

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

05/27/2003

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. Lasker seconded by Co. Mandia, and unan. nously adopted, the public hearing re: Proposed Local Law to Amend Chap 117 (Circuses & Carnivals) to Authorize the Building Inspector to Issue An Extended Permit to the Big Apple Circus was opened, time: 8:10 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law to Amend Chap 117 (Circuses & Carnivals) to Authorize the Building Inspector to Issue An Extended Permit to the Big Apple Circus was closed, time: 8:14 pm.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Proposed Local Law Entitled "Valley Cottage Hamlet Center Overlay District" was opened, time: 8:14 pm.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Proposed Local Law Entitled "Valley Cottage Hamlet Center Overlay District" was CLOSED, (RECORD TO REMAIN OPEN) time 9:10 pm.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition for Amendment to Special Permit for a Recycling Facility: O'Sullivan Tree Care, Inc., was opened, time, 9:10 pm.

On motion of Co. Maloney seconded by Co. Lasker and unanimously adopted, the public hearing re: Petition for Amendment to Special Permit for a Recycling Facility: O'Sullivan Tree Care, Inc., was CLOSED, (RECORD TO REMAIN OPEN), time: 9:30 pm

Supervisor opened the public portion of the meeting.

Appearance: Patrick Healy
Nanuet

He read a letter from the Nanuet Community requesting Open Space preservation on Convent Rd. in Nanuet. (On file in Town Clerk's office)

Appearance: Al Stabile
Nanuet

He read the petition (On file in Town Clerk's office)

Appearance: Donald Tracy, Esq.
New City

He spoke in regard to Item No. 1 saying he had suggested a compromise regarding the property. He referred to letters from Brian Landau, Asst. Fire Chief, and Fire Inspector, Mark Papenmeyer requesting No Parking Zone for the entire length.

Appearance: Joe Deutsch, Esq.
New City

He said this legislation is unfair. He said there is a 25 foot road that passes his property and cars are parked on the west side of that highway from time to time. He also said this legislation should be applicable town-wide.

Appearance: Marsha Coopersmith
Deputy Town Attorney

She said that there was a public hearing already held to hear the public comment and that comments tonight do not have to be entertained.

Appearance: Henry Crossman
Resident Omni Court

He said he is not concerned with whether or not a fire truck can make the turn, the question is whether the truck is able to pass through the street with cars and trucks double parked on the street.

Appearance: Dolores Lodico
New City

She asked about the decision on her request.

Appearance: John Lodico
New City

He spoke in regard to the Circuses and Carnival saying that the Building Dept. should not conduct the electrical inspection. He also spoke about Veterans Memorial Park and complained about the vandalism there.

RESOLUTION NO. (4-15-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Brian Landau, the Chief of the New City Fire Department and Mark Papenmeyer, Chief Fire Safety Inspector of the Town of Clarkstown, recommended the establishment of a fire lane pursuant to the provisions of Chapter 278, Section 13 (Vehicle and Traffic) of the Town Code of the Town of Clarkstown, affecting an interior travel lane 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 filed in the Office of the Rockland County Clerk as Map No. 5364, Book: 93, Page 45, and

WHEREAS, more particularly, the said fire lane was recommended to be located along the westerly side of a portion of the internal travel lane known as OMNI COURT, more particularly bounded and described as follows:

RESOLUTION NO. (415-2003) continued

BEGINNING at a point at the northwest corner of lands now or formerly Omni Court Realty, LLC and proceeding thence on a course of:

1. S 80° 49' 25" East, a distance of 25.00 feet; thence
2. S 9° 10' 35" West, a distance of 234.17 feet; thence
3. N 80° 49' 25" West, a distance of 25.00 feet; thence
4. N 9° 10' 35" East, a distance of 234.17 feet to the point or place of BEGINNING (hereinafter the "ROAD"), and

WHEREAS, the Town Board, by resolution duly adopted on March 25, 2003, provided for a public hearing on April 8, 2003 at 8:00 p.m., to consider establishing said fire lane designation, and

WHEREAS, this matter having come before the Town Board for public hearing on April 8, 2003 and continued until its conclusion on April 8, 2003, at which time the public hearing was closed for public comment but remained open for filing of any reports or documents, and Decision was Reserved until May 27, 2003, and

WHEREAS, all appropriate reports and documents having been submitted and filed in the Office of the Town Clerk, and the Town Board, having considered all the facts and circumstances of this matter as reflected in the Record of this proceeding, does hereby make the following Findings of Fact, Determination and Order;

FINDINGS OF FACT

1. This proceeding seeks to establish a Fire Lane Designation pursuant to Chapter 278, §13, of the Town Code for a portion of the internal travel lane known as the "ROAD" at Omni Court, located on the premises known as Omni Court Condominium Complex and Omni Court Professional Building, New City, New York, more particularly bounded and described as above stated;

2. This proceeding was duly commenced by the publication of notice of public hearing, a copy of said notice was duly served upon Omni Court Realty, LLC and upon all owners of record of the Omni Court Condominium Complex. The public hearing was duly held at the time and place specified in the notice. All interested parties were permitted to speak;

3. The Omni Court Condominium Complex and Omni Court Realty, LLC (the professional building) were co-applicants before the Clarkstown Planning Board for site plan approval. All of these improvements were constructed on the single roadway entitled, Omni Court, which loops in a squared-off circular manner around both of these improvements, and all ingress and egress to and from North Main Street is conducted on a portion of this roadway;

4. The Site Development Plan, endorsed by the Chairman of the Clarkstown Planning Board on May 5, 1982, did not provide for or anticipate for any parking whatsoever on Omni Court, including that portion of Omni Court which is in front of the Omni Court Professional Building, and is, in fact, a private road (the "ROAD");

5. In late 1985 and early 1986, the Traffic and Traffic Fire Safety Advisory Board investigated the matter of installing traffic control devices ("No Parking Anytime" signage) on all interior roads of Omni Court, including the "ROAD", and at its meeting of March 10, 1986, voted to request a Town Board resolution for the same;

RESOLUTION NO. (415-2003) continued

6. Pursuant to Resolution (No. 301-1986) the Town Board voted unanimously to have "No Parking Anytime" signage erected on all interior roads of the Omni Court Condominium Complex including the "ROAD," and the same was accomplished by John O'Sullivan, a former Superintendent of Highways. The "No Parking Anytime" signs (Pl-1 signs) were posted pursuant to the rules and regulations of the New York State Department of Transportation's Manual of Uniform Traffic Control Services;

7. In or around October, 1998, Omni Court Realty, LLC by Joseph Deutsch, notified Ms. Elena Zweifach, Co-director of Management of Walter Samuels, that the "No Parking Anytime" signs which Omni Court Realty, LLC had allowed installed on the private portion of Omni Court (the "ROAD"), needed to be immediately removed, and such removal was conducted;

8. In or around May, 2000, the Town received complaints alleging that a fire safety problem existed at the Omni Court Condominiums in that vehicles were parking on "the ROAD," thereby violating the findings of the Traffic and Traffic Fire Safety Advisory Board, and the Town Board Resolution;

9. On November 14, 2000, the Assistant Chief of the New City Fire Department, Brian Landau, requested "No Parking Fire Lane" signs to be installed on Omni Court (the "ROAD"), next to the complex's pool, opposite Omni Court Realty, LLC, thirty (30') feet on each corner on the west side of the street. On January 19, 2001, Assistant Chief Landau amended his November 14, 2000 letter to request fire lanes along the entire length on the west side of the street opposite the Omni Court Realty, LLC in the complex (the "ROAD");

10. In or around March, 2003, Chief Fire Safety Inspector for the Town of Clarkstown, Mark Papenmeyer, conducted an inspection relative to creating the fire lane on the "ROAD." He reported that a test done with the New City Fire Department's apparatus confirmed that with vehicles parked along the "ROAD," access to the office building and all condominiums was negatively affected and required additional maneuvering of the apparatus, thereby requiring additional time to rescue potential victims. Furthermore, he reported that any vehicles parked along the "ROAD" would impede fire apparatus from setting up properly because the width of the aerial truck and its outriggers would take up the majority of the roadway in the absence of any vehicles. Chief Fire Safety Inspector Mark Papenmeyer further urged the installation of fire lanes along the entire portion of the "ROAD" and was adamantly opposed to making any compromise in allowing parking on any portion in that it could seriously jeopardize public safety since confusion would result if a portion of the roadway were to allow parking. We find that the recommendations made by Chief Fire Safety Inspector Papenmeyer and Assistant Chief Landau to be the minimum necessary for adequate fire safety at the location in question;

11. Additionally, an affidavit dated October 15, 2001, by Robert Geneslaw, Planning Consultant to the Town of Clarkstown, was presented. Mr. Geneslaw participated in the review of all the phases of the Omni Court proposal, particularly the site plan review conducted by the Planning Board. The affidavit of Mr. Geneslaw clearly states that the Clarkstown Planning Board would not have considered parking on the "ROAD," or any similar road which was to be paved to a width of twenty-five (25') feet, particularly when the road was also being used a backing aisle for parking spaces serving the office building and had the potential for the future extension of the road to the north and south. Additionally, the Geneslaw affidavit states that the Clarkstown Planning Board has had a long-standing policy of not permitting parallel parking along a curb when the opposite side of the street has 90° parking because of the potential for vehicles backing out of spaces to hit parallel parked vehicles on the opposite side of the road. The Geneslaw affidavit specifically speaks to the private portion of Omni Court that Chief Brian Landau and Chief Fire Safety Inspector Mark Papenmeyer seek to designate as a fire lane, (the "ROAD"). We find the rationale presented by Mr. Geneslaw to be credible, highly persuasive and supportive of the determination made herein;

RESOLUTION NO. (415-2003) continued

12. That this proceeding was duly held on April 8, 2003 on notice required by Chapter 278, Section 13 of the Town Code of the Town of Clarkstown;

13. That the property owner of the private road was given an opportunity to participate in the public hearing, and was represented at the public hearing by his attorney;

14. That the site plan for the complex including the "ROAD," (the private portion of Omni Court), did not permit parking or anticipate parking at the site planning stage, and that such parking compromises the ability of the New City Fire Department to gain access to the condominiums and that such parking would compromise the ability of fire apparatus to set up properly. Therefore, the safety of all residents in the Omni Court Condominium Complex and the Omni Court Professional Building is jeopardized by vehicles parked along any area of the private portion of Omni Court (the "ROAD");

15. That the Town Board has obtained jurisdiction in this matter and may make the following Order pursuant to Chapter 278, §13.

ORDER

NOW, THEREFORE, it is

ORDERED that the Town Attorney, the Chief Fire Safety Inspector of the Town of Clarkstown, in cooperation with the Chief of Police and the Traffic Advisory Board is hereby authorized, pursuant to the authority granted under Section 1660-a of the Vehicle and Traffic Law of the State of New York and Section 130, Subd. 15 of the Town Law of the State of New York, to take all necessary steps to establish a fire lane at that portion of Omni Court described herein, to wit:

along the westerly side of a portion of Omni Court, as follows:

BEGINNING at a point at the northwest corner of lands now or formerly Omni Court Realty, LLC and proceeding thence on a course of:

- 1. S 80° 49' 25" East, a distance of 25.00 feet; thence
- 2. S 9° 10' 35" West, a distance of 234.17 feet; thence
- 3. N 80° 49' 25" West, a distance of 25.00 feet; thence
- 4.. N 9° 10' 35" East, a distance of 234.17 feet to the point
or place of BEGINNING

and be it

FURTHER ORDERED, that the Town Board hereby directs the installation of said fire lane.

This determination constitutes the Decision, Findings of Fact and Order of the Town Board and shall be served upon the property owner and a copy filed in the Office of the Town Clerk, and the Town Attorney be and he is hereby authorized to take all steps necessary to implement this Order.

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. (416-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Clarkstown Police Department has applied for a federal grant from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS, Homeland Security Overtime Program "HSOP"), for the purpose of paying police officers overtime while they train for Homeland Security sessions and other law enforcement activities that are designed to assist in the prevention of acts of terrorism and other violent and drug-related crimes, and

WHEREAS, a local cash match of 25 percent of the federal HSOP grant is required and the Town of Clarkstown is eligible to apply for HSOP funding of \$100,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute all documents necessary to make application for a HSOP grant in the amount of \$100,000.00 for the purpose of paying police officers overtime while they train for Homeland Security sessions and other law enforcement activities that are designed to assist in the prevention of acts of terrorism and other violent and drug-related crimes, and be it

FURTHER RESOLVED, that the Town Board further authorizes expenditure from non-COPS fund of up to \$25,000.00 as the local cash match share for such HSOP grant, and be it

FURTHER RESOLVED, that this Resolution is hereby made retroactive to May 20, 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. (417-2003)

Co. Maloney offered and Co. Mandia 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:

JGC HEATING, INC.
8 Fairmont Terrace
West Nyack, NY 10994
Gerard A. Campitiello, President

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 03-21 JGC HEATING, INC.

RESOLUTION NO. (417-2003) 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. (418-2003)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 409-2003, adopted by the Town Board on May 13, 2003, is hereby amended to increase the contract award for professional design services to Denker Cackovic Architects, P.C., by \$11,000.00 to \$27,500.00, to enlarge the scope of the project to include renovation of the roof, heating and air conditioning system at the former police building, and be it

FURTHER RESOLVED, that the increased fee shall be charged to Account H 8752-409-76-11.

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. (419-2003)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 94-2003, adopted by the Town Board on January 28, 2003 is hereby rescinded, and

WHEREAS, a resident has expressed safety concerns with regard to vehicle traffic in the area of Ralph's Avenue and Arlene Court in New City, and has requested the Town to consider the installation of a Stop Sign at this intersection;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a "three-way Stop Sign" at the intersection of Ralph's Avenue and Arlene Court, for an interim period until September 30, 2003, for the purpose of evaluating whether or not the sign is effective in addressing safety concerns during said interim period.

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. (420-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on April 15, 2003 that the position of Senior Clerk Typist #0727 – can be reclassified to the position of Records Clerk Typist (Law Enforcement) – Police Department – effective and retroactive to May 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. (421-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Margaret Rascoll, 107 Meyer Oval, Pearl River, New York, to the position of (Provisional) Records Clerk Typist (Law Enforcement) – Police Department – at the current annual salary of \$42,604., effective and retroactive to May 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. (422-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Theresa A. Sullivan, 11 Baldwin Place, New City, New York, is hereby reassigned to the Town of Clarkstown Justice Court – effective and retroactive to May 21, 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. (423-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Steven A. Spadaccini, 32 Foxcroft Drive, Nanuet, New York, is hereby appointed to the position of (temporary) Laborer – Solid Waste Facility – at the current hourly rate of \$13.60 – effective and retroactive to May 19 2003 – for a period not to exceed 30 days.

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. (424-2003)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Martin Michaelson, 10 Colgate Drive, Bardonia, New York, is hereby reappointed to the position of Member – Sanitation Commission – at the current 2003 annual salary of \$2,678., term effective and retroactive to May 22, 2003 and to expire on May 21, 2008.

On roll call the vote was as follows:

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

RESOLUTION NO. (425-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board adopted a resolution on April 29, 2003, authorizing the Supervisor to enter into a contract to take ownership of an old cemetery located at West Evergreen Avenue, New City, New York, designated on the Clarkstown Tax Map as Map 43.15-1-16, and

WHEREAS, The Town Board appointed Robert Geneslaw, Planning Consultant,

NOW, THEREFORE, be it

RESOLVED, that based upon the May 21, 2003 report of Robert Geneslaw, acting as staff to the Town Board as lead agency, it is hereby determined that the decision to acquire title to the subject premises does not qualify as an action under SEQRA, and no further review is necessary.

RESOLUTION NO. (425-2003) 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. 426-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$117,437.50 and \$1,710.45 from the County of Rockland, \$776.75 in D.A.R.E. donations and \$250.00 from donations to the Child Safety Program,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 9 2701 0 (Refund of Prior Years Expense) and Budgetary Account H 8111-409 0 (Sewer Improvement Projects) by \$117,437.50 and increase Revenue Account A 01 11 4995 0 (Community Development) and Budgetary Account A 7140-222 (Recreation-Equipment) by \$1,710.45 and increase Revenue Account A 01 9 2705 0 (Gifts & Donations) by \$1,026.75 and increase Budgetary Accounts A 3230-319 (D.A.R.E.-Misc Supplies) by \$776.75 and A 3120-326 (Police-Law Enforcement Supplies) by \$250.00 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 3989-328 (Emergency Services-Books & Publications) and increase A 3989-230 (Emergency Services-Communications Equipment) by \$1000 and decrease A 1010-114 (Councilman-Part-time) and increase A 1010-204 (Councilman-Office Machines) by \$1,133.94 and decrease A 1310-201 (Finance-Furniture/Fixtures) and increase A 1310-404 (Finance-Travel Expenses) by \$61.15.

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. (427-2003)

Co. Lasker offered and Co. Smith seconded

WHEREAS, the Rockland County Legislature adopted a Resolution, No. 148-2003, on April 1, 2003, creating a joint task force to be known as "Volunteer Emergency First Responder Recruitment-Retention Inter-governmental Task Force," and

RESOLUTION NO. (427-2003) continued

WHEREAS, Salvatore Corallo, Chairman of the Legislature, has requested each Town Board in Rockland County select a representative to serve on this task force, and

WHEREAS, P.O. Gregory Tobin, Clarkstown Police Department, is the Emergency Services Coordinator in the Town of Clarkstown, and is well qualified for appointment to the Task Force referred to above; and

WHEREAS, William T. Sherwood, Chief of Police concurs that the appointment of P.O. Tobin is appropriate;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby nominates and recommends to the Rockland County Legislature that P.O. Gregory Tobin be appointed to the newly formed Volunteer Emergency First Responder Recruitment-Retention Inter-governmental Task Force.

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. (428-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Bernard J. Peters, 233 South Broadway, Nyack, New York, Apartment #2, is hereby appointed to the position of (temporary) Transfer Station Monitor – Solid Waste Facility – at the current annual salary of \$29,602., effective June 2, 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. (429-2003)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Laor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Thomas J. Mitchell, 36 Stautz Street, Pearl River, New York – Bus Driver – Clarkstown Mini Trans – is hereby granted a Sick Leave of Absence – at one-half pay – effective and retroactive to May 14, 2003 to June 14, 2003.

RESOLUTION NO. (429-2003) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (430-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County personnel Office has certified on May 27, 2003 that the hours for the position of Constituent Service Assistant (Town) can be increased,

New, therefore, be it

RESOLVED, that the hours for the position of Constituent Service Assistant (Town) – Town Council Office – is hereby increased – going from a 17 hour part-time position to a less than full time position – effective May 27, 2003.

On roll call the vote was as follows:

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

RESOLUTION NO. (431-2003)

Co. Mandia offered and Co. Smith seconded

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

BID #70-2002 – ALICIA COURT DRAINAGE IMPROVEMENTS

is hereby awarded to: **WEST-CON CONTRACTING**
 41 WILMOT ROAD
 SCARSDALE, NY 10583

PRINCIPALS: JOHN GENTILE

as per their proposed project cost of \$96,650.00 and be it

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

RESOLUTION NO. (431-2003) 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. (432-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, a proposal has been received from Korn, Rosenbaum, Phillips & Jauntig, LLP, certified public accountants, to continue providing audit services to the Town Of Clarkstown, and

WHEREAS, Edward J. Duer, Comptroller has advised that past experience with this firm has proven satisfactory;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Korn, Rosenbaum, Phillips & Jauntig, LLP, in a form satisfactory to the Town Attorney, for audit services for the years ending December 2002 and December 2003 and be it

FURTHER RESOLVED, that the fees for such services shall be \$35,500 for the years ending December 2002 and December 2003, which shall be charged to Account No. A 1320-409 and

WHEREAS, Town of Clarkstown is required to comply with the Governmental Accounting Standards Board Statement No. 34 (GASB # 34) for the year ending December 2003, and

WHEREAS, this new financial reporting model will require a substantial amount of additional services to be provided by Korn, Rosenbaum, Phillips & Jauntig,

NOW THEREFORE, be it

RESOLVED, that Korn, Rosenbaum, Phillips & Jauntig are hereby authorized to provide additional services in connection with GASB #34 and that the fee for said additional services is estimated to be \$9,000 and shall be charged to Account No. A 1320-409 and

RESOLUTION NO. (432-2003) continued

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

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. (433-2003)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, VERIZON has tendered a proposed contract extension to the Town to provide 210 to 250 Intellipath II Digital Centrex Service lines to the Clarkstown Police Department, 20 Maple Avenue, New City, New York, at a cost of \$16.77 per line per month, and

WHEREAS, Captain Thomas M. Purtill, on behalf of the Clarkstown Police Department administration, and Robert Stritmater, Director of Automated Systems, have reviewed said proposal and have recommended that the Town Board accept said contract for a period of thirty-six (36) months;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations Captain Thomas M. Purtill, Clarkstown Police Department, the Town Board hereby authorizes the Supervisor to execute a contract with Verizon, on behalf of the Town, in a form approved by the Town Attorney, with regard to the purchase of 210 to 250 Intellipath II Digital Centrex Service lines to service the Clarkstown Police Department, and be it

FURTHER RESOLVED, that the anticipated monthly charge for the service to be provided shall be not greater than \$3,511.20, which shall be charged to Account No. A 3120-460.

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. (434-2003)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, JENNIFER RUSNOCK v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK and the BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF CLARKSTOWN, Index No(s). 4898/02, affecting parcel(s) designated as Map 34.8, Block 1, Lot 22, formerly known as 81-B-1.1 and more commonly known as 572 South Mountain Road, New City, New York for the year(s) 2002/03, and

RESOLUTION NO. (434-2003) continued

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor and Tax Certiorari Counsel for the Town of Clarkstown, who believe the best interests of the Town are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 34.8, Block 1, Lot 22 be reduced for the year(s) 2002/03 from \$273,000 to \$255,000 at a cost to the Town of \$224.73;
2. Reimbursement for the year(s) 2002/03 on the parcel described as Map 34.8, Block 1, Lot 22, as stated above, be made within (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
3. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (435-2003)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

"AMENDMENT TO CHAPTER 117 (CIRCUSES AND CARNIVALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN, TO AUTHORIZE THE BUILDING INSPECTOR TO ISSUE AN EXTENDED PERMIT TO THE BIG APPLE CIRCUS"

was introduced by Councilman Mandia, at a Town Board meeting held on May 13, 2003, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 13, 2003, directed that a public hearing be held on May 27, 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 May 19, 2003, and

RESOLUTION NO. (455-2003) continued

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 April 18, 2003, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 27, 2003;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2 – 2003 entitled:

"AMENDMENT TO CHAPTER 117 (CIRCUSES AND CARNIVALS) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN, TO AUTHORIZE THE BUILDING INSPECTOR TO ISSUE AN EXTENDED PERMIT TO THE BIG APPLE CIRCUS"

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 was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

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 9:55 pm.

Respectfully submitted,

Patricia Sheridan
 Patricia Sheridan
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

05/27/2003

8:10 PM

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

Re: Proposed Local Law to Amend Chapter 117 (Circuses and Carnivals) of the Town Code to Authorize Building Inspector to Issue an Extended Permit to the Big Apple Circus

On Motion of Co. Lasker, seconded by Co. Mandia and unanimously adopted, the Public Hearing was declared open at 8:10 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor Holbrook explained that this is the third consecutive year this is being done. He asked Town Attorney, John Costa if he had any reports. Mr. Costa reported that the Notice was published in the Journal News on May 19, 2003 and a final form of the Local Law was sent to the Town Board as required by law. He said he does not have correspondence from the County Planning Board indicating they have reviewed the local law.

Supervisor opened the meeting for public comment.

There being no one wishing to speak, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was CLOSED and ADOPTED.
Time: 8:14 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk

RESOLUTION NO. 435 ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

05/27/2003

8:14 PM

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

PH: Proposed Local Law Entitled "Valley Cottage Hamlet Center Overlay District"

On motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was declared open at 8:14 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor Holbrook explained this public hearing is to provide the basis for the Valley Cottage Center Overlay District. This is part of the Town Board's program for hamlet revitalization extending throughout all of Clarkstown.

Supervisor asked Robert Geneslaw, Town Planning Consultant to present his proposal. Mr. Geneslaw said it is becoming popular throughout the country to provide incentives to encourage downtown revitalization. He said the Town is making efforts to make the development process simpler for property owners. He said the proposed area is LS zoned portions of the center of Valley Cottage and on both sides of Rockland Lake Road and on both sides of Kings Highway.

Mr. Geneslaw impressed that this is an incentive program for the property owner. Supervisor supported this by saying the property owner does not have to participate in the program. He said that revitalization does not work solely through the activity of the Town or Village Board. He said no matter how much work the governing body may do, if the private investment community is not willing to invest their own time, money and effort, the program cannot be successful.

Mr. Geneslaw spoke about the importance of uniformity in visual appearance. He also said that new development would be built to the property line, consequently having parking in back of the building or have credit in the Town parking lot.

Supervisor said one of the basic premises is to draw upon the immediate population that surrounds the downtown area of Valley Cottage.

Co. Smith asked Mr. Geneslaw how many spaces there are in the town parking lot to which he replied approximately 67 spaces.

Supervisor opened the meeting for public comment.

Appearance: Frank Hackett
Valley Cottage Civic Association

He said for the past five years, the Civic Association has been working with the Town Board for the Hamlet of Valley Cottage Revitalization. He said they are very happy the program is moving along. He would like to see the Green Avenue drainage correction done this year.

He said the Overlay Plan is a very positive move for downtown Valley Cottage as it will help the owners of buildings to invest money into their properties or make it more valuable to sell their property. The community needs upgrading; however, the concern is whether or not there will be proper enforcement.

Appearance: Dolores Lodico
New City

She asked the Supervisor about the time-frame to complete the revitalization in all of the hamlets. She also asked what the total cost is for the program and have all the funds been consolidated.

Supervisor Holbrook said in reply that the Overlay District will not have any negative impact on the tax roll. He said with people improving their businesses, the tax rolls will be enhanced. The expense for the downtown infrastructure is approximately one million to one million point five million in Valley Cottage and in each of the hamlets.

Supervisor also said this is a good time to for these improvements. Because of the town's rating of AA3 from Moody's, the town is able to bond the project for a period of 15 years at a low interest rate.

Appearance: Joseph Basses
Valley Cottage

He disagrees with Frank Jackett that the dental building is attractive. He has concerns about the architectural integrity of Valley Cottage. He would like to see code written to mandate building materials that would be conducive to a proper atmosphere.

Supervisor said there are architectural standards that go with the overlay proposal. He said the property owners would submit their proposals to the Architectural and Landscape Commission for their approvals.

Appearance: Kevin O'Brien
Board of Lake Road Condos

He asked if this program is tied into low-income housing. Supervisor replied there is no Section 8 housing as it is all private enterprise.

Appearance: John Lodico
New City

He said the owners will have to pay for the rewiring and bringing in new services. He suggested sending a letter to the property owners letting them know there may be higher costs for the new services.

Supervisor said this is not necessarily the case and that easements need to be obtained for the underground. He also said there may be some community development funds available for the work.

Appearance: Andrew Pinto
Lake Road Condominiums
Member - Board of Managers

He said the improvements should have nothing to do with the one-bedroom apartments. Supervisor said there are two issues: one is the physical improvements and the other is the overlay zoning. He said the sidewalks are dangerous and there is an ice cube box across the sidewalk. He said the owners are not really for this overlay.

Appearance: Ann Long
Valley Cottage

She asked if four of the buildings participate in the overlay and two do not, what kind of a look would it be? Supervisor Holbrook said that it is still an improvement and the potential is there for further improvement. Ms. Long also asked if the buildings are improved and apartments are built, will the property be reassessed. Supervisor replied that the property would be more valuable.

Ms. Long asked who would be in charge of enforcement. Supervisor said the Town would be.

Co. Mandia asked Mr. Geneslaw to clarify the two unrelated persons restriction in the apartments. He questioned what the law would provide if a couple has a child. Mr. Geneslaw replied that when the property owner applies for the special permit he agrees to the two-person restriction and, therefore, would not renew the lease.

Co. Mandia said that if a property owner chooses not to participate in the Incentive Zoning meaning they do not wish to put an apartment upstairs, but wish to upgrade the façade of their building, would they still be subject to the architectural standards. Supervisor replied that they would.

Co. Lasker read from section 7 saying "that property owners shall be required to give rental preference to Clarkstown residents first for any apartment created under the incentive and also preference shall first be given to volunteer emergency personnel and to senior citizens. And that would be a Declaration of Covenant running with the land providing for the above preference." She said this is another added level of security and enforcement.

Appearance: Art Johnston
Valley Cottage

He said that Valley Cottage needs revitalization. He said we need to keep the young people and senior citizens here.

Appearance: Mr. Schleimer
New City

He is in favor of LS zoning and is waiting for the program to come to West Nyack. He said preference should be given to Clarkstown residents.

Appearance: Aaron Webber
New City

He has an interest in property on Old Lake Road and which is designated as one of the unique properties in the plan. He is in favor of revitalization and beautification, however, keep the interest of the small business owners at hand. He said the planned sidewalk would block in the only available parking spaces.

Appearance: Shirley Thorman
Valley Cottage

She thanked the Board for the work that was done in the parking lot of DeMaria's restaurant. She also thanked the Board for considering the revitalization. She said that for this program to be successful, there has to be full cooperation from the property owners.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public portion of the hearing was CLOSED, KEEPING THE RECORD OPEN. Time: 9:10 PM.

Respectfully Submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

05/27/2003

9:10 PM

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

RE: Petition for Amendment to Special Permit for a Recycling Facility: O'Sullivan Tree Care, Inc., 210 Western Highway, West Nyack, Lot 65.13-2-14 (fka 88-A-13)

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the Public Hearing was declared open at 9:10 PM. The Notice of Public Hearing was read by the Town Clerk.

Supervisor Holbrook asked Town Attorney, John Costa if he had any recommendations on this petition. Mr. Costa said the notice was published in the Journal News on May 16, 2003. He said he does not have recommendation from the Planning Board.

Supervisor opened the meeting for public comment.

Appearance: Donald S. Tracy, Esq.
Attorney for Petitioner

Mr. Tracy explained the background of this petition being granted. He requested that the buffer be reduced from 75 feet to 25 feet.

Supervisor asked if there were any residences in the area to which the reply there was were not.

Appearance: Burt Dorfman, Esq.
Attorney for Pontiac Holding Co. LLC

He said this property immediately to the south objects to the request of reducing the buffer. He said this Board cannot hear this petition at this time if the applicant is in violation of the code. He said the applicant is operating the mulch pile right now without any permission from the Building Department.

Appearance: Peter Beary
Building Inspector

He explained the applicant has a signed site plan from approximately two years ago. The question raised at that time was whether the facility would be a storage yard or a business operation for a tree service. He said the applicant was informed at the time, that if they wanted to process the logs and branches and produce mulch, they would have to appear before this Board. They did so and the Board granted them the permit. O'Sullivan's is now before the Technical Advisory Committee on their way to the Planning Board to address the question as to why they never applied to reduce the buffer. The applicant has chosen to appear before this Board to seek reducing the buffer.

Appearance: Mark Papenmeyer
Chief Fire Inspector

He said the Town Board's requirements of fire safety in regard to the separation of the piles of wood, their width and height are not being met.

Mr. Costa said that it would be important for the purposes of the record to have a discussion regarding the process that has been authorized by the Special Permit and the difference between that and Mr. Dorfman's allegation that there is a mulching operation currently in effect. He said it was made clear by Mr. Tracy that his client was not

conducting a mulching operation and that his client would need a permit from the state DEC to conduct such an operation. What is being done is chipping and dying wood.

Appearance: Donald Tracy, Esq.
Attorney for Petitioner

Mr. Tracy showed what is south of the property and said that most of the issues raised this evening are false issues because they are site plan issues. He said every aspect of the site plan has to be addressed. Mr. Tracy asked Luke Kalarickal, Director of Environmental Control if he received written proof from the DEC that the applicant is exempt from Part Six. Mr. Kalarickal replied that he did. He said the reason the first site plan is not complete is because as soon as the property was acquired by the applicant, an easement through our property was demanded by the adjacent neighbor. Mr. Tracy said his client is willing to negotiate this easement request; however the negotiations are not easy.

Mr. Tracy said a law suit was filed against his client and a lis pendens was filed on the property which prevents his client from obtaining a mortgage. Because of this litigation, Mr. O’Sullivan was not able to build his building. Mr. Tracy also said this has nothing to do with the Special Permit. He said that Mr. O’Sullivan will comply with the Special Permit, each and every aspect of it. In order to do so, he needs to go through site plan and needs to get approval.

Mr. Tracy commended Mr. Costa saying that the seven-page Special Permit he has drawn is one of the most thorough. He said the only reason for appearing before the Board this evening is to ask the Board to grant a waiver to use a 25-foot buffer.

Supervisor asked Mr. Costa if there was any impediment for the Town to take action this evening. Mr. Costa said the recommendation from the Planning Board has not yet been received.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Public Hearing was CLOSED, LEAVING OPEN FOR REPORTS. Time: 9:30 PM

Respectfully Submitted,



Patricia Sheridan
Town Clerk