

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

06/17/2003

7:30 P.M.

Present: Deputy Supervisor Leonard
Council Members Lasker , Maloney & Mandia
Council Member Smith, absent
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Deputy Supervisor Leonard declared the Special Town Board Meeting open.
Assemblage saluted the Flag.

RESOLUTION NO. (466-2002)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Town Board Resolution No. 167-2003 authorized improvements to
Third Street, New City, New York as part of the Downtown New City Revitalization
Project, and

WHEREAS, permit requirements and existing underground utility interferences
have resulted in additional work to be performed beyond the scope of the project, and

WHEREAS, a memorandum from the Deputy Director of Operations, Department
of Environmental Control has identified and explained the additional work that is
required to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes Change Order No. 1 for
Bid #57-2001, and

BE IT FURTHER RESOLVED, that the cost for the corrective work shall not
exceed \$58,371.47, and

BE IT FURTHER RESOLVED, that the total cost for the corrective work shall
not exceed \$374,011.47 and shall be a proper charge to account #H 8736 409 0 67 6.

On roll call the vote was as follows:

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

RESOLUTION NO. (467-2003)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, Town Board Resolution 827-1996 authorized the Supervisor of the
Town of Clarkstown to enter into a five (5) year agreement to lease a crusher for the
Solid Waste Facility for the purpose recycling waste concrete, masonry, and asphalt for
use as a substitute for virgin aggregate to the benefit of the environment, and

WHEREAS, said lease terminated on May 31, 2002 and

RESOLUTION NO. (467-2003) continued

WHEREAS, Town Board Resolution 505-2002 authorized the Supervisor of the Town of Clarkstown to extend the lease for an additional six (6) months, and

WHEREAS, an additional six (6) month extension was required to properly evaluate and procure the appropriate replacement equipment for the recycling of waste concrete, masonry and asphalt, and

WHEREAS, an additional three (3) month extension is required to complete the bidding requirements and actually acquire the concrete and masonry equipment, and

WHEREAS, American Capital has offered to continue the current lease at the present monthly rate of \$6,725.00 through September 30, 2002, and the Deputy Director of the Department of Environmental Control has recommended this course of action.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to extend the lease for the Hartl crusher at the Solid Waste Facility for the monthly rental rate of \$6,725.00, and

BE IT FURTHER RESOLVED, that a revised notice of termination be given to the lessor to provide for a termination of the lease on September 30, 2002.

On roll call the vote was as follows:

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

RESOLUTION NO. (468-2003)

Co. Mandia offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, Gussack Realty Co., Index Nos. 3980/95, 4927/96, 5527/97, 4185/98, 4078/99, 4092/00, 4065/01 and 4550/02, affecting parcels designated as Map 65.5-2-6, 65.5-2-7, 65.5-2-8, 65.5-2-9 and 65.5-2-10, and more commonly known as 44 High Street, West Nyack, New York 10994 for the years 1995 through 2002, and

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

WHEREAS, such settlement has been recommended by the Cathy Conklin, Tax Assessor, Philip B. Fogel, Tax Certiorari Counsel for the Town of Clarkstown and Warren Berbit, Esq., attorney for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it

RESOLVED, that:

RESOLUTION NO. (468-2003) continued

1. The assessment on the premises owned by the petitioner described on the assessment roll as Map 65.5-2-6 be reduced for the year 1995 from \$2,665,300.00 to \$1,165,300.00 at a cost to the Town of \$22,647.93; for the year 1996 from \$3,265,000.00 to \$1,765,000.00 at a cost to the Town of \$22,843.52; for the year 1997 from \$3,265,000.00 to \$2,065,000.00 at a cost to the Town of \$18,238.14; for the year 1998 from \$3,265,000.00 to \$2,065,000.00 at a cost to the Town of \$17,379.14; for the year 1999 from \$3,265,000.00 to \$2,065,000.00 at a cost to the Town of \$17,694.98; for the year 2000 from \$3,265,000.00 to \$2,065,000.00 at a cost to the Town of \$17,326.76; for the year 2001 from \$3,265,000.00 to \$2,065,000.00 at a cost to the Town of \$17,321.10 and for the year 2002 from \$3,265,000.00 to \$265,000.00 at a cost to the Town of \$43,724.73;

2. One half of the reimbursement for the years 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002 on the parcel described as Map 65.5-2-6 as stated above, be made within sixty (60) 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. That reimbursement for the second half of the refunds for the years 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002 shall be made not later than March 15, 2004;

4. The proceedings commenced by the petitioner respecting Maps 65.5-2-7, 65.5-2-8, 65.5-2-9 and 65.5-2-10 be discontinued for the years 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002;

5. This resolution is subject to and contingent upon the approval of the Clarkstown Central School District passing a resolution authorizing the settlement of this proceeding for the same reduction in assessment as provided for in paragraph #1 herein above;

6. 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 Absent
Supervisor Holbrook Absent

RESOLUTION NO. (469-2003)

Co. Mandia offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown acting as lead agency under the provisions of the State Environmental Quality Review Act made a negative declaration for a proposed project consisting approximately 2150 feet realignment of Demarest Kill between Old Route 304 and Cranford Drive, and about 1600 feet of realignment of its tributary in an upstream direction with the confluence with Demarest Kill near the Cranford Drive crossing; and

WHEREAS, this original design for the above project was granted permits by the New York State Department of Environmental Conservation, the Rockland County Drainage Agency, and the U. S. Army Corps of Engineers; and

RESOLUTION NO. (469-2003) continued

WHEREAS, the experience of Tropical Storm Floyd demonstrated that the potential for serious flood damages were far more extensive than had been anticipated; and

WHEREAS, Tropical Storm Floyd caused serious flood damages to homes upstream of the terminus of the original design, as well as at the confluence of the Demarest Kill with the West Branch of the Hackensack; and

WHEREAS, in response to pleas of homeowners who were affected and who could not benefit from the original design, the Town Board authorized a design modification by extending the limits of the project to include additional protection against flooding along the Demarest Kill in the vicinity of Bush Court and at the confluence of Demarest Kill with the West Branch of the Hackensack River; and

WHEREAS, the proposed project extension consists of approximately 1500 feet of realignment of Demarest Kill commencing of about 300 feet from the confluence of the West Branch of the Hackensack in an upstream direction and also a realignment of an additional 900 feet of Demarest Kill upstream from the Cranford Drive crossing; and

WHEREAS, the above project is warranted due to a survey error discovered in the FEMA HEC-2 computer model originally established on the Demarest Kill as part of the FEMA Flood Insurance study of the Town of Clarkstown published in the early 1980's; and

WHEREAS, the error in question appeared to be that of an erroneous field note reduction in the order of about 5 feet in the vicinity of Old Route 304 and Cranford Drive; and

WHEREAS, environmental assessment of the Demarest Kill by Lawler, Matusky and Skelly Engineers LLP found the proposed project extension of a 1500 feet of realignment of Demarest Kill that commences from about 300 feet from the confluence of the West Branch of the Hackensack River in an upstream direction appeared to impact fresh water wetland H-7 Class 1 wetland; and

WHEREAS, the limited hydraulic benefits of this portion of the extension were weighed against the greater potential impacts to the environment, and was deleted in favor of the environmental considerations; and

WHEREAS, rip-rap erosion protection was found to be necessary to protect downstream areas from siltation; and

WHEREAS, alternative measures were investigated and found unfeasible; and

WHEREAS, it has been determined that the proposed project is an unlisted action; and

WHEREAS, the impact and mitigating measures are documented in the environmental assessment of the Cranford Drive Flood Amelioration project; and

WHEREAS, the environmental effects of the entire proposed project with its extensions and its modifications have been evaluated as currently proposed to avoid segmentation; and

WHEREAS, the protection of lives and properties in the area of the proposed project of Demarest Kill were considered as well as other potential environmental impacts of the project;

RESOLUTION NO. (469-2003) continued

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Clarkstown as lead agency has determined that the requirement to protect the lives and properties of residents in the area of the project outweigh the less significant environmental effect of the project and that a Draft Environmental Impact Statement will not be prepared.

On roll call the vote was as follows:

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

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted the Town Board Meeting was closed, time 7:35 p.m.

Respectfully submitted,



Patricia Sheridan
Town Clerk