public Hearing.

Supervisor Holbrook asked John Costa, Town Attorney, to present reports. Mr. Costa stated that he received the Notice of Publication in the Journal News, and he read the recommendation dated March 25, 2003 from the Rockland County Department of Planning (on file in the Town Clerk's office).

Supervisor asked Robert Geneslaw, Town Planning Consultant to present his recommendation. Mr. Geneslaw said that the Town Planning Board only met once and it was too close to the date of referral for the Planning Board to place it on its agenda. He said he anticipates the item will be placed on the agenda on April 9 or April 25. He said the zoning code allows the Planning Board ninety (90) days to respond to a zone change.

He said the Planning Board is looking at the environmental impact of the zone change. As it has been advertised, it would apply to all LIO zones throughout the Town which is more than twenty-five (25) acres of area subject to the zone change. He said under the SEQRA regulations this is a Type I action requiring a more thorough examination. He said all of the LIO areas in the Town would be eligible for used car dealerships if this were to be adopted in its present form.

Mr. Geneslaw said that although a hearing can be held tonight no action can be taken until the Town Planning Department gives its recommendation and the SEQRA is completed.

Supervisor opened the meeting for public comment.

Appearance: Susan Shapiro, Esq.
Representing Petitioner

She said she found a tenant who was interested in taking the Moturis, an international RV sales and rental company. However, when they looked at the zone change, they saw it was for "new motor vehicle sales only" to be permitted. She asked if the word "new" could be omitted.

Co. Mandia said that a new car dealership have used cars. He expressed that a used car dealer could be dangerous as the property could become a junk yard.

Appearance: Russell Trojan
Nanuet

He asked to Board to keep the Public Hearing open to give Mr. Geneslaw time to evaluate the full impact as it effects many more properties than the applicants own.

Appearance: Shirley Thorman
Valley Cottage

She concurs with what Mr. Geneslaw stated. She said that the residents of Valley Cottage are working to beautify the hamlet and fears a used car dealer would be unsightly. She encouraged the Board to thoroughly investigate the issue before going forward.

Appearance: Jerry O'Rourke
Congers

He is against this because it would have broad impacts. He also said that the property across from St. Paul's Church is LIO property and he would hate see a used car dealership there.

Appearance: Susan Shapiro, Esq.

She said the property next to her property is an automotive repair shop that is a junkyard. In terms what this group would bring to the area it would beautify the neighborhood. She suggested looking at all the car dealerships that are in violation of the zone.

Co. Mandia recommended allowing the new dealerships ancillary use of used cars.

Mr. Geneslaw said another element he would like to look at is how the code defines vehicles.

There being further business before the Board and 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, SINE DIE. Time: 9:41 PM.

Respectfully Submitted,


Patricia Sheridan
Town Clerk