

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

04/29/2003

4:45 PM

Present: Supervisor Holbrook
Council Members Lasker, Mandia & Smith
Council Member Maloney – absent
John Costa, Town Attorney
Lucy Sinacore, Deputy Town Clerk

Supervisor Holbrook declared the Special Town Board Meeting open.
Assemblage saluted the flag.

RESOLUTION NO. (341-2003)

WHEREAS, Gold Construction Corp., succeeded by Commercial Center @ 59, furnished to the Town of Clarkstown a Developer's Performance Bond secured by Letter of Credit No. 1790, issued by Union State Bank, in the amount of \$140,000 and a bank check in the amount of \$2,230 to secure the public improvements in the Highland Park Subdivision, as shown on the final plat of Highland Park (52-A-7, n/k/a 58.20-1-84.1+), which was filed in the Rockland County Clerk's Office on March 17, 2000, and

WHEREAS, the Deputy Director of the Department of Environmental Control has reported that the developer has failed to fulfill the obligations as set forth in the Developer's Performance Bond dated March 10, 2000 and has, by letter dated April 17, 2003, advised the developer that it has until May 7, 2003 to cure the deficiencies in the public improvements at the Highland Park Subdivision. In the event the deficiencies are not cured on or before May 7, 2003, the Deputy Director of Environmental Control recommends that the Town Board declare the developer to be in default and hereby recommends that an amount, to be determined by the Department of Environmental Control and the Clarkstown Highway Department in writing, shall be drawn against Letter of Credit No. 1790 to execute the uncured work.

NOW, THEREFORE, be it

RESOLVED, that in the event the developer fails to cure the deficiencies on or before May 7, 2003, the Town Board hereby declares the developer to be in default and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to take whatever steps as are necessary to draw against Letter of Credit No. 1790 in an amount to be determined by the Department of Environmental Control and Highway Department to fulfill the obligations of the developer as set forth in the Developer's Performance Bond.

On roll call the vote was as follows:

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

RESOLUTION NO. (342-2003)

WHEREAS, the Jack Parker Corporation has provided a irrevocable \$100,000 Letter of Credit to the Town to guarantee the completion of public improvements on the Parker-Nanuet Subdivision;

RESOLUTION NO. (342-2003) cont'd.

WHEREAS, the Town has been informed that this Letter of Credit, #YS126263 issued by Fleet National Bank, is due to expire on May 1, 2003, and that the Jack Parker Corporation has failed to renew it;

WHEREAS, the Town has received notification from the Department of Environmental Control that numerous work remains unfinished on the public improvements and this work has been stated in detail in a letter dated April 28, 2003 signed by K. Luke Kalarickal, P.E., Director of Department of Environmental Control;

WHEREAS, the value of work still required to be completed on this Subdivision, prior to dedication, exceeds \$147,000 (which does not include utility reimbursements).

NOW, THEREFORE BE IT

RESOLVED, that unless the aforementioned Letter of Credit is extended for a period of not less than one (1) year prior to its current expiration date of May 1, 2003, the Comptroller and the Town Attorney are hereby authorized and directed to draw against said Letter of Credit for the purpose of establishing a cash security fund to secure the completion of public improvements in the Parker-Nanuet Subdivision.

On roll call the vote was as follows:

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

RESOLUTION NO. (343-2003)

WHEREAS, an application has been received for the installation of a wireless antenna that would be located at 732 Route 304, New City, New York, and

WHEREAS, the carrier/applicant has expressed a willingness to locate said facility in the Germonds Park site, West Nyack, New York, and

WHEREAS, the Town Board and the Town's Communication Consultant, Morton Leifer, have determined that the location of such facility at the Germonds Park site would have a less deleterious impact on the residential properties and the surrounding area than to locate the facility at 732 Route 304, New City, New York, and

WHEREAS, Germonds Park is maintained for recreational purposes and, as such, could not be leased for cell tower use without Home Rule approval enacted by the New York State Assembly and the New York State Senate;

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to submit to the State Legislature, on behalf of the Town of Clarkstown, a Home Rule Request for permission to lease parkland for cell tower use with resultant revenue to be used toward recreational programs, as provided in Article IX of the New York State Constitution, 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 Coneslaw, 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. (343-2003) cont'd.

FURTHER RESOLVED, that the Town Clerk is hereby directed to send copies of this resolution to State Senator Thomas Morahan and State Assemblyman Alexander Gromack.

On roll call the vote was as follows:

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

RESOLUTION NO. (344-2003)

WHEREAS, Rita F. Sakowicz has offered to the Town of Clarkstown her property located at West Evergreen Avenue, New City, New York, which contains an old burial ground, and which is designated on the Clarkstown Tax Map as 43.15-1-16, for the purchase price of \$2,825.00, plus tax adjustments, intended to cover the property owner's expenses of sale;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts the proposal of Rita F. Sakowicz to transfer property known as Map 43.15-1-16 to the Town of Clarkstown, for a price not to exceed \$2,825.00, plus tax adjustments, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into a contract, in a form approved by the Town Attorney, to obtain the property, 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

FURTHER RESOLVED, that this resolution is subject to Permissive Referendum, and be it

FURTHER RESOLVED, that all expenses pursuant to this Resolution shall be charged to Account No. H 8753-409-0-77-9.

On roll call the vote was as follows:

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

RESOLUTION NO. (345-2003)

WHEREAS, the Town of Clarkstown has received \$10,000 in donations for police training, \$271.02 in donations for the D.A.R.E. Program, and \$10,640 in donations for Shared Services,

THEREFORE BE IT,

RESOLUTION NO. (345-2003) cont'd.

RESOLVED, to increase Revenue Account No. A 01 9 2705 0 (Gifts & Donations) by \$20,911.02 and increase Budgetary Account's A 3989-404 (Emergency Operations-Travel Expenses) by \$10,000, A 3230-319 (D.A.R.E.-Misc Supplies) by \$271.02 and A 3120-111 (Police-Overtime) by \$10,640 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 3120-402 (Police-Rental of Equipment) and increase A 3120-204 (Police-Office Machines) by \$4,060 and decrease A 8730-114 (Environmental Control-Part Time) by \$7,000 and decrease A 8730-319 by \$264 and increase A 8730-409 (Environmental-Fees for Services) by \$7,264 and decrease A 1990-505 (Contingency-Other Costs) by \$5,972.32 and increase Account's A 1430-319 (Personnel-Misc Supplies) by \$1,200 and A 1950-503 (Taxes & Assessments) by \$2,946.37 and A 8990-319 (Patriotic Observances-Misc Supplies) by \$1,825.95.

On roll call the vote was as follows:

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

Appearance: Donald Tirschwell, Esq.
Representing Jack Parker Corporation

He asked several questions in regard to Item #2.

There being no further business before the Board and no one further wishing to be heard, on motion of Co. Mandia, seconded by Co. Smith, the Special Town Board meeting was closed at 5:05 PM.

Respectfully submitted,



Lucy Sinacore
Deputy Town Clerk